



KOOTENAY LAKE PORTION OF ELECTORAL AREA A
OFFICIAL COMMUNITY PLAN
BYLAW NO. 1978, 2008



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**LIST OF AMENDMENTS TO OFFICIAL COMMUNITY PLAN
 BYLAW No. 1978, 2008, UP TO (see date at bottom of last page
 of amendments), WHICH ARE INCLUDED IN THIS
 CONSOLIDATED VERSION OF THE BYLAW**

<i>Bylaw No. File No.</i>	<i>Adopted</i>	<i>Amendment</i>	<i>Purpose</i>
2042 4600-20- Z0902A- 06579.010	May 21, 2009	Redesignating a 5.3 acre portion of the property legally described as: PID 010-977-708, District Lot 14390, Kootenay District, Except parts included in Plans 12139, 12945, 14358 and 17880 from Country Residential (R2) to Tourist Commercial (TC).	Redesignate this portion of the property to be consistent with the remainder of the subject property.
2036 4600-29- Z0904	December 10, 2009	Amend Paragraphs: 132 136 Add Development Permit Area #3	The amendments include language that supports small scale food processing in the RDCK, while protecting residents from the negative impacts of large scale feedlot or abattoir operations, or other large volume, industrial food processing.

DECEMBER 10, 2009

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
KOOTENAY LAKE PORTION OF ELECTORAL AREA A
OFFICIAL COMMUNITY PLAN
BYLAW NO. 1978, 2008**

The BOARD of the Regional District of Central Kootenay in open meeting assembled ENACTS as follows:

I. TITLE

This Bylaw may be cited for all purposes as the **Kootenay Lake Portion of Electoral Area A Official Community Plan Bylaw No. 1978, 2008**.

II. APPLICATION

The Kootenay Lake Portion of Electoral Area A Official Community Plan Bylaw No. 1978, 2008 applies to a portion of Electoral Area 'A' – Wynndel /East Shore Kootenay Lake of the Regional District of Central Kootenay as outlined on Schedule 'B'.

The provisions of this Bylaw include:

Schedule 'A' – Guiding Principles, Goals, Objectives & Policies

Schedule 'B' - Land Use Designations Map:

The boundaries of the Land Use Designations listed in this Bylaw, together with any explanatory legends, notations and reference in respect thereof, are delineated and described on the "Land Use Designations Map" which Land Use Designations Map consists of a computer record compiled by means of geographic information software. The Land Use Designations Map is kept in the office of the Secretary and in the Development Services Department at the Regional District of Central Kootenay Office. The Land Use Designations Map forms part of this Bylaw. A generalized diagrammatic representation of the Land Use Designations Map is annexed to this Bylaw as Schedule 'B'.

The Land Use Designations Map forming part of this Bylaw is at a scale that provides clear and more detailed information than the generalized diagrammatic representation shown on Schedule 'B'. In the event of a conflict or inconsistency between Schedule 'B' and the Land Use Designations Map, and in the event that the Land Use Designations Map shows and provides more information than Schedule 'B', then in all such cases the Land Use Designations Map shall govern.

Schedule 'C' – Transportation Network, Public Access Points, Heritage Sites

Schedule 'D' – Hazard Areas and Agricultural Land Reserve

The attached schedules form part of this Bylaw and constitute the Regional District of Central Kootenay's, **Kootenay Lake Portion of Electoral Area A Official Community Plan Bylaw No. 1978, 2008** pursuant to Part 26 of the *Local Government Act* of British Columbia.

In accordance with Section 882 of the *Local Government Act*, this Bylaw has been examined in conjunction with the current capital expenditure programme and the waste management plan of the Regional District of Central Kootenay.

III. PURPOSE OF THE PLAN

The Kootenay Lake Portion of Electoral Area A Official Community Plan Bylaw No. 1978, 2008 is intended to ensure that decisions on the use and development of property within those parts of the Plan Area shown on Schedule 'B' are made with regard to the provisions identified in Part 26 of the *Local Government Act*.

The Plan is intended to form the basis for regulatory land use bylaws, capital expenditure programming and to provide guidance and information for private and public agencies and individuals.

IV. AUTHORITY AND REQUIREMENT OF THE LEGISLATION

Section 876 of the *Local Government Act* gives the Regional District of Central Kootenay the authority to adopt an official community plan.

Section 877 of the *Local Government Act* identifies the content that must be addressed in an official community plan.

Section 878 of the *Local Government Act* identifies policies, which a local government may include within an official community plan.

An Official Community Plan prohibits local government from stating anything but broad objectives on matters beyond its jurisdiction unless the Minister of Community Services has, under Section 877(1) (g) specifically permitted it. Nevertheless, the Plan may indicate directions in which the local government intends to undertake in order to encourage senior levels of government and agencies with authority to undertake certain actions consistent with the Official Community Plan.

It is recognized that any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, coal or quarry materials that is classified as a "mineral" under the *Mineral Tenure Act* or a "mine" under the *Mines Act* shall not be restricted by any terms or conditions of this Plan.

V. DEFINITION OF THE OFFICIAL COMMUNITY PLAN

The Official Community Plan is a document that defines a set of general objectives and policies for the Plan Area. It provides a conceptual framework for decision-making concerning land use in the Plan Area and the form and character of land use patterns. It is intended as a reference for public and private agencies, groups and individuals.

The Plan becomes official when it is adopted through bylaw. Implementation of the Plan helps assure that future decisions of the Board of the Regional District of Central Kootenay and government agencies will be compatible with the defined objectives and policies.

Preparation of the Plan involved public input and reflects community views on what are most important considerations in land use matters. Private investors may use the Plan as a source of guidelines, which may impact on project decisions. The Plan also suggests ways in which senior levels of government can co-ordinate their responsibilities with the preferences of the Community.

VI. CONSULTATION

Pursuant to Section 879 of the *Local Government Act* the Regional District of Central Kootenay provided numerous opportunities through open houses, workshops, questionnaires, invitations, presentations and referrals to numerous persons, organizations and authorities that may be affected by the Plan. The content of the Plan has been based on input from the public and referral agency comments. The Plan was referred to the Town of Creston, City of Nelson, Improvement Districts, the Ktunaxa Kinbasket Treaty Council, School District No. 8 – Kootenay Lake, Interior Health, the Ministry of Transportation, the Ministry of Environment, the Ministry of Forests and Range, the Ministry of Community Services, the Ministry of Energy, Mines and Petroleum Resources, the Ministry of Agriculture and Lands, the Federal Department of Fisheries and Oceans, the Agricultural Land Commission and the Advisory Planning Commission for Kootenay Lake Portion of Electoral Area A.

VII. ADMINISTRATION

The Board of the Regional District of Central Kootenay has four categories available for implementation of the Plan: a zoning bylaw, development permits, temporary commercial and industrial use permits, and covenants.

The Plan may be amended by the Board of the Regional District of Central Kootenay on its own initiative or in response to an application for amendment.

VIII. READINGS, APPROVAL AND ADOPTION

READ A FIRST TIME this 26th day of April, 2008.

READ A SECOND TIME this 26th day of April, 2008.

WHEREAS A PUBLIC HEARING was held on the 13th day of May, 2008.

READ A THIRD TIME this 24th day of May, 2008 .

APPROVED by the Minister of Community Services pursuant to the provisions of Section 882 of the *Local Government Act* this 5th day of August, 2008 , Approval No. 2008067.

RECONSIDERED AND ADOPTED this 23rd day of August, 2008 .

“G.L. Wright”

“Dawn Attorp”

Chair

Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1978, 2008 cited as the **Kootenay Lake Portion of Electoral Area A Official Community Plan Bylaw No. 1978, 2008**, as read a THIRD time by the Regional Board on the 24th day of May, 2008.

DATED this 29th day of May, 2008.

Secretary

I hereby certify the foregoing to be a true correct copy of Bylaw No. 1978, 2008 cited as the **Kootenay Lake Portion of Electoral Area A Official Community Plan Bylaw No. 1978, 2008**.

DATED this day of , 200 .

Secretary

Schedule 'A' Bylaw No. 1978, 2008

Guiding Principles, Goals, Objectives & Policies



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SCHEDULE 'A'

GUIDING PRINCIPLES, GOAL, OBJECTIVES & POLICIES

INTRODUCTION

The preparation of this Official Community Plan (hereafter referred to as “the Plan”) has been an exhaustive process in public meetings, referrals, workshops, and questionnaires. A key component of the planning process was the development of a list of guiding principles, of which all future development should reflect.

The Plan attempts to guide future development to minimize negative impacts and maximize benefits.

The goal, objectives and policies identified within this Plan are drafted based on a number of factors including but not limited to: a set of guiding principles, public questionnaire results; public opinion at public meetings; Provincial interests obtained through formal referral processes; background information based on past and projected development trends; the Public’s wish to ensure that regulation does not unduly regulate and technical information relating to limitations of land within the Plan Area.

Planning is best done when there is an abundance of information available to the public and decision-makers, however there often is a shortage of relevant information. In this Plan, it is suggested that public funds not be used on costly research and that necessary information be provided by those who wish to begin significant new developments.

GLOSSARY

Official Community Plan Terminology

Many sections of this Plan normally use the terms “shall” and “must”. Areas that are guidelines normally use the word “should”. Words not in the following list, or not defined elsewhere in the Plan should be interpreted with their legal or common dictionary definition as appropriate.

The following definitions also apply throughout the Plan:

- “may” expresses permission and the right to choose.
- “must” expresses mandatory action or circumstances. It applies to objects, similar to how shall expresses mandatory action for persons, i.e. objects and circumstances “must” do or be, while persons “shall” do.
- “shall” expresses mandatory action by a person
- “should” expresses a normal course of action that may only be altered with good reason.
- “will” expresses certainty, not mandatory action necessarily.
- “preserve” prevent diminishment with trade off’s or remedies
- “protect” remains unchanged
- “Regional District of Central Kootenay” regional local government as designated by the Province (hereafter referred to as “RDCK”)
- “Regional District of Central Kootenay Board” governing Board of Directors of the Regional District (hereafter referred to as “The Regional Board”)
- “ALR” Agricultural Land Reserve
- “ALC” Agricultural Land Commission
- “NSFEA” Non-Standard Flooding and Erosion Areas

GUIDING PRINCIPLES

<p>1. Attractive, Liveable and Affordable</p>	<p>Provide an Official Community Plan aimed at creating attractive and liveable communities that offers a wide range of opportunities for residents and property owners. The Plan must enhance the quality of life for residents by providing a range of housing, job and leisure opportunities. Maintaining attractive, liveable communities involves a mix of land uses; innovative, functional community designs; integration of land uses to ensure ease of mobility; efficient delivery of services; preservation and enhancement of natural features; minimize the potential of adverse impacts of development; and ensuring accessibility to the area's public open spaces.</p>
<p>2. Sustainable Community/ Stewardship</p>	<p>Support healthy, clean and sustainable communities based on an ecosystem approach, by ensuring that environmental integrity and diversity are considered in land use decisions.</p> <p>In its support of a sustainable community, the Plan must serve to preserve and enhance the local economy, and the health and well-being of its residents and property owners as well as the natural environment. The Plan must address the need to present the idea of environmental stewardship.</p>
<p>3. Public Access</p>	<p>Ensure public access to Kootenay Lake as well as all Crown owned land is maintained and enhanced for all residents, property owners and tourists.</p> <p>The Plan must identify and ensure goals, objectives and policies are appropriate to assure public access for the future.</p>
<p>4. Infrastructure</p>	<p>Ensure that RDCK and other publicly owned infrastructure and services are maintained or expanded at a level that is fair, realistic and affordable.</p> <p>It is understood that Electoral Area A is a rural community, and as such, minimal public infrastructure currently exists. However, the Plan must ensure that land use development is supported by appropriate services and infrastructure that are fair, realistic and affordable in terms of needs, environmental impact and debt load.</p>
<p>5. Community Identity</p>	<p>Foster unique, strong community identities.</p> <p>The Plan should contribute to the vision of the area as having, unique and individual communities by including appealing community centres, an environment of managed development and an abundance of green space for all income levels.</p>
<p>6. Support Existing and New Business</p>	<p>Create a community development pattern that supports the existing business community and promotes new business development opportunities, by protecting critical areas of economic enterprise and promoting a variety of locations for economic activity.</p> <p>A strong and diverse local economy is essential to enhance the quality of life enjoyed by Electoral Area A residents and property owners. The Plan should contribute to a healthy local economy by supporting existing businesses as well as providing opportunities for new business development. The Plan has to recognize the changing nature of business and jobs in the area and also recognizes the current restructuring of the local, provincial, national and international economies.</p>

7. Safety	<p>Support safe development.</p> <p>All development shall be safe for the use intended wherever development occurs.</p>
8. Public Involvement	<p>Public involvement is a cornerstone of development in the Kootenay Lake portion of Electoral Area A.</p> <p>Public involvement helps to ensure sound decision-making, enhances public education and provides opportunities for residents and property owners to contribute suggestions, knowledge and expertise.</p>
9. Collaboration & Cooperation	<p>Promote collaboration, cooperation and partnerships between government agencies, NGOs, volunteers and private interests.</p> <p>The Plan should focus on ways to foster collaboration that collectively benefit all stakeholders. This would enable the establishment of relationships between the public and private sectors as well as establishing new and/or better connections between new and existing communities and developments.</p>
10. Implementation	<p>Implementation strategies must recognize the need to minimize the need for government bureaucracy and regulation wherever possible.</p> <p>Land Use Designations & permitting must be responsive to community needs.</p>
11. Accountability	<p>The RDCK is accountable for the application of, and adherence to, these principles and for implementation of developed policy.</p> <p>The RDCK must be seen to follow the principles identified.</p>

GOAL

To present a future affordable Land Use development pattern that achieves the orderly, environmentally sensitive development and sustainable use of land while ensuring positive economic development within the Kootenay Lake portion of Electoral Area A.

ADMINISTRATION

Administrative Objectives

- 1) To encourage public participation in land-use decisions, including engaging the community in the discussion and decisions of any amendment to the OCP. The Plan may be amended by the Regional Board with public consultation before implementation. For the bylaw amendment process, see the Local Government Act, Part 26, Division 4.
- 2) The OCP may be amended by the Regional Board on its own or in response to an application for amendment with public consultation before implementation.
- 3) To encourage coordination of planning and service delivery among all levels of government and public agencies to ensure that costs are minimized while service delivery is maximized.
- 4) To improve communications between the RDCK and residents on planning and service delivery within the Plan Area.
- 5) To encourage planning and feasibility studies prior to transfer of all Crown Lands having potential for future development.
- 6) To establish cadastral mapping control over time within the Plan Area to more accurately provide information to the public with respect to development issues.

Zoning

A zoning bylaw enforcing the policies of this Plan may be developed, if there is broad support, after adoption of this bylaw. This may occur sometime after the adoption of the OCP 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. The bullet points below are examples of areas a Zoning Bylaw may regulate.

Zoning regulations shall specify landscaping buffer standards for industrial, commercial and multi-residential properties.

Zoning regulation decisions for all zones shall be directed by the following criteria:

- preservation of the rural nature of the area,
- existing land use,

- soil conditions with special regard to stability, likelihood of ponding, drainage, slope and topography.
- proven availability of adequate potable water,
- proven capability for sewage and solid waste disposal without danger of contaminating groundwater,
- the desirability of securing reasonable privacy for residents,
- the desirability of providing access to riparian areas for residents and tourists alike,
- the need to prevent pollution of the environment and to protect the quality of the visual landscape, and
- the need to protect areas that may be identified as important for the maintenance of groundwater resources.
- consistency of lot size
- offer density bonuses to projects providing affordable housing
- the minimum lot size shall be regulated through zoning depending on the type of industrial use of land.
- when zoning is implemented insure that commercial zoning, in particular C3 and C5, are established so they provide equal regulation to maintain competitive advantage to the zones around Creston and Wynndel. (inserted out of public comments)
- zoning for environmentally sensitive areas on private lands may permit passive development that has minimal impact on the applicable watershed.

OBJECTIVES AND POLICIES

RESIDENTIAL

Residential Objectives

- 7) To encourage coordinated and orderly subdivision of residential lands.
- 8) To consider development proposals in relation to the provision of efficient and effective services.
- 9) To provide for a choice of housing.
- 10) To minimize conflicts between housing and other adjacent non-residential land uses.
- 11) To encourage the development of affordable housing for seniors and low-income residents.
- 12) To maintain the rural residential character, environmental integrity and the social and cultural diversity of the Plan Area.
- 13) To encourage limited higher density residential development in certain areas while, at the same time, maintaining rural character in the rest of the Plan Area.

- 14) To encourage residential development that is compatible with neighbouring properties.
- 15) To increase the number of affordable housing units by encouraging mixed land use wherever possible and to encourage secondary suite developments.
- 16) To encourage developers to provide staff housing for employees needed to staff new tourist commercial developments.
- 17) To encourage private, non profit and cooperatively run housing developments.
- 18) To encourage 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.
- 19) To encourage small scale agricultural uses throughout residential areas subject to appropriate safeguards to protect adjacent properties from nuisance.

General Residential Policies

The following residential land use policies apply to all land where residential use is allowed irrespective of land use designation. These general policies are followed by policies specific to individual designations.

- 20) Existing lots smaller than the minimum lot size permitted by designation, may be used for the purposes permitted in the designation providing all other regulations are met.
- 21) Clustering of residential development shall be encouraged to create separation between neighbouring developments and to avoid continuous sprawl-like development.
- 22) Land Use Designations in the OCP shall provide for a mix of residential lot sizes based on the level of servicing available.
- 23) An adequate supply of potable water as specified in regulation must be proven for each new lot created by subdivision.
- 24) Development Permit areas shall be established to protect environmental qualities and to protect the form and character of residential areas where applicable.
- 25) Land Use Designations shall permit secondary suites/duplexes in single detached dwellings.
- 26) Allow alternative housing options, including bare land strata and small lot subdivisions subject to protection of greenspace.

Suburban Residential Policies (R1)

- 27) The principal use shall be residential.
- 28) The recommended minimum lot size should be 2000 square metres unless a lot is serviced by a community sewer system whereby the minimum lot size should be 700 square metres.
- 29) One dwelling or duplex unit should be permitted per 2000 square metres of site area. This minimum lot size can vary if the area needed for an onsite septic system is less.
- 30) Shall be serviced by a community water system.
- 31) Building heights may be regulated where new construction may obstruct views on neighbouring properties.

Country Residential Policies (R2)

- 32) The principal use shall be residential.
- 33) One dwelling or duplex unit should be permitted per lot and one additional dwelling shall be permitted for every one (1) hectare of lot area over one (1) hectare.
- 34) The recommended minimum lot size should be one (1) hectare. This minimum lot size can vary if the area needed for an onsite septic system is less.
- 35) The Clustering of Strata Lots shall be encouraged subject to density that should not exceed one unit per hectare of total lot area and subject to the protection of green-space via Development Permit.

Rural Residential Policies (R3)

- 36) The principal use shall be residential or agricultural.
- 37) Land designated as Rural Residential will have physical limitations that would not easily allow for higher density development.
- 38) One dwelling or duplex unit should be permitted per lot and one additional dwelling should be permitted for every two (2) hectares of lot area over two (2) hectares.
- 39) The recommended minimum lot size for subdivision of Rural Residential land should be at least two (2) hectares. This minimum lot size can vary if the area needed for an onsite septic system is less. For properties located within the Agricultural Land Reserve the approval of the Agricultural Land Commission is required. The Agricultural Land Commission is obliged to consider applications for subdivision in terms of its mandate and is not obliged to approve applications that comply with or alternatively refuse applications that do not comply with the requirements of this policy.

- 40) Within this designation a number of different zones, may be applied allowing differing levels of uses accessory to residential uses to allow for diversification of the economy within the Plan Area.
- 41) The clustering of development of single detached dwellings subject to the maintenance of buffers will be considered and encouraged upon application to the Regional Board and subject to density requirements.

Rural Resource Policies (R4)

- 42) The principal use shall be residential or agricultural.
- 43) Land designated as Rural Resource will have physical, access or topographic limitations that would not easily allow for higher density development. These are also properties which have potential for resource use, such as mining, logging, or utility development.
- 44) One dwelling or duplex unit should be permitted per lot and one additional dwelling should be permitted for every two (2) hectares of lot area over two (2) hectares.
- 45) The recommended minimum lot size for subdivision of Rural Resource land should be at least two (2) hectares. This minimum lot size can vary if the area needed for an onsite septic system is less. For properties located within the Agricultural Land Reserve the approval of the Agricultural Land Commission is required. The Commission is obliged to consider applications for subdivision in terms of its mandate and is not obliged to approve applications that comply with or alternatively refuse applications that do not comply with the requirements of this policy.

Multi-Unit Residential Policies

- 46) Shall be serviced by a community water system and community sewer system.
- 47) High Density Residential includes developments consisting of densities of more than five (5) units per hectare in Manufactured Home Parks, Seniors Housing Developments, Coop Housing, apartment, fractional, strata and row house developments.
- 48) High Density residential may include fractional interest and strata developments that may also include an accessory or incidental commercial use.
- 49) Application for new High Density developments shall require the establishment of an appropriate development permit area for the form and character of multi-unit residential development.

Residential Mixed Use Objectives

- 50) Mixed use development will focus on a natural setting with clustering of residential units to avoid urban sprawl. The designation will support a mix of residential, parks, natural open space and a small percentage of neighbourhood commercial uses.
- 51) Mixed use will require a master plan to be designed to protect the view corridors of adjacent residents.
- 52) Mixed use will allow connections to adjacent trail networks.

Residential Mixed Use Policies

- 53) An application for new Residential Mixed Use shall require a master plan providing open space at least as great as that proposed for lot coverage, showing transportation and trail networks, and the location of commercial and residential uses.
- 54) Residential Mixed Use shall permit a mix of residential lot sizes based on the level of servicing available.
- 55) Application for new Residential Mixed Use developments may require the establishment of an appropriate development permit area for the form and character of such residential development and open space preservation.

ENVIRONMENT

Environmental Objectives

- 56) To preserve natural values.
- 57) To preserve water quality in Kootenay Lake and other identifiable lakes in Area A and their tributaries.
- 58) To protect environmentally sensitive lands such as steep slopes, floodplains, alluvial fans, watersheds and soils subject to erosion from land uses. See Schedule D.
- 59) To protect all community watersheds within the Plan Area.
- 60) To encourage the maintenance of a wildlife winter range.
- 61) To preserve viewsapes.



- 62) To limit the use of land that is subject to hazardous conditions or that are environmentally sensitive to development. Sensitive/hazardous areas are lands that are located in alluvial fans of flood plain on Kootenay Lake.
- 63) To preserve and enhance air quality throughout the Plan Area.
- 64) To minimize the negative effects of wildfire within the Plan Area.
- 65) To encourage energy efficiency in the design of subdivision and building construction.

Environmental Policies

- 66) Development proposals for private land shall be evaluated through referral to soils mapping prepared for the RDCK to determine potentially unstable areas. Proposals for development in potentially unstable areas shall only be permitted if the applicant assumes the cost of construction, stabilization, and maintenance measures approved by a qualified registered British Columbia engineer pursuant to the Section 56 of the *Community Charter* and meets any associated requirements of any applicable Floodplain Management Bylaw of the RDCK. These items reflect existing regulations in hazard areas labelled Sensitive/Hazardous (S/H) on Schedule 'D'.
- 67) The Regional Board will request of the Integrated Land Management Bureau that any Crown land use requests along the water front and foreshore of Kootenay Lake in Area A be designated with a "Notation of Interest" in order that the RDCK be able to review applications in the area for consistency with the Plan.
- 68) The watersheds upstream of any identified alluvial fans within the Plan Area are sensitive to future change caused by extreme meteorological events, logging or wildfire. The extent and severity of the flood hazard on the alluvial fans of these creeks could be modified by such changes upstream. These watersheds are therefore identified as Sensitive/Hazardous (S/H) on Schedule 'D'.
- 69) The Regional Board encourages the Ministry of Forests and Range to impose the strictest regulation of logging of Crown lands in Sensitive/Hazardous areas.
- 70) The Regional Board encourages strict regulation on the dumping of raw sewage from pleasure craft into Kootenay Lake. New and expanded commercial marina developments over 14 slips as per Provincial Regulation shall be developed with sewage sani stations, unless there is an existing sani station within one kilometre.
- 71) Development in potentially unstable areas shall avoid:
 - a) cutting into a slope without providing adequate mechanical support;
 - b) adding water to a slope that would cause decreased stability;
 - c) adding weight to the top of a slope;
 - d) removing vegetation from a slope; and
 - e) development on steeper slopes.

- 72) The RDCK shall continue its efforts to solve water and sewage problems in the Plan Area including discussion and negotiation with the Provincial Government and water purveyors.

Environmental Reserve Policies

- 73) The Regional Board proposes the establishment of environmentally sensitive areas as an Environmental Reserve designation (shown on Schedule B) subject to the following:
- a) Development on private lands in sensitive watersheds shall be protected from adverse development.
 - b) Development acceptable on private land designated Environmental Reserve shall include; trails, interpretive signs, benches and similar types of development. One single detached dwelling may be considered subject to compliance where necessary with Section 56 of the *Community Charter*.
 - c) Unless otherwise noted below, all land within 15 metres of the natural boundary of a creek on Crown Land shall be designated as Environmental Reserve.
 - d) Sensitive Crown Land within community watersheds shall be designated Environmental Reserve where it is recommended to the Ministry of Forests and Range and licensees that Forest Harvesting activities within the Environmental Reserve areas be conducted to the highest standard possible in order to protect community watersheds.
 - e) Development on Crown Land designated Environmental Reserve shall allow passive and back-country recreation activities.
 - f) All Crown Land within 30 metres of Crawford, Indian, Hendryx, Gray, Akokli, Sanca and Kuskanook Creeks shall be designated Environmental Reserve where strict development standards will be developed which limit industrial and intensive commercial uses. These areas are currently regulated as habitat for fisheries by the federal Department of Oceans and Fisheries.
- 74) A separate designation for conservation may be applied to new and existing Environmental Reserve areas on private lands in order to protect the environment.
- 75) Development and subdivision adjacent to Kootenay Lake, any other identifiable lake, and tributary creeks shall be subject to a development permit as identified in Section 285.
- 76) Any timber harvesting and related forest practices carried out on Crown lands within a provincial forest are subject to the *Forest Act*, the *Forest and Range Practices Act* and associated regulations.
- 77) It is strongly encouraged that burning of brush should be minimized and that composting, where feasible, be a priority of residents of the Plan Area.

- 78) Flood proofing regulations including setback of buildings and structures from water bodies and elevation of ground floors above water bodies shall be regulated through any applicable RDCK Floodplain Management Bylaw.
- 79) A conservation land use designation may be assigned to land covenanted or deeded against further development or use, including common property in strata title subdivisions.
- 80) The Regional Board supports the establishment of Old Growth Management Areas.
- 81) The Regional Board supports the efforts of all property owners to manage their properties to minimize the risk of damage to property or people from interface fire hazards.
- 82) The Regional Board supports the efforts of all property owners to use Green Building and Subdivision practices for all new development and redevelopments.
- 83) The Regional Board supports the use of construction materials that are compatible with adjacent properties and landscapes.
- 84) Development in Hazard Areas shall be limited unless mitigation strategies are employed to the satisfaction of the RDCK.

LIVELIHOODS AND ECONOMIES

Livelihoods and Economies Objectives

- 85) To recognize the important role that varied livelihoods and a vibrant economy play in the community's unique character.
- 86) To maintain and encourage a diverse and creative community by providing a wide range of opportunities and locations for earning a living that are compatible with and can take advantage of the protection and preservation of the area's beauty and character.
- 87) To recognize the value of tourism to the Plan Area by preserving and protecting the natural environment and promoting Kootenay Lake Portion of Electoral Area A and the Region.
- 88) To promote the area for new clean business and industry for people who are drawn to the area for lifestyle reasons.
- 89) To recognize and retain traditional resource-based livelihoods such as recreation, agriculture and forestry while maintaining and protecting their land bases to support sustainable management practices for the communities that may develop zoning.

Commercial Objectives

- 90) To provide for commercial activities servicing the needs of local communities.
- 91) To minimize land use incompatibility between commercial activities and surrounding land uses by requiring screening and landscaping of new commercial developments.
- 92) To ensure that the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan Area.
- 93) To encourage home based occupations that do not harm the residential character of communities.
- 94) To protect the character and integrity of quiet residential and rural neighbourhoods.
- 95) To encourage the incubation of small businesses by allowing owner based businesses to operate in place by expanding the home based business definition where there are no negative impacts to air, noise, access or neighbouring residents.

Commercial Policies

- 96) The regional commercial and service centre roles of the City of Nelson and the Town of Creston are recognized, therefore commercial development in Kootenay Lake Portion of Electoral Area A will primarily be oriented toward east shore, neighbourhood, and tourist and traveller markets. Commercial and service nodes should occur throughout Area A in a manner that services neighbourhood and tourist commercial needs.
- 97) The minimum lot size should be one (1) hectare unless serviced by a community water system. This minimum lot size may vary if the area required for a septic system is less.
- 98) Existing commercial uses shall be recognized and so designated.
- 99) Small commercial neighbourhood facilities with floor areas no greater than 465 square metres may be permitted to provide for neighbourhood commercial requirements.
- 100) A landscape buffer shall be required to be installed and maintained on commercial properties adjacent to all properties that have a non-commercial or non-industrial designation and shall be in place prior to commencement of operation.
- 101) Home Occupations shall be encouraged in all residential areas subject to protection of neighbourhood values.
- 102) Bed and Breakfast operations shall be permitted in residential areas subject to protection of neighbourhood values.

Tourist Commercial Objectives

- 103) Tourist Commercial Land Use Designations should be a designation on parcels that will have a combination of tourist commercial, residential and agricultural uses that perpetuate the character of the area. On land in the ALR, commercial uses would be ancillary to allowed agricultural uses. This land use designation is intended to support current tourist commercial activities in Area A. For those areas located within the ALR, all agricultural uses as permitted in terms of the Agricultural Land Commission Act and Part 2.2 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation will be permitted to ensure consistency with the Act.

Tourist Commercial Policies

- 104) Land uses such as artisan crafts, marinas, golf courses, mixed use developments, tourist accommodations, zoos, galleries, restaurants, convenience stores, farmers markets, community sustainable agriculture and accessory use to tourist accommodations are appropriate for this designation.
- 105) For tourist accommodation, the minimum site areas should be 1 hectare for the first ten units with larger increments as unit numbers rise. For all other uses 1 hectare should also be the minimum unless there is community sewer and water system provided. This minimum may vary if the area required for a septic system to service the tourist commercial use is less.
- 106) Residential use would generally be units or lots located away from a major frontage road to the main tourist commercial use and would have indirect access off a major frontage road. The exception would be for mixed use development where residential uses are situated on floors above the commercial use.
- 107) New Tourist Commercial activities may be considered on a site-by-site basis throughout the Plan Area.
- 108) New marinas over fourteen (14) slips will not be allowed without a sani station, as per Provincial regulation, unless an existing sani station is located within one kilometre.

Industrial Objectives

- 109) To ensure there is opportunity for industrial uses that support the local economy.
- 110) To accommodate industrial uses compatible with rural character that does not adversely affect the natural environment.
- 111) To minimize conflicts between industrial land uses and other adjacent land uses by requiring screening and landscaping of new industrial sites.
- 112) To protect land having recoverable deposits of sand and gravel from adjacent uses that would limit or prohibit extraction, and to identify on mapping, lands having recoverable deposits of sand and gravel.

- 113) To minimize conflicts between sand and gravel processing operations and adjacent land uses.
- 114) To consider long term community land use needs before aggregate mining begins in order to facilitate the preparation of reclamation plans.
- 115) To ensure new proposed mining operations have significant public input prior to development to ensure issues can be resolved to the satisfaction of the public and the operator.
- 116) Areas noted as Mine Remediation are intended to transition to other land use designations once the remediation is complete.

Industrial Policies

- 117) The principal use shall be industry.
- 118) Existing legal industrial uses shall be recognized.
- 119) Noise abatement techniques are encouraged.
- 120) Temporary Industrial Permits pursuant to Section 921 of the *Local Government Act* may be considered on any parcel designated as industrial, quarry, commercial, or open space on Schedule 'B' - Land Use Designations. Such permits may be subject to the provision of performance bonds and/or registered covenants ensuring compliance of the permit.
- 121) All industrial land use designations should consider the following criteria:
 - a) a number of different industrial land use designations may be applied allowing differing levels of industrial activity;
 - b) industrial activity shall be allowed on sufficiently large properties in a scale proportionate to the lot size;
 - c) any application for industrial designation shall include an assessment of impact on local water flow patterns, groundwater and waste water disposal and shall show evidence of adequate water supply and waste disposal;
 - d) the Ministry of Environment is requested to ensure industrial activities involving emission of toxic or irritant material meet the most stringent interpretation of its standards with specific regard for the protection of groundwater catchment areas, surface water and riparian areas and with respect to air-borne industrial pollutants;
 - e) wherever possible, new industrial activity shall be located in close proximity and with direct access to a major roads;
 - f) prior to commencement of industrial activity, a landscape buffer shall be required on industrial properties adjacent to all properties which have a non-industrial designation;
 - g) all industrial activity parking and storage must be screened and wide buffers shall be left along roads and property lines; and
 - h) signage and lighting should ensure maintenance of the rural landscape.

- 122) Upon application, a light industrial subdivision may be considered subject to good arterial highway access and subject to noise abatement and landscaping requirements and where land use conflicts are minimized.
- 123) Priority shall be placed on the extraction and processing of sand and gravel aggregate on lands having recoverable deposits and situated in locations having minimal conflicts with adjacent land uses. Other development in conformity with long-term land uses proposed in Kootenay Lake Portion of Electoral Area A 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.
- 124) Applications for re-designation for the processing of aggregate resources shall be evaluated on the basis of the following criteria:
 - a) the extent of visual screening;
 - b) the type of processing proposed;
 - c) the prevailing wind direction;
 - d) adjacent land uses;
 - e) accessibility;
 - f) a reclamation plan; and
 - g) the characteristics of the aggregate deposit.
- 125) Encouragement is given to the phased rehabilitation of sand and gravel pits after extraction is complete pursuant to the *Mines Act*.
- 126) Access roads to new sand and gravel extraction and processing operations are encouraged to avoid use of streets that serve abutting residential development.
- 127) Required setbacks for sand and gravel operations shall be identified through zoning, in those communities that may adopt a zoning bylaw and shall be related to the characteristics of the proposed development.
- 128) A landscape buffer shall be required to be installed and maintained on industrial properties adjacent to all properties, which have a non-commercial or non-industrial designation and shall be in place prior to commencement of operation.
- 129) Development Permit Area pursuant to Sections 919.1 and 920 of the *Local Government Act* shall be required for all significant industrial developments to ensure development compliments existing residential developments in the area.

Agricultural Objectives

- 130) To identify lands that have a continuing or future value for agriculture.
- 131) To encourage the protection and agricultural use of land with continuing value for agriculture.
- 132) To encourage optimum use and development of agricultural activities on agricultural land associated with the production and processing of livestock,

poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, fibre crops and horticultural and aquaculture products supported provided the activity serves local producers and is small scale.

- 133) To encourage agricultural practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.
- 134) To minimize conflicts between agriculture and other land uses.
- 135) To promote the removal of lands within the Agricultural Land Reserve that have marginal benefit to Agriculture as shown on Schedule 'D'.

Agricultural Policies

Bylaw 2036

- 136) The principal use shall be of an agricultural nature, as well, the Regional Board encourages the development of small scale food processing facilities on Farm Lands in Agricultural zones provided the facility operates in an environmentally sustainable fashion and obtains a Development Permit which acts to mitigate negative impacts and insure that such facilities have obtained all licenses and permits from the appropriate regulatory bodies.



- 137) All new land use and subdivision of land within the Agricultural Land Reserve shall be in accordance with the provisions of the *Agricultural Land Reserve Act* associated regulations, orders and decisions of the Provincial Agricultural Land Commission.
- 138) The minimum lot size shall be three (3) hectares.

PARKS, RECREATION & CULTURE

Parks, Recreation & Culture Objectives

- 139) To ensure recreation activities are compatible with the rural character of the Plan Area.
- 140) The Provincial park inventory includes Lockhart Creek Provincial Park, Pilot Bay Lighthouse, Kootenay Lake (Midge Creek), West Arm, Kinaki, Drury and Pebble Beach.



- 141) The Plan Area local parks include Crawford Bay Park, Riondel Park, North Bay Beach and other new parks.
- 142) To secure suitable funding for local park development.
- 143) To ensure the provision of recreation facilities are directed toward community needs first.
- 144) To provide local recreational opportunities for tourists that do not stress existing facilities, services and resources or generate undue cost to local taxpayers.
- 145) To work towards the development of a comprehensive trail system that is consistent and complementary with other trails in the RDCK.
- 146) To provide for the protection and enhancement of buildings and sites of historical and archaeological value where identified.
- 147) To support cultural activities and facilities throughout the Kootenay Lake Portion of Electoral Area A Plan area.
- 148) To support and provide opportunities for public access to the shore of Kootenay Lake as development occurs.
- 149) To protect existing Provincial Parks as major attractions to the Kootenay Lake Portion of Electoral Area A. The Regional Board supports the protection and enhancement of these parks for the benefit of all users.
- 150) To identify and support the preservation of historical buildings and sites within the Plan Area.
- 151) Forestry Recreation Sites are attractions for locals and tourists alike. The Regional Board supports the protection and enhancement to these sites for all users.

Parks, Recreation & Culture Policies

- 152) The establishment of a recreation system in the Plan Area is proposed based on the following categories:
 - a) Community Parks or Open Space greenbelts that provide for watershed protection, access to lake and creek shorelines, and dispersed low environmental impact recreational facilities, such as walking and cycling trails.
 - b) Community parks should be centrally located, and if possible located in association with schools and contain playgrounds, ball fields, tennis courts and/or other recreation activities.
 - c) Recreation facilities located with Schools.
 - d) Ongoing protection, enhancement by the Province of British Columbia of the Provincial Parks and various Forestry Recreation Sites are a priority of the Regional Board.

- 153) Public and private commercial recreational development may be considered throughout the Plan Area provided they are compatible with adjacent land uses.
- 154) The Plan identifies the following structures shown on Schedule 'C' as locally important heritage sites based on information available at the time of the Plan completion:- Harrison Memorial Church; Wedgewood Manor, Murray Cabin, Pilot Bay Smelter, Pilot Bay Lighthouse, Gray Creek Hall, Sirdar Store, the Glass house.
- 155) Prior to any possible development near archaeological sites, the RDCK shall evaluate the impact of development proposals located on lands adjacent to archaeological sites by referring such proposals to the Archaeology Branch of the Ministry of Tourism, Sport and the Arts.
- 156) The Regional Board encourages the Ministry of Transportation to provide ongoing maintenance and development of public access points to water.
- 157) The Regional Board may work with the Ministry of Transportation to further enhance public access points to water.
- 158) The Regional Board may investigate the development of a Development Cost Charge Bylaw to secure funding for park development.

TRANSPORTATION

Transportation Objectives

- 159) To ensure the long-term, timely and cost-effective use of Kootenay Lake Ferry by the travelling public and residents.
- 160) To encourage the Ministry of Transportation to plan for the provision of a road network capable of safely servicing existing and future development.
- 161) To support the routing of the Trans Canada Trail through the Plan Area from the terminus of the Kootenay Lake Ferry at Kootenay Bay along Highway 3A to Gray Creek and subsequently along the Gray Creek Forest Service Road through the Gray Creek Pass to Kimberley, subject to road widening.
- 162) Trail Development within the Plan Area is strongly encouraged.

Transportation Policies

- 163) It is the policy of the Regional Board to support expanded hours of operation for the Kootenay Lake Ferry.
- 164) Off street parking shall be required for all land uses.
- 165) The Ministry of Transportation is requested to ensure that a public consultative process be followed for all significant transportation initiatives.

- 166) The Ministry of Transportation is requested to initiate and complete a suitable Major Street Network Plan in order that future development potential for all parts of the Plan Area can be better addressed.
- 167) Pursuant to Section 924 of the *Local Government Act*, approval shall be obtained from the Ministry of Transportation for commercial and industrial structures exceeding 4500 square metres in gross floor area within a radius of 800 metres of Highway 3A.
- 168) The Ministry of Transportation is requested to ensure that all roads should be designed and constructed for safe use by pedestrians and cyclists.
- 169) The RDCK supports the establishment of walking, hiking, biking trails and linkages both within and between communities.

SERVICING

Servicing Objectives

- 170) To plan for schools, recreation, open space and health facilities to satisfy present and future demands.
- 171) To ensure that the disposal of sewage does not lead to health hazards through pollution of the groundwater, streams or Kootenay Lake.
- 172) To pursue the development of community sewage systems where public demand warrants.
- 173) To provide for and enhance the level of fire protection within the Kootenay Lake Portion of Electoral Area A.
- 174) To promote adequate provision of potable water and sewage services to all users.
- 175) To promote water resource conservation strategies and to reduce water demand as much as possible.
- 176) To protect groundwater and surface water from degradation through improper disposal of water borne waste.
- 177) To co-operate with appropriate utility companies to adequately provide services to the Plan Area.
- 178) To provide services to seniors near senior housing developments.
- 179) To promote development in areas which have appropriate levels of municipal services.

Community Service Policies

- 180) Community Services permitted on lots designated for Community Service on Schedule 'B' - Land Use Designations, shall include public recreation facilities, community halls, public utility structures and services, schools, libraries, universities/colleges, fire halls, green-space, museums, hospitals, senior housing and special needs facilities and similar uses.
- 181) Subdivision approval within the entire Plan Area shall be subject to: proof of adequate potable water supply to every newly created parcel; and soil conditions suitable for sewage disposal by septic tank systems and/or package treatment plants if the properties are not serviced by community sewer system.)
- 182) The RDCK will continue to undertake detailed planning, to ensure the solid waste management needs of residents of the Plan Area are addressed.
- 183) Acquisition of existing and new community water and sewer systems shall meet all policies of the Regional Board.
- 184) The RDCK will continue to enhance fire protection throughout the Plan Area.
- 185) For all subdivision applications involving land adjacent to Kootenay Lake, the Approving Officer shall be requested to require adequate public access to the water.
- 186) New and improved domestic community water systems shall be designed and constructed to provide hydrants and sufficient flows for fire protection.
- 187) The RDCK recommends to Improvement Districts, private utilities and the RDCK owned water systems, that the same utility standards be used so that in case of emergencies, fire equipment can be interchanged and critical repairs made.
- 188) Methods of water conservation such as low water use fixtures, retention of rainwater and runoff in cisterns and ponds and other means shall be encouraged.
- 189) The provision and enhancement of public transit services to the Kootenay Lake Portion of Electoral Area A is supported.
- 190) All users and responsible government agencies are strongly supported to enhance and protect all community watersheds feeding Kootenay Lake Portion of Electoral Area A.
- 191) Encouragement shall be given to the use of subdivision designs that accommodate services, such as public transit vehicles, emergency vehicles, group mailboxes and other similar services.
- 192) The RDCK shall continue to work closely with school and health authorities to plan for school and health care facilities as settlement occurs.
- 193) Institutional land use designations shall be provided for public community uses.
- 194) Future sewage standards may be subject to requirements identified in an approved Subdivision Bylaw.

PRIVATE FOREST LAND

Private Forest Land Objectives

- 195) To promote sustainable forestry practices on both Crown and private land.
- 196) To preserve a private forest land base.
- 197) To protect the aesthetic value of private forestland.
- 198) To encourage local economic opportunities for small-scale sustainable forestry.
- 199) To protect riparian zones, sensitive ecosystems, watersheds and biodiversity.

Private Forest Land Policies

- 200) One dwelling unit shall be permitted per lot with an additional dwelling for every 20 hectares over 20 hectares.
- 201) The principal use shall be forestry.
- 202) The minimum lot size shall be 20 hectares.
- 203) The maintenance of contiguous blocks of forest land shall be encouraged.
- 204) The protection of biodiversity shall be encouraged through appropriate forestry practices and the protection of riparian zones and other sensitive ecosystems.
- 205) The British Columbia Assessment Authority shall be requested to provide tax incentives for maintaining forestry activities.
- 206) Forest managers are encouraged to:
 - a) ensure that the rate of extraction of timber does not compromise the long-term productivity of the forest, and
 - b) use silviculture methods that promote healthy forests and minimize fire hazards.
- 207) Appropriate small-scale forest related activities such as the sustainable gathering of products; food crops, hiking, bird watching and wildlife viewing, education and value added industry shall be encouraged.
- 208) The Regional Board supports the existence, maintenance and appropriate harvesting of private forestlands.

OPEN SPACE

Open Space Objectives

- 209) To identify Crown land that is primarily used for resource based activities (forestry, mining, trapping, range land, farming, hunting and commercial backcountry recreation).

- 210) To protect viewscapes throughout the Plan Area.

Open Space Policies

- 211) Open Space applies to large tracts of surveyed and unsurveyed and publicly owned land where soil conditions, topography, access or water supply may not permit more intense development.
- 212) Open Space land use designations shall ensure that permitted land uses and activities are: forestry, mining, range land, trapping, hunting, farming and commercial backcountry outdoor recreational activities.
- 213) The RDCK shall work with the Ministry of Forests and Lands to ensure viewscales are protected within the Plan Area.

SPECIFIC COMMUNITY POLICIES

Riondel

- 214) The community of Riondel is designated for a range of residential uses including Suburban Residential, Country Residential, and Rural Residential as shown on Schedule "B".
- 215) Enhancement of and upgrade of the Riondel community water system is a priority of the RDCK.
- 216) Lands currently used for park and institutional uses shall be designated accordingly.
- 217) Outlying areas outside the service area for the Riondel water system shall be primarily designated as Country Residential.
- 218) The RDCK supports the special function of the waterfront in Riondel, and the economic, social, and cultural roles played by established institutions, private retreats, and spiritual networks in the area.
- 219) Mine remediation areas are intended to transition to new land use compatible with the area once the remediation is complete.
- 220) Existing commercial uses shall be so designated on Schedule "B".
- 221) There is a concern about viability of septic systems on small size lots in Riondel. Some analysis of a solution for future septic service should be addressed.
- 222) Home based businesses should be encouraged.
- 223) Boundaries for Riondel should be reviewed for expansion.
- 224) Remediated TechCominco properties should compliment and support the viability and vitality of the Riondel Community.

- 225) Green parking lots that are designed to protect the environment and prevent pollution should be encouraged.
- 226) Small animal husbandry should be grandfathered in areas currently practiced.
- 227) Recreation and park uses such as a public boat launch, maintenance of the community campsite and park at North Bas and the creation of a heritage trail along the old water line are supported.

Kootenay Bay/Pilot Bay/Crawford Bay

- 228) Kootenay Bay is primarily identified as a hub for the ferry terminal. Complimentary land uses that service the traveling public is recognized and encouraged. Further complimentary commercial and institutional development is encouraged.
- 229) The RDCK supports a revised ferry schedule that better coordinates with the transit system and school schedule.
- 230) Private land on the Pilot Bay Peninsula is primarily designated as Country Residential. Increased densities can be facilitated with appropriated community water and/or sewer facilities.
- 231) Further commercial development along Highway 3A may be considered by the Regional Board by application.
- 232) It is recognized that Pilot Bay and Sawmill Cove is a domestic water supply, therefore dumping of raw sewage from pleasure craft is strongly discouraged and is illegal pursuant to Federal Regulations. The RDCK supports a ban on dumping of all untreated sewage effluent from pleasure craft on Kootenay Lake.
- 233) Crawford Bay is recognized as a major node for development of business and residential development for the Plan Area.
- 234) Golf Resort development and Retreat and Study Centers have historically been major economic generators for the area. Future development of these lands will continue to provide for a range of land use opportunities that compliment existing development. A range of residential/resort and agricultural development opportunities will be encouraged through appropriate zoning, should the community wish to establish a zoning bylaw.
- 235) Highway 3A running through Crawford Bay is seen as a service commercial focal point. A range of service commercial and institutional uses will be encouraged.
- 236) The RDCK supports selected areas for removal from the Agricultural Land Reserve as shown on Schedule "D", subject in the case of the area located to the north of Crawford Creek to a site specific evaluation and the approval of the Agricultural Land Commission.

- 237) The Regional Board supports the development of works as a local service area to protect hazard lands in the area.
- 238) Existing commercial lands shall be so designated.
- 239) Alternate areas should be considered for airport development.
- 240) The RDCK supports the redevelopment of the current school site for affordable housing for seniors and families upon completion of the new school. Ongoing use of the community hall for community purposes is strongly encouraged.
- 241) The Regional Board shall consider the provision of incentives for Seniors Housing in Crawford Bay.
- 242) Acquisition of a suitable public access to the Beach at Crawford Bay is desired.
- 243) Development of a public marina in the vicinity of the Beach at Crawford Bay is encouraged.
- 244) Higher Density residential is recommended in District Lot 7, Plan 811, DL 4595, EXC (1) PLC A (See 1117791) & (2) 12821; Plan X31, DL 4595, Parcel B Subsidy Lot 73 (See DD 17585) EXC PL 2626; and DL 5025, Except Plan DD15196 Ref PL 956701 2626 as shown on Schedule 'B'.
- 245) New developments including subdivision should encourage interconnectivity via trails and park systems.
- 246) Light industrial development along Crawford Creek Road to transfer station may be considered by the Regional Board upon application.
- 247) A Wildlife corridor along Crawford Creek is encouraged.
- 248) There is a concern for the safety of pedestrians in heavily traveled areas. Provisions for pedestrian walkways should be considered in subdivision regulations.

Gray Creek

- 249) Removal of all lands from the Agricultural Land Reserve shall be supported by the Regional Board, subject in the case of the area to a site specific evaluation and the approval of the Agricultural Land Commission.
- 250) Existing commercial and tourist commercial activities shall be so designated on Schedule "B".
- 251) Redevelopment and expansion of tourist commercial and for strata/fractional home is encouraged.
- 252) All Public Access points to Kootenay Lake shall be retained and enhanced where possible.

- 253) Acquisition of Burdon's Cut for a regional park is supported.
- 254) A park reserve is supported for the acquisition of Lot SL55 near south of McFarlande Creek.
- 255) Business establishment is supported throughout the community and not just concentrated in one area, following the existing business development pattern.
- 256) Assist and nurture business starts by expanding the definition of a home based business
- 257) Gray Creek should be a 'life long' community with supporting amenities.
- 258) The model for Gray Creek development is one of a rural lifestyle with low impact development and respect for the rural heritage, values and qualities of Gray Creek should be fostered.
- 259) Land Use Designations should protect existing residents from damaging land uses, and should support sustainable lakeside and creekside development.

Boswell/Sanca

- 260) Removal of all lands from the Agricultural Land Reserve shall be supported by the Regional Board, subject in the case of the area to site specific evaluation and the approval of the Agricultural Land Commission.
- 261) All Public Access points to Kootenay Lake shall be retained and enhanced, including garbage pick up and toilets.
- 262) Existing commercial and tourist commercial activities shall be so designated on Schedule "B".

Sirdar

- 263) Future commercial development shall be located along Highway 3A and is primarily oriented toward neighbourhood, tourist and pass-through traveller markets, and meet the access requirements of the Ministry of Transportation.

DEVELOPMENT PERMIT AREAS

- 264) There are two mandatory development permit areas for the Plan Area including: Environmentally Sensitive Waterfront and Environmentally Sensitive Country Residential Cluster Development. These permits would be reviewed for compliance by staff at the RDCK. There is no requirement for public notice or meetings and no approval by the Regional Board is required. The application for the permit will be reviewed by the Development Services Department of the RDCK and the permit issued if the application meets the intent of the OCP.

Development Permit Area #1 – Environmentally Sensitive Waterfront

- 265) All privately owned or leased lands which are adjacent to Kootenay Lake and all identifiable lakes, or any tributary stream as shown on Schedule 'B' is designated as a Development Permit Area pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the purpose of providing guidelines for the protection of the natural environment.

Justification

- 266) Kootenay Lake and its tributary streams are domestic water sources for most residents and visitors to the East Shore of Kootenay Lake. They are subject to damage from increased development on lands adjacent to these water bodies. Kootenay Lake also has very high recreational values which add significantly to the economy of the area. Therefore, the protection of water quality and access to the water by the general public, is of utmost priority. Careful management of the East Shore of Kootenay Lake is necessary to protect these values. In general the federal Department of Fisheries and Oceans, provincial Riparian Area Regulations and Interior Health provide guidelines for development in these sensitive areas.

Applications

- 267) A Development Permit shall be required for projects which involve any of the following:
- All building permits less than 15 metres from the natural boundary of an identified creek or lake.
 - All subdivisions, including bare-land strata developments, where there is at least one lot is less than one hectare in size within 30 metres of an identified creek or lake;
 - All marinas for moorage over fourteen vessels or additions to existing marinas over 14 vessels.
- 268) Permits issued in this area shall be in accordance with the following general guidelines of the OCP. Development proposals shall be articulated in a detailed development plan prior to the removal or alteration of a building or site.

Guidelines

- 269) Where a Development Permit is required before subdivision or construction can take place, the owner must submit a professional engineer's report demonstrating to the satisfaction of the Manager of Development Services, that the method of sewage treatment and disposal for the subject parcel(s) is sufficient to avoid undue impacts on the quality of water in the adjoining lake or watercourse. Having regard for the unique characteristics of each lot and the nature of the existing or proposed development, it is expected that this professional report will seek to advance a method of sewage treatment and disposal that, wherever possible, exceeds the minimum standards required by Provincial regulation.

Exemptions

- 270) A Development Permit will not be required for the following types of development:
- a) subdivisions more than 30 metres from a lake or creek;
 - b) single family, two family dwellings and accessory buildings thereto that are more than 15 metres from a lake or creek;
 - c) replacement of building exterior finishes;
 - d) alteration of colour;
 - e) additions of canopies or other decorative building features such as mullions, windows, doors, etc.;
 - f) interior renovations and alterations.

The suggested format for the professional engineer's reports identified in Section 290 is as follows:

Section 1 - Introduction

This section should provide an overview of the project and include specifics as to property ownership, report authorship, legal description, existing and proposed land use, etc.

Section 2 - Site Description

This section should include a general location plan as well as a specific site plan drawn to scale. All relevant existing features of the site should be shown including outbuildings, driveways, water source, dwellings, underground piping (i.e. gas, perimeter drains, etc.), high water mark, etc. The site description should also include a general discussion of obvious site features that have a bearing on sewage disposal options such as exposed cuts, rock outcrops, adjacent property characteristics, topography, surface water location/direction, assumed groundwater flow direction, etc.

Section 3 - Flows

The purpose of this section is to gain an understanding of the existing and projected sewage flows associated with the project. In order to do so information is required with respect to existing and proposed land uses (e.g. size of the dwelling, number of bedrooms, number of fixtures, and other relevant details that might effect flows). This should then be followed by a discussion of the existing and expected sewage flows (including, where applicable, an assessment of the anticipated lifespan of existing systems under this flow regime). Details on frequency of occupation should also be noted if, for example, seasonal use only is proposed. Any unusual conditions that may alter typical sewage quality (e.g. use of garberators) should also be noted along with the expected impact on sewage strength and quality.

Section 4 - Field Investigations

The level of detail for field investigations is initially left to the discretion of the qualified professional. However, it is very important that the report clearly explain why certain investigations were selected or omitted. The RDCK will evaluate this explanation carefully and may require additional investigations should there appear to be an inadequate effort assigned to this important element of the report. Only independent third party testing will be accepted (i.e. testing conducted by a property owner that is not witnessed by a qualified professional will not be accepted).

This section should contain detailed discussions of all field and laboratory investigations including such items as on-site personnel and equipment employed to undertake them. For

some reports, the investigations can be limited to test pits, percolation tests and soil grain size analyses as required by the health authorities. In such cases logs and certificates should be included as well as documentation of seasonal high water table in relation to proposed design elevations. For more detailed reports, the field investigations could include those requirements discussed previously as well as the following matters where justified: effluent flow path, infiltration capacity, groundwater mounding, natural discharge capacity, ultimate discharge point, effluent travel time, soil nutrient removal, soil stability (on and off-site), impact on basements, effluent attenuation, impact on surface water, impact on groundwater, and seasonal water balance.

For all investigations/assessments noted, the report must show all assumptions and calculations.

Section 5 - Assessment of Alternatives

Once the site has been assessed, the report should discuss available options. It is suggested that the discussion be broken down into the following categories: sewage collection (e.g. water conservation, sewage strength, gravity vs. pump, etc.), sewage treatment (e.g. septic package treatment, etc.), and sewage disposal (e.g. pump vs. gravity, seepage bed, tile field, raised bed, imported fill, evaporation system, etc.). This section should also include a discussion on monitoring requirements (e.g. groundwater, surface water, analytical parameters, service contracts, pump-out records, etc.). In all cases, cost estimates should be provided.

Section 6 - Recommendations and Justification

The report should conclude with a recommendation for the preferred option(s) for the subject site. Clear justification for the recommended option(s) must be provided. In particular the report should specifically identify which aspects of the system are an improvement over Provincial regulations and, if there are none, an explanation as to why. For some more obvious situations the recommendation could be made in light of site constraints, cost, maintenance requirements, etc., and could rely on a qualitative explanation of how the system will meet the stated objective of protecting water quality. For the more difficult or questionable situations the recommendation should be followed with a quantitative explanation of how the system will meet the stated objective of protecting water quality. Similar to the requirements of Section 5, separate recommendations should be made for sewage collection, sewage treatment, effluent disposal and monitoring requirements. All reports must be sealed by a licensed professional.”

Development Permit Area #2 – Environmentally Sensitive Country Residential Cluster Development

271) All privately owned or leased lands which are designated as Country Residential on Schedule 'B' where a strata development, fee simple lots, shared interest, cooperatives, or companies are proposed that clusters sub-lots and are less than one (1) hectare in area are hereby designated a Development Permit Area pursuant to Section 919.1(1) (a) of the *Local Government Act*, for the purpose of providing guidelines for the protection of the natural environment.

Justification

272) Lands designated as Country Residential generally have not been studied to a high level for their ability to sustain intense development over a time period. Therefore, after suitable engineering studies, more intense development may be more appropriate on some portions of property than on other parts of a property. It is therefore desirable to allow development to occur in a way that allows for efficient use of services and at the same time limit development on unsuitable land and to provide for the protection of green space.

Design Guidelines

- 273) A development permit shall be required for all subdivisions that propose strata sub-lots where any sub-lot size is less than one (1) hectare in area. Protection of green space shall be of utmost priority. It shall include useable space for passive recreation and/or trail development.
- 274) In no instance shall the average subplot size be less than one (1) hectare in area. Common lands in the strata shall be covenanted against further subdivision.

Development Permit Area #3

275) All small scale food processing facilities that process more than 50% of off farm product within Agricultural Designations as shown on Schedule 'B' of the Kootenay Lake Portion of Electoral A Official Community Plan Bylaw No. 1978, 2008 require a Development Permit pursuant to Sections 919.1(1)(b), and 919.1(1)(c) of the *Local Government Act*, for the purpose of providing guidelines for the protection of development from hazardous conditions and protection of farming.

Justification

276) All small scale food processing facilities that process more than 50% of off farm product within Agricultural Designations as shown on Schedule 'B' of the Kootenay Lake Portion of Electoral A Official Community Plan Bylaw No. 1978, 2008 require a Development Permit pursuant to Sections 919.1(1)(b), and 919.1(1)(c) of the *Local Government Act*, for the purpose of providing guidelines for the protection of development from hazardous conditions and protection of farming.

Design Guidelines

277) Development permits issued under this section shall be in accordance with the following general guidelines, the requirements of the applicable Zoning Bylaw. Development proposals shall be articulated in a detailed development plan:

- ⇒ must meet descriptions in Section 311 Food Manufacturing in the North American Industry Classification System (excluding Rendering from Carcasses);
- ⇒ must be located on a minimum 2 hectare site outside the Agricultural Land Reserve or 3 hectares within the Agricultural Land Reserve;
- ⇒ must have valid licenses to operate from the Province of BC, including:
 - meeting the BC Slaughter and Poultry Processing Policies;
 - approval by the Farm Industry Review Board;
 - approval of The Canadian Food Inspection Agency;
 - meeting BC Food Premises Regulations;
 - licensing approval from the Centre for Disease Control;
 - approval of Provincial Ministry responsible for water and wastewater systems and administration of the Meat Inspection Regulation (MIR); and
 - approval of the Agricultural Land Commission for composting; and

must be located at least 30 meters from the nearest business or residence on another parcel.

