

Public Hearing Report – Bylaw Nos. 3137 & 3138 Cranbrook West / Kiedyk

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

The public hearing for “Bylaw No. 3137 cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 27, 2021 (Cranbrook West / Kiedyk)” and 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)” was held on April 26, 2022 at 7:30 pm via Zoom Webinar.

The following Regional District representatives attended the public hearing:

Director Rob Gay, Electoral Area C
Director Lee Pratt, City of Cranbrook
Krista Gilbert, Planning Technician

The notice for the hearing was published in the April 12 and 19, 2022 issues of the Townsman and in the April 21, 2022 issue of the Advertiser. Eight (8) notices were sent to neighbouring property owners on April 8, 2022 by regular mail with no notices returned as undeliverable.

Staff and the proponent provided an overview of the amending bylaw.

Chair Gay convened the hearing at 7:35 pm and Regional District representatives were introduced.

Chair Gay advised those in attendance:

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

Bylaw No. 3137 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 27, 2022 (Cranbrook West / Kiedyk).”
2. The designation of Lot 5, District Lot 4841, Kootenay District Plan EPP100100, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from R-RES, Residential Reserve to MH, Medium Holdings.

Bylaw No. 3138 provides for:

1. This Bylaw may be 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).”
2. The designation of Lot 5, District Lot 4841, Kootenay District Plan EPP100100, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from RR-8, Rural Residential (Country) Zone to RR-2, Rural Residential (Small Holding) Zone.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its May 13, 2022 meeting.

Staff advised that nine written submissions have been received prior to the hearing. Five submissions express support for the proposal. Three submissions express opposition for the proposal, identifying concerns about access, traffic and safety in the area. Since there is only one exit to service the area population density should be kept low. There are also concerns with water supply and further subdivision stressing existing wells, as well as the impact on wildlife corridors, and the precedent this would set for subdivision of other parcels in the area. One letter was submitted by the proponent from Owens Drilling Ltd stating that drilling for water has always been successful in the area and they are confident that the water source under the parcel under application would provide sustainable wells for the four proposed lots (letters attached).

The proponent and several members of the public attended the hearing and the following people spoke:

Charlotte Osborne, 131 28th Avenue NW. She is opposed to the application. Her first issue is the potential impact on water. She is part of the El Camino development which has thirteen houses on one well and she feels there is a significant risk of densification if this application is approved. She thought the subdivision that occurred in 2019 restricted the zone of these lands and she is sure this is one application of many to come. Road access is also a problem, some of the lots are narrow and would be hard to provide road frontage if subdivided, but stated that lot consolidation was occurring up there which would create more potential for subdivision especially regarding access. In 2003 the El Camino well and others were strained and with climate change progressing it will not get better. She cited the Water Sustainability Act as providing guard rails around water use, and further subdivision in the area will only exasperate the problem. Densification is not a rural term. She also stated that traffic patterns have changed significantly in recent years and this would only add to the problem. She also noted that the subdivision would impact wildlife corridors. There is an elk herd near her property that has moved into the city and would be pushed further into it with more subdivision and development.

Sharon Billey, 446 Borden Road. She stated that she has the same issues as Charlotte, who she lives across the street from. They have had water issues in the past and have had to compromise water use in dry years and she expects it will happen again. Traffic patterns will dramatically change with further development. She regularly has elk on her property that are getting pushed toward the city. She believes that people moved to the area for a rural setting and would like to keep it that way. They have thirteen owners on one well that needs to provide water for all owners. The woodland development behind them is also on wells and all are on the same aquifer. She stated that they had an owners meeting on Sunday and all thirteen owners were opposed. 20 acre parcels are ok but she does not want to see 5 acre or 2.5 acre parcels in the area.

Chris and Laura Niehaus, 112 28 Avenue NW. They are not in support of the application citing deteriorating road conditions on Patterson, Bordon and Cross Roads which all lead up to the subject parcel, these roads are not sustained as is and they question what the plan is for maintaining the road with more traffic the development would bring and whether it would need to be addressed at subdivision. Additionally they questioned what proof there is about the aquifer that the subdivision would draw from can sustain the new development as well as existing wells. They are unsure of the sustainability of the aquifer. They are also concerned with wildlife as there is an active elk herd in the area already being pushed into the city.

Dale and Crystal Bennett, 332 28 Avenue NW. They have lived in the area now for two years and have concerns with the aquifer sustainability, the previous Turner fire restricted well use. They questioned how more wells would impact water use in the area. They are definitely opposed.

Lindsay Griffiths, 261 28 Avenue NW. She is against subdivision of 5 acre parcels due to water issues, they have had dry years in the past and this would only add to the problem.

Rod Hrehirchuk, 1673 Harris Road. He is opposed, he spoke to neighbours and they are also all opposed. The biggest issue is water for the wells. He doesn't disagree with the well driller about being able to find water, but is concerned about the sustainability of the water quantity. More houses equal more water usage. He was also opposed to the previous application. If this goes forward then more applications will come, adding to the problem. He also has concerns with wildlife, more traffic equals more collisions with animals. Fire safety is also a concern. More wells means less water to fight fires. Additionally, Kirk and New Lake Road are deteriorating and little maintenance is done on it. More traffic would add to that wear. Elk and deer are also moving further into the city with more development. He stated that water use won't be sustainable if the area is developed further.

Bill Cleland, representing his mother Joyce at 276 Cross Road. He stated that he is representing his 90 year old mother who lives alone on her property on Cross Road. He stated she is opposed to the subdivision due to the water issue. They have seen very dry years and water restrictions having to be put in place. Sustainability of the aquifer is a big concern. There is also concern with the deteriorating road conditions on Cross Road N. The road has mushroomed over the years, the speed of drivers are increasing to 80-90 km/hr. He noted that his mother is now scared to go onto the road due to these concerns and further traffic would only add to these concerns.

Kevin and Kristine Arndt, 83 28 Avenue NW. They are opposed due to the water sustainability concern, stating they are on the El Camino well. They also have concerns with wildlife and road concerns.

Siobhan de Milleville, Lot 4, New Lake Road. She that she bought a property directly adjacent to the subject property. She purchased the land to build her one home. She currently lives in Ontario but she also has concerns with the road conditions and water is always a concern. She wants to move to the area to live on a 20 acre rural lot, not to live in the middle of a subdivision. She also has a concern on the impact to wildlife.

Sharron Billey (2nd time speaking), 446 Bordon Road. She stated that last year she saw a deer being hit on the road, breaking it's back and watched it drag itself across her lawn. She had to call the CO and was traumatized by witnessing the event. Animals being hit is a big issue, increased traffic would increase that potential.

Don Wilson, 331 28 Avenue NW. He is opposed for the same reasons everyone else has already stated.

Shane Durning, 289 28 Avenue NW. He said he has the same concerns, he doesn't know what the future holds with water and flow rates. He questioned when does development stop.

Ken Irving, 186 28 Avenue NW. He is against this proposal. He has been up there since 1997. He knows in the Woodland area people need to drill deeper on their original wells. What happens if this goes through and future subdivisions drill new wells, how will that impact existing wells that already have concerns.

Charlotte Osborne, 131 28th Avenue NW (2nd time speaking). She shouted out to Rod bringing up the fire concern. She noted that years of fires are also usually years of drought. During fires people try to protect their houses by watering their lawn, further stressing the aquifer on top of the additional new wells that would result from the subdivision. There may only be four new lots proposed now but realistically more applications will come. Also regarding the fire concern, there is only one way out of the neighbourhood. With more development it would be a traffic jam with everyone trying to get out and the fire would likely come from the southwest which could restrict people's ability to evacuate.

Chris and Laura Niehaus, 112 28 Avenue NW (2nd time speaking). They note there is only one evacuation point from the area. Precedent will be set if this application is approved, they question what more is to come? In 2019 2 hectare parcels were turned down. If this receives a yes to 2 hectare parcels now where does it stop and how many more applications would be approved?

Charlotte Osborne, 131 28th Avenue NW (3rd time speaking), She noted that the way she became aware of this application was through consideration of a different application for a parcel in this subdivision that is also applying to subdivide two 10 acre parcels by the City of Cranbrook Council. City staff opposed the two lot subdivision, citing that they do not support further development outside of the city. She stated that if onsite services failed they would look to the City for use of their services. It would be unsustainable to extend city services up there. She noted this discussion occurred at the March 28 City Council meeting.

Rod Hrehirchuk, 1673 Harris Road (2nd time speaking). He would like to reiterate the city's comments. He also has the same comments as before, they don't want to extend city servicing out there. 20 acre parcels are the precedent now and that's the way it should stay. More subdivision applications would come if this one is approved. Again, this would result in a strain on existing wells.

Ron Thomson, representing Fountain Capital Corp, Lot 13 on Kirk Road. He noted that he hadn't planned on speaking however he wanted to mention that precedent would not be set since there are already 1 hectare and 2 hectare lots existing out there that have not set precedent for these applications. He also noted that they hired a geoscientist for their previous application to address the water concern out there. The report that resulted noted that there are four aquifers out there and noted that the aquifer was acceptable for the intended use. He also noted that the City wouldn't provide services unless the properties were annexed and at that point they would be taxed to pay for the extended services.

Rod Hrehirchuk, 1673 Harris Road (3rd time speaking). He noted that in response to Ron's comments regarding the geoscientist, of course they would say it looks good because they're being paid for the report. He again reiterated that he has concern that more subdivision are coming and would cause more strain on the wells.

Director Gay called three times for comments and hearing no further comments, Chair Gay closed the hearing at 8:16 pm.

April 17, 2022

Regional District of East Kootenay
19 24th Ave S.,
Cranbrook, BC
V1C 3H8

TO WHOM IT MAY CONCERN:

I Tom Davidson am in support of Brandon Kiedyk's application for a zoning change to Lot 5 New Lake Road from 1-8Ha parcel to 4-2Ha parcels.

I am a property owner in the area and feel like this subdivision would be a good opportunity. Land purchases in the Cranbrook area are difficult to find, and I have friends and family that are continuously looking for an opportunity like this.



Tom Davidson
708 29th Ave NW
Cranbrook, BC
[REDACTED]

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

April 19th, 2022

To the RDEK,

My name is Chris Nault and I own Lot 3 on New Lake Road. This letter serves the purpose of putting my support behind the subdivision of Lot 5 from 20 acres down to 5 acres.

Any questions please let me know.

Thanks,



Chris Nault



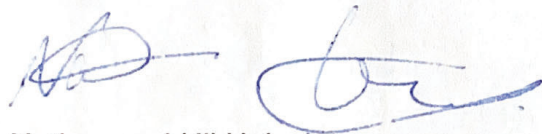
Personal information has been withheld in accordance with section 22(1) of the *Freedom of Information and Protection of Privacy Act*.

April 20, 2022

Regional District of East Kootenay
19 24th Ave S.,
Cranbrook, BC
V1C 3H8

To Whom It May Concern;

My family is a property owner in The Views New Lake area, and we are in support of Brandon Kiedyk's application for a zoning change to Lot 5 New Lake Road from RR8 to RR2.

Two handwritten signatures in blue ink. The first signature is on the left, and the second is on the right, both appearing to be cursive and stylized.

Nathan and Uli Helvoigt

Krista Gilbert

From: Ron Thomson <[REDACTED]>
Sent: April 20, 2022 11:08 AM
To: Krista Gilbert
Subject: April 26 public hearing Kiedyk

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

Good Morning Krista

Re: a public hearing slated for April 26th 2022 and proposed amendments to Bylaws 3137 and 3138 Particularly No. 12, 2022 (Cranbrook West/Kiedyk) where Kiedyk seeks a rezoning from RR-8 to RR-2.

Fountain Capital Corp is one of the largest landowners in that area and has similarly zoned properties. We support both the change to the OCP and to the Zoning bylaw as well as the proposed land use.

Thank You
Ron Thomson
For Fountain Capital Corp.
[REDACTED]

Re: Zoning change application Lot 5 DL4841 New Lk / Kirk Rd

Please consider this letter opposing the proposed zoning change from RR8 to RR2 on the above-mentioned lot.

The previous landowner also wished to rezone to smaller lots, and a sound decision was made that RR8 is the appropriate zoning for the area. This same decision was made when the original land was zoned as RR8. What has changed other than all merchantable timber being liquidated from the site?

I believe if this application is approved there will be several other applicants in the current subdivision asking for the same, for purely profit driven purposes, as I also believe this is.

The elk herd which regularly moves between Hospital Creek and the Jimsmith / New Lk area uses this land, and more houses and people will force the herd to use the roads and populated areas more, this is rarely good for a herd of elk.

Well water is becoming an increasingly valuable commodity due to climate change and increased pressure. A subdivision means more houses and increased demand resulting in increased failure of existing wells. Some residences near the proposed subdivision have seen well water issues in the past, and more wells drilled will not help their situation.

I hope the logic applied to the previous rejection of this land use change proposal will prevail.

Thank You for your consideration

Derek Ackerman

1759 Kirk Rd, Cranbrook BC [REDACTED]

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Mr. and Mrs. James M. French
785 New Lake Road
Cranbrook, B. C.

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accordance with section 22(1) of the *Freedom
of Information and Protection of Privacy Act*.

April 21, 2022

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

Attention: Andrew McLeod, Development Services Manager

Re: Bylaw No. 3137 and Bylaw No. 3138 (Kiedyk)

Dear Sir:

Our concerns for the requested variance are with regard to access and safety in the New Lake Road area. Only one exit to service our area exists, and in the event of a forest fire in the Cross Road/New Lake area, egress would be blocked. Population density in this area should be kept low as long as there is only one point of egress.

While our water supply situation is currently sufficient for our needs, I understand that is not the case for everyone in this area. I would also support any neighbour who has concerns around water supply.

We are in opposition to the requested variance to allow the 20 acre parcel to be subdivided.

Sincerely,

Joy French

James French

RECEIVED

April 22, 2022

APR 22 2022

Regional District of
East Kootenay

To Whom it May Concern:

We are the Trustees of a small water improvement district located on 3A St. NW just outside Cranbrook City limits. Our well is less than 2 km from the proposed subdivision. Our water improvement district serves 13 households from one well. We are opposed to the subdivision of this parcel on the grounds that further subdivision will place stress on our system and cause 13 households to risk losing their domestic water supply. Of course, our well is not the only well that would be affected.

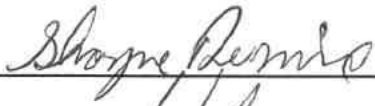
We are also opposed to further subdivision in the area as it will have a significant impact on traffic patterns in our neighbourhood. We have already experienced exponentially higher traffic activity in recent years due to development of parcels that had remained undeveloped until recently.

Owning rural property is a life-style choice. That lifestyle has already shifted due to the recent development activity. These persistent subdivision applications are not intended to address issues of affordable housing they are driven by profit.

In addition to the points provided above, the subdivision that has been approved along New Lake Road has had significant impact on wildlife corridors. Herds of elk have now been shifted to within city boundaries (moving along Patterson Road). Further subdivision will exasperate this shift.

Trustees,
El Camino Improvement District


Shayne Durning



Chris Niehaus



Sharron Billey



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accordance with section 22(1) of the *Freedom
of Information and Protection of Privacy Act*.



April 22, 2022

RDEK
19 – 24th Avenue S
Cranbrook, BC V1C 3H8

RE: Support of Application of Subdivision – New Lake Road

We are the property owners of Lot 7, Kirk Road. We understand that there is an application for subdivision on property located on Lot 5, New Lake Road. We are in favour of the subdivision application for this property, which is currently 20 acres in size, and is proposing to subdivide into 4 - 5 acre portions.

Thanks,

A handwritten signature in black ink, appearing to read "Rod Gallinger", with a stylized flourish at the end.A handwritten signature in black ink, appearing to read "Darlene Gallinger", with a stylized flourish at the end.

Rod and Darlene Gallinger
Gally Equipment Services Ltd.

Krista Gilbert

From: Brandon Kiedyk [REDACTED] *Personal information has been withheld in accordance with section 22(1) of the *Freedom of Information and Protection of Privacy Act*.*
Sent: April 21, 2022 9:32 PM
To: Krista Gilbert
Subject: Letters for public hearing
Attachments: Letter Tom davidson.pdf; Letter Chris Nault .pdf; Letter 8.pdf

Hey Krista,

I have talked to a few Neighbors in the area that are in support of the rezoning of my lot 5 new lake road. I have attached letters as well as Owen's drilling to support that there will be enough water for the 4 parcels. Please let me know that you received the attached letters.

Thanks Brandon



PO Box 730
Cranbrook BC V1C 4J5
Phone - 1-(250) 426-2455
Cell - 1-(250) 421-0090
FAX - 1-(250) 426-2456

tim@owensdrilling.com

To Whom it may concern,

From our experience in the Kirk Rd/New Lake Rd area, drilling for water has always been successful. The current wells in the area all produce useable water and the land has been able to provide a water source for multiple dwellings.

We are confident that the water source under LOT 5 would provide sustainable wells for the four lots proposed.

Please, feel free to contact us with any questions or concerns.

Regards,

A handwritten signature in black ink, appearing to read "Tim Hoechsmann", with a stylized flourish at the end.

Tim Hoechsmann, BC Q.W.D.

Owner / Driller | Owen's Drilling Ltd.

P.O. Box 730, Cranbrook BC, V1C 4J5

W 250.426.2455 | M 250.421.0090 | F 250.425.2456

tim@owensdrilling.com

