



**LAKE WINDERMERE
OFFICIAL COMMUNITY PLAN
BYLAW NO. 2929, 2019**

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

December 8, 2023

BYLAW AMENDMENTS

Bylaw	Amend / Yr	Adopted	Short Citing	Legal / Zone
2970	1/2019	Feb. 14/20	(Miscellaneous / RDEK)	Text Amendment Schedules I1, I2, I3, I4 Repealed & Replaced
2995	3/2020	Sept. 4/20	(Windermere South / Dubois)	Designation of Part of Lot 94 DL8 KD Plan 1080 R-SF to CR
3037	4/2021	Apr. 9/21	(Misc / RDEK)	Text Amendment
3040	5/2021	Apr. 14/22	(Windermere East / 0703641 BC Ltd)	Designation of Parts of Lot A DL 8 & 108 KD Plan 17927 RR to C & I
3071	7/2021	Jan. 14/22	(Westside / 1129759 Alb. Ltd)	Designation of Part of Lot 7 DL 4596 KD Plan EPP43962 RR to C
3075	8/21	Aug. 12/22	(Windermere North / Windermere Lions)	Designation of Part of Lot A DL 9561 KD Plan 2684 Except Plans NEP70696 and NEP72454 OSRT & INST to CR
3188	9/22	Feb. 17/23	(Miscellaneous / RDEK)	Text Amendments Schedules J1 J2 J3
3256	10/23	Dec. 8/23	(Windermere North / Colbert, Dalke, Luyendyk, Metcalfe)	The designations for those parts of Lot 1, District Lot 704, Kootenay District, Plan 5353 and Lot 2, District Lot 704, Kootenay District, Plan 2554, Except Parts Included in Plans 2737, 5216, 5353, 8480, 11998 and Reference Plan 141750I and Lot C, District Lot 704, Kootenay District, Plan 1199 SH to R-SF

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2929

A bylaw to adopt an Official Community Plan for the Lake Windermere Area.

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

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

1. Title

This Bylaw may be cited as the “Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2929, 2019.”

2. Application

This Bylaw is applicable to all land within the boundaries of the Lake Windermere 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 Lower Toby Benches
- (f) Schedule D2 – Land Use Windermere North
- (g) Schedule D3 – Land Use Windermere East
- (h) Schedule D4 – Land Use Windermere South
- (i) Schedule D5 – Land Use Westside
- (j) Schedule D6 – Lyttle Lake
- (k) Schedule E – Ungulate Winter Range
- (l) Schedule F – Badger Habitat
- (m) Schedule G – Slope Analysis
- (n) Schedule H – Flood Hazard
- (o) Schedule I1 – Development Permit Area #2 – Environmentally Sensitive Area (North West)
- (p) Schedule I2 – Development Permit Area #2 – Environmentally Sensitive Area (North East)
- (q) Schedule I3 – Development Permit Area #2 – Environmentally Sensitive Area (South West)
- (r) Schedule I4 – Development Permit Area #2 – Environmentally Sensitive Area (South East)
- (s) Schedule J1 – Development Permit Area #3 – Lake Windermere Shoreline (South)
- (t) Schedule J2 – Development Permit Area #3 – Lake Windermere Shoreline (Windermere)
- (u) Schedule J3 – Development Permit Area #3 – Lake Windermere Shoreline (North)
- (v) Schedule K – Major Road Network Plan

4. Severability, Enforcement and Enactment

- (a) If any section, subsection, sentence, clause, phrase, map or schedule of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid must not affect the validity of the remainder.
- (b) The Planning & Development Services Manager, Building & Protective Services Manager and Compliance Officer, and any person authorized to assist the aforementioned persons, are authorized to administer and enforce this Bylaw.
- (c) This Bylaw must come into full force and effect on the final adoption thereof.
- (d) Bylaw No. 2061, cited as “Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2061, 2008” is hereby repealed.

- (e) A Compliance Officer may, at all reasonable times, enter on and into Property in the plan area as shown on **Schedule B** to ascertain whether the regulations and requirements of this Bylaw are being observed.

READ A FIRST TIME the 4th day of October, 2019.

READ A SECOND TIME the 4th day of October, 2019.

READ A THIRD TIME the 1st day of November, 2019.

ADOPTED the 1st day of November, 2019.

"Rob Gay"

CHAIR

"Shannon Moskal"

CORPORATE OFFICER

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SCHEDULE A – POLICIES

1. INTRODUCTION

1.1 Administration

The Lake Windermere Official Community Plan (OCP) is a long term strategic planning document intended to:

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

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

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

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

1.2 Legal Framework

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

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

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

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

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

1.3 Plan Policies and Map Designations

The OCP contains goals, objectives and policies to provide direction for how the plan area should develop over time. The goals and objectives identify the land

use issues and community vision. The policies address the issues and implement the vision. Policy statements are developed based on the consideration of balancing private and public interests. The policies within the OCP become the official position of the RDEK.

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

1.4 Plan Process

The RDEK Board of Directors authorized the Lake Windermere OCP planning process in March of 2017. This review and update replaces the 2008 Lake Windermere OCP.

In June 2017, a newsletter and survey link was sent to area residents and property owners to initiate the public engagement process. The survey was open until August 4 and was completed by 251 people and provided information about a variety of land use issues in the plan area. On July 4, 2017 an introductory workshop was held to outline the project background, and seek community input. Thirty-five participants worked to identify community assets, concerns, and a preliminary vision for the area. Further community engagement during the summer included attending the Invermere Farmers Market on July 29 and Windermere Fall Fair on September 17. On April 21, 2018 a community planning workshop was attended by 110 people who helped refine the vision for future land use in the Lake Windermere area by commenting on a number of draft policies. The majority of properties in the plan area are owned by non-residents, so an online workshop/survey was created with the same participatory exercises conducted at the workshop in order to provide opportunity to participate in the planning process for those not able to attend the in-person workshop. Meetings with area stakeholders were conducted throughout the process. The draft of the OCP was compiled over the fall and winter of 2018/19.

A postcard was mailed in May of 2019 announcing the open house (June 9). The draft was also presented to relevant stakeholders for their review and comment, including a presentation to District of Invermere Mayor and Council on May 14, 2019. The draft bylaw was posted to online on June 10 and a public comment period was open until July 9. Revisions were made to the draft OCP in response to feedback received from the public and stakeholders prior to entering the bylaw adoption process.

1.5 Relationship to Zoning Bylaw

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

1.6 Relationship to Akisq'nuk First Nation

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

1.7 Relationship to Shuswap Indian Band

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

1.8 Relationship to the District of Invermere

The preparation of the OCP included consultation with District of Invermere staff and Council and consideration of the District of Invermere OCP. Land use for parcels in the fringe area surrounding the District is of common interest and should be addressed in the regional context. In particular, the District of Invermere has an interest in the land use surrounding Paddy Ryan Lakes and Goldie Creek to ensure the long-term sustainability and protection of their community watershed. The OCP also establishes policies that recognize potential opportunities for boundary expansion by the District of Invermere.

1.9 Plan Area

The plan area is located in southeastern British Columbia in the Rocky Mountain Trench east of the Purcell Mountains. It surrounds Lake Windermere and the District of Invermere and abuts the Columbia Lake Indian Reserve #3 and Shuswap Indian Reserve. Lake Windermere is referred to as a lake, but is in fact a widening of the northward flowing Columbia River. The boundary of the plan area is shown on **Schedule B**. The plan area has been divided into subareas:

(1) Windermere North

The subarea abuts the Shuswap Indian Reserve along the Athalmer Road corridor to the north and the Terravista condominium complex to the south. The subarea is currently predominately residential. Commercial development in the subarea is presently concentrated along the Athalmer Road corridor. The original Copper Point golf course and Lions Club baseball diamonds are also located within the subarea.

(2) Windermere South

The subarea contains the original Windermere community, historic community core, the Windermere District cemetery and the Stolen Church. Residential development within the subarea is generally characterized by small urban sized parcels within the original town site and the Calberley Beach subdivision. However, higher density residential development is found in the Akiskinook Resort and in isolated pockets. The Bench and Dell Road areas contain a mix of small holding sized parcels. The Dell Road area is predominantly within the Agricultural Land Reserve (ALR) and portions continue to be utilized for agriculture and local food production. Commercial development is located within the community core and along Highway 93/95.

(3) Windermere East

The subarea is located east of Highway 93/95 and extends from Juniper Heights in the north to Columbia Lake Indian Reserve #3. The majority of the subarea is located within the ALR. Residential development is focused within the Juniper Heights subdivision and along the Swansea Road, Windermere Loop Road, and Highway 93/95 corridors. A new residential development node will be created on the east side of the highway when the residential component of the Copper Point Resort is built out. Residential development nodes are also approved for the Elkhorn and Alpine Ranch properties. Commercial development in the subarea is currently located along Highway 93/95 and associated with The Resort at Copper Point. The corner of Cooper Road and Highway 93/95 adjacent to the Black Forest Restaurant has been rezoned for a regional commercial complex.

(4) Westside

The subarea extends along the southwestern boundary of the District of Invermere and the west side of Lake Windermere. The southern portion of the subarea abuts the Columbia Lake Indian Reserve #3 and extends to west of Fairmont Hot Springs. Residential development along the west side has primarily been limited to small nodes along the lake. A significant portion of the subarea is currently under the ownership of a few landowners who own large tracts of land. The owners represent a range

of interests including conservation, resource management, development and agricultural interests. The subarea contains Paddy Ryan Lakes and Goldie Creek, which are utilized by the District of Invermere for municipal water supply.

(5) Lower Toby Benches

The subarea is adjacent to the northwest boundary of the District of Invermere and extends to the northern boundary of the plan area. The eastern portion of the subarea is part of the extensive Columbia Wetlands. The area is accessed via the road to Panorama Mountain Village and is directly south of the hamlet of Wilmer and the Electoral Area F and G boundary. The Lower Toby Benches subarea represents the portion of the Toby Benches that is not covered by the Toby Benches Official Community Plan.

(6) Lyttle Lake

The subarea is accessed by Kootenay Road #3 and is bordered on the west and south by Columbia Lake Indian Reserve #3. The land use is primarily small holdings and residential, however, a portion of the subarea is zoned for multi-family and resort development and is currently undeveloped.

2. AREA HISTORY AND BACKGROUND

2.1 History

The Akisq'nuk First Nation is a member of the Ktunaxa Nation. The Ktunaxa are a culturally and linguistically unique group who has occupied the lands within the plan area for more than ten thousand years. The Ktunaxa people were nomadic and travelled throughout their traditional territory on a seasonal basis to correlate with the peak availability of plant and animal resources. The Lake Windermere area and the Columbia River are part of the Ktunaxa Creation Story. The current Columbia Lake Indian Reserve #3 was established by the Indian Reserve Commission under the *Indian Act*.

The Shuswap Indian Band is a member of the Shuswap Nation, an Interior Salish group. The Shuswap Indian Band lives in the Windermere Valley and is sometimes referred to as the Kinbasket people. The Kinbasket family was one of the families that came to the valley approximately 200 years ago, although Salish use of the valley dates back much earlier. One feature of Interior Salish culture that demonstrates this are pit houses or Kekulis, which have changed little over the centuries. Kekulis have been found throughout the Windermere Valley. Very few of the Kekulis have been dated archaeologically, but some of the sites have been dated to over one thousand years of age, and may be much older. The current Shuswap Indian Reserve was established by the Indian Reserve Commission under the *Indian Act*.

In the early 1800s the first European settlers explored the area and the first trading post on the Columbia River, Kootenai House, was established by the Northwest Fur Trading Company. Following the initial period of exploration there was limited settlement until the 1860's when gold was discovered on Findlay Creek, which brought prospectors and miners northward. In the 1880s and 1890s, farms were established near the lake on the benches on the east side. The hamlet of Windermere and Lake Windermere were named in 1883 by Gilbert Sproat.

The turn of the century brought significant growth to the Lake Windermere area through an influx of British settlers. The original town sites were surveyed and businesses established. The growth was spurred by the Columbia Valley Irrigated Fruit Lands Company, which encouraged farmers from England and Scotland to take advantage of immigration offers and low land prices.

2.2 Rural Area Plans and Studies

Upper Columbia Valley Zoning Bylaw (1992)

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

Lake Windermere Official Community Plan (2008)

The Lake Windermere Official Community Plan (2008) was undertaken to provide policies that would guide land use decisions for the area. At that time, the area had experienced rapid development.

Regional Sustainability Strategy (2014)

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

RDEK Agricultural Plan (2014)

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

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

Lake Windermere Management Plan (2011)

The Lake Windermere management Plan (2011) was initiated by the RDEK to address lake related issues. The management plan was created in partnership with the District of Invermere, the public and through consultation with the Akisq’nuk First Nation and Shuswap Indian Band. Key recommendations of the plan relate to boating and lake use, winter use, water structures and public access, foreshore management and use, upland use and management, and environmental quality.

Windermere Lake Shoreline Management Guidelines for Fish and Wildlife Habitats (2009)

In 2009, the East Kootenay Integrated Lake Management Partnership developed management guidelines for the shoreline of Lake Windermere. The creation of these management guidelines was undertaken to identify the shoreline’s high value fish and wildlife habitat and to mitigate development impacts through recommendations focused on conservation and restoration of shoreline habitat.

Columbia Valley Bicycle Network Plan (2016)

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

CVGTA Trails Vision - 2017 (2017)

The Columbia Valley Greenways Trail Alliance has coordinated the development of a high-level trails vision for the Columbia Valley. The document outlines goals and objectives for the direction of trail

development in the Columbia Valley for the next number of years. With relation to this OCP plan area, the CVGTA Trails Vision – 2017 outlines the benefits of connecting District of Invermere through Windermere with the Mt. Swansea area, legalizing the trails at the Hoodoos and supports ongoing discussion between motorized and non-motorized users of trails south of Rushmere to determine the appropriate future use and designation of these trails.

2.3 Recent Development and Statistics

Some key statistics for the plan area include:

- 70% of private dwellings in the Windermere area are owned by non-residents (Statistics Canada, 2016 Census).
- Population in Windermere area decreased by 19% between 2006 and 2011 (Statistics Canada, 2011 Census).
- Population in Windermere area increased by 1% between 2011 and 2016 (statistics Canada 2016 Census).
- 459 parcels created through subdivision between 2008 and 2017 (in plan area).
- 1475 residential building permits issued between 2008 and 2017 with construction values of \$232.4 Million (includes all of Area F).
- 614 residential building permits for new dwellings issued between 2008 and 2017 (includes all of Area F).
- 93 commercial building permits issued between 2008 and 2017 with a construction value of \$43.1 Million (includes all of Area F).
- 4 industrial building permits issued between 2008 and 2017 with a construction value of 1.2 Million (includes all of Area F).

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. Encourage residential development that reflects the diverse interests and lifestyles of resident and non-resident homeowners and recognizes the need for a variety of housing types.
2. Encourage high quality commercial development in existing nodes which provides a diverse range of services for residents, visitors and the traveling public.
3. Direct light industrial development to existing light industrial zoned properties and adjacent municipalities.
4. Support agriculture through the protection of agricultural resources and the promotion of opportunities for local food production, diversification and value added agricultural activities.
5. Promote opportunities for the development of pedestrian and non-motorized trails which connect neighbourhoods with existing trails, recreational amenities, commercial and community services.
6. Recognize the recreational and environmental importance of Lake Windermere by supporting public access opportunities and promoting environmental stewardship initiatives aimed at protecting water quality, fish and wildlife habitat and a naturally functioning shoreline.
7. Maintain ecosystem functions and important natural systems and features such as riparian areas, grasslands, sensitive habitat and connectivity corridors by avoiding and mitigating development impacts in identified areas.
8. Recognize the risk of interface fire and natural hazards such as floods and debris flows and establish Development Permit guidelines that promote public safety through mitigating risks to life and property.
9. Recognize and conserve the rich archaeological and cultural heritage resources within the plan area, both recorded and unrecorded.
10. Encourage opportunities for improvements to the road network and integration of alternative modes of transportation.
11. Reduce greenhouse gas emissions created within the plan area in order to mitigate impacts to climate change.
12. Encourage the management of Crown land to fully consider a range of environmental, recreational, cultural and resource interests.
13. Work with the District of Invermere, Shuswap Indian Band and Akisqnuk First Nation to foster a cooperative and comprehensive land use planning within the area.

4. RESIDENTIAL LAND USE

4.1 Background

The majority of residential land in the Lake Windermere plan area is concentrated on the east side of Lake Windermere. With abundant natural beauty, favorable climate and access to a variety of recreational opportunities, the majority of residential properties in the Lake Windermere area are used primarily as second homes by non-resident owners (70% non-resident home owners, 2016 Census). Throughout the planning process, residents and non-residents expressed a desire to see infill development or new construction adjacent to existing residential nodes. Infill housing options such as secondary suites are seen as one opportunity to potentially increase the availability of rental housing stock in the area without the need to develop and service bare land.

Population growth between the 2011 and 2016 census years was a modest 1% with the previous census period of 2006 to 2011 reporting a decline in population of approximately 19%. Statistics Canada represents population by usual residents - those whose primary residence is in the census area. Even though population growth, that is the number of usual residents in the area, has declined significantly in the last decade, the number of single family residential building permits has been quite strong with 1475 permits (614 for new dwelling units) issued between 2008-2017, with a total construction value estimated at approximately \$232.4 million dollars. The growth of residential housing stock is not correlated with population growth, supporting the observation that the majority of residential housing demand has been generated by second home owners, as opposed to full time residents. The construction market for local contractors created through the provision of renovations and new home starts is an important component of the local economy.

When planning for new residential development, some principles were universally supported during public consultation for this plan:

- A mix of residential densities (single, two and multi-family),
- infill development,
- community water and sewer should be provided for existing and future residents,
- new residential developments should include opportunities for non-motorized transportation and establish non-motorized connection between communities, open space, recreational amenities and commercial services and the
- rural character of the area should be preserved.

Other issues were more polarizing:

- At the time of rezoning developers should provide voluntary amenity contributions to improve existing, create new public boat launch facilities and improve the spectrum of public lake access; and
- revisiting the policy that prohibits secondary suites in most of the plan area.

Through the life of this planning document (approximately 10 years) the challenge lies in balancing the interests of long term residents, new residents and non-resident home owners within the context of housing affordability, availability of a variety of housing types, the existing transportation network, the economics of community servicing, future expansion opportunities for the District of Invermere, retaining the areas natural character and recognizing the impact the residential construction industry has on the local economy.

4.2 Objectives

- (1) Support a range of housing types and densities within the plan area reflective of the diverse needs of both resident and non-resident homeowners that make up the plan area.
- (2) Provide opportunities for a diverse range of residential development for resident and non-resident homeowners, including infill development within

existing residential areas and new rural residential development by identifying areas appropriate for these types of development.

- (3) Maintain the rural character of land by only considering residential development proposals if they are located in such a way that they minimize impacts to views, do not hinder access to recreational areas, consider impacts to traffic volumes and make improvements based on the scale of impact, and do not compromise environmental or natural resource values identified elsewhere in this plan.
- (4) Ensure that development which occurs at the interface with urban boundaries integrates principles that will facilitate future development of urban parcel sizes and infrastructure.

4.3 Policies

(1) General

- (a) New multi-parcel subdivisions of single family or greater density should be serviced by community water and sewer systems.
- (b) A mix of residential densities is supported within the plan area.
- (c) Incorporating secondary suites into the plan area is supported. This will require an amendment to the Upper Columbia Valley Zoning Bylaw and will consider what types of secondary suites may be appropriate and how to address potential impacts on parking and septic systems.
- (d) The current zoning regulations do not include a zone to recognize the short-term rental of single family dwellings. Undertaking a stand-alone public planning process to establish regulations pertaining to the use of single family residences for short term rentals is supported.
- (e) Development of new residential areas should include internal non-motorized trails and identify connections with existing trail networks. Where existing trail networks are not yet established, connectivity with parks, open space, recreational amenities and commercial services should be demonstrated.
- (f) Rezoning to create new residential parcels within the plan area or to increase on water boat moorage/storage could increase the use and associated impacts on existing public lake access points and recreational amenities such as trails. Community amenity contributions can assist in mitigating these impacts by funding upgrades to public lake access, trails or other public recreational amenities. Community amenity contributions are not a requirement of rezoning, but will be negotiated with developers at time of rezoning in order to reduce the impact that new development has on existing community amenities and for the provision of new amenities. Exceptions may be made for the provision of non-market attainable and affordable housing options.
- (g) Bylaw amendment applications for residential development should address the following:
 - (i) compatibility of the proposed development with surrounding land uses, parcel sizes, local rural character and lifestyle;
 - (ii) access to the development and proposed internal road networks;
 - (iii) demonstrate the use of Conservation Subdivision Design principles where appropriate, such as:
 - (A) identify and establishing buffers from features such as riparian areas, wetlands, Class 1 ungulate winter range, wildlife corridors, wildlife habitat areas,

natural hazard areas, woodlands and agricultural land;

- (B) clustering development into nodes of smaller lots in order to preserve larger contiguous environmentally sensitive areas and agricultural zones; and
 - (C) utilizing compact neighbourhood design with dwelling units built in close proximity to each other to minimize the overall development footprint and required infrastructure.
 - (iv) integrate FireSmart principles.
- (h) Development is encouraged to recognize and integrate opportunities to retain and maximize the viewscape.

(2) Windermere North

- (a) A mix of residential densities is supported on the lands shown in Figure 1, subject to community sewer and water servicing, connection with existing trail networks and consideration of impacts to existing road networks.

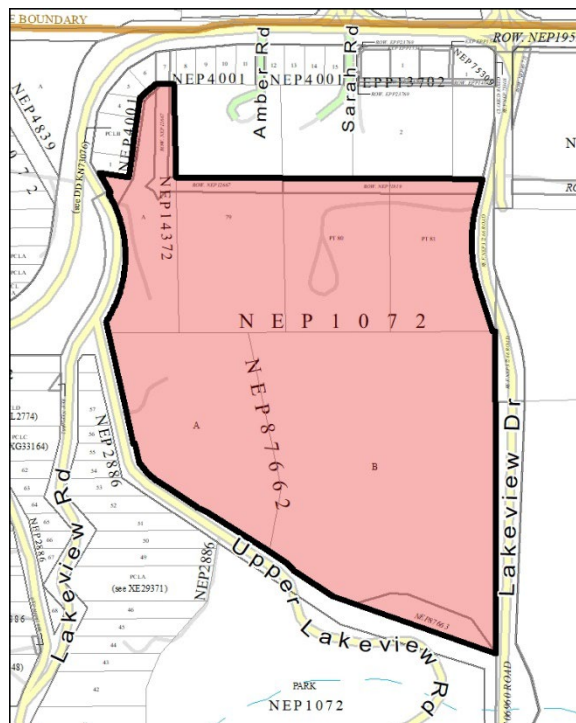


Figure 1

- (b) Road access for the parcels shown highlighted in Figure 2 should be considered from Amber Road, Sarah Road and Lakeview Drive.

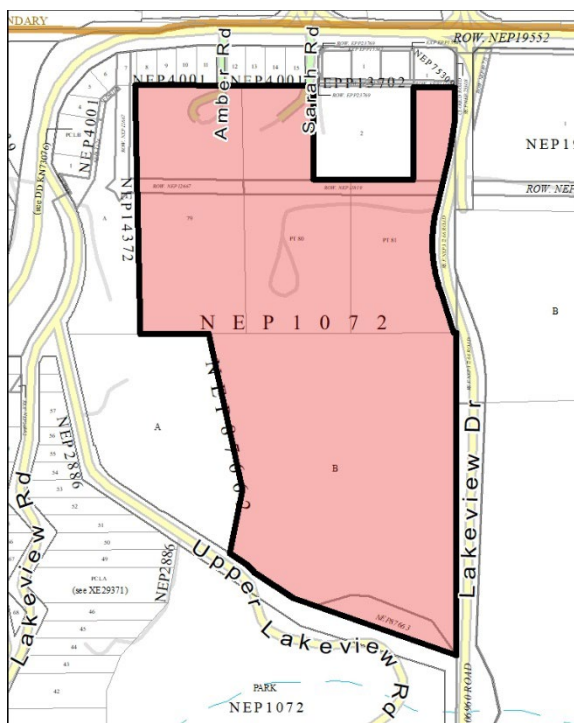


Figure 2

(3) Windermere South

- (a) A mix of residential densities is supported in the Windermere South subarea.
- (b) Mixed use commercial and residential is encouraged on commercially zoned properties in the Windermere townsite core (Figure 3). Ground floor commercial use should be retained and residential uses may be located above or behind the commercial use. This policy could be realized by amending the Upper Columbia Valley Zoning Bylaw to include a mixed use zone or supporting rezoning applications to 'split zone' parcels in the Windermere Townsite.

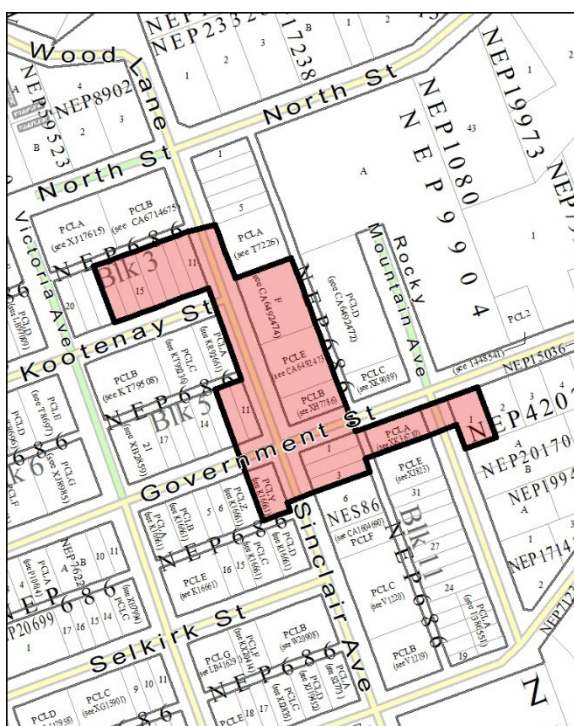


Figure 3

- (c) In order to support current and future local agriculture and food production, further subdivision of the parcels shown in Figure 4 is not supported.

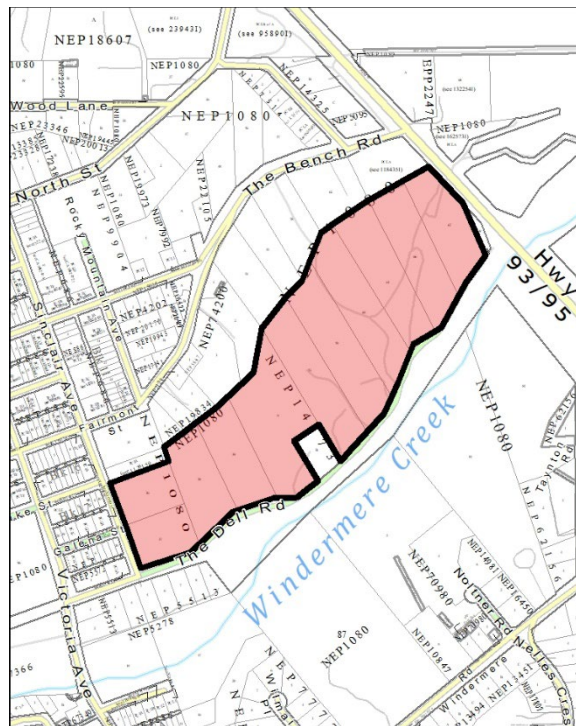


Figure 4

- (d) Rezoning to accommodate subdivision of the parcels shown in Figure 5 is supported in order to accommodate additional infill development in the Windermere south residential node.

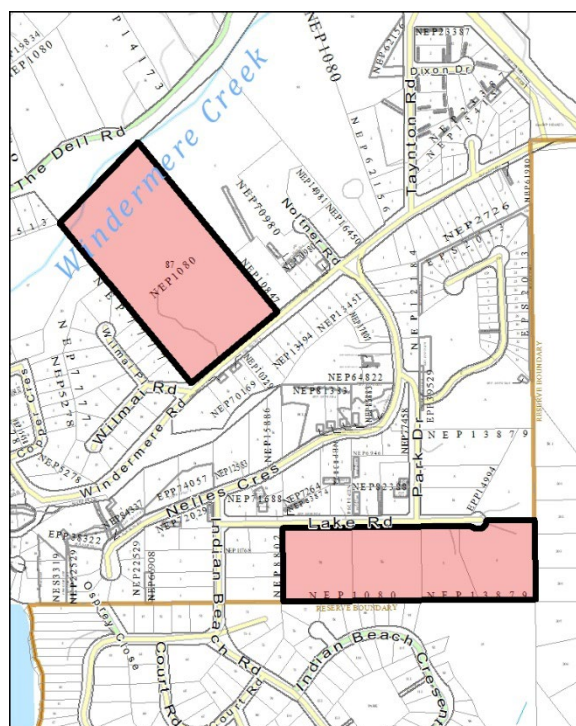


Figure 5

(4) Windermere East

- (a) Subdivision is generally not supported in the Windermere East subarea, with the exception of those parcels specifically identified within this plan and subdivision for a relative as per the minimum parcel size requirements established in the zoning bylaw and *Local Government Act*.
- (b) A rezoning application for the lands shown in Figure 6 may be supported subject to the following:
 - (i) Provision of a buffer adjacent to the existing small holdings;
 - (ii) Proof of the provision of potable water. Connection to an existing community water system is strongly encouraged;

- (iii) Connection to a community sewer system.
- (iv) Completion of a traffic impact assessment.

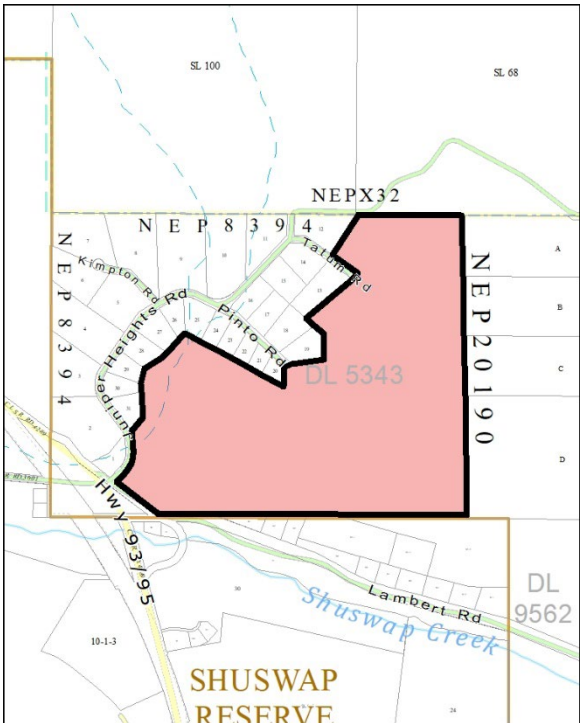


Figure 6

(5) Westside
Background

During the planning process, options for limited development of the lands shown in Figure 6 were proposed, which resulted in public opposition to the potential development of the lands. Public opposition was primary based on a desire to see mountain goat habitat protected, leaving wildlife corridors undeveloped and discouraging development in grassland ecosystems. Current zoning of the lands is A-1, Rural Resource Zone, which has a minimum parcel size of 60 ha and provides for a wide range of uses including resource extraction such as forest harvesting, sawmill, and sand and gravel extraction. In order to realize the environmental protections and secure community benefits that the public desires on these private lands, the RDEK can use tools such as development agreements, zoning and development permits. The following policies are meant to inform a rezoning process and development agreements designed to provide environmental protections, community amenities and significant contiguous open space.

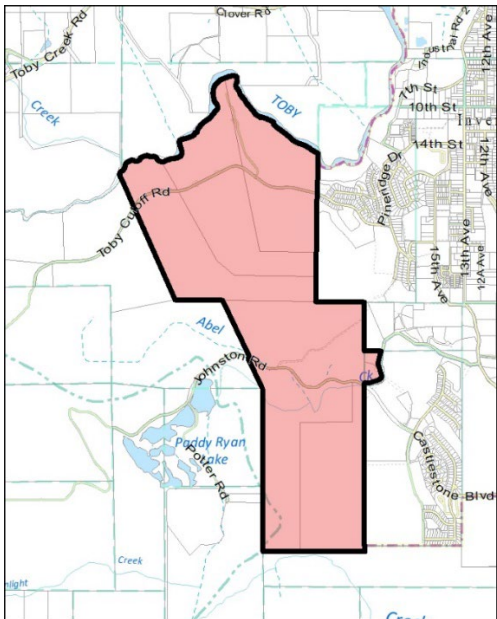


Figure 6

- (a) A development proposal for the lands shown in Figure 6 must demonstrate how it will achieve the following:
 - (i) A cap of 188 dwelling units be applied to the entirety of the lands;
 - (ii) The Toby Creek escarpment is an important environmentally sensitive area with significant wildlife connectivity and habitat values, including mountain goat habitat. Permanent protection of the environmentally sensitive area along the Toby Creek escarpment in order to maintain ecosystem connectivity by way of Sec. 219 covenant or other instrument acceptable to the RDEK is a required condition of development. A qualified environmental professional may be used to verify the extent of the environmentally sensitive area;
 - (iii) A report from a qualified professional to determine potential development impacts on the present and future use of Paddy Ryan Lakes reservoir area if requested by the District of Invermere;
 - (iv) Voluntary community amenity contributions are not a requirement of rezoning, but will be negotiated with the developer at time of rezoning in order to reduce the impact of new development on amenities and services. Voluntary community amenity contributions will be negotiated for:
 - (A) Mitigating development impacts on the District of Invermere's road network, services and amenities; and
 - (B) Mitigating development impacts on recreational services and amenities within the RDEK.
 - (v) Retention of an open space and trail network for public use is required and it must be demonstrated how the natural character of the open space network will be preserved and maintained for trail users. Trails must be protected for public use in perpetuity through the use of a Sec. 219 Covenant, statutory right-of-way, transfer of ownership to the District of Invermere or another legal instrument amenable to the RDEK.
 - (vi) Application of the following Conservation Subdivision Design principles in order to provide conventional development densities while retaining a network of contiguous undeveloped open space for wildlife, recreation and potential future expansion of the District of Invermere:
 - A. Retaining approximately 50% of the total area of the lands shown in Figure 6 as undeveloped space and not parcelized is preferred;
 - B. The area designated as undeveloped open space should not be parcelized, contain the highest value wildlife habitat and most significant existing trails found on the parent parcel;
 - C. Cluster development parcels;

- D. Minimize the construction of new roads by utilizing existing roads and disturbed area as much as possible;
 - E. The number of parcels in development clusters should be approximately the same as the number of parcels that would be provided on the parent parcel through a conventional rural subdivision. This is achieved by permitting smaller parcels in development clusters than would be provided in a conventional rural subdivision; and
 - F. To achieve higher densities in the development clusters, provision of community sewer and water services may be required.
- (b) Subdivision of lands shown in Figure 7 is not supported within the RDEK. The lands are suitable for an extension of the Castlerock subdivision and annexation by the District of Invermere is supported in order to provide appropriate levels of community servicing.

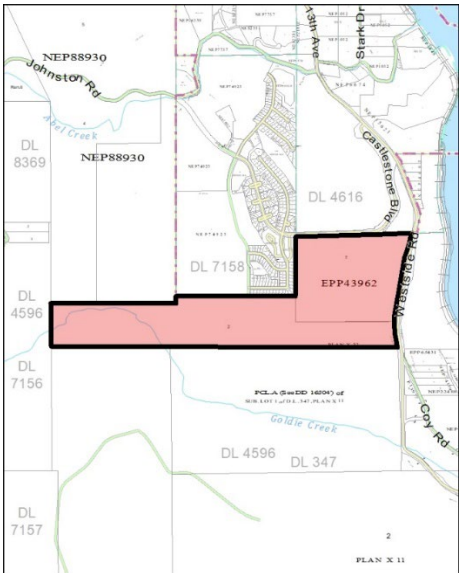


Figure 7

- (c) The lands shown in figure 8 are located between properties zoned for a minimum parcel size of 1 ha. Rezoning of the property to allow infill rural acreages may be supported, subject to the following conditions:
- i. Consideration of a vegetated buffer, greenspace or extended building setbacks for new parcels adjacent to existing small holdings;
 - ii. Proof of the provision of potable water;
 - iii. Servicing by a community sewer system is strongly encouraged; and
 - iv. No net loss of the grassland ecosystem.

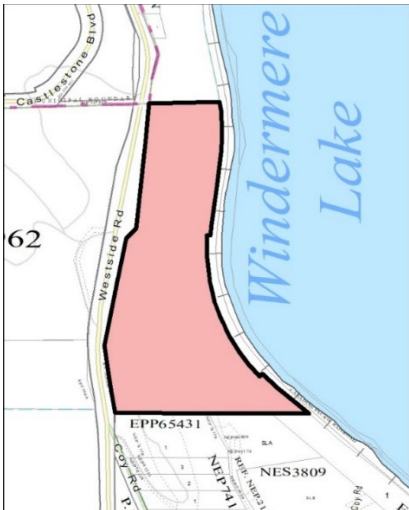


Figure 8

- (d) Despite the minimum parcel size requirements established within the zoning bylaw, subdivision of land within the Westside subarea to a parcel size of less than 120 hectares is not generally supported, with the exception of subdivision for a relative and sections 4.3(5)(a) - (c).
- (e) In order to keep grazing cattle off of private lands, landowners are responsible for incorporating sufficient controls, such as fencing and cattle guards.
- (f) A rezoning application for Lot 1, District Lot 347, Plan X11, shown in Figure 9, to facilitate subdivision as per the 1976 Agricultural Land Commission approval #4667/76 may be supported.

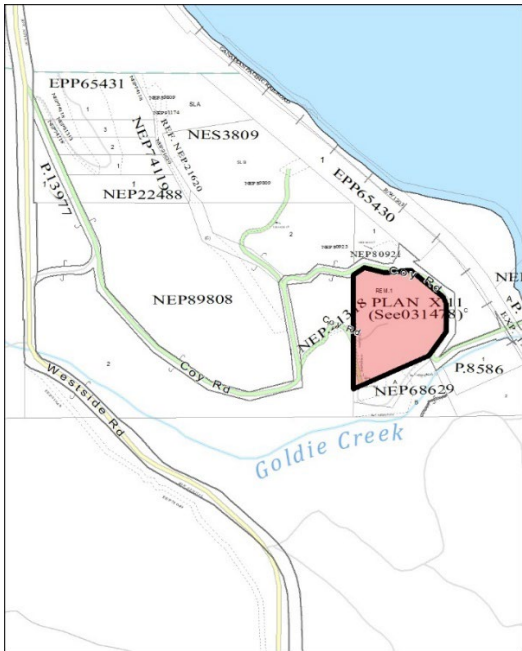


Figure 9

(6) Home Based Business Policy

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

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

5. COMMERCIAL & RESORT LAND USE

5.1 Background

Commercial development in the plan area is generally located along the Highway 93/95 corridor and Athalmer Road, in the Windermere core and Highway nodes and accessory to golf courses. A wide range of commercial services are provided within the plan area, from local services and artisans to automobile-oriented services, storage, resort and recreational services. These commercial offerings serve the traveling public, visitors and residents.

Throughout the public engagement, residents expressed a desire to see fewer signs, particularly along the highway corridor. There was also a great deal of public interest in the visual impact of commercial/light industrial businesses and storage facilities visible from the highway corridor and Athalmer Road. Building aesthetics and landscaping were also mentioned numerous times as being of public concern.

During the public consultation process for this OCP, area residents indicated strong support for future commercial development to occur at existing commercial nodes. There was a preference for local commercial services and tourism-oriented services, as well as support for home based businesses.

Development permit guidelines to manage the form and character of commercial development within the plan area are identified within section 19.5 of this plan.

5.2 Objectives

- (1) Maintain commercial development in existing commercial nodes within the plan area.
- (2) Support commercial recreation and tourism land uses within the plan area where it is compatible with adjacent land uses.
- (3) Support commercial development that offers year round or high quality seasonally appropriate services for residents, visitors and the traveling public.

5.3 Policies

(1) General

- (a) Except where otherwise noted, commercial development is generally directed to existing commercial nodes along Highway 93/95, Athalmer Road and the Windermere core.
- (b) Commercial development is encouraged to be completed to a high standard and in an architectural style that complements natural and built surroundings as per the Commercial, Resort, Multi-Family and Light Industrial development permit area guidelines found in Section 19.5.
- (c) The use of billboards within the plan area is not supported. The placement of signs within the plan area must comply with the provisions regulating signage in the zoning bylaw and may require approval from the Ministry of Transportation and Infrastructure if adjacent to a road or highway.
- (d) Updating sign bylaws and creating sign design guidelines for the Windermere area is supported.
- (e) The following uses may be supported outside of the established commercial nodes if there will be no significant adverse impact on adjacent uses, rural character, or the environment:
 - (i) commercial tourism or recreation activities adjacent to a site with recognized recreation capability;
 - (ii) ecotourism activities that provide economic diversification and have limited impacts on the environment, agriculture and heritage resources;

- (iii) agritourism activities that provide economic diversification and have limited impacts on the environment, agriculture and heritage resources.
- (f) Applications for the development of new campgrounds in the plan area should include community amenity contributions to assist in mitigating the impacts of the proposed development, including contributions to address the cost of managing solid waste generated within campgrounds.
- (g) The development of nightly stay campgrounds is preferred over campgrounds developed for seasonal occupancy.
- (h) Commercial development along the Highway 93/95 corridor must be adequately screened and landscaped as per the development permit area guidelines found in Section 19.5.
- (i) Throughout the public engagement process participants expressed concerns related to the aesthetic impact of mini storage, boat storage and recreational vehicle storage. To mitigate the visual impact of storage facilities in existing commercial areas and to preserve existing commercially zoned parcels for future commercial use, storage-based businesses should be permitted in light-industrial rather than commercial zones. An amendment to the Upper Columbia Valley Zoning Bylaw to remove mini-storage, boat storage and recreational vehicle storage from the list of permitted and accessory uses in the C-2, Service Commercial zone is supported subject to 5.3(3)(d).

(2) Windermere North

- (a) New commercial development in the Windermere north subarea is encouraged to be oriented towards regional commercial services.
- (b) Developing design guidelines for commercial development along Athalmer Road in collaboration with the District of Invermere and the Shuswap Indian Band is encouraged.
- (c) A future community planning project focused on the beautification and revitalization of the Athalmer Road corridor in collaboration with the Ministry of Transportation and Infrastructure, Shuswap Indian Band, District of Invermere and local businesses is supported.

(3) Windermere South

- (a) Mixed use commercial and residential is encouraged on commercially zoned properties in the Windermere townsite core (Figure 10). Ground floor commercial use should be retained and residential uses may be located above or behind the commercial use. This policy could be realized by amending the Upper Columbia Valley Zoning Bylaw or supporting rezoning applications to 'split zone' parcels in the Windermere Townsite.

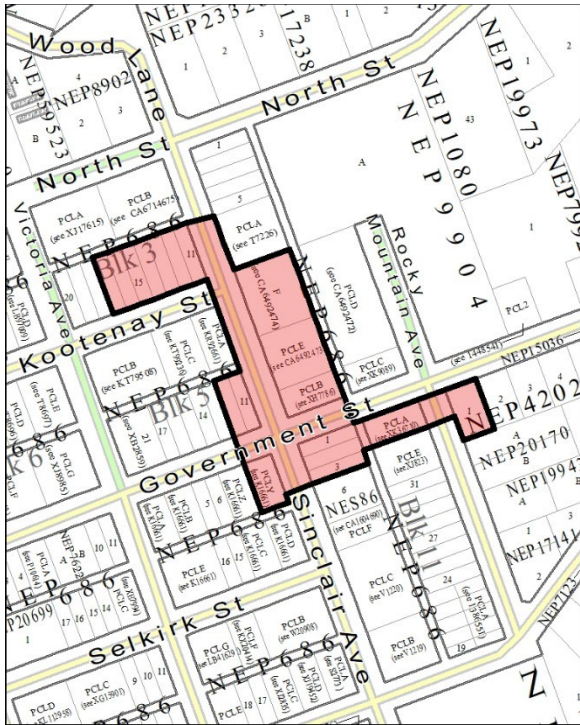


Figure 10

- (b) New commercial development in the Windermere south subarea is encouraged to be oriented towards local and tourism services.
- (c) A mix of commercial and residential uses are supported for the property shown in Figure 11 subject to a rezoning application. Land fronting North Street is preferred to be used for community commercial purposes that serve residents and the traveling public.

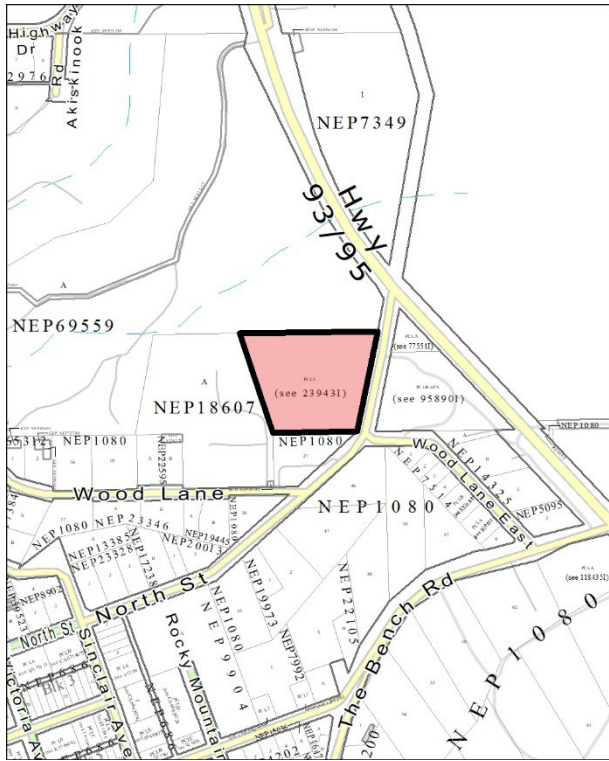


Figure 11

- (d) Recognizing the established storage based businesses on the property show in Figure 12, an amendment to the Upper Columbia Valley Zoning Bylaw to remove mini-storage, boat and recreational storage as permitted and accessory uses in the C-2, Service Commercial zone should be accompanied by a site specific amendment allowing the continuation of storage based uses on the property shown in Figure 12 only.

6. AGRICULTURAL LAND USE

6.1 Background

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

Land based agriculture in the area includes large rural parcels where livestock range and cover crops are grown, to smaller parcels within residential nodes with nursery operations, market gardens and community supported agriculture. The Windermere District Farmers Institute operate an abattoir which supports local producers in being able to offer farm gate sales.

This vast area of agricultural land not only forms part of the cultural heritage of the area, but contributes to the highly valued rural character, local and regional economies and provides ecosystem services.

During the consultation process for the development of this OCP, residents expressed a high level of support for continued agriculture operations within the plan area. Residents also expressed a preference that they support subdivision in the ALR for circumstances such as a retiring farmer or for a relative.

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

6.2 Objectives

- (1) Support a working landscape by preserving contiguous areas of agricultural and range land.
- (2) Outline conditions under which subdivision within the ALR will generally be supported and discourage ALR subdivision that does not meet these conditions.
- (3) Minimize conflicts between agriculture and other potentially incompatible land uses on adjacent lands.
- (4) Support local food production, local distribution of food products, and diversification of agricultural uses.

6.3 Policies

(1) General

- (a) Land in the ALR is generally designated and supported for agricultural use.
- (b) Agricultural practices generally takes place on large rural parcels within the plan area. These large parcels support opportunities for a working landscape that provides economic and environmental services. Fragmentation or parcelization of agricultural lands in the plan area is generally not supported.
- (c) The use of agricultural land for present and future food production is valued by the community and preservation of food producing parcels is encouraged.
- (d) The primary commercial uses for land within the ALR should be agricultural production and the processing and marketing of on-farm produce. However, accessory uses that complement agriculture, including, but not limited to agri-tourism, farm gate sales, and market gardens will generally be supported in the ALR

provided that these uses do not limit the ability of the land to produce commodities in the future.

- (e) In order to support opportunities to diversify income sources on agricultural lands, home occupations that are complimentary to agricultural operations and do not limit the future agricultural potential of the land are supported within the ALR.
- (f) Applications for subdivision for a relative pursuant to the *Local Government Act* will generally be supported, as outlined in section 6.3 (2)(c).
- (g) Buffers between properties on which farming is taking place and adjacent non-agricultural properties will be established through setbacks within the zoning bylaw. Measures such as fencing, screening and building setbacks on adjacent non-agricultural properties should be utilized to ensure that farm operations are adequately protected and buffered.
- (h) The location of new roads and utility corridors should be designed to minimize the impact on existing or potential agricultural areas.
- (i) New and continued Licenses of Occupation for grazing tenures on Crown land are generally supported provided the tenures are not associated with wildlife fencing.
- (j) Livestock and manure should be kept out of water bodies and watercourses to the greatest extent possible to avoid increased amounts of sediment and nutrient inputs to downstream water bodies.
- (k) The development of small-scale community kitchens, food processing facilities and outdoor community ovens is encouraged.
- (l) Community supported agriculture, small scale food production and opportunities to support local markets are encouraged.
- (m) Ecosystem restoration efforts that enhance grasslands and rangelands within the plan area are supported. Opportunities to incorporate forest fuel management and increase resilience to wildfire are encouraged.
- (n) The implementation of applicable recommendations contained in the RDEK Agricultural Plan by the organizations with responsibility for the same, is supported.

(2) Agricultural Land Reserve Applications

- (a) Due to the high-quality soil, existing water licenses for irrigation and proximity to existing agricultural operations, the parcels shown in Figure 13 should remain in the ALR:

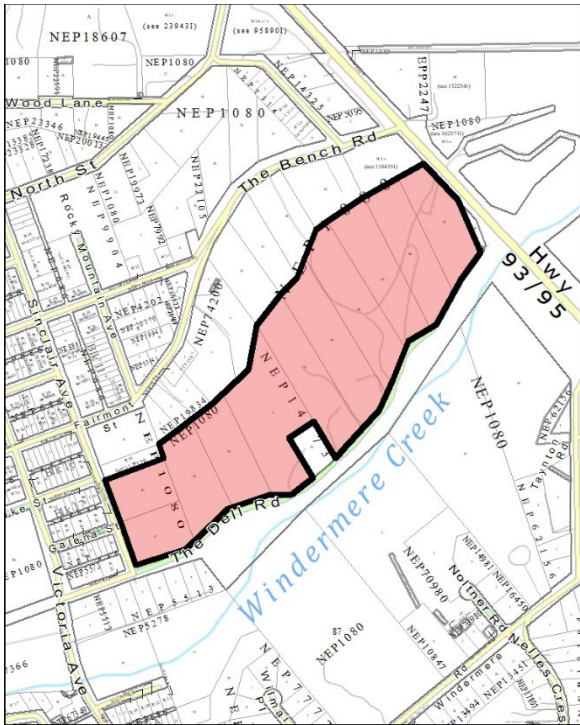


Figure 13

- (b) In order to provide opportunities for infill development at existing residential nodes, the parcels shown in Figure 14 may be supported for exclusion from the ALR in order to accommodate residential infill development.

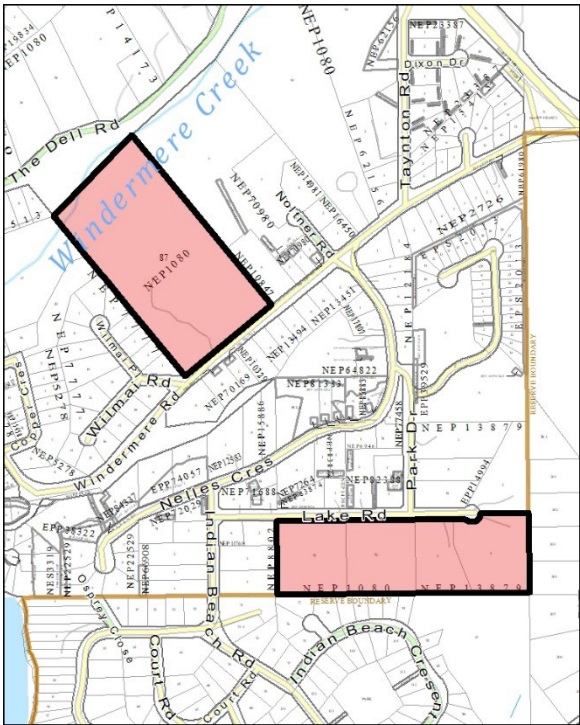


Figure 14

- (c) Applications for subdivision for a relative pursuant to the *Local Government Act* will generally be supported when all of the following conditions have been met, subject to compliance with the zoning bylaw:
 - (i) if the parcel is located in the ALR, there is no negative impact on the agricultural potential of the parent parcel;
 - (ii) the subdivision for a relative is kept as small as possible, having regard to health requirements, and is located in an area which has the least impact on agriculture;
 - (iii) the subdivision complies with the requirements of the zoning bylaw, other than with respect to the provisions relating to minimum lot sizes; and

- (iv) a statutory declaration has been provided to the RDEK, prior to the issuance of an order, that confirms the parcel is for a relative and that the parcel will not be sold or transferred for a period of 5 years unless required as part of an estate settlement or as required by a lending institution.
- (d) In order to protect existing and future agricultural and grazing opportunities and ecosystem services provided by lands in the ALR, additional exclusion and subdivision of land within the ALR is generally not supported.
- (e) There are situations where community or regional development objectives may require a non-farm use of ALR lands. These applications will be considered on a case by case basis.
- (f) ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capability and provide a net benefit to agriculture for the lands that remain within the ALR.
- (g) New residential development is encouraged to be directed to land within existing development nodes outside the ALR.
- (h) Applications for homesite severance subdivision for a retiring farmer in the ALR will generally be supported when the minimum parcel size is 0.4 ha, the proposal is in compliance with the ALC Homesite Severance Policy, and subject to compliance with the zoning bylaw.
- (i) *Subsection 6.3 (2) (i) is repealed by Bylaw No. 3188 adopted 17 February 2023.*
- (j) *Subsection 6.3 (2) (j) is repealed by Bylaw No. 3188 adopted 17 February 2023.*

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

- (k) ALR applications for non-farm use, subdivision, or exclusion that meet one or more of the following criteria are exempt from the requirement to submit a report by a qualified professional identified in 6.3(2)(i) as part of their application to the RDEK:
 - (i) the application is for subdivision for a relative as per the provisions in the zoning bylaw and the *Local Government Act* and the parcel proposed is equal to or less than 2.0 ha in size;
 - (ii) the application is for a reconsideration or alteration of a prior approval by the ALC; or
 - (iii) the original parcel size is equal to or less than 4.0 ha in size.

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

- (l) The RDEK Columbia Valley office and water treatment plant for the East Side Lake Windermere Water service area are sited on land leased by the RDEK. Owning the land is preferred by the RDEK over a lease, and as such subdivision of the land is supported.

7. LIGHT INDUSTRIAL LAND USE

7.1 Background

During the public consultation process, area residents generally indicated a preference to have light industrial development occur at areas already zoned for light industrial use, or see it directed to nearby municipalities over having new light industrial lands developed within the plan area. Area residents and property owners also expressed an interest in reducing the visual impact of light industrial development, particularly along the Highway 93/95 corridor.

7.2 Objectives

- (1) Concentrate light industrial land uses not directly servicing community needs within a neighbouring municipality.
- (2) Support industrial development that is high aesthetic quality, reflective of a tourist destination and utilizes adequate screening and landscaping where necessary.
- (3) 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.

7.3 Policies

- (1) Mini-storage, boat and recreational vehicle storage are recognized as being more aligned with light-industrial uses than commercial, as demonstrated in policy 5.3.(1)(i). As such, the establishment of new storage based businesses should not occur by rezoning commercial land which fronts Athalmer Road, the highway 93/95 corridor or in the Windermere core. Storage based businesses are encouraged to locate in areas away from the view of the traveling public and residential areas.
- (2) There is a lack of vacant industrially zoned land in the plan area and within the District of Invermere. In order to support potential for economic diversity, a feasibility study that explores opportunities to develop a light industrial area is encouraged.
- (3) Light industrial development that does not directly service community needs is generally directed to nearby municipalities. However, resourced-based industries that require on-site processing at facilities located close to the source of their major resource may be supported in the plan area if there are no significant adverse impact on adjacent uses, rural or community character, the environment or the resident or visitor experience.
- (4) Proposed new sand and gravel extraction sites should be located in areas that are compatible with adjacent land uses.
- (5) Sand and gravel operations are encouraged to utilize the existing site to its maximum extraction capacity prior to development of new sites.
- (6) The siting of sand, gravel, and mineral resource extraction activities in close proximity to residential areas is discouraged. The responsible provincial government ministry is encouraged to adjudicate applications fairly and with full public input. If an application is approved, appropriate mitigation measures should be applied in order to minimize impacts on nearby residential uses.
- (7) Resource extraction operations are encouraged to give due consideration to the preservation of scenic views in the plan area.
- (8) The rehabilitation and reclamation of industrial and resource extraction sites upon cessation of activity is encouraged.

8. INSTITUTIONAL AND COMMUNITY LAND USE

8.1 Background

The plan area contains a number of institutional and community land uses including places of worship, the Windermere Community Hall, Windermere District Cemetery, Windermere Beach Regional Park, Windermere Elementary School, Invermere Cemetery, Windermere Fire Hall, Local RCMP and the RDEK's Columbia Valley Office.

8.2 Objectives

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

8.3 Policies

- (1) New institutional and community land uses that support the local community and are compatible with adjacent land uses are generally supported within the plan area.
- (2) If a community or subregional park service is established (see section 9), additional lands may be made available for parks, open spaces and institutional land uses.
- (3) No additional school facilities are anticipated within the projected 5 to 15-year timeline considered within this OCP; therefore, no school sites have been identified.
- (4) Integrating housing options for seniors or those requiring assisted living, to allow these individuals to remain in the community, is generally supported. A range of options for assisted and supportive housing may be appropriate within the plan area.
- (5) The continued maintenance of the Windermere District Cemetery and the Invermere Cemetery by the District of Invermere is encouraged. The benefit to the community that the cemeteries provide as community gathering places, open space and sources of local history is recognized.
- (6) Windermere Community Hall is an important community asset that should be available for use by the community. At the time of drafting this plan, the primary use of the facility is as a daycare, which is an important service for the community and funds the ongoing operation and maintenance of the building, but renders the facility unavailable for use much of the time. Finding another location for the daycare service within the community and exploring options to keep the community hall available for community events, such as through the establishment of a local service area to fund its upkeep, is encouraged.

9. OPEN SPACE, RECREATION AND TRAILS

9.1 Background

The plan area is well known for its natural beauty and opportunities for outdoor recreation. At the heart of the plan area is Lake Windermere, enjoyed in summer months by both motorized and non-motorized recreationalists and in the winter by anglers and all who use the Whiteway – the world’s longest skating trail and world class recreational amenity. The plateaus and hills in the area have trails used by cyclists, runners and hikers, and the Markin-MacPhail Westside Legacy Trail, under construction during the drafting of this plan, is a non-motorized multi-use trail along the west side of Lake Windermere.

The desire for greater trail connectivity was expressed during public consultation for this plan as was the need to maintain and enhance public access to Lake Windermere.

The need for open space and trails for recreation and conservation purposes is important to residents of the plan area. The wide array of recreational activities and the lands and waters that these activities take place on are an integral part of the character of the plan area and should be retained and improved when possible.

9.2 Objectives

- (1) Support the design and establishment of a safe and accessible trail network within the plan area that connects communities, recreational amenities and local services.
- (2) Promote trail construction and maintenance standards that protect trail users and the environment.
- (3) Provide local parks, trails and other outdoor recreation opportunities in locations and in sufficient quantity to be available and accessible, where possible, to all members of the community, including a broad spectrum of activities and lifestyle types.

9.3 Policies

- (1) Support the provision of a trail system that connects the Markin-MacPhail Westside Legacy Trail, Old Coach Greenway, Windermere Beach Park, Cross Roads Regional Ball Park and communities along the east side of Lake Windermere and other community amenities and local services. The greatest degree of separation of pedestrians from motorized vehicles is preferred. Routing, design, ownership and maintenance would be determined in a future community planning exercise.
- (2) Undertaking a public planning process to establish a recreation, parks and trails master plan for the Upper Columbia Valley is supported. This is an important process which would result in a plan used to strategically guide future decision making around recreation, parks and trails infrastructure and maintenance and parkland acquisition within the RDEK.
- (3) At the request of area residents, the RDEK may investigate changes to the the existing Electoral Area F parks and recreation service area support the establishment and ongoing maintenance of additional local recreational amenities in the plan area.
- (4) The establishment of a local parks service should include the ability for the RDEK to accept cash-in-lieu of parkland from a developer at the time of subdivision, as prescribed by the *Local Government Act*. Any monies raised from subdivision within the service area would remain within the service area.
- (5) Creation of a Parks Management Plan for Windermere Beach Regional Park is supported.
- (6) Opportunities to facilitate public access to Lake Windermere along existing Ministry of Transportation Right-of-Ways are encouraged. Additional considerations for public access to Lake Windermere are found

in section 10 (Lake Windermere) and section 14 (Road Network and Transportation) of this OCP.

- (7) The primary role as identified within the Provincial Purpose Statement and Zoning Plan for Windermere Lake Provincial Park of protecting the native grassland and riparian habitat within the park is recognized. However, the Provincial Government is encouraged to consider the importance of the secondary role identified for the park, which is the provision of day use opportunities. Recognizing the limited potential for public access to Lake Windermere, day use opportunities could be oriented towards non-motorized trail users.
- (8) Opportunities to utilize underused areas such as parks and public open spaces to grow food are encouraged.
- (9) When planning outdoor green spaces such as parks, the development of areas for the public to sit, eat and rest is encouraged.

10. LAKE WINDERMERE

10.1 *Subsection 10.1 repealed and the following substituted by Bylaw No. 3188 adopted 17 February 2023.*

Background

Lake Windermere is at the heart of the plan area. Lake and shoreline use and protection, surface water quality and public access to the lake were all issues that emerged during public engagement. Lake Windermere has cultural value for First Nations, is a source of potable water for several communities, provides fish and wildlife habitat as well as abundant recreational opportunities.

Management of Lake Windermere and the foreshore is a multi-jurisdictional responsibility and is regulated by local, provincial and federal legislation and regulations. The percentage of lake shoreline within the Regional District is 55%, the District of Invermere is 20% and within the Columbia Lake Indian Reserve #3 is 25%. The LWMP was prepared in partnership with the District of Invermere in recognition of the shared jurisdiction. The development of the LWMP facilitated the opportunity for discussion with the community about the future of Lake Windermere from the environmental, social and recreational management perspectives.

Due to intense development pressures on Lake Windermere in the early 2000's, the East Kootenay Integrated Lake Management Partnership (EKILMP) was established to produce land use and development guidance through a Sensitive Habitat Inventory Mapping (SHIM) project. The results of the SHIM mapping found that approximately 62% of the lake's foreshore is disturbed, ranging from the Canadian Pacific Rail (CPR) tracks along the west side to intensive residential foreshore development along the north east shore. In 2020 Living Lakes Canada undertook a Foreshore Integrated Management Planning (FIMP) project to document changes that have occurred over the 14-year period since the SHIM project. The shoreline development permit areas, found in Section 19.4 were originally established based on the results of the SHIM mapping project, but have been updated to reflect the more recent FIMP results.

10.2 Objectives

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

10.3 Policies

- (1) Construction of new or repair to existing retaining walls, groynes or breakwaters or other armouring structures will generally not be supported as there is a preference towards:
 - a) The use of non-structural methods such as increased setbacks from the foreshore for the structure requiring protection; and
 - b) Soft stabilization measures such as vegetation enhancement, upland drainage control and anchor trees being preferred over hard stabilization measures such as the use of rip rap, gabions or retaining walls.
- (2) Application to rezone surface water designations or tenure referrals to construct new or repair existing retaining walls, groynes, breakwaters or other armouring structures or any other development in the foreshore is received, it must:

- a) Demonstrate how the use of non-structural and soft-stabilization methods could not be employed;
 - b) Demonstrate how the construction or repair will aim to enhance natural ecosystem function along the foreshore;
 - c) Demonstrate how public access to the foreshore will be improved; and
 - d) Acknowledge that approvals by the Department of Fisheries and Oceans (DFO) and Ministry of Environment must be completed for all applicable works undertaken in the foreshore or that may affect fish habitat or water quality.
 - e) Demonstrate how the proposal aligns with the goals and objectives of the Lake Windermere Management Plan;
 - f) Demonstrate how the environmental impacts from the proposal will be mitigated; and
 - g) Demonstrate how public access to the foreshore will be improved.
- (3) The placement and use of all private buoys must conform with the surface water zoning and *Private Buoy Regulations*, including attaching in a conspicuous location and in a permanent and legible manner, the name, address and telephone number of its owner.
 - (4) The integration of designated space for the accommodation of off lake boat storage is encouraged within all new residential developments.
 - (5) Development along the foreshore, reconstruction or alteration of existing structures or construction of new structures within the foreshore will not be supported if public access is impeded.
 - (6) Additions or alterations to upland structures should utilize siting and design to avoid the need for any form of shoreline stabilization.
 - (7) All foreshore development proposals should consider potential impacts to domestic water intakes.
 - (8) The water testing and monitoring program, stewardship initiatives, education activities and projects such as developing signage for public boat launch areas, lake accessibility map and developing a winter use code of conduct by the Lake Windermere Ambassadors is supported.
 - (9) Opportunities to improve public access to Lake Windermere are supported. Consideration must be given to the scale of the proposed access, potential environmental impacts and how this relates to availability of parking and the impact this could have on road safety.
 - (10) Several public Right-of-Ways which access the foreshore of Lake Windermere exist. Maintaining these public access opportunities is imperative and applications or referrals which negatively affect the public's ability to access the foreshore is not supported.
 - (11) Installing identification signage on public Right-of-Ways that lead to Lake Windermere is encouraged.
 - (12) Tenure applications for private individual docks larger than the size allowed under the Province's general permission policy are generally not supported. Support may be considered if the application considerably reduces the number of individual docks or other in water structures and can demonstrate that a larger dock has net ecological benefit or improves public access.
 - (13) In recognition of established individual moorage in the Rushmere area by Rushmere residents and property owners, a rezoning application to accommodate the existing individual moorages in the Rushmere area may be supported subject to the following:

- a) Application is made by a community association;
- b) confirmation of legal access and authorizations by Canadian Pacific Railway (CPR) for a designated rail crossing;
- c) written authorization to make application is provided by the upland property owner, whether the Province or CPR, as applicable;
- d) the moorage being located within the area designated as yellow shoreline on **Schedules J1 to J3**; and
- e) issuance of a License of Occupation or Lease by the Province.

The consolidation of the existing individual docks into a group moorage facility is preferred.

- (14) The acquisition of accreted Crown land by adjacent upland property owners is discouraged, as these areas are seen to have greater value to the environment and public.

11. ENVIRONMENTAL CONSIDERATIONS

11.1 Wildlife Habitat and Corridors

(1) Background

Environmental values were highly referenced throughout the public consultation process for this plan. Although there are highly developed portions of the plan area, nature is abundant and the undeveloped open spaces visible throughout the plan area are a hallmark of why the area is so well loved by its residents and visitors.

The plan area includes provincially important wildlife areas and conservation lands including Lake Windermere Provincial Park and Nature Trust of BC property. These lands along with several large agricultural parcels form an important winter range for valley wildlife as well as supporting a range of other natural resource management functions. Preserving wildlife corridors between these crown and private lands is important for habitat connectivity in the Columbia valley as these parcels form significant north-south wildlife corridors within the plan area.

The Mountain Goat, distinguished by its characteristic white coat and short black pointed horns, is a species of special concern in British Columbia. They were recently elevated to the provincial Blue List in part due to declines in populations in the southern portions of BC. Noted as being the best climbers of all ungulates in BC, Mountain Goats rely on escape terrain provided by steep cliffs and forest cover to avoid predators and for kidding in the spring. Toby Creek Canyon provides escape terrain that is key habitat for Mountain Goats as well as natural mineral licks, an important component of Mountain Goat habitat. Mountain Goats appear to be more sensitive to disturbance than other ungulates, especially to helicopters, and the effects of disturbance can be expected to produce short and long term health effects. Approximately 50% of the world's population of Mountain Goats are located in BC.

The Columbia Wetlands are designated as a Ramsar site, which recognizes its international importance. Located on the Pacific Flyway, situated between the Purcell and Rocky Mountains and forming part of the Upper Columbia river system – the 4th largest river by volume in North America and the largest north American river flowing into the Pacific Ocean – the Columbia Wetlands are critical habitat for more than 250 species of birds, as well as numerous fish, reptile, amphibian, mammal and invertebrate species. The Columbia Wetlands Waterbird Survey is a coordinated citizen-science bird survey that among many goals, aims to have the Columbia Wetlands designated as an Important Bird and Biodiversity Area (IBA), which is part of a global initiative to identify, monitor and protect the most significant areas of bird habitat.

(2) Objectives

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

(3) Policies

- (a) Where intensive development is proposed in a wildlife corridor, clustered development design and greenspace retention, site specific studies by a qualified professional and other measures to mitigate impacts of development on wildlife movement may be required.

- (b) The Columbia Wetlands are recognized as a wetland of international importance and habitat conservation efforts in the wetlands are supported.
- (c) Ecosystem restoration initiatives on Crown and private land, including habitat enhancement, wildfire reduction and grassland restoration are encouraged.
- (d) The RDEK recognizes the need to protect golf courses from trespass and animal damage; however, perimeter fencing of golf courses is not supported. The RDEK encourages golf courses to utilize other means of protecting golf course lands such as bollards and post & cable fencing which do not hinder animal travel through the golf course lands while preventing vehicular access. Temporary protective fencing around greens and tees over winter months to protect from ungulate damage is acceptable.
- (e) The linkages provided by the BC Hydro right-of-way, Copper Point Golf Course and Holland Creek drainage are integral to the movement of the badger population along the east side of Lake Windermere. No structures, fences or buildings that would impede the movement of badgers or other wildlife may be constructed or placed within the OSRT, Open Space, Recreation and Trails portion of the Holland Creek drainage south of Lakeview Drive adjacent to The Cottages at Lakeview Meadows.
- (f) Future land uses should promote habitat connectivity and discourage fragmentation of contiguous ecosystems and ecosystem components to preserve landscape diversity and allow wildlife and migratory bird use, movement and dispersal.
- (g) The Windermere Creek riparian area is recognized as being an important wildlife corridor and an essential uninterrupted linkage from the upland wildlife habitat to Lake Windermere.
- (h) Agricultural operations considering the use of wildlife fencing are encouraged to consider wildlife movement, habitat and access to water when determining fence style and placement.
- (i) 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.
- (j) Residents and visitors accessing Crown land are encouraged to minimize impacts to grazing, habitat, wildlife and sensitive soils.
- (k) Future land uses should not compromise the integrity of badger habitat, Class 1 and 2 ungulate winter range and Mountain Goat habitat particularly range located along west facing slopes. Ungulate winter range is shown on **Schedule E**, badger habitat is shown on **Schedule F**, Mountain Goat habitat is shown on **Schedules I1 to I4**.
- (l) Education programs such as WildSafe BC and Wildlife Collision Prevention Program to reduce wildlife conflict and mortality are encouraged.
- (m) The natural mineral licks along the southern edge of the Toby Creek Escarpment are utilized by Mountain Goats to replenish their mineral reserves and have historically been utilized as a kidding and nursery area. The number of goats using the licks has decreased substantially over the past decade. Mineral lick use is a learned behaviour, if goat use of this lick continues to decline and other licks are not available, health of this goat herd will be adversely affected. In order to promote conservation of the goat herd and their habitat, decreasing human disturbance along the Toby Creek Escarpment is necessary.

- (n) Habitat connectivity, sensitive ecosystems, vulnerable plant communities and movement of endangered animal species will be considered at the time of rezoning or OCP amendment applications. Despite the development permit requirements of section 19.3 of this plan, additional development approval information may be required by the RDEK as part of the development approval process. For example, submission of a report by a qualified professional that includes, but is not limited to the following:
 - (i) Identification of any endangered or vulnerable species that utilize the area under consideration;
 - (ii) Identification of opportunities for mitigation of the proposed development on wildlife movement corridors through development design or other compensation;
 - (iii) Identification of areas, as appropriate, to be dedicated as conservation areas;
 - (iv) Site specific additional requirements identified by the RDEK at the time of application.
- (o) Preservation and restoration of wildlife connectivity corridors is encouraged and supported by the following:
 - (i) Contiguous habitat areas should be preserved.
 - (ii) Structures and barriers that impede wildlife movement such as exclusion fencing should be avoided within connectivity corridors. For example, solid walls or fences erected to control wildlife capable of jumping over a fence 2.0 m in height should not be used.
 - (iii) Extensive development within connectivity corridors that restricts the opportunity for wildlife movement should be avoided.
 - (iv) If the construction of a structure within a connectivity corridor cannot be avoided, the structure should be located at the periphery of the corridor to limit the impediment of wildlife movement.
 - (v) Extensive pruning of underbrush within connectivity corridors should be avoided.
 - (vi) Forest cover should be maintained to encourage the use of connectivity corridors by wildlife.
 - (vii) Native vegetation within connectivity corridors should be maintained. Conversion of vegetation within corridors to non-native species should be avoided.
 - (viii) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.
- (p) In addition to development permit area guidelines for environmentally sensitive areas found in Section 19.3, landowners clearing vegetation, particularly during the migratory breeding bird window between April and August, should be aware of the regulations contained under the federal *Migratory Birds Convention Act* (1994).

11.2 Invasive Species

(1) Background

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

(2) Objectives

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

(3) Policies

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

11.3 Water & Air Quality

(1) Background

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

(2) Objectives

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

(3) Policies

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

11.4 Conservation Lands

(1) Background

The plan area includes important wildlife areas, such as Windermere Lake Provincial Park, Nature Trust of BC property and several large parcels along the westside of Lake Windermere. Conservation properties allow land to be managed to maintain and enhance natural ecosystems and habitat while providing opportunities to maintain a working landscape. These lands form important contiguous north-south habitat on the west side of Lake Windermere and east-west linkage from the Purcell's to the Columbia wetlands south of Lake Windermere.

(2) Objectives

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

(3) Policies

- (a) Support the re-designation to OSRT and rezoning of properties purchased by conservation groups in order to protect ecological, cultural and resources and opportunities for passive and active recreation where appropriate.
- (b) Support partnerships between conservation groups, land owners and the Province in order to expand ecosystem restoration projects on crown land to include private conservation properties.
- (c) Support public access to, and appropriate use of, private conservation properties.
- (d) The OSRT designation represents the range of applicable uses that may be appropriate for the property and is not an indication that all forms of recreation or trails are suitable on conservation lands.

11.5 Environmentally Sensitive Areas

(1) Background

During consultation for this plan, the protection of environmental values were identified as a high priority. Development permit guidelines for the protection of the natural environment for identified environmentally sensitive areas are found within section 19.3 of this plan.

(2) Objectives

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

(3) Policies

- (a) Future development should minimize disturbance to the integrity of ESAs. ESAs within the plan area include, but are not limited to areas identified on **Schedules I1 to I4**, such as wetlands and riparian area ecosystems, grassland ecosystems, habitat for species at risk and Mountain Goat habitat.
- (b) Development within ESAs identified on **Schedules I1 to I4** 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 19.3 of this plan.
- (c) In order to ensure that private land in ESAs is conserved and protected, designation of land as OSRT, Open Space, Recreation and Trails within comprehensive developments is encouraged. Opportunities within an area designated OSRT would include passive and active uses with minimal impact such as non-motorized recreation trails and non-land altering recreation activities.

12. DEVELOPMENT CONSTRAINTS

12.1 Floodplains, Alluvial and Debris Flow Fans and Geotechnical Hazards

(1) Background

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

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

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

(2) Objectives

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

(3) Policies

- (a) Minimum setbacks and flood construction levels for development near the ordinary high-water mark of water bodies and watercourses are established within the Upper Columbia Valley Floodplain Management Bylaw. All floodplain requirements must be met unless a site-specific exemption has been granted by the RDEK.
- (b) Applications to vary the minimum usable site area requirements contained within the zoning bylaw will generally not be supported.
- (c) All development within a floodplain or along a watercourse or water body, or potentially impacted by a site-specific hydrologic hazard, such as flooding or channel avulsion, must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional may be required prior to issuance of a building permit, development permit or other development approval.
- (d) The development of land susceptible to flooding is discouraged. Lands susceptible to flooding should not contain structures used for habitation. Suitable uses for land susceptible to flooding include but are not limited to parks, open space, recreation or agricultural uses.
- (e) Development of new roads, utilities infrastructure, excavations and land development within an alluvial or debris flow fan identified in **Schedule H** as high hazard areas, should include a terrain hazard

assessment and demonstrate how the activities will not be impacted or increase hazard to adjacent and downstream properties.

- (f) Rezoning applications for any parcels containing an alluvial or debris flow fan identified in **Schedule H** as high hazard areas, should incorporate strategies that mitigate the impact of the hazard on the development. Examples of suitable strategies include:
 - (i) completion of a qualified professional engineer's report identifying potential hazards and appropriate hazard mitigation measures;
 - (ii) registration of a covenant which establishes the entire alluvial or debris flow fan identified in **Schedule H** as a "no-build" area which may be removed following the implementation of recommendations in a report by a qualified professional engineer;
 - (iii) registration of a covenant which designates building envelopes outside of the alluvial or debris flow fan identified in **Schedule H**.
- (g) Development of land with slope equal to or greater than 15%, susceptible to erosion and landslip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.
- (h) Development activity that occurs on a slope that is equal to or greater than 15%, susceptible to surface erosion, gulying, landslides or landslip, should ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional may be required prior to issuance of a building permit, development permit or other development approvals.
- (i) Development of lands with slopes equal to or greater than 30% is discouraged and is subject to a geotechnical assessment and the registration of a covenant identifying the hazard and remedial requirements as specified in the geotechnical assessment.
- (j) Removal or deposition of soil within the plan area must be carefully reviewed for erosion, drainage or sedimentation concerns, in addition to potential downstream impacts.

12.2 Interface Fire Hazard

(1) Background

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

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

Portions of the plan area are provided fire protection through the Windermere and Invermere Fire Departments.

Wildfire development permit guidelines for the protection of development from hazardous conditions are found within Section 19.2 of this plan.

(2) Objectives

- (a) Support ecosystem restoration initiatives on Crown and private land.

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

(3) Policies

- (a) Applications for rezoning of parcels will be considered with respect to the following FireSmart principles, as appropriate to the nature of the application:
 - (i) ability to integrate fire fuel modified areas including an area of a minimum of 10 metres in radius to be maintained clear of combustible material surrounding buildings and structures;
 - (ii) integration and promotion of building materials that minimize the risk of fires starting or spreading;
 - (iii) provision of a minimum of 2 vehicular access/egress routes to allow for simultaneous access for emergency equipment and evacuation of people;
 - (iv) availability of sufficient water capacity for firefighting activities;
 - (v) the implementation of phasing or staging of development to minimize the interface fire risk; and
 - (vi) availability of firefighting equipment and trained personnel as appropriate for the proposed development.
- (b) Ecosystem restoration and interface fuel management initiatives on Crown and private land to mitigate the risk of interface fire hazard are supported.
- (c) Development may require mitigation measures as prescribed by a Development Permit issued in accordance with section 19.2 of this plan.
- (d) The development and dissemination of public education messages about protecting communities from wildfire is supported.
- (e) At the request of residents, the creation of fire protection service areas will be investigated.
- (f) Efforts by private landowners to reduce the threat of interface fire on their properties are encouraged.
- (g) The acquisition and utilization of resources, facilities and funding for emergency response planning and management is supported.
- (h) Residents are to ensure that their civic address is clearly posted, in good repair, and visible to assist emergency response personnel in locating the property.
- (i) Efforts by the public to protect forest interface areas, heritage site and environmentally sensitive areas from fire risk by properly disposing of cigarette butts is encouraged.

13. ARCHAEOLOGICAL AND HERITAGE RESOURCES

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

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

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

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

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

In the Windermere townsite, on the corner of Victoria Avenue and Kootenay Street, there is a building with a storied past – the Stolen Church. In 1897 the CPR moved their operations from Donald to Revelstoke and Rufus Kimpton decided to move his family to Windermere BC. Rufus' wife Celina missed the church that she had left behind, so Rufus stole the disassembled building, which was destined for Revelstoke and shipped it to its current home in Windermere. Mysteriously, the church bell went missing en route and ended up in Golden. Since then, the St. Peter's church in Windermere has been known as the Stolen Church and the St. Paul's church in Golden is known for having the Stolen Bell.

13.2 Objectives

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

13.3 Policies

- (1) Undertaking an Archaeological Overview Assessment (AOA) for the plan area is supported. The intent of the AOA is to identify areas with potential to contain archaeological sites and recognize known archaeological sites. Upon completion of the AOA, the OCP may be amended to integrate a schedule depicting the areas of archaeological distribution and potential. This schedule should then be incorporated into the RDEK development application process in order to alert applicants to their obligations under provincial heritage legislation.
- (2) Developers are encouraged to engage professional archaeological consultants prior to proceeding with land clearing and site grading to determine if an Archaeological Impact Assessment (AIA) is required to manage and mitigate the impact of the development on any known or unrecorded archaeological sites protected under the *Heritage Conservation Act*. Impact management should be discussed with the Ktunaxa Nation Council as per the Ktunaxa Nation Archaeological Engagement Guidelines and the Shuswap Indian Band.
- (3) 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.
- (4) If an unrecorded archaeological site is encountered during development, work is to be halted and the applicant should contact the Archaeology Branch of the provincial government.
- (5) Preservation of historically significant sites and features such as the Windermere District Cemetery and the Stolen Church is supported.

14. ROAD NETWORK & TRANSPORTATION

14.1 Background

The main transportation corridor in the plan area is Highway 93/95, a north-south corridor linking with Highway 3 to the south, via Highway 93 from Radium to Castle Junction on Highway 1 in Alberta and via Highway 95 to Golden and Highway 1.

Public access to Lake Windermere was identified as very important by participants of the public engagement process. Ministry of Transportation and Infrastructure Right-of-Ways exist at several locations along the east side of Lake Windermere and provide a variety of public access opportunities – from pedestrian only to opportunities to launch trailered watercraft. Most of these public access points are unimproved and offer limited opportunities for on-street parking.

During the public engagement process for the plan, residents expressed a desire to see a connected, regional pedestrian and non-motorized trail system. Residents also expressed concerns about traffic safety on Highway 93/95 through Windermere during the summer months, when a surge in population and seasonal travellers' results in a significant increase in highway traffic.

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

The major road network plan prepared by the Ministry of Transportation and Infrastructure is shown on **Schedule K**. The road network plan shows existing and proposed road linkages within the plan area. The road network plan has been informed by the District of Invermere's road network plan. The proposed linkages are theoretical and the actual alignment of roads and intersections would be in consideration of topographical constraints, sightlines, and required land acquisition.

14.2 Objectives

- (1) Maintain the free flow of traffic on Highway 93/95 while balancing vehicle and pedestrian access, safety and circulation concerns.
- (2) Ensure that future development patterns and land use objectives recognize and support highway safety and mobility objectives.
- (3) Encourage connectivity of residential, commercial and existing and planned recreation areas through a non-motorized transportation network.

14.3 Policies

- (1) Consider development impacts and opportunities related to District of Invermere's future road network in order to minimize the impact on both rural and urban roads and the residents that use them.
- (2) Traffic safety improvements at the following Highway 93/95 intersections are encouraged:
 - (a) The Bench Road;
 - (b) Merlo Road;
 - (b) North Street; and
 - (c) Juniper Heights Road.
- (3) Several Ministry of Transportation Right-of-Ways provide public access to Lake Windermere. Closure of these Right-of-Ways is not supported.
- (4) Efforts to calm traffic and improve pedestrian safety in the vicinity of school bus pick up locations are supported.

- (5) Efforts to calm traffic and improve pedestrian safety on Highway 93/95 through Windermere, residential areas and on Athalmer Road are supported.
- (6) New development should be planned to utilize the existing road network where possible. Utilization and creation of frontage roads adjacent to Highway 93/95 is encouraged.
- (7) The OCP supports the creation of active transportation routes and alternative forms of transportation such as public transit, ride sharing and car sharing including infrastructure used to support these alternatives.
- (8) Support the provision of a local non-motorized trail system within the plan area that connects residential areas with recreational amenities, commercial areas and existing trail networks. Trail routing is not yet determined and could be included in a future community planning exercise.

15. SOLID WASTE AND UTILITIES

15.1 Background

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

The Columbia Valley Landfill located on Windermere Loop Road has been in operation since the 1970s. The landfill services residents of Electoral Areas F and G, the District of Invermere, the Village of Radium Hot Springs, Canal Flats and the Shuswap and Akisqnuq First Nations.

Water in the plan area is provided by individual wells or community systems, with the majority of liquid waste being handed by individual onsite waste water systems. In 2018 the RDEK purchased Parr Utilities assets, including the water treatment plant. The East Side Lake Windermere Water System draws water from Lake Windermere and pumps to the treatment plant east of Highway 93/95, where the water is treated and distributed to communities on the east side of Lake Windermere. The East Side Lake Windermere Water System currently services approximately 1494 connections and has the potential to provide service for approximately 2700 connections.

15.2 Objectives

- (1) Promote recycling and responsible solid waste management practices.
- (2) Ensure high standards for water distribution and sewage disposal are continued.
- (3) Promote cooperation and co-location between utility and telecommunication companies when locating new services or towers.

15.3 Policies

- (1) Residents and visitors are encouraged to follow the principles contained in the RDEK Solid Waste Management Plan and to reduce the amount of solid waste produced by the following 5 R's: reduce, reuse, recycle, recover and residual management.
- (2) Recycling is encouraged and coordinated through the RDEK recycling program and provincial stewardship programs.
- (3) In order to promote and encourage responsible solid waste management practices, the RDEK will continue to provide on-going public education campaigns to increase public knowledge on solid waste reduction.
- (4) Property owners and occupiers are encouraged to ensure that maintenance programs for onsite sewer systems are followed in accordance with the appropriate provincial regulations.
- (5) Requests for the RDEK to take over the operation and maintenance of existing or proposed community water or sewer systems will only be considered in relation to the requirements of the RDEK Subdivision Servicing Bylaw and the necessary service establishment approvals.
- (6) 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.
- (7) Cellular providers are encouraged to share tower infrastructure. If an existing tower is not available in the required vicinity, new towers should

be located away from residential areas and utilize public institutional land with existing services (e.g. fire halls) when possible.

- (8) Cooperation and coordination of utility companies to utilize existing corridors and sites for multiple uses is encouraged and supported.
- (9) Responsible handling of food wastes and other wildlife attractants is encouraged in order to reduce the likelihood of human wildlife conflict.
- (10) Due to limited servicing capacity of land along Athalmer Road, applicants may be required to work with RDEK to determine the most appropriate ways to meet servicing requirements.

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

16.1 Background

Local governments are required to establish targets and identify specific policies and actions for the reduction of greenhouse gas emissions. Consequently, the RDEK has established a greenhouse gas reduction target of 17% below 2007 levels by 2020. This target will likely be reached during the life of this plan and a new target will be set when an updated provincial Community Energy and Emissions Inventory is available. 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.

16.2 Objectives

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

16.3 Policies

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

17. TEMPORARY USE

17.1 Background

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

17.2 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.

17.3 Policies

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

18. CROWN LAND MANAGEMENT

18.1 Background

The primary purpose of this OCP is to provide policy direction for the development of private land within the plan area. However, within the plan area there are large areas of Crown land. Activities on this land are often not under the jurisdiction of the RDEK, but can have a significant impact on local communities. Although the RDEK only has limited decision making authority regarding activities on Crown land, the policies below may be used to inform the RDEK's Crown land referral responses.

18.2 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.

18.3 Policies

- (1) Alienation of public land will be supported only where it is demonstrated that such development is in accordance with the goals and policies identified within this plan.
- (2) Sale of Crown land for commercial recreation purposes will generally not be supported.
- (3) Sale or other alienation of Crown land for residential purposes will generally not be supported.
- (4) New and continued Licenses of Occupation for grazing tenures on Crown land are generally supported provided the tenures are not associated with wildlife fencing.
- (5) The RDEK encourages management of Crown land in an environmentally responsible manner that:
 - (a) protects surface and groundwater sources;
 - (b) manages forest ingrowth;
 - (c) minimizes risk of interface fire and wildfire;
 - (d) enhances wildlife habitat;
 - (e) protects viewscales and scenery;
 - (f) protects watershed ecological values, including migratory birds, fish and their corresponding habitat; and
 - (g) maintains diverse plant communities by managing invasive plants.
- (6) The use of Crown land for solar power installations (solar farms) is generally not supported. Solar installations are encouraged to source locations such as former brownfield sites or active industrial properties.
- (7) The acquisition of accreted Crown land by adjacent upland property owners is generally not supported, as these areas are seen to have greater value to the environment and public.

19. DEVELOPMENT PERMIT AREAS

19.1 Background

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

19.2 Development Permit Area #1 – Wildfire Hazard

(1) Area

Development Permit Area #1 applies to all properties within the plan area as shown on **Schedule B** of this OCP.

(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) Placement or construction of a dwelling unit, or additions to a dwelling unit which increase the floor area by an amount greater than 25% of the area existing at the time this Bylaw was adopted.

(4) Exemptions

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

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

(5) Justification

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

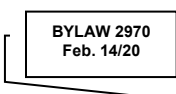
(6) Guidelines

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

- (a) Dwelling Unit Guidelines
 - (i) The intention of the guidelines is to ensure the long-term maintenance of Priority Zone 1. This zone is the area within ten metres of a dwelling unit including, but not limited to, decks, additions and balconies. The Development Permit will state that future development will comply with the guidelines contained in this section as well as the results of the report prepared under section 20.2 (6)(b)(ii), if applicable.
 - (ii) In cases of Development Permit Area overlap, the RDEK may require a Wildfire Hazard Assessment Report prepared by an RPF who is a member of the Association of

BC Forest Professionals. The reports for wildfire hazard and environmentally sensitive areas should be submitted concurrently.

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



(b) Occupancy Permit Guidelines

An Occupancy Permit will not be issued by the RDEK until an inspection has been completed and it has been confirmed that the conditions under section 19.2 (6)(c) and 19.2 (6)(d) have been met.

(c) Occupancy Permit requirements for dwelling units:

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

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

- (i) Removal of combustible fuel is required, including the removal of ground-level fuels, piled debris, and other combustible debris.
- (ii) Planting of new coniferous species including, but not limited to, juniper, pine and spruce is not permitted.
- (iii) It is not advisable to retain previously existing mature coniferous trees. If retained, coniferous trees must:
 - have limbs pruned such that they are at least two metres above the ground; and
 - be spaced so that there are three metres between crowns, thereby ensuring the tips of the branches of a coniferous tree are no closer than three metres to the tips of the branches of neighbouring coniferous trees; and
 - have no limbs within three metres of the dwelling unit or attachments such as balconies; OR
 - be managed as recommended in a Wildfire Hazard Assessment Report, in consideration of FireSmart Principles, prepared by an RPF who is a member of the Association of BC Forest Professionals.

19.3 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 I1 to I4** of this OCP.

(2) Purpose

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

(3) **Applicable Definitions**

Within Development Permit Area #2:

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

ENVIRONMENTAL IMPACT ASSESSMENT REPORT means a report prepared in accordance with the “Regional District of East Kootenay – Development Approval Information Bylaw No. 2122, 2008” and section 20.4(2)(c) of this plan, as amended from time to time. In addition, the scope of the Report will either be for the parent parcel or the development footprint in accordance with section 19.3(4)(a) and consistent with the guidelines contained in section 19.3(7) of this plan.

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

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

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

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

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

STREAM includes any of the following:

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

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

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

(4) Requirements

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

(5) Exemptions

- (a) A Development Permit is not required within Development Permit Area #2 under the following conditions:
 - (i) The proposed activity is limited to internal alterations to buildings or structures.
 - (ii) The proposed activity is limited to the reconstruction, renovation, repair of, or addition to existing buildings or structures which increase the development footprint by an amount less than 25% of the area existing at the time this OCP was adopted.
 - (iii) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within a public right of way.
 - (iv) The proposed activity is limited to general road or railway construction or maintenance within a public road right of way or railway right of way.
 - (v) The proposed activity is limited to:
 - (A) the removal or pruning of hazardous trees as identified by a qualified hazard tree assessor;
 - (B) an ecosystem restoration project approved by a Qualified Environmental Professional (QEP); or
 - (C) supplementing or maintaining natural existing vegetation.
 - (vi) The proposed activities are considered to be normal agricultural practices as defined in the *Farm Practices Protection (Right to Farm) Act* or designated as farm use within the *Agricultural Land Commission Act* and Regulations.
 - (vii) With respect to subdivision under section 19.3(4)(a)(i), either:
 - (A) RDEK staff conducts a site visit and confirms that the ESA identified in **Schedules I1 to I4** is not present on the parcel under application. If identifying the presence or absence of the ESA identified in **Schedules I1 to I4** is beyond the expertise of RDEK staff, then section 19.3(5)(a)(vii)(B) applies.
 - (B) A QEP conducts a site visit and confirms in a signed letter that the ESA identified in **Schedules I1 to I4** is not present on the parcel under application.
 - (viii) With respect to development under 19.3(4)(a)(ii) or (iii), either:

- (A) RDEK staff conducts a site visit and confirms that the proposed development footprint is not an ESA, even though it is within the area identified in **Schedules I1 to I4**, provided that if identifying the presence or absence of the ESA is beyond the expertise of RDEK staff, then Section 19.3(5)(a)(viii)(B) applies.
 - (B) A QEP conducts a site visit and confirms in a signed letter that the proposed development footprint is not an ESA, even though it is within the area identified in **Schedules I1 to I4**.
- (ix) The land and ESA values within Development Permit Area #2 have been permanently and adequately protected by means such as a conservation covenant, returned to Crown ownership, provided as public park, or similar method as is acceptable to the Planning & Development Services Manager. Any reference in section 19.3 to the RDEK accepting a conservation covenant is at the discretion of the RDEK.
- (x) The proposed activity is limited to timber harvesting, forest road construction, grazing enhancement, forest recreation or other forest management activities on Crown land that are conducted under the auspices of the appropriate provincial Ministry.
- (xi) The proposed activity is conducted under the authority of the Provincial Emergency Program, is intended to resolve emergency situations that present an immediate danger to life or property including procedures related to flooding or erosion.
- (xii) The proposed activity is limited to emergency repairs to buildings or structures where there is a demonstrable and immediate risk to personal or public safety and property.
- (xiii) The proposed activity is limited to drilling a well, or the siting, construction or installation of a septic tank, drainage field, or sewage treatment system in accordance with provincial regulations. This exemption does not apply to the siting, construction or installation of a septic tank, drainage field, or sewage treatment system located in the riparian buffer area described in section 19.3(7)(b)(iv) unless section 19.3(5)(a)(viii) applies.
- (xiv) The proposed activity is limited to the siting, construction or installation of a retaining wall or shoreline/bank protection device in accordance with applicable legislation, regulations and best practices.
- (xv) The proposed activity is limited to subdivision which solely involves parcel line adjustments.
- (xvi) The proposed activity is substantially consistent with a development permit previously issued under section 19.3(4)(a)(i).
- (xvii) The proposed activity involves the development or management of a provincial or regional park; is conducted within the boundaries of a provincial or regional park; and is compliant with the provincial *Park Act* if applicable.

(6) Justification

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

Wetlands and riparian ecosystems play a critical role in helping maintain biodiversity as they provide habitat and wildlife corridors for many terrestrial and aquatic species. Wetland and riparian ecosystems, including both the wetted

area and adjacent supporting land and vegetation, provide productive fish habitat and are important to both aquatic and terrestrial wildlife.

(ii) Grasslands ecosystems

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

(iii) Old growth forests

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

(iv) Connectivity corridors

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

(v) Habitat for species at risk

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

(vi) Mountain Goat habitat

The key habitat feature required by Mountain Goats to avoid predation is escape terrain; which includes steep cliffs and forest cover. The security provided by the steep cliffs and forest cover of Toby Creek Canyon provides safety from predators during kidding in the spring and during the summer and fall when the Canyon is being used. Toby Creek Canyon also contains mineral licks that Mountain Goats depend on for essential nutrients during the spring. Mountain Goats appear to be more susceptible to disturbance than most ungulates and intense single disturbance events and chronic stress from repeated disturbances can be expected to have both short and long term health effects. The herd that uses the Toby Creek Canyon once numbered in the sixties, but has since declined to less than 15 animals.

- (b) The objective of Development Permit Area #2 is the protection, preservation, restoration and enhancement of the significant ecosystems, habitats and features identified in 19.3(6)(a)(i)-(vi) and on **Schedules 11 to 14**. These ecosystems, habitats and features are considered vital to the retention of the character and ecosystem health of the plan area. Activities within these areas must be undertaken in a manner that minimizes the disruption or alteration of its environmental integrity. The intent is not to preclude all development in these areas, but to provide notice that the areas include unique characteristics that warrant special review and consideration and to ensure appropriate mitigation measures are prescribed where appropriate.

(7) Guidelines

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

(a) General

The following guidelines apply to all areas identified as ESAs on **Schedules I1 to I4** of this plan:

- (i) All development proposals are subject to the applicable requirements and approval processes under federal or provincial legislation or regulations. Identification of the permits and approvals required must be submitted with the Development Permit application. Issuance of the Development Permit will be conditional upon the acquisition of all required permits and approvals from the responsible jurisdictions. It is the responsibility of the applicant to identify and complete the applicable federal and provincial approval processes.
- (ii) Where development is considered in an ESA, the following strategies may be used to meet guideline provisions and direct development away from the ESA:

 - (A) Variance through the development permit to vary setbacks or siting regulations in the zoning bylaw;
 - (B) Reduction of the minimum parcel sizes specified in the zoning bylaw in a subdivision application may be considered on the parcel that contains the ESA if the proposed subdivision is based on Conservation Subdivision Design principles and conserves the environmentally sensitive feature or area as recommended by a QEP in an Environmental Impact Assessment Report. Further details on Conservation Subdivision Design can be found in Randall Arendt's *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*. Washington, DC: Island Press, 1996;
 - (C) Registration of a conservation covenant against the title of the property which requires that the environmentally sensitive area be protected in its natural, existing, or restored state as recommended in an Environmental Impact Assessment Report prepared by a QEP.
- (iii) The RDEK may require additional information as part of the development permit application process, for example, submission of an Environmental Impact Assessment Report prepared by a QEP.
- (iv) When an Environmental Impact Assessment Report by a QEP is prepared as part of a Development Permit application for Development Permit Area #2, an inventory of any habitat that supports species at risk (identified on **Schedules I1 to I4** of this plan) which are identified as extirpated, endangered or threatened in federal or provincial legislation or regulations may be required to be completed as part of the identification of relevant baseline information, depending on the scope of the Report and its Terms of Reference. If habitat that supports species at risk is identified, the Environmental Impact Assessment Report must:

 - (A) Document the species at risk and their habitat which may be impacted by the proposed activity or development;

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

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

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

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

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

(b) Wetland and Riparian Ecosystem Guidelines

The following guidelines apply to areas identified as wetland and riparian ecosystem ESAs on **Schedules I1 to I4** of this plan:

- (i) Human settlement and other land development activities within, or adjacent to wetlands is discouraged.
- (ii) Proposals that offer to register a conservation covenant on the title of the lands in order to permanently protect wetland or riparian ecosystems are encouraged. The covenant should be registered before any development, including subdivision, and should be in favour of the RDEK, other public agencies including the provincial government, or non-governmental organizations, such as a private land trust committed to the management of watercourses or streamside areas.
- (iii) Locating road and utility corridors along or across wetland or riparian ecosystems should be avoided in order to maintain natural connectivity.

- (iv) A riparian buffer for watercourses, lakes, ponds and wetlands must be established within which no development or alteration of land is permitted. Unless an Environmental Impact Assessment Report by a QEP indicates otherwise, the size of the riparian buffer must be equal to or greater than the minimum setback distance as required by the RDEK's floodplain regulations and no less than 15m adjacent to lakes, marshes, ponds and wetlands measured on a perpendicular line inland from the natural boundary.
- (v) Despite subsection 19.3(7)(b)(iv), development proposals that involve disturbance of watercourses, lakes, ponds, marshes, wetlands or riparian ecosystems may be permitted in compliance with the following guidelines:
 - (A) For development proposals that involve disturbance within the riparian buffer, or the filling in of lakes, ponds, marshes, wetlands or riparian ecosystems, an Environmental Impact Assessment Report by a QEP must be completed to determine appropriate measures to protect wetland hydrology and ecological processes. All approved development should be completed in accordance with the recommendations of the Environmental Impact Assessment Report or the conditions of the development permit.
 - (B) All channelization or alterations of creeks must incorporate mitigation measures as determined by a QEP in an Environmental Impact Assessment Report to minimize adverse environmental effects and be in compliance with federal or provincial legislation or regulations.
 - (C) Applications for development activities that will negatively impact wetland or riparian ecosystems should include appropriate compensatory enhancement or restoration measures as determined by a QEP in an Environmental Impact Assessment Report in order minimize the net loss of wetlands and riparian ecosystems.
- (vi) When an Environmental Impact Assessment Report by a QEP is prepared to satisfy guidelines in subsection 19.3(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 I1 to I4** of this plan:

- (i) Reductions in grassland ecosystem areas as the result of development activities should be limited. Where possible, development should be directed outside grassland ecosystem areas.
- (ii) If development is proposed within grassland ecosystem areas a compact development footprint should be utilized to minimize negative impacts to existing grasslands.

- (iii) Applications for development activities where grasslands ecosystems are temporarily disturbed should include commitments to restore the grassland areas through replanting with native vegetation as determined by a QEP in an Environmental Impact Assessment Report.
- (iv) Applications for development activities that will negatively impact grasslands ecosystems should include compensation measures in order to minimize the net loss of grassland ecosystems. Suitable compensation activities may include:
 - (A) Permanent protection of native grasslands of an equivalent size and ecological value to the lands disturbed through the development activity. Protection should occur through the registration of a conservation covenant on the title of the lands. The covenant should be registered before any development activities commence. The covenant should be registered in favour of the RDEK, other public agencies including the provincial government, or non-governmental organizations, such as a private land trust committed to the management of grassland areas; or
 - (B) Appropriate restoration or enhancement of comparable areas through removal of trees encroaching on grassland ecosystems and reclamation of grassland areas by planting native grass species, as determined by a QEP in an Environmental Impact Assessment Report.
- (d) Mountain Goat Habitat Guidelines

The following guidelines apply to areas identified as Mountain Goat Habitat ESAs on **Schedules I1 to I4** of this plan:

- (i) Adjacent to the northern boundary of Lot 11 District Lot 4596 Kootenay District Plan NEP88930 a buffer should be established along the length of the Toby Creek canyon edge to ensure development activity is set back from the canyon edge and to enable unimpeded movement of goats along the canyon. The width of the buffer should extend a sufficient distance from the canyon edge to respect the goats need for security during occasional travel along the canyon. The size, location and permitted activities within the buffer must be determined by a QEP in an Environmental Impact Assessment Report.
- (ii) A node adjacent to the western boundaries of Lot 11 District Lot 4596 Kootenay District Plan NEP88930, Lot 12 District Lot 4596 Kootenay District Plan NEP88930, and the northern boundary of Sublot 163G, District Lot 4596, Plan X32 which follow Toby Creek, should remain undeveloped. The undeveloped node should be established adjoining and along the Toby Creek canyon edge to provide a substantial refuge for mountain goats utilizing the canyon mineral lick. The size of the undeveloped node should extend along the entire canyon on the western boundaries of these parcels and should be of sufficient size to respect the goats need for security during prolonged or frequent use of the area. The size, location and permitted activities within the undeveloped node must be determined by a QEP in an Environmental Impact Assessment Report.
- (iii) Human settlement and other land development activities within Mountain Goat habitat is discouraged. When

possible, development should be directed outside of Mountain Goat habitat.

- (iv) When industrial activity, road building or recreational trail development in Mountain goat habitat is unavoidable, it should occur between November 1 and July 15.
- (v) When roads cannot avoid being sited within Mountain Goat habitat, they should be temporary in nature, have controls in place to discourage public access and be decommissioned as soon as possible.
- (vi) Applications for development activities within Mountain Goat habitat should include compensatory habitat enhancement as determined by a QEP in an Environmental Impact Assessment Report.

(e) Connectivity Corridor Guidelines

The following guidelines apply to areas identified as connectivity corridor ESAs on **Schedule I1 – I4** of the Lake Windermere Official Community Plan:

- (i) Contiguous habitat areas should be preserved.
- (ii) Structures and barriers that impede wildlife movement, such as exclusion fencing should be avoided within connectivity corridors. For example, solid walls or fences erected to control wildlife capable of jumping over a fence 2.0 m in height should not be used.
- (iii) Extensive development within connectivity corridors that restricts the opportunity for wildlife movement should be avoided.
- (iv) If the construction of a structure within a connectivity corridor cannot be avoided, the structure should be located at the periphery of the corridor to limit the impediment to 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.

19.4 Development Permit Area #3 – Lake Windermere Shoreline

Subsection 19.4 (1) is repealed and the following substituted by Bylaw No. 3188 adopted 17 February 2023.

(1) Area

Development Permit Area #3 applies to those portions of the Lake Windermere shoreline designated as red and orange shorelines zones and where Known Kokanee Spawning Area Zones of Sensitivity are identified on Schedules J1, J2 and J3. Where the shoreline is designated as a red or orange shoreline zone the Development Permit Area extends 30 m into the lake and 15 m upland from the natural boundary.

(2) Purpose

The purpose of Development Permit Area #3 is for the protection of the natural environment, its ecosystems and biological diversity.

(3) Applicable Definitions

Within Development Permit Area #3:

BIOENGINEERED means the incorporation of natural materials and native plants into the shoreline stabilization design of retaining walls or structures.

GROYNE means a protective structure that is used to stop sediment from shifting along the shoreline. Groynes are generally constructed perpendicular to the shoreline.

HABITAT INDEX means a ranking system based upon the biophysical attributes of the shoreline. The index is comprised of parameters, such as shore type, substrate type, presence of retaining walls, docks or other structures to determine the relative habitat value based on a mathematical relationship between the parameters.

FISH HABITAT means the spawning grounds and nursery, rearing, food supply and migration areas on which fish rely directly or indirectly to carry out their life cycle.

IN-WATER STRUCTURE means any structure that is or extends below the high water mark of the lake.

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.

RETAINING WALL means any structure that is used to retain fill material. Retaining walls are commonly used for erosion protection along the shoreline. Retaining walls may include vertical concrete or wood structures or bioengineered structures.

QUALIFIED ENVIRONMENTAL PROFESSIONAL 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 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.

(4) Requirements

- (a) For land located within Development Permit Area #3, an owner shall obtain a Development Permit prior to proceeding with any of the following:
 - (i) Construction, addition or alteration of a building or other structure; or
 - (ii) Alteration of land, including the removal of riparian or aquatic vegetation, site grading, deposition of fill, beach creation, or dredging.

(5) Exemptions

- (a) A Development Permit is not required within Development Permit Area #3 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 existing buildings or structures upland of the natural boundary, or addition to existing buildings or structures which increase the floor area of the building or structure by an amount less than 25% of the area existing at the time this Lake Windermere Official Community Plan No. 2929, 2019 was adopted.
 - (iii) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within the highway right of way.
 - (iv) The proposed activity is limited to general road or railway construction or maintenance within the right of way.
 - (v) The proposed activity is limited to the removal or pruning of hazardous trees as identified by a qualified hazard tree assessor, ecosystem restoration project approved by a Qualified Environmental Professional (QEP), supplementing native vegetation, or maintaining existing vegetation above the natural boundary.
 - (vi) The proposed activity is conducted under the direction of the Provincial Emergency Program and is intended to resolve emergency situations that present an immediate danger to life or property including procedures related to flooding or erosion.
 - (vii) The proposed activity is limited to emergency repairs to buildings or structures where there is a demonstrable and immediate risk to public safety and property.
 - (viii) Routine maintenance of existing beach areas, including the periodic deposition of new sand and removal of encroaching upland vegetation on the existing beach areas managed by the following:
 - (A) Windermere Beach Regional Park (RDEK);
 - (B) Trethewey Beach Society;
 - (C) Timber Ridge Property Owners Association;
 - (D) Lakeview Meadows Community Association;
 - (E) Pedley Heights Community Association;
 - (F) Baltac Community Association;
 - (G) Cardiff Cove Recreation Society; and
 - (H) Shadybrook Marina and Resort.

(6) Justification

Subsection 19.4 (6)(a) is repealed and the following substituted by Bylaw No. 3188 adopted 17 February 2023.

- (a) The Lake Windermere Official Community Plan area includes natural ecosystems that are unique to the Lake Windermere foreshore. Living Lakes Canada (LLC) undertook a Foreshore Integrated Management Planning (FIMP) project for Lake Windermere to identify these natural ecosystems and explore the alteration of the shoreline.

The FIMP process has been developed as a tool to help make decisions regarding foreshore development and conservation.

A Foreshore Habitat Sensitivity Index (FHSI) analysis was used to rank the shoreline. The FHSI used numerical data from various categories of parameters including land use, biophysical, Zones of Sensitivity, riparian and modifications. Zones of Sensitivity (ZOS) were identified as the most sensitive habitats and were determined to be Known Kokanee Spawning Areas, Stream Confluence, Native Mussels, Burbot Spawning/Rearing, Avian Bank Nesting, Aquatic Vegetation Nesting and Migration Corridors, and Grassland, Wetland and Wildlife Connectivity Ecosystems. Grassland, Wetland and Wildlife Connectivity Ecosystems were not included in the Schedules as it was determined that these ecosystems are considered in Development Permit Area #2.

Shoreline segments were assigned colour zones and mapped using the FHSI ecological rankings. Shoreline colour zones are reflective of the level of sensitivity to development and whether Zones of Sensitivity were present. Appropriate activities for each colour zone and Zone of Sensitivity were identified. Although a greater number of activities are permissible in areas with lower ecological value, proper planning is still required to protect environmental values.

With the methods utilized, fish and wildlife values and associated levels of sensitivity to development are highest in red and orange shoreline zones and Known Kokanee Spawning Area Zones of Sensitivity, lower in yellow and lowest in a grey zone.

Subsection 19.4 (6)(b) is repealed and the following substituted by Bylaw No. 3188 adopted 17 February 2023.

- (b) Development Permit Area #3 is applicable to the red and orange shoreline colour zones and Known Kokanee Spawning Zone of Sensitivity areas only. These zones have been identified as being sensitive to development pressure and essential to the long-term maintenance of key habitat and fish and wildlife values.

Red Shoreline Zone – is identified as essential in the long-term maintenance of fish and/or wildlife values through the FHSI Analysis. These areas are essential for fish and/or wildlife populations. EKILMP recommends that these areas be designated for conservation use, and that no development that can impact these sensitive communities occur within them. Low impact water access, recreation and traditional First Nation uses are permissible in these areas, but permanent structures or alteration of existing habitats is not considered to be acceptable.

Orange Shoreline Zone – is identified as High Value Habitat Areas for fish and/or wildlife through the FHSI Analysis. These are made up of areas that are relatively natural; possessing high value areas for fish and/or wildlife. These areas are sensitive to development, continue to provide important habitat functions, but may be at risk from adjacent development pressures.

Known Kokanee Spawning Areas – is identified as high conservation value areas. Kokanee spawning habitat is important to the long-term viability of this species. It is limited to only select locations along the shoreline where suitable conditions are present. No permanent development is recommended to occur in close proximity to these areas.

- (c) The objective of Development Permit Area #3 is the protection, preservation, restoration and enhancement of the natural ecosystem along the shoreline of Lake Windermere. Activities within and along the shoreline must be undertaken in a manner that minimizes the disruption or alteration of the natural ecosystems that create fish and wildlife habitat and maximizes the opportunity for restoration and enhancement. The intent is not to preclude all development in these areas, but to provide notice that these portions of the shoreline provide unique characteristics that warrant special review and consideration, and to ensure appropriate mitigation or protection measures are prescribed where identified by a QEP.

(7) Guidelines

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

(a) General

The following guidelines apply to all areas identified as red and orange shoreline zones and as a Known Kokanee Spawning Area Zone of Sensitivity on **Schedules J1, J2 and J3** of the Lake Windermere Official Community Plan:

- (i) All development proposals are subject to the applicable federal and provincial requirements and approval processes. The identification of the permits and approvals required must be submitted with the development permit application. The submission of proof of acquiring all required permits and approvals from the responsible jurisdictions may be a condition of the issuance of the Development Permit.
- (ii) The Regional District may require an Environmental Impact Assessment report prepared by a QEP in accordance with “Regional District of East Kootenay – Development Approval Information Bylaw No. 2122, 2008”.
- (iii) Where zones of sensitivities overlap areas identified as a red or orange shoreline zone an assessment report from a QEP must identify the extent of the sensitive habitat in the area under application. Recommendations to protect the zones of sensitivity and mitigate the impact of the proposed development on the sensitivities must be included in the assessment report, including consideration of applicable buffer areas.
- (iv) Proposals that offer to register a conservation covenant on the title of the lands in order to permanently protect shoreline ecosystems are encouraged. The covenant should be registered before any development occurs. The covenant should be registered in favour of the RDEK, and may include another public agency, including the province.
- (v) All structures must be constructed with materials that do not have the potential to negatively impact water quality, fish, aquatic organisms or aquatic vegetation. Applicants are encouraged to utilize western red cedar, redwood, cypress, eastern white cedar, or plastic lumber. Use of real wood for the in-water portion of the dock is encouraged. Appropriate materials should be selected in consideration of Fisheries and Oceans Canada’s (DFO) *The Dock Primer*.
- (vi) In order to facilitate implementation of a recommendation contained within a report by a QEP, the applicable zoning regulations may be varied as part of the Development Permit approval.
- (vii) To soften the shoreline and create fish habitat, bioengineered features are required to be integrated into the design of new or replacement of existing retaining walls. A report by a QEP must be provided to identify the appropriate bioengineered features for the proposed development site. Applicants will be exempt from this guideline when it can be demonstrated that a vertical retaining wall structure is required for stabilization of the shoreline for the protection of upland structures. The need for a vertical structure or retaining wall must be documented in a report by a Qualified Geotechnical Professional or Engineer.
- (viii) When stabilization of the shoreline is required due to natural erosion processes, the use of rock or rip-rap above the ordinary

high-water mark for shoreline stabilization is encouraged. The placement of the rock should be done in such a manner as to not require the placement of fill, where feasible. The planting of deeply rooted native vegetation above and immediately behind the rock is encouraged to increase the life span of the wall.

- (ix) All approved development should, when applicable, follow the best management practices of the province and Fisheries and Oceans Canada for in water works.
- (x) Riparian and emergent vegetation should be maintained where intact, and restored where disturbed or invasive weeds have intruded. Habitat restoration, including the removal of invasive weeds, should be completed under the direction of a QEP and in accordance with the required federal and provincial approvals.

(b) Red Shoreline Zone Guidelines

The following guidelines apply to portions of shoreline identified as red shoreline zone on **Schedules J1, J2 and J3** of the Lake Windermere Official Community Plan:

- (i) In consideration of the impact resulting from the alteration of land; removal of vegetation; placement or construction of in-water structures on aquatic organisms, fish, fish habitat, aquatic vegetation and emergent vegetation; the area **below** the natural boundary must remain free from development, unless an assessment report from a QEP concludes that the site under application no longer possesses the characteristics that would warrant the red colour zone designation due to previously **approved** development.
- (ii) All applications for development **above** the natural boundary within the red shoreline zone must be accompanied by a report from a QEP. The assessment report must identify the extent of the proposed development, any constraints on the timing of the development to minimize impacts on riparian vegetation, upland vegetation and wildlife habitat and demonstrate that the proposed development has been designed to mitigate impact on the adjacent fish and riparian habitat.

Opportunities to restore or enhance habitat should also be identified, where appropriate. All approved development must be completed in accordance with the recommendations of the report.
- (iii) Despite section 19.4 (7)(b)(i) activities that include the following are permissible in the red shoreline zone:
 - (A) habitat restoration or removal of aquatic invasive species as identified within a report by a QEP and completed under the direction of trained persons; and
 - (B) traditional First Nation uses.

(c) Orange Shoreline Guidelines

The following guidelines apply to portions of shoreline identified as orange shoreline zone on **Schedules J1, J2, and J3** of the Lake Windermere Official Community Plan:

- (i) In consideration of the impact resulting from the alteration of land; removal of vegetation; placement or construction of in-water structures on aquatic organisms, fish, fish habitat, aquatic vegetation and emergent vegetation; the following types of activities or structures are generally not permitted:

- (A) beach creation (above or below the natural boundary);
- (B) boathouses;
- (C) dredging, in areas not previously authorized by the province or Fisheries and Oceans Canada (DFO); and
- (D) deposition of fill;

unless an assessment report from a Qualified Environmental Professional (QEP) concludes that the site under application no longer possesses the characteristics that would warrant the orange colour zone designation due to previously **approved** development.

- (ii) All applications for development must be accompanied by a report from a QEP. The assessment report must identify the extent of the proposed development, any constraints on the timing of the development to minimize impacts on riparian vegetation, upland vegetation, and wildlife habitat, and demonstrate that the proposed development has been designed to mitigate impact on the adjacent fish and riparian habitat. Opportunities to restore or enhance habitat should also be identified, where appropriate. All approved development must be completed in accordance with the recommendations of the report.
- (iii) Maintenance dredging for docks or marinas that have prior approval under the applicable federal and provincial requirements must be done in accordance with the recommendations made by a Qualified Environmental Professional and any requirements of the provincial or federal approvals.

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(d) Known Kokanee Spawning Area Guidelines

The following guidelines apply to portions of shoreline identified as Known Kokanee Spawning Areas on **Schedules J1, J2 and J3** of the Lake Windermere Official Community Plan.

- (i) No permanent development or alteration of natural conditions is permitted within or adjacent to the mapped Known Kokanee Spawning Areas. A buffer of 30 m must be maintained where development is in the vicinity of this Zone of Sensitivity.

19.5 Development Permit Area #4 –Commercial, Resort, Multi-Family and Light Industrial Development

(1) Area

Development Permit Area #4 applies to all properties zoned as commercial, resort, industrial or multi-family or utilized for commercial, resort, industrial or multi-family purposes within the plan area.

(2) Purpose

The purpose of Development Permit Area #4 is:

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

(3) Requirements

- (a) Within the Development Permit Area #4, owners must obtain a Development Permit before:
 - (i) Commencing construction, addition or alteration of a building or structure, including exterior alterations or modifications.

(4) Exemptions

- (a) A Development Permit is not required within Development Permit Area #4 if the proposed activity is limited to the following conditions:
 - (i) Internal alterations which do not affect the exterior appearance of the buildings or structures.
 - (ii) Temporary buildings or structures that are erected for offices, construction, or marketing purposes for a period that does not exceed the duration of construction.
 - (iii) Construction, addition or alteration to signs.

(5) Justification

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

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

Tourism is a strong economic driver in the Columbia Valley and during consultation for this plan, it was acknowledged that the impression the built environment has on visitors is important. Quality facades, screening and landscaping, and signage were noted as important factors that can affect the visitor and resident experience as people travel through the plan area.

Objectives for this development permit area are that development should:

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

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

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

- (a) Siting
 - (i) Orient buildings towards frontages and open spaces.
 - (ii) Orient entrances, windows and patios towards streets and open spaces.
 - (iii) Consideration should be given to siting the building facade on the front property line. When it is desirable to include public amenity space, such as seating, a small setback would be appropriate. Larger resort development may require greater setbacks to accommodate vehicle access to main lobbies.

- (iv) Placement of buildings will complement the existing pattern of development.
 - (v) Buildings will be sited to maintain solar exposure to pedestrian areas and not shade existing developments.
 - (vi) Corner sites should be designed to create a prominent feature at the corner, such as a principal entrance.
- (b) Building Form, Massing and Scale
 - (i) Buildings should complement the existing character and scale of the area, yet express individuality.
 - (ii) Long expanses of straight walls are discouraged. Long building frontages should give the appearance of multiple individual store fronts. This can be achieved through articulation and changes in building and cladding material.
 - (iii) Long expanses of unbroken or unarticulated roofline and continuous ridgelines are discouraged. Roofs that include architectural detail such as dormers are encouraged.
 - (iv) Roof design must demonstrate effective snow, ice and rain management. All pedestrian and vehicle access points must be protected from snow and ice shed and rain drainage. Strategies such as low eave lines, recessed or covered porches and canopies can be used to improve pedestrian scale.
 - (v) On sloped sites, buildings should be designed to demonstrate a relationship to existing landforms in order to minimize site grading where possible. This can include a stepped massing that reduces the perceived scale of the building.
 - (vi) Architectural elements that provide overhead pedestrian weather protection are encouraged.
- (c) Building Materials and Exterior Appearance
 - (i) When the rear or side of buildings are visible to the public, they must be designed with as much attention to detail as the front of the building.
 - (ii) Building materials must be durable and suitable to withstand the local climate. Exterior finishes should reflect the natural environment and include timber, natural and artificial stone, fibre cement siding, wood and stucco. The limited use of metal siding may be appropriate.
 - (iii) A colour palette consisting of muted colours and earth tones found in the surrounding natural environment is appropriate.
 - (iv) Franchises and chain retailers often have standard building designs and appearance. Development proposals from corporate franchises are required to conform to the form and character design guidelines in this plan in order to fit in with the existing and future character of the commercial and resort areas.
- (d) Landscaping and Screening
 - (i) A detailed landscape plan must be submitted with every development permit application. For areas disturbed by development, a detailed re-vegetation or landscape plan appropriate to reduce the establishment of invasive species is required.

- (ii) The use of native species to landscape new developments is encouraged. Where possible, native plant communities should be protected, preserved and integrated into the overall landscape plan. Vegetation should be low maintenance and require minimal to no irrigation after establishment.
- (iii) Landscape plans should include both hard and soft landscaping elements, show the location of parking facilities and pedestrian trail connections, the location and type of pedestrian amenities such as benches, tables and chairs and bike racks, the location of garbage bins, propane tanks, storage and loading areas, exposed mechanical and electrical equipment and snow storage areas.
- (iv) Garbage bins, propane tanks, storage and loading areas and exposed mechanical equipment must be screened. With the exception of screening for garbage bins, plants may be used as screens if it can be demonstrated they provide year-round screening and irrigation is provided to help establish the vegetation. Garbage bins must be screened using at least a four-sided structure and preferably a roofed structure that deters access by animals and birds.
- (v) Fencing and walls should be constructed with natural materials such as stone and wood and designed to coordinate with overall character of the development.
- (vi) Parking areas must include landscaping elements. Parking areas with 10 or more stalls should be broken into smaller groups with the use of landscaping.
- (vii) Minimize mown turf areas.
- (viii) The use of bioswales and permeable surfaces as part of a sites stormwater management is encouraged.
- (ix) Areas used for parking and access lanes, on properties subject to form and character development permit requirements in the vicinity of Athalmer and Cooper Roads and shown in Figure 15, are required to be paved.

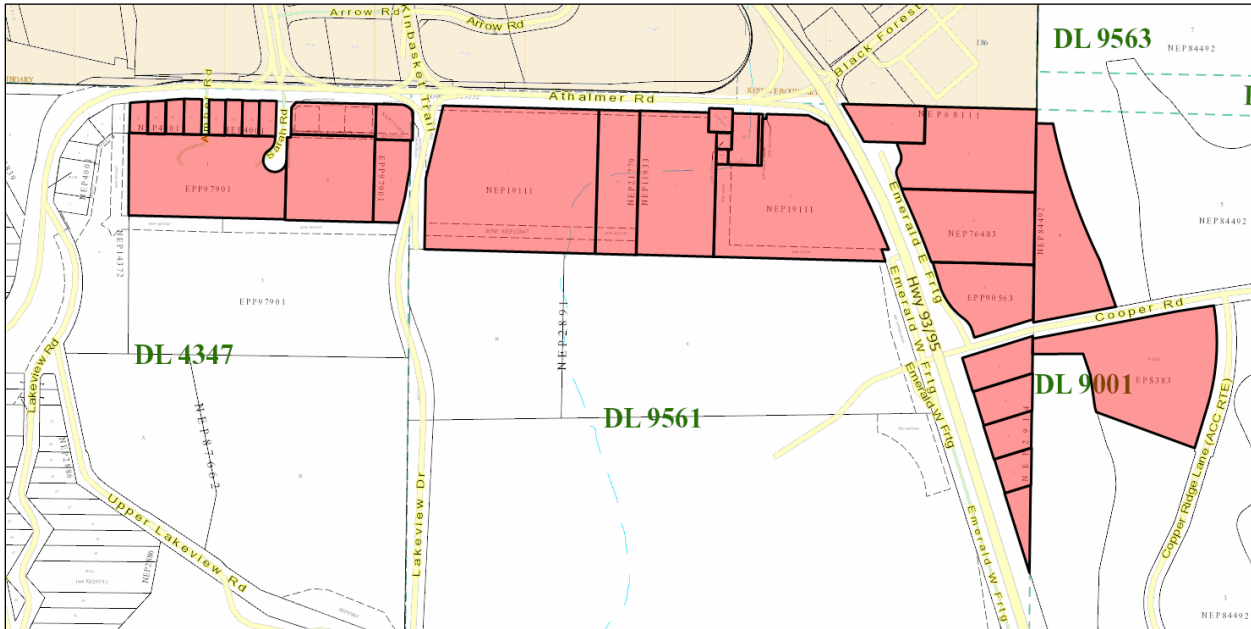


Figure 15

(e) Lighting

- (i) Provide appropriately scaled lighting that is coordinated with building and site architecture. Lighting should be designed with dark sky principles in mind - to provide adequate light, yet avoid glare, light trespass and excessive shadows.
- (ii) Lighting fixtures must have full cut-off characteristics and be predominantly pedestrian in scale, except where illumination is needed for traffic at night.
- (iii) Architectural, pedestrian oriented exterior lighting of buildings, open space, parking areas and pedestrian trails to enhance safety and extend the use of public places into the dark hours is encouraged.
- (iv) The use of sulphur or mercury vapour lighting is prohibited. High efficiency LED lights are encouraged.
- (v) The use of backlight or internally light signs is not permitted; however, halo light signs are appropriate.
- (vi) Lighting fixtures for illuminating signage should complement the buildings architecture and be directed at the sign.
- (vii) Internally light vending machines should not be located in areas where they would be visible from public roads, paths or on building frontages.

(f) Signage

- (i) Signs give character to a public space and contribute to pedestrian scale and ambiance. High quality pedestrian scale signs are encouraged.
- (ii) The use of mast mounted signs is discouraged. Ground oriented freestanding signs are preferred.
- (iii) Sign locations should be integrated into the exterior facade of commercial developments. Developments where more than one commercial space is located in the same building should include designated locations for signage.

(g) Access, Circulation & Parking

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

- (vi) Bicycle parking must be provided in a well light clearly visible location located at grade close to the building entrance.

(7) Guidelines – Light Industrial

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

- (a) Siting
 - (i) Buildings will be sited to maintain solar exposure to pedestrian areas and not shade existing developments.
- (b) Building Form, Massing and Scale
 - (i) Buildings should complement the existing character and scale of the area, yet express individuality.
 - (ii) Roof design must demonstrate effective snow, ice and rain management. All pedestrian and vehicle access points must be protected from snow and ice shed and rain drainage.
 - (iii) Architectural elements that provide overhead pedestrian weather protection are encouraged.
- (c) Building Materials and Exterior Appearance
 - (i) When the rear or side of buildings are visible to the public, they must be designed with as much attention to detail as the front of the building.
 - (ii) Building materials must be durable and suitable to withstand the local climate. Exterior finishes should reflect the natural environment and include timber, natural and artificial stone, fibre cement siding, wood and stucco. The use of metal siding may be appropriate; however, the extensive use of galvanized siding should be avoided.
 - (iii) A colour palette consisting of muted colours and earth tones found in the surrounding natural environment is appropriate.
- (d) Landscaping and Screening
 - (i) A detailed landscape plan must be submitted with every development permit application. For areas disturbed by development, a detailed re-vegetation or landscape plan appropriate to reduce the establishment of invasive species is required.
 - (ii) The use of native species to landscape new developments is encouraged. Where possible, native plant communities should be protected, preserved and integrated into the overall landscape plan. Vegetation should be low maintenance and require minimal to no irrigation after establishment.
 - (iii) Landscape plans should include both hard and soft landscaping elements, show the location of parking facilities and pedestrian trail connections, the location and type of pedestrian amenities such as benches, tables and chairs and bike racks, the location of garbage bins, propane tanks, storage and loading areas, exposed mechanical and electrical equipment and snow storage areas.
 - (iv) Garbage bins, propane tanks, storage and loading areas and exposed mechanical equipment must be screened. With the exception of screening for garbage bins, plants may be used as screens if it can be demonstrated they provide year-round screening and irrigation is provided to help establish the vegetation. Garbage bins must be

screened using at least a four-sided structure and preferably a roofed structure that deters access by animals and birds.

- (v) Fencing and walls should be constructed with natural materials such as stone and wood and designed to coordinate with overall character of the development.
 - (vi) Minimize mown turf areas.
 - (vii) The use of bioswales and permeable surfaces as part of a sites stormwater management is encouraged.
- (e) Lighting
- (i) Provide appropriately scaled lighting that is coordinated with building and site architecture. Lighting should be designed to provide adequate light, yet avoid glare, light trespass and excessive shadows.
 - (ii) The use of sulphur or mercury vapour lighting is prohibited. High efficiency LED lights are encouraged.
 - (iii) Lighting fixtures for illuminating signage should complement the buildings architecture and be directed at the sign.
- (f) Signage
- (i) For multi unit light industrial developments, locating freestanding directory signage at the common vehicle access point is encouraged.
 - (ii) The use of mast mounted signs is discouraged. Ground oriented freestanding signs are preferred.
 - (iii) Sign locations should be integrated into the exterior facade of industrial developments. Developments where more than one industrial space is located in the same building should include designated locations for signage.
- (g) Access, Circulation & Parking
- (i) Site access points must provide safe access for vehicles and pedestrians. Opportunities to minimize conflict between vehicles and pedestrians should be demonstrated.

20. IMPLEMENTATION

20.1 Background

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

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

20.2 OCP Amendments

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

20.3 Zoning Bylaw Amendments

Parcels may be rezoned in conformity with the land use designations contained in **Schedule D** and **D1 to D6**. The proposed zoning must also conform to the objectives and policies contained in the OCP.

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

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

20.4 Development Approval Information

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

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

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

- (a) *Agriculture*

Criteria: Applications for amendments to the zoning bylaw or temporary use permits for land that has not previously been subject to an application for which a report under section 6.3(2)(i) of this plan has been provided to the RDEK.

Rationale: To minimize conflict between agriculture and other land uses and meet the objectives and policies identified within section 6 of this plan.

(b) *Wildfire Hazard*

- Criteria: Applications for Development Permits under section 19.2, Development Permit Area #1 – Wildfire Hazard.
- Rationale: To minimize the risk of damage to property by wildfire and to create a natural environment with a reduced fire risk.

(c) *Natural Environment*

- Criteria: Applications for amendments to the zoning bylaw, Temporary Use Permits or Development Permits under section 19.3, 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.- Lake Windermere
 - 11. - Environmental Considerations;
 - 19.3 - Development Permit Area #2 –Protection of Environmentally Sensitive Areas

(d) *Natural Hazards*

- Criteria: Applications for amendments to the zoning bylaw or Temporary Use Permits where the subject property is within a high hazard area or flood concern area identified on **Schedule H** or a steep slope identified in **Schedule G**.
- Rationale: To assess the impact of the proposed development or activity on minimum usable site area requirements, flood protection works and to meet the objectives and plan policies identified within the following sections of this plan:
- 4. - Residential Land Use;
 - 5. - Commercial Land Use;
 - 7. - Light Industrial Land Use;
 - 12.1 - Floodplains, Alluvial and Debris Flow fans and Geotechnical Hazards

20.5 Implementation Strategy

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

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

RDEK	Regional District of East Kootenay
MoTI	Ministry of Transportation and Infrastructure
CVCC	Columbia Valley Chamber of Commerce
CVEDO	Columbia Valley Economic Development Officer
SIP	Shuswap Indian Band
Dol	District of Invermere
CVCS	Columbia Valley Cycling Society
LWA	Lake Windermere Ambassadors
RMTERP	Rocky Mountain Trench Ecosystem Restoration Program
MFLNRORD	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
MoE	Ministry of Environment
VoCF	Village of Canal Flats
VoR	Village of Radium

Projects

OCP Policy Reference	Policy Action	Lead Organization	Partners
4.3 (1)(c)	Incorporating secondary suites into the plan area is supported. This will require an amendment to the Upper Columbia Valley Zoning Bylaw and will consider what types of secondary suites may be appropriate and how to address potential impacts on parking and septic systems.	RDEK	
4.3 (1)(d)	Undertake a stand-alone public planning process to establish regulations pertaining to the use of single family residences for short term rentals.	RDEK	
5.3 (1)(d)	Update sign bylaws and creating sign design guidelines for the Windermere area.	RDEK	CVCC, MoTI
5.3 (1)(i)	Support an amendment to the Upper Columbia Valley Zoning Bylaw to remove mini-storage, boat storage and recreational vehicle storage from the list of permitted and accessory uses in the C-2, Service Commercial zone.	RDEK	
5.3 (2)(b)	Develop design guidelines for commercial development along Athalmer Road in collaboration with the District of Invermere and the Shuswap Indian Band.	RDEK	SIB, Dol, MoTI, Local Businesses
5.3 (2)(c)	A future community planning project focused on the beautification and revitalization of the Athalmer Road corridor in collaboration with the Ministry of Transportation and Infrastructure, Shuswap Indian Band, District of Invermere and local businesses is supported.	RDEK	SIB, Dol, Local Businesses
5.3 (3)(a)	Support an amendment to the Upper Columbia Valley Zoning Bylaw to include a ‘split zone’ for parcels in the Windermere Townsite which would permit commercial use on the ground floor and residential use behind and above.	RDEK	
9.3 (1) 14.3 (8)	Undertake a planning process to determine routing, design, ownership and maintenance of a trail system that connects the Markin-MacPhail Westside Legacy Trail, Old Coach Greenway, Windermere Beach Park, Cross Roads Regional Ball Park and communities along the east side of Lake Windermere and other community amenities and local services.	RDEK	MoTI, CVCS, Community Groups
9.3 (2)	Undertake a public planning process to establish a recreation, parks and trails master plan for the Upper Columbia Valley.	RDEK	CVCS, SIB Ktunaxa, MoTI, Community Groups
9.3 (3)	At the request of area residents, the RDEK may investigate changes to the existing electoral Area F parks and recreation service area to support the establishment and ongoing maintenance of additional local recreational amenities in the plan	RDEK	Community Groups

	area.		
9.3 (5)	Creation of a Parks Management Plan for Windermere Beach Regional Park is supported.	RDEK	Community Groups
9.3 (6) 10.3 (11)	Opportunities to facilitate and improve public access to Lake Windermere along existing Ministry of Transportation Right-of-Ways are encouraged. Consideration must be given to the scale of the proposed access, potential environmental impacts and how this relates to availability of parking and the impacts this could have on road safety.	LWA, RDEK	MoTI, Community Groups
10.3 (12)	Installing identification signage on public Right-of-Ways that lead to Lake Windermere is encouraged.	LWA, RDEK	MoTI, Community Groups
13.3 (1)	Undertake an Archaeological Overview Assessment for the plan area.	RDEK	SIB, Ktunaxa
16.3 (11)	Update community greenhouse gas emissions reduction targets, objectives and policies.	RDEK	
16.3 (12)	Undertake a community greenhouse gas reduction plan for the Columbia Valley. This could be part of a project to develop a plan for the entire RDEK.	RDEK, Community Energy Manager	

Advocacy			
OCP Policy Reference	Policy Action	Lead Organization	Partners
7.3 (2)	Recognizing the lack of vacant industrial zoned land in the plan area, a feasibility study that explores opportunities to develop a light industrial area proximal to Windermere is encouraged.	CVEDO, CVCC	RDEK, DoI, SIP, Akisqnuk, VoCF, VoR
10.3 (9)	The water testing and monitoring program, stewardship initiatives, education activities and projects such as developing signage for public boat launch areas, lake accessibility map and developing a winter use code of conduct by the Lake Windermere Ambassadors is supported.	LWA	
11.2 (3)(c)	Support installation of signage at public and private boat launches and lake access points to educate the public about the impact of invasive aquatic species.	LWA	MoTI
11.2 (3)(d)	Boat inspections and cleaning stations aimed at reducing or eliminating the spread of invasive species are supported. These stations should not slow or disrupt highway travel.	MoE	
12.2 (3)(b)	Ecosystem restoration and interface fuel management initiatives on Crown and private land to mitigate the risk of interface fire hazards are supported.	MFLNRORD, Private Land Owners, RMTERP SIB, Ktunaxa	
12.2 (3)(d)	Development and dissemination of public education messages about protecting communities from wildfire is supported.	MFLNRORD	RDEK
14.3 (2)	Traffic safety improvements at several intersections are encouraged.	MoTI	
14.3 (4) 14.3 (5)	Traffic calming and efforts to improve pedestrian safety in the vicinity of school bus pick up locations, on Highway 93/95 through Windermere, residential areas and on Athalmer Road are supported.	MoTI	

21. LAND USE DESIGNATIONS

21.1 Background

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

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

The land use designations are shown on **Schedule D** and **D1** to **D6**. Where a land use designation boundary is shown as following a highway or creek, the center line of such highway or creek must be the land use designation boundary.

21.2 Residential Land Uses

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

21.3 Rural Land Uses

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

21.4 Commercial and Industrial Land Uses

- (1) **C, General Commercial** supports local commercial uses intended primarily for local residents and the travelling public and commercial uses of a regional nature intended for a wide range of potential users.
- (2) **CA, Commercial Accommodation** is intended to recognize commercial accommodation and associated amenities.
- (3) **CR, Commercial Recreation** recognizes land that is utilized for commercial recreation purposes, such as golf courses, campgrounds and recreational vehicle parks.
- (4) **I, Industrial** supports light industrial land uses and aggregate extraction and exploration.

21.5 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, wetlands and riparian areas.

- (3) **WP, Watershed Protection** identifies lands that are part of an existing or potential community watershed and that require protection from development that could impair the quality of the domestic water supply obtainable from the watershed.

This is Schedule A referred to in Bylaw No. 2929 cited as “Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2929, 2019”.

“Rob Gay”
Chair

“Shannon Moskal”
Corporate Officer

November 1, 2019
Date