

Permittees: Matthew McArthur

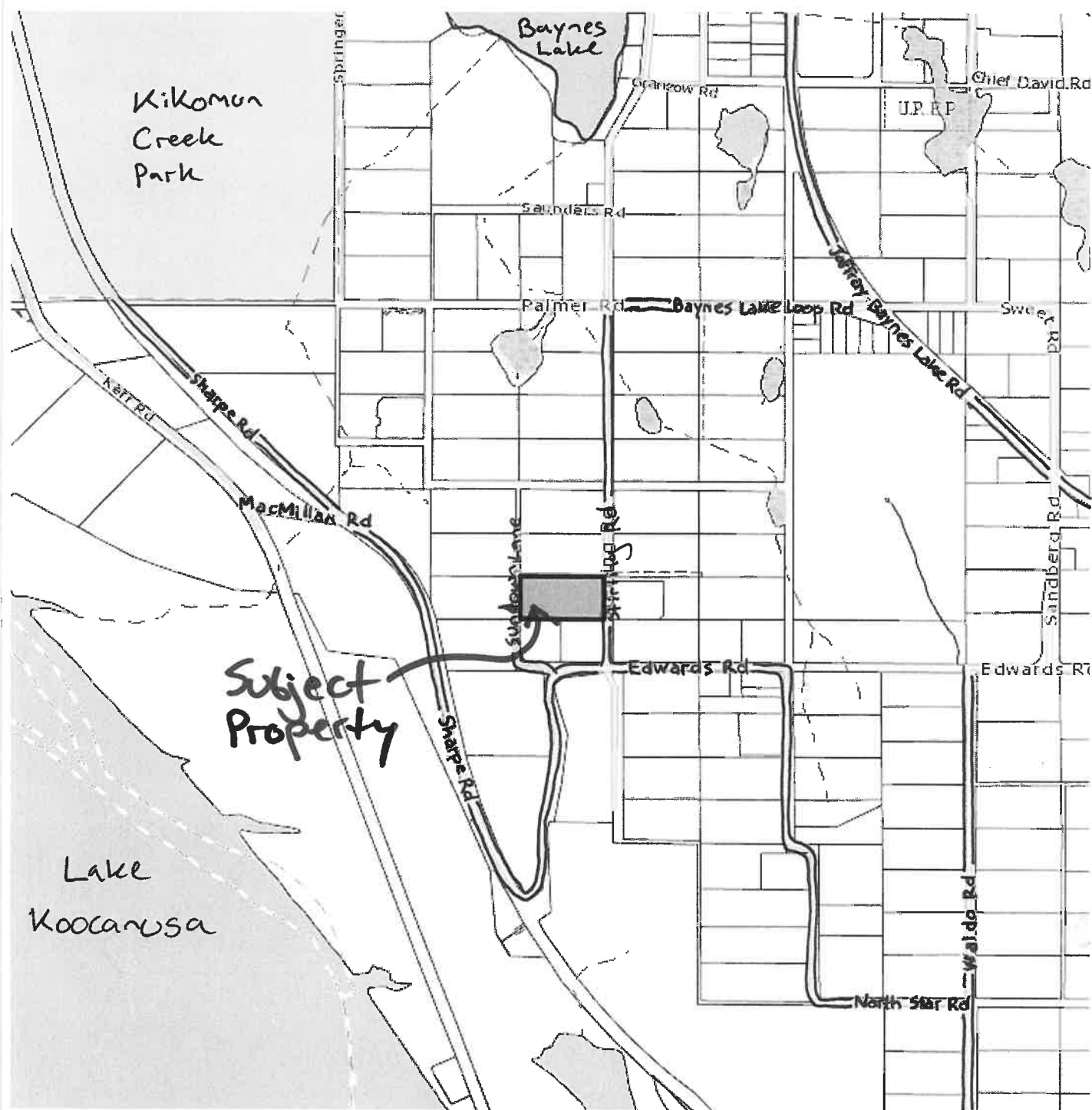
1. This Development Variance Permit is issued subject to compliance with all RDEK bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below:

Lot 3, Block 20, District Lot 132, Kootenay District, Plan 1181
[PID: 011-601-035]
3. Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011, Section 2.4 which states that the access strip of a panhandle parcel will not be calculated as part of the required parcel area, is varied to allow the access strip of one proposed lot in a two-lot subdivision to be included in the parcel area requirement.
4. The lands described herein shall be developed strictly in accordance with the terms and conditions of this Permit and in substantial compliance with drawing submitted with the Development Variance Permit Application received June 4, 2019.
5. This Permit shall come into force on the date of an authorizing resolution passed by the RDEK.
6. This Permit is not a building permit.
7. If development authorized by this Permit does not commence within two years of the issue date of this Permit, the Permit shall lapse.
8. 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.
9. 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.
10. 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** **, 2020.**

Shannon Moskal
Corporate Officer

Location Map



Notes:

500 0 250 500 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
RDEK GeoViewer - 11-28-2019 8:53 AM

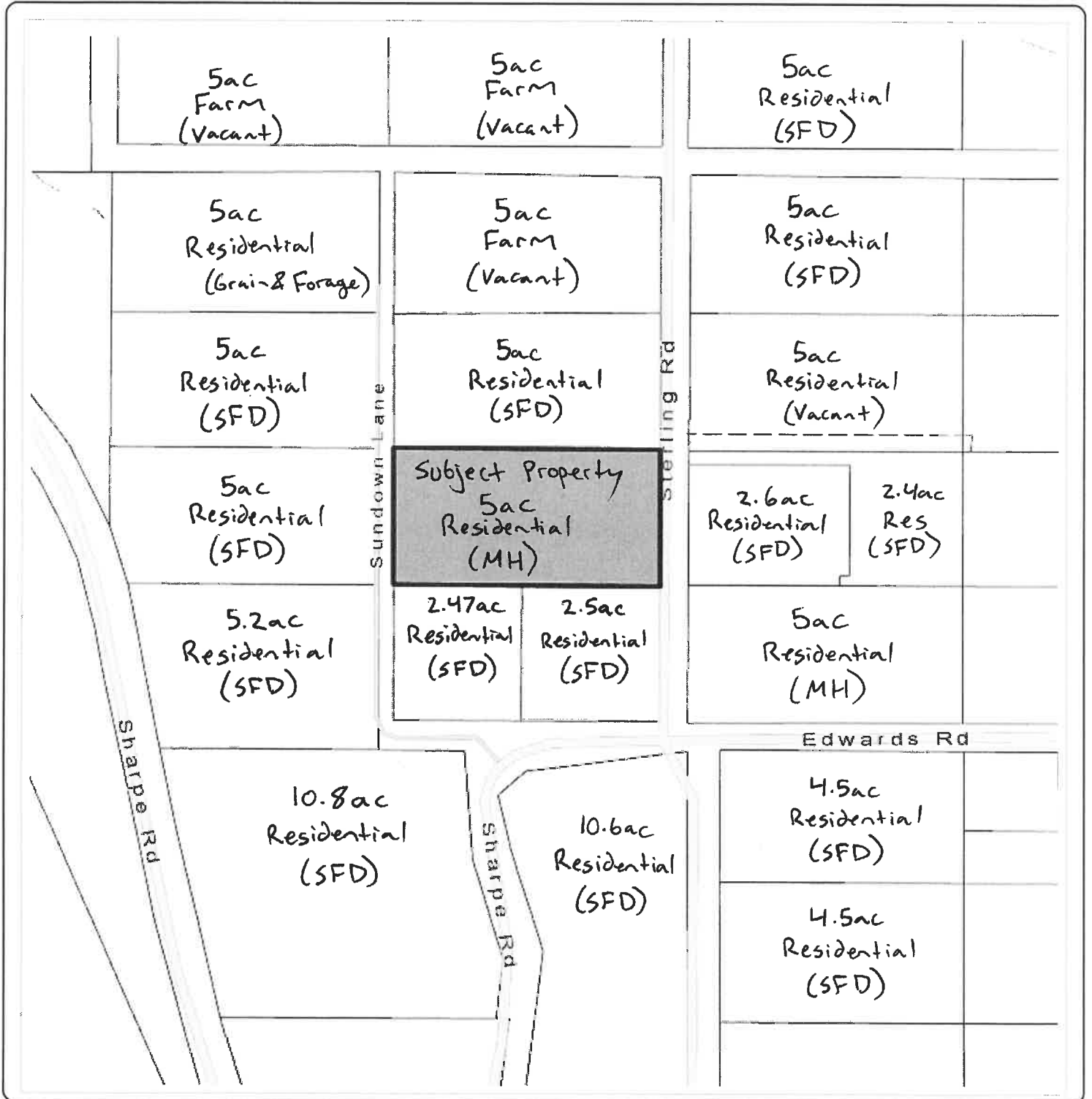
Scale = 1: 20,000



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.

Land Use Map



Notes:

150 0 75 150 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
RDEK GeoViewer - 11-28-2019 8:54 AM

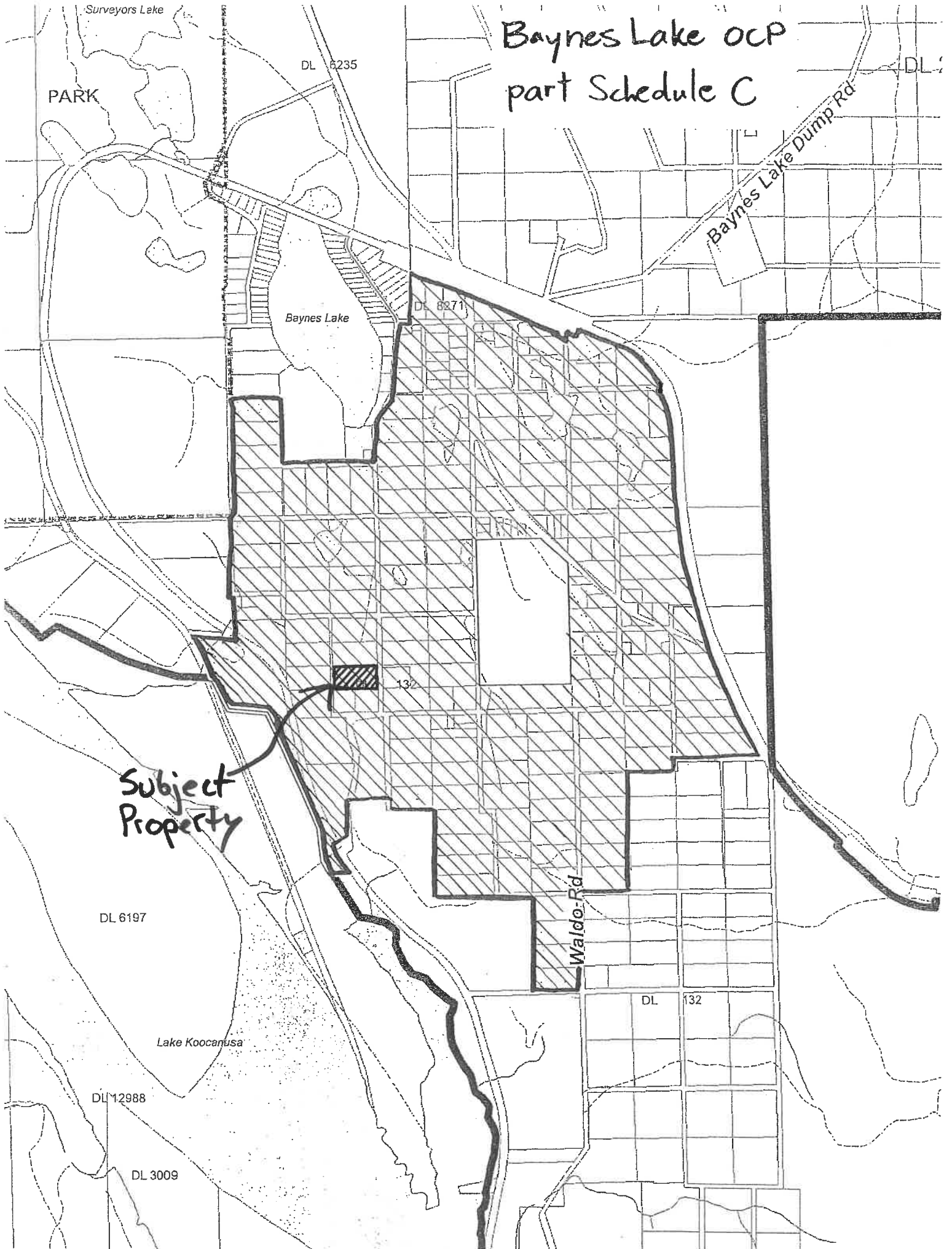
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Baynes Lake ocp part Schedule C

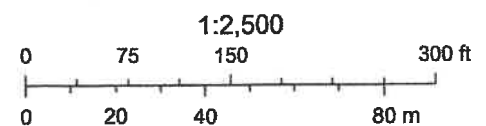


Air Photo - McArthur Proposed Subdivision



11/1/2019, 3:16:16 PM

- Override 1
- TAX_Parcels
- Electoral Areas



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Nov. 1, 2019

Use of this data without verification from original source material is at your own risk! The geo-referenced location cannot be guaranteed and should not be used for navigational purposes!

The Regional District of East Kootenay provides this data for information

Krista Gilbert

From: Thorner Jim SPO [REDACTED]
Sent: January 15, 2020 2:54 PM
To: Krista Gilbert
Cc: Donna Thorner
Subject: Development Variance permit No. 42-19

Hi Krista

We are owners of Lot 2, adjacent and to the north of Matthew McArthur's lot. We support the proposed subdivision of Lot 3 by Matthew and the proposed variance to allow a panhandle for access to Stirling Rd. if required. We would like to go on record questioning the MOTI logic on forcing a panhandle for a potential driveway to access the new lot when there is an existing legal lane right by the proposed lot, Sundown Lane. There are currently 7 existing residences that use Sundown Lane and it works fine. All these residents understand that the lane is not constructed to MOTI standards but it works very well and stays in good condition for the low access levels. The lane has been used for construction equipment, gravel trucks, fire trucks and ambulance and with good visibility and snow removal there has not been an issue. All the existing residents pitch in on the work to maintain this lane and cover grading, snow removal, pot hole repair and weed control. Donna and I are certain that one more residence would be welcome to use the lane and help with the work. We feel that if an access driveway is constructed on the panhandle is a poor use of the land it will occupy, would cause the future landowner more work to maintain this driveway by themselves and not reasonable in consideration of the current use of Sundown Lane.

We appreciate the opportunity to provide our input.

Yours truly,

Jim and Donna Thorner
756 Sundown Lane
Baynes Lake, BC
Cell: [REDACTED]

RECEIVED

JAN 27 2020

779 Sundown Lane
Baynes Lake, BC

January 16, 2020

Regional District of
East Kootenay

Regional District of East Kootenay
19 – 24 Avenue South
Cranbrook, BC
V1C 3H8

Attention: Andrew McLeod, Manager
Development Services

Re: Notice of Intent – Development Variance Permit No. 42-19

In response to the RDEK's Variance Permit dated January 6, 2020 referenced above, **we are not in favour of/are opposed to the panhandle access** into one proposed lot in a two-lot subdivision of the property of Matthew McArthur located at 765 Stirling Rd, Baynes Lake, BC V0B 1T4 for the reason that **it is not necessary**. Please let us explain.

We originally became aware of this variance request through a neighbour whom received a notice in December 2019. As we had not received a letter, a phone call was made to your office on January 6, 2020 and at that time we were advised that there had been an oversight and that insufficient notifications were previously sent out and that new ones would be forthcoming. Hence your letter dated January 6, 2020.

In our conversation with your office on the above date, we were advised that it was the Department of Highways that required/requested the panhandle access into one proposed lot in the two-lot subdivision at 765 Stirling Rd. A phone call was then placed to the Ministry of Highways, Cranbrook, BC office and in their return phone call on January 9, 2020 from Laura Branswell, Development Officer, we were informed that Ministry of Highways **will not allow access to a new subdivision/created lot unless that new parcel has access to a publically maintained road**. It appears that the Department of Highways apparently has written a new edict/policy that they **will not allow access to a new subdivision/created lot unless that new parcel has access to a publically maintained road**. In the case of Mr. McArthur's subdivision, access has been refused to the new parcel from Sundown Lane for this reason, and thus Mr. McArthur has made application for the variance. Sundown Lane is not paved or maintained by the Department of Highways, never has, yet it is considered public access by the Department. We live at 779 Sundown Lane, directly across the laneway from Mr. McArthur's property. We purchased the land in 1996 and built our home in 2000. We were granted access to build via the lane. The residents of Sundown Lane co-operate in the maintenance of the lane, including snow removal in winter, always have. At present there are five existing residences that gain access from Sundown Lane and have the following addresses assigned by the RDEK - 727, 755, 756, 779 and 795 Sundown Lane, Baynes Lake, BC V0B 1T4.

There have been several subdivisions in the Baynes Lake area, from 5 acres to two - 2.5 acre parcels over the past several years, specifically in and around Palmer Road that **do not have access to a publically maintained road**. Palmer Road is a gazetted road but it is not maintained by Ministry of Highways. Very similar to the Sundown Lane scenario, where residents were granted access from an unmaintained laneway, the parcels at 3296, 3306, 3326, 3338, 3339 and 3348 Palmer Road and the new lot created from the subdivision of 3360 Saunders Road, were granted access from the unmaintained Palmer Road.

With this new edict/policy, the remaining properties will not be allowed to subdivide because **they do not have access to a publically maintained road**. Nor would our neighbours at 755 Sundown Lane, as the lane is the only access to their property.

The upshot of this new edict/policy by the Ministry of Highways becomes shockingly evident when you look at a map of the maintained roads and the adjacent land parcels within Baynes Lake. If no new roads are built in Baynes Lake, there have been no new roads constructed by the Department of Highways in at least the last 25 years, then development will be drastically curtailed and/or Baynes Lake will take on the look of Eastern Canada with panhandle accesses everywhere! Is this what the RDEK envisions Baynes Lake to look like in the future? Perhaps it is time for the Department of Highways to work with the RDEK and its' Planning Department regarding the future of Baynes Lake and consider building some new roads in our area.

It is our belief that the Mr. McArthur's subdivision is the first test of the Department of Highways new edict/policy in the Baynes Lake area. In fact, after our conversation with the Department of Highways, we informed our RDEK Electoral Area 'B' representative, Stan Doehle of the new edict/policy and he, in turn, informed the Area 'B' Planning Committee. Yet, the Department of Highways indicated in our telephone conversation that the RDEK was well aware of their new edict/policy. Whomever the Department of Highways advised within the RDEK, they obviously did not disseminate the information to the affected departments and staff. With the notification oversight and the lack of communication, this should be a cause for concern within Department Services and we ask that you address these matters separately.


In conclusion, we think that this Department of Highways new edict/policy is Draconian in nature and should be eliminated as soon as possible. It will be detrimental to Mr. McArthur's subdivision, in particular, and will have far reaching effects on development of the entire Baynes Lake area.

Again In response to the RDEK's Variance Permit dated January 6, 2020, **we are not in favour of/are opposed to the panhandle access** into one proposed lot in a two-lot subdivision of the property of Matthew McArthur located at 765 Stirling Rd, Baynes Lake, BC V0B 1T4 for the reason that **it is not necessary**. **Mr. McArthur should be allowed access into the one proposed lot in a two-lot subdivision of 765 Stirling Road, Baynes Lake, BC V0B 1T4 from Sundown Lane!**

Yours truly,



Greg Dyble



Diane L. Dyble

Cc Stan Doehle
Area 'B' Representative
RDEK

Laura Branswell
Development Officer
Department of Highways
129 – 10th Avenue S
Cranbrook, BC
V1C 2N1