

## Request for Decision Natural Resource Operations Referral

File No: P 151 200  
Reference: 555339  
Date: February 24, 2020

**Subject:** Crown Land Licence of Occupation – Sweetwater / 977230 Alberta Ltd.  
**Applicant:** 977230 Alberta Ltd.  
**Agent:** Burwell Avenue Land Consulting  
**Location:** Kikomun-Newgate Rd, near Sweetwater, west of Lake Koocanusa  
**Legal:** Parts of District Lots 3704, 10350 and 12987, Kootenay District

**Proposal:** Application for a 10 year Licence of Occupation over an existing road to access a private parcel owned by the applicant.

**Options:**

1. THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be advised the RDEK supports the 977230 Alberta Ltd. Crown Land Licence of Occupation for a roadway in the Sweetwater area.
2. THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be advised the RDEK does not support the 977230 Alberta Ltd. Crown Land Licence of Occupation for a roadway in the Sweetwater area.

**Recommendation:** **Option #1**  
Highways are a permitted use in all zones and local topography limits other options for access; work required for the road has already been completed under a previous *Land Act* approval.

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**Property Information:** **OCP Designation:** RR, Rural Resource; 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.
- The Regional District encourages management of Crown land in an environmentally responsible manner which:
  - Protects surface and groundwater sources;
  - Manages forest ingrowth;
  - Minimize risk of interface fire and wildfire;
  - Enhances wildlife habitat;
  - Protects views and scenery;
  - Protects watershed ecological values, including waterfowl and fish and their corresponding habitat; and,
  - Maintains diverse plant communities by managing invasive plants.

**Property  
Information -  
cont'd:**

- Improvements to the road network within the plan area intended to improve public safety are supported.

**Zoning Designation:** RR-60, Rural Resource Zone, minimum parcel size: 60 ha. Highways are a permitted use in all zones.

**Parcel Size:** Area under application: approx. 1.4 ha (3.4 ac)

**Density:** N/A

**ALR Status:** Within the ALR. Approval from the ALC was granted in 2010, subject to confirmation being provided by the applicant that arrangements have been made to mitigate impacts on agriculture to the satisfaction of the holder of the grazing lease over DL12987; and the requirements of the Ministry.

**BC Assessment:** Residential

**Water / Sewer Services:** N/A

**Interface Fire Hazard Rating:** Moderate, Crown land is not serviced by RDEK fire services.

**Flood Hazard Rating:** The area under application is not identified as being within a flood hazard rating area.

**Crown Land  
Management  
Plans:**

The Southern Rocky Mountain Management Plan designates the area as ungulate winter range: grasslands (hard surfaces only) in snow-free months and ungulate winter range: motorized use on roads and identified travel corridors only in winter months.

**Lake Management  
Plans:**

N/A

**Shoreline  
Management  
Guidelines:**

N/A

**Additional  
Information:**

- The referral states that the roadway was approved and constructed under a now expired land act tenure. The roadway has a width of 15 - 20 m.
- The referral states that an archaeological study was completed under the former land file and will be carried forward under this tenure. Badger and bird values are also noted, however, as this roadway already exists, impacts have already been considered under the former tenure.
- The referral states that this constructed access road provides the only practical access to Lot 4, DL 10348, KD, Plan EPP14443 (the applicant's private property), as the frontage on McMorran Drive is very steep and impractical as an access route.

**Additional  
Information -  
cont'd:**

- The referral states that the roadway would serve one parcel, which is currently undeveloped. Development of the private lands as a recreational residential subdivision may be proposed for the future. The applicant is aware that additional approvals will be required should the proposed development occur.

**Consultation:**

**APC Area B:** Support

**Documents  
Attached:**

- Site Plan
- Aerial Photo

**RDEK  
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