



MINUTES OF THE PLANNING & DEVELOPMENT SERVICES COMMITTEE MEETING

March 16, 2023
Regional District Office, Cranbrook, BC

PRESENT:	Committee Chair S. Clovechok	Electoral Area F
	Director T. McDonald	Electoral Area A
	Director S. Doehle	Electoral Area B
	Board Chair R. Gay	Electoral Area C
	Director J. Walter	Electoral Area E
	Director R. Schnider	Electoral Area G
	Director W. Price	City of Cranbrook
	Director N. Blissett	City of Cranbrook
	Director D. McCormick	City of Kimberley
	Director S. Fairbairn	District of Elkford
	Director A. Miller	District of Invermere
	Director D. Wilks	District of Sparwood
	Director M. Doherty	Village of Canal Flats
	Director M. Gray	Village of Radium Hot Springs
ABSENT:	Director N. Milligan	City of Fernie
STAFF:	S. Tomlin	Chief Administrative Officer
	T. Hlushak	Corporate Officer
	M. Bates	General Manager, Development & Protective Services
	R. Chippett	Planning Assistant (Recording Secretary)

Call to Order

Committee Chair Susan Clovechok called the meeting to order at 3:45 pm.

Adoption of the Agenda

MOVED by Director Gray
SECONDED by Director Miller

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

CARRIED

Adoption of the Minutes

February 16, 2023 Meeting

MOVED by Director Gay
SECONDED by Director Wilks

THAT the Minutes of the Planning & Development Services Committee Meeting held on February 16, 2023, be adopted as circulated.

CARRIED

Invited Presentations & Delegations

Bylaw No. 3202 & Bylaw No. 3203

Richard Haworth, agent for KV Properties Inc., gave a presentation and requested to amend the OCP and zone designations for a portion of property located on Kooconusa Lake Drive in Kooconusa Village. Mr. Haworth explained the piece of land was zoned incorrectly when the un-zoned development was initially proposed, and rezoning this piece will match those areas which surround it.

Director Wayne Price joined the meeting at 3:51 pm.

Bylaw No. 3206 & Bylaw No. 3207

Jean Terpsma, agent for James and Loretta Johnson, gave a presentation requesting to amend the OCP and zone designations on a portion of property at 6152 Cunliffe Road, north of Fernie to facilitate a subdivision. Mrs. Terpsma explained that the applicants intend to sell one lot and downsize to a modular home which would be more accessible as they age, as they want to remain on the land they have owned for twelve years.

Bylaw No. 3208 & Bylaw No. 3209

Richard Haworth, agent for 136511 BC Ltd., gave a presentation requesting to amend the OCP and zone designations of a portion of property located on Fairmont Resort Road to permit a single family residential subdivision.

Mr. Haworth explained the property currently permits a multi-family development, but the applicant wants to develop single family dwellings including townhomes and has offered to register a covenant to prohibit development on the parcels located within the Cold Spring Creek Debris Flow Hazard Study area.

Bylaw No. 3216 & Bylaw No. 3217

Fiona Fait gave a presentation on behalf of her application to amend the OCP and zone designations on property located at 6027 Cunliffe Road, north of Fernie to permit a future subdivision. Mrs. Fait explained that they have received confirmation from the Ministry of Transportation and Infrastructure regarding an easement for access to the proposed second lot, and have offered to register a covenant to limit the number of lots created in the RS-4 portion of the property to one.

DVP No. 31-22

Judy Sparkes spoke on behalf of her application to vary front and side yard setback requirements of the Upper Columbia Valley Zoning bylaw for multiple accessory structures on her property located at 4851 Willow Place in Fairmont Hot Springs.

DVP No. 3-23

Jean Terpsma, agent for Tim and Monika Winter, gave a presentation requesting support to vary the Electoral Area E Zoning and Floodplain Management Bylaw to reduce the rear yard setback from 7.5 m to 1.43 m for construction of an extended roof over an existing deck located on property at 4214 Torrent Road.

Crown Land License of Occupation

Dave Baines, on behalf of the Elkford Snowmobile Association, gave a presentation and requested support of a Crown Land License of Occupation application for an existing road to provide access to a tenured cabin which is operated by the Elkford Snowmobile Association.

Crown Land License of Occupation

Geoff Byford, agent for Dean Nuels dba 1278282 BC Ltd., gave a presentation and requested support of a Crown Land License of Occupation application for construction of a road access from an existing forest tenure road through Crown land to a privately owned property located approximately 10km northwest of Jaffray.

New Business

Bylaw No. 3202 & Bylaw No. 3203 (Kooconusa Village / KV Properties)

50943

MOVED by Director Doehle

SECONDED by Director McDonald

THAT Bylaw No. 3202 cited as "Regional District of East Kootenay – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 6, 2022 (Kooconusa Village / KV Properties)" be introduced;

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

CARRIED

50944

MOVED by Director Doehle
SECONDED by Director Schnider

THAT Bylaw No. 3203 cited as "Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 10, 2022 (Kooconusa Village / KV Properties)" be introduced.

CARRIED

Bylaw No. 3206 & Bylaw No. 3207 (North Fernie / Johnson)

50945

MOVED by Director McDonald
SECONDED by Director Wilks

THAT Bylaw No. 3206 cited as "Regional District of East Kootenay – Elk Valley Official Community Plan Bylaw No. 2532, 2014 – Amendment Bylaw No. 15, 2023 (North Fernie / Johnson)" be introduced;

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

CARRIED

50946

MOVED by Director McDonald
SECONDED by Director Wilks

THAT Bylaw No. 3207 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 105, 2023 (North Fernie / Johnson)" be introduced.

CARRIED

Bylaw No. 3208 & Bylaw No. 3209 (Fairmont / 1368511 BC Ltd.)

50947

MOVED by Director Gray
SECONDED by Director Schnider

THAT Bylaw No. 3208 cited as "Regional District of East Kootenay – Fairmont Hot Springs & Columbia Lake Area Official Community Plan Bylaw No. 2779, 2017 – Amendment Bylaw No. 11, 2023 (Fairmont / 1368511 BC Ltd)" be introduced;

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

CARRIED

50948

MOVED by Director Gray
SECONDED by Director Doherty

THAT Bylaw No. 3209 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 390, 2023 (Fairmont / 1368511 BC Ltd)" be introduced;

and further, that a development agreement containing the item identified in the March 7, 2023 staff report be registered on title prior to bylaw adoption.

CARRIED

Bylaw No. 3216 & Bylaw No. 3217 (North Fernie / Fait)

50949

MOVED by Director McDonald
 SECONDED by Director Doehle

THAT Bylaw No. 3216 cited as "Regional District of East Kootenay – Elk Valley Official Community Plan Bylaw No. 2532, 2014 – Amendment Bylaw No. 17, 2023 (North Fernie / Fait)" be introduced;

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

CARRIED

50950

MOVED by Director McDonald
 SECONDED by Director Gay

THAT Bylaw No. 3217 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 107, 2023 (North Fernie / Fait)" be introduced;

and further, that a development agreement containing the item identified in the March 14, 2023 staff report be registered on title prior to bylaw adoption.

CARRIED

ALR Non-Farm Use Application (Rosen Lake / McD's Enterprises Ltd) First Peak Pit

50951

MOVED by Director Doehle
 SECONDED by Director Gay

THAT the Agricultural Land Commission be advised the RDEK supports the McD's Enterprises Ltd. ALR non-farm use application to continue mining at the existing First Peak Quarry east of Rosen Lake.

CARRIED

ALR Non-Farm Use Application (Rosen Lake / McD's Enterprises Ltd) Pea Pit

50952

MOVED by Director Doehle
 SECONDED by Director Fairbairn

THAT the Agricultural Land Commission be advised the RDEK supports the McD's Enterprises Ltd. ALR non-farm use application to continue mining at the existing Pea Pit east of Rosen Lake.

CARRIED

ALR Non-Farm Use (Rosen Lake / McD's Enterprises Ltd) Sand and Pebble Pit

50953

MOVED by Director Doehle
 SECONDED by Director Miller

THAT the Agricultural Land Commission be advised the RDEK supports the McD's Enterprises Ltd. ALR non-farm use application to continue mining at the existing Sand and Pebble Pit east of Rosen Lake.

CARRIED

DVP No. 31-22 (Fairmont / Sparkes)

50954

MOVED by Director Schnider
 SECONDED by Director McDonald

THAT Development Variance Permit No. 31-22 (Fairmont / Sparkes) be refused.

CARRIED

DVP No. 39-22 (Windermere East / Wildflower Gas Ltd.)

50955
 MOVED by Director Schnider
 SECONDED by Director Doherty

THAT Development Variance Permit No. 39-22 (Windermere East / Wildflower Gas Ltd.) be granted.

CARRIED

DVP No. 1-23 (Panorama / Flames and Sens Inc.)

50956
 MOVED by Director Gay
 SECONDED by Director Walter

THAT Development Variance Permit No. 1-23 (Panorama / Flames and Sens Inc.) be granted.

CARRIED

DVP No. 2-23 (Windermere North / McLaughlin)

50957
 MOVED by Director Schnider
 SECONDED by Director Fairbairn

THAT Development Variance Permit No. 2-23 (Windermere North / McLaughlin) be granted.

CARRIED

DVP No. 3-23 (Torrent Road / Winter)

50958
 MOVED by Director Walter
 SECONDED by Director Wilks

THAT Development Variance Permit No. 3-23 (Torrent Road / Winter) be granted.

CARRIED

Crown Land License of Occupation - Elkford Snowmobile Association

50959
 MOVED by Director Fairbairn
 SECONDED by Director Doehle

THAT the Ministry of Forests be advised the RDEK supports the Elkford Snowmobile Associations Crown Land License of Occupation application for an access road to an existing Elkford Snowmobile Association tenured cabin in the Elk River Forest Service Road area.

CARRIED

Crown Land License of Occupation - 1278282 BC Ltd. (Nuels)

50960
 MOVED by Director Gray
 SECONDED by Director Doehle

THAT the Ministry of Forests be advised the RDEK supports the 1278282 BC Ltd. License of Occupation for construction of residential access road through Crown land to Subsidy Lot 38, District Lot 4590, Kootenay District, Plan NEPX28;

and further, that it be requested there be a turn around at the end of the residential access road at the boundary of Subsidy Lot 38.

CARRIED

Adjourn to Closed

50961

MOVED by Director Gay

SECONDED by Director Doherty

THAT the meeting adjourn to a Closed Planning & Development Services Committee meeting to consider the following matter:

APC / EAAC Appointments - Section 90(1)(a) of the *Community Charter* personal information about an identifiable individuals who are being considered for a position appointed by the RDEK

CARRIED

The meeting adjourned to closed at 4:55 pm.

Committee Chair Susan Clovechok

Tina Hlushak, Corporate Officer

DRAFT