



**FAIRMONT HOT SPRINGS & COLUMBIA LAKE AREA
OFFICIAL COMMUNITY PLAN
BYLAW NO. 2779, 2017**

This is a consolidation of the Official Community Plan Bylaw and adopted bylaw amendments. The amendments have been combined with the original Bylaw for convenience only. This consolidation is not a legal document.

October 30, 2020

BYLAW AMENDMENTS

| Bylaw | Amend / Yr | Adopted | Short Citing | Legal / Zone |
|--------------|-------------------|----------------|--|---|
| 2873 | 01/2018 | Nov. 9/18 | (Columbia Lake / 1817796 Alberta Ltd.) | Designation of DL 7548, KD, except the Kootenay Central Railway Right of Way as shown on Plan 1203 and Plan NEP86226. RR to R-SF and SH |
| 2945 | 02/2019 | Feb. 14/20 | (Columbia Lake West / Stange) | Designation of Lot 1 DL 139 KD Plan NEP70311 SH to R-SF |
| 2966 | 05/2019 | Apr. 3/20 | (Fairmont / FHSR) | Designation of part of Lot 4 DLs 18, 46 & 4596 KD Plan NEP20033 R-SF to RES-MU |
| 2989 | 06/2020 | Sept. 4/20 | (Fairmont / Martin) | Designation of Lot B DL 138 KD Plan NEP68814 GC to R-SF |

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2779

A bylaw to adopt an Official Community Plan for the Fairmont Hot Springs and Columbia Lake area.

WHEREAS the Board of the Regional District of East Kootenay deems it necessary to adopt an official community plan in order to ensure orderly development within a portion of Electoral Area F.

NOW THEREFORE, the Board of the Regional District of East Kootenay, in open meeting assembled, enacts as follows:

1. Title

This Bylaw may be cited as the “Regional District of East Kootenay – Fairmont Hot Springs & Columbia Lake Area Official Community Plan Bylaw No. 2779, 2017”.

2. Application

This bylaw is applicable to all land within the boundaries of the Fairmont Hot Springs & Columbia Lake Area Official Community Plan as shown on **Schedule B**.

3. Organization

The following attached schedules are incorporated into and form part of this Bylaw:

- (a) Schedule A – Policies
- (b) Schedule B – Plan Area
- (c) Schedule C – Agricultural Land Reserve
- (d) Schedule D – Land Use Overview
- (e) Schedule D1 – Land Use Fairmont Hot Springs Area
- (f) Schedule D2 – Land Use Dutch Creek, Hoodoos and Columere Park Area
- (g) Schedule D3 – Land Use Columbia Lake West Side
- (h) Schedule E – Columbia Lake
- (i) Schedule F – Ungulate Winter Range
- (j) Schedule G – Badger Habitat
- (k) Schedule H – Slope Analysis
- (l) Schedule I – Flood Hazard
- (m) Schedule J – Development Permit Area #1 – Wildfire Hazard
- (n) Schedule K – Development Permit Area #2 – Environmentally Sensitive Area (Overview)
- (o) Schedule K1 – Development Permit Area #2 – Environmentally Sensitive Area (Fairmont Hot Springs)
- (p) Schedule K2 – Development Permit Area #2 – Environmentally Sensitive Area (Dutch Creek, Hoodoos and Columere Park)
- (q) Schedule K3 – Development Permit Area #2 – Environmentally Sensitive Area (Columbia Lake West Side)

4. Severability and Enactment

If any section, subsection, sentence, clause, phrase, map or schedule of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid must not affect the validity of the remainder.

The Planning & Development Services Manager, Building & Protective Services Manager and Compliance Officer, and any person authorized to assist the aforementioned persons, are authorized to administer this Bylaw.

This Bylaw must come into full force and effect on the final adoption thereof.

Bylaw No. 1734, cited as “Regional District of East Kootenay – Fairmont Hot Springs Official Community Plan Bylaw No. 1734, 2004” is hereby repealed.

READ A FIRST TIME the 7th day of July, 2017.

READ A SECOND TIME the 7th day of July, 2017.

READ A THIRD TIME the 4th day of August, 2017.

ADOPTED the 4th day of August, 2017.

“Rob Gay”

CHAIR

“Shannon Moskal”

CORPORATE OFFICER

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SCHEDULE A – POLICIES

1. INTRODUCTION

1.1 Administration

The Fairmont Hot Springs & Columbia Lake Area Official Community Plan (OCP) is a long term strategic planning document intended to:

- reflect the collective vision of the plan area for the future;
- guide and direct land use decision making with respect to the change or conservation of land uses; and
- help create the conditions necessary for the orderly and efficient use of the community land base.

This OCP will be used and administered by the Board of Directors and Staff of the Regional District of East Kootenay (RDEK) to evaluate all future development proposals and changes in land use within the plan area. This OCP does not commit the RDEK to specific projects or courses of action; however, all decisions made by the RDEK must be consistent with the plan.

This OCP is intended to provide guidance on land use and development issues within the plan area for a five to fifteen-year period. During that time; however, the OCP may be amended to respond to a change in the needs of the community. Amendments may be initiated either by a property owner or the RDEK. All proposed amendments are subject to an application process, public hearing and approval by the RDEK Board.

Once this OCP is adopted it will provide the Board with a planning framework and guidelines to promote certainty in land use decision making. In approving the OCP, the RDEK Board has considered the interests of the individual landowners and residents within the plan area and balanced those interests with the needs of the community and region as a whole.

1.2 Legal Framework

The OCP is adopted pursuant to the provisions of the *Local Government Act*, which states:

An official community plan is a statement of the objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government.

In addition, an OCP must contain policy statements and map designations respecting the following:

- residential development and housing needs over a period of at least five years;
- commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- the location and area of sand and gravel deposits suitable for future extraction;
- restrictions on the use of land subject to hazardous conditions or that is environmentally sensitive;
- the approximate location and phasing of any major road and infrastructure systems;
- the location and type of present and proposed public facilities;
- affordable housing, rental housing and special needs housing; and
- targets, policies and actions for the reduction of greenhouse gas emissions.

Land use and development within the plan area is also subject to all relevant local, provincial and federal legislation and regulations.

1.3 Plan Policies and Map Designations

The OCP contains goals, objectives and policies to provide direction for how the plan area should develop over time. The goals and objectives identify the land use issues and community vision. The policies address the issues and implement the vision. Policy statements are developed based on the consideration of balancing

private and public interests. The policies within the OCP become the official position of the RDEK.

Schedules attached to the OCP reflect the community's land use values and contain the map designations. The map designations apply the goals, objectives and policies identified within the plan area to each parcel to depict the desired range and pattern of future land use.

1.4 Plan Process

The RDEK Board of Directors authorized the Fairmont Hot Springs & Columbia Lake Area OCP planning process in October of 2015. The Fairmont Hot Springs & Columbia Lake Area OCP replaces the 2004 Fairmont Hot Springs OCP. The plan area has been expanded to the south, east and west to incorporate private holdings along Columbia Lake, Whitetail Lake, Findlay Creek and Whiteswan Lake and abuts the northern boundary of Electoral Area E near Skookumchuck.

In January 2016, a meeting with local resident groups, business associations and service clubs was held to introduce the planning process. In April 2016, a newsletter and survey was sent to area residents and property owners to initiate the public engagement process. The newsletter and survey were also available online through the RDEK website. The survey was completed by 329 people and provided substantial information about a variety of land use issues in the plan area. In May 2016, an introductory meeting was held to outline the project background, stages and objectives. Fifty-five participants worked to identify community assets, concerns, and a preliminary vision for the area. In August 2016, a community planning workshop was attended by 115 people who helped refine the vision for future land use in the Fairmont Hot Springs & Columbia Lake area. During this workshop, residents also commented on a number of draft policies that were informed by the results of the survey and introductory meetings. Non-resident property owners not able to attend the workshop were given the opportunity to complete a mail out workbook, which included the same participatory exercises conducted at the workshop. Three of these mailout packages were completed and returned. Focused meetings with area stakeholders were conducted throughout the process. In January 2017, representatives from business associations and community groups worked together to identify who could lead and partner on various policy actions included in the OCP. The draft of the OCP was compiled over the fall and winter of 2016/17.

A postcard was mailed in the spring of 2017 announcing the open house (April 13). The draft was also presented to relevant stakeholders for their review and comment, including a presentation to Canal Flats mayor and Council on April 24, 2017. The draft bylaw was posted to the website on April 3 and a public comment period was open until May 26. Revisions were made to the draft OCP in response to feedback received from the public, stakeholders and the Village of Canal Flats prior to entering the bylaw process.

1.5 Relationship to Zoning Bylaw

The land use designations contained within the OCP were assigned based on the goals, objectives and policies outlined within the OCP and in consideration of the current land uses. However, the land use designations may not match a parcel's zoning within the Upper Columbia Valley Zoning Bylaw. This is because the OCP is a long range strategic planning document that identifies the preferred future land use, while the zoning bylaw usually recognizes the current land use. Development of the parcel may continue in accordance with the zoning of the property; however, any amendment to the zoning must be in conformity with the land use designation in the OCP.

1.6 Relationship to Akisq'nuk First Nation

The preparation of the OCP included consultation with the Akisq'nuk First Nation, part of the Ktunaxa Nation Council, in recognition of their interest in land uses occurring and proposed within the plan area. The plan area is part of the Ktunaxa Nation's traditional territory and there are specific land claims outstanding within the plan area. The OCP contains policies to recognize the archaeological and cultural resources that are contained within the plan area and the need to conserve and mitigate impacts on these resources.

1.7 Relationship to Shuswap Indian Band

The preparation of the OCP included consultation with the Shuswap Indian Band in recognition of their interest in the land uses occurring and proposed within the plan area. The OCP contains policies to recognize the archaeological and cultural resources that are contained within the plan area and the need to conserve and mitigate impacts on these resources.

1.8 Relationship to the Village of Canal Flats

The preparation of the OCP included consultation with Village of Canal Flats staff and consideration of the Village of Canal Flats OCP. Land use for parcels in the fringe area surrounding the Village of Canal Flats are of common interest and should be addressed in the regional context. The Village of Canal Flats is interested in attracting and developing a broad suite of land uses related to enhancing the local and regional economy. This OCP contains policies that support the Village of Canal Flats interest in attracting commercial and industrial development and potential to enhance the capacity of their municipal boat launch and lakeside park. These policies in no way preclude the Village of Canal Flats from attracting and developing uses beyond commercial and industrial uses.

1.9 Plan Area

The plan area includes the RDEK transfer station just north of the village of Fairmont Hot Springs on highway 93/95 and extends to the south, east and west to incorporate private land holdings along Columbia Lake, Whitetail Lake, Findlay Creek and Whiteswan Lake and abuts the northern boundary of Electoral Area E near Skookumchuck. A significant portion of the plan area is Crown land. Areas that are not Crown and outside of the subareas noted below are primarily large holdings located in the ALR. The boundary of the plan area is shown on **Schedule B**. Three subareas have been identified within the Fairmont Hot Springs & Columbia Lake Area OCP. These areas are:

(1) Fairmont Hot Springs

This subarea is comprised of the community of Fairmont Hot Springs and the Fairmont Hot Springs Resort village and amenities. The area includes retail and commercial uses anchored by resort amenities such as hot springs, golf courses, a ski hill, hotels and complementary resort services. Residential areas are characterized by urban sized parcels occupied primarily with single family residential dwellings, although several multiple family developments do exist. Most resort accommodations and services are located approximately 1.5 kilometers from the core commercial area adjacent to Highway 93/95.

(2) Dutch Creek, Hoodoos and Columere Park

This subarea is located along the Highway 93/95 corridor, west of Fairmont Hot Springs, and includes areas along the north side of Columbia Lake and Dutch Creek. The sub area includes commercial uses along the Highway 93/95 corridor, two RV parks, the single family residential developments of Dutch Creek and Columere Park and iconic hoodoo formations.

(3) West Side of Columbia Lake

This subarea is located between the west side of Columbia Lake and includes the Highway 93/95 corridor. The northern portion of this subarea is comprised of several communities characterized by urban sized parcels interspersed with a mix of undeveloped parcels, small residential holdings and some commercial offerings. The southern part of this plan area is comprised of predominantly large, rural resource parcels interspersed with some small holdings. Some parcels on the west side of the Highway 93/95 corridor are zoned and designated for future higher density single and multiple family residential uses with some supportive neighbourhood commercial.

2. AREA HISTORY AND BACKGROUND

2.1 History

First Nations people have inhabited the area for over 10,000 years. The natural landscape provided food, medicine, shelter and clothing for the first inhabitants as they followed seasonal vegetation cycles and animal movements throughout their territories. The plan area includes land forming part of the Ktunaxa creation story and continues to be significant to First Nations.

The east side of Columbia Lake was used as a site for First Nations villages, camps and ceremonial events and was a traditional transportation route, known today as the Spirit Trail.

In 1887, 79 years after David Thompson traveled through the area for the first time, the first white settler in the area, George Geary, homesteaded a large tract of land that included the hot springs. The following year he turned his holdings over to Sam Brewer who operated a stopping place for stage coaches. Fairmont Hot Springs were named by Mrs. John Galbraith, wife of the ferry operator at Galbraith's Landing near Fort Steele.

Around the same time that Sam Brewer began operating the Fairmont Hot Springs stopping place, W.A. Baille-Grohman was beginning work on a canal and lock that would join Columbia Lake with the Kootenay River and allow passage of commercial steam ships. After a series of mishaps, the canal and lock were completed on July 29, 1889. The system was only used three times and with the railway being completed in 1898 commercial steam ships became obsolete.

W. Heap Holland purchased the Fairmont Hot Springs property in the early 1900s and operated it as a ranch and resort. Earl and Lloyd Wilder bought the property with two other local businessmen in 1957. In 1965, the Wilders purchased the interests held by the other two partners and began a major expansion of the resort. During the same year Earl Wilder retired and sold his interest to his brother.

Expansion of the resort during the 1960s and 1970s included development of a golf course and ski hill, construction of a lodge and campground and expansion of the hot pool facilities. The resort continued to expand when additional golfing, commercial and residential accommodation was developed by Riverside Golf Estates at Fairmont in the 1980s and 1990s. Along with the resort area, the communities of Mountainside, Riverside, the Meadows and Ogilvie Wills make up what is commonly referred to as Fairmont Hot Springs. It is acknowledged that the timeshare ownership at several developments in Fairmont Hot Springs has a significant positive economic impact on the local economy.

In 2006 Ken Fowler Enterprises acquired the resort holdings, and subsequently the Riverside Golf Course and other development lands within the plan area.

Elsewhere in the plan area several major residential subdivisions were completed including Columere Park (1970s), Dutch Creek (1980s) Columbia Ridge Estates (1990s) and Spirits Reach (2000s).

The purchase of Lot 48 by the Nature Conservancy of Canada in 2012 completed the patchwork of conservation lands on the east side of Columbia Lake, as it was the last piece of property needed to conserve this ecologically and culturally significant landscape.

In 2015 the Canfor saw mill, located in the Village of Canal Flats, was permanently closed and all staff and workers either relocated or laid off. Although Canal Flats is an incorporated municipality and not subject to this plan, the effects of the mill closure are felt in the surrounding area. Canal Flats is eager to attract new industry to the village, which could have a renewed influence on the greater regional economy.

2.2 Recent Development and Statistics

Since the adoption of the Fairmont Hot Springs OCP in 2004, most development in the plan area has occurred in Fairmont Hot Springs and along the west side of Columbia Lake. Between 2005 and 2015 there were 148 parcels created through subdivision in the plan area, 116 parcels were created in 2017 alone. With 43% of dwellings being occupied by usual residents (2016 Census), the community of Fairmont Hot Springs is host to primarily seasonal residents, but also serves a year round community of 460 residents (2016 Census). With a close proximity to several communities on the west side of Columbia Lake, Fairmont Hot Springs is the year round community hub for many more people than the 460 residents reported in the 2016 census. There was a 3.4% decrease in population between the census years of 2011 and 2016. Although this corresponds to slowed growth in the resident population, between 2005 and 2015 there was still 140 new single family dwellings and 21 units in duplex and multiple family dwellings created in the plan area.

Some key statistics for the plan area include:

- Fairmont Hot Springs Population in 2016 was 460, a 3.4% decrease from the 2011 census which reported a population of 476 (Statistics Canada, 2016 Census).
- Electoral Area F Population in 2016 was 2,726, a 3.5% increase from the 2011 census which reported a population of 2,635 (Statistics Canada, 2016 Census).
- 43% of private dwellings in Fairmont Hot Springs are occupied by usual residents (Statistics Canada, 2016 Census).
- 46% of the population in Fairmont Hot Springs is 55 years or older. In BC, 30% of the population is 55 years or older (Statistics Canada, 2011 Census).

2.3 Rural Area Plans and Studies

Upper Columbia Valley Zoning Bylaw (1992)

The Upper Columbia Valley Zoning Bylaw is the regulatory tool used by the RDEK to establish specific development provisions for individual parcels of land in the rural area. The zoning bylaw establishes permitted uses, development density and parcel size, and other development controls such as building setbacks, building height and parking.

Fairmont Hot Springs Area Official Community Plan (2004)

The Fairmont Hot Springs and Area Official Community Plan was undertaken to provide policies that would guide land use decisions for the area. At that time, the area had experienced a growth of permanent residents of 20% between the census years of 1996 and 2001 and a great deal of development had occurred and more was planned.

Regional Sustainability Strategy (2014)

The Regional Sustainability Strategy (RSS) was adopted in October 2014. The RSS provides the RDEK with a wide ranging, long term planning tool. It equips the region with a “sustainability lens” to guide and evaluate operations and decision-making. It also provides the RDEK with a single overarching reference point for its activities, including future planning and priority setting processes.

RDEK Agricultural Plan (2014)

In 2014, the RDEK Agricultural Plan was developed as a collaborative process involving consultation with local residents, government agencies and local stakeholders.

The initial phase involved a comprehensive Agricultural Land Use Inventory of land use and land cover within the ALR utilizing the Ministry of Agriculture, Strengthening Farming Program protocol. The second phase included consultation and engagement activities, development of the RDEK Agricultural Plan Background Report and creation of the Plan. The Plan contains strategies to foster, adapt and sustain the long term viability of farming in the region.

Columbia Lake Management Strategy (1997)

With increased development pressure on lakefront property in the Columbia Valley, the Columbia Lake Management Strategy (1997) was undertaken to develop a strategy to direct lake and foreshore use in a way that would respect community and ecological values. Part of the background work that went into the strategy was to collect water quality data that will serve as a benchmark for future studies.

Columbia Lake Shoreline Management Guidelines for Fish and Wildlife Habitats (2010)

In 2010, the East Kootenay Integrated Lake Management Partnership developed management guidelines for the shoreline of Columbia Lake. The creation of these management guidelines was undertaken to maintain the shoreline's high value fish and wildlife habitat and to mitigate development impacts through a focus on conservation and restoration of shoreline habitat.

Columbia Valley Bicycle Network Plan (2016)

The Columbia Valley Bicycle Network Plan consolidates RDEK policy, identifies the current and potential cycling network opportunities, and identifies future opportunities for the RDEK to support the network within the Columbia Valley subregion. The focus of the plan is on a cycling network that connects communities within the Columbia Valley subregion.

CVGTA Trails Vision - 2017 (2017)

The Columbia Valley Greenways Trail Alliance has coordinated the development of a high-level trails vision for the Columbia Valley. The document outlines goals and objectives for the direction of trail development in the Columbia valley for the next number of years. With relation to this OCP plan area, the CVGTA Trails Vision – 2017 outlines the benefits of connecting the West Side Legacy Trail with Fairmont Hot Spring and Canal Flats, but does not identify specific routing.

3. VISION & GOALS

3.1 Vision

The following vision was developed to reflect the values and interests identified by the community throughout the planning process and is meant to inform the goals, objectives and policy direction of the plan.

The Fairmont Hot Springs and Columbia Lake area is a place where people of all ages and stages of life can live, work, connect and play. The local economy is diverse and resilient. Development is high quality, contributes to a sense of place and is accessible to pedestrians. The natural environment and cultural heritage are respected, enhanced and celebrated. Access to recreation can be found from one's doorstep.

3.2 Goals

The following goals have been developed to reflect the values and interests identified through the planning process. The major goals of the Official Community Plan (OCP) are:

1. Encourage the continued development of a high quality, self sufficient year-round resort community at Fairmont Hot Springs that provides services to meet the needs of residents of all ages and stages of life.
2. Concentrate residential development at existing development nodes.
3. Preserve the rural character of the plan area outside of existing development nodes by maintaining existing large parcel sizes.
4. Direct light industrial development to existing light industrial nodes and adjacent municipalities.
5. Enhance wildlife connectivity and habitat values within and surrounding the plan area by preserving important natural features and wildlife corridors within the plan area.
6. Consider institutional and community land uses appropriate to the needs of area residents.
7. Promote opportunities for connectivity and the creation of a pedestrian friendly environment through the development of a non-motorized trail network within and between new developments, existing communities, commercial areas and recreational opportunities.
8. Encourage opportunities for improvements to the road network and the integration of alternative modes of transportation.
9. Recognize and conserve the rich cultural resources and archaeological sites located within the plan area, both recorded and unrecorded. Development activities will comply with heritage conservation legislation.
10. Reduce greenhouse gas emissions created within the plan area in order to mitigate the impacts of climate change.
11. Recognize the risk of natural hazards such as flooding and debris flows within the plan area and establish Development Permit guidelines that promote public safety through mitigating risks to life and property.
12. Recognize the risk of interface fire hazards within the plan area and establish Development Permit guidelines to mitigate the risk.
13. Recognize environmentally sensitive areas and the animal and plant species that rely on these ecosystems and establish Development Permit guidelines to protect the natural environment.

4. RESIDENTIAL LAND USE

4.1 Background

The plan area encompasses a range of residential land uses. Single family housing options are primarily found in the small communities along the northern half of the west side of Columbia Lake and in Fairmont Hot Springs. Two family and multiple family developments can also be found in Spirits Reach on the west side of Columbia Lake and in Fairmont Hot Springs.

There are several parcels of land within the plan area that are zoned for varying densities of residential land use but not yet subdivided. Locations of these parcels include within Fairmont Hot Springs, and along the west side of the Highway 93/95 corridor near Columbia Lake.

Although population growth in the plan area is relatively flat, (-3.4% in Fairmont Hot Springs and 3.5% in Electoral Area F between the 2011 and 2016 census years), between 2005 and 2015 there were permits for 140 new single family dwellings and 21 units in duplex and multiple family dwellings in the plan area. Just over half of the dwellings in Fairmont Hot Springs (57%) are occupied by non-permanent residents.

During the public consultation process, residents expressed that they did not want Columbia Lake to become another Lake Windermere, referring to the extensive development and lake use of the latter. During the public consultation, residents did show an interest in maintaining the current pace of growth and development and wanted growth to occur in existing development nodes, such as Fairmont Hot Springs. Residents expressed a desire that future residential development had adequate provisions for sewer and water, and that public open space is accessible within walkable, connected communities. A balance between permitting new development and conserving the attributes which make the lake a special place is desirable.

4.2 Objectives

- (1) Maintain a compact development footprint in the plan area by encouraging residential growth in Fairmont Hot Springs, on lands currently zoned for residential development and the north-west portion of Columbia Lake between Columbia Ridge Estates and Columere Park.
- (2) Encourage a range of housing types and densities in Fairmont Hot Springs.
- (3) Manage residential growth along the west side of Columbia Lake by only considering new residential development proposals that are serviced so as not to compromise the environment, are compatible with adjacent land uses, are designed to maintain viewscales for existing developments and maintain some open space.
- (4) Maintain the rural character of land outside of development nodes and only consider residential development proposals if they are appropriately located, designed to be compatible with adjacent uses and do not compromise environmental or natural resource values identified elsewhere in this plan.

4.3 Policies

(1) General

- (a) Except where otherwise noted, new residential development is generally directed to existing development nodes within the Fairmont Hot Springs subarea. Rural subdivision is generally not supported.
- (b) New subdivisions of single family or greater density should be serviced by community water and sewer systems.
- (c) Mobile home parks are not supported within the plan area.
- (d) RR, Rural Resource designated lands are intended to be preserved as parcels 8.0 ha or larger and be maintained for low density land uses such as agriculture.

- (e) Subdivision of land adjacent to Whiteswan Lake and Whitetail Lake is not supported.
- (f) Applications for subdivision for a relative pursuant to the *Local Government Act* will generally be supported when all of the following conditions have been met, subject to compliance with the zoning bylaw:
 - (i) if the parcel is located in the ALR, there is no negative impact on the agricultural potential of the parent parcel;
 - (ii) the subdivision for a relative is kept as small as possible, having regard to health requirements, and is located in an area which has the least impact on agriculture;
 - (iii) the subdivision complies with the requirements of the zoning bylaw, other than with respect to the provisions relating to minimum lot sizes; and
 - (iv) a statutory declaration has been provided to the RDEK, prior to the issuance of an order, that confirms the parcel is for a relative and that the parcel will not be sold or transferred for a period of 5 years unless required as part of an estate settlement or as required by a lending institution.
- (g) Bylaw amendment applications for residential development should address the following:
 - (i) compatibility of the proposed development with surrounding land uses, parcel sizes, local rural character and lifestyle;
 - (ii) access and proposed internal road networks;
 - (iii) demonstrate the use of Conservation Subdivision Design principles such as:
 - (A) identify and establishing buffers from features such as riparian areas, wetlands, Class 1 ungulate winter range, wildlife corridors, wildlife habitat areas, natural hazard areas, woodlands and agricultural land;
 - (B) clustering development into nodes of smaller lots in order to preserve larger contiguous environmentally sensitive areas and agricultural zones; and
 - (C) utilizing compact neighbourhood design with dwelling units built in close proximity to each other to minimize the overall development footprint and required infrastructure.
 - (iv) integrate FireSmart principles.
- (h) Subdivision of a parcel isolated from the remainder of the parent parcel by a road, is supported even when the remainder is less than the minimum lot size permitted in the zoning bylaw. However, if the physical constraint is Highway 93/95, the subdivision will only be supported when the newly created parcels can be accessed from an existing road other than Highway 93/95.
- (i) Development is encouraged to recognize and integrate opportunities to retain and maximize the viewscapes.

(2) Fairmont Hot Springs

- (a) A mix of residential densities is supported in the Fairmont Hot Springs subarea.

- (b) Secondary suites will be supported in new single family developments. Rezoning applications to permit secondary suites in existing developments will be considered on a case by case basis.
- (c) New residential developments should include internal non-motorized trails and identify connectivity with an existing trail network where possible.
- (d) Development of seniors housing, assisted and supported living facilities is supported on lands designated for single family and multiple family development.
- (e) Rezoning to accommodate residential dwellings for short term rentals (nightly and weekly) for tourist accommodation is not supported.
- (f) The use of single family residential dwellings for long term rentals (monthly) is supported.

(3) Dutch Creek, Hoodoos and Columere Park, West Side of Columbia Lake

- (a) Rezoning of land to accommodate residential development of lands west of Highway 93/95 is generally not supported.
- (b) Future demand for residential development on the west side of Columbia Lake should be concentrated in the existing development node north of Columbia Ridge Estates and south of Columere Park. Land designated SH, Small Holding and DL 7548 may be appropriate to rezone to higher densities subject to meeting the intention of sections 4.3 (1)(b) and 4.3 (1)(g), and other environmental and hazard conditions identified in this plan.
- (c) New residential developments should include internal non-motorized trails and identify connectivity with an existing or proposed trail networks where possible.

(4) Home Based Business Policy

The following policy identifies when home based businesses are supported within the plan area:

- (a) Home based businesses which are accessory to the residential use, operate on a scale that is appropriate for the area, conform with home based business regulations in the zoning bylaw, and do not disrupt the residential nature of the surrounding area are supported in order to facilitate diversified economic development.

5. AFFORDABLE, EMPLOYEE & SENIORS HOUSING

5.1 Background

Housing affordability is a challenge faced by many throughout BC. An increased diversity in housing options could provide the opportunity for resort staff and younger families to purchase homes in Fairmont and become longer term residents. Fairmont Hot Springs Resort is supportive of affordable or attainable housing as it is seen as one of the components of retaining staff for the long term.

Through the public engagement process for this plan, area residents identified opportunities to age in place as a key housing theme. With an older population living in Fairmont Hot Springs opportunities for developing a spectrum of options to age in place is desirable.

Fairmont Hot Springs Resort currently provides employee housing in two buildings, for a total of approximately 80 beds. Fairmont Hot Springs Resort recognizes the need for a diverse range of housing options as a way to supplement employee housing and create attainable housing options for employees who may wish to live in Fairmont Hot Springs.

In order to identify the requirements for employee housing by Fairmont Hot Springs Resort, an Employee Housing Strategy (EHS) was completed in 2008. The EHS outlines the existing staff housing stock operated by Fairmont Hot Springs Resort, the number of employees in 2008 and a projection of employee numbers associated with anticipated resort growth and corresponding staff housing requirements. The total number of Fairmont Hot Springs Resort employees in 2008 was 366. Resort growth from 2008 until the drafting of this OCP did not occur as projected in the EHS. As of 2016, the resort employed 325 people; far below anticipated staff levels shown in the 2008 EHS. At this time, an update to the EHS is not warranted.

5.2 Objectives

- (1) Provide a range of housing options so resort and service industry workers can find suitable and affordable housing that enables them to live in the same community as their place of employment.
- (2) Integrate employee housing within the community by supporting affordable housing initiatives, as well as the provision of secondary suites in new residential subdivisions.
- (3) For resort developers to provide adequate staff accommodation facilities commensurate with resort expansion, including, if necessary, the construction of an independent employee housing facility.
- (4) Provide a diversity of seniors housing options throughout the community that will meet the needs of an aging population and facilitate aging in place.
- (5) Ensure employee, affordable and seniors housing fits with the character of the resort.

5.3 Policies

- (1) In the event of Fairmont Hot Springs Resort expanding their resort operations, FHSR must provide an updated EHS to the RDEK. In the event that the updated EHS identifies that insufficient employee housing is being provided by FHSR, Development Permits or other approvals for commercial or resort development may be withheld. Any shortfall in the number of employee housing units that resulted from new development or changes to existing employee housing must be provided prior to the issuance of further Development Permits or other approvals that would result in the creation of new demand for additional employee housing units. Following the preparation of an updated EHS by FHSR, the provision of employee housing opportunities must be in accordance with a new strategy or as otherwise directed by the RDEK Board.

- (2) The RDEK will consider a variety of housing types and encourage innovative housing approaches to meet the needs of permanent, semi-permanent and seasonal residents of the community.
- (3) To support lowering eventual housing costs for occupants of affordable, seniors and employee housing, the RDEK will:
 - (a) expedite the RDEK permit approvals process by placing these applications at the front of the queue;
 - (b) support amendments to the Development Applications Bylaw which would establish reduced fees;
 - (c) advocate for fee reductions from outside agencies (e.g. MoTI Subdivision fees) on a case by case basis.

These provisions will not apply to developments with market controlled pricing.

- (4) Bylaw amendment applications for the development of accessible seniors housing, including independent, supportive and assisted housing options is supported subject to compatibility with adjacent land uses and other environmental and hazard conditions identified in this plan.
- (5) As identified in section 4.3 (2)(b), the RDEK supports the inclusion of secondary suites in new single family residential developments.
- (6) When comprehensive development proposals are received that require rezoning, consider zoning bylaw amendments that include density bonusing for the provision of affordable housing as identified in the *Local Government Act*.

6. COMMERCIAL & RESORT LAND USE

6.1 Background

Much of the commercial development within the plan area is dedicated to resort and recreational services. In addition, there are service commercial developments catering to the traveling public and some local commercial that services both visitors and residents.

During the public consultation process for this OCP, area residents indicated strong support for directing commercial development to existing commercial nodes, which are located adjacent to the highway corridor. Within Fairmont Hot Springs, the preferred form of commercial development identified in consultation for this plan are those which provide local commercial services. The next most preferred form of commercial development are those which provide tourism related services.

Development permit guidelines to manage the form and character of commercial development within the plan area are identified within section 20.5 of this plan.

6.2 Objectives

- (1) Support neighbourhood scale local commercial development that supports the day to day needs of both residents and visitors.
- (2) Focus tourist commercial development in Fairmont Hot Springs.
- (3) Support commercial recreation and tourism land uses within the plan area where the use is compatible with adjacent land uses.
- (4) Support high quality development reflective of the resort setting and geographic context.

6.3 Policies

(1) General

- (a) Except where otherwise noted, commercial development is generally directed to existing commercial nodes in Fairmont Hot Springs.
- (b) Rezoning to permit a commercial use within the plan area is generally not supported, except as noted in section 6.3 (1)(f).
- (c) Commercial development is encouraged to be completed to a high standard and in an architectural style that compliments resort character and natural surroundings.
- (d) Commercial signage should avoid the use of vehicle oriented displays in favour of more pedestrian scale signage reflective of a high quality, pedestrian scale resort area.
- (e) The use of billboards within the plan area is generally not supported. The placement of signs within the plan area must comply with the provisions regulating signage in the zoning bylaw and may require approval from the Ministry of Transportation and Infrastructure if adjacent to a road.
- (f) The following uses may be supported outside of the Fairmont Hot Springs commercial area if there will be no significant adverse impact on adjacent uses, rural character, or the environment:
 - (i) commercial tourism or recreation activities adjacent to a site with recognized recreation capability;
 - (ii) ecotourism activities that provide economic diversification and have limited impacts on the environment, agriculture and heritage resources;

- (iii) agritourism activities that provide economic diversification and have limited impacts on the environment, agriculture and heritage resources.
- (g) Applications for the development of new campgrounds in the plan area should include development contributions to assist in mitigating the impacts of the proposed development, including contributions to address the cost of managing solid waste generated within campgrounds.

(2) Fairmont Hot Springs

- (a) Development and implementation of a comprehensive wayfinding strategy within Fairmont Hot Springs is encouraged.
- (b) Creation of sign design guidelines for the Fairmont Hot Springs commercial area is encouraged.
- (c) Commercial development that supports the use of the Fairmont airstrip as a local transportation amenity will be supported.
- (d) A future community planning project focused on the beautification and revitalization of the core highway commercial area in Fairmont Hot Springs is supported.
- (e) Commercial developments in Fairmont Hot Springs are encouraged to be oriented to local services.

(3) Dutch Creek, Hoodoos and Columere Park

- (a) Commercial developments on existing commercial or recreational zoned lands are encouraged to be oriented to local and tourist related services.

7. AGRICULTURAL LAND USE

7.1 Background

Several large farming and ranching operations are located in the valley bottoms of the plan area. Agricultural land and Crown grazing tenures form a nearly contiguous area of land along the Rocky Mountain Trench and connect the Purcell and Rocky Mountains. This vast area of agricultural land not only forms part of the cultural heritage of the area, but contributes to the highly valued rural character, local and regional economies and provides valuable ecosystem services.

The Agricultural Land Reserve (ALR) is a provincial land use designation intended to protect farming and agriculture as the primary land use. Subdivision and non-farm uses within the ALR must meet provincial regulations and be approved by the Agricultural Land Commission (ALC). Land included in the ALR is shown on **Schedule C**.

During the consultation process for the development of this OCP, residents expressed a high level of support for continued agriculture operations within the plan area. Residents expressed that they do not support subdivision or exclusion of lands in the ALR, although subdivision in the ALR for a retiring farmer or for a relative were supported.

Through engagement with the agriculture sector, it was expressed that in order to maintain the agricultural land base in the future, it is important that young farmers have expanded opportunities for supplementing their farm incomes on their property (this could include an expanded opportunity for home based business) and there needs to be mechanisms in place for young farmers to secure financing to help them move onto the land.

Applicants wishing to subdivide land within the ALR should be aware that the ALC is not subject to the subdivision to provide residence for a relative provisions contained in Section 514 of the *Local Government Act*, nor does the ALC believe that encouraging small lot subdivision is supportive of agriculture and consistent with the ALC mandate to preserve agriculture and encourage farming. Policies stating support for subdivision of land within the ALR, with the exception of those applications that qualify under the ALC's Homesite Severance Policy, are the policy of the RDEK only.

7.2 Objectives

- (1) Support a working landscape by preserving contiguous areas of agricultural and range land.
- (2) Outline conditions under which subdivision within the ALR will generally be supported and discourage ALR subdivision that does not meet these conditions.
- (3) Minimize conflicts between agriculture and other potentially incompatible land uses on adjacent lands.
- (4) Support local food production, local distribution of food products, and diversification of agricultural uses.
- (5) Avoid the encroachment of development onto farm and range lands by encouraging growth and development in existing development nodes and encourage infill development prior to extending development boundaries.

7.3 Policies

(1) General

- (a) Land in the ALR is generally designated and supported for agricultural use.
- (b) Agricultural land generally takes place on large rural parcels within the plan area. These large parcels support opportunities for a working landscape that provides economic and environmental services. Fragmentation or parcelization of agricultural lands in the plan area is generally not supported.

- (c) Preservation and continued use of agricultural land for present and future food production is encouraged.
- (d) The primary commercial uses for land within the ALR should be agricultural production and the processing and marketing of on-farm produce. However, accessory uses that complement agriculture, including, but not limited to agri-tourism, farm gate sales, and market gardens will generally be supported in the ALR provided that these uses do not limit the ability of the land to produce commodities in the future.
- (e) In order to support opportunities to diversify income sources on agricultural lands, home occupations that are complimentary to agricultural operations and do not limit the future agricultural potential of the land are supported within the ALR.
- (f) Applications for subdivision for a relative pursuant to the *Local Government Act* will generally be supported, as outlined in section 4.3 (1)(f).
- (g) Buffers between properties on which farming is taking place and adjacent non-agricultural properties will be established through setbacks within the zoning bylaw. Measures such as fencing, screening and building setbacks on adjacent non-agricultural properties should be utilized to ensure that farm operations are adequately protected and buffered.
- (h) The location of new roads and utility corridors should be designed to minimize the impact on existing or potential agricultural areas.
- (i) New and continued Licenses of Occupation for grazing tenures on Crown land are generally supported provided the tenures are not associated with wildlife fencing.
- (j) Livestock and manure should be kept out of water bodies and watercourses to the greatest extent possible to avoid increased amounts of sediment and nutrient inputs to downstream water bodies.
- (k) The development of small scale community kitchens, food processing facilities and outdoor community ovens is encouraged.
- (l) Small scale food production aimed at local markets is supported.
- (m) Ecosystem restoration efforts that enhance grasslands and rangelands within the plan area are supported.
- (n) The implementation of applicable recommendations contained in the RDEK Agricultural Plan is supported.

(2) Agricultural Land Reserve Applications

- (a) In order to recognize the current residential use of the land, the area noted in Figure 1 is supported for exclusion from the ALR.



Figure 1

- (b) In order to protect existing and future agricultural and grazing opportunities and ecosystem services provided by lands in the ALR, additional exclusion and subdivision of land within the ALR is generally not supported.
- (c) ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capability and provide a net benefit to agriculture for the lands that remain within the ALR.
- (d) New residential development is encouraged to be directed to land within existing development nodes outside the ALR.
- (e) Applications for homesite severance subdivision for a retiring farmer in the ALR will generally be supported when the minimum parcel size is 0.4 ha, the proposal is in compliance with the ALC Homesite Severance Policy, and subject to compliance with the zoning bylaw.
- (f) ALR applications for exclusion, non-farm use, or subdivision of parcels 4.0 ha in size or larger must be accompanied by a report from a qualified professional unless an exemption from the requirement has been approved by the RDEK Board. The report must include the following:
 - (i) determination of the level of capability and suitability for both soil bound and non-soil bound agricultural production on the parcel including investigation of the terrain, soil, size, configuration and context of the agricultural lands; and
 - (ii) identification of the impact the proposal will have on the agricultural suitability and capability of the parcel, and agricultural operations in the surrounding area.

Applications will not be processed by RDEK staff until such time as the report has been submitted or an exemption has been granted. Requests for exemption must be provided in writing to the RDEK prior to making an application and must provide rationale for granting the exemption.

Note: On August 7, 2020, Resolution 49314 was passed by the RDEK Board of Directors to issue a blanket exemption for the requirement to submit a report for all ALR applications. A report from a qualified professional (e.g. Agrologist report) is currently not required unless otherwise identified by RDEK staff.

- (g) ALR applications for non-farm use, subdivision, or exclusion that meet one or more of the following criteria are exempt from the requirement to submit a report by a qualified professional identified in 7.3(2)(f) as part of their application to the RDEK:
 - (i) the application is for subdivision for a relative as per the provisions in the zoning bylaw and the *Local Government Act* and the parcel proposed is equal to or less than 2.0 ha in size;
 - (ii) the application is for a reconsideration or alteration of a prior approval by the ALC; or
 - (iii) the original parcel size is equal to or less than 4.0 ha in size.

The exemption is a condition of the RDEK review process only and does not exempt the applicant from any conditions imposed by the ALC as a condition of their consideration of the application or approval. All applications reviewed by the ALC are on an individual basis in regard to the ALC's mandate and may or may not be approved.

8. LIGHT INDUSTRIAL LAND USE

8.1 Background

During the public consultation process area residents generally indicated a preference to direct light industrial activities to nearby municipalities with established light industrial nodes. However, light industrial activities that service community and resort needs, including the airport, are supported in the Fairmont Hot Springs sub area.

8.2 Objectives

- (1) Support light industrial land uses within the Fairmont Hot Springs sub area that service community and resort needs.
- (2) Concentrate light industrial land uses not directly servicing community and resort needs within a neighbouring municipality.
- (3) Support light industrial land uses within the rural parts of the plan area in a manner that is compatible with adjacent land uses, the rural character of the plan area and the resident and visitor experience.
- (4) Ensure that aggregate extraction activities are conducted in a manner that is compatible with adjacent land uses and the rural character of the plan area.

8.3 Policies

- (1) Light industrial development that supports community and resort needs, including the airport, is supported if there will be no significant adverse impact on adjacent uses, rural or community character, the environment or the resident and visitor experience.
- (2) Light industrial development that does not directly service community and resort needs is generally directed to nearby municipalities. However, resourced-based industries that require on-site processing at facilities located close to the source of their major resource may be supported in the plan area if there are no significant adverse impact on adjacent uses, rural or community character, the environment or the resident or visitor experience.
- (3) Land described as District Lot 112 is currently zoned I-2, Heavy Industrial in the zoning bylaw; however, due its proximity to the significant cultural and environmental attributes found in the adjacent lands designated CEL, Cultural and Ecological Landscape and the desire to see industrial development focused in the adjacent Village of Canal Flats or identified industrial development nodes elsewhere in this plan area, the parcel has been designated RR, Rural Resource as continued industrial zoning is not supported.
- (4) Proposed new sand and gravel extraction sites should be located in areas that are compatible with adjacent land uses.
- (5) Sand and gravel operations are encouraged to utilize the existing site to its maximum extraction capacity prior to development of new sites.
- (6) The siting of sand, gravel, and mineral resource extraction activities in close proximity to residential areas is discouraged. The responsible provincial government ministry is encouraged to adjudicate applications fairly and with full public input. If an application is approved, appropriate mitigation measures should be applied in order to minimize impacts on nearby residential uses.
- (7) Resource extraction operations are encouraged to give due consideration to the preservation of scenic views in the plan area.
- (8) The rehabilitation and reclamation of industrial and resource extraction sites upon cessation of activity is encouraged.

9. INSITUTIONAL AND COMMUNITY LAND USE

9.1 Background

During public consultation, there was interest expressed in developing a greater range of community land uses within Fairmont Hot Springs that would complement and enhance the resident and visitor experience. Opportunities for events and programs that allow the community to gather and contribute to a sense of vibrancy are welcomed.

9.2 Objectives

- (1) Facilitate the identification of lands for future community and institutional land uses.

9.3 Policies

- (1) The Fairmont Lions Club owns two properties, shown in Figure 2, in the Ogilvie Wills subdivision that are intended to be developed for community benefit. At this time the Fairmont Lions do not have formal development plans for the sites, but are willing to work in conjunction with others in order to develop these properties for community benefit.



Figure 2

- (2) A local cemetery exists on private land in Fairmont and is designated INT, Institutional for that purpose.
- (3) If a community or subregional park service is established (see section 10), additional lands may be made available for parks, open spaces and institutional land uses.
- (4) No school facilities are anticipated within the projected 5 to 15 year timeline considered within this OCP; therefore, no school sites have been identified.
- (5) The RDEK supports the establishment of a local medical services clinic and related health care services in Fairmont Hot Springs to service seasonal and permanent residents.

10. OPEN SPACE, RECREATION AND TRAILS

10.1 Background

The plan area is well known for its natural beauty and opportunities for outdoor recreation. At the heart of the plan area is Columbia Lake, a picturesque shallow warm water lake that although not as well known as Lake Windermere to the north, is enjoyed by both motorized and non-motorized recreationalists. The shallow waters and marshes of Columbia Lake provide important habitat and nesting areas for several species of waterfowl and is also a stop for migratory birds on the North American flyway. After the swift water associated with spring freshet have subsided, floating, paddling and swimming the Columbia River through Fairmont Hot Springs is a popular activity. The hot, mineral rich waters of Fairmont Hot Springs offer a restful experience for all who indulge. The desire for greater trail connectivity was expressed during public consultation for this plan. Several bike and walking trails are built or proposed for the plan area, including the West Side Legacy trail which is proposed to be a dedicated paved trail from Invermere to just south of Fairmont Hot Springs.

Several Lakes in the plan area offer trophy fishing for rainbow trout and the streams and rivers are home to resident populations of sport fish such as cutthroat trout, rainbow trout and bull trout. Opportunities for rock climbing, hunting, hiking, ATVing and a host of other outdoor activities are possible within the plan area. In the winter, Fairmont Hot Springs Resort operates a family oriented ski hill on the east side of the Rocky Mountain Trench above the hot pools.

Access to public open space and recreational opportunities increases the likelihood that residents and visitors will be physically active, which in turn reduces the incidence of chronic health conditions and positions the area to market themselves as a destination for outdoor recreation.

10.2 Objectives

- (1) Support the design and establishment of a comprehensive network of trails and open space to that connects communities within the plan area.
- (2) Support the design and establishment of a safe and accessible trail network within Fairmont Hot Springs that connects key locations, such as seniors, affordable and employee housing and resort accommodation with local services.
- (3) Promote trail construction and maintenance standards that protect trail users and the environment.
- (4) Provide local parks, trails and other outdoor recreation opportunities in locations and in sufficient quantity to be available and accessible, where possible, to all members of the community, including a broad spectrum of activities and lifestyle types.

10.3 Policies

- (1) Support the establishment of a comprehensive trail network in Fairmont Hot Springs linking various subdivisions with local services, amenities and existing trails. Routing and design could be included in a future community planning exercise.
- (2) Support the provision of a trail system that connects Fairmont Hot Springs with the West Side Legacy Trail, communities along the west side of Columbia Lake and Canal Flats. This would include public infrastructure to facilitate safe pedestrian movement across Highway 93/95, the CPR right-of-way, Dutch Creek and the Columbia River. The greatest degree of separation of pedestrians from motorized vehicles is preferred. The types of crossings and trail routing are not yet determined. Routing, design, ownership and maintenance would be determined in a future community planning exercise.
- (3) As part of future trail development, one or more safe, accessible pedestrian highway crossings are supported.

- (4) Support the enhancement of public access points for Columbia River users. This includes developing educational material aimed at encouraging safe river use, reducing conflict between river users and adjacent land uses such as golf courses and private residences and minimizing impacts on the movement of wildlife.
- (5) At the request of area residents, the RDEK may investigate the establishment of a service area to provide a parks and recreation function to support the establishment and ongoing maintenance of local and regional recreational amenities in the plan area. The service area establishment process is required before a local park function may be undertaken by the RDEK.
- (6) The establishment of a parks service should include the ability for the RDEK to accept cash-in-lieu of parkland from a developer at the time of subdivision, as prescribed by the *Local Government Act*. Any monies raised from subdivision within the service area would remain within the service area.
- (7) Trail development that crosses or is in close proximity to Fairmont or Coldspring Creeks should include signage communicating the risks associated with debris flows and flooding.
- (8) Opportunities to utilize underused areas such as parks and public open spaces to grow food are encouraged.
- (9) When planning outdoor green spaces such as parks, the development of areas for the public to sit, eat and rest is encouraged.
- (10) Prohibiting smoking in public parks is supported.

11. COLUMBIA LAKE

11.1 Background

The plan area encompasses the headwaters of the Columbia River: the 4th largest river in North America by volume, travels over 2000km to Pacific Ocean and is the subject of the Columbia River treaty. Salmon once traveled into the area via the Columbia River, which was part of the annual food cycle for First Nations. These areas are also significant places in the Ktunaxa creation story. The lake and wetlands are important stopping points for migrating birds traveling the North American flyway. The lake is the drinking water source for communities on the west side of Columbia Lake.

Public and private lake access is limited for several reasons. The east side of the lake is a patchwork of conservation properties including Columbia Lake Provincial Park. During the creation of this plan, BC Parks began upgrades to a portage access intended for non-motorized and small craft access to the north east side of the lake in Columbia Lake Provincial Park. There is a private boat launch and marina at Columere Park on the north east corner of the lake for the use of residents of that community. The Village of Canal Flats is located on the south side of the lake and has a public launch that can be used by visitors for a fee and accommodates motorized craft. The entire west side of the lake is bound by a Canadian Pacific Rail line, which limits potential for both private and public access.

During public consultation, residents expressed a desire to protect the lake and preserve its natural character. On water moorage is currently permitted at 3 locations, with overnight moorage only permitted at the marina in Columere Park. When asked if opportunities for on water moorage should increase, decrease or stay the same, the majority of respondents wanted opportunities to remain unchanged.

In 2010, the East Kootenay Integrated Lake Management Partnership developed management guidelines for the shoreline of Columbia Lake. The guidelines rank segments of shoreline based on habitat value, wildlife use and sensitivity to development impacts. The four rankings from most sensitive to least are red (very high current ecological value), orange, yellow, and grey (low and very low current ecological value). Columbia Lake contains significant orange and red shoreline, however, most of this is located along the northern wetlands, protected east side or the wetlands on the south side of the lake within the Village of Canal Flats. The west shore of Columbia Lake within the RDEK is ranked as having low and very low current ecological value because of the historic disturbance from the construction of the railway. Because of the limited potential for foreshore development and the low current ecological value ranking of the shoreline along the west side of Columbia Lake, where development may occur on privately held parcels, a shoreline development permit area was not viewed as necessary for this plan.

Columbia Lake, River and Wetlands complex are subject to various boating regulations under the federal Vessel Operations Restriction Regulations (VORR). Three areas are subject to four distinct boating restrictions in the plan area and are referenced on **Schedule E**. For the status of current regulations, please consult the federal VORR. At the time of drafting this plan, the boating restrictions as they relate to the three areas shown on **Schedule E** are:

- Zone 1: Columbia River Main Channel
 - Towing a person on any sporting or recreational equipment, or allowing a person to wake surf, is prohibited.
 - Power-driven vessels and vessels driven by electrical propulsion are prohibited (20 hp/15 kW or less permitted).
- Zone 2: Columbia Wetlands
 - Power-driven vessels and vessels driven by electrical propulsion are prohibited (does not apply to a person engaged in commercial trapping activities who holds a permit issued by the Province of British Columbia or to a person engaged in subsistence hunting or trapping).
- Zone 3: Columbia Lake & Columbia River Through Fairmont Hot Springs
 - Power-driven vessels and vessels driven by electrical propulsion are subject to a speed limit of 10 km/h.

11.2 Objectives

- (1) Promote partnership opportunities between the RDEK and other government and non-profit organizations to work toward best management practices for the lake and to fulfill objectives and policies of the Columbia Lake Management Strategy.
- (2) Provide public access without compromising the environmental integrity of the foreshore or the lake.
- (3) Ensure private sewer systems and other sources of potential inputs do not affect the water quality of the lake.

11.3 Policies

- (1) At the time of drafting this plan, the development of new public access for non-motorized watercraft at Columbia Lake Provincial Park was underway and is supported subject to avoiding impacts to archaeological sites, referencing the Columbia Lake Shoreline Management Guidelines (2010) and that the facility be day use only.
- (2) When development or redevelopment of foreshore areas are proposed, they must include reference to the Columbia Lake Shoreline Management Guidelines (2010) and include any mitigation and compensation considerations identified therein.
- (3) Although outside of the jurisdiction of the RDEK, a horsepower limit on the main channel of the Columbia River through Fairmont Hot Springs is supported in order to improve the safety of non-motorized users.
- (4) Although it is outside of the jurisdiction of the RDEK, Armstrong Bay is supported as a non-motorized use area.
- (5) All foreshore development must be reviewed with respect to potential impacts to domestic water intakes.
- (6) Installation of new private mooring buoys in Columbia Lake is not supported. Private mooring buoys are only appropriate in areas zoned for their placement.
- (7) The development of new marinas is not supported in the plan area. It is recognized that the Village of Canal Flats is outside of the plan area.
- (8) The sale or other alienation of Crown land adjacent to Columbia Lake is not supported.
- (9) The water testing and monitoring program, stewardship initiatives and education activities by the Columbia Lake Stewardship Society are supported.
- (10) A review and update of the Columbia Lake Management Strategy (1997) is supported.
- (11) The RDEK will install buoys or signs to notify boaters of the various federal regulations applicable to Columbia Lake, Columbia River and Columbia Wetlands is supported.
- (12) Renewal of the lease for the Columere Park marina should include an opportunity to review the conditions of the lease to ensure compliance with this plan, that the conditions of the lease are being met and should changes or expansion to the marina be proposed, the objectives contained in the Columbia Lake Shoreline Management Guidelines (2010) are considered.

12. ENVIRONMENTAL CONSIDERATIONS

12.1 Wildlife Habitat and Corridors

(1) Background

Environmental values were consistently one of the most referenced concerns throughout the public consultation process for this plan. This is reflected in residents' desire to minimize or avoid negative impacts development could have on the natural environment.

The plan area includes a number of provincially important wildlife areas and privately held conservation lands including Columbia Lake Provincial Park, several Nature Trust of BC and Nature Conservancy of Canada properties and the Columbia Lake Wildlife Management Area. These lands along with several large agricultural parcels form an important winter range for valley wildlife as well as supporting a range of other natural resource management functions. Preserving wildlife corridors between these crown and private lands is important for habitat connectivity in the Columbia valley as these parcels form significant north-south wildlife corridors within the plan area. There is also a more fragmented network of agricultural properties and crown land forming an east-west wildlife corridor linking the Purcell and Rocky Mountains. High density, extensive or intensive land use development may not be compatible in some areas identified as being important to wildlife.

Blue listed Bighorn sheep are found in the plan area. Most Bighorn Sheep spend their winters on open, low elevation areas, where there is access to forage such as fescue and bluebunch wheatgrass. In the spring, Bighorn sheep move to higher elevation summer pastures in the alpine. Primary threats to the Bighorn sheep are habitat loss, fragmentation and disease. Factors contributing to habitat loss and fragmentation are forest ingrowth, invasive plants, human disturbance, development and competition from grazing cattle and elk. Several diseases and parasites, including pneumonia, can be contracted by Bighorn sheep populations when they come in contact with domestic sheep.

(2) Objectives

- (a) Ensure that development causes minimal degradation of soil, air and water systems and is compatible with maintaining and enhancing wildlife habitat.
- (b) Retain critical wildlife habitat, wildlife corridors and ungulate winter range.
- (c) Maintain north-south and east-west habitat connectivity through undisturbed open space and wildlife corridors to support the movement of various wildlife species and access to important habitat.

(3) Policies

- (a) Where intensive development is proposed in a wildlife corridor, clustered development design and greenspace retention, site specific studies by a qualified professional and other measures to mitigate impacts of development on wildlife movement may be required.
- (b) Ecosystem restoration initiatives on Crown and private land, including habitat enhancement, wildfire reduction and grassland restoration are encouraged.
- (c) The RDEK recognizes the need to protect golf courses from trespass and animal damage; however, perimeter fencing of golf courses is not supported. The RDEK encourages golf courses to utilize other means of protecting golf course lands such as bollards and post & cable fencing which do not hinder animal travel through the golf course lands while preventing vehicular access. Temporary

protective fencing around greens and tees over winter months to protect from ungulate damage is acceptable.

- (d) Future land uses should promote connectivity and discourage fragmentation of contiguous ecosystems and ecosystem components to preserve landscape diversity and allow wildlife and waterfowl use, movement and dispersal.
- (e) Agricultural operations considering the use of wildlife fencing are encouraged to consider wildlife movement, habitat and access to water when determining fence style and placement.
- (f) Conservation and/or enhancement of fish and wildlife habitat values within the plan area by local citizens, environmental organizations and Provincial and Federal jurisdictions is encouraged.
- (g) Residents and visitors accessing Crown land are encouraged to minimize impacts to grazing, habitat, wildlife and sensitive soils.
- (h) Future land uses should not compromise the integrity of badger habitat, Class 1 and 2 ungulate winter range and Big Horn Sheep habitat particularly range located along west facing slopes. Ungulate winter range is shown on **Schedule F**, badger habitat is shown on **Schedule G**, Big Horn Sheep habitat is shown on **Schedules K and K1 to K3**.
- (i) Development is encouraged to limit impacts on wildlife movement through development design or other compensations.
- (j) Education programs such as WildSafe BC and Wildlife Collision Prevention Program to reduce wildlife conflict and mortality are encouraged.
- (k) Habitat connectivity, sensitive ecosystems, vulnerable plant communities and movement of endangered animal species must be considered at the time of rezoning or OCP amendment applications. Notwithstanding the development permit requirements of section 20.3 of this plan, additional development approval information may be required by the RDEK as part of the development approval process. For example, submission of a report by a qualified professional that includes, but is not limited to the following:
 - (i) Identification of any endangered or vulnerable species that utilize the area under consideration;
 - (ii) Identification of opportunities for mitigation of the proposed development on wildlife movement corridors through development design or other compensation;
 - (iii) Identification of areas, as appropriate, to be dedicated as conservation areas;
 - (iv) Site specific additional requirements identified by the RDEK at the time of application.
- (l) Preservation and restoration of wildlife connectivity corridors is encouraged and supported by the following:
 - (i) Contiguous habitat areas should be preserved.
 - (ii) Structures and barriers that impede wildlife movement such as exclusion fencing should be avoided within connectivity corridors. For example, solid walls or fences erected to control wildlife capable of jumping over a fence 2.0 m in height should not be used.
 - (iii) Extensive development within connectivity corridors that restricts the opportunity for wildlife movement should be avoided.

- (iv) If the construction of a structure within a connectivity corridor cannot be avoided, the structure should be located at the periphery of the corridor to limit the impediment of wildlife movement.
 - (v) Extensive pruning of underbrush within connectivity corridors should be avoided.
 - (vi) Forest cover should be maintained to encourage the use of connectivity corridors by wildlife.
 - (vii) Native vegetation within connectivity corridors should be maintained. Conversion of vegetation within corridors to non-native species should be avoided.
 - (viii) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.
- (m) In addition to development permit area guidelines for environmentally sensitive areas found in Section 20.3, landowners clearing vegetation, particularly during the migratory breeding bird window between April and August, should be aware of the regulations contained under the federal Migratory Birds Convention Act (1994).

12.2 Invasive Species

(1) Background

Invasive species include terrestrial plants and animals, as well as aquatic plants, fish and invertebrates which have been introduced or occur outside of their natural range. Invasive species are a concern from environmental, economic and social perspectives. After habitat loss, invasive species are the second largest threat to global biodiversity. They can interfere with agriculture, recreation and forestry and can reduce the quality of recreational and subsistence activities such as hunting and fishing.

(2) Objectives

- (a) Recognize the importance of containing and controlling invasive species.
- (b) Support initiatives that prevent the spread and establishment of invasive species.

(3) Policies

- (a) Property owners and occupiers are required to control and manage invasive plants in accordance with applicable RDEK bylaws and provincial acts and regulations.
- (b) Recreational users within the plan area are encouraged to inspect their ATVs, mountain bikes, boats and vehicles for invasive plants and animals to assist in the prevention of the spread and establishment of these species.
- (c) Support installation of interpretive signage at public and private boat launches and lake access points to educate the public about the impact of invasive aquatic species.
- (d) Boat inspections and cleaning stations aimed at reducing or eliminating the spread of invasive species are supported. These stations should not slow or disrupt highway travel.
- (e) To reduce the potential establishment and further distribution of invasive species from land clearing related to development, landscape plans that accompany development permit applications must include appropriately scaled re-vegetation or landscape details for all disturbed areas.

12.3 Water & Air Quality

(1) Background

Ground and surface water protection were highly ranked environmental concerns during the consultation process.

(2) Objectives

- (a) Encourage the responsible use and protection of water resources and water quality for all designated water uses within the plan area.
- (b) Protect groundwater, surface water sources and community watersheds for domestic water and irrigation use in order to ensure sustainable water supplies.

(3) Policies

- (a) Development is encouraged to avoid streams, wetlands and riparian areas and to provide appropriate development setbacks and buffer areas.
- (b) Property owners adjacent to water bodies or watercourses are encouraged to protect and conserve the natural riparian vegetation. Any land altering activities within a riparian area must comply with the applicable provincial and federal legislation, regulations and approvals.
- (c) No person may carry out a work or undertaking which impacts fish or fish habitat in contravention of the Federal *Fisheries Act*.
- (d) Development adjacent to water bodies or watercourses should consider storm water management options that mitigate the impact of run-off on riparian and environmentally sensitive areas.
- (e) Approved development and associated management activities such as dredging within or adjacent to water bodies, wetlands or riparian areas should be conducted following appropriate best management practices and in accordance with the required approvals.
- (f) Golf courses should employ strategies to minimize or eliminate non-point source pollution to surface water bodies.
- (g) Livestock and manure should be kept out of water bodies and watercourses to the greatest extent possible to avoid increased amounts of sediment and nutrient inputs to downstream water bodies.
- (h) Resource extraction and development within watersheds should not compromise watershed integrity or the ability to utilize the water sources for domestic use, harm fish and wildlife habitat or negatively impact water quality.
- (i) Water conservation is encouraged through the use of low volume fixtures, the use of efficient lawn watering practices and the utilization of native vegetation in landscaping.
- (j) Initiatives to protect air quality in the plan area such as the conversion of inefficient wood burning appliances to high efficiency models and the implementation of smart burning practices are supported.
- (k) Initiatives which promote education regarding the health risks associated with radon gas, testing and remediation efforts are encouraged.

12.4 Conservation Lands

(1) Background

The plan area includes a number of provincially important wildlife areas and privately held conservation lands including Columbia Lake Provincial Park, several Nature Trust of BC and Nature Conservancy of Canada properties and the Columbia Lake Wildlife Management Area. Conservation properties allow land to be managed to maintain and enhance natural ecosystems and habitat while providing opportunities to maintain a working landscape. These lands form important contiguous north-south areas on both the west and east side of Columbia Lake, however a protected east-west linkage is not established.

(2) Objectives

- (a) Encourage the conservation of private lands in order to support ecological, cultural and recreational values within a working landscape.
- (b) Recognize the contribution that the natural environment and wildlife make to the economy of the plan area.

(3) Policies

- (a) Support the designation and zoning of properties purchased by conservation groups to OSRT in order to protect ecological, cultural and resources and opportunities for passive and active recreation where appropriate.
- (b) Support partnerships between conservation groups, land owners and the Province in order to expand ecosystem restoration projects on crown land to include private conservation properties.
- (c) Support public access to, and appropriate use of, private conservation properties.

12.5 Environmentally Sensitive Areas

(1) Background

During consultation for this plan, the protection of environmental values such as wetland and riparian ecosystems, environmentally sensitive areas and endangered plants and animals were identified as highly important. Development permit guidelines for the protection of the natural environment for identified environmentally sensitive areas are found within section 20.3 of this plan.

(2) Objectives

- (a) Foster awareness of the natural environment and protect Environmentally Sensitive Areas (ESAs).
- (b) Support the protection, rehabilitation and enhancement of ESAs.

(3) Policies

- (a) Future development should minimize disturbance to the integrity of ESAs. ESAs within the plan area include, but are not limited to areas identified on **Schedules K and K1 to K3**, such as wetlands and riparian area ecosystems, grassland ecosystems, habitat for species at risk and Bighorn Sheep habitat.
- (b) Development within ESAs identified on **Schedules K and K1 to K3** will be managed through the Development Permit process. Prior to undertaking any works within an ESA, applicants must receive an approved Development Permit in accordance with section 20.3 of this plan.

- (c) In order to ensure that private land in ESAs is conserved and protected, designation of land as OSRT, Open Space, Recreation and Trails within comprehensive developments is encouraged. Opportunities within an area designated OSRT would include passive and active uses with minimal impact such as non-motorized recreation trails and non-land altering recreation activities.
- (d) Preservation and restoration of old growth forests is encouraged and supported by the following:
 - (i) Human settlement and other land development activities within, or adjacent to, old growth forests is discouraged.
 - (ii) If development is proposed within old growth forest areas a compact development footprint should be utilized to minimize negative impacts to the old growth forest.
 - (iii) Large diameter Douglas fir, ponderosa pine and western larch trees should be identified and preserved.
 - (iv) Small diameter, densely spaced in-growth trees found between larger diameter old growth stems, should be removed.
 - (v) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.
 - (vi) Applications where development within old growth forests is unavoidable should include compensation measures such as restoration of natural old growth forest disturbance zones through thinning or spacing in order to minimize the net ESA loss. Restoration is encouraged through removal and spacing of smaller trees and burning debris piles as determined by a Qualified Environmental Professional (QEP) in a site management plan. Restoration should maintain the key characteristics of typical dry ecosystem old growth forests including a spaced open crown comprised of large diameter trees. This guideline does not apply to the restoration of higher elevation old growth forests.
- (e) Preservation and restoration of wildlife connectivity corridors is encouraged and supported by the following:
 - (i) Contiguous habitat areas should be preserved.
 - (ii) Structures and barriers that impede wildlife movement, such as exclusion fencing should be avoided within connectivity corridors. For example, solid walls or fences erected to control wildlife capable of jumping over a fence 2.0 m in height should not be used.
 - (iii) Extensive development within connectivity corridors that restricts the opportunity for wildlife movement should be avoided.
 - (iv) If the construction of a structure within a connectivity corridor cannot be avoided, the structure should be located at the periphery of the corridor to limit the impediment of wildlife movement.
 - (v) Extensive pruning of underbrush within connectivity corridors should be avoided.
 - (vi) Forest cover should be maintained to encourage the use of connectivity corridors by wildlife.

- (vii) Native vegetation within connectivity corridors should be maintained. Conversion of vegetation within corridors to non-native species should be avoided.
- (viii) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.
- (f) BC grasslands are characterized as one of the most endangered ecosystems in Canada. Grasslands contain a number of red and blue listed plant species as well as provide habitat for a number of endangered wildlife species. In addition, the grasslands act as a wildlife corridor and provide forage for local deer, elk and big horn sheep populations. Recognition must be given to the sensitivity of this ecosystem and particular attention must be paid to proposed developments and future land uses that could adversely affect these grasslands.
- (g) Habitat connectivity, sensitive ecosystems, vulnerable plant communities and movement of endangered animal species must be considered at the time of rezoning or OCP amendments applications. Notwithstanding the Development Permit requirements of section 20.3 of this plan, additional development approval information may be required by the RDEK as part of the development approval process. For example, submission of a report by a qualified professional that includes, but is not limited to the following:
 - (i) identification of any endangered or vulnerable species that utilize the area under consideration;
 - (ii) identification of opportunities for mitigation of the proposed development on wildlife movement corridors through development design or other compensation;
 - (iii) identification of areas, as appropriate, to be dedicated as conservation areas;
 - (iv) site specific additional requirements identified by the RDEK at the time of application.

13. DEVELOPMENT CONSTRAINTS

13.1 Floodplains, Alluvial and Debris Flow Fans and Geotechnical Hazards

(1) Background

The plan area owes much of its rugged beauty to the natural processes, which over millennia, created the landforms and geography that we are familiar with today - the Purcell and Rocky Mountains, the Rocky Mountain Trench, the Kootenay and Columbia Rivers and their tributaries, alluvial fans and hoodoos. Although the processes that shaped the geography of the plan area happened over millennia, there are natural processes that occur on a much smaller time scale, such as flooding, debris flow and other geotechnical hazards. To reduce potential for natural hazards to harm people, infrastructure and services, development in close proximity to water, alluvial fans and steep slopes requires careful consideration and may require the direction of a qualified professional or be avoided all together.

In 2012 and again in 2013, Fairmont Creek and Cold Stream Creek experienced debris flows which resulted in damage to Fairmont Hot Springs Resort and private residences. The 2012 debris flow resulted in 350 people being evacuated from their homes and accommodation and damage to Fairmont Hot Springs Resort infrastructure which lead to a three-week closure. In 2013, a major storm system brought heavy rainfall and triggered debris flow events on Fairmont Creek and Cold Stream Creek and a local State of Emergency was declared for Fairmont Hot Springs. Debris flow hazard and risk assessments were prepared by a geotechnical engineer in light of these events. Both the Fairmont Creek and Cold Stream Creek fans are developed, so there is limited opportunity to use land use planning to mitigate the risk from debris flows.

Known alluvial fan and debris flow (high hazard areas) and flood hazard areas are shown on **Schedule I**. Steep slopes are shown on **Schedule H**.

The RDEK Emergency Management Plan covers the entire plan area. The Columbia Valley Emergency Management Procedures guide mitigation, response and recovery actions in the event of a disaster.

(2) Objectives

- (a) Ensure public safety by discouraging development in unsuitable areas such as floodplains and areas subject to geotechnical hazards such as slope, erosion and landslip.
- (b) Prevent or minimize the expenditure of public money in damage compensation or mitigation resulting from development of lands subject to hazardous events or situations.
- (c) Encourage engineering and construction of public infrastructure, such as roads, bridges, and drainage works to be more resilient to increasingly frequent severe climatic events such as flooding.

(3) Policies

- (a) Minimum setbacks and flood construction levels for development near the ordinary high water mark of water bodies and watercourses are established within the Upper Columbia Valley Floodplain Management Bylaw. All floodplain requirements must be met unless a site specific exemption has been granted by the RDEK.
- (b) Applications to vary the minimum usable site area requirements contained within the zoning bylaw will generally not be supported.
- (c) All development within a floodplain or along a watercourse or water body, or potentially impacted by a site specific hydrologic hazard, such as flooding or channel avulsion, must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional

may be required prior to issuance of a building permit, development permit or other development approval as per provincial legislation.

- (d) The development of land susceptible to flooding is discouraged. Lands susceptible to flooding should not contain structures used for habitation. Suitable uses for land susceptible to flooding include but are not limited to parks, open space, recreation or agricultural uses.
- (e) Development of new roads, utilities infrastructure, excavations and land development within an alluvial or debris flow fan identified in **Schedule I** as high hazard areas, should include a terrain hazard assessment and demonstrate how the activities will not be impacted or increase hazard to adjacent and downstream properties.
- (f) Rezoning applications for any parcels containing an alluvial or debris flow fan identified in **Schedule I** as high hazard areas, must incorporate strategies that mitigate the impact of the hazard on the development. Examples of suitable strategies include:
 - (i) completion of a qualified professional engineer's report identifying potential hazards and appropriate hazard mitigation measures;
 - (ii) registration of a covenant which establishes the entire alluvial or debris flow fan identified in **Schedule I** as a "no-build" area which may be removed following the implementation of recommendations in a report by a qualified professional engineer;
 - (iii) registration of a covenant which designates building envelopes outside of the alluvial or debris flow fan identified in **Schedule I**.
- (g) Development of land with slope equal to or greater than 15%, susceptible to erosion and landslip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.
- (h) Development activity that occurs on a slope that is equal to or greater than 15%, susceptible to surface erosion, gulying, landslides or landslip, must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional may be required prior to issuance of a building permit, development permit or other development approval as per provincial legislation.
- (i) Development of lands with slopes equal to or greater than 30% is discouraged and is subject to a geotechnical assessment and the registration of a covenant identifying the hazard and remedial requirements as specified in the geotechnical assessment.
- (j) Removal or deposition of soil within the plan area must be carefully reviewed for erosion, drainage or sedimentation concerns, in addition to potential downstream impacts.

13.2 Interface Fire Hazard

(1) Background

Decades of forest fire suppression in the East Kootenay region has contributed to an altered ecosystem characterized by forest in-growth and the accumulation of wildfire fuels. This situation poses a significant threat to the communities and structures in the plan area and is referred to as the interface fire hazard. The plan area is surrounded by forest and has significant stands of coniferous trees interspersed with developed areas, both of which increase the risk from wildfire. The fire hazard is being heightened due to the current Mountain Pine Beetle infestation and resulting dead and dry Pine snags.

Climate change is expected to result in an increase in wildfire activity in the 21st century. Following FireSmart best practices can make rural properties more resilient to the effects of a wildfire.

Portions of the plan area are provided fire protection through the Fairmont Hot Springs Fire Department.

Wildfire development permit guidelines for the protection of development from hazardous conditions are found within Section 20.2 of this plan.

(2) Objectives

- (a) Support ecosystem restoration initiatives on Crown and private land.
- (b) Mitigate the risk associated with interface fire hazard to residents and visitors.
- (c) Encourage the adoption and implementation of FireSmart principles and wildfire mitigation measures by property owners, occupiers and developers.
- (d) Investigate the creation of fire protection service areas as requested by residents.

(3) Policies

- (a) Applications for rezoning of parcels which include land rated as high for interface fire hazard on **Schedule J** will be considered with respect to the following FireSmart principles, as appropriate to the nature of the application:
 - (i) ability to integrate fire fuel modified areas including an area of a minimum of 10 metres in radius to be maintained clear of combustible material surrounding buildings and structures;
 - (ii) integration and promotion of building materials that minimize the risk of fires starting or spreading;
 - (iii) provision of a minimum of 2 vehicular access/egress routes to allow for simultaneous access for emergency equipment and evacuation of people;
 - (iv) availability of sufficient water capacity for firefighting activities;
 - (v) the implementation of phasing or staging of development to minimize the interface fire risk; and
 - (vi) availability of firefighting equipment and trained personnel as appropriate for the proposed development.
- (b) Ecosystem restoration and interface fuel management initiatives on Crown and private land to mitigate the risk of interface fire hazard are supported.
- (c) Development in high fire hazard areas may require mitigation measures as prescribed by a Development Permit issued in accordance with section 20.2 of this plan.
- (d) The development and dissemination of public education messages about protecting communities from wildfire is supported.
- (e) At the request of residents, the creation of fire protection service areas will be investigated.
- (f) Efforts by private landowners to reduce the threat of interface fire on their properties are encouraged.

- (g) The acquisition and utilization of resources, facilities and funding for emergency response planning and management is supported.
- (h) Residents are encouraged to ensure that their civic address is clearly posted, in good repair, and visible to assist emergency response personnel in locating the property.
- (i) Efforts by the public to protect forest interface areas, heritage site and environmentally sensitive areas from fire risk by properly disposing of cigarette butts is encouraged.

14. ARCHAEOLOGICAL AND HERITAGE RESOURCES

14.1 Background

The Ktunaxa creation story takes place throughout the plan area, culminating on the shores of Columbia Lake and explaining the creation of many unique geographic features of the area. Remnants of a fishing weir are still visible in the Columbia River, which was used by First Nations to capture Salmon when the Columbia River still ran wild to the Pacific Ocean.

David Thompson arrived on Lake Windermere on July 18, 1807 and built Kootenae House, where he and his party spent the winter. In 1808 Thompson set his course south via the Kootenay River into present day Montana and Idaho before returning to the Columbia Valley and back to present day Alberta.

In the 1880s, W.A. Baille-Grohman entered a land agreement with the province that included a condition that he construct a shipping canal and lock joining the Kootenay River and Columbia Lake. After a series of mishaps, the canal and lock were completed on July 29, 1889. With railways in the area being completed in 1898, steam ships became obsolete. The third and final time the lock was used, it was destroyed with dynamite to aid in the passage of the steam ship.

Part of the plan area's heritage includes archaeological sites—the physical evidence of how and where people lived in the past. This archaeological history extends back thousands of years through inhabitation and utilization of the land and its resources by First Nations people. For most of the time people have lived in this area, no written records were made. Cultural heritage sites and oral tradition are the only evidence of this rich history extending back many thousands of years. The term “cultural heritage sites” includes, but is not limited to, archaeological/heritage sites and objects, cultural/heritage landscapes, sacred/spiritual sites, and sites with cultural value. It encompasses sites and objects regardless of age.

The plan area contains recorded archaeological sites and is also likely to contain many unrecorded archaeological and cultural heritage sites. The provincial government protects both recorded and unrecorded archaeological sites through the *Heritage Conservation Act*. Archaeological sites dating before 1846 are protected under the *Heritage Conservation Act* and must not be disturbed or altered without a permit from the Archaeology Branch. This protection applies to both private and Crown land and means that the land owner must have a provincial heritage permit to alter or develop land within an archaeological site.

An Archaeological Impact assessment (AIA) includes the assessment, recording and evaluation of archaeological resources located within a defined area. The archaeological assessment process is comprised of two principle components: assessment and impact management. Assessment is primarily concerned with the location and evaluation of archaeological resources, and the assessment of impacts during the initial stages of project planning. Impact management follows directly from assessment and is primarily concerned with managing unavoidable adverse impacts as well as unanticipated impacts.

Knowledge of cultural heritage sites is gained through the provincial database of recorded archaeological sites and consultation with First Nations. An Archaeological Overview Assessment (AOA) has not been conducted for the plan area, but the completion of such an overview is supported within this plan.

14.2 Objectives

- (1) Ensure that property owners are aware of their responsibilities under the *Heritage Conservation Act* when conducting land-altering activities.
- (2) Recognize and communicate the potential for discovery of cultural heritage sites and artifacts during the development process.
- (3) Avoid unauthorized damage and minimize authorized damage to protected archaeological sites on private land in accordance with the *Heritage Conservation Act*.
- (4) Recognize and support the need for an Archaeological Overview Assessment for private land located within the plan area.

- (5) Recognize places in the plan area with special significance and connection to First Nations.

14.3 Policies

- (1) To support the RDEK's continued participation in the Columbia Lake East Side Partnership (CLESP). CLESP is a collaboration between First Nations, land owners and Crown land managers working towards the designation of the east side of Columbia Lake as a Cultural and Ecological Landscape where the preservation and enhancement of the area's significant cultural and environmental values will be managed as a first priority. The full extent of the CLESP area is shown below in Figure 3.

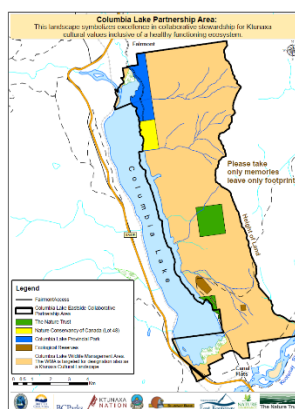


Figure 3

- (2) The hoodoos are a spectacular geologic formation and an important part of First Nations history. Development that detracts from the visual or historical value of the hoodoos or damages the formation should not proceed.
- (3) Armstrong Bay is a significant feature on the east side of Columbia Lake and efforts to protect the area from negative impacts are supported.
- (4) Undertaking an Archaeological Overview Assessment (AOA) for the plan area is supported. The intent of the AOA is to identify areas with potential to contain archaeological sites and recognize known archaeological sites. Upon completion of the AOA the OCP may be amended to integrate a schedule depicting the areas of archaeological distribution and potential. This schedule should then be incorporated into the RDEK development application process in order to alert applicants to their obligations under provincial heritage legislation.
- (5) As part of the site planning and design of future developments, the developer or property owner is legally obligated to recognize and avoid the disturbance of identified cultural resource sites. The RDEK will provide development and building permit applicants with information regarding their obligation to protect recorded and unrecorded archaeological sites.
- (6) Developers are encouraged to engage professional archaeological consultants prior to proceeding with land clearing and site grading to determine if an Archaeological Impact Assessment (AIA) is required to manage and mitigate the impact of the development on any known or unrecorded archaeological sites protected under the *Heritage Conservation Act*. Impact management should be discussed with the Ktunaxa Nation Council as per the Ktunaxa Nation Archaeological Engagement Guidelines.
- (7) Upon receipt of a building permit or rezoning application, the provincial archaeological site inventory will be checked for overlaps with protected archaeological sites. Where archaeological potential mapping is available, building permit and rezoning applications will also be reviewed for overlaps with areas that have potential to contain unknown but protected archaeological sites.
- (8) Building permit and rezoning applicants will be notified if the subject property overlaps with a recorded protected archaeological site or an area of archaeological potential. Notification will include direction to engage a professional consulting archaeologist. The archaeologist will determine if

an archaeological impact assessment is necessary to manage development related impacts to an archaeological site. Altering a protected archaeological site will require a provincial heritage alteration permit prior to land altering activities.

- (9) If an unrecorded archaeological site is encountered during development, work is to be halted and the applicant should contact the Archaeology Branch of the provincial government.
- (10) The preservation of historically significant sites and features such as the historic buildings located at Fairmont Hot Springs is supported.

15. ROAD NETWORK & TRANSPORTATION

15.1 Background

The main transportation corridor in the plan area is Highway 93/95, linking Invermere and communities to the north with Highway 1 and Cranbrook and Kimberley with Highway 3 to the south. During the public engagement process for the plan, residents expressed a desire to see a connected, regional pedestrian and bicycle trail system. It is recognized that cooperation with the Ministry of Transportation and Infrastructure will be critical in developing a route for these trails as highway crossings and the use of right-of ways may be required.

The management of highways, public roads and undeveloped rights-of-way is the responsibility of the Ministry of Transportation and Infrastructure. This section reflects the communities vision and establishes the position of the RDEK with respect to issues related to the Ministry's area of responsibility.

15.2 Objectives

- (1) Maintain the free flow of traffic on Highway 93/95 while balancing vehicle and pedestrian access, safety and circulation concerns.
- (2) Consider, enhance and maintain road network safety and efficiency for existing and new roads.
- (3) Encourage connectivity of residential, commercial and resort development nodes and existing and planned recreation areas through a non-motorized transportation network.

15.3 Policies

- (1) Support traffic safety improvements at the highway access location of Dutch Creek and Columere Park.
- (2) Support ongoing maintenance of Columbia River Road from Fairmont Hot Springs to Columbia Lake Provincial Park.
- (3) To support traffic safety improvements and the establishment of a 'point of interest' highway pull out adjacent to the Hoodoo's at Dutch Creek.
- (4) To support the use and upgrading of the highway right-of-way in the plan area to meet the needs of a pedestrian trail.
- (5) To support the provision of a trail system that connects Fairmont Hot Springs with the West Side Legacy Trail, communities along the west side of Columbia Lake and Canal Flats. This would include public infrastructure to facilitate safe pedestrian movement across Highway 93/95, the CPR right-of-way, Dutch Creek and the Columbia River. The greatest degree of separation of pedestrians from motorized vehicles is preferred. The types of crossings and trail routing are not yet determined. Routing, design, ownership and maintenance would be determined in a future community planning exercise.
- (6) Support the provision of a local trail system within Fairmont Hot Springs. Trail routing is not yet determined and could be included in a future community planning exercise.
- (7) To support efforts to calm traffic and improve pedestrian safety on Highway 93/95 through Fairmont Hot Springs.
- (8) The OCP supports the creation of active transportation routes and alternative forms of transportation such as public transit, ride sharing and car sharing including infrastructure used to support these alternatives.

16. SOLID WASTE AND UTILITIES

16.1 Background

Solid waste in the plan area is managed in accordance with the RDEK's Regional Solid Waste Management Plan. The Solid Waste Management Plan outlines strategies for reducing the amount of waste generated, reuse of items and recycling of as much material as possible. Residual solid waste is handled at a transfer station north of Fairmont Hot Springs and hauled to the Columbia Valley Landfill located on Windermere Loop Road. The recycling program allows for recycling of cardboard, paper, tin, aluminum cans, numbered plastics, shopping bags and food-grade glass, through the yellow bin program.

Sewer services in the plan area are provided through onsite sewage disposal or community treatment systems. Fairmont Hot Springs is serviced by the Fairmont Hot Springs Utility Corporation, with approximately 1500 single family equivalent connections with the capacity to supply an additional 300 connections.

Water in the plan area is provided by individual wells or community systems. The Fairmont Hot Springs Utility Corporation provides approximately 1500 single family equivalent connections in Fairmont Hot Springs and Dutch Creek with treated drinking water drawn from a groundwater well, with the capacity to supply an additional 300 connections.

Communities along the west side of Columbia Lake generally obtain their drinking water from Columbia Lake and are serviced by private water utilities.

16.2 Objectives

- (1) Promote responsible solid waste management and recycling practices.
- (2) Ensure that high standards for water distribution and sewage disposal are continued. This could include residential development nodes being serviced by community sewer and water systems.
- (3) Ensure the quality of local water sources is not adversely affected by sewage disposal systems.

16.3 Policies

- (1) Within the plan area the public is required to dispose of household waste in a responsible manner at the transfer station located north of Fairmont Hot Springs. Commercial construction and demolition waste can be disposed of at the Fairmont Hot Springs transfer station, but it is preferred that it be disposed of at the Columbia Valley Landfill.
- (2) Residents and visitors are encouraged to follow the principles contained in the RDEK Solid Waste Management Plan and to reduce the amount of solid waste produced by the following 5 R's: reduce, reuse, recycle, recover and residual management.
- (3) Recycling is encouraged and coordinated through the RDEK recycling program and provincial stewardship programs.
- (4) In order to promote and encourage responsible solid waste management practices, the RDEK will continue to provide on-going public education campaigns to increase public knowledge on solid waste reduction.
- (5) Property owners and occupiers are encouraged to ensure that maintenance programs for onsite sewer systems are followed in accordance with the appropriate provincial regulations.
- (6) Requests for the RDEK to take over the operation and maintenance of existing or proposed community water or sewer systems will only be considered in relation to the requirements of the RDEK Subdivision Servicing Bylaw and the necessary service establishment approvals.
- (7) Where onsite sewage disposal is utilized for new or redesigned septic systems, the use of Type 1 septic systems as defined by the Sewerage System Regulation under the *Public Health Act* is preferred where site

conditions permit their installation. Type 1 systems are generally preferred as they are more reliable over time if the maintenance program is followed.

- (8) Responsible handling of food wastes and other wildlife attractants is encouraged in order to reduce the likelihood of human wildlife conflict.

17. GREENHOUSE GAS (GHG) EMISSIONS REDUCTION AND CLIMATE CHANGE

17.1 Background

Local governments are required to establish targets and identify specific policies and actions for the reduction of greenhouse gas emissions. Consequently, the RDEK has established a greenhouse gas reduction target of 17% below 2007 levels by 2020. Policies that address this target promote reductions in the consumption of energy and emission of greenhouse gases through proactive land use, solid waste management and transportation planning.

17.2 Objectives

- (1) Recognize the need to plan for the reduction of greenhouse gas emissions and climate change.
- (2) Support policies and actions that will contribute to the RDEK's commitment for a 17% reduction in greenhouse gas emissions.

17.3 Policies

- (1) Green building standards, such as consideration of opportunities to minimize the energy and resource requirements of buildings and structures, is encouraged for all development.
- (2) The integration of energy efficient and renewable energy infrastructure and utilities is encouraged.
- (3) The utilization of passive solar energy through solar orientation is encouraged.
- (4) The location of future development within existing development nodes is encouraged.
- (5) The use of compact development footprints is encouraged within the plan area.
- (6) The reduction of greenhouse gas emissions generated from solid waste landfills through the diversion and reduction of solid waste is encouraged.
- (7) The integration of water efficient landscape features such as xeriscaping and the use of native vegetation is encouraged.
- (8) The development of intercommunity trail linkages is supported.
- (9) The protection of existing forested areas, green spaces and grasslands is supported.
- (10) New residential dwellings are encouraged to incorporate electrical service suitable for the installation of an electric vehicle charging station.

18. TEMPORARY USE

18.1 Background

The *Local Government Act* allows for the issuance of temporary use permits in areas designated within an OCP. A temporary use permit may allow a use not permitted by a zoning bylaw. In general, a temporary use permit may be issued for a period of up to three (3) years and renewed, at the discretion of the RDEK Board, only once. The RDEK Board may impose special conditions under which the temporary use may be carried on and regulate the construction of buildings or structures related to the temporary use.

18.2 Objectives

- (1) Provide an opportunity for temporary use applications to be considered within the plan area.
- (2) Ensure that temporary uses are compatible with adjacent land uses.

18.3 Policies

- (1) Temporary use permits will be considered throughout the plan area.
- (2) An application for a temporary use permit will be considered in relation to:
 - (a) demonstration that the use is temporary or seasonal in nature;
 - (b) compatibility with the existing land use;
 - (c) compatibility with surrounding land use;
 - (d) potential conflict with agricultural or resource based activities;
 - (e) potential conflict with adjacent land uses;
 - (f) potential impact on fish or wildlife habitat;
 - (g) provision of adequate servicing for water and sewage disposal;
 - (h) duration of the proposed temporary use; and
 - (i) relevant policies within other sections of this plan.
- (3) The permit may be issued subject to conditions such as, but not limited to:
 - (a) the buildings, structures, or area of land that may be used for the temporary use;
 - (b) the period of applicability of the permit;
 - (c) required site rehabilitation upon cessation of the use; and
 - (d) other business or operating conditions to mitigate the impacts of the temporary use.

19. CROWN LAND MANAGEMENT

19.1 Background

The primary purpose of this OCP is to provide policy direction for the development of private land within the plan area. However, within the plan area there are large areas of Crown land. Activities on this land are often not under the jurisdiction of the RDEK, but can have a significant impact on local communities.

19.2 Objectives

- (1) Support the management of Crown land in a manner that considers the social, environmental and economic needs of the plan area.
- (2) Support ecosystem restoration on Crown land.
- (3) Preserve public access to Crown land for recreation purposes.

19.3 Policies

- (1) Alienation of public land will be supported only where it is demonstrated that such development is in accordance with the goals and policies identified within this plan.
- (2) In order to support plan objectives related to wildlife habitat and corridors and open space recreation and trails, the following Crown parcels should remain public land as shown in Figure 4:

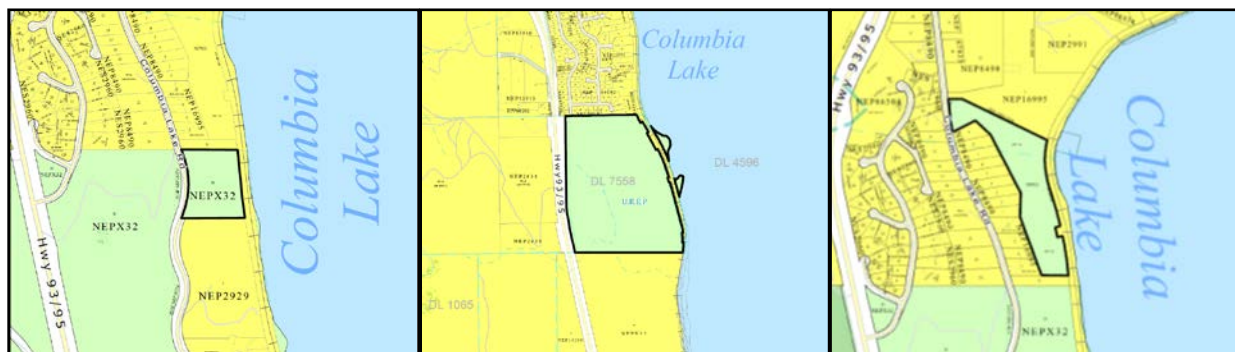


Figure 4

- (3) New and continued Licenses of Occupation for grazing tenures on Crown land are generally supported provided the tenures are not associated with wildlife fencing.
- (4) The RDEK encourages management of Crown land in an environmentally responsible manner that:
 - (a) protects surface and groundwater sources;
 - (b) manages forest ingrowth;
 - (c) minimizes risk of interface fire and wildfire;
 - (d) enhances wildlife habitat;
 - (e) protects views and scenery;
 - (f) protects watershed ecological values, including waterfowl and fish and their corresponding habitat; and
 - (g) maintains diverse plant communities by managing invasive plants.

20. DEVELOPMENT PERMIT AREAS

20.1 Background

Pursuant to the *Local Government Act*, it is the policy of the RDEK to designate certain areas within the plan area as Development Permit Areas, and implement special conditions in the form of development guidelines.

20.2 Development Permit Area #1 – Wildfire Hazard

(1) Area

Development Permit Area #1 applies to all properties with all or a portion of the property designated as having a high fire hazard rating as shown on **Schedule J**.

(2) Purpose

The purpose of Development Permit Area #1 is for the protection of development from hazardous conditions.

(3) Requirements

Within the Development Permit Area #1, owners must obtain a Development Permit before:

- (a) subdivision creating one or more vacant parcels;
- (b) placement or construction of a dwelling unit, or additions to a dwelling unit which increase the floor area by an amount greater than 25% of the area existing at the time this Bylaw was adopted.

(4) Exemptions

Development Permits are not required within Development Permit Area #1 under the following conditions:

- (a) The proposed activity is limited to internal alterations to buildings or structures.
- (b) A Registered Professional Forester (RPF) who is a member of the Association of BC Forest Professionals conducts a site visit and certifies in a signed letter that the parcel of land to be subdivided or the dwelling unit is to be constructed or placed is not within a high fire hazard area.
- (c) The land is already subject to a Wildfire Hazard Development Permit or wildfire hazard restrictive covenant.

(5) Justification

In an effort to minimize the risk of damage to property by wildfire, some properties in the plan area have been identified as requiring wildfire hazard management. Subdivision creating one or more vacant parcels and placement or construction of a dwelling unit on these properties will be subject to FireSmart construction standards that aim to reduce the risk of damage by wildfire.

(6) Guidelines

Development Permits issued must be in accordance with the following guidelines:

- (a) Subdivision Guidelines
 - (i) Prior to issuance of final subdivision comments to the Ministry of Transportation and Infrastructure, a Development Permit will be registered on the property that states all future dwelling units on the property must be in conformance with section 20.2 (6)(c) of this OCP and the results of the report prepared under section 20.2 (6)(a)(ii), if applicable.
 - (ii) In cases of Development Permit Area overlap, the RDEK may require a Wildfire Hazard Assessment Report prepared

by an RPF who is a member of the Association of BC Forest Professionals. The reports for wildfire hazard and environmentally sensitive areas should be submitted concurrently.

- (iii) The RDEK may require written acknowledgment that the professionals involved have read and collaborated on their reports and recommendations. The Wildfire Hazard Assessment must take into account the findings of the other professional report(s) and recommendations including regard for the cutting or thinning of trees and the need for remediation of disturbed areas to avoid situations that could lead to adverse conditions such as destabilization of slopes or negative effects to other environmentally sensitive areas on the property.

(b) Dwelling Unit Guidelines

- (i) The intention of the guidelines is to ensure the long term maintenance of Priority Zone 1. This zone is the area within ten metres of a dwelling unit including, but not limited to, decks, additions and balconies. The Development Permit will state that future development will comply with the guidelines contained in this section as well as the results of the report prepared under section 20.2 (6)(b)(ii), if applicable.
- (ii) In cases of Development Permit Area overlap, the RDEK may require a Wildfire Hazard Assessment Report prepared by an RPF who is a member of the Association of BC Forest Professionals. The reports for wildfire hazard and environmentally sensitive areas should be submitted concurrently.
- (iii) The RDEK may require written acknowledgment that the professionals involved have read and collaborated on their reports and recommendations. The Wildfire Hazard Assessment must take into account the findings of the other professional report(s) and recommendations including regard for the cutting or thinning of trees and the need for remediation of disturbed areas to avoid situations that could lead to adverse conditions such as destabilization of slopes or negative effects to other environmentally sensitive areas on the property.

(c) Occupancy Permit Guidelines

An Occupancy Permit will not be issued by the RDEK until an inspection has been completed and it has been confirmed that the conditions under section 20.2 (6)(d) and 20.2 (6)(e) have been met.

(d) Occupancy Permit requirements for dwelling units:

- (i) All roofing materials of new dwelling units must conform to Class A, B or C fire resistance as defined in the BC Building Code.
- (ii) Buildings and structures used to store wood or other combustible materials must be located a minimum of 10 metres away from the dwelling unit.
- (iii) Property owners must post their civic address in accordance with the RDEK House Numbering Regulation and Fee Bylaw as may be amended or replaced from time to time.

(e) Occupancy Permit landscaping requirements within the Priority 1 Zone:

- (i) Removal of combustible fuel is required, including the removal of ground-level fuels, piled debris, and other combustible debris.
- (ii) Planting of new coniferous species including, but not limited to, juniper, pine and spruce is not permitted.

- (iii) It is not advisable to retain previously existing mature coniferous trees. If retained, coniferous trees must:
 - have limbs pruned such that they are at least two metres above the ground; and
 - be spaced so that there are three metres between crowns, thereby ensuring the tips of the branches of a coniferous tree are no closer than three metres to the tips of the branches of neighbouring coniferous trees; and
 - have no limbs within three metres of the dwelling unit or attachments such as balconies; OR
 - be managed as recommended in a Wildfire Hazard Assessment Report, in consideration of FireSmart Principles, prepared by an RPF who is a member of the Association of BC Forest Professionals.

20.3 Development Permit Area #2 – Protection of Environmentally Sensitive Areas (ESA)

(1) Area

Development Permit Area #2 applies to all areas designated as ESAs on **Schedules K and K1 to K3** of this OCP.

(2) Purpose

The purpose of Development Permit Area #2 is for the protection of the natural environment, its ecosystems and biological diversity.

(3) Applicable Definitions

Within Development Permit Area #2:

DEVELOPMENT FOOTPRINT means the area affected by development or by project site activity. Hardscape, access roads, parking lots, non-building facilities, and the building itself are all included in the development footprint.

ENVIRONMENTAL IMPACT ASSESSMENT REPORT means a report prepared in accordance with the “Regional District of East Kootenay – Development Approval Information Bylaw No. 2122, 2008” and section 21.4(2)(c) of this plan, as amended from time to time. In addition, the scope of the Report will either be for the parent parcel or the development footprint in accordance with section 20.3(4)(a) and consistent with the guidelines contained in section 20.3(7) of this plan.

ENVIRONMENTALLY SENSITIVE AREA means an area with exceptional ecological values that contribute to maintaining healthy and diverse plant and wildlife populations.

NATURAL BOUNDARY means the visible high water mark where the presence and action of water are so common and usual and continued in all ordinary years as to mark upon the soil of the bed of a lake, river or stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation as well as in respect to the nature of the soil itself.

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association;
- (b) the individual's area of expertise is recognized by their professional organization as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and

- (c) the individual is acting within that individual's area of expertise.

RIPARIAN ECOSYSTEM means an area of land adjacent to a stream or wetland that is directly influenced by perennial water either at the surface or below the surface in the form of saturated soils (i.e. soils that contain unbound water). Riparian areas are characterized by plants or plant communities that are dependent upon free water. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. The riparian area is influenced by, and exerts an influence on, the associated aquatic ecosystems.

STREAM includes any of the following:

- a) A watercourse, whether it usually contains water or not;
- b) A pond, lake, river, creek, or brook;
- c) A ditch, spring or wetland that is connected by surface flow to something referred to in a) or b).

WATERCOURSE means any natural or manmade depression with well defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration.

WETLAND means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.

(4) Requirements

- (a) Within Development Permit Area #2, owners must obtain a Development Permit before:
 - (i) Subdivision creating one or more vacant parcel(s) where any portion of the parent parcel under application is located within Development Permit Area #2;
 - (ii) Construction, addition or alteration of a building or structure where any portion of the proposed development footprint is located within Development Permit Area #2; or
 - (iii) Alteration of land, including the removal of vegetation or site grading, where any portion of the proposed development footprint is located within Development Permit Area #2.

(5) Exemptions

- (a) A Development Permit is not required within Development Permit Area #2 under the following conditions:
 - (i) The proposed activity is limited to internal alterations to buildings or structures.
 - (ii) The proposed activity is limited to the reconstruction, renovation, repair of, or addition to existing buildings or structures which increase the development footprint by an amount less than 25% of the area existing at the time this OCP was adopted.
 - (iii) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within a public right of way.
 - (iv) The proposed activity is limited to general road or railway construction or maintenance within a public road right of way or railway right of way.
 - (v) The proposed activity is limited to:
 - (A) the removal or pruning of hazardous trees as identified by a qualified hazard tree assessor;

- (B) an ecosystem restoration project approved by a Qualified Environmental Professional (QEP); or
- (C) supplementing or maintaining natural existing vegetation.
- (vi) The proposed activities are considered to be normal agricultural practices as defined in the *Farm Practices Protection (Right to Farm) Act* or designated as farm use within the *Agricultural Land Commission Act* and Regulations.
- (vii) With respect to subdivision under section 20.3(4)(a)(i), either:
 - (A) RDEK staff conducts a site visit and confirms that the ESA identified in **Schedules K and K1 to K3** is not present on the parcel under application. If identifying the presence or absence of the ESA identified in **Schedules K and K1 to K3** is beyond the expertise of RDEK staff, then section 20.3(5)(a)(vii)(B) applies.
 - (B) A QEP conducts a site visit and confirms in a signed letter that the ESA identified in **Schedules K and K1 to K3** is not present on the parcel under application.
- (viii) With respect to development under 20.3(4)(a)(ii) or (iii), either:
 - (A) RDEK staff conducts a site visit and confirms that the proposed development footprint is not an ESA, even though it is within the area identified in **Schedules K and K1 to K3**, provided that if identifying the presence or absence of the ESA is beyond the expertise of RDEK staff, then Section 20.3(5)(a)(viii)(B) applies.
 - (B) A QEP conducts a site visit and confirms in a signed letter that the proposed development footprint is not an ESA, even though it is within the area identified in **Schedules K and K1 to K3**.
- (ix) The land and ESA values within Development Permit Area #2 have been permanently and adequately protected by means such as a conservation covenant, returned to Crown ownership, provided as public park, or similar method as is acceptable to the Planning & Development Services Manager. Any reference in section 20.3 to the RDEK accepting a conservation covenant is at the discretion of the RDEK.
- (x) The proposed activity is limited to timber harvesting, forest road construction, grazing enhancement, forest recreation or other forest management activities on Crown land that are conducted under the auspices of the appropriate provincial Ministry.
- (xi) The proposed activity is conducted under the authority of the Provincial Emergency Program, is intended to resolve emergency situations that present an immediate danger to life or property including procedures related to flooding or erosion.
- (xii) The proposed activity is limited to emergency repairs to buildings or structures where there is a demonstrable and immediate risk to personal or public safety and property.
- (xiii) The proposed activity is limited to drilling a well, or the siting, construction or installation of a septic tank, drainage field, or sewage treatment system in accordance with provincial regulations. This exemption does not apply to the siting, construction or installation of a septic tank, drainage field, or sewage treatment system located in the riparian buffer area described in section 20.3(7)(b)(iv) unless section 20.3(5)(a)(viii) applies.

- (xiv) The proposed activity is limited to the siting, construction or installation of a retaining wall or shoreline/bank protection device in accordance with applicable legislation, regulations and best practices.
- (xv) The proposed activity is limited to subdivision which solely involves parcel line adjustments.
- (xvi) The proposed activity is substantially consistent with a development permit previously issued under section 20.3(4)(a)(i).
- (xvii) The proposed activity involves the development or management of a provincial park; is conducted within the boundaries of a provincial park; and is compliant with the provincial *Park Act*.

(6) Justification

- (a) The plan area includes a range of significant ecosystems, habitats and features. These include:
 - (i) Wetland and riparian ecosystems

Wetlands and riparian ecosystems play a critical role in helping maintain biodiversity as they provide habitat and wildlife corridors for many terrestrial and aquatic species. Wetland and riparian ecosystems, including both the wetted area and adjacent supporting land and vegetation, provide productive fish habitat and are important to both aquatic and terrestrial wildlife.
 - (ii) Grasslands ecosystems

Grasslands are home to more than 30 percent of provincial species at risk and support more threatened or endangered species than any other habitat in the province. Grasslands represent less than 1 percent of the provincial land base and are recognized as one of BC's most threatened ecosystems.
 - (iii) Old growth forests

The range of tree ages and species found in old growth forests results in increased ecological complexity. This complexity contributes to varying habitat and a diversity of species. Some species are highly dependent on attributes found only in older forests.
 - (iv) Connectivity corridors

Wildlife populations, communities and ecological processes are more likely to be maintained in landscapes that include an interconnected system of habitats than in landscapes where natural habitats occur as dispersed ecologically-isolated fragments. Connectivity corridors act as linkages between habitats and mitigate fragmentation due to development activities. Connectivity corridors within the plan area provide important linkages between fragmented habitat for many species.
 - (v) Habitat for species at risk

The area contains a range of habitat for vulnerable and endangered wildlife and plants. Information on species at risk within the plan area can be found in the BC Species and Ecosystems Explorer and BC Conservation Data Centre. Information on the spatial extent of the habitat for species at risk and the values identified in each area can be found in the Ministry of Environment's approved Wildlife Habitat Areas.
 - (vi) Bighorn Sheep habitat

Most Rocky Mountain Bighorn Sheep spend their winters on open, low elevation areas, where there is access to forage such as fescue and bluebunch wheatgrass. In the spring

Bighorn sheep move to higher elevation summer pastures in the alpine. Primary threats to the Bighorn sheep are habitat loss, fragmentation and disease.

- (b) The objective of Development Permit Area #2 is the protection, preservation, restoration and enhancement of the significant ecosystems, habitats and features identified in 20.3(6)(a)(i)-(vi) and on **Schedules K** and **K1 to K3**. These ecosystems, habitats and features are considered vital to the retention of the character and ecosystem health of the plan area. Activities within these areas must be undertaken in a manner that minimizes the disruption or alteration of its environmental integrity. The intent is not to preclude all development in these areas, but to provide notice that the areas include unique characteristics that warrant special review and consideration and to ensure appropriate mitigation measures are prescribed where appropriate.

(7) Guidelines

Proposed development must comply with the Guidelines. Development Permits issued must be in accordance with the following:

(a) General

The following guidelines apply to all areas identified as ESAs on **Schedules K** and **K1 to K3** of this plan:

- (i) All development proposals are subject to the applicable requirements and approval processes under federal or provincial legislation or regulations. Identification of the permits and approvals required must be submitted with the Development Permit application. Issuance of the Development Permit will be conditional upon the acquisition of all required permits and approvals from the responsible jurisdictions. It is the responsibility of the applicant to identify and complete the applicable federal and provincial approval processes.
- (ii) Where development is considered in an ESA, the following strategies may be used to meet guideline provisions and direct development away from the ESA:
 - (A) Variance through the development permit to vary setbacks or siting regulations in the zoning bylaw;
 - (B) Reduction of the minimum parcel sizes specified in the zoning bylaw in a subdivision application may be considered on the parcel that contains the ESA if the proposed subdivision is based on Conservation Subdivision Design principles and conserves the environmentally sensitive feature or area as recommended by a QEP in an Environmental Impact Assessment Report. Further details on Conservation Subdivision Design can be found in Randall Arendt's *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*. Washington, DC: Island Press, 1996;
 - (C) Registration of a conservation covenant against the title of the property which requires that the environmentally sensitive area be protected in its natural, existing, or restored state as recommended in an Environmental Impact Assessment Report prepared by a QEP.
- (iii) The RDEK may require additional information as part of the development permit application process, for example, submission of an Environmental Impact Assessment Report prepared by a QEP.

(iv) When an Environmental Impact Assessment Report by a QEP is prepared as part of a Development Permit application for Development Permit Area #2, an inventory of any habitat that supports species at risk (identified on **Schedules K and K1 to K3** of this plan) which are identified as extirpated, endangered or threatened in federal or provincial legislation or regulations may be required to be completed as part of the identification of relevant baseline information, depending on the scope of the Report and its Terms of Reference. If habitat that supports species at risk is identified, the Environmental Impact Assessment Report must:

- (A) Document the species at risk and their habitat which may be impacted by the proposed activity or development;
- (B) Identify and describe any potential and likely impacts of the activity or development on the species at risk and their habitat, including any cumulative effects when combined with other projects proposed or under development;
- (C) Evaluate the impacts in terms of their significance and the extent to which they might be mitigated; and
- (D) Make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are mitigated or avoided;

in accordance with accepted impact assessment methodology. All approved development should be completed in accordance with the recommendations of the Environmental Impact Assessment Report.

(v) When an Environmental Impact Assessment Report by a QEP is prepared as part of a development permit application an inventory of old growth forest values may be required to be completed as part of the identification of relevant baseline information, depending on the scope for the Report and its Terms of Reference. If the land is identified as having old growth forest values, the Environmental Impact Assessment Report must:

- (A) Document the spatial extent of the old growth forest stand on the subject property;
- (B) Identify and describe any potential and likely impacts of the activity or development on the old growth forest stand, including any cumulative effects when combined with other projects proposed or under development;
- (C) Evaluate the impacts in terms of their significance and the extent to which they might be mitigated; and
- (D) Make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are mitigated or avoided;

in accordance with accepted impact assessment methodology. All approved development should be completed in accordance with the recommendations of the Environmental Impact Assessment Report.

(vi) When an Environmental Impact Assessment Report by a QEP is prepared as part of a development permit application, an inventory of any wildlife connectivity corridors may be required to be completed as part of the identification

of relevant baseline information, depending on the scope of the Report and its Terms of Reference. If the land is identified as having any wildlife connectivity corridor values, the Environmental Impact Assessment Report must:

- (A) Document the spatial extent of the wildlife connectivity corridors on the subject property;
- (B) Identify and describe any potential and likely impacts of the activity or development on the wildlife connectivity corridors, including any cumulative effects when combined with other projects proposed or under development;
- (C) Evaluate the impacts in terms of their significance and the extent to which they might be mitigated; and
- (D) Make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are mitigated or avoided;

in accordance with accepted impact assessment methodology. All approved development should be completed in accordance with the recommendations of the Environmental Impact Assessment Report.

(b) Wetland and Riparian Ecosystem Guidelines

The following guidelines apply to areas identified as wetland and riparian ecosystem ESAs on **Schedules K and K1 to K3** of this plan:

- (i) Human settlement and other land development activities within, or adjacent to wetlands is discouraged.
- (ii) Proposals that offer to register a conservation covenant on the title of the lands in order to permanently protect wetland or riparian ecosystems are encouraged. The covenant should be registered before any development, including subdivision, and should be in favour of the RDEK, other public agencies including the provincial government, or non-governmental organizations, such as a private land trust committed to the management of watercourses or streamside areas.
- (iii) Locating road and utility corridors along or across wetland or riparian ecosystems should be avoided in order to maintain natural connectivity.
- (iv) A riparian buffer for watercourses, lakes, ponds and wetlands must be established within which no development or alteration of land is permitted. Unless an Environmental Impact Assessment Report by a QEP indicates otherwise, the size of the riparian buffer must be equal to or greater than the minimum setback distance as required by the RDEK's floodplain regulations and no less than 15m adjacent to lakes, marshes, ponds and wetlands measured on a perpendicular line inland from the natural boundary.
- (v) Despite subsection 20.3(7)(b)(iv), development proposals that involve disturbance of watercourses, lakes, ponds, marshes, wetlands or riparian ecosystems may be permitted in compliance with the following guidelines:
 - (A) For development proposals that involve disturbance within the riparian buffer, or the filling in of lakes, ponds, marshes, wetlands or riparian ecosystems, an Environmental Impact Assessment Report by a QEP must be completed to determine appropriate

measures to protect wetland hydrology and ecological processes. All approved development should be completed in accordance with the recommendations of the Environmental Impact Assessment Report or the conditions of the development permit.

- (B) All channelization or alterations of creeks must incorporate mitigation measures as determined by a QEP in an Environmental Impact Assessment Report to minimize adverse environmental effects and be in compliance with federal or provincial legislation or regulations.
 - (C) Applications for development activities that will negatively impact wetland or riparian ecosystems should include appropriate compensatory enhancement or restoration measures as determined by a QEP in an Environmental Impact Assessment Report in order minimize the net loss of wetlands and riparian ecosystems.
- (vi) When an Environmental Impact Assessment Report by a QEP is prepared to satisfy guidelines in subsection 20.3(7)(b)(i)-(v), the potential for upland development to impact riparian ecosystem areas through increased runoff, sedimentation, loss of shade, or increased watercourse temperature must be considered. Appropriate mitigation strategies should be identified where applicable. All approved development should be completed in accordance with the recommendations of the Environmental Impact Assessment Report.

(c) Grasslands Ecosystem Guidelines

The following guidelines apply to areas identified as grassland ecosystem ESAs on **Schedules K and K1 to K3** of this plan:

- (i) Reductions in grassland ecosystem areas as the result of development activities should be limited. Where possible, development should be directed outside grassland ecosystem areas.
- (ii) If development is proposed within grassland ecosystem areas a compact development footprint should be utilized to minimize negative impacts to existing grasslands.
- (iii) Applications for development activities where grasslands ecosystems are temporarily disturbed should include commitments to restore the grassland areas through replanting with native vegetation as determined by a QEP in an Environmental Impact Assessment Report.
- (iv) Applications for development activities that will negatively impact grasslands ecosystems should include compensation measures in order to minimize the net loss of grassland ecosystems. Suitable compensation activities may include:
 - (A) Permanent protection of native grasslands of an equivalent size and ecological value to the lands disturbed through the development activity. Protection should occur through the registration of a conservation covenant on the title of the lands. The covenant should be registered before any development activities commence. The covenant should be registered in favour of the RDEK, other public agencies including the provincial government, or non-governmental organizations, such as a

private land trust committed to the management of grassland areas; or

- (B) Appropriate restoration or enhancement of comparable areas through removal of trees encroaching on grassland ecosystems and reclamation of grassland areas by planting native grass species, as determined by a QEP in an Environmental Impact Assessment Report.

(d) Bighorn Sheep Habitat

The following guidelines apply to areas identified as Bighorn Sheep Habitat ESAs on **Schedules K and K1 to K3** of this plan:

- (i) Human settlement and other land development activities within Bighorn Sheep habitat is discouraged. When possible development should be directed outside of Bighorn Sheep habitat.
- (ii) Applications for development activities within Bighorn Sheep habitat should use compact development footprints and locate roads, utilities and other infrastructure in order to have the minimal impact to corridors between winter and summer ranges. Development should not fragment travel corridors.
- (iii) Applications for development activities within Bighorn Sheep habitat should include compensatory habitat enhancement as determined by a QEP in an Environmental Impact Assessment Report.

20.4 Development Permit Area #3 –Commercial, Resort, Multi-Family and Light Industrial Development

(1) Area

Development Permit Area #3 applies to all properties zoned as commercial, resort, industrial or multi-family or utilized for commercial, resort, industrial or multi-family purposes within the plan area.

(2) Purpose

The purpose of Development Permit Area #3 is:

- for the establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
- when in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region; and
- for the establishment of objectives to promote water conservation.

(3) Requirements

- (a) Within the Development Permit Area #3, owners must obtain a Development Permit before:
- (i) Commencing construction, addition or alteration of a building or structure.

(4) Exemptions

- (a) A Development Permit is not required within Development Permit Area #3 if the proposed activity is limited to the following conditions:

- (i) Internal alterations which do not affect the exterior appearance of the buildings or structures.
- (ii) Temporary buildings or structures that are erected for offices, construction, or marketing purposes for a period that does not exceed the duration of construction.

(5) Justification

The form and character of commercial, light industrial and multi-family dwellings are an important part of what makes a community attractive and liveable for visitors and residents.

The form and character of the built environment affects much more than the aesthetics of a place, it has an impact on how people connect, interact and remember a place.

Fairmont Hot Springs primary economic driver is tourism. The year round tourism product includes golf, natural mineral hot springs, skiing, and other indoor and outdoor activities. Restaurants, coffee shops, retailers, pubs and service stations all benefit from the visitors drawn to the unique offerings of Fairmont Hot Springs. Many people choose to retire or own recreational property so they can benefit from this unique place.

Objectives for this development permit area are that development should:

- acknowledge the Rocky Mountain location
- complement existing character
- respond to the varied four season climate
- respect views of surrounding natural area
- enhance opportunities for pedestrian connectivity
- provide convenience for automobiles, but put pedestrians first
- enhance the pedestrian experience throughout all four seasons

(6) Guidelines – Commercial, Multiple Family Residential & Resort Development

Development Permits issued must be in accordance with the following guidelines:

- (a) Siting
 - (i) Orient buildings towards streets and open spaces.
 - (ii) Orient entrances, windows and patios towards streets and open spaces.
 - (iii) Consideration should be given to siting the building facade on the front property line. When it is desirable to include public amenity space, such as seating, a small setback would be appropriate. Larger resort development may require greater setbacks to accommodate vehicle access to main lobbies.
 - (iv) Placement of buildings will complement the existing pattern of development.
 - (v) Buildings will be sited to maintain solar exposure to pedestrian areas and not shade existing developments.
 - (vi) Corner sites should be designed to create a prominent feature at the corner, such as a principal entrance.
- (b) Building Form, Massing and Scale
 - (i) Buildings should complement the existing character and scale of the area, yet express individuality.

- (ii) Long expanses of straight walls are discouraged. Long building frontages should give the appearance of multiple individual store fronts. This can be achieved through articulation and changes in building and cladding material.
 - (iii) Long expanses of unbroken or unarticulated roofline and continuous ridgelines are discouraged. Roofs that include architectural detail such as dormers are encouraged.
 - (iv) Roof design must demonstrate effective snow, ice and rain management. All pedestrian and vehicle access points must be protected from snow and ice shed and rain drainage.
 - (v) On sloped sites, buildings should be designed to demonstrate a relationship to existing landforms in order to minimize site grading where possible. This can include a stepped massing that reduces the perceived scale of the building.
 - (vi) Architectural elements that provide overhead pedestrian weather protection are encouraged.
- (c) Building Materials and Exterior Appearance
- (i) When the rear or side of buildings are visible to the public, they must be designed with as much attention to detail as the front of the building.
 - (ii) Building materials must be durable and suitable to withstand the local climate. Exterior finishes should reflect the natural environment and include timber, natural and artificial stone, fibre cement siding, wood and stucco. The limited use of metal siding may be appropriate.
 - (iii) A colour palette consisting of muted colours and earth tones found in the surrounding natural environment is appropriate.
 - (iv) Franchises and chain retailers often have standard building designs and appearance. Development proposals from corporate franchises are required to conform to these form and character design guidelines in order to fit in with the existing and future character of the commercial and resort areas.
- (d) Landscaping and Screening
- (i) A detailed landscape plan must be submitted with every development permit application. For areas disturbed by development, a detailed re-vegetation or landscape plan appropriate to reduce the establishment of invasive species is required.
 - (ii) The use of native species to landscape new developments is encouraged. Where possible, native plant communities should be protected, preserved and integrated into the overall landscape plan. Vegetation should be low maintenance and require minimal to no irrigation after establishment.
 - (iii) Landscape plans should include both hard and soft landscaping elements, show the location of parking facilities and pedestrian trail connections, the location and type of pedestrian amenities such as benches, tables and chairs and bike racks, the location of garbage bins, propane tanks, storage and loading areas, exposed mechanical and electrical equipment and snow storage areas.

- (iv) Garbage bins, propane tanks, storage and loading areas and exposed mechanical equipment must be screened. With the exception of screening for garbage bins, plants may be used as screens if it can be demonstrated they provide year round screening. Garbage bins must be screened using at least a 4 sided fence and preferably a roofed structure that deters access from animals and birds.
- (v) Fencing and walls should be constructed with natural materials such as stone and wood and designed to coordinate with overall character of the development.
- (vi) Parking areas must include landscaping elements. Parking areas with 10 or more stalls should be broken into smaller groups with the use of landscaping.
- (vii) Minimize mown turf areas.
- (viii) The use of bioswales and permeable surfaces as part of a sites stormwater management is encouraged.
- (e) Lighting
 - (i) Provide appropriately scaled lighting that is coordinated with building and site architecture. Lighting should be designed with dark sky principles in mind - to provide adequate light, yet avoid glare, light trespass and excessive shadows.
 - (ii) Lighting fixtures must have full cut-off characteristics and be predominantly pedestrian in scale, except where illumination is needed for traffic at night.
 - (iii) Architectural, pedestrian oriented exterior lighting of buildings, open space, parking areas and pedestrian trails to enhance safety and extend the use of public places into the dark hours is encouraged.
 - (iv) The use of sulphur or mercury vapour lighting is prohibited. High efficiency LED lights are encouraged.
 - (v) The use of backlight or internally light signs is not permitted; however, halo light signs are appropriate.
 - (vi) Lighting fixtures for illuminating signage should complement the buildings architecture and be directed at the sign.
 - (vii) Internally light vending machines should not be located in areas where they would be visible from public roads, paths or on building frontages.
- (f) Signage
 - (i) Signs give character to a public space and contribute to pedestrian scale and ambiance. High quality pedestrian scale signs are encouraged.
 - (ii) The use of mast mounted signs is discouraged. Ground oriented freestanding signs are preferred.
 - (iii) Sign locations should be integrated into the exterior facade of commercial developments. Developments where more than one commercial space is located in the same building should include designated locations for signage.

- (g) Access, Circulation & Parking
 - (i) Site access points must provide safe access for vehicles and pedestrians. Opportunities to minimize conflict between vehicles and pedestrians should be demonstrated.
 - (ii) Where surface parking is proposed, it should be located at the rear or to the side of the site and screened from public streets. For existing developments with parking located in the front, the perimeter should incorporate landscaping.
 - (iii) Where pedestrians must cross driveways or roads, crosswalks should be designated by means such as tactile surfaces, signage or pavement markings.
 - (iv) Walkway and trail systems within a development must connect to walkways and trails of adjacent developments and public pedestrian trails.
 - (v) Site access and circulation should demonstrate universal design principles and integrate features that ensure access for all abilities (including people with baby strollers) to primary building access points, open space and pedestrian networks.
 - (vi) Bicycle parking must be provided in a well light clearly visible location located at grade close to the building entrance.

(7) Guidelines – Light Industrial

Development Permits issued must be in accordance with the following guidelines:

- (a) Siting
 - (i) Buildings will be sited to maintain solar exposure to pedestrian areas and not shade existing developments.
- (b) Building Form, Massing and Scale
 - (i) Buildings should complement the existing character and scale of the area, yet express individuality.
 - (ii) Roof design must demonstrate effective snow, ice and rain management. All pedestrian and vehicle access points must be protected from snow and ice shed and rain drainage.
 - (iii) Architectural elements that provide overhead pedestrian weather protection are encouraged.
- (c) Building Materials and Exterior Appearance
 - (i) When the rear or side of buildings are visible to the public, they must be designed with as much attention to detail as the front of the building.
 - (ii) Building materials must be durable and suitable to withstand the local climate. Exterior finishes should reflect the natural environment and include timber, natural and artificial stone, fibre cement siding, wood and stucco. The use of metal siding may be appropriate; however, the extensive use of galvanized siding should be avoided.
 - (iii) A colour palette consisting of muted colours and earth tones found in the surrounding natural environment is appropriate.

- (d) Landscaping and Screening
 - (i) A detailed landscape plan must be submitted with every development permit application. For areas disturbed by development, a detailed re-vegetation or landscape plan appropriate to reduce the establishment of invasive species is required.
 - (ii) The use of native species to landscape new developments is encouraged. Where possible, native plant communities should be protected, preserved and integrated into the overall landscape plan. Vegetation should be low maintenance and require minimal to no irrigation after establishment.
 - (iii) Landscape plans should include both hard and soft landscaping elements, show the location of parking facilities and pedestrian trail connections, the location and type of pedestrian amenities such as benches, tables and chairs and bike racks, the location of garbage bins, propane tanks, storage and loading areas, exposed mechanical and electrical equipment and snow storage areas.
 - (iv) Garbage bins, propane tanks, storage and loading areas and exposed mechanical equipment must be screened. With the exception of screening for garbage bins, plants may be used as screens if it can be demonstrated they provide year round screening. Garbage bins must be screened using at least a 4 sided fence and preferably a roofed structure that deters access from animals and birds.
 - (v) Fencing and walls should be constructed with natural materials such as stone and wood and designed to coordinate with overall character of the development.
 - (vi) Minimize mown turf areas.
 - (vii) The use of bioswales and permeable surfaces as part of a sites stormwater management is encouraged.
- (e) Lighting
 - (i) Provide appropriately scaled lighting that is coordinated with building and site architecture. Lighting should be designed to provide adequate light, yet avoid glare, light trespass and excessive shadows.
 - (ii) The use of sulphur or mercury vapour lighting is prohibited. High efficiency LED lights are encouraged.
 - (iii) Lighting fixtures for illuminating signage should complement the buildings architecture and be directed at the sign.
- (f) Signage
 - (i) For multi unit light industrial developments, locating freestanding directory signage at the common vehicle access point is encouraged.
 - (ii) The use of mast mounted signs is discouraged. Ground oriented freestanding signs are preferred.

- (iii) Sign locations should be integrated into the exterior facade of industrial developments. Developments where more than one industrial space is located in the same building should include designated locations for signage.
- (g) Access, Circulation & Parking
 - (i) Site access points must provide safe access for vehicles and pedestrians. Opportunities to minimize conflict between vehicles and pedestrians should be demonstrated.

21. IMPLEMENTATION

21.1 Background

The OCP sets out the broad objectives and policies of the RDEK for the Fairmont Hot Springs and Columbia Lake area. The OCP does not provide all the tools to implement the specific directions contained within it.

Many of the policy statements contained within the OCP are not the direct responsibility of the RDEK. In these cases, the OCP represents the RDEK's position with respect to the preferred course of action for other levels of government, public authorities or individuals.

21.2 OCP Amendments

- (1) In the future, OCP amendments may occur in response to a change in the needs of the community or the objectives for development or conservation. Amendments may be initiated by the RDEK or by an application by a property owner. All amendments to the OCP require a bylaw amendment as prescribed by the *Local Government Act*.
- (2) Upon application to amend the OCP the applicant must demonstrate that the proposed development site(s) will have adequate access and infrastructure services and that they are able to sufficiently mitigate any hazardous site conditions such as soil erosion, flooding or interface fire.
- (3) To ensure that the OCP remains effective, relevant and responsive to the needs of the community, the OCP should periodically be reviewed to determine if the level of development that has occurred in the plan area, or a change in other conditions, necessitates that the OCP be substantially amended or rewritten.

21.3 Zoning Bylaw Amendments

Parcels may be rezoned in conformity with the land use designations contained in **Schedule D** and **D1** to **D3**. The proposed zoning must also conform to the objectives and policies contained in the OCP.

The subject parcel(s) must be developable and meet the requirements of the zoning bylaw.

The owner must demonstrate that the proposed development site(s) will have adequate access and infrastructure services and will sufficiently mitigate any hazardous site conditions such as soil erosion, flooding or interface fire.

21.4 Development Approval Information

- (1) Pursuant to the *Local Government Act*, the RDEK may require the submission of development approval information to ensure that sufficient supporting documentation is provided, prior to approval, to assess the potential impact of a development or activity.

The procedures for the preparation and review of development approval information are established within "Regional District of East Kootenay – Development Approval Information Bylaw No. 2122, 2008", as may be amended or replaced from time to time.

- (2) Development approval information may be required for the following circumstances and areas.

- (a) *Agriculture*

Criteria: Applications for amendments to the zoning bylaw or temporary use permits for land that has not previously been subject to an application for which a report under section 7.3(2)(f) of this plan has been provided to the RDEK.

Rationale: To minimize conflict between agriculture and other land uses and meet the objectives and policies identified within section 7 of this plan.

(b) *Wildfire Hazard*

Criteria: Applications for Development Permits under section 20.2, Development Permit Area #1 – Wildfire Hazard.

Rationale: To minimize the risk of damage to property by wildfire and to create a natural environment with a reduced fire risk.

(c) *Natural Environment*

Criteria: Applications for amendments to the zoning bylaw, Temporary Use Permits or Development Permits under section 20.3, Development Permit Area #2 – Protection of Environmentally Sensitive Areas (ESAs).

Rationale: To consider the impact of the proposed activity or development on endangered and threatened species, fish habitat, wildlife habitat and water resources in order to meet the objectives and policies identified within the following sections of this plan:

- 4. - Residential Land Use;
- 5. - Affordable, Employee & Seniors Housing
- 11.- Columbia Lake
- 12. - Environmental Considerations;
- 20.3 - Development Permit Area #2 –Protection of Environmentally Sensitive Areas

(d) *Natural Hazards*

Criteria: Applications for amendments to the zoning bylaw or Temporary Use Permits where the subject property is within a high hazard area or flood concern area identified on **Schedule I** or a steep slope identified in **Schedule H**.

Rationale: To assess the impact of the proposed development or activity on minimum usable site area requirements, flood protection works and to meet the objectives and plan policies identified within the following sections of this plan:

- 4. - Residential Land Use;
- 5. - Affordable, Employee & Seniors Housing
- 6. - Commercial Land Use;
- 8. - Light Industrial Land Use;
- 13.1 - Floodplains, Alluvial and Debris Flow fans and Geotechnical Hazards

21.5 Implementation Strategy

The following table contains a list of implementation actions, project lead and partnerships. The implementation strategy was created through a workshop with RDEK staff, Electoral Area F Director, and community and business organizations. The implementation strategy is not meant to commit the RDEK or any other organization to any particular action, rather it is a high-level road map to facilitate implementation, inform the Board of Directors annual priority project setting exercise and create a foundation for tracking plan implementation.

The following table uses several acronyms in the ‘Lead Organization’ and ‘Partners’ columns. A list of acronyms used in the table is found below:

| | |
|------|---|
| RDEK | Regional District of East Kootenay |
| FHSR | Fairmont Hot Springs Resort |
| FBA | Fairmont Business Association |
| FCA | Fairmont Community Association |
| MoTI | Ministry of Transportation and Infrastructure |
| FLC | Fairmont Lions Club |
| CLSS | Columbia Lake Stewardship Society |
| CBT | Columbia Basin Trust |
| CPCA | Columere Park Community Association |
| WS | Wild Sight |
| CWSP | Columbia Wetland Stewardship Partners |
| VoCF | Village of Canal Flats |
| BCP | BC Parks |
| MoE | Ministry of Environment |

Strategic Priorities

| OCP Policy Reference | Policy Action | Lead Organization | Partners |
|----------------------|---|-------------------|---|
| 6.3 (2)(a) | Development and implementation of a comprehensive wayfinding strategy within Fairmont Hot Springs. | FHSR, FBA | RDEK, FBA, FHSR, FCA, MoTI |
| 6.3 (2)(b) | Creation of sign design guidelines for the Fairmont Hot Springs commercial area. | RDEK | FBA, MoTI |
| 6.3 (2)(d) | Undertaking a future community planning project focused on the beautification and revitalization of the core highway commercial area in Fairmont Hot Springs. | MoTI, RDEK | FBA, FCA, FHSR, FLC |
| 10.3 (4) | Development and improvements to Columbia River access points in Fairmont Hot Springs. | RDEK | CLSS, CWSP, MoTI |
| 10.3 (1) 15.3 (6) | Establishment of a comprehensive trail network in Fairmont Hot Springs linking residential and tourist accommodation areas with local services, amenities and other trail networks. | FCA | RDEK, CBT, MoTI |
| 10.3 (5) | At the request of area residents, the RDEK will investigate the establishment of a service area to provide a parks and recreation function for the establishment and ongoing maintenance of local or regional recreational amenities. | RDEK | All community groups |
| 11.3 (10) | Coordinate a review and update of the Columbia Lake Management Strategy. | RDEK | CLSS, All lakeside community groups, VoCF |
| 11.3 (11) | Installation of buoys or signs to notify boaters of federal regulations applicable to water bodies in the plan area. | RDEK | CPCA, VoCF |
| 14.3 (4) | Undertake an Archaeological Overview Assessment for the plan area. | RDEK | All First Nations |
| 10.3 (2) 15.3 (5) | Development of a trail system that connects Fairmont Hot Springs with the West Side Legacy Trail and communities along the west side of Columbia Lake. | RDEK, CVGTA, FCA | All community groups |

Advocacy

| OCP Policy Reference | Policy Action | Lead Organization | Partners |
|-----------------------------|---|--------------------------|---|
| 11.3 (3) | Support a horsepower limit on the main channel of the Columbia River not already covered by a horsepower limit within the plan area. | CWSP | CPCA, WS, CLSS, RDEK |
| 11.3 (4) | Support the designation of Armstrong Bay on Columbia Lake as a non-motorized use area. | CLSS | CPCA, WS, CWSP, RDEK |
| 11.3 (9) | Continue the water testing and monitoring program, stewardship initiatives and education activities of the Columbia Lake Stewardship Society. | CLSS | RDEK, All lakeside community groups, VoCF |
| 12.2 (3)(d) | Roadside boat inspections and cleaning stations aimed at reducing or eliminating the spread of invasive species. | MoE | CBT |
| 15.3 (1) | Traffic safety improvements at the Highway 93/95 access of Dutch Creek and Columere Park. | MoTI | CPCA, Dutch Creek |
| 15.3 (2) | Road surface maintenance from Fairmont Hot Springs to Columbia Lake Provincial Park. | MoTI, BCP | |
| 15.3 (3) | Traffic safety improvements and the establishment of a 'point of interest' highway pull out adjacent to the Hoodoo's at Dutch Creek. | MoTI | FCA |
| 15.3 (7) | Calm traffic and improve pedestrian safety on Highway 93/95 through Fairmont Hot Springs. | MoTI | FCA |

22. LAND USE DESIGNATIONS

22.1 Background

The land use designations are meant to identify, in general terms, the type of land uses that are appropriate for the designated lands. The range in parcel sizes are reflective of parcel sizes that currently exist within the land use designation. The referenced minimum parcel sizes do not reflect the perspective of the ALC. For lands within the ALR, it is possible that subdivision into these lot sizes will not be supported by the ALC.

Subject to the zoning bylaw, agricultural use is permitted on all lands located within the ALR. The ALR is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are controlled. Further detail regarding the intent of the land use designations is found below.

The land use designations are shown on **Schedule D** and **D1** to **D3**. Where a land use designation boundary is shown as following a highway or creek, the center line of such highway or creek must be the land use designation boundary.

22.2 Residential Land Uses

- (1) **R-SF, Residential Low Density** includes single family residential subdivisions, duplexes and zoning that supports secondary suites.
- (2) **R-MF, Residential Multi-Family** includes medium and high density non-commercial residential accommodation such as duplexes, fourplexes, townhouses and apartments
- (3) **SH, Small Holdings** supports low density residential development with minimum parcel sizes in the range of 0.2 ha to 2.0 ha.
- (4) **LH, Large Holdings** supports rural residential development and rural resource land uses on parcels sizes in the range of 2.0 ha to 8.0 ha.

22.3 Rural Land Uses

RR, Rural Resource supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

22.4 Commercial and Industrial Land Uses

- (1) **GC, General Commercial** is intended for the full range of community commercial and service commercial land uses identified in the zoning bylaw.
- (2) **I, Industrial** supports light industrial land uses.

22.5 Resort Land Uses

- (1) **RES-MU, Resort Mixed Use** supports a variety of land uses including resort recreation, commercial accommodation, general commercial, multi-family residential and similar types of development.
- (2) **RES-AC, Resort Accommodation** includes hotels, motels, condo-hotels, timeshares and other types of commercial and commercial-based accommodation.
- (3) **RES-R, Resort Recreation** supports golf course and ski hill development as well as campgrounds, RV Parks, and other similar recreation type land uses.

22.6 Institutional Land Uses

- (1) **INST, Institutional** supports such land uses as utilities, parks and playing fields, educational facilities, churches or places of assembly, and similar developments.

- (2) **OSRT, Open Space, Recreation and Trails** supports greenspaces, recreational amenities, agricultural use, local, regional and provincial parks and other protected areas, such as wildlife corridors.
- (3) **CEL, Cultural and Ecological Landscape** is intended to designate land managed for the preservation and enhancement of significant cultural and environmental values.
- (4) **WP, Watershed Protection** identifies lands that are part of an existing or potential community watershed and that require protection from development that could impair the quality of the domestic water supply obtainable from the watershed.

This is Schedule A referred to in Bylaw No. 2779 cited as "Regional District of East Kootenay – Fairmont Hot Springs & Columbia Lake Area Official Community Plan Bylaw No. 2779, 2017".

"Rob Gay"

Chair

"Shannon Moskal"

Corporate Officer

August 4, 2017

Date