



**STEEPLES  
OFFICIAL COMMUNITY PLAN  
BYLAW NO. 2614, 2015**

*This is a consolidation of the Steeples OCP and adopted amendments. This consolidated copy is for convenience only and has no legal sanction.*

*February 13, 2026*

### BYLAW AMENDMENTS

<b>Bylaw</b>	<b>Amend / Yr</b>	<b>Adopted</b>	<b>Short Citing</b>	<b>Legal / Zone</b>
2752	02/2017	March 3/17	RDEK / Wardner Cemetery	Lot 1, DL 1901 KD Plan NEP7346
3417	12/2025	Feb 13/26	RDEK / Misc	Text Amendments Parcel A DL 1901 Plan 639 except Lot 1 Plan 7346 KD <b>OSRT to RR</b>

# REGIONAL DISTRICT OF EAST KOOTENAY

## BYLAW NO. 2614

A bylaw to adopt an Official Community Plan for the Fort Steele, Bull River, Wardner and Mayook region.

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 C.

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 – Steeples Official Community Plan Bylaw No. 2614, 2015”.

### 2. Application

This bylaw is applicable to all land within the boundaries of the Steeples 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 – Fort Steele Area
- (f) Schedule D2 – Land Use – Bull River, Mayook & Area
- (g) Schedule D3 – Land Use - Wardner
- (h) Schedule E1 – Development Permit Area #2 – ESA – Fort Steele Area
- (i) Schedule E2 – Development Permit Area #2 – ESA – Bull River, Mayook Area
- (j) Schedule E3 – Development Permit Area #2 – ESA - Wardner
- (k) Schedule F – Flood Hazard
- (l) Schedule G – Slope Analysis
- (m) Schedule H – Interface Fire Hazard
- (n) Schedule I – Big Horn Sheep Range
- (o) Schedule J – Avalanche Area
- (p) Schedule K - Ungulate Winter Range
- (q) Schedule L – Badger Habitat

### 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 shall be severed and the decision that is invalid shall not affect the validity of the remainder.

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

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

Bylaw No. 1804, cited as “Regional District of East Kootenay – Fort Steele – Bull River Land Use Bylaw No. 1804, 2005” is hereby repealed.

READ A FIRST TIME the 7<sup>th</sup> day of August, 2015.

READ A SECOND TIME the 7<sup>th</sup> day of August, 2015.

READ A THIRD TIME the 4<sup>th</sup> day of September, 2015.

ADOPTED the 6<sup>th</sup> day of November, 2015.

“Rob Gay”  
CHAIR

“Shannon Moskal”  
CORPORATE OFFICER

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## SCHEDULE A – POLICIES

### 1. INTRODUCTION

#### 1.1 Administration

The Steeples 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 plan area land base.

This OCP will be used and administered by the Board of Directors and Staff of the Regional District of East Kootenay (Regional District) to evaluate all future development proposals and changes in land use within the plan area. The plan does not commit the Regional District to specific projects or courses of action, however, all decisions made by the Regional District 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, this 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 Regional District. All proposed amendments are subject to an application process, public hearing and approval by the Regional District Board.

Once this OCP is adopted it will provide the Board with a planning framework and guideline to promote certainty in land use decision making. In approving this OCP, the Regional District 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

This OCP is adopted pursuant to the provisions of Part 26 of the *Local Government Act*, which states:

*An official community plan is a statement of the objectives and policies to guide decisions on land use 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 and other types of land uses;
- The location and area of sand and gravel deposits suitable for future extraction;
- Restrictions on the use of environmentally sensitive and hazardous lands;
- The approximate location and phasing of any major road and infrastructure systems;
- The location and type of present and proposed public facilities; 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**

This 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 this OCP become the official position of the Regional District.

Schedules attached to this 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**

Land use planning for the Wardner and Mayook area was identified as a 2014 priority project by the Regional District Board of Directors. The Wardner and Mayook area was unzoned and not covered by any Regional District long range strategic plans. The only land use regulations in the plan area were on property within the Provincial Agricultural Land Reserve (ALR).

The past few years have seen an increase in development pressure in the Wardner and Mayook area. As a result, members of the community expressed a desire to adopt a plan for this area. Planning for the Wardner and Mayook area also provided the opportunity to update the 2005 Fort Steele – Bull River Land Use Bylaw to create one OCP and zoning bylaw for a large portion of Electoral Area C.

In January 2014, a newsletter and questionnaire were sent to Wardner and Mayook area residents and property owners to initiate the planning process. The newsletter and questionnaire were also available on the Regional District website. The majority of public consultation concentrated on the Wardner and Mayook area as the existing land use designations and policies currently within the Fort Steele - Bull River Land Use Bylaw would remain unchanged. In January 2014 an introductory meeting was held in Wardner and in April 2014 an introductory meeting for Fort Steele and Bull River residents was held in Cranbrook. These meetings included a short presentation outlining the project background, stages and objectives. Meeting participants were given the opportunity to identify community assets, concerns and a preliminary vision for the area. In July 2014, a visioning workshop was held in Wardner where residents helped identify a vision for future development in the Wardner and Mayook area. During this workshop residents discussed objectives and policies which could be included in this OCP, as well as items specific to zoning regulations such as secondary suites and recreational vehicle use.

A volunteer Advisory Group was created in March 2014 to assist with the development of the bylaws and act as a liaison between Regional District staff, the Area Director and the community. The group played an important role in the overall development of the bylaws. The members provided staff and the Director with valuable information and insight into the communities in the bylaw area and provided important feedback on draft policies and regulations within this OCP and zoning bylaw.

The draft policies were reviewed by the Advisory Group in March 2015. The draft OCP and zoning bylaw were presented at public open houses in Wardner and Bull River in May 2015.

### **1.5 Relationship to Zoning Bylaw**

Land use designations contained within this OCP were assigned based on the goals, objectives and policies outlined within this OCP and in consideration of the current land uses. However, the land use designations may not match a parcel's zoning within the Steeples Zoning Bylaw. This is because this 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 this OCP.

### **1.6 Plan Area**

The plan area is located in southeastern British Columbia and encompasses the majority of Electoral Area C. The plan area spans north to Top of the World Park, east to the Elk Valley, west to the Cranbrook area and south to include the Wardner and Mayook areas.

The boundary of the plan area is shown on **Schedule B**. Five subareas have been identified. These include:

**(1) Fort Steele**

Fort Steele is located north of the Crowsnest Highway along Highway 93/ 95, approximately 16 km northeast of Cranbrook. The area consists of small urban sized lots at Fort Steele surrounded by larger agricultural parcels. The area also has amenities such as Fort Steele Heritage Town, Fort Steele Campground and Fort Steele Resort & RV Park.

**(2) Bull River**

The Bull River subarea is located on the east side of the Kootenay River at the mouth of the Bull River approximately 41 km east of Cranbrook. The Bull River itself is a 117 km long tributary of the Kootenay River. The Bull River subarea consists of residential properties ranging from small acreages to large agricultural properties. The area also has amenities such as the Kootenay Trout Hatchery, Bull River Inn, Bull River Guest Ranch and natural assets such as Norbury Lake Provincial Park, Horseshoe Lake and the Bull River Canyon.

**(3) Wardner**

Wardner is located approximately 36 km east of Cranbrook. Wardner townsite consists of small lot residential properties surrounded by larger acreages and Crown land. Wardner townsite houses amenities such as a community hall, cemetery, provincial park and athletic field.

**(4) Mayook**

Mayook is located approximately 17 km east of Cranbrook. Mayook consists of large acreages, the majority of which are within the ALR. Mayook Station Road consists of approximately twenty-five smaller parcels ranging in size from 1.0 ha to 8.0 ha. The Mayook subarea also contains a gravel pit and public utility sites.

**(5) Colony Road, Bednorski Lake, Haha Lake Areas**

These areas are located approximately 19 km east of Cranbrook. The Colony Road area consists of parcels ranging in size from 0.4 ha to 4.0 ha and larger. The Kootenay River borders this area on the north side with Highway 3/93 on the south. This area is in the ALR.

Bednorski Lake, Haha Lake and Edith Lake are located on the west side of Haha Creek Road and are within the ALR. The parcels surrounding the three lakes consist of residential acreages and large agricultural parcels.

## **2. AREA HISTORY AND BACKGROUND**

### **2.1 History**

#### **2.1.1 Fort Steele**

The origin of Fort Steele is closely linked to the discovery of gold in 1865 in nearby Wild Horse Creek.

A ferry service crossing the Kootenay River was started by John Galbraith. The ferry office and surrounding buildings became known as Galbraith's Ferry. The easily accessible gold findings depleted, and by 1882, only 11 settlers lived in the East Kootenay District. In 1885, the completion of the rail line to Golden encouraged prospectors to return to the region.

Disputes over the land ownership between the Ktunaxa First Nation population and settlers developed. Superintendent Samuel B. Steele and 75 members of the North-West Mounted Police were sent to resolve the tension and the Kootenay Post was established. The North-West Mounted Police departed in 1888 once land disputes were mediated. Residents of the area petitioned the Dominion Government to change the settlement's name to Fort Steele to honour Superintendent Steele.

In 1892, major deposits of silver, lead and coal were discovered. Prospectors once again flooded the valley. Fort Steele became the region's commercial, social and administrative centre with a population of over 1,000 and businesses such as a brewery, hotels, restaurants, hardware stores, drug stores, tailor shops and barristers were established.

In 1898, the Canadian Pacific rail line bypassed Fort Steele in favor of Cranbrook and in 1904 the Provincial government offices moved to Cranbrook causing the population of Fort Steele to decline rapidly.

In 1961, the Provincial Government declared Fort Steele a historic park with a mandate "to preserve, present, and manage for the public benefit the historic settlement of Fort Steele."

#### **2.1.2 Bull River**

The earliest documented activity on the Bull River was a placer mine for gold in the 1860's. The river's name was changed from "Bad" to "Bull" in 1866. A bridge was built at the site of the current bridge in 1885. The bridge was also used by Superintendent Sam Steele when he returned to Alberta from Fort Steele in 1888.

In the early 1900's, CPR's Crows Nest Line was completed, and with the expectation that the BC Southern Railway Company would soon build the Kootenay Central Railway up the Kootenay Valley, the future looked bright for the Bull River area.

In 1897, Joseph C. Hooker and George Henderson recognized the hydro electric power potential of the Bull River and in late 1903, the Bull River Electric Light and Power Company was incorporated. In 1910, the flume was complete and George Henderson's next step was the purchase of the machinery for the plant. The hope was to deliver power to Fernie, Fort Steele, Cranbrook, Moyie, Marysville, Kimberley, Michel, Coleman, Blairmore and Frank.

Financing the project was a constant struggle. In 1920 without the finances to finish the project, George Henderson sold the company to the BC and Alberta Power Company. This company constructed a concrete dam and power house. In 1922, once again funds ran out and East Kootenay Power Company became the new owners. The first power from the Bull River plant was delivered to Fernie in May 1922. Coleman, Blairmore, Cranbrook and Kimberley followed soon after.

In 1923, the President of East Kootenay Power Company renamed the plant the Aberfeldie Dam after a region in Scotland.

In 1953, a new dam was constructed that was 27 metres tall and 134 metres long. In 1959, operations at the plant were automated. On April 1, 1968 BC Hydro took over the operation and further automation no longer required the need of resident operators.

### **2.1.3 Town of Bull River**

In 1911, the Kootenay Central Railway was on the way to the present site of the Town of Bull River. CPR began constructing bunkhouses, barns, offices, a sawmill and houses for the executives.

A total of 44 camps were built along the Bull River, housing approximately 500 men who were employed in construction and logging.

In 1912, the sawmill's success began to attract businesses such as rooming houses, restaurants, a grocery store, pool hall and butcher shop.

By 1920 the sawmill was operating four or five months of the year. In 1929, a new larger mill began operation in Canal Flats and many of the families from Bull River moved. The planer mill shut down in 1930 and by 1931 many people and buildings had disappeared from the Town of Bull River.

### **2.1.4 Wardner**

Arthur and Thomas Fenwick came to the Kootenays in the late 1880's and purchased various tracts of land along the Kootenay River including DL 1901 which would later become the townsite of Wardner. Captain Francis Patrick Armstrong and Jim Wardner, partners in the International Transportation Company purchased the property from the Fenwicks in 1897, rumoured to have knowledge of CPR's plans to locate the railway through the area.

Lots were purchased and the early pioneers put up tents until permanent dwellings could be built. Wardner was an isolated community at the time and without lumber. Two Americans, M.P. Zindorf and Captain M.D. McCall set up the first Wardner sawmill, the Kootenay Lumber and Manufacturing Co. This was the first sawmill built in the entire East Kootenay Valley.

In the fall of 1898, when Wardner was passed over in favor of Cranbrook as the divisional point on the CPR line, the building boom ended and many of the people packed up and moved to busier towns. Things remained at a standstill until the fall of 1902, with the formation of the Crow's Nest Pass Lumber Company. The lumber company remained in operation until July 1957. The lumber company changed hands from Crestbrook to the Graf Bros. Lumber Company Limited in the following years; however, there were few positions available and many moved on to Cranbrook and other centers.

In September 1897, the first school house opened in Wardner with an enrollment of 23 students but closed in 1899 following the bypassing of the railroad. The expansion of the lumber industry in 1902 resulted in a new school and by 1913 there were 71 students attending classes. This school was eventually outgrown and the final school house was constructed in 1960. Students were also bussed in from Mayook and Bull River areas. This building acted as a school until 1982 when it was sold to the community and now serves as the community hall.

Wardner also had two churches which served the community from 1909 until the mid 1970's.

Mail service began in Wardner in 1897. The post office was usually located in one of the businesses or in the postmaster's home. The last post office closed in 1991 and mail is now delivered to a bank of lock boxes in the community.

At its height, the town of Wardner consisted of the King Edward Hotel, the Wardner Hotel, Crow's Nest Pass Lumber Company Store, Hamrin's General Store, Gus Johnson Shell Service, Miggin's Shell Service Station, BA Service Station, Martinos' Grocery Store, Cameron's Store and Deman's Store.

## **2.2 Recent Development**

### **2.2.1 Wardner and Mayook**

Since 2003, 34 new lots have been created in the Mayook area. Since 2003, the Wardner area has seen significant growth as 182 new lots have been created. Aside from 19 lots, the remaining parcels can be attributed to the following three developments: Koocanusa Ranch, Osprey Landing and Koocanusa Landing.

### **2.2.2 Fort Steele and Bull River**

Since the adoption of the Fort Steele – Bull River Land Use Bylaw in 2005, it has been amended 14 times.

Since 2003, development in the Fort Steele – Bull River area has been limited, with 14 new lots created in the Fort Steele area and 4 in the Bull River area.

As the general policies in the land use bylaw were still applicable to the residents' vision of the community they are reflected in the Steeples OCP. The planning process in the Wardner and Mayook area provided an opportunity to consolidate the existing land use bylaw with the Steeples OCP to create one plan for the entire area.

### **2.3 Previous Plans and Studies**

#### **Wasa – Fort Steele – Bull River and Area Zoning Bylaw**

The Fort Steele, Bull River and Wasa area was first regulated in 1984. As a result of increased development activity, the Wasa portion of the bylaw was repealed in 2002 and a Land Use Bylaw was then adopted for Wasa and the surrounding area to direct growth to particular areas and decrease unplanned rural development.

#### **Fort Steele – Bull River Land Use Bylaw**

In 2005, the Fort Steele – Bull River Land Use Bylaw was adopted. The Land Use Bylaw was a combination of land use policies and zoning regulations. Direction for the preferred type of growth and future land use conservation within the Fort Steele and Bull River area was provided by the policies within the bylaw. The zoning regulations provided certainty to land use and assisted in limiting incompatible land uses.

#### **Regional Sustainability Strategy**

The Regional Sustainability Strategy (RSS) was adopted in October 2014. The strategy provides the Regional District 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 Regional District with a single overarching reference point for its activities, including future planning and priority setting processes.

#### **RDEK Agricultural Plan**

In 2014, the East Kootenay 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 Regional District 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.

### 3. GOALS OF THE OFFICIAL COMMUNITY PLAN

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. To protect the integrity and quality of Lake Kooconusa, Bull River, Kootenay River and all other groundwater and surface water resources.
2. To promote development that maintains the rural character of the plan area and that reflects a diversity of lifestyles, economic and recreational activities; recognizing the unique characteristics of the plan area and the desire for protection from incompatible forms of development.
3. To maintain a balance between land use regulations to protect community values and the desire of the residents to preserve a high degree of freedom respecting the use of their property.
4. To recognize and conserve cultural resources and archaeological sites located within the plan area, both recorded and unrecorded. Development activities will comply with heritage conservation legislation.
5. To recognize the existing commercial and institutional uses and to encourage future commercial and institutional uses to be located in appropriate locations within the plan area.
6. To recognize the risk of interface fire hazards within the rural area and establish Development Permit guidelines to mitigate the risk.
7. To promote Provincial management of Crown land that respects social, environmental and economic sustainability principles.
8. To reduce greenhouse gas emissions created within the plan area in order to mitigate climate change impacts.
9. To encourage the rejuvenation of existing commercial areas and the creation of additional commercial areas and to promote economic development, tourism and local employment.
10. To consider light industrial uses in the plan area and establish criteria where these applications may be supported by the Regional District.
11. To 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 and existing neighborhoods and communities.
12. To 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.
13. To support the strong agricultural base in the plan area through protection of agricultural resources and the promotion of opportunities for diversification and value added agricultural activities.

## **4. RESIDENTIAL LAND USE**

### **4.1 Background**

The plan area encompasses a range of residential land uses. Single family housing options are available throughout the plan area, ranging in size from urban residential lots within the Wardner and Fort Steele area to large holdings in the Bull River and Mayook areas.

The plan area contains a significant amount of land that is within the ALR. These lands typically support extensive agricultural uses such as forage and livestock production and contribute to the rural character of the area.

### **4.2 Objectives**

- (1) Maintain minimum parcel sizes that reflect the rural lifestyle and character of the area.
- (2) Maintain the rural and agricultural nature of the plan area by only considering new residential proposals if they are appropriately located and compatible with adjacent land uses so as not to compromise environmental and agricultural values.
- (3) Identify development nodes for future residential development and direct development to these areas.

### **4.3 Policies**

#### **(1) General**

- (a) Multi-family development is not generally supported within the plan area.
- (b) The sale or other alienation of Crown land for residential purposes is not generally supported, unless otherwise specified within this OCP.
- (c) Applications for bylaw amendments to RR-1(A) – Single Family Residential (Small Lot) will generally not be supported.
- (d) In order to limit future development on land subject to hazardous conditions and the resulting impacts on residents and property, subdivision within the Bull and Kootenay River floodplains will not be supported.
- (e) Subdivision or development will generally not be supported in the vicinity of the RDEK transfer station.
- (f) Bylaw amendment applications for residential development should address the following:
  - (i) compatibility of proposed development with surrounding land uses and parcel sizes;
  - (ii) access to the development and proposed road networks;
  - (iii) integration of Conservation Subdivision Design principles by utilizing a compact neighbourhood design and identifying and protecting wetlands, steep slopes, woodlands and wildlife corridors;
  - (iv) capability of the natural environment to support the proposed development, and its impact on important habitat areas;
  - (v) identification of trail connectivity within the area under application and adjacent developments;
  - (vi) consideration of water reduction measures for buildings and landscapes;
  - (vii) consideration of building envelopes to maximize viewsapes and passive solar orientation;
  - (viii) mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
  - (ix) integration of FireSmart principles;
  - (x) consideration of the potential impacts on groundwater;

- (xi) susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
- (xii) suitability of the parcels for on-site groundwater wells and septic systems; and
- (xiii) consideration of vegetated buffers or setbacks where the proposed development is adjacent to agricultural land.

**(2) Wardner**

During the consultation process, the community indicated a desire to see Wardner retain its small town character. Local residents want to ensure that development is consistent with the character of the community. A strong effort should be made to ensure that the unique character of Wardner is not placed at risk by excessive development in the future.

As the townsite of Wardner is comprised of numerous small lots, residents voiced support for the sale of Crown land and undeveloped road right of way which adjoin the existing residential property to provide the property owner additional area for residential use or servicing requirements.

- (a) subdivision within Wardner to RS-4 – Residential (Acreage) parcels is generally supported.
- (b) subdivision of parcels zoned RR-2 – Rural Residential (Small Holding) and RR-4 – Residential (Acreage) within DL 1969, known as Kooconusa Ranch, to RR-1(B) – Single Family Residential (Medium Lot) is generally supported.
- (c) Within the Wardner townsite, the sale of Crown land and undeveloped road right of way is generally supported provided the Crown land or road right of way adjoins the existing residential property and is required for residential purposes.

**(3) Mayook**

During the consultation process, residents of Mayook generally expressed concern regarding compatibility of future development with existing land uses and parcel sizes, preserving the character of the area and the potential impacts development could have on agriculture. At the same time, residents also expressed support for medium sized acreages and the flexibility to subdivide their property for family members. The challenge lies in balancing the interests of the residents with the mandate of the Agricultural Land Commission (ALC).

- (a) Rezoning applications to permit parcel sizes 1.0 hectare (2.5 acres) or greater directly south and east of Foothills Drive as per **Figure 1** will generally be supported as the resulting subdivisions would be consistent with the current development node.



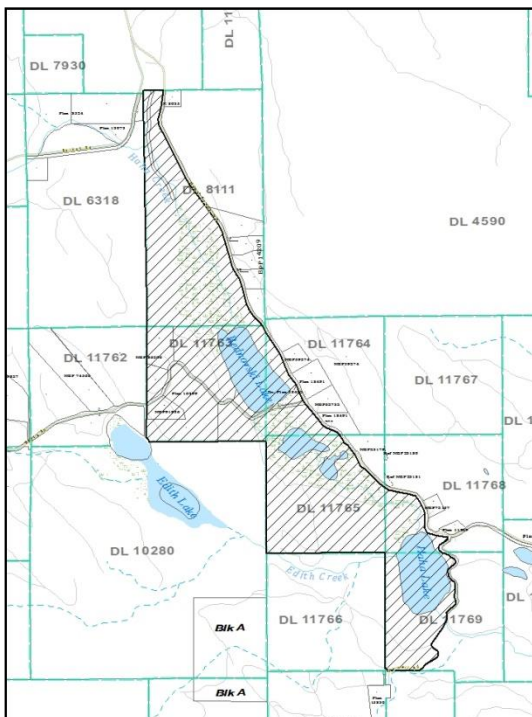
**Figure 1: Foothills Drive Area**

**(4) Bednorski Lake & Haha Lake Area**

During the consultation process, residents expressed concern regarding incompatible land uses, lack of long term vision, rate of growth and protection of agricultural land as the primary areas of concern. Protection of the wetlands and water quality was also very important to those responding. Residents also highlighted the value of the lakes, wetlands, wildlife and recreational opportunities in the area.

At the time this plan was drafted, DL 2372 was assessed as farm and along with the primary residence contained two cabins which provided temporary guest accommodation. Recreational activities such as horseback riding, fishing, hiking and skating were also offered. The owner expressed his desire to continue to provide temporary accommodation and recreational opportunities for guests and to retain the important characteristics of the property by prohibiting subdivision.

- (a) To support the preservation and integrity of Haha and Bednorski Lake, subdivision of property on the west side of Haha Creek Road between Bulkot Road and Howell Road as per **Figure 2** is generally not supported.



**Figure 2: Haha and Bednorski Lake Area**

- (b) Providing temporary accommodation and recreational opportunities on DL 2372 as per the provisions of the Steeples Zoning & Floodplain Management Bylaw is supported; however, rezoning of DL 2372 to enable subdivision is generally not supported.

**(5) Norbury Lakes**

During the consultation process, the majority of the residents surrounding Norbury Lake voiced their concern regarding further subdivision of property surrounding the lake. The main concerns heard were the impact of development on wildlife habitat and the current condition of the lake. Additional traffic, noise and off road vehicle use were also concerns.

- (a) To support the continued preservation of Norbury Lakes, rezoning to allow for subdivision is generally not supported.

## **5. COMMERCIAL LAND USE**

### **5.1 Background**

During the public consultation process, residents indicated a preference for moderate commercial development that would provide local services. In addition, residents indicated that commercial development should be directed to existing communities such as Wardner or to nearby municipalities. At present there are commercial land uses located in Fort Steele, Bull River and Wardner. These services include a gas station, pub, convenience store and campgrounds.

This OCP does not identify specific parcels for new commercial development. Amendments to the OCP land use designations and zoning bylaw may be necessary in order to facilitate such development.

### **5.2 Objectives**

- (1) Support commercial recreation and tourism land uses within the plan area where the use is compatible with adjacent land uses.
- (2) Direct commercial development that is local in scale to existing development nodes.
- (3) Encourage the revitalization and maintenance of existing commercial development.
- (4) Support a range of opportunities for economic diversification through home occupations.

### **5.3 Policies**

#### **(1) General**

- (a) Home occupations which are accessory to the residential use, conform with home occupation 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.
- (b) Large scale commercial development within the plan area is not supported and should be directed to existing communities where supporting infrastructure already exists.
- (c) Rezoning applications for future commercial development will be considered only within close proximity to the communities of Fort Steele, Bull River and Wardner.
- (d) Ecotourism and cultural tourism activities within the plan area that provide economic diversification and have limited impact on the environment, agriculture and heritage resources are generally supported.
- (e) Signage for commercial development is encouraged to be placed so that scenic views are preserved.
- (f) Commercial development is encouraged to sustain a high aesthetic standard that complements the character and natural landscape of the plan area.
- (g) Initiatives resulting in the diversification of local employment opportunities are supported and include, but are not limited to, tourism based employment.
- (h) Rezoning applications to enable campground development in this plan area must comply with the Regional District Campground Bylaw. Applications will be considered in relation to the following considerations, which should be addressed as part of a comprehensive development plan submitted with the application:
  - (i) compatibility of the proposed development with surrounding land uses;
  - (ii) suitability of access to the development, proposed internal road networks and impacts on the external road network;
  - (iii) confirmation of capability to provide sewer and water servicing;

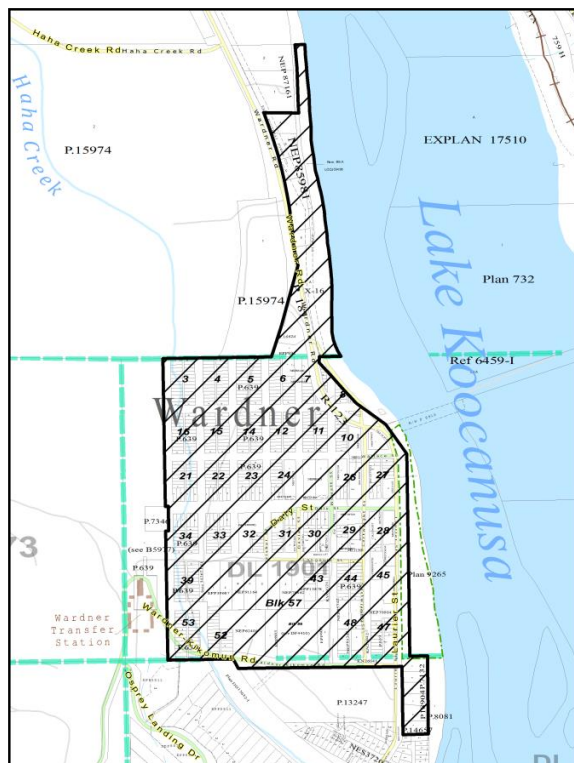
- (iv) proposed density;
- (v) provision and dedication of open and green space, buffers and screening;
- (vi) provision of overnight and short-term camping opportunities;
- (vii) provisions to support solid waste management associated with the campground development;
- (viii) identification and mitigation of development impacts on environmentally sensitive areas including grasslands, connectivity corridors, wetlands and riparian areas and old growth forests, in accordance with section 10 of this OCP concerning environmental considerations; and
- (ix) susceptibility to natural and geotechnical hazards and integration of hazard mitigation strategies, in accordance with section 11 of this OCP concerning development constraints.

**(2) Bull River**

- (a) New small scale commercial development that provides additional local services such as restaurants, convenience stores, gas stations, and grocery stores are generally supported within the Bull River townsite.
- (b) To provide services within the Bull River townsite, property currently zoned commercial should generally remain commercial.

**(3) Wardner**

- (a) A rezoning application for a privately owned campground within the Wardner townsite as shown on **Figure 3** will generally not be supported; a provincially owned campground would be supported.
- (b) New small scale commercial development that provides additional local services such as restaurants, convenience stores, gas stations, and grocery stores are generally supported within the Wardner townsite as shown on **Figure 3**.



**Figure 3: Wardner Townsite**

**(4) Fort Steele**

- (a) New small-scale commercial development that provides additional local services such as restaurants, convenience stores, gas stations, and grocery stores are generally supported within the Fort Steele area.

## 6. AGRICULTURAL LAND USE

### 6.1 Background

Much of the rural land in the plan area is included within the ALR, 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 ALC. Land included in the ALR is shown on **Schedule C**.

The majority of the plan area consists of agricultural values ranging from natural rangeland to forage, pasture and varying sizes of livestock operations. Fort Steele Farms, located along Highway 93/95, produces a variety of berry and vegetable crops.

During the consultation process for the development of this plan, residents expressed a high level of support for continued agriculture operations within the plan area. The desire to protect the agricultural land base was particularly strong in areas where agricultural use is currently occurring. In order to protect this land base the preferred option is to limit the support for subdivision or exclusion; however, the subject of subdivision and exclusion of land from the ALR resulted in mixed opinions. Residents indicated that support of subdivision or exclusion of land within the ALR should be based on the agricultural capability of the land and that owners should be given the opportunity to subdivide property for family members.

The need for residents to be able to supplement farming incomes with home occupations that are complementary to the rural nature of the plan area was also identified.

It is recognized that some land may not be appropriate for retention in the ALR due to poor agricultural suitability, soil conditions, small parcel sizes or incompatible uses. The Regional District will work with the ALC to identify appropriate areas for consideration of future ALC boundary review exercises.

Applicants wishing to subdivide land within the ALR should be aware that the ALC is not subject to the subdivision for a relative provision contained in Section 946 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 Regional District only.

### 6.2 Objectives

- (1) Support agricultural activity within the plan area.
- (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) Preserve and encourage the use of agricultural land for present and future production of food and fibre.

### 6.3 Policies

#### (1) General

- (a) Land in the ALR is generally designated and supported for agricultural use.
- (b) Preservation and continued use of agricultural land for present and future food production is encouraged.
- (c) 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.

- (d) Home occupations that are complimentary to agricultural operations are encouraged and supported within the ALR.
- (e) This OCP does not attempt to identify areas of low agricultural capability within the ALR; a review of ALR boundaries by the ALC in the plan area to exclude areas of low agricultural potential is supported.
- (f) 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 and screening located on adjacent non-agricultural properties should be utilized to ensure that farm operations are adequately protected and buffered.
- (g) The location of new roads should be designed to minimize the impact on existing or potential agricultural areas.
- (h) The implementation of applicable recommendations from the Regional District Agricultural Plan is supported.
- (i) The cultivation of medical marihuana by licenced commercial producers is recognized as a potential agricultural use within the plan area. Medical marihuana production facilities licenced under and operated in conformity with the *Marihuana for Medical Purposes Regulations* are generally supported within the ALR. Uses accessory to a medical marihuana production facility which are not considered to be farm use by the ALC may require approval of a non-farm use application.

Future applications for rezoning for medical marihuana production facilities outside of the ALR will be considered in relation to the criteria identified in section 7.3(3) of this OCP.

- (j) The development of small scale community kitchens, food processing facilities and outdoor community ovens is encouraged.

**(2) Agricultural Land Reserve Applications**

- (a) The plan recognizes the opportunity for limited residential subdivision that is compatible with agricultural operations and on land that is not suitable for agricultural use due to topography and other limitations. The intent is to cluster residential growth on land of low agricultural capability and suitability in order to reduce rural sprawl and preserve the agricultural value of larger parcels in the area. ALR subdivision applications will be considered in relation to the following criteria:
  - (i) current agricultural capability and suitability of the parcel;
  - (ii) potential impacts of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels; and
  - (iii) where applicable, information in the report from a qualified professional as required in section 6.3(2)(g).

Applications for subdivision that will negatively impact present or future agricultural opportunities, or that involve the fragmentation or parcelization of land suitable for agriculture, are not supported.

- (b) ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capacity and provide a net benefit to agriculture for the lands that remain within the ALR.
- (c) New residential development is encouraged to be directed to established development nodes such as Wardner, land within municipal boundaries and areas outside the ALR.
- (d) Applications for subdivision for a relative pursuant to section 946 of 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) 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 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 five years unless required as part of an estate settlement or as required by a lending institution.
- (e) Subject to compliance with the zoning bylaw, 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 and the proposal is in compliance with the ALC Homesite Severance Policy.
- (f) Applications for subdivision in the ALR which improve agricultural capability will generally be supported, subject to compliance with the zoning bylaw.
- (g) Repealed by Bylaw No. 3417 adopted on February 13, 2026.*
- (h) Repealed by Bylaw No. 3417 adopted on February 13, 2026.*
- (i) Support for subdivision of lands within the ALR or non-farm use of ALR lands may be provided when it is demonstrated that the development will protect productive agricultural soils.

## 7. LIGHT INDUSTRIAL LAND USE

### 7.1 Background

Within the plan area, light industrial activities include sand and gravel extraction and forest harvesting. During the public consultation process area residents indicated a preference to direct light industrial development to municipalities and locations with existing light industrial operations. Residents did indicate that some light industrial activities would be supported provided the proposed activity was compatible with or did not create significant impacts on neighbouring parcels.

In April 2014, the production of medical marihuana shifted from a licenced access system to a licenced commercial producer system. The Federal *Marihuana for Medical Purposes Regulations* require that licenced commercial producers comply with applicable local government regulations. In consideration of the new federal regulations the Regional District has contemplated the current land use designations and zoning to determine appropriate locations within the plan area for the accommodation of medical marihuana production facilities.

### 7.2 Objectives

- (1) 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.
- (2) Encourage new industrial land uses to be accommodated within nearby municipalities or existing industrial nodes.
- (3) Outline conditions under which light industrial uses may be supported.

### 7.3 Policies

- (1) The cultivation, processing and direct marketing of medical marihuana by a licenced producer under the *Marihuana for Medical Purposes Regulations* is considered a light industrial use within the plan area. In accordance with the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* licenced producers may operate within the ALR as identified within the zoning bylaw and section 6.3(1) of this plan.
- (2) The production, processing and distribution of medical marihuana by a medical marihuana production facility is anticipated to occur on an intensive agricultural scale in conjunction with required security measures, such as intrusion detection systems, 24-hour site monitoring, access restrictions and perimeter video recording. In consideration of these characteristics, which would not generally be associated with non-federally regulated or licenced agricultural commodities, the zoning bylaws identify regulations specific to medical marihuana production facilities.
- (3) Applications to rezone to accommodate a medical marihuana production facility shall be considered on an individual basis in relation to the following criteria:
  - (a) existing land use;
  - (b) surrounding land uses;
  - (c) proposed servicing for water and sewage disposal; and
  - (d) proposed mitigation of potential impacts on adjacent properties resulting from the security measure requirements of the *Marihuana for Medical Purposes Regulations*.
- (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) Sand and gravel operations are discouraged from locating extraction sites or transportation routes in close proximity to residential areas.
- (7) The siting of sand, gravel, and mineral resource extraction activities in close proximity to residential areas is discouraged. The Province 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.

- (8) Resource extraction operations are encouraged to give due consideration to the preservation of scenic views in the plan area.
- (9) The rehabilitation and reclamation of industrial and resource extraction sites upon cessation of activity is encouraged.
- (10) New light industrial land uses may be supported provided that the proposal does not negatively impact neighbouring properties. Applications for light industrial use will be considered on an individual basis in relation to the following criteria:
  - (a) proximity of the proposed development to existing developed nodes;
  - (b) compatibility of the proposed development with surrounding land uses;
  - (c) water and sewer servicing options;
  - (d) road access; and
  - (e) potential impacts to road infrastructure.

## 8. INSTITUTIONAL AND COMMUNITY LAND USE

### 8.1 Background

The plan area contains a variety of community and institutional uses such as Top of the World Guest Ranch, Wardner Cemetery, Wardner Community Hall, Mayook Community Hall, Fort Steele Cemetery, BBQ Ranchers Community Club, Central Subregion Landfill, City of Cranbrook spray irrigation fields and the Regional District Transfer Station.

In 2013 at the request of the Wardner Community Association (WCA), the Regional District applied for a Crown Grant for the existing cemetery lands in Wardner and an adjacent area of land for future cemetery expansion. The WCA has committed to operating the cemetery. Proposed improvements include landscaping, fencing, a columbarium, historical memorial walls and gazebo. At the time of drafting this OCP, the Regional District had received the Crown Grant and was working with the WCA to finalize the requirements as outlined by the Ministry of Forests, Lands and Natural Resource Operations.

### 8.2 Objectives

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

### 8.3 Policies

- (1) Institutional land uses should be directed to existing developed nodes such as Fort Steele, Bull River townsite, Mayook and Wardner. Additional locations will be considered on a case-by-case basis.
- (2) The Wardner Cemetery is recognized as an important asset within the plan area. The ongoing management of the cemetery by a community group or society is supported.
- (3) Recognizing that the City of Cranbrook Spray Irrigation system is a key component of the City's infrastructure and reduces demand for other sources of irrigation and the value the program adds to the region's agricultural industry, the continued use and preservation of the area utilized by the City of Cranbrook's Spray Irrigation Program is supported.
- (4) No school facilities are anticipated within the projected 5 to 15 year time line considered within this OCP; therefore, no school sites have been identified.
- (5) With the exception of Fort Steele Heritage Town, no fire protection areas currently exist within the plan area. If in the future a fire protection area is established, the Regional District will work with the community to identify an appropriate site for a fire hall, if required.
- (6) All unalienated and unencumbered Crown Land as shown in **Figure 4** in the vicinity of the Central Subregion Landfill site are recognized as buffer zones and designated as a map reserve by the Ministry of Forests, Lands and Natural Resource Operations on behalf of the Regional District.

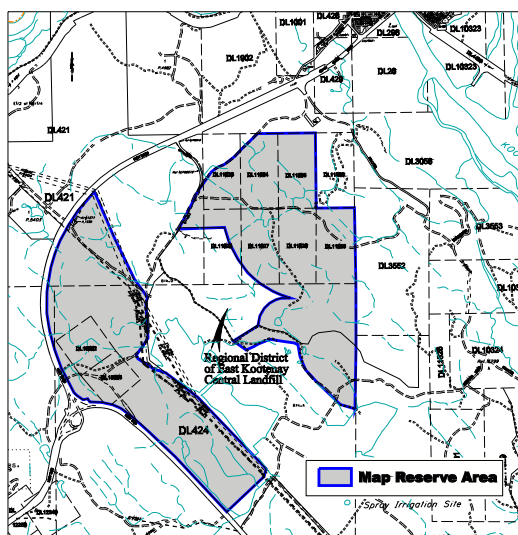


Figure 4: Map Reserve Area

## **9. OPEN SPACE, RECREATION AND TRAILS**

### **9.1 Background**

The plan area is well known for its natural beauty and significant number of recreational opportunities. The preservation of open spaces and these recreational opportunities is recognized as important to the long term future of the plan area.

Recreational opportunities are provided year round and seasonally at Fort Steele Resort and RV Park, Kootenay Trout Hatchery, Bull River Guest Ranch, Norbury Lake Provincial Park and the Cranbrook Community Forest.

Wardner includes recreational opportunities such as the Wardner Provincial Park and the community ball diamonds. The ball diamonds are also home to eight unserviced campsites.

Recreation Sites and Trails BC develop and maintain a network of recreation sites and trails on Crown land to provide quality recreational opportunities for the public. There are hiking opportunities such as Fisher Peak Trail, Sunken Creek Trail, Maus Creek Trails, and Lakit Lookout Trail. 4 Mile Recreation Trails is located near the Fort Steele area on Holmes Road. Recreation sites such as Lakit Lake, Summer Lake, Horseshoe Lake, Picture Valley Rookery and Pennock Creek Rookery are usually rustic with basic facilities and picnic tables. The majority are not supervised and are accessed by gravel forestry roads.

The Kootenay Trout Hatchery went into production in 1966 and is responsible for stocking 150 lakes in the east and west Kootenay regions with trout, kokanee salmon, char and white sturgeon. The Visitor Centre has an extensive interpretative area which includes aquariums, educational models, and displays.

The Cranbrook Community Forest encompasses 2,000 hectares of Crown forest land on the east and north boundary of the City of Cranbrook. The Cranbrook Community Forest is an established provincially protected recreation site that provides a variety of walking, biking or horseback riding trails.

Trails in rural areas are beginning to function more and more as integral parts of transportation and recreational systems. In recent years, interest in new trails has grown with the most significant being the Trans Canada Trail. The majority of the Trans Canada Trail in the Wardner and Mayook area will utilize an abandoned rail corridor on Crown land from Cranbrook to Wardner with a bypass around private interests at Mayook. The proposed completion date is 2017.

The Mayook area consists of rangeland and leased Crown grazing land. The concerns heard from residents in the Mayook area regarding the proposed Trans Canada Trail include trespass, harassment of livestock, increase in fire hazard, litter and possibility of theft and vandalism. Agriculture is a strong contributor to the provincial economy and efforts should be made to respect their operations when planning trail systems. Trail systems through agricultural land could provide an educational opportunity regarding the challenges facing today's farmers and their contributions to the local economy.

### **9.2 Objectives**

- (1) Ensure recreational activities are compatible with the rural character of the plan area.
- (2) 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.
- (3) Recognize and protect recreational features with tourism potential.
- (4) Promote the protection of the Cranbrook Community Forest as an interpretive forest and non-motorized recreation site.
- (5) Promote a natural environment where clean water and air are the pillars of the community.
- (6) Develop trails in agricultural areas consistent with Provincial guidelines.

### 9.3 Policies

- (1) Future consideration of regional parks and trails must be in compliance with the goals and policies of the RDEK Regional Parks Plan. The expansion of existing parks or creation of new park services may require an amendment to the Parks Plan.
- (2) The protection of existing green space is encouraged in order to contribute to a vibrant and healthy community.
- (3) The provision of a broad spectrum of outdoor recreation opportunities that are compatible with the adjacent residential development, suitable for both residents and tourists and that respect the need to protect resource values is supported.
- (4) The development of intercommunity non-motorized trail connections linking the rural area to municipalities for foot and cycle commuting is supported.
- (5) Development of trail systems that minimize conflicts between agriculture and trail users is encouraged. Trail developers are encouraged to utilize mitigation measures such as buffers and physical impediments to motorized vehicles at trail access points. The use of signage, brochures and websites that highlight rules for the trail user is encouraged.
- (6) Fostering agri-tourism and direct farm marketing to trail users as additional opportunities for farmers and ranchers is supported.
- (7) Trail users are encouraged to respect private property by remaining on the trail, avoiding livestock and leaving gates and fences as found.
- (8) The public is encouraged to be ambassadors for trail use by leaving natural features undisturbed, controlling pets, properly disposing of all waste, minimizing the threat of wildfire, respecting wildlife, properly managing garbage and avoiding recreation use during sensitive times (wet conditions, wildlife mating and rearing seasons, etc.) and in sensitive areas (watercourses, stream banks, wetlands, etc.).
- (9) Residents and visitors to the area should comply with the *Off-Road Vehicle Act* which provides specific rules governing the off-road sector and helps ensure these vehicles are driven in a safe and environmentally responsible manner.
- (10) Community gardens on both public and private lands are encouraged where appropriate and feasible.
- (11) Opportunities to utilize underused areas such as parks and public open spaces to grow food are encouraged.
- (12) When planning outdoor greenspaces such as parks, the development of areas for the public to sit, eat or rest is encouraged.
- (13) Adoption of bylaws to prohibit smoking in parks owned by the Regional District is supported.
- (14) Smoke free community events and programs are encouraged.
- (15) **Wardner**
  - (a) Continued operation of the Wardner Provincial Park for group and individual recreational day use pursuits is supported.
  - (b) The development of the Trans Canada Trail as a non-motorized trail linkage between the City of Cranbrook and Wardner is supported.
  - (c) The establishment of a public access point to Lake Kooconusa within Wardner as a Regional District park or provincially managed day use recreational site is supported.
- (16) **Fort Steele and Bull River**
  - (a) Management of the Cranbrook Community Forest consistent with the Kootenay Boundary Land Use Plan, Cranbrook West Recreation Management Strategy and the Cranbrook Community Forest Management Plan, as may be amended from time to time, is supported. In addition, a

review of the Cranbrook Community Forest Management Plan to address stakeholder interests is supported.

- (b) Restricting motorized use in the Cranbrook Community Forest to designated roads is supported.
- (c) The continued use and maintenance of the Lakit Lookout, Fisher Peak Trails, Maus Creek Trail and Sunken Creek Trail as non-motorized recreational trails is supported.
- (d) Bull River Canyon is a winter climbing destination. Use of and access to this area for winter recreation is supported.

## 10. ENVIRONMENTAL CONSIDERATIONS

### 10.1 General

#### (1) Background

Environmental values were one of the most referenced concerns throughout the public consultation process for this plan. It is clear that residents of the plan area place a high level of importance on the natural environment and prioritize development that will not impact these areas in a negative way.

Water resources within the plan area provide potable water for residents, recreational activities, wildlife habitat, rural character values and irrigation opportunities.

A number of red and blue listed species can be found within the plan area. Red listed species are extirpated, endangered or threatened. Extirpated species no longer exist in the wild in BC but do occur elsewhere. Endangered species are facing imminent extinction. Threatened species are likely to become endangered if factors are not reversed. Blue listed species are considered to be of special concern and are at risk because of characteristics that make them sensitive to human activities or natural events.

The east side of Lake Koochanusa directly across from Wardner is home to blue listed Long-billed Curlew habitat. Curlews frequent grassy terrain, newly ploughed fields, green hayfields and pastures. Threats to the Long-billed Curlew include habitat loss due to agriculture and urban development. They are sensitive to human disturbance and off-road vehicle use in or near nesting habitat.

The Maus Creek and Lakit Creek areas are home to the blue listed Flammulated Owl. The typical habitat of the Flammulated Owl is a mature Douglas fir forest with scattered large ponderosa pines, grassy openings, thickets of young trees, and an abundance of dead snags. The biggest threat to the Flammulated Owl is habitat loss due to forest harvesting and the destruction of nest sites during logging operations.

The Bull River area is home to both the blue listed Lewis's Woodpecker and the red listed Western Screech Owl. Woodpecker populations have declined over the years due to logging and clearing of the land for agricultural and development uses. Open ponderosa pine forests, old cottonwood stands, Douglas fir stands, mixed conifer, deciduous woodlands or grasslands with scattered decaying trees are the major breeding and nesting habitat of the woodpecker. The Western Screech Owl requires riparian habitat with mature, large diameter trees for nesting and roosting, as well as suitable adjacent woodlands and edges of open habitats with suitable perches for foraging. Land development, fragmenting foraging and breeding habitat and falling large decaying trees are the common threat to the owl's habitat.

The blue listed Bighorn Sheep can also be found in the plan area. Known winter and summer range areas are shown on **Schedule I**. Activities that threaten bighorn habitat include residential development, access or transportation corridors, agricultural development, livestock grazing and recreational activities such as golf courses and ski hills. Cattle ranching and agricultural activities that are situated on valley bottom lands, major grasslands or shrub lands occupy sheep habitat. Mining, transportation and utility corridors disrupt migration routes, occupy habitat and increase sheep mortalities. Although they seldom occur precisely on sheep habitat, developments such as the Aberfeldie Dam on the Bull River interfere with seasonal movements along established, secure corridors, increasing the sheep's exposure to predation.

Bacteria commonly present in domestic sheep can induce fatal pneumonia in otherwise healthy bighorns within days of nose to nose contact. Wildlife professionals have concluded that Bighorn Sheep and domestic sheep should not occupy the same ranges or be managed in close proximity. It is recommended

that domestic sheep farms be located at least 16 kms from Bighorn Sheep range or have a significant natural barrier.

The Rampart area, west of Isidore's Ranch Indian Reserve is home to the red listed American Badger. The badger is at risk in BC because the amount of suitable habitat is small and has been adversely affected by human activity. Key areas of low elevation grasslands and open pine or fir forests have been lost. Fire suppression causes forest encroachment on grasslands and development creates a loss or alteration of low elevation grasslands and open coniferous forests. Reduced food supply and secondary poisoning from rodenticides are also contributing factors to the badger decline.

The Pickering Hills area is home to the red listed Williamson's Sapsucker. Sapsucker habitat is usually associated with mixed coniferous forests with stands of mature larch. The primary threat to this species' habitat is logging of mature western larch and Douglas fir stands. Clear cuts usually remove habitat while selection logging often removes the large trees that are needed for future nest trees. An existing small population restricted to the Southern Interior of BC makes this species vulnerable to local extinction. The Williamson's Sapsucker, its nests and its eggs are protected under the provincial *Wildlife Act*.

The plan area also contains the following blue listed plant species: Common Twinpod in the Wardner area, Sandbergs Desert Parsley in the Norbury Lake area and Northern Linanthus in the Mayook area.

**(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) Ensure that wildlife corridors and habitat connectivity are not impaired by future development.
- (c) Recognize the importance of containing and controlling noxious / invasive plants and preventing their establishment.
- (d) Retain critical wildlife habitat, wildlife corridors, and ungulate winter range.

**(3) Policies**

- (a) Ecosystem restoration and reclamation initiatives by environmental organizations, local citizens or the responsible Provincial Ministry that restore and enhance disturbed environmentally sensitive areas to a more natural condition are supported.
- (b) Property owners and occupiers are required to control and manage invasive plants as required by the Regional District Noxious Weed Control Enforcement Regulation Bylaw as may be amended or replaced from time to time and the *Weed Control Act* through prevention and control initiatives.
- (c) Recreational users within the plan area are encouraged to inspect their ORVs, mountain bikes, boats and vehicles for invasive plants to assist in prevention of the spread and establishment of these plants.
- (d) Property owners are encouraged to maintain and upgrade onsite septic systems in order to decrease potential nutrient loading and bacteriological inputs to both groundwater and surface water in the plan area.
- (e) Property owners should preserve wildlife habitat, native vegetation and trees through consideration of the co-location of infrastructure and utilities, concentration of development and minimization of site grading. All development activities undertaken must comply with the applicable provincial and federal legislation and regulations.
- (f) In order to ensure that private land in environmentally sensitive areas 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 uses with minimal impact such as non-motorized recreation trails and non-land altering recreation activities.

- (g) The Regional District encourages management of Crown land in an environmentally responsible manner which:
  - (i) protects surface and groundwater sources;
  - (ii) manages forest ingrowth;
  - (iii) minimizes risk of interface fire and wildfire;
  - (iv) enhances wildlife habitat;
  - (v) protects viewscapes and scenery;
  - (vi) protects watershed ecological values, including waterfowl and fish and their corresponding habitat; and
  - (vii) maintains diverse plant communities by managing invasive plants.
- (h) Property owners are encouraged to utilize clean burning and smart burning techniques for wood burning appliances in order to minimize the impact of these appliances on air quality within the plan area.

## 10.2 Water Resources

### (1) 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 ground water, surface water sources and community watersheds for domestic water and irrigation use in order to ensure sustainable water supplies.
- (c) Support the protection, rehabilitation and enhancement of wetland and riparian areas.

### (2) 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) Water conservation is encouraged through the use of low volume fixtures, the use of commonly accepted lawn watering practices and the utilization of native vegetation in landscaping.
- (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) The Ministry of Forests, Lands and Natural Resource Operations is encouraged to continue to assess the potential impacts of new water licences on the availability of water and to ensure compliance of existing licences.

### 10.3 Environmentally Sensitive Areas

#### (1) Objectives

- (a) Foster awareness of the natural environment and protect environmentally sensitive areas (ESAs).
- (b) Support rehabilitation, restoration, and enhancement of ESAs.

#### (2) Policies

- (a) Future development should minimize disturbance to the integrity of ESAs. ESAs within the plan area include, but are not limited to, habitat of red and blue listed species and areas identified on **Schedules E1-E3** such as wetlands and riparian areas, grassland ecosystems, old growth forests, and wildlife habitat areas.
- (b) Development within ESAs identified on **Schedule E1-E3** 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 17.3 of this OCP.

### 10.4 Wildlife Habitat

#### (1) Objectives

- (a) Maintain habitat connectivity through undisturbed open space and wildlife corridors to support the movement of various wildlife species and access to foraging and nesting areas.
- (b) Encourage the protection of natural ecosystems unique to the plan area.

#### (2) Policies

- (a) 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.
- (b) Agricultural operations contemplating the use of wildlife fencing are encouraged to consider wildlife movement, habitat, and access to water when determining fence style and placement.
- (c) Wildlife corridors should be considered in the development of transportation networks.
- (d) Residents are encouraged to minimize the potential disturbance of wildlife by pets and domestic animals.
- (e) Future land uses should not compromise the integrity of badger habitat and Class 1 and 2 ungulate winter range, particularly range located along the west facing slopes. Ungulate winter range is shown on **Schedule K**. Badger habitat is shown on **Schedule L**.
- (f) Protecting Bighorn Sheep habitat by discouraging development on areas of natural grasslands, older open forest and rugged terrain that includes rock outcrops and cliffs with ledges is supported.
- (g) Habitat connectivity, sensitive ecosystems, vulnerable plant communities and movement of endangered animal species shall be considered at the time of rezoning or OCP amendment applications. Additional development approval information may be required by the Regional District 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 Regional District at the time of application.

## 11. DEVELOPMENT CONSTRAINTS

### 11.1 Floodplains, Alluvial and Debris Flow Fans, and Geotechnical Hazards

#### (1) Background

Development in close proximity to Lake Kooconusa, Kootenay River, Bull River or any other water body or watercourse within the plan area requires careful consideration. Watercourses in the plan area may be subject to flooding or terrain stability issues. Development in areas that may be subject to flooding should be avoided.

The plan area contains a number of topographic features with potential for geotechnical hazards as well as areas within alluvial fans subject to debris torrent hazards. Development in areas that may be subject to these hazards should be avoided. If development is proposed in these hazard areas it should be undertaken in a safe manner under the direction of a qualified professional.

Known alluvial fan and debris torrent hazard areas are shown on **Schedule F**.

The plan area is located within the Rocky Mountains and many parcels encompass varied topographical features. Slopes can lead to geotechnical hazards and should be considered as part of the development approval process. Steep slope areas are identified on **Schedule G**. Avalanche hazards are identified on **Schedule J**.

The Regional District Emergency Management Plan covers the entire plan area. The Central Subregion 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, alluvial fans, debris flow fans 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.

#### (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 Steeple Zoning and Floodplain Management Bylaw. All floodplain requirements must be met unless a site specific exemption has been granted by the Regional District.
- (b) 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 may be required as per section 56 of the *Community Charter*.
- (c) Applications to vary the minimum usable site area requirements contained within the zoning bylaw will generally not be supported.
- (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) Rezoning applications for any parcels containing an alluvial or debris flow fan identified in **Schedule F** must incorporate strategies that ensure the development will not be impacted by the hazards. 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 F** as a “no-build” area which may be removed following the implementation of recommendations in a report by a qualified professional engineer; and
- (ii) registration of a covenant which designates building envelopes outside of the entire alluvial or debris flow fan identified in **Schedule F**.
- (f) The development of land greater than 15% slope, susceptible to erosion and landslip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.
- (g) 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 or other development approval as per provincial legislation.
- (h) 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.
- (i) The development of land susceptible to avalanche hazard including but not limited to those areas identified in **Schedule J** is discouraged.
- (j) Removal or deposition of soil within the plan area must be carefully reviewed for erosion, drainage or sedimentation concerns, in addition to potential impacts on agriculture.

## 11.2 Interface Fire Hazard & Public Safety

### (1) Background

Decades of forest fire suppression in the East Kootenay have contributed to an altered ecosystem characterized by forest in-growth and the accumulation of forest fire fuels. The result is a change in tree stand structure, a decline in forest health and increased fire severity. Community development and other human activity also continue to push into those ecosystems most susceptible to forest fires.

During the public consultation, wildfire hazard was identified as an environmental concern. In addition, the need for wildfire emergency response planning and the lack of fire protection services were identified as significant concerns. Fort Steele Heritage Town structure fires will be responded to by the City of Cranbrook Fire & Emergency Services.

A wildfire’s progress is determined by three components: weather, topography and fuels. Fuel is the one component where a community can make a difference.

The interface fire hazard for the plan area is shown on **Schedule H**.

### (2) Objectives

- (a) Mitigate the risk associated with interface fire hazard to residents and visitors.
- (b) Encourage the adoption and implementation of FireSmart principles and wildfire mitigation measures by property owners, occupiers and developers.
- (c) 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 as shown on **Schedule H** 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 m 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 two vehicular access/egress routes to allow simultaneous access for emergency equipment and evacuation of people;
  - (iv) availability of sufficient water capacity for firefighting activities;
  - (v) 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 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 17 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) Residents and visitors are required to comply with the provincial *Wildfire Act* and *Wildfire Regulation*.
  - (h) The acquisition and utilization of resources, facilities and funding for emergency response planning and management is supported.
  - (i) 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.
  - (j) Efforts by the public to protect forest interfaces, heritage sites and environmentally sensitive areas from fire risk by properly disposing cigarette butts is encouraged.

## 12. ARCHAEOLOGICAL AND HERITAGE RESOURCES

### 12.1 Background

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 habitation and utilization of the land and its resources by the Ktunaxa 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.

Knowledge of cultural heritage sites is gained through the Provincial database of recorded archaeological sites and consultation with the Ktunaxa Lands & Resources Agency. 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.

The heritage resources of the plan area include Fort Steele Heritage Town which offers many attractions such as horse-drawn carriage rides, train rides, blacksmithing and gold-panning demonstrations and leather working. Over 60 heritage buildings have been restored and reconstructed since the site was designated a Provincial Heritage Site in 1961.

### 12.2 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 Provincial *Heritage Conservation Act*.
- (4) Recognize and support the need for an AOA for private land located within the plan area.
- (5) Preserve and develop the heritage resources of the plan area.

### 12.3 Policies

- (1) Initiatives that protect archaeological sites and cultural resources within the plan area are supported.
- (2) Undertaking an 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 plan should be amended to integrate a schedule depicting the areas of archaeological distribution and potential. This schedule should then be incorporated into the Regional District development application process in order to alert applicants to their obligations under Provincial heritage legislation.
- (3) 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 Regional District will provide development

and building permit applicants with information regarding their obligation to protect recorded and unrecorded archaeological sites.

- (4) 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*. An AIA includes the assessment, recording and evaluation of archaeological resources located within a defined area. The archaeological assessment process is comprised of two principal 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. Impact management should be discussed with the Ktunaxa Nation Council as per the Ktunaxa Nation Archaeological Engagement Guidelines.
- (5) Upon receipt of a building permit or rezoning application, Regional District staff will check the Provincial archaeological site inventory 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.
- (6) 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.
- (7) The preservation of historically significant sites and features such as Fort Steele Heritage Town is supported.

## **13. SOLID WASTE, UTILITIES AND TRANSPORTATION**

### **13.1 Background**

Solid waste in the plan area is managed in accordance with the Regional District's 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. All the waste collected at the municipal and rural transfer stations around Cranbrook, Kimberley and surrounding areas is hauled to the Central Subregion Landfill which is located north of Cranbrook on Highway 93/95. The Regional District 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 primarily provided through onsite sewage disposal systems. Osprey Landing and Kooconusa Landing developments share a community water and sewer system. Kooconusa Ranch is also serviced by a community water and sewer system.

The main transportation corridor in the plan area is Highway 3/93. Highway 3/93 travels northeast from Cranbrook to Fort Steele and further north to Highway 93/95. Highway 3/93 travels southeast from Cranbrook to Wardner and Jaffray.

The management of the highway, public roads and undeveloped rights-of-way is the responsibility of the Ministry of Transportation and Infrastructure. This section establishes the position of the Regional District with respect to issues related to the Ministry's area of responsibility.

### **13.2 Objectives**

- (1) Promote responsible solid waste management and recycling practices.
- (2) Promote responsible onsite sewer system management.
- (3) Consider and maintain road network safety and efficiency for all new development.

### **13.3 Policies**

- (1) To promote and encourage responsible solid waste management practices, the Regional District will continue to provide on-going public education campaigns to increase public knowledge on solid waste reduction.
- (2) Residents and visitors are encouraged to follow the principles contained in the Regional District Solid Waste Management Plan to reduce the amount of solid waste produced by following the 5 R's: reduce, reuse, recycle, recover and residual management.
- (3) Recycling is encouraged and coordinated through the Regional District recycling program and Provincial product stewardship programs.
- (4) Residents and developers within the plan area are encouraged to practice responsible waste management and support ongoing recycling initiatives.
- (5) Property owners and occupiers are encouraged to ensure that maintenance programs for onsite septic systems are followed in accordance with the appropriate Provincial regulations.
- (6) Requests for the Regional District 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 Regional District 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) The Ministry of Transportation and Infrastructure is encouraged to review the safety of the current Wardner-Ft. Steele Road and Highway 3/93 intersection.
- (9) The Ministry of Transportation and Infrastructure is encouraged to review the safety of the current left turn to Wardner from Highway 3/93.
- (10) The Ministry of Transportation and Infrastructure is encouraged to review the safety of the current exit to Colony Road from Highway 3/93.
- (11) When conducting short-term and long-term transportation planning objectives, major street networks should be taken into consideration.
- (12) Communities are encouraged to work with Ministry of Transportation and Infrastructure to establish safe and attainable active transportation networks (ie. trails).

## **14. GREENHOUSE GAS (GHG) EMISSIONS REDUCTION AND CLIMATE CHANGE**

### **14.1 Background**

Local governments are required to establish targets and identify specific policies and actions for the reduction of greenhouse gas emissions. Consequently, the Regional District 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.

### **14.2 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 Regional District's commitment for a 17% reduction in greenhouse gas emissions.

### **14.3 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 and open spaces is supported.
- (9) The protection of existing forested areas, green spaces and grasslands is supported.

## **15. TEMPORARY USE**

### **15.1 Background**

The *Local Government Act* allow 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 Regional Board, only once. The Regional 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.

### **15.2 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.

### **15.3 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 OCP.
- (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.

## **16. CROWN LAND MANAGEMENT**

### **16.1 Background**

The primary purpose of this plan 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 Regional District, but can have a significant impact on local communities.

Wardner has numerous parcels of Crown land within the community. During the consultation process, the majority of residents supported the sale of Crown land which adjoins existing residential property to provide the property owner additional area for residential use or servicing requirements. Residents voiced their support in maintaining the Crown land surrounding Wardner and the parcels not adjoining residential properties as green space.

### **16.2 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.

### **16.3 Policies**

- (1) The Regional District 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 and noxious plants.
- (2) Within the Wardner townsite, the sale of existing, subdivided Crown land is generally supported provided the Crown land adjoins the existing residential property and is required for residential purposes.
- (3) Efforts to minimize conflicts between motorized and non-motorized recreation users of Crown land within the plan area are supported.
- (4) Enforcement of unauthorized land uses on Crown land is the responsibility of the appropriate Provincial Ministry.
- (5) The retention of linear corridors on Crown land to enable intercommunity non-motorized trail connections is encouraged.

**17. DEVELOPMENT PERMIT AREAS**

**17.1 Background**

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

**17.2 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 H**.

**(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; 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 all or a portion of the parcel of land to be subdivided or upon which 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 shall be in accordance with the following guidelines:

- (a) Subdivision Guidelines
  - (i) Prior to the Regional District’s 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 shall be in conformance with section 17.2 (6)(c) of this plan and the results of the report prepared under section 17.2 (6)(a)(ii), if applicable.
  - (ii) In cases of Development Permit Area overlap, the Regional District 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 Regional District may require written acknowledgment that the professionals involved have read and collaborated on their reports and recommendations. The wildfire hazard assessment shall 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 10 m 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 17.2 (6)(b)(ii), if applicable.
  - (ii) In cases of Development Permit Area overlap, the Regional District 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 Regional District may require written acknowledgment that the professionals involved have read and collaborated on their reports and recommendations. The wildfire hazard assessment shall 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 Regional District until an inspection has been completed and it has been confirmed that the conditions under section 17.2 (6)(d) and 17.2 (6)(f) 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 m away from the dwelling unit.
- (e) Property owners must post their civic address in accordance with the Regional District House Numbering Regulation and Fee Bylaw as may be amended or replaced from time to time.
- (f) Occupancy Permit landscaping requirements within the Priority 1 Zone:
- (i) Combustible fuel removal shall take place. Fuel removal includes 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 within the Priority 1 zone. 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.

### 17.3 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 E1 to E3** 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 terms of reference issued for the land development project in accordance with the “Regional District of East Kootenay – Development Approval Information Bylaw No. 2122, 2008” and section 18.4(2)(c) of this OCP. As identified in the Development Approval Information Bylaw, Environmental Impact Assessment Reports must include baseline information, identification of likely impacts and their significance and mitigation recommendations.

**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 a terrestrial ecosystem where the vegetation complex and microclimate conditions are the product of combined presence and influence of perennial and/or intermittent water, associated high water tables, and soils that exhibit some wetness characteristics. The riparian ecosystem is influenced by, and exerts an influence on, the associated aquatic system.

**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 (492.4 acres) 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 parcel under application is located within Development Permit Area #2;
  - (ii) Construction, addition or alteration of a building, structure or fencing within Development Permit Area #2; or
  - (iii) Alteration of land, including the removal of vegetation or site grading, 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 bylaw 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) A QEP conducts a site visit and certifies in a signed letter that the environmentally sensitive area indentified in **Schedules E1 to E3** is not present on the parcel under application.
  - (viii) 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 Manager of Planning & Development Services. Any reference in section 17.3 to the Regional District accepting a conservation covenant is at the discretion of the Regional District.

- (ix) 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 District Forest Manager.
- (x) The proposed activity is conducted under the authority of the appropriate Provincial agency (eg. Ministry of Forests, Land and Natural Resource Operations) and is intended to resolve emergency situations that present an immediate danger to life or property including procedures related to flooding or erosion.
- (xi) 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.
- (xii) 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 within sections of Development Permit Area #2 identified in **Schedules E1 to E3** as wetland or riparian ecosystem areas.
- (xiii) 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.
- (xiv) The proposed activity is limited to subdivision which solely involves parcel line adjustment where no section of a parcel line being adjusted is located within Development Permit Area #2.
- (xv) The proposed activity is substantially consistent with a development permit previously issued under section 17.3(4)(a)(i) and the conditions of the previously issued development permit have been met.
- (xvi) 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 one 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. The distribution of old growth forests within the plan area is limited.
  - (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.

- (b) The objective of Development Permit Area #2 is the protection, preservation, restoration and enhancement of the significant ecosystems, habitats and features identified in 17.3(6)(a)(i)-(v) and on **Schedules E1 to E3**. 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 shall be in accordance with the following:

(a) General

The following guidelines apply to all areas identified as ESAs on **Schedules E1 to E3** of this OCP:

- (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 Regional District 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 which are identified as extirpated, endangered or threatened in federal or provincial legislation or regulations must be completed as part of the identification of relevant baseline information. 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.

(b) Wetland and Riparian Ecosystem Guidelines

The following guidelines apply to areas identified as wetland and riparian ecosystem ESAs on **Schedules E1 to E3** of this OCP:

- (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 Regional District, 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. The minimum size of the riparian buffer must be equal to or greater than the minimum setback distance as required by the Regional District's floodplain regulations. The riparian buffer adjacent to lakes, marshes, ponds and wetlands should include the bed and area between the natural boundary and a perpendicular line inland a minimum of 15 m from the natural boundary.
- (v) Despite subsection 17.3(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.
  - (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 to 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 17.3(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 E1 to E3** of this OCP:

- (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 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 Regional District, other public agencies including the Provincial Government, or non-governmental organizations, such as a private land trust committed to the management of grassland areas.
  - (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) Old Growth Forest Guidelines

The following guidelines apply to areas identified as old growth forest ESAs on **Schedules E1 to E3** of this OCP:

- (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 trees should be identified and preserved.
- (iv) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.
- (v) 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 QEP in an Environmental Impact Assessment Report. Restoration should maintain the key characteristics of typical dry ecosystem old growth forests including a spaced open crown closure comprised of large diameter trees. This guideline does not apply to the restoration of higher elevation old growth forests.

(e) Connectivity Corridor Guidelines

The following guidelines apply to areas identified as connectivity corridor ESAs on **Schedule E1 to E3** of this OCP:

- (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. Three strand wire fences are acceptable for use within a connectivity corridor.
- (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.

## 18. IMPLEMENTATION

### 18.1 Background

This OCP sets out the broad objectives and policies of the Regional District for the plan area. The plan does not provide all the tools to implement the specific directions contained within it.

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

### 18.2 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 Regional District or by a property owner through submission of an application. All amendments to this OCP require a bylaw amendment as prescribed by the *Local Government Act*.
- (2) Upon application to amend this OCP the applicant shall 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 this OCP remains effective, relevant and responsive to the needs of the community, it should be reviewed periodically 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.

### 18.3 Zoning Bylaw Amendments

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

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

The owner shall 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 wildfire.

### 18.4 Development Approval Information

- (1) Pursuant to Section 920.1 of the *Local Government Act* the Regional District 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) *Flood Hazard*  
Criteria: Applications for amendments to the zoning bylaw or Temporary Use Permits where the subject property is in an area of torrent or flood hazard identified on **Schedule F** of this plan.

Rationale: To assess the impact of the proposed development or activity on minimum usable site area requirements and flood protection works.

(b) *Agriculture*

Criteria: Applications for amendments to the zoning bylaw or a Temporary Use Permit for land that has not previously been subject to an *Agricultural Land Commission Act* application for which a report under section 6.3(2)(g) of this plan has been provided to the Regional District.

Rationale: To minimize conflict between agriculture and other land uses and meet the objectives and policies identified within section 6, Agricultural Land Use, of this OCP.

(c) *Natural Environment*

Criteria: Applications for amendments to the zoning bylaw, Temporary Use Permits or Development Permits under section 17.3, 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;
- 10. - Environmental Considerations;
- 10.2 - Water Resources;
- 10.3 - Environmentally Sensitive Areas;
- 10.4 – Wildlife Habitat
- 17.3 - Development Permit Area #2 – Protection of Environmentally Sensitive Areas

(d) *Wildfire Hazard*

Criteria: Applications for Development Permits under section 17.2, Development Permit Area #1 – Wildfire Hazard of this OCP.

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

## 19. LAND USE DESIGNATIONS

### 19.1 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 ranges 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 **Schedules D to D3**. Where a land use designation boundary is shown as following a highway or creek, the center line of such highway or creek shall be the land use designation boundary.

### 19.2 Residential Land Uses

- (1) **R-SF, Residential Low Density** includes single family residential subdivisions, duplexes and manufactured home parks.
- (2) **SH, Small Holdings** supports low density residential development with minimum parcel sizes in the range of 0.2 ha to 2.0 ha.
- (3) **LH, Large Holdings** supports rural residential development and rural resource land uses on parcel sizes in the range of 2.0 ha to 8.0 ha.

### 19.3 Rural Land Uses

**RR, Rural Resource** includes 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.

### 19.4 Commercial Land Uses

- (1) **C, Commercial** supports the limited range of local, service and commercial land uses identified in the zoning bylaw.
- (2) **CR, Commercial – Recreation** supports commercial recreation land uses, including campgrounds.

### 19.5 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.

This is Schedule A referred to in Bylaw No. 2614 cited as "Regional District of East Kootenay – Steeples Official Community Plan Bylaw No. 2614, 2015".

"Rob Gay"

Chair

"Shannon Moskal"

Corporate Officer

November 6, 2015

Date