KOOTENAY LAKE AND LARDEAU VALLEY PORTION OF ELECTORAL AREA ‘D’

OFFICIAL COMMUNITY PLAN BYLAW NO. 1996, 2009

ADOPTED APRIL 29, 2010
KOOTENAY LAKE AND LARDEAU VALLEY PORTION OF ELECTORAL AREA ‘D’
OFFICIAL COMMUNITY PLAN
BYLAW NO. 1996, 2009

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<thead>
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<th>Adopted</th>
<th>Amendment</th>
<th>Purpose</th>
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<td>2188</td>
<td>March 31, 2011</td>
<td>Amendment to provide targets, objectives and policy for greenhouse gas</td>
<td>Adds new section to the OCP for meeting Provincial GHG</td>
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<td>4600-20-</td>
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<td>emission reduction under Bill 27 (Green Statutes Act)</td>
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<td>2231</td>
<td>September 22, 2011</td>
<td>Amendment to Schedule B1 – Land Use Designation of portion of Lot 2, DL 819</td>
<td>Subdivision</td>
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<tr>
<td>4600-20-</td>
<td></td>
<td>Designation of portion of Lot 2, DL 819 KD Plan 880 (PID 011-825-804) from</td>
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<td>Z1106D-03113.100</td>
<td></td>
<td>Tourist Commercial (C2) to Rural Residential (R3)</td>
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September 2011

MAPPING SCHEDULES are available on the RDCK’s [WebMap](#) (PIMS), please refer to the tutorial on the WebMap (PIMS) site for instructions on how to view the mapping. Printable copies are available by contacting the RDCK GIS department.
A Bylaw to guide land use decisions within Electoral Area D pursuant to Part 26 of the *Local Government Act of British Columbia, R.S.B.C. 1996*.

WHEREAS the Regional District of Central Kootenay wishes to adopt an Official Community Plan pursuant to Part 26 of the *Local Government Act*;

AND WHEREAS the Regional Board may adopt an Official Community Plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all directors of the Regional Board who are entitled to vote on that bylaw;

AND WHEREAS after first reading of the bylaw the Regional Board shall, in sequence, examine the Official Community Plan in conjunction with its most recent capital expenditure program, the waste management plan, wastewater management plan, and economic strategy plan that is applicable in the RDCK to ensure consistency between them, in accordance with the *Local Government Act*;

AND WHEREAS if the Official Community Plan applies to land in an Agricultural Land Reserve established under Provincial Acts and Statutes, the Regional Board shall refer the Official Community Plan to the Province for comment;

AND WHEREAS the Regional Board has provided one or more opportunities for consultation with persons, organizations and authorities it considers affected in the development of the Official Community Plan in accordance with Section 879 of the *Local Government Act*;

AND WHEREAS the Regional Board of the RDCK has complied with all requirements of the *Local Government Act* prior to adoption of this bylaw and Official Community Plan including all of the foregoing;

AND WHEREAS upon adoption of this bylaw, the Plan is an Official Community Plan of the RDCK;

NOW THEREFORE the Regional Board of the RDCK, in open meeting assembled, enacts as follows:


The bylaw shall apply only to that portion of the RDCK shown outlined on the attached Schedule ‘B’ Official Community Plan Maps forming part of this bylaw.

If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw and the Official Community Plan adopted by this bylaw is for any reason held to be invalid by a decision of a
court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

Pursuant to the Local Government Act, Zoning bylaws currently being considered by the Regional Board but not adopted as of the date of adoption of the Official Community Plan are deemed to be consistent with the Official Community Plan.

This bylaw may be cited for all purposes as the ‘Kootenay Lake and Lardeau Valley – portion of Electoral Area ‘D’ Official Community Plan Bylaw No. 1996, 2009’.

The Official Community Plan portion of Ainsworth Rural Land Use Bylaw No. 1189, 1996 is hereby repealed.

READ A FIRST TIME on the 26th day of November, 2009.

PUBLIC HEARING held on the 16th and 18th days of February, 2010.

READ A SECOND TIME on the 25th day of February, 2010.

READ A THIRD TIME on the 25th day of February, 2010.

APPROVED by the Minister of Community and Rural Development this 14th day of April, 2010 Approval No. 2010013.

ADOPTED this 29th day of April, 2010.

“G.L. Wright” “Dawn Attorp”
Chair Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1996 cited as the “Kootenay Lake and Lardeau Valley – portion of Electoral Area ‘D’ Official Community Plan Bylaw No. 1996, 2009”, as read a Third time by the Regional Board on this 25th day of February, 2010.

Dated at Nelson, BC this day of , 2010.

________________________________________
Secretary

I hereby certify that this is a true and correct copy of the Kootenay Lake and Lardeau Valley – portion of Electoral Area ‘D’ Official Community Plan Bylaw No. 1996, 2009.

DATED at Nelson, B.C. this day of , 20__.

________________________________________
Secretary
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Map 2
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Figure 1
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Kootenay Lake and Lardeau Valley – portion of Electoral Area ‘D’ Official Community Plan Maps

Schedule B.1
Land Use Designation Maps

Schedule B.2
Hazard Maps

Schedule B.3
Protected Areas Maps

Note: Schedule ‘B’ Series can be viewed either on the RDCK website at www.rdck.bc.ca or in hard copy at the RDCK office.

Acronyms used in this document

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<td>Official Community Plan</td>
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<td>Regional District Central Kootenay</td>
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OFFICIAL COMMUNITY PLAN MAP DESIGNATIONS

The future use and development of land within the Kootenay Lake and Lardeau Valley area must be consistent with the overall pattern of land use depicted on Schedule ‘B’, and based on the following land use designations:

Rural Designations:
Agriculture AG
Resource Area RA

Residential Designations:
Suburban Residential R1
Country Residential R2
Rural Residential R3
Remote Residential R4
Multi-Family Residential R5
Comprehensive Development Zone CDZ

Commercial Designation:
General Commercial C1
Tourist Commercial C2
Industrial M1

Community Services and Administrative Designations:
Administrative and Institutional I
Parks and Recreation, Culture and Heritage PA
SCHEDULE ‘A’

Regional District of Central Kootenay

Kootenay Lake and Lardeau Valley – portion of Electoral Area ‘D’
Official Community Plan Bylaw No. 1996, 2009
1.0 INTERPRETATION AND ADMINISTRATION

The provisions of this Plan apply to all lands and surfaces of water within Electoral Area ‘D’ referred to as Kootenay Lake and the Lardeau Valley as identified on Schedule ‘B’ of this Bylaw, and Map 1, General Context Map.

Interpretation

An Official Community Plan means a community plan as referred to in the *Local Government Act* and as adopted by the Regional Board of the Regional District of Central Kootenay (hereafter referred to as the Regional Board), in accordance with the requirements of the *Local Government Act*.

Administration

1. This OCP comes into effect as of the date of formal adoption by the Regional Board.

2. A Zoning bylaw will be the primary tool to regulate development, not the OCP. All land use designation amendment proposals must be consistent with the intent of this OCP that serves as a policy foundation for the Zoning bylaw.

3. This Plan will undergo a comprehensive review every five to ten years in order that the document continues to accurately reflect the long-range planning objectives of the Kootenay Lake and Lardeau Valley area.

4. Public hearings to consider Plan amendments will be held upon the time of application and at the discretion of the Board. All public hearings will be advertised in the local newspaper and all property owners within 100 meters or a greater distance of the subject property will be sent notice as per required under the Local Government Act. The Board may hold a public hearing at any time to consider a community plan amendment if it is deemed to be in the public interest.

5. The OCP can only encourage senior levels of government to take action; it cannot force or require senior governments to act. Furthermore, although the OCP cannot commit the Regional Board to specific expenditures, the Regional Board cannot enact bylaws or undertake works that are contrary to it without amending the Plan.
2.0 PUBLIC CONSULTATION

An OCP represents the vision and objectives of a community on future growth and development. It provides policy direction that informs the RDCK Board and other government agencies in making land use decisions. Residents, businesses, landowners and governments all depend upon the OCP to assess future community potential. An OCP contains broad goals, objectives for particular land uses, specific and general policies, advocacy policies, maps and development permit area guidelines; it does not contain regulations or detailed prescriptions.

While the OCP is a document that is a collective vision put forth by the community, other agencies and First Nations have been consulted, including:

- Knutaxa Kinbasket Treaty Council
- Lower Kootenay Band
- Sinixt First Nation
- Village of Kaslo
- Kootenay Lake School District No. 8
- Agricultural Land Commission
- Agriculture, Food and Fisheries
- Community Services and Rural Development
- Energy and Mines
- Environment
- Fisheries and Oceans
- Forests and Range
- Interior Health
- Transportation and Infrastructure

This OCP was prepared in consultation with local residents, land owners, community groups, the local Advisory Planning Commission (APC), and various levels of government. The process proceeded in three phases: community consultation, policy development and bylaw adoption. The community consultation and policy development phases involved twenty-nine Advisory Planning Commission (APC) meetings (all of which were open to the public), twenty public meetings, three open houses, information posted and updated regularly on the RDCK website, a land use survey distributed in January 2008 and two newsletters. Letters seeking input were also sent to landowners in communities where non-resident land ownership is high, such as Murphy Creek, Birchdale, Duncan Estates and Schroeder Creek. The APC, as appointed members responsible for land use planning recommendations, provided direction on all aspects of the development of the plan,
considered all policy options, and recommended adoption of the plan in compliance with
the provisions of the Local Government Act and other relevant provincial legislation. An OCP
does not commit or authorize the RDCK to proceed with any project that is specified in the
plan.

The local APC in cooperation with the Regional District of Central Kootenay Planning
Department developed the ‘Electoral Area D – Land Use Survey’ in the winter of 2008. The
intent of the survey was to provide residents and land owners the opportunity to give
consideration to growth and development issues, and identify various options and
alternatives for addressing those issues in a manner appropriate and acceptable to the
unincorporated communities of Electoral Area D. These included the consideration of
proceeding with the development of an Official Community Plan for the area, in addition to
other land use planning exercises to address specific matters of concern, such as shoreline
development and economic diversification.

Some of the highlights of the survey and subsequent report included the following:

- The majority of respondents felt that it was important to maintain the rural
classification of their communities.
- There was strong support for making provisions within the Plan area for agricultural
activities and home-based businesses.
- Most respondents strongly agreed or agreed that lands with good commercial
agricultural potential should be reserved for that purpose.
- Stimulating full-time residency was indicated to be of importance to Area D
communities.
- Barriers to full-time residency included lack of employment opportunities, lack of
access to health and emergency services, and the distance to goods and services;
such as shopping, health care and schools.
- Public access and protection of Kootenay and Duncan Lakes was supported by a
majority of respondents.
- Strong support was expressed for development of a water stewardship plan for Area
D.
- There was strong agreement that additional Crown lands should be allocated for
recreational purposes and wilderness park status and that protection of fish and
wildlife was of high importance.
- There was strong agreement that development in view corridors should be planned
to maintain the scenic beauty of the area.
- The top five values identified as important to the Plan area were as follows:
  o Clean air and water
  o Scenic beauty
  o Wildlife and its habitat
  o Feeling of safety; and
  o Peace and quiet
3.0 CONTEXT

Historical Context

Most of the communities within the Plan area were settled during the mining boom of the 1880’s and 1890’s. Some were active mining communities, while others grew as saw mill towns, railroad towns or sternwheeler ports to supply goods and services. When the mining boom waned during the early 1900’s some communities were abandoned, while others were promoted by the rail companies for fruit growing and resort development. Sternwheelers continued to be an important form of transportation to the area until ‘The Moyie’ was retired in 1957.

In 1965, the Duncan Dam was constructed as the first dam under the Columbia Rivers Treaty. This resulted in some communities being relocated as a result of changed water levels and diversion. It also brought short term prosperity for those communities in the Lardeau Valley. Communities in the area continued to be orientated toward the natural resource industry and the economic boom and bust cycles associated with such resource dependency. The isolated nature of the area ensured development pressure and growth remained minimal and northern portions of the Plan area continued to receive Isolation Allowance up until the 1990’s.

Recent trends in the area have shown an increase in amenity migration, or the movement of people into the area for its natural and cultural amenities. The increased ability of being able to work at a distance from places of employment, recreational home ownership, an aging and mobile population, and a more diversified economy have all resulted in increased development pressure in the area similar to most mountain communities within the Kootenay Rockies.

Geographic Context

The communities and residents of North Kootenay Lake and the Lardeau Valley have inevitably been influenced by the challenging geography of place. Situated in a narrow valley between the Purcell Range in the east and the Selkirk Range to the west, settlement has been confined to valley bottoms and transportation routes have, as necessity, been linear in nature. Historically, communities relied on the railways and sternwheeler routes for travel and goods and services. Today, these old rail lines and sternwheeler routes have been abandoned and
replaced with Highway 31 along the western shore of Kootenay Lake and north to Trout Lake, and Highway 31A from the Village of Kaslo west to New Denver.

Residents and visitors must travel to the area as a destination and its relative isolation provides a challenge to economic diversification and sustainability. The natural environment has shaped the self-sufficient culture of many of the communities in the Plan area and is what attracts people to live and visit the area. The challenge of the physical environment, however, leaves many communities vulnerable to loss of services, the boom and bust economics of resource dependency, and isolation.

Growth in the area has historically been slow and followed the pattern of the economics of the region being tied to the natural resource industry. In 2006, the population of the area was estimated to be 1,525 persons residing in 709 dwellings according to census data. Part-time residency based on non-resident property ownership was approximately 32%. Increasingly, new development has been oriented toward recreational properties, while full-time residency has experienced resurgence due to an increased number of retirees, employment no longer being tied to location due to increased communications, and diversification toward tourism and recreational related employment. The attractiveness of the area and its isolation is one of many reasons people reside here. It is an area where the physical geography of place still dominates and provides challenges to those who choose to make their home here. It is important to residents of the area, that the natural and cultural values that shape the area are maintained, while a strong and diversified economic future is developed.
4.0 COMMUNITY VISION AND GUIDING PRINCIPLES

In order for the Official Community Plan (OCP) to inform the Regional District of Central Kootenay (RDCK), it is necessary to state the values and principles that underline the policies in the Plan. In the development and subsequent administration of the Area D OCP, the following principles and values will be observed:

1. The RDCK will administer and be accountable for the OCP of Area D.
2. Primary considerations are to include the following:

   • The integrity of our natural environment;
   • Employment opportunities and entrepreneurial spirit within the community;
   • Respect for the diversity of opinions of all individuals in the process;
   • Public access to watercourses and lakes; and
   • Respect for the unique culture of each community.

Each community shall have the right to its own unique community plan within the OCP and each community may choose to opt out of the OCP. After the OCP is approved, each community within the OCP shall have the freedom to determine whether it moves to the next and separate part of the process which is Zoning.
5.0 AGRICULTURE

Background

Lands within the Agricultural Land Reserve can be found throughout the flats and benches of the Plan area, concentrated in many of the unincorporated communities north and in and around the Village of Kaslo. All communities north of Kaslo have historically been involved to some degree in commercial agriculture.

Lands designated as Agriculture in Schedule ‘B’ include areas within the Agricultural Land Reserve and additional lands with the identified potential for agricultural operation or activity. Agricultural operations and activities are also dependent on lands located outside of the Agriculture designation in Schedule ‘B’.

Agriculture Objectives

1. To preserve agricultural land with continuing value for agriculture for current and future production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.

2. To minimize conflicts between agriculture and other land uses.

3. To encourage the agricultural sector’s viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.

4. To examine any ALR boundary changes initiated by property owners, the RDCK, and the Province which review agricultural suitability in the Plan area; provided affected landowners are notified and have opportunity for input.

5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.

6. To encourage agricultural producers to consider environmental values during agricultural activity.

7. To encourage opportunities in agricultural skill building and education in Kootenay Lake and the Lardeau Valley in recognition of the area’s agricultural heritage and to promote self-sufficiency and local food production.

Agriculture Policies

The Regional Board:
1. Encourages that the principal use of lands designated as Agriculture in Schedule ‘B’ shall be agricultural or residential.

2. Recognizes the value of agriculture in the Plan area.

3. Ensures that all land use and subdivision of land within the ALR shall be in accordance with the provisions of the Agricultural Land Commission Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.

4. Will work with the Province to ensure that new development adjacent to agricultural areas provides sufficient buffering in the form of setbacks, fencing, and landscaping consistent with Provincial specifications.

5. Supports the preservation of environmental values, and where possible conserving these values, in conjunction with sustainable agricultural practices, Provincial Acts and Statutes, and associated amendments to the Local Government Act.

6. Will encourage food processing activities within the Plan area, and uses secondary to and complementary to agricultural production, such as market gardens, agri-tourism, farmers markets and farm gate sales.

7. Will support enhanced educational and training opportunities in agriculture in conjunction with local educational institutes, school districts and private initiative.

8. Supports that lands under the Agriculture designation used for conservation purposes be encouraged to consider maintaining the agricultural value and/or use of such lands.

9. Will consider the impacts on local food production and self-sufficiency when making land use decisions on lands within the Agricultural Land Reserve and/or designated Agriculture, including but not limited to:
   a. Soil capacity;
   b. Water resources; and
   c. Capability for agricultural production.
Map 2: Agricultural Land Reserve
6.0 RESOURCE AREA

Background

For the purpose of this section, Resource Areas are described as large parcels of land and include both private and/or Crown land. Typical uses include forest land, grazing or range land, public recreation areas, tourism, watersheds, and resource extraction areas. Although it is recognized that local land use designations do not apply to the Crown, the designation is intended to provide regulations upon alienation, and to address Crown leases.

Resource Area Objectives

1. To retain and diversify resource-based land uses which contribute to the local economy and nature of communities in the Plan area.
2. To encourage the economic benefits of value-added resource processing to be retained in the community.
3. To recognize the importance of Crown lands for recreational values and opportunity.
4. To ensure, in cooperation with the Province and private land owners, that resource based activities do not result in increased occurrence or magnitude of natural hazards in areas where there is risk to persons or property in the Plan area.
5. To encourage that the economic values associated with water resources within the Plan area provide benefit to the community.

Resource Area Policies

The Regional Board:

1. Recognizes that a Resource Area designation includes those uses compatible with larger parcels and/or restrictions to land use such as accessibility or hazards.
2. For the purpose of subdivision of lands, supports larger minimum parcel sizes for ‘Resource Area’ designations, in recognition that these areas will remain rural with limited community services and infrastructure.
3. Recognizes the jurisdiction of the Province over public Crown land.
4. Promotes low impact recreational activity, opportunity and use of Crown lands as a significant contributor to the local economy and nature of the area.
5. Will work with the Province to ensure unique scenic vistas and public recreation areas are recognized and managed for within the Plan area.
6. Will work with the Province to ensure community watersheds and sources of domestic water supply are recognized and protected within the Plan area.
7. Will support the development of community owned and managed woodlots in consultation and with the support of the community.
7.0 RESIDENTIAL

Background

This section outlines the objectives and policies for Suburban Residential, Country Residential, Rural Residential, Remote Residential and Multi-Family Residential designations in the Plan area. A Comprehensive Development Zone is described under community specific policies for the area south of the Village of Kaslo and east of Highway 31.

The Plan area is dominated by single family dwellings, with some exceptions where secondary cottages or suites have been provided for family members, visitors, or as rental accommodation. Single family dwellings account for 86% of all household types in the area, while modular or mobile homes account for another 10% of housing type. According to 2006 census data, there are 950 dwellings in Electoral Area D, 709 of which are occupied year round. Part-time residency is estimated to be at approximately 32% based on non-resident property ownership. Of the 709 dwellings occupied year round, rental housing accounted for 19% of households. Rental housing is primarily found in the southern portion of the Plan area and a lack of such accommodation has been identified in the northern portion of the Plan area.

The amount of undeveloped residential property in the Plan area is difficult to determine. Many residential lots are incapable of on-site servicing without consolidation due to their small size in former town sites or terrain characteristics, or assessment values do not accurately reflect development on the property. In most communities, vacant land availability is low and larger lots are held in the Agricultural Land Reserve (ALR) or such lands are inaccessible or have barriers to development. However, the potential for creation of new residential lots through subdivision or Crown land acquisition exists throughout the Plan area.

General Residential Objectives

1. To accommodate and direct residential development so its location, appearance and impact take into consideration the natural environment, community resources and existing land uses.
2. To ensure maintenance of natural green space in residential developments.
3. To explore and create opportunity for allowing senior residents to comfortably continue residing in their respective communities.

Top 5 Community Values in Kootenay Lake North

1. Clean air and water
2. Scenic beauty
3. Wildlife and its habitat
4. Feeling of safety
5. Peace and quiet

(Source: 2008 Survey of Kootenay Lake and...)
4. To manage residential growth in a manner that protects the rural character, environmental integrity, and the social and cultural diversity of the Plan area.

5. To maintain the character and integrity of the riparian area of Kootenay Lake and Duncan Lake by redirecting high density residential development to alternative locations.

6. To maintain flexibility with regard to the appropriate number of dwellings per lot to be determined on a community specific basis.

7. To recognize the importance of maintaining and enforcing public access to Kootenay and Duncan Lakes.

8. To encourage the creation of public access to Kootenay and Duncan Lakes when and where there is public demand and such access does not exist.

9. To take into consideration transportation needs and to incorporate pedestrian and bicycling facilities in new residential developments.

10. To take into consideration the service needs and resources required for new residential developments in recognition of limitations of water supply and sewage capabilities in localized areas within the Plan area.

**General Residential Policies**

The Regional Board:

1. Will assess and evaluate proposed residential development based on the following criteria, irrespective of land use designation:
   a. capability of accommodating on-site domestic water and sewage disposal;
   b. capability of the natural environment to support the proposed development, and its impact on habitat and riparian areas;
   c. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
   d. compatibility with adjacent land uses and designations, and how its form and character complements the surrounding rural area;
   e. proximity and access to existing road networks, and other community and essential services, if they exist;
   f. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas; and
   g. type, timing and staging of the development.

2. Encourages future residential development to maintain adequate setbacks from Kootenay and Duncan Lakes and other riparian areas, to protect these important natural resources, reducing human impact and maintaining water quality and natural habitat.
3. Encourages a variety of housing tenures and organizational frameworks, including affordable housing, seniors housing, lease, rental, strata title, and co-operative housing.

4. Encourages senior levels of government to seek solutions to the effects of higher property assessments for certain properties to ensure long-time residents and property owners can affordably remain living within their homes.

The intent of the following residential land use designations is to provide general policy direction on the type of residential development appropriate to each community. Designations were based on existing use, community input and assessment of barriers and opportunities for development. The residential policies below provide the context to allow for further refinement of each of the land use designations if and when each community moves forward with the development of Zoning or other land use regulation and are depicted in Schedule B.1 – Land Use Designation Maps. These designations do not limit opportunity for subdivision or development and can be re-examined and refined if a Zoning bylaw is requested in the future.

**Suburban Residential (R1) Policies**

The Regional Board:

1. Directs that the principal use shall be single detached or duplex dwellings.

2. Supports medium density residential development with lot sizes for subdivision purposes being determined based on level of servicing, with density increasing with the provision of community water and/or sewer.

**Country Residential (R2) Policies**

The Regional Board:

1. Directs that the principal use shall be single detached or duplex dwellings.

2. Supports low density residential development with lot sizes for subdivision purposes being determined by the requirements of on-site servicing, such as ground or surface water and Type 1 sewage disposal.

**Rural Residential (R3) Policies**

The Regional Board:

1. Directs that the principal use shall be single detached or duplex dwellings.

2. Supports rural residential development with lot sizes for subdivision purposes that generally exceed 2.0 ha (4.94 acres).
Remote Residential (R4) Policies

The Regional Board:

1. Directs that the principal use shall be agricultural, single detached or duplex dwellings.
2. Supports remote residential and rural resource land uses with lot sizes for subdivision purposes that generally exceed 4.0 ha (9.88 acres).

Multi-Family Residential (R5) Policies

The Regional Board:

1. Directs that the principal use be single family, duplex or multi-family residential.
2. Supports that multi-family residential includes developments consisting of more than five (5) units per hectare in manufactured home parks, seniors housing developments, co-operative housing, apartments, fractional, strata and row housing developments.
3. Directs that multi-family developments be restricted to two-stories and be subject to the provision of community water and/or sewage.
4. Encourages that multi-family developments may include accessory or incidental commercial use.
8.0 COMMERCIAL AND INDUSTRIAL

Background

This section outlines the objectives and policies for General Commercial, Tourist Commercial and Industrial designations in the Plan area.

Most of the commercial and business needs within the Plan area are met within the Village of Kaslo or in the larger city center of Nelson. However, several service establishments, eating and tourist accommodation facilities, and retail outlets exist throughout the Plan area. In addition there are many home-based businesses within the area that are vital to the liveability and economic and social sustainability of area communities.

Industrial operations exist throughout the Plan area, but are concentrated north of the Plan area in Meadow Creek and Cooper Creek, approximate to the Kaslo Airfield and along the Highway 31 corridor south of Kaslo. Ainsworth Hot Springs is recognized as a significant tourism destination within the Kootenay Region.

Industrial activities are provided for under the Industrial land use designation. The principal industrial activity in the area is forestry related in the northern portions of the Plan area and light, small scale industrial in other locations within the Plan area.

Commercial and Industrial Objectives

1. To enhance the long term vitality and economic sustainability of the Plan area by supporting new and existing businesses and the creation of employment.
2. To accommodate a broad variety of home based businesses.
3. To expand employment opportunities associated with home based businesses within the Plan area.
4. To support commercial agricultural opportunities in Kootenay Lake and the Lardeau Valley in appropriate locations.
5. To recognize and support the Village of Kaslo as a commercial and service center.
6. To support diversifying goods and services within and around the Village of Kaslo.
7. To support the potential of off-season tourism opportunities.
8. To support and enhance industrial uses within the Plan area while minimizing incompatibility with surrounding land uses through requirements for screening or landscaping.
9. To accommodate temporary industrial uses in appropriate locations.

10. To ensure that new proposed industrial operations have significant public input prior to development so that issues can be resolved to the satisfaction of the public and operator.

11. To encourage value added resource manufacturing and production to enhance or maximize the value of raw materials within the local community.

12. To encourage the Province to maintain the safety and capacity of the local road and highway network to accommodate industrial traffic.

13. To ensure good arterial access for existing and new industrial developments.

**General Commercial (C1) Policies**

The Regional Board:

1. Directs that existing commercial uses shall be recognized and designated as such.

2. Will encourage the development of neighbourhood commercial areas where appropriate; ensuring the design of such developments is compatible with surrounding land uses and where the majority of residents in the affected areas have been consulted and are in support of such developments.

3. Supports that requirements for lighting and hours of operations be decided on a community specific basis.

4. Supports that requirements for screening or landscaping be incorporated into the design of new commercial developments, other than home-based.

5. Recognizes the commercial and service center role of the Village of Kaslo; therefore commercial development in the Plan area will primarily be oriented toward serving local community needs and tourist and traveler needs.

6. Will promote home-based businesses as a significant means of satisfying local employment needs provided they do not conflict with or negatively impact on the natural and residential character of communities.

7. Will ensure that home-based business opportunities remain flexible and accommodate expanded employment needs.

8. Will ensure that adequate land is designated for commercial uses where deemed appropriate and necessary.

9. Supports the right of communities to be informed and consulted regarding any changes to the electromagnetic spectrum, by all operators of cell phone towers, wi-fi systems, microwave systems, etc, that create man made electromagnetic fields; and also supports the right of communities to propose zoning designations that apply to these operations.

Examples of C1 type uses are green houses, farmers markets, offices, restaurants and pubs, personal services, retail stores, service stations, tourist accommodations, and other service based businesses.
Tourist Commercial (C2) Policies

The Regional Board:

1. Directs that existing tourist commercial uses shall be recognized and designated as such.

2. Encourages that tourist commercial operations along the foreshore of lakes and rivers maintain a vegetative buffer along the foreshore and riparian areas to protect the aesthetic and natural value of this resource.

Examples of C2 type uses are tourist accommodation, golf courses, riding arenas, marinas, mixed use developments, museums, personal services, restaurants and pubs, zoos, service stations, accessory uses to tourist accommodation such as Laundromats, curio shops and convenience stores. It can also include enclosed repair shops of marine equipment, awnings and canvas products, vet clinics, cold storage, mini warehouse and feed and seed storage and distribution.

Industrial (M1) Policies

The Regional Board:

1. Directs that existing industrial uses shall be recognized and designated as such.

2. Recognizes the importance of industry to the local economy, and supports new light industry and value added manufacturing so that a broader employment base can be achieved and economic benefits be retained in the local community.

3. Encourages the Province to investigate the safety and capacity of the local road and highway network to accommodate industrial traffic prior to approval of new industrial developments and improve roads where deemed necessary.

4. Supports that requirements for lighting and hours of operations be decided on a community specific basis.

5. Supports that requirements for screening or landscaping be incorporated into the design of new and expanded industrial developments.

6. Supports that industrial activities resulting in significant noise pollution are managed by hours of operation and/or screening.

7. Discourages industrial activities that are considered noxious or emit pollutants, or are otherwise detrimental to the environment, neighbouring properties, and the community as a whole.

8. Supports that a Development Permit Area pursuant to Sections 919.1 and 920 of the Local Government Act shall be required for all new and expanded industrial developments to ensure development is compatible with adjacent land uses.

Examples of M1 type uses are building supply stores, car wash, commercial workshops such as machine, welding and government, contractors offices and yards, construction,
sale and repair of boats and trailers, food processing, light manufacturing, recycling depots, repair shops, equipment and vehicle sales, and warehousing.
9.0 COMMUNITY SERVICES AND ADMINISTRATION

Background

The Community Services and Administration land use designation generally refers to public, non-profit or utility uses such as schools, churches, recreation facilities, community centres, public health facilities, community care facilities, fire halls, libraries, post offices, and local government and improvement district buildings. The Plan recognizes that administrative and institutional development will generally be directed to existing settlement areas; which are central and better able or already provide for this service function.

Community Services and Administration Objectives

1. To support a strategy of directing administrative and institutional development to areas where services and amenities are more readily available, and where they best serve the needs of residents.

2. To attract a diversified age demographic to ensure the long term sustainability of school and health services.

3. To pursue opportunities for senior’s home care to enable senior residents to comfortably continue residing in their respective communities.

4. To work toward provision of essential services to all communities within Electoral Area D, such as fire service and emergency services where deemed feasible.

5. To ensure that land use decisions accommodate emergency response through provision of adequate access to developments and facilities for fire protection services and emergency first response.

6. To recognize the variety of spiritual and cultural activities important to residents of Kootenay Lake and the Lardeau Valley.

7. To support the existing level of postal service within Kootenay Lake and the Lardeau Valley.

8. To encourage options for increased communication within and amongst communities within the Plan area, such as community bulletin boards, print media, radio, television and the internet.

Community Services and Administration Policies

The Regional Board:
1. Supports the location and development of fire halls and community halls in the rural area as development requires; and the needs of the community change.

2. Supports the Province, senior governments, aboriginal communities, individuals, and interest groups in identifying and protecting features and sites of scenic, architectural, historical, spiritual, archaeological and ecological significance within the Plan area.

3. Encourages the development of childcare services and facilities within existing and new developments and supports the establishment of home based child care facilities.

4. Supports and will work with appropriate agencies in the maintenance and expansion of health services within the Plan area.

5. Supports the enhancement and creation of greater opportunities for children, youth, and adult recreational, educational, and leisure activity.

6. Supports that emergency response organizations are provided the opportunity to comment on emergency access and safety issues when considering new developments in the Plan area.

7. Will consult with the local fire department(s) to determine needs for access to new developments and for the filling of tankers to support local fire service to unincorporated communities within the Plan area where appropriate.

8. Will investigate the feasibility and costs associated with the expansion of essential services, such as fire protection and emergency services in all areas of Electoral Area D and will consult with residents and property owners regarding the options available for provision of such services.

9. Will ensure that adequate lands are set aside to allow for churches, cemeteries, libraries, youth organizations, service groups, community halls and non-commercial retreats within the Plan area.

10. Will continue to support the use of public and private lands for local community events, provided that such events are supported and do not negatively impact on neighbouring properties.

11. Will explore options for the placement of community bulletin boards and use of print media, radio, television, and the internet to increase communication options within and among communities in the Plan area.
10.0 PARKS AND RECREATION, CULTURE AND HERITAGE

Background

The Plan area has a variety of recreational and cultural facilities. The Plan area includes portions of three large mountain wilderness parks, including Goat Range Provincial Park in the northwest, the Purcell Wilderness Conservancy to the east of the Plan area, and Kokanee Glacier Provincial Park to the southwest of the Plan area. In addition, several smaller Provincial parks and forest recreation sites exist. In the southern portion of the Plan area; south of the Village of Kaslo, there is Coffee Creek Provincial Park, Cody Caves Provincial Park, Woodbury Bluffs, and Fletcher Falls Recreation Site. Proximate to the Village of Kaslo and along Highway 31A is Mount Buchanan, Soda Springs, Lyle Creek, Bear Lake and Fish Lake. North of Shutty Bench is the Milford Lake Forest Recreation Site and Davis Creek and Lost Ledge Provincial Parks. Proximate to the north-eastern shore of Kootenay Lake around the communities of Argenta and Johnson’s Landing are the Argenta Marsh Wildlife Reserve, the Purcell Wilderness Conservancy, Fry Creek Canyon Provincial Recreation Area and Campbell Bay Provincial Park. Glacier Creek Regional Park is found along the eastern shore of Duncan Lake.

The area hosts some of the highest ranking hiking trails in the Kootenay region, with MacBeth, Monica Meadows and Jumbo in the Glacier Creek drainage and Mount Brennan (Lyle Creek) and Whitewater Creek west of the Village of Kaslo. Other popular trail systems include the Cedar Trail in Retallack, the K&S Wagon Road Trail from Zwicky Road to Fish Lake, Fletcher Creek Trail, Kaslo River Trail, Earl Grey Trail, Fry Creek Trail, John Fenger Trail and Clute Lake Trail in Kootenay Lake Provincial Park.

Recreational facilities exist in Meadow Creek and the Village of Kaslo outside of the Plan area. J.V. Humphries, the Langham Theatre, the Moyie, Kaslo Riding Arena, the Kaslo Golf Course, Kaslo and District Arena, and Vimy Park in the Village of Kaslo are also important recreational facilities used by area residents. Community halls exist in Johnson’s Landing, Argenta, Meadow Creek, and Ainsworth.

There are significant natural and historical features within the Plan area in which the residents of Kootenay Lake and the Lardeau Valley have indicated as important to the character of the area. These include the historic ambiance of the Ainsworth town site, historic buildings in Shutty Bench, Argenta and Johnson’s Landing and the relatively undeveloped shoreline of Kootenay Lake and Duncan Lake.
Parks and Recreation, Culture and Heritage Objectives

1. To provide a diverse range of recreational and cultural opportunities that is sustainable and compatible with the rural and cultural character of Kootenay Lake and the Lardeau Valley.

2. To support recreational infrastructure improvements and planning for the long term viability of existing recreational facilities.

3. To encourage the provision of indoor and outdoor recreational opportunities for all age groups within Kootenay Lake and the Lardeau Valley.

4. To protect, establish and maintain public access to Kootenay and Duncan Lakes and the river systems within the Plan area.

5. To establish community parks or public spaces in areas where there is community support.

6. To protect Crown lands around Kootenay and Duncan Lakes and other riparian areas for public enjoyment and aesthetic and natural heritage values.

7. To work toward the development of a trail system which encourages and accommodates a variety of users and uses; which is consistent and complementary to existing trail systems within the Plan area, while recognizing the need to protect domestic water sources.

8. To provide for the protection and enhancement of buildings and sites with historical and cultural significance in Kootenay Lake and the Lardeau Valley, while encouraging the restoration or retrofitting of such sites to meet local and visitor needs.

9. In combination with Areas A, E, and F, Area D will develop a Kootenay Lake Stewardship Plan, including consideration of development permits and riparian area regulation in order to ensure protection of critical habitat.

Parks and Recreation, Culture and Heritage Policies

The Regional Board:

1. Encourages the Province to secure, enforce, and provide ongoing maintenance and development of public right-of-ways and access to Kootenay and Duncan Lakes and river systems within the Plan area.

2. Supports the establishment of community parks where there is community support, provided there are adequate resources for long term maintenance and management.

3. Encourages the Province to maintain and protect Crown lands along and adjacent to the foreshore of Kootenay and Duncan Lakes and other riparian areas for public use and enjoyment.

4. Supports that Crown lands adjacent to the community of Lardeau along Davis Creek be maintained as public green space.

5. Encourages the establishment of a trail linking Davis Creek and Lost Ledge Provincial Parks in conjunction with the Province and BC Parks.
6. Encourages the Province to maintain old forestry roads recognized for their value to residents and visitors for recreational activity and use.

7. Supports commemorating local heritage, cultural and historical sites in cooperation with appropriate Provincial ministries, committees, organizations and individuals.

8. Supports the establishment of a community heritage register to manage the multitude of culturally and historically significant properties and sites in Kootenay Lake and the Lardeau Valley.
11.0 SERVICING AND TRANSPORTATION

Background

The Plan acknowledges the advantages of orderly growth and planning of subdivisions, and the disadvantages of un-serviced development or premature, uneconomical extensions of utilities and services. It also supports combining servicing with sound land use development principles for the protection of environmentally sensitive land.

Utility services in Kootenay Lake and the Lardeau Valley include the provision of water by the Mirror Lake, Fletcher Creek, Allen Division, Pineridge, Schroeder Creek, and Woodbury community water systems for domestic purposes. MacDonald Creek is a Regional District service, while Fletcher Creek is an Improvement District. All other water systems in the Plan area are privately owned and operated. Water supply and distribution in Kootenay Lake and the Lardeau Valley communities, including those with community water systems, primarily depends upon surface water and well water. Water systems and individual water sources are vulnerable to drinking water advisories, or over subscription of water resources. Areas that require water for both domestic and irrigation purposes can be especially vulnerable.

There are no publicly owned sewage services in the Plan area. Septic, and more recently, package sewage treatment plants, are the present forms of sewage treatment. Refuse disposal for the area is provided at the regional transfer facilities west of the Village of Kaslo and Marblehead north of Meadow Creek.

Settlement in the Plan area has historically been and continues to be primarily linear due to the geography of the area, creating the need for long distance travel and a dependency on private automobile usage amongst residents and for the exchange of goods and services. Communities in the Plan area are primarily found along major transportation routes including Highway 31 from Coffee Creek to the Lardeau Valley and Argenta-Johnson’s Landing Road. Highway 31A toward New Denver is settled in close proximately to the Village of Kaslo, but only scattered development in old town sites remain along the famed ‘Valley of Ghosts’.

Servicing Objectives

1. To support expanded utility service in the Plan area where there is community need and desire.
2. To ensure that new development proposals, including construction and subdivision of lands, do not put undue strain or pressure on existing domestic and irrigation water supply.
3. To ensure that water and sewer systems within the Plan area support good health and safety, and meet recognized standards of service.
4. To encourage that surface water sources for domestic and irrigation use within Kootenay Lake and the Lardeau Valley are identified and measures taken to ensure the long term quantity and quality of water supply are maintained or improved.

5. To support that new development be subject to the requirements of adequate water supply for both domestic and fire protection purposes.

6. To promote water resource conservation strategies and reduce water demand as much as possible through educative materials and voluntary incentives; particularly in areas where the water resource has already been over-subscribed.

7. To protect groundwater and surface water from degradation through improper disposal of water-borne waste.

8. To encourage the cooperation and coordination with and among utility companies for the provision of public utilities that service existing and future developments.

9. To encourage reduction of solid waste through consumer habits, recycling, re-use and composting within the Plan area.

**Servicing Policies**

The Regional Board:

1. Will investigate options for improved or expanded utility services within the Plan area in cooperation with affected communities where it is deemed necessary or desirable, with consideration given to long term feasibility and available resources. Decisions on improved or expanded utility services shall be made by the authority having jurisdiction and the community on a case by case basis.

2. Requires that any extension or modification of local infrastructure or creation of new infrastructure necessitated by the approval of subdivision or issuance of a building permit, including all costs for upgrades and design, be the responsibility of the developer or those benefiting from such improvements.

3. Requires that the acquisition of existing and new community water and sewer systems shall meet all policies of the Regional Board.

4. Encourages all users and government agencies having jurisdiction, to use best management practices for the conservation of community watersheds in Kootenay Lake and the Lardeau Valley.

5. Applies the precautionary principle in ensuring that the density and intensity of land use is not increased in areas which are known to have concerns with supply of domestic drinking water.

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1. ‘precautionary principle’ is an approach to decision-making in risk management which justifies preventive measures or policies despite scientific uncertainty about whether detrimental effects will occur (precautionary principle). *Webster's New Millennium™ Dictionary of English, Preview Edition (v 0.9.7).* Retrieved September 10, 2009, from Dictionary.com.
6. Recognizes on-site treatment (treatment plants and septic) as the existing type of sewage disposal in the Plan area.

7. Encourages the cooperation and coordination with and among utility companies in utilizing existing corridors for multiple uses, where feasible and compatible, as determined by the relevant service provider.

8. Promotes the use of small scale residence, business and community generated power production and energy self-sufficiency and conservation.

9. Will investigate the costs associated with, and long term feasibility of enhancing waste management facilities to accommodate expanded recycling and composting of waste materials.

Transportation Objectives

1. To encourage the Province to plan for the provision of a road network capable of safely servicing existing and future development.

2. To ensure that future development patterns and land use decisions recognize and support highway safety and mobility objectives.

3. To develop a safe transportation corridor that would allow for cyclists, pedestrians and alternative means of transportation between communities.

4. To carefully consider the impacts of additional traffic and increased traffic flow when development decisions are being made.

Transportation Policies

The Regional Board:

1. Discourages multiple driveway or private road accesses leading to congestion along major roads in order to achieve a more efficient use of land and a proper distribution of traffic flow throughout the road network.

2. Supports that all new developments provide adequate off-street parking.

3. Supports that the local road network is safe, effective and equally accessible and inviting for use by cyclists, pedestrians, equestrians and motorists.

4. Encourages the Province to consult with the public prior to commencing any significant transportation initiatives.

5. Supports the development of frontage roads, where deemed feasible, for use by residential, commercial and industrial developments to improve traffic flow and usage of Highway 31.

6. Encourages cooperation amongst the Regional District and the Province in addressing road maintenance and drainage issues within the Plan area, including but not limited to the community of Ainsworth.
7. Supports investigation of lowering the highway speed along the Highway 31 and Highway 31A corridor to address safety concerns and blind intersections, specifically at the intersection for Pineridge Road, the turn off for Davis Creek Provincial Park, and the Highway 31A Bridge at the parking lot for the Kaslo River Trail.

8. Discourages the development of water access only subdivisions due to lack of infrastructure in place for moorage, parking and emergency services.

9. Encourages that the subdivision or creation of lots with water access only, if deemed necessary, shall be required to provide parking spaces and moorage for each proposed lot or dwelling at the most reasonable location for access by water to the place of subdivision.
12.0 NATURAL ENVIRONMENT

Background

Kootenay Lake and the Lardeau Valley is an area recognized for its valleys, benches, mountain streams, lakes and mountainous landscapes. The natural environment is of significant value to the economy and livelihood of the Plan area for both resident and non-resident property owners, recreation, education, tourism, and spiritual well being; and is recognized for its inherent value to wildlife and the ecological functioning of the area.

Due to the nature of development in the Plan area, much of the natural environment has remained un-fragmented and relatively intact in the higher reaches of mountain systems, while portions of the valley have been historically flooded or modified as part of the Columbia River Treaty. The conservation values of the Purcell Wilderness Conservancy, Goat Range and Kokanee Glacier Provincial Parks and the multitude of smaller ecological sites and protected areas contribute significantly to the local inventory of large natural space and aesthetic qualities of the landscape. There are significant wildlife corridors and habitat values that have been identified as significant in the Plan area, as well as fisheries values in association with the lakes and larger river systems in the northern extent of the Plan area.

Natural Environment Objectives

1. To maintain high water quality of groundwater and surface water sources of domestic water supply.
2. To foster an awareness of the values associated with the natural environment and conserve sensitive and significant natural features and values from negative impacts as a result of development.
3. To encourage the maintenance of biodiversity in the Plan area, important to the biological functioning and ecological integrity of the area.
4. To conserve the natural values within the Plan area in recognition of their importance to the local economy, residents, visitors, as a natural amenity, and for wildlife and ecological functioning.
5. To encourage the creation of a watershed stewardship plan for the lakes, rivers and streams within Kootenay Lake and the Lardeau Valley.

Natural Environment Policies

The Regional Board:

1. Encourages the creation of a watershed stewardship plan for the lakes, rivers and streams within Kootenay Lake and the Lardeau Valley, including, but not limited to an assessment of habitat values, provision of domestic and irrigation water, an assessment of risks, and opportunities for enhancement and conservation.
2. Supports the identification, protection, and restoration of environmentally sensitive areas.

3. Supports best management practices for land developers, as found in:
   a. Department of Fisheries and Oceans: Land Development Guidelines for the Protection of Aquatic Habitats, September 1993;
   b. Ministry of Environment: Develop with Care: Environmental Guidelines for Urban and Rural Land Development in BC, March 2006; and
   c. other applicable Provincial Guidelines and Best Management Practices sanctioned by the Province.

4. Supports the Provincial requirement that developers apply for and obtain appropriate permits and authorization for “Changes In and About a Stream” pursuant to Section 9 of the Water Act.

5. Encourages the retention of existing wildlife corridors and access to water.

6. Encourages the Province to recognize environmentally sensitive areas, hazard areas, and areas upstream of alluvial fans, and uphold the strictest regulation for forest and mining or mineral development in these areas.

7. Encourages the protection of environmentally sensitive areas, important to the biodiversity and ecological functioning of the Plan area, and areas that contribute to community ‘greenway’ corridors that link open space areas.

8. Encourages private landowners and developers to protect environmental and heritage values through the registering of conservation covenants, land management agreements, or through planned donation of lands.

9. Supports Provincial regulation that prohibits the dumping of raw sewage and grey water from all water craft on and around Kootenay and Duncan lakes and encourages that the RDCK and appropriate agencies investigate options for the development of secure and safe facilities for the disposal of raw sewage and grey water on Kootenay Lake.

10. Supports cooperation with Fisheries and Oceans Canada and the Province in the identification and management of sensitive habitat on Kootenay and Duncan Lakes and other riparian areas.

11. Supports the development of a 30 meter no wake zone along the shoreline of Kootenay Lake and Duncan Lake to discourage disturbance to property owners, recreational users and wildlife.

12. Encourages the Federal government to increase and enhance enforcement of existing regulations associated with the use of personal watercraft and motor boats on Kootenay and Duncan Lakes.

13. Supports quiet and clean recreational use and safe and responsible use of watercraft on Kootenay and Duncan Lakes through educational materials and signage.
14. Encourages the maintenance and improvement of existing public wharves and docks and that the establishment of additional public wharfs, docks or walkways, if deemed appropriate or necessary, are developed in an ecologically sound manner; and in accordance with Provincial and Federal standards and regulations.

15. Supports that the approval of new private dock and wharf facilities on Kootenay and Duncan Lakes encourages the sharing of such facilities amongst neighbouring property owners.

16. Encourages the RDCK to work with the Province to discourage refuse disposal along highways and Crown lands through installation of refuse disposal containers, signage, fines and media.

17. Supports water conservation by residential, business and recreational users.

18. Encourages, as a first preference, manual and biological methods of weed control as a means to work towards elimination of the use of chemical pesticides; and full consultation with the communities concerned before commencement of any spraying of growth regulators/inhibitors and/or chemical pesticides.

19. Supports the conservation of a dark night sky for stargazing, astronomical observations, and natural values.
13.0 ENVIRONMENT AND GREENHOUSE GAS EMISSION REDUCTION TARGETS

Background

Beginning in 2007, the Province of BC has moved forward with a number of legislated and policy actions designed to encourage energy efficiency and reduce emissions of greenhouse gases (GHGs). These are driven by a legislated target to reduce the total GHG emissions in the Province by 33% from 2007 levels by 2020, and 80% by 2050.²

Of specific relevance to local governments is the Local Government (Green Communities) Statutes Amendment Act (Bill 27, 2008). “Bill 27” amends the Local Government Act to read:

- LGA 877 (3) - An official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets (by May 31, 2010).
- LGA 850 - Required Content of a Regional Growth Strategy: (2)(d) to the extent that these are regional matters, targets for the reduction of greenhouse gas emissions in the RDCK, and policies and actions of the local government proposed for the RDCK with respect to achieving those targets (by May 31, 2011).

In addition, Bill 27 provides some additional enabling powers to local governments intended to assist them in achieving reductions of community-wide emissions. This context provides a mandate to communities and regions to explore energy as part of the planning process.

Greenhouse Gas Emission Reduction Objectives

1. Demonstrate leadership in energy conservation, energy efficiency and greenhouse gas emission reductions and to work towards carbon neutrality.
2. Foster the development of renewable energy supply options.
3. Reduce energy consumption and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.
4. Reduce greenhouse gas emissions and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.
5. Locate developments where services and amenities are available and efficiently utilized.
6. Ensure future settlement patterns reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and transit.
7. To support local food production and local purchasing.

² This target is defined in the Greenhouse Gas Reduction Targets Act (Bill 44, 2007)
8. To encourage mixed use developments and infill in areas that are appropriate and where supported by the community.

9. To encourage locally appropriate solutions for shared transit, such as car shares, ride shares, enhanced and improved public transit and use of local internet, bulletin boards and media to inform of the availability of these programs.

**Greenhouse Gas Emission Reduction Policies**

**General**
The Regional Board:


2. Will work collaboratively with our partners and community members to reduce the combined greenhouse gas emissions of the rural areas by 15% from baseline levels (2007) by 2020 and by 25% from baseline levels (2007) by 2030.

3. Encourages the reduction of landfill waste though the RDCK zero waste policy, and will investigate ways to increase waste diversion though strategies identified in the Resource Recovery Plan.

4. Supports collaboration with and supports partners that raise awareness and provide education on energy and emissions to local businesses, residents, and other organizations in the community.

5. Encourages the protection of environmentally sensitive areas, important to the biodiversity and ecological functioning of the Plan area, and areas that contribute to community ‘greenway’ corridors that link open space areas.

**Development and Buildings**
The Regional Board:

6. Encourages the clustering of residential development to create separation between neighbouring developments and to avoid continuous sprawl-like development.

7. Encourages energy efficient retrofits of older buildings, including both residential and commercial buildings.

8. Encourages the use of local materials and green building techniques in new and retrofitted developments.

9. Encourages the establishment of a sustainability checklist for the evaluation of development applications and supports the investigation into the creation of associated incentives for developers that develop buildings to a high level of building performance.

**Transportation**
The Regional Board:
10. Supports a voluntary reduction of personal vehicle transportation emissions by promoting use of public transit, more efficient vehicles, use of alternative fuels, providing sufficient pedestrian and cycling facilities and routes, encouraging home-based businesses, and encouraging changes in travel patterns.

11. Encourages nodal development instead of sprawl along major roads and, where appropriate, encourages clustering of commercial and urban residential development along major roads, in order to achieve a more efficient use of land and a proper distribution of traffic flow throughout the road network.

12. Encourages compact development rather than the creation of low-density residential lots fronting the major road network and the provision of multiple accesses onto the major road network.

**Walkways, Trails & Commuter Bicycle Network**

The Regional Board:

13. Encourage connectivity between existing walkways and trail systems to schools, parks and commercial areas.

14. Promotes pedestrian-friendly development within urban and suburban residential areas, where pedestrian facilities are established and integrated with transit service planning.

15. Supports the enhancement of cycling and pedestrian systems in new and existing developments, and supports the development of a comprehensive network of pedestrian and bicycle routes along existing and future road networks.

16. Supports an integrated, improved, and expanded trail network in new and existing developments, to provide effective and safe trail transportation options for residents and visitors.

17. Supports on-street alternative transportation options with incorporation of sufficient buffering, and accommodation of the movement of agricultural machinery.

**Transit**

The Regional Board:

18. Supports continuing to facilitate improvement to and expansion of public transportation service opportunities, bus shelters and cross walks in cooperation with BC Transit.

19. Supports the reduction of the use of private automobiles and encourages the RDCK and member municipalities to investigate initiatives to expand public and shared transit, including the use of buses, car co-operatives and delivery services.

**Renewable Energy Supply**

The Regional Board:
20. Seeks partnerships with utility companies, NGOs, member municipalities, Provincial and Federal agencies and others to further local energy strategies and concurrent planning efforts.

21. Encourages the investigation and development of renewable energy supply options such as district energy, ground source heat pumps, solar, heat recovery systems, etc., where opportunities might be present.

22. Supports the exploration of renewable energy opportunities in the agricultural and forestry industries, such as biomass energy production.
14.0 HAZARD LANDS AND FIRE MANAGEMENT

Background

Hazard lands include, but are not limited to areas the RDCK has reason to believe are subject to natural hazards including flooding, mud flows, torrents of debris, erosion, rock fall, landslip, and avalanche.

Fire and the risk of fire associated with interface areas surrounding communities have led to many communities developing strategies to address this issue. The Plan area has many relatively isolated communities in which forest fire is of an extreme to moderate risk.

Hazard Lands Objectives

1. To prevent development in areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed.
2. To prevent injury and loss of life and to prevent or minimize property damage as a result from natural hazards.
3. To recognize that important habitat may also be found in natural areas that are considered hazardous, and that disruption of these areas should be minimized.
4. To support existing and on-going inventories and studies in order to further determine the nature, extent, and risk of development below, on and adjacent to identified natural hazard areas.

Hazard Lands Policies

The Regional Board:

1. Directs development away from those lands that may have a potential natural hazard, or have been identified as hazardous by the RDCK or other agencies having jurisdiction.
2. Directs development away from lands identified as being susceptible to soil instability and potentially hazardous geotechnical conditions.
3. Requires that the construction and siting of buildings and structures to be used for habitation, business, industry, or the storage of goods damageable by flood waters to be flood proofed to Provincial standards where land that may be prone to flooding is required for development.

Fire Management Policies

The Regional Board:

1. May request that the Regional Subdivision Approving Authority require the developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application where the Province indicates that a property may be subject to a moderate or higher fire
risk. The Regional Board may request the same assessment during a land use designation amendment or development permit process. The assessment will provide a recommended fire hazard mitigation strategy, that will be submitted to both the RDCK and the Province, and is recommended to include, but is not limited to the following:

a. incorporating fuel breaks adjacent to or on the residential subdivisions;

b. establishing zones around potential structures and homes which are clear of debris, highly combustible material or trees;

c. utilizing fireproofing techniques and fireproof materials in building design, requiring at a minimum a fire rated roof;

d. designing roads that provide evacuation routes and facilitate movement of fire fighting equipment;

e. ensuring all roads are named and signed;

f. ensuring availability of water supply facilities adequate for fire suppression;

g. ensuring the provision of access to local water sources, lakes and watercourses as part of access requirements;

h. implementing setbacks, interfacing fire protection standards, and building material standards pursuant to the Provincial publications The Home Owners FireSmart Manual and FireSmart: Protecting Your Community From Wildfire.

2. Directs the Regional Subdivision Approving Authority to require that where a fire hazard mitigation strategy has been prepared the developer enter into a restrictive covenant to ensure the strategy is followed.

3. Encourages proactive wildfire mitigation programs to reduce the risk of wildfires in Kootenay Lake and the Lardeau Valley to the moderate fire hazard risk as recommended by the Provincial FireSmart program.

4. Supports protection of accesses to water sources such as hydrants, standpipes, lakes, and streams to remain free of obstructions for fire protection purposes.

5. Encourages local volunteer fire departments to work with the RDCK to keep up to date with emergency preparedness and with the identification of increased risk as a result of natural or man-made events.

6. Encourages voluntary efforts to reduce fire risk to existing buildings and developments by residents and community members through educational materials and appropriate FireSmart programs.

7. Supports the local acquisition, maintenance, and use of fire fighting equipment in remote communities where fire departments do not operate.

8. Encourages the development of a community wildfire interface plan in recognition of the areas isolation and susceptibility to forest fire risk.
15.0 AGGREGATE AND MINERAL RESOURCES

Background

The Province is primarily responsible for the regulation of aggregate and mineral resource operations. The RDCK is able to provide some direction on the location and operation of aggregate and mineral processing locations. There is active mining and mineral processing in the areas north of Meadow Creek along the highway corridor to Trout Lake. Aggregate resources can be found in the areas of Woodbury, Zwicky Road, Back Road, along Highway 31A to Shutty Bench and Hamill Creek. Additional aggregate resources may exist throughout the Plan area, but have not been identified as part of this process.

Aggregate and Mineral Resources Objectives

1. To protect land with recoverable deposits of sand and gravel from adjacent uses that would limit or prohibit extraction, and to identify lands having recoverable deposits of sand and gravel.
2. To minimize conflict between sand and gravel processing operations and adjacent land uses.
3. To support Provincial requirements for rehabilitation and reclamation of resource extraction sites.

Aggregate and Mineral Resources Policies

The Regional Board:

1. Encourages that priority shall be placed on the extraction and processing of sand and gravel on lands having recoverable deposits and situated in locations having minimal conflict with adjacent land uses. Other development in conformity with long-term land uses proposed in Kootenay Lake and the Lardeau Valley may be considered after extraction is complete and rehabilitation has occurred. Areas designated for future settlement uses and which contain sand and gravel deposits should have the resource extracted prior to final development.
2. Supports the Provincial requirements for the removal of aggregate and mineral resources. The Province is encouraged to refer mineral exploration proposals to the RDCK for comments and give due consideration to the impact of resource extraction activities on surrounding land uses and developments.
3. Will consider land use designation amendment applications for the processing of aggregate or mineral resources on the basis of a variety of criteria, including but not limited to the:
   a. extent of visual screening, and other mitigation works proposed;
   b. type of processing proposed;
   c. prevailing wind direction, and the potential for noise and dust;
   d. compatibility with adjacent land uses;
   e. environmental sensitivity of the site, and adjacent land;
f. accessibility; and

g. characteristics of aggregate deposits and groundwater resources.

4. Strongly encourages the Province to inform and communicate with effected communities before Crown land is utilized for aggregate or mineral processing.

5. Discourages the Province from issuing new surface leases and permits for mineral processing near designated residential areas or Kootenay and Duncan lakes unless effective mitigation measures can be implemented to significantly reduce or nullify the effects of the proposed activity.

6. Encourages the Province to include in their licensing the rehabilitation of aggregate extraction and mineral processing sites after extraction and processing are completed.

7. Will assist the Province in implementing conditions set by the Province to mitigate the impact of aggregate extraction and mineral processing sites.

8. Encourages full utilization of recoverable deposits prior to development in areas where recoverable deposits are located.

9. Recognizes that the terms or conditions of this Bylaw can not restrict or conflict with any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, coal or quarries that is classified as a "mineral" or a "mine" under Provincial Acts and Statutes, so long as the Province manages the activities and land for that purpose.
16.0 CROWN LAND

Background

Kootenay Lake and the Lardeau Valley are made up almost entirely of Crown land managed by the BC Provincial government under various Provincial agencies. Crown land is used for various public and commercial purposes. The most significant public use is recreation, and the most significant and visible commercial uses of Crown land are forest harvesting, energy production, mining, and tourism. Other visible examples are gravel quarries, telecommunication sites and utility corridors.

Crown Land Objective

1. To encourage the Province to respect the interests and concerns of residents of Kootenay Lake and the Lardeau Valley in decisions concerning activities, development, and sale of Crown lands and water.

2. To maintain Crown lands adjacent to lake fronts, riparian areas and areas of environmental sensitivity within the public domain.

Crown Land Policies

The Regional Board will:

1. Strongly encourage the Province to inform and consult with a community before any change in land use on Crown land, including issuing licences or permits for any development or activity, land sales, and land use designation amendments that may effect the community.

2. Strongly encourage the Province to give adequate notice to the RDCK and the community about applications for the lease or sale of Crown lands or water, and to encourage the Province to hold a public meeting in the effected community before a decision is made on such applications.

3. Encourage the management or disposition of Crown land or water in a manner that is consistent with the broader policies of the Plan regarding settlement patterns, the conservation of environmentally sensitive areas, and the recreational and conservation values associated with these lands.

4. Discourages the Province from disposing of Crown lands that are used by the general population for recreational purposes, when such disposition would prevent further usage by the general public.

5. Discourages the Province from disposing of any Crown Land that is environmentally sensitive, except for conservation or stewardship purposes, or unless such sensitive aspects are protected through a restrictive covenant.
17.0 TEMPORARY COMMERCIAL AND INDUSTRIAL PERMITS

Background
Temporary Commercial and Industrial Permits may be issued by the RDCK under the *Local Government Act*, S.921. The intent is to accommodate temporary commercial or industrial uses as specified by the permit on lands designated as Resource Area (RA) or Agriculture (AG). The temporary commercial or industrial use may continue in accordance with the provisions of the permit until the permit expires, or two years after the permit was issued, whichever occurs first. Permits may be renewed only once, after which the use must be either permanently designated in the OCP Bylaw and Zoning bylaw or cease. Temporary permits are not a substitute for a land use designation amendment in accordance with the Zoning bylaw. Permits are also subject to approval by the Agricultural Land Commission where land is classified as farm under the Assessment Act.

Temporary Commercial and Industrial Permit Objective
1. To consider the issuance of temporary commercial and industrial permits in designated areas, in accordance with the appropriate conditions.

Temporary Commercial and Industrial Permit Policies
The Regional Board:
1. Will consider issuing temporary commercial and industrial permits on land designated as Resource Area (RA) and Agriculture (AG) on Schedule ‘B’. Permits will adhere to the following general conditions:
   a. must be clearly temporary or seasonal in nature;
   b. should not create an unacceptable impact on the environment or on surrounding land and uses;
   c. should carry out appropriate remedial measures to mitigate any damage to the natural environment as a result of the temporary use; and
   d. must be reviewed and approved by the Province with respect to access and effect on public roads.
2. Requires an application for a change in land use designation if a proposed temporary use is expected to continue past the two year expiry date of the permit.
18.0 COMMUNITY SPECIFIC POLICIES

Ainsworth

1. Encourage the Province to address road maintenance and drainage issues within Ainsworth in consultation with the community.

2. Encourage the Province to identify and protect environmentally sensitive lands, such as steep slopes, floodplains, watersheds and soils subject to erosion from land uses that may have major environmental impact.

3. Enhance existing parkland and trails that serve local residents and tourists, while identifying opportunities to establish future community parkland, specifically in areas identified as being sensitive to development or where there is opportunity to connect existing trail corridors and protected areas.

4. Encourage the Province to ensure that the public has an opportunity to review proposals for resource extraction and processing activities on lands which are not designated as Rural Resource. It is the wish of the RDCK that such a review should be conducted through a land use designation amendment or temporary industrial use permit process.

5. Retain the rural residential character of the areas surrounding the town site.

6. Retain the existing density and character of Ainsworth.

7. Ensure that single family residential land use remains the dominant form of land use within Ainsworth.

8. New development will respect the lifestyles and property of area residents and the natural environment.

9. Facilitate the development of utility services in consultation with the community.

10. Facilitate the development of community water and sewer facilities in consultation with the community.

11. Encourage the appropriate use of land in recognition of existing uses, resource constraints and opportunities, compatibility between uses, respect for the natural environment, the desires of area residents and the efficient provision of community services.

12. Allow for housing types and densities that can accommodate special needs and seniors housing in areas where conflict with other uses will be minimal.

13. Encourage the recognition, protection and enhancement of buildings and sites of historical value.

14. Encourage mixed commercial and residential use within the commercial area of Ainsworth.

15. Allow for bed and breakfast accommodation that is compatible with neighbouring uses.
16. Encourage a wide range of home based businesses that are compatible with neighbouring homes and businesses.

17. Encourage residents to pursue market garden production and retailing.

18. No expansion of the Rural Land Use Bylaw for the Ainsworth townsite is anticipated at this time, however, when the Bylaw is addressed to convert to a Zoning Bylaw these issues shall be reviewed:
   a. Parking;
   b. Trespass; and
   c. Tree retention as related to soil stability.

**Woodbury**

19. Supports investigation into the feasibility of designating portions of the community trail network along Woodbury Creek as parkland or open space.

20. Recognizes that Woodbury will remain primarily single family residential with opportunity for appropriate home-based business and commercial use.

21. Will investigate options for small scale agricultural operations on larger parcels within and surrounding the community.

22. Height of buildings should not obstruct the view of surrounding properties.

23. Supports that septic effluent should be by ground disposal only due to domestic water intakes on Kootenay Lake.

**Fletcher Creek**

24. Encourages that new and existing industrial developments establish landscape buffers to screen industrial uses from adjacent residential development and that industrial development be designated in areas a distance from existing residential uses to minimize land use conflict.

25. Supports development of water conservation strategies, such as water restrictions during periods of low flow, drip irrigation, nature-scaping or xeri-scaping, and coordination with the Province to preserve water quality on Fletcher and Leet Creeks.

26. Recognizes that Fletcher Creek will remain primarily single family residential with opportunity for home-based businesses within residential areas and designated areas for light industry.

27. Encourages that the RDCK, in cooperation with the authorities having jurisdiction, investigate options to address long standing issues with servicing and the subdivision of lands within the Lease Lots.
28. Supports maintenance of the Agricultural Land Reserve and enhanced agricultural opportunities.

29. Supports establishment of a community hall or meeting place.

30. Encourages the development of management tools for noise and light pollution.

**Mirror Lake**

31. Recognizes that Mirror Lake will remain primarily a single family, residential, rural community.

32. Recognizes that much of the community has developed to the full practical extent of its land base and the capacity of its water system, and that further intensive development would adversely affect the sense of community and lifestyle so valued by its residents.

33. Strongly encourages that any extension or modification of local infrastructure necessitated by subdivision or the issuance of a building permit is financed in total by the developer, so that associated costs are not born by local residents.

34. Encourages and would support that agencies and businesses associated with land development are educated with regards to the information contained within the OCP, and that such information is passed on to prospective developers and new residents.

35. Requires that home based businesses, including tourist accommodation be restricted as accessory to single family residential use.

36. Discourages commercial developments that deal with primary or secondary industrial or commercial production beyond existing facilities and home based businesses.

37. Strongly encourages the enforcement of legal speed limits and other laws on local highways and roads, to enhance the safety of local pedestrians and tourist traffic; and promotes the education of all drivers through appropriate signage and other means.

38. Strongly advocates the protection of all sources of domestic water supply.

39. Supports the use of local bylaws, such as Zoning, as proposed from time to time by local residents.

40. Encourages close cooperation between the Village of Kaslo and surrounding communities in planning developments in the approaches to the Village, particularly between Mirror Lake and the Village. Recognizes that the Village is the tourist and commercial center for residents of Electoral Area D.

**Pineridge and 0 Avenue**

41. Recognizes that Pineridge and 0 Avenue will remain primarily single family residential, with water availability being considered at the time of zoning.

42. Encourages the RDCK to investigate options to establish a community trail and lake access at Silver Bay.
43. Encourages development of a trail corridor linking the community to the Village of Kaslo in cooperation with the Province and private land owners.

44. Encourages the dedication of Crown lands adjacent to the community for community park land or public use.

45. Recognizes that the surveyed boundaries of lots created by the Province adjacent to the community do not reflect community character or the geography of the area and that if leased or sold by the Province, that such lot sizes should be re-assessed.

46. Recognizes that the steep hillside backing the industrial designation west of Pineridge results in significant sound amplification and will ensure that noise pollution will be an important consideration for permitting developments in this area, and that such developments shall be subject to consultation with the affected area.

47. Recognizes that the mosquito control program covering Pineridge and 0 Avenue is an important issue and requires long term attention and periodic review.

Highway Frontage

48. Recognizes that the existing use of Highway 31 is primarily light industrial and commercial.

49. Supports that the use of the Highway 31 corridor be primarily oriented toward mixed residential, commercial and light industrial.

50. Supports that those lands adjacent to the Village of Kaslo and east of Highway 31 are designated a Comprehensive Development Zone to encourage mixed use of such lands and to encourage provision of amenities, such as a trail system to connect existing residential development to the Village of Kaslo.

51. Discourages the use of large commercial billboards at the entrance to the Village of Kaslo.

52. Recognizes the environmental sensitivity of the wetland area in the west side of Highway 31.

53. Supports the establishment of a landscape buffer between existing and new industrial developments and the highway to reduce noise and dust from adjacent residential areas.

54. Encourages investigation of access to private lands west of Highway 31.

55. Supports investigating options for establishment of a community water system to support existing and new developments along Highway Frontage, Back Road and West of the Village of Kaslo.

56. Encourages the Province to consider establishment of safe and accessible paths or lanes along the Highway 31 corridor for use by cyclists and pedestrians from Mirror Lake to the Village of Kaslo.
Back Road

57. Recognizes that Back Road will remain primarily rural residential and agricultural, and that the keeping of domestic farm animals be supported.

58. Supports investigating options for establishment of a community water system to support existing and new developments along Highway Frontage, Back Road and West of the Village of Kaslo.

59. Recognizes that the municipal airport and lands surrounding the airport be recognized and considered for light industrial use.

60. Supports the protection and maintenance of recognized wildlife corridors and habitat.

61. Encourages that the Province in cooperation with the RDCK and Village of Kaslo investigate options for protection of recreational assets on Crown lands in and around the municipal airport and other areas of the community.

62. Encourages that development in and around the area surrounding the Village of Kaslo reservoir take the utmost care to avoid negative impacts to the quality and quantity of domestic water supply in these areas and that the RDCK investigate options for conservation and maintain public ownership of these lands.

Allen Division

63. Recognized that Allen Division will remain primarily suburban residential with a mix of housing types, primarily oriented toward single family residential and duplex dwellings.

64. Supports investigating options for affordable housing in partnership with local government, the Province, and non-profit organizations.

65. Recognizes that new buildings should not exceed two stories and should not block the view of existing neighbours.

66. That the RDCK and the Village of Kaslo cooperate in reducing light pollution or glare from street lighting in the community.

67. That the RDCK and the Village of Kaslo cooperate in ensuring provision of domestic water supply from the Village of Kaslo water system or provide an alternative source without undue burden or cost to residents.

68. Supports the establishment of non-polluting home-based businesses including accessory tourist accommodation and small rental cabins in association with residential areas.

Zwicky Road

69. Recognizes that Zwicky Road and adjacent portions of Highway 31 will remain primarily rural residential with a suggested minimum lot size of 2 ha (5 acres).

70. Recognizes that further development in the community is restricted by water availability.
71. Recognizes Kaslo Cemetery and encourages that once existing capacity is reached that the existing cemetery not be expanded and a new location be sought in cooperation with the Village of Kaslo and surrounding areas.

72. Recognizes and supports that activities undertaken in areas of domestic drinking water supply use the utmost care and consideration toward protecting this resource.

73. Supports the establishment of home-based business opportunities and accessory tourist accommodations in residential areas within the community.

South Fork
74. Recognized that South Fork will remain primarily rural residential.

75. Encourages investigating the feasibility of maintaining lands and public access along the Kaslo River as community parkland.

76. Supports the establishment of accessory tourist accommodation, such as bed and breakfasts and small rental cabins in association with residential areas within the community.

Retallack
77. Recognized that Retallack will be primarily oriented toward resort and recreational residential use.

Shutty Bench
78. Understands that residents value individual freedom, respect for property rights and the ability to live a life unencumbered by unnecessary rules.

79. Recognizes that residents value the pristine nature of the environment, including land, water and wildlife, and wish to continue to promote wise and balanced stewardship of the area.

80. Acknowledges the rural character of the community and the desire to maintain low density and large lot sizes.

81. Emphasizes that historical use of lands be taken into consideration before land use decisions are made.

82. Recognizes the value of agriculture and the ALR and supports further agricultural development in keeping with the environmental values of the area.

83. Encourages economic growth of a kind which is consistent with the values of the community, including strong emphasis on home based businesses, agricultural development and low impact tourism and recreation.
84. Supports maintenance and protection of existing public access points and beaches on Kootenay Lake.

85. Encourages the establishment of view corridors where appropriate in conjunction with interface wildfire planning.

86. Encourages that the Province retain public lands along the foreshore of Kootenay Lake.

87. Encourages the preservation of heritage assets and encourages the development of a community heritage register.

88. Wishes to foster a community spirit which cares about the quality of life and well being of all its residents as well as future generations, and supports the establishment of a community hall or meeting place.

Schroeder Creek

89. Recognizes that Schroeder Creek will remain primarily single family residential.

90. That home-based businesses and accessory tourist accommodation be restricted as an accessory to single family residential use, and that decisions regarding land use amendments or development applications be considered based on the existing history, peaceful and private character, and social characteristics of the community.

91. That the RDCK investigate options and alternatives to address parking issues and public recreational use of Schroeder Creek beach in cooperation with residents, including options for alternative locations for parking and moorage facilities for cross lake boat access.

92. Recognizes that the OCP has no impact on existing Bylaws and Covenants held by property owners in the community.

93. Discourages development and future subdivision along the riparian area of Kootenay Lake and supports long term planned development of new public access areas along the west side of Kootenay Lake.

94. Discourages commercial developments that deal with primary or secondary industrial or commercial production beyond existing facilities and home based businesses.

95. Encourages the development of a community wildfire interface plan in recognition of the area's isolation and susceptibility to forest fire risk.

Hamill Creek

96. Understands that residents value individual freedom, respect for property rights and the ability to live a life unencumbered by unnecessary rules.

97. Wishes to maintain existing conditions of clean air and water.
98. Recognizes that Hamill Creek will remain primarily residential but supports agriculture, light industry and commercial development, providing it does not pollute the environment.

99. Encourages the Province to re-examine lands within the Agricultural Land Reserve for agricultural suitability and supports maintenance of the Agricultural Land Reserve on lands deemed suitable for agricultural production.

100. Encourages maintenance of Hamill Creek Park as community green space.

101. Encourages the Province to reduce the speed limit between Duncan bridge and Argenta and place this section of road on the District priority list for pavement.

102. Supports ongoing efforts for mosquito abatement.

Argenta

103. Understands that residents value individual freedom and the ability to live a life unencumbered by unnecessary rules.

104. Recognizes that residents value the pristine nature of the environment, including land, water and wildlife, and wish to continue to promote wise and balanced stewardship of the area.

105. Wishes to foster a community spirit which cares about the quality of life and well being of all residents, as well as future generations.

106. Recognizes that Argenta shall remain primarily remote residential and agricultural.

107. Recognizes Argenta contains several cooperative developments and wishes to maintain flexibility in the number of dwellings per lot subject to health requirements.

108. Strongly advocates the protection of all sources of domestic water supply.

109. Recognizes the value of the north end of Kootenay Lake and the Argenta Wetlands to the community, and recognizes the environmental sensitivity of both.

110. Recognizes the value of the Agricultural Land Reserve and supports future agriculture.

111. Encourages economic growth of a kind which is consistent with the values of the community, including home based businesses, small scale commercial farms, and small scale commercial and manufacturing.

112. Encourages businesses that require signage to be limited to one wooden sign measuring no more than one square meter.

113. Discourages development and further subdivision along the foreshore and riparian area of North Kootenay Lake.

114. Encourages the RDCK and/or Province to designate as undeveloped community parkland of all Crown lands between the Argenta Wetlands and the northern boundary of Bulmers Pointe from the road down to the lakeshore.
115. Encourages investigation of options for the conservation of the privately owned portions of the Argenta wetlands through conservation covenants or creation of undeveloped community parkland.

116. Recognizes the importance of the Purcell Wilderness Conservancy to the community and encourages that it be retained as a Class A Provincial Park.

117. Supports that the Crown land immediately north of former Crown lots 1 through 9, Plan 8391 be considered for undeveloped community park purposes, with all lands to the west of this area toward Kootenay Lake be kept within the working forest.

118. Recognizes access to the Earl Grey Trail and supports long term maintenance of this access point.

119. Encourages development of a public dock and/or moorage for emergency purposes as well as recreation.

**Johnson’s Landing**

120. Understands that residents value individual freedom and respect for property rights. We strongly support the values of clean air, clean water and clean soil, the protection of the scenic beauty of the area, our wildlife and its habitat and peace and quiet.

121. Recognizes that Johnson’s Landing shall remain primarily remote residential and agricultural.

122. Encourages recognition and protection of existing community trail corridors and supports long term maintenance and public ownership of the Fry Creek Trail.

123. Recognizes and supports public access north of Lot 2, Plan 6809, south of Lot 1, Plan 9039 and south of Lot A, Plan 6809.

124. Recognizes the importance of the Purcell Wilderness Conservancy to the community and encourages that it be retained as a Class A Provincial Park.

125. Encourages that commercial developments be home-based and be consistent with the values of the community.

126. Discourages further development and subdivision along the foreshore and riparian area of North Kootenay Lake.

127. Recognizes heritage values and encourages conservation of cultural and archaeological sites.

128. Supports the Agricultural Land Reserve and opportunities for agricultural activity in keeping with the environmental values of the area.

129. Encourages organic agriculture.

130. Encourages recognition and protection of wildlife corridors and seasonal habitat ranges.

131. Encourages investigation into alternative economical and fuel efficient means of transportation, including water transportation.
132. Encourages that house design, size and materials be in keeping with the values of the community.

133. Encourages that development in the community minimizes visual impacts from public roadways and Kootenay Lake.

134. Encourages businesses requiring signage be limited to one wood sign measuring no larger then one square meter.

Birchdale and Murphy Creek

135. Recognizes that Birchdale and Murphy Creek will remain remote residential with limited services.

136. Recognizes that Birchdale and Murphy Creek will remain boat access only communities and encourages establishment of adequate public moorage and parking facilities to service these communities in cooperation with the Province and residents.

137. Supports maintenance of the Agricultural Land Reserve and enhanced opportunities for small scale agricultural production.

138. Encourages the development of a community wildfire interface plan in recognition of the areas isolation and susceptibility to forest fire risk.

139. Recognizes the importance of the Purcell Wilderness Conservancy to the community and encourages that it be retained as a protected area.
19.0 DEVELOPMENT PERMIT AREAS

Background

The OCP may designate Development Permit Areas under the authority of local government legislation. Unless otherwise specified, a development permit must be approved by the Regional Board prior to any development or subdivision of land within a designated Development Permit Area.

Development Permit Areas allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Kootenay Lake and the Lardeau Valley Plan area. Development Permit Areas can also be used to meet targets for carbon emission reductions and energy and water conservation.

Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the guidelines of all such Areas.

Development Permit Area #1: Watercourse Development Permit (WDP) Area

Category

The WDP area is designated under Section 919.1(1) (a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity.

Area

The WDP area is comprised of:

1. Riparian assessment areas (Figure 1) for fish and wildlife habitat and drinking water, which include all watercourses and adjacent land:
   a. within 30 m of the high water mark of a watercourse;
   b. within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide, and;
   c. within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;
      and as identified in Schedule ‘D’.

   “high water mark” means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of
its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

“top of ravine bank” means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is greater than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

“watercourse” means any natural or man made depression with well-defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year and/or having a drainage area of two square kilometres (0.8 square miles) or more upstream of the point of consideration.

Justification

The primary objective of this Development Permit Area designation is to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the environmentally sensitive riparian areas land.

Determining whether development falls within the WDP Area

To confirm whether a proposed development is within land identified as a riparian assessment area in the WDP area for which a development permit application is required, the following applies:

Any area located within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

Unless the proposed development or alteration of land is clearly outside the riparian assessment area the location of the development shall be determined accurately by survey in relation to the WDP Area to determine whether a development permit application is required.

Guidelines

A development permit is required, except where specified under the Exemptions Section, for development or land alteration on land identified as a riparian assessment area within the WDP Area. Where not exempt, development requiring a development permit includes
any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under local government legislation:

a. removal, alteration, disruption or destruction of vegetation;
b. disturbance of soils;
c. construction or erection of buildings and structures;
d. creation of non-structural impervious or semi-impervious surfaces;
e. flood protection works;
f. construction of roads, trails, docks, wharves and bridges;
g. provision and maintenance of sewer and water services;
h. development of drainage systems;
i. development of utility corridors; and
j. subdivision as defined in section 872 of the Local Government Act;

Development shall be in accordance with the following guidelines:

2. All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province;

3. A WDP shall not be issued prior to the RDCK ensuring that a QEP has submitted a report certifying that they are qualified to carry out the assessment, that the assessment methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse or riparian area and that the criteria listed in the Riparian Areas Regulation has been fulfilled, and;

4. The Riparian Areas Regulation implemented through the WDP does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

Exemptions

The WDP area does not apply to the following:

5. existing construction, alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes;

6. existing institutional development containing no residential, commercial or industrial aspect;
7. construction, renovation or repair of a permanent structure if the structure remains on its existing foundation. Only if the existing foundation is moved or extended into a riparian assessment area would a WDP be required, and;

8. an area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.

![Diagram of Riparian Assessment Area](image)

**FIGURE 1:** RIPARIAN ASSESSMENT AREA: means the area within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse. Applies only to residential, commercial and industrial designations.


**Development Permit Area #2: Industrial Development Permit (IDP) Area**

**Category**

The IDP area is designated under Section 919.1(1) (a) and (f) of the Local Government Act for the establishment of objectives for the protection of the natural environment and form and character of industrial uses within the Plan area.

**Area**

1. The IDP area is comprised of all privately owned or leased lands designated as Industrial (M1) on Schedule ‘B’.
Justification

The primary objective of this development permit area designation is to ensure that industrial developments within the Plan area are compatible and considerate of the natural environment and the surrounding residential and rural character of the Plan area.

Guidelines

Development shall be in accordance with the following guidelines and considerations:

a. impact on farm land;
b. capability of the natural environment to support the proposed development;
c. compatibility with adjacent land uses and designations, and the character of the area;
d. susceptibility to natural hazards, including but not limited to flooding, slope instability, or wildfire risk;
e. the size of the property in relation to the proposed industrial activity;
f. the Province is requested to ensure industrial activities involving emission of toxic or irritant material meet the highest standards regarding the protection of groundwater catchment areas, surface water and riparian areas and air-borne industrial pollutants;
g. wherever possible, new industrial activity shall be located in close proximity and with direct access to major roads;
h. prior to commencement of industrial activity, a landscape buffer shall be required on industrial properties adjacent to non-industrial designated properties;
i. all industrial activity; including parking and storage must be screened and wide buffers shall be left along roads and property lines; and
j. Hours of operation, lighting and extent of screening will be determined on a community specific basis.

Exemptions

The IDP area does not apply to the following:

2. existing construction, alteration, repair, demolition and maintenance of industrial buildings.
20.0 Implementation

Introduction

The OCP sets out statements on the broad objectives, polices and directions for the Plan area, but does not provide the tools for implementing its policies. The RDCK has a number of tools and methods available for implementing the Plan. The purpose of this section is to set out specific steps the RDCK can take to implement this Plan.

Zoning Bylaw

A Zoning Bylaw sets out the density of development on a parcel of land, as well as specifying the permitted uses allowed. It also contains specific regulations that control the size, siting, and various other details of development on a parcel of land. A Zoning Bylaw enforcing the policies of this Plan may be developed during or following the adoption of this Bylaw. This may occur through a lengthy public review process and will occur only through a separate public input process. Individual communities may initiate a Zoning Bylaw for their community or it may include the entire Plan area dependent on the preferred direction of each community.

Subdivision and Development Servicing Bylaw

The RDCK Subdivision and Development Servicing Bylaw sets out minimum standards for access, water systems, and sewer systems. Subdivisions must meet these standards before they are approved. The Subdivision and Development Servicing Bylaw will need to be reviewed and amended where necessary to ensure that it works to implement various policies in the Plan, particularly with respect to servicing levels related to parcel sizes.

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