



# **Wasa and Area Official Community Plan**

## **Bylaw No. 2501, 2014**

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

*May 10, 2024*

**BYLAW AMENDMENTS**

<b>Bylaw</b>	<b>Amend / Yr</b>	<b>Adopted</b>	<b>Short Citing</b>	<b>Legal / Zone</b>
2550	01/2014	Oct. 3/14	Misc. / RDEK	Text Amendment
2633	02/2015	Sept. 7/18	ESA DPA / RDEK	Text Amendment Schedule K1 Schedule K2
2755	04/2017	April 7/17	Wasa / Kiy & Swan	Schedule A, Section 5.3(2)(f) is repealed
2817	05/2017	Feb. 9/18	Form & Character DPA / RDEK	Text Amendment
3106	06/2021	Feb. 18/22	Wasa / Keljac Consulting Inc	Part of Lot 1 DL 264 KD Plan NEP22994 <b>C to LH</b>
3286	08/2024	May 10/24	Wasa / Keljac Consulting Inc	Designation for part of Lot E DL 264 KD Plan EPP127318 <b>C to LH</b>
3300	09/2024	June 14/24	Wasa / Santucci	Designation of part of Lot 2 DL 58 KD Plan EPP69956 <b>C to LH</b>

## REGIONAL DISTRICT OF EAST KOOTENAY

### BYLAW NO. 2501

A bylaw to adopt an Official Community Plan for Wasa and 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 of Wasa and area;

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

#### **Title**

1. This Bylaw may be cited as the “Regional District of East Kootenay – Wasa and Area Official Community Plan Bylaw No. 2501, 2014”.

#### **Application**

2. This Bylaw is applicable to all land within the boundaries of the Wasa Plan Area as shown on **Schedule B**.

#### **Organization**

3. 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 D2 – Sheep Creek
  - (f) Schedule D3 – Skookumchuck
  - (g) Schedule D4 – Moan Road
  - (h) Schedule D5 – Lazy Lake
  - (i) Schedule D6 – Ta Ta Creek
  - (j) Schedule D7 – Wasa
  - (k) Schedule D8 – Bummers Flats
  - (l) Schedule E – ALR Exclusion
  - (m) Schedule F – Wildlife Habitat
  - (n) Schedule G – Badger Habitat and Connectivity
  - (o) Schedule H – Flood and Torrent Hazards
  - (p) Schedule I – Interface Fire Hazard
  - (q) Schedule J – Development Permit Area #2

#### **Severability and Enactment**

4. If any section, subsection, sentence, clause, phrase, map or schedule of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.
5. The Manager of Planning & Development Services, Manager of Building & Protective Services and Compliance Officer, and any other person authorized to assist the aforementioned persons, are authorized to administer this Bylaw.

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

Bylaw No. 1625, cited as the “Regional District of East Kootenay – Wasa – Ta Ta Creek – Skookumchuck – Sheep Creek Land Use Bylaw 2002” is hereby repealed.

READ A FIRST TIME the 10<sup>th</sup> day of January, 2014.

READ A SECOND TIME the 10<sup>th</sup> day of January, 2014.

READ A THIRD TIME the 7<sup>th</sup> day of March, 2014.

ADOPTED the 4<sup>th</sup> day of April, 2014.

*"Rob Gay"*

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CHAIR

*"Lee-Ann Crane"*

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CORPORATE OFFICER

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## SCHEDULE A

### POLICIES

#### 1. INTRODUCTION

##### 1.1 Administration

The Wasa and Area Official Community Plan (OCP) is a long term strategic planning document intended to:

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

The 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. The plan does not commit the Regional District to specific projects or courses of action, however, all decisions made by the Regional District must be consistent with the plan.

The 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 Regional District. All proposed amendments are subject to an application process, public hearing and approval by the Regional District Board.

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

##### 1.2 Legal Framework

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

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

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

- residential development and housing needs over a period of at least five years;
- commercial, industrial, institutional and other types of land uses;
- the location and area of sand and gravel deposits suitable for future extraction;
- restrictions on the use of environmentally sensitive and hazardous lands;
- the approximate location and phasing of any major road and infrastructure systems;
- the location and type of present and proposed public facilities; and
- targets, policies and actions for the reduction of greenhouse gas emissions.

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

### **1.3 Plan Policies and Map Designations**

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 Regional District.

Schedules attached to the OCP map 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 intent of the planning process was to replace the Wasa – Ta Ta Creek – Skookumchuck - Sheep Creek – Land Use Bylaw No. 1625, 2002 with a Wasa and Area Official Community Plan. The planning process would also consolidate the Wasa – Ta Ta Creek – Skookumchuck – Sheep Creek Land Use Bylaw and the Kimberley Rural Zoning and Floodplain Management Bylaw into one zoning bylaw for Area E. The development of the Wasa and Area OCP and the Electoral Area E Zoning Bylaw was authorized by the Board in July 2012.

An information newsletter and questionnaire was mailed to area property owners in November 2012 followed by an introductory meeting held later that month. The introductory meeting provided an opportunity for residents and property owners to learn about the planning process and to highlight the assets within their communities.

A second newsletter was mailed in January 2013 which highlighted the results of the introductory meeting and survey results. A visioning workshop was held in February. Residents were asked to participate in exercises that allowed them to agree or disagree with proposed policy direction and map the future vision of their communities. Between April and June, consultations with Provincial Ministries, Ktunaxa Nation Council, public and private interests occurred and drafting of the OCP commenced.

A third newsletter was mailed out in July 2013 which highlighted proposed policies within the draft OCP and information on the upcoming Open House. The draft OCP was then presented at a public Open House in August 2013. In October, an additional meeting was held with RDEK staff and members of the Wasa business community. A fourth newsletter was mailed in November to inform residents of the changes made to the draft OCP followed by a public meeting in December.

### **1.5 Relationship to the 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 Area E Zoning & Floodplain Management 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 the Ktunaxa First Nation**

The Ktunaxa First Nation is a culturally and linguistically unique group who has occupied land in the Wasa area for several 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 preparation of the OCP included consultation with the Ktunaxa First Nation Council in recognition of their traditional use of the land and interest in lands within close proximity to the plan area as part of the on-going treaty negotiation process. In addition, the OCP contains policies recognizing the need to conserve and mitigate any impacts on archeological resources within the plan area and manage other land use values important to the Ktunaxa First Nation.

## 1.7 Plan Area

The plan area is located in southeastern British Columbia in the Rocky Mountain Trench between Cranbrook and Canal Flats. The boundary of the plan area is shown on **Schedule B**. Six subareas have been identified within the plan area. These areas include:

### (1) Wasa Subarea

*“Twenty four miles from Cranbrook, and twelve miles from Fort Steele, is Wasa, one of the busiest, most up-to-date and modern settlements in the valley.”*

The Prospector, Cranbrook BC June 22, 1911.

Wasa is a community of approximately 205 residents (Statistics Canada, 2011 Census of Population). A family vacation destination since the 1950's, Wasa advertises itself as the warmest swimming lake in the Kootenays. The community is comprised of summer cottages, permanent homes, small businesses, a provincial park and campgrounds. Limited services are also available such as restaurants, a post office, motel and hardware store.

Institutional facilities within the community include the Wasa Community Hall and the Wasa Community Church. The Wasa Elementary School was closed in 2003.

The land surrounding Wasa is within the Agricultural Land Reserve (ALR). The properties surrounding Wasa consist of Crown land or large parcels of agricultural land.

Wasa Lake Provincial Park was established in 1955. The park offers camping, swimming, hiking, cycling and boating. There is an 8 kilometre wheelchair and bike accessible trail around the lakeshore and a 2.7 kilometre self guided interpretative trail. The park also protects a grassland ecosystem. It includes a portion of North America's most northern ponderosa pine forest set amid blue bunch wheatgrass meadows that provide habitat for a diversity of animals and plants.

The Wasa Slough Wildlife Sanctuary is located just south of Wasa on Highway 93/95 where birds such as eagles, blue herons, turkey vultures, ospreys and Canada Geese can be viewed.

### (2) Ta Ta Creek Subarea

The Ta Ta Creek subarea is located approximately 3 kilometres west of Wasa. The development area consists of parcels ranging in size from 0.4 hectares to 2.0 hectares surrounded by larger agricultural parcels.

### (3) Lazy Lake Subarea

Lazy Lake is approximately 15 kilometres northwest of Wasa along Lazy Lake Road. The development surrounding the lake consists of approximately 40 lots less than 1.0 hectare in size and 3 privately owned parcels ranging in size from 16 to 97 hectares.

A provincial recreational site containing 12 campsites is located on the northern shoreline of the lake.

**(4) Moan Road Subarea**

The Moan Road subarea is approximately 4.5 kilometres from Wasa. Residential development within this subarea consists of 1.0 to 4.0 hectare parcels along Moan Road and Green Road. Four small parcels of less than 0.4 hectares also currently exist along Highway 93/95.

The entire area is within the ALR and aside from the residential parcels along Moan Road and Green Road the majority of the parcels are large agricultural lots or Crown land.

**(5) Skookumchuck Subarea**

The Skookumchuck subarea is located on Highway 93/95, where the Lussier and Skookumchuck Rivers join the Kootenay River. It is 54 kilometres north of Cranbrook and 80 kilometres south of Invermere.

The majority of the subarea consists of large agricultural parcels within the ALR and Crown Land. The Skookumchuck Pulp Mill is located within this area. The mill employs approximately 290 employees. A commercial node consisting of a convenience store, gas station, motel, RV park and campgrounds are located east of the pulp mill along Highway 93/95.

**(6) Sheep Creek and Premier Lake Subarea**

The Sheep Creek subarea consists of 15 parcels approximately 4.0 hectares in size located approximately 10 kilometres north of Skookumchuck and 4 kilometres from Premier Lake. The properties are bordered by Crown land or large parcels of agricultural land.

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

### **2.1 History**

The Ktunaxa Nation has inhabited the area for more than 10,000 years. The Tobacco Plains area served as one of the Ktunaxa's oldest wintering grounds for families and tribes that moved freely between northern Montana and the present sites of Invermere and Fernie. Members of the Ktunaxa Nation, who cultivated varieties of wild tobacco in the area, traveled for events such as spring and fall buffalo hunts as far as the foothills in present day Alberta. European settlement in the late 1800s led to the establishment of the current Indian Reserves.

The first European visitors to the area were explorers during the early 1800s. In 1806, David Thompson journeyed into the Rockies, engaging some natives to guide him across the portage from the Columbia River to the Kootenay River at Canal Flats and down to the mouth of the St Mary River. Thompson continued to trade, explore and survey from 1807 to 1811, covering all trade sources in the southeastern part of British Columbia.

Prospectors, missionaries and fur traders soon followed. In 1864, gold was discovered on Skoo Kum Chuck Creek and more mining developments began. The wagon road from Galbraith's Ferry at Fort Steele to Canal Flats was made in 1886 and in 1887 a bridge was built over the Kootenay River at Canal Flats.

The large expanse of land known as Skookumchuck Prairie was settled in the late 19th and early 20th centuries. People came to homestead and ranch; they were given grants of land to settle and grow wheat crops and other produce to supply and feed the country. In the immediate area, mining, horse trading, logging and ranching activities fueled the influx of people. Mining camps followed and land was granted for homesteads in the Wasa Lake, Ta Ta Creek and Skookumchuck area.

In 1898, the largest forestry company in the area took shape as a partnership mill which eventually grew into the Skookumchuck Pulp Mill owned by Paper Excellence Canada Holding Company.

The Wasa area was logged by the Canadian Northern Railway in the early 1900's and irrigated for years through a ditch and flume system begun in 1915. Later cattle ranching became the agricultural mainstay.

### **2.2 Previous Plans and Studies**

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

In 2004 the Regional District adopted a Regional Growth Strategy (RGS) policy. The RGS is a policy document that establishes principles for evaluating land use changes and developing community plans throughout the Regional District. The RGS vision statement encourages growth where it is socially, environmentally and economically sustainable and respects the character of each subregion. The RGS contains two types of policies: those that apply to the entire Regional District and those that reflect subregional planning objectives. The plan area is located within the Central Subregion. Two examples of policies within the Central Subregion are a Human Settlement policy that supports a mix of rural and urban lifestyles and a Transportation policy that supports initiatives to improve highway safety at Wasa.

### **2.3 Recent Development**

The Wasa – Ta Ta Creek – Skookumchuck – Sheep Creek Land Use Bylaw No 1625, 2002 has been amended 19 times. Fourteen ALR subdivision applications have been submitted with 9 of the 14 applications receiving approval. The approved ALR subdivisions resulted in the creation of 9 new parcels. Since 2002, an additional 38 parcels have also been created within the plan area through subdivision applications.

### **3. GOALS OF THE OFFICIAL COMMUNITY PLAN**

The following goals have been developed to reflect stakeholder values and interests identified through the planning process. The major goals of the OCP are:

1. Protect the integrity of Wasa Lake, Kootenay River and all other surface and ground water resources.
2. Consider the availability of water resources when determining appropriate locations for future development so as to not compromise existing water sources.
3. Manage future development by encouraging high development standards that are compatible with adjacent land uses and that respect the natural environment.
4. Recognize and conserve the archeological and cultural heritage resources contained within the plan area.
5. Encourage and support agriculture in the plan area through the protection of agricultural land and resources and promotion of opportunities for local food production, diversification and value added agricultural activities.
6. Establish criteria under which applications for exclusion, subdivision and non-farm use of land in the ALR may be supported by the Regional District.
7. Encourage the management of Crown land to fully consider a range of environmental, resource, cultural and recreational interests.
8. Recognize environmentally sensitive areas and the animal and plant species that rely on these ecosystems and establish Development Permit Guidelines to protect the natural environment.
9. Recognize the risk of interface fire hazards within the plan area and establish Development Permit guidelines to mitigate the risk.
10. Encourage the reduction of greenhouse gas (GHG) emissions in the plan area.
11. Recognize existing and future commercial uses within the plan area and encourage high development standards that are compatible with adjacent land uses and respect the natural environment.
12. Encourage the rejuvenation of existing commercial areas and the creation of additional commercial areas to promote economic development, tourism and local employment.
13. Consider light industrial uses within the plan area and establish criteria where these applications may be supported by the Regional District.
14. Promote opportunities for connectivity and the creation of a pedestrian friendly environment through the development of a non-motorized trail network within and between new developments, and existing neighbourhoods and communities.

## 4. RESIDENTIAL LAND USE

### 4.1 Background

The plan area is characterized predominately by rural residential and recreational development on a range of parcel sizes. Single family housing options are available throughout the plan area, ranging in size from urban sized residential lots within the Wasa area to large holdings at Skookumchuck and Sheep Creek. The properties are owned by both permanent and seasonal residents.

Protection of the rural character in the majority of the plan area was identified as being of high importance during the consultation process. There was support for moderate residential development within the Wasa subarea; however, the challenge lies in balancing the interests of long term residents and new homeowners and protecting the aquifer and water sources. Applications for rezoning will be considered in relation to criteria developed as a result of the consultation process.

Applicants wishing to subdivide land within the ALR should be aware that the Agricultural Land Commission is not subject to Section 946 of the *Local Government Act*, nor does the Agricultural Land Commission believe that encouraging small lot subdivision is supportive of agriculture and consistent with the Agricultural Land Commission mandate to preserve agriculture and encourage farming. Policies stating support for subdivision of land within the ALR are the policy of the RDEK only.

In 1994, the BC government inventoried and prioritized aquifers for planning, management and protection. The Wasa aquifer was given a designation of 1A which means the aquifer is vulnerable to contamination from surface sources. A comprehensive groundwater quality assessment was undertaken in 2003/2004. As a result of this assessment, in 2007 Interior Health adopted a land development position of a minimum parcel size of 1 hectare for wells and on-site sewage disposal in the absence of additional information or local government regulation. Residential development policies within the Wasa subarea reflect Interior Health's position.

### 4.2 Objectives

- (1) To recognize the rural character of the plan area by ensuring future residential developments are compatible with adjacent land uses.
- (2) To support a strategy of directing higher density residential development to urban areas where services and amenities are more readily available.
- (3) To manage residential growth in a way that protects the existing quality of life for rural residents and minimizes negative environmental impacts.
- (4) To manage residential growth in a way that contributes to the preservation of the environmental quality of Wasa Lake.
- (5) To reduce the potential of natural hazards in new residential areas.
- (6) To contain future residential development within established residential areas and areas zoned for development.

### 4.3 General Policies

- (1) New residential development is directed to the Wasa subarea as shown on **Schedule D7**.
- (2) The infill of vacant residential parcels before developing new residential areas is encouraged.
- (3) In order to provide a range of housing options, including affordable housing, secondary suites and duplexes are permitted throughout the plan area except for:
  - (a) parcels fronting on Wasa Lake where residential use will be restricted to single family dwellings only; and
  - (b) parcels in the ALR where residential use must be consistent with the *Agricultural Land Commission Act* and regulations.

- (4) Multiple family homes (triplexes and larger) are not supported within the plan area.
- (5) High density residential development and multi-family development is directed to the City of Kimberley and Cranbrook.
- (6) Home based businesses will be permitted within residential areas through the zoning bylaw. The business must remain accessory to the residential use and must not disrupt the residential nature of the area.
- (7) Applications to rezone parcels from commercial designations to residential designations will generally be supported outside of the Wasa subarea as shown on **Schedule D7**.
- (8) In general RR, Rural Resource designated lands are intended for rural land uses such as recreation, resource extraction and agriculture. Rezoning applications in RR, Rural Resource designation lands will only be considered if the proposed density is compatible with surrounding land uses and parcel sizes.
- (9) Applications for bylaw amendments should address the following:
  - (a) compatibility of proposed development with surrounding land uses and parcel sizes;
  - (b) access to the development and proposed road networks;
  - (c) integration of Conservation Subdivision principles by utilizing a compact neighbourhood design and identifying and protecting wetlands, steep slopes, woodlands and wildlife corridors;
  - (d) capability of the natural environment to support the proposed development, and its impact on important habitat areas;
  - (e) identification of trail connectivity within the area under application and adjacent developments;
  - (f) consideration of water reduction measures for buildings and landscapes;
  - (g) consideration of building envelopes to maximize viewsapes and passive solar orientation;
  - (h) mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
  - (i) integration of FireSmart principles;
  - (j) consideration of the potential impacts on groundwater;
  - (k) susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
  - (l) suitability of the parcels for on-site groundwater wells and septic systems; and
  - (m) consideration of vegetated buffers or setbacks where the proposed development is adjacent to agricultural land.
- (10) The RES-1(B) and RES-1(C) zones within the Electoral Area E Zoning Bylaw were developed to recognize the current circumstances where multiple recreational dwellings are located on properties located near Hahas Lake and Ram Creek. The existing parcels are unique in nature and applications for rezoning to the RES-1(B) or RES-1(C) zones will generally not be supported.

#### **4.4 Subareas**

##### **(1) Wasa Subarea**

- (a) A proposal for special needs housing will be considered, specifically for an aging population, in order to allow for area residents to live in the community as their needs change.

- (b) To protect Wasa Lake and Cameron Pond as important resources and to reduce human impact and maintain and improve water quality and wildlife habitat, subdivision of properties abutting Wasa Lake or Cameron Pond is not supported.
- (c) On parcels abutting Wasa Lake, residential use will be restricted to single family dwellings only.
- (d) Subdivision of properties smaller than 1 hectare will generally not be supported. If a rezoning application is proposed with parcels smaller than 1 hectare, a report from a qualified professional engineer may be required that includes but is not limited to the following information:
  - (i) provides proof of adequate groundwater supply for the development proposed in accordance with the RDEK Subdivision Servicing Bylaw requirements;
  - (ii) assesses the impact on neighbouring wells, the cumulative impact on the aquifer and other groundwater related issues in relation to the proposed water consumption and impacts from on-site sewage and wastewater.
- (e) The completion of an aquifer study that highlights the areas of aquifer vulnerability in the Wasa area is supported.
- (f) Despite section 4.4(1)(c), rezoning of Parcel Z (Reference Plan 77857i) of Parcel 1 of Block A DL 58 from a mobile home park to a residential use to accommodate a total of four parcels is supported.

**(2) Ta Ta Creek Subarea**

- (a) In the Hahas Lake area, rezoning of DL 15880, DL 15881 and DL 14834 to facilitate the creation of parcels 8.0 hectares in size or greater is supported.
- (b) Despite, section 4.4(2)(a) subdivision is generally not supported within the Ta Ta Creek subarea, with the exception of subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act*.

**(3) Lazy Lake Subarea**

- (a) The sale or alienation of Crown Land for additional residential development along Lazy Lake will not be supported.
- (b) Rezoning of DL 15726 and DL 7656, Kootenay District except Plan 6810 and NEP 20663 to enable subdivision as approved through Agricultural Land Commission Resolution #151/2004 is supported.
- (c) Rezoning of DL 12381 to facilitate the creation of parcels 8.0 hectares in size or greater is supported.
- (d) Despite section 4.4(3)(b) and (c), subdivision is generally not supported within the Lazy Lake subarea, with the exception of subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act*.

**(4) Moan Road Subarea**

- (a) Rezoning of Lot 1 Plan NEP5632 District Lot 342 Kootenay District except Plan 15690 to facilitate the creation of parcels a minimum of 1 hectare in size is supported by the Regional District. The parcel is within the ALR and approval from the Agricultural Land Commission is required prior to subdivision. It is important to note that previous ALR applications for subdivision have been refused by the Agricultural Land Commission.



- (b) Despite section 4.4 (4)(a) subdivision is generally not supported within the Moan Road subarea, with the exception of subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act*.

**(5) Skookumchuck Subarea**

- (a) In order to reduce potential conflict between residential development and heavy industry, residential subdivision in the vicinity of Skookumchuck pulp mill will generally not be supported.
- (b) If an application to amend the bylaw to permit more residential development is submitted, the application must satisfy the Regional District that the subject property will not be adversely affected by the industrial operations and address such items as the impact of industrial traffic, dust, noise, light, smell and critical evacuation and hazard zones on the proposed development.

**(6) Sheep Creek & Premier Lake Subarea**

Subdivision is generally not supported within the Sheep Creek and Premier Lake subarea, with the exception of subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act*.

## 5. COMMERCIAL LAND USE

### 5.1 Background

Comments received during the planning process highlighted general support for additional local services such as a post office, gas station, grocery store, motel and restaurants within the Wasa subarea. Services that are currently available in the Wasa area are a post office, gas station, restaurant, motel and hardware store.

The Skookumchuck area has a commercial node with amenities such as a convenience store, gas station and motel.

### 5.2 Objectives

- (1) New commercial development in the Wasa area that services the day-to-day needs of local residents and surrounding communities is supported.
- (2) To encourage the revitalization and maintenance of existing commercial development within the core of the community.
- (3) To strengthen the tourism industry and promote Wasa as a destination.
- (4) To minimize land use incompatibility and conflicts between commercial activities and surrounding land uses.
- (5) Support a range of opportunities for economic diversification through home based businesses.

### 5.3 Policies

#### (1) General

- (a) Home based businesses that are compatible with the character of the plan area are generally supported provided that they comply with the zoning bylaw and operate on a scale that is accessory to the residential use.
- (b) Large scale commercial development within the plan area is not supported and should be directed to larger communities outside the plan area.
- (c) Ecotourism and cultural tourism activities within the plan area that provide economic diversification and have limited impacts on the environment, agriculture and heritage resources are generally supported.
- (d) This OCP does not identify specific parcels for commercial development. Amendments to the OCP land use designations and zoning bylaw may be necessary in order to facilitate such development.

#### (2) Wasa Subarea

- (a) Commercial development is encouraged to sustain a high aesthetic standard that complements the character and natural landscape of the plan area.
- (b) New small scale commercial development that provides additional local services such as restaurants, convenience stores, gas stations, and grocery stores are generally supported within the Wasa subarea as shown on **Schedule D7**.
- (c) This plan supports new commercial development in the Wasa area and the development of Wasa as a commercial and service hub for the surrounding rural areas.
- (d) The creation of a merchant network or business association within the community that strengthens the identity of Wasa and strategically promotes the community's assets and services is supported.
- (e) Future commercial development is not supported along the Wasa Lake shoreline and is directed to lands away from Wasa Lake in order to reduce human impact on the lake and maintain and improve water quality and wildlife habitat.

- (f) *Section 5.3(2)(f) is repealed by Bylaw No. 2755 adopted April 7, 2017.*
- (g) Tourism based commercial uses are generally supported. Applications will be considered on an individual basis in relation to the following:
  - (i) demonstration that the proposal fulfills a need not currently being satisfied in the plan area;
  - (ii) proximity of the proposed development to existing developed nodes;
  - (iii) compatibility of the proposed development with surrounding land uses; and
  - (iv) sewer and water servicing options.

**(3) Skookumchuck Subarea**

Commercial development is directed to the existing commercial node along Highway 93/95.

## 6. AGRICULTURAL LAND USE

### 6.1 Background

A significant portion of the plan area is located within the Agricultural Land Reserve (ALR). The use of the land within the ALR must comply with the *Agricultural Land Commission Act* and regulations. Areas located within the ALR are identified in **Schedule C**.

Currently the Regional District, the Ministry of Agriculture and an Agricultural Plan Steering Committee are partnering to develop an Agricultural Plan for the Regional District. An independent consultant will assist with engaging the agricultural sector, public consultation and development of the Agricultural Plan.

The Agricultural Plan process is a unique opportunity for the Regional District and local agricultural sector to recognize the importance of agriculture and draft a planning document from a uniquely agricultural perspective. The Agricultural Plan will focus on the potential for viable, sustainable and diversified agriculture in the East Kootenay region. If adopted, the Agricultural Plan will be a Regional District policy document. It will identify key issues or opportunities, make recommendations for future actions and include a strategy for implementation.

During the public consultation process residents indicated strong support for continued agriculture operations within the plan area. Currently, there are several agricultural values within the plan area ranging from natural rangeland to forage, pasture and grains. Varying sizes of livestock operations also exist throughout the plan area.

Residents expressed mixed opinion regarding subdivision and exclusion of lands from the ALR; those that supported subdivision and exclusion generally indicated that such applications should be assessed based on the agricultural capability of the land.

The desire to protect the agricultural land base was particularly strong in areas where agricultural use is currently occurring. In order to protect this land base the preferred option is to limit the support for subdivision or exclusion within the plan area. It is recognized that some land may not be appropriate for retention in the ALR due to poor agricultural suitability, soil conditions, small parcel sizes or incompatible farm uses. The Regional District will work with the Agricultural Land Commission to identify appropriate areas for consideration for future Agricultural Land Commission boundary review exercises.

As stated previously, applicants wishing to subdivide land within the ALR should be aware that the Agricultural Land Commission is not subject to Section 946 of the *Local Government Act*, nor does the Agricultural Land Commission believe that encouraging small lot subdivision is supportive of agriculture and consistent with the Agricultural Land Commission 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 Agricultural Land Commission's Homesite Severance Policy, are the policy of the Regional District only.

### 6.2 Objectives

- (1) Support agricultural activity within the plan area.
- (2) Outline conditions under which subdivision within the ALR will generally be supported and to 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) Land in the ALR is generally designated and supported for agricultural use.
- (2) Private and Crown land that has been historically, or is currently utilized, for agriculture or leased for agricultural uses is encouraged to be maintained for these purposes.
- (3) 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.
- (4) Buffers between properties on which farming is taking place and adjacent non-agricultural properties will be established through setbacks within the zoning bylaw. The applicant should use measures such as fencing and screening to ensure that farm operations are adequately protected and buffered.
- (5) ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capacity and provide a net benefit to agriculture for the lands that remain within the ALR.
- (6) Applications for subdivision in the ALR will generally be supported under the following conditions, subject to compliance with the zoning bylaw:
  - (a) homesite for a retiring farmer where the proposal is in compliance with the Agricultural Land Commission Homesite Severance Policy; or
  - (b) homesite for a family member pursuant to section 946 of the *Local Government Act* and where the proposed parcel is kept as small as possible and is located in an area which has the least impact on agriculture, and the proposed subdivision benefits agriculture; or
  - (c) to improve agricultural capability.
- (7) ALR applications for exclusion, non-farm use, or subdivision must be accompanied by a report from a qualified professional with the exception of those identified in section 6.3(8) or if an exemption from the requirement has been approved by the Regional District Board. The report must include the following:
  - (a) determination of the level of capability and suitability for both soil bound and non-soil bound agricultural production on the parcel including investigation of the terrain, soil, size, configuration and context of the agricultural lands; and
  - (b) identification of the impact the proposal will have on the agricultural suitability and capability of the parcel, and agricultural operations in the surrounding area.Applications will not be processed by Regional District staff until such time as the report has been submitted or an exemption has been granted. Requests for exemption must be provided in writing to the Regional District prior to making an application and should provide rationale for granting the exemption.
- (8) 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(7) as part of their application to the Regional District.
  - (a) 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 hectares in size.
  - (b) Reconsideration or alteration of a prior approval by the Agricultural Land Commission.
  - (c) Parcels that are shown in their entirety as designated for support for exclusion within the Agricultural Land Reserve as shown on **Schedule E**.

- (d) The original size of the parcel is equal to or less than 4.0 hectares in size.

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

- (9) The plan does not attempt to identify areas of low agricultural capability within the ALR; a review of ALR boundaries by the Agricultural Land Commission in the plan area to exclude areas of low agricultural potential is supported.
- (10) The cultivation of medical marihuana by licenced commercial producers is recognized as a potential agricultural use within the plan area. Medical marihuana production facilities licenced under and operated in conformity with the Marihuana for Medical Purposes Regulations are generally supported within the ALR and on parcels zoned I-1, Industrial zone in the zoning bylaw. Uses accessory to a medical marihuana production facility which are not considered to be farm use by the Agricultural Land Commission may require approval of a non-farm use application.

Future applications for rezoning for medical marihuana production facilities outside of the ALR will be considered in relation to the criteria identified in section 7.3(7) of this plan.

## **7. INDUSTRIAL LAND USE**

### **7.1 Background**

Within the plan area identified industrial activities include sand and gravel extraction and processing and forest harvesting and processing.

The Skookumchuck Pulp Mill is located within the Skookumchuck subarea. In the early 1900's, the largest forestry company in the area took shape as a partnership mill between Tom Leask and Jim Slater. The company soon became Cranbrook Sash and Door, a name it kept through most of the early 20th century. In 1956, the timber interests of Cranbrook Sash and Door merged with the company owned by Burns and Farstad to become Crestbrook. In 1966 Crestbrook formed a joint venture with Japanese companies Mitsubishi Ltd. and Honshu Paper Manufacturing Ltd., to build the pulp mill at Skookumchuck. In April of 1999, Crestbrook was purchased by Tembec and in 2013, the pulp mill was purchased by Paper Excellence Canada Holdings Corporation. Its pulp is shipped to North American and Asian customers primarily for tissue applications.

During the public consultation process there was little support for an increased rate of industrial development in the plan area. The primary concern was the incompatibility between industrial activities and neighbouring residential uses. Some light industrial activities were supported provided the proposal was compatible with or did not create significant impacts on neighbouring parcels.

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

### **7.2 Objectives**

- (1) Ensure that aggregate extraction activities are conducted in a manner that is compatible with adjacent land uses and the rural character of the bylaw area.
- (2) Encourage new industrial land uses to be accommodated within nearby municipalities or developed industrial nodes outside the plan area.
- (3) Outline conditions under which light industrial uses may be supported.

### **7.3 Policies**

- (1) Proposed new sand and gravel extraction sites should be located in areas that are compatible with adjacent land uses.
- (2) The siting of sand, gravel, and mineral resource extraction activities in close proximity to residential areas is discouraged. The Province is encouraged to adjudicate applications fairly and with full public input. If an application is approved, appropriate mitigation measures should be applied in order to minimize impacts on nearby residential uses.
- (3) Resource extraction operations are encouraged to give due consideration to the preservation of scenic views in the plan area.
- (4) The rehabilitation and reclamation of industrial and resource extraction sites upon cessation of activity is encouraged.
- (5) New light industrial land uses such as a motor vehicle repair shop, appliance sales and service, small engine repair, welding shop, and furniture manufacturing may be supported within existing commercial development nodes provided that the proposal does not negatively impact neighbouring properties. Applications for light industrial use will be considered on an individual basis in relation to the following criteria:

- (a) proximity of the proposed development to existing developed nodes;
  - (b) compatibility of the proposed development with surrounding land uses; and
  - (c) sewer and water servicing options.
- (6) The cultivation, processing and direct marketing of medical marihuana by a licenced producer under the Marihuana for Medical Purposes Regulations is considered a light industrial use within the plan area. In accordance with the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* licenced producers may operate within the ALR as identified within the zoning bylaw and section 6.3 (10) of this plan.
- (7) The production, processing and distribution of medical marihuana by a medical marihuana production facility is anticipated to occur on an intensive agricultural scale in conjunction with required security measures, such as intrusion detection systems, 24 hour site monitoring, access restrictions and perimeter video recording. In consideration of these characteristics, which would not generally be associated with non-federally regulated or licenced agricultural commodities, the zoning bylaw identifies regulations specific to medical marihuana production facilities.

Applications to rezone to accommodate a medical marihuana production facility shall be considered on an individual basis in relation to the following criteria:

- (a) existing land use;
- (b) surrounding land uses;
- (c) proposed servicing for water and sewage disposal; and
- (d) proposed mitigation of potential impacts on adjacent properties resulting from the security measure requirements of the Marihuana for Medical Purposes Regulations.



## **8. INSTITUTIONAL AND COMMUNITY LAND USE**

### **8.1 Background**

The plan area currently contains institutional and community uses such as the Wasa Community Hall and Wasa Community Church.

### **8.2 Objectives**

- (1) Support existing community and institutional land uses within the Wasa subarea.
- (2) Facilitate the identification of lands for future community and institutional land uses such as fire halls, public utilities and similar uses.

### **8.3 Policies**

- (1) Institutional uses of a local nature that are compatible with adjacent land uses are generally supported within the Wasa area.
- (2) The restoration of the former Wasa Elementary School as a community asset is supported; as no school facilities are anticipated within the projected 5 to 15 year time line considered within this plan no further school sites have been identified.
- (3) No fire protection areas currently exist within the plan area. If in the future a fire protection area is established, the RDEK will work with the community to identify an appropriate site for a fire hall, if required.

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

### **9.1 Background**

A significant number of recreational opportunities for area residents and visitors are provided within the plan area. The ability to readily access these recreational opportunities was identified by area residents as an essential part of living in the plan area. Recreational opportunities are provided year round and seasonally at Wasa Lake Provincial Park, Lazy Lake Campground, Hahas Lake Campground, Lazy Lake Bike Loop Trail, Wasa Slough Wildlife Sanctuary and Wasa Lions Trail.

During the consultation process the desire to protect open space and recreation within each of the subareas was evident. Many residents and property owners voiced their decision to live in the rural areas for the rural lifestyle and recreational opportunities the various subareas provide.

### **9.2 Objectives**

- (1) Encourage responsible recreational activity in the plan area.
- (2) Ensure recreational activities are compatible with the rural character of the plan area.
- (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.
- (4) Ensure that policies necessary to support the creation of parks or recreation facilities are in place.

### **9.3 Policies**

- (1) Future consideration of regional parks and trails must be in compliance with the goals and policies of the RDEK Regional Parks Plan. The expansion of existing parks or creation of a new park services may require an amendment to the Regional Parks Plan.
- (2) Users of recreational facilities such as cross-country skiing, biking and hiking trails are encouraged to use them in a socially and environmentally responsible manner.
- (3) The enforcement of regulations for the licensing of off-road motorized vehicles by the Province is encouraged.
- (4) Proposed trail corridors within the ALR should not negatively impact agriculture. Development and management of trails in the ALR should take into consideration the guidelines outlined in the Ministry of Agriculture and Lands "A Guide to Using and Developing Trails in Farm and Ranch Areas".
- (5) The establishment of a park service should include the ability for the Regional District to accept cash-in-lieu of parkland 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.
- (6) The integration of open space and greenways are strongly encouraged within all developments. The development of a greenways plan that shows the trail network, open space and future opportunities for connectivity within the plan area is supported.

## 10. ENVIRONMENTAL CONSIDERATIONS

### 10.1 General

#### (1) Background

The plan area is located in the Rocky Mountain Trench and contains a range of physical landscape types ranging from grasslands, riparian and ponderosa pine forest. Historical resource and agricultural management practices, fire suppression and rural development have all had a significant impact on the natural environment within the plan area.

Wasa Lake Provincial Park protects a representative grassland ecosystem which includes a portion of North America's most northern ponderosa pine forest and bluebunch wheatgrass that provide habitat for a wide diversity of animals and plants.

Wasa Slough Wildlife Sanctuary is located just south of Wasa on Hwy 93/95. Wildlife within the area includes eagles, blue herons, turkey vultures, ospreys, and Canada geese.

Skookumchuck Prairie and Wolf Creek are a core area for the blue listed Long-billed Curlew. Curlews frequent grassy terrain, newly ploughed fields, green hayfields and pastures. Threats to the Long-billed Curlew are habitat loss due to intensive agriculture and urban development. They are sensitive to human disturbance and off-road vehicle use in or near nesting habitat.

Skookumchuck Prairie, the area west of the residential development at Sheep Creek, Johnson Lake and the Wolf Creek Road area are home to the red listed American Badger. The American Badger is at risk in British Columbia because the amount of suitable habitat is small and has been adversely affected by human activity. Key areas of low elevation grasslands and open pine or fir forests have been lost. Fire suppression causes forest encroachment on grasslands and development creates a loss or alteration of low elevation grasslands and open coniferous forests. Reduced food supply and secondary poisoning from rodenticides are also contributing factors to the badger decline.

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

Skookumchuck Prairie is a core area for the antelope brush/bluebunch wheatgrass which is a red listed species. The threats to this plant community include livestock and wildlife grazing, urban development, invasive species, fire suppression and intensive agriculture.

The plan area is generally characterized by dry ecosystem types, with the distribution of old growth forests being limited. Old growth forests in the plan area are characterized by well spaced, large diameter trees influenced by frequent stand maintaining fires. 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. Due to fire suppression practices over the last century, old growth stands have been affected by dense in-growth of young stems.

The consultation process for this plan revealed that the protection of environmentally sensitive areas and endangered species were considered of high importance. Ensuring that future development incorporates measures to mitigate the impact of the development was considered an essential part of the planning process.

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Development permit guidelines for the protection of the natural environment for identified Environmentally Sensitive Areas (ESA) are found within section 17.5 of this plan. The process for designating the ESAs included consultation with Ministry of Environment staff and independent consultants, who assisted in identifying a range of significant ecosystems, habitats and features within the plan area.

## (2) Objectives

- (a) Foster awareness of the natural environment and to protect environmentally sensitive areas.
- (b) Retain critical wildlife habitat, wildlife corridors, and ungulate winter range.
- (c) Ensure that development causes minimal degradation of soil, air, and water systems, and are compatible with maintaining and enhancing wildlife habitat.
- (d) Recognize the importance of containing and controlling noxious / invasive plants and preventing their establishment.
- (e) Support rehabilitation, restoration and enhancement of environmentally sensitive areas which were subject to negative impacts in the past.

## (3) Policies

- (a) Ecosystem restoration and reclamation initiatives by environmental organizations, local citizens or the responsible Provincial Ministry that restore and enhance disturbed environmentally sensitive areas to a more natural condition are supported.
- (b) Property owners and occupiers are required to control and manage invasive plants as required by the Regional District Noxious Weed Control Enforcement Service Establishment Bylaw and the *Weed Control Act* through prevention and control initiatives.
- (c) Recreation users within the plan area are encouraged to inspect their ATVs, mountain bikes, boats and vehicles for invasive plants to assist in prevention of the spread and establishment of these plants.
- (d) Property owners are encouraged to maintain and upgrade on-site septic systems in order to decrease potential nutrient loadings and bacteriology inputs to both groundwater and surface water in the plan area.
- (e) Trading of Crown land for private land may be suitable where there is clear public benefit, such as habitat protection or enhancement.
- (f) Property owners should preserve wetlands, riparian areas, wildlife habitat, native vegetation and trees through consideration of the co-location of infrastructure and utilities, concentration of development and minimization of site grading. All development activities undertaken must comply with the applicable provincial and federal legislation and regulations.
- (g) In order to ensure that private land in environmentally sensitive areas is conserved and protected, designation of land as OSRT, Open Space, Recreation and Trails within comprehensive developments is encouraged. Opportunities within an area designated OSRT would include passive uses with minimal impact such as non-motorized recreation trails and non-land altering recreation activities.
- (h) The Regional District encourages management of Crown land in an environmentally responsible manner which:
  - (i) protects surface and groundwater sources;
  - (ii) manages forest ingrowth;
  - (iii) minimizes risk of interface fire and wildfire;
  - (iv) enhances wildlife habitat;
  - (v) protects viewscales and scenery;

- (vi) protects watershed ecological values, including waterfowl and fish and their corresponding habitat; and
- (vii) maintains diverse plant communities by managing invasive plants.
- (i) Property owners are encouraged to utilize clean burning and smart burning techniques for wood burning appliances in order to minimize the impact of these appliances on air quality within the plan area.
- (j) Development within the environmentally sensitive areas identified on **Schedules K1 and K2** will be managed through the Development Permit process. Prior to undertaking identified works within an ESA, an applicant must receive an approved Development Permit in accordance with section 17.5 of this plan.
- (k) Preservation and restoration of old growth forests is encouraged and supported by the following:
  - (i) Human settlement and other land development activities within, or adjacent to, old growth forests is discouraged.
  - (ii) If development is proposed within old growth forest areas a compact development footprint should be utilized to minimize negative impacts to the old growth forest.
  - (iii) Large diameter Douglas fir, ponderosa pine and western larch trees should be identified and preserved.
  - (iii) Small diameter, densely spaced in-growth trees found between larger diameter old growth stems, should be removed.
  - (iv) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.
  - (v) Applications where development within old growth forests is unavoidable should include compensation measures such as restoration of natural old growth forest disturbance zones through thinning or spacing in order to minimize the net ESA loss. Restoration is encouraged through removal and spacing of smaller trees and burning debris piles as determined by a Qualified Environmental Professional (QEP) in an Environmental Impact Assessment Report. Restoration should maintain the key characteristics of typical dry ecosystem old growth forests including a spaced open crown comprised of large diameter trees. This guideline does not apply to the restoration of higher elevation old growth forests.
- (l) Preservation and restoration of wildlife connectivity corridors is encouraged and supported by the following:
  - (i) Contiguous habitat areas should be preserved.
  - (ii) Structures and barriers that impede wildlife movement, such as exclusion fencing should be avoided within connectivity corridors. For example, solid walls or fences erected to control wildlife capable of jumping over a fence 2.0 m in height should not be used.
  - (iii) Extensive development within connectivity corridors that restricts the opportunity for wildlife movement should be avoided.
  - (iv) If the construction of a structure within a connectivity corridor cannot be avoided, the structure should be located at the periphery of the corridor to limit the impediment of wildlife movement.
  - (v) Extensive pruning of underbrush within connectivity corridors should be avoided.

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- (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.

## 10.2 Water Resources

### (1) Background

The water resources within the plan area provide potable water for residents and represent a range of recreational, wildlife habitat and rural character values. Without water for irrigation, the possibility of expanding agriculture will also be limited.

Demands on the water resources often result in conflicting interests that are difficult to balance. Consideration of options that can mitigate the human impact on water resources will be essential when considering development and land use opportunities in the future.

### (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) Support the protection, rehabilitation and enhancement of wetland and riparian areas.
- (c) Protect the ground water and surface water sources for domestic water and irrigation use.

### (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 *Fisheries Act*.
- (d) Development adjacent to water bodies or watercourses should consider storm water management options to mitigate the impact of run-off on riparian areas and environmentally sensitive areas.
- (e) Development in the plan area should consider the impact of associated water usage requirements on groundwater resources.
- (f) 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.
- (g) Property owners are encouraged to maintain and upgrade on-site septic systems in order to decrease potential nutrient loading and bacterial inputs to both groundwater and surface water resources.
- (h) Water conservation is encouraged through the use of low volume fixtures, the use of commonly accepted lawn watering practices and the utilization of native vegetation in landscaping.

- (i) 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.

### **10.3 Fish and Wildlife Habitat**

#### **(1) Objectives**

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

**(2) Policies**

- (a) Conservation and/or enhancement of fish and wildlife habitat values within the plan area by local citizens, environmental organizations, and Provincial and Federal jurisdictions is encouraged.
- (b) Agricultural operations considering the use of wildlife fencing are encouraged to consider wildlife movement, habitat, and access to water when determining fence placement.
- (c) Residents are encouraged to minimize the potential disturbance of wildlife by pets and domestic animals.
- (d) Future land uses should not compromise the integrity of badger habitat and Class 1 and 2 ungulate winter range, particularly range located along the west facing slopes. Ungulate winter range is shown on **Schedule F**. Badger habitat and connectivity is shown on Schedule G.
- (e) Residents and visitors accessing Crown land are encouraged to minimize impacts to grazing, habitat, wildlife and sensitive soils.
- (f) Development is encouraged to limit impacts on wildlife movement through development design or other compensations.
- (g) Area residents and visitors should be aware of Provincial regulations that prohibit the introduction of non-native fish species to lakes and rivers.
- (h) Education programs such as WildSafe BC and Wildlife Collision Awareness to reduce wildlife mortality are encouraged.
- (i) BC grasslands are characterized as one of the most endangered ecosystems in Canada. Grasslands contain a number of red and blue listed plant species as well as provide habitat for a number of endangered wildlife species. In addition, the grasslands act as a wildlife corridor and provide forage for local deer and elk populations. Recognition must be given to the sensitivity of this ecosystem and particular attention must be paid to proposed developments and future land uses that could adversely affect these grasslands.
- (j) Habitat connectivity, sensitive ecosystems, vulnerable plant communities and movement of endangered animal species shall be considered at the time of rezoning or OCP amendment applications. Notwithstanding the Development Permit requirements of section 17.3 and 17.5 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 Regional District at the time of application.
- (j) The rehabilitation, protection and enhancement of the Wasa Slough Wildlife Sanctuary is supported.

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**10.4 Invasive Species****(1) Policies**

- (a) Property owners and occupiers are required to control and manage invasive plants in accordance with applicable Regional District bylaws and Provincial acts and regulations.



- (b) Recreation 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.

## 10.5 Air Quality

### (1) Policies

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. DEVELOPMENT CONSTRAINTS

### 11.1 Floodplains, Debris Torrent Fans and Geotechnical Hazards

#### (1) Background

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

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

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

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

#### (2) Objectives

- (a) Ensure public safety by discouraging development in flood prone areas.
- (b) Ensure public safety by discouraging development in areas subject to geotechnical hazards such as slope, erosion and landslip.
- (c) Ensure public safety by discouraging development in alluvial fan areas subject to debris torrent hazard.

#### (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 Electoral Area E Zoning & Floodplain Management Bylaw. All floodplain requirements must be met unless a site specific exemption has been granted by the Regional District.
- (b) All development within a floodplain or along a watercourse or water body, or potentially impacted by a site specific hydrologic hazard, such as flooding or channel avulsion, must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies may be required as per section 56 of the *Community Charter*.
- (c) 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.

- (d) Applications to vary the minimum usable site area requirements contained within the zoning bylaw will generally not be supported.
- (e) The development of land greater than 15% slope, susceptible to erosion and landslip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.
- (f) All development with a slope that is equal to or greater than 15%, susceptible to surface erosion, gulying, landslides or landslip must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional may be required prior to issuance of a building permit or other development approval as per section 56 of the *Community Charter*.
- (g) Development of lands with slopes in excess of 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.
- (h) The development of land susceptible to debris torrent hazard including, but not limited to, those areas identified in **Schedule H** is discouraged.

## 11.2 Interface Fire Hazard & Public Safety

### (1) Background

The expansion of rural development and recreational use in the plan area has increased the potential threat to the community from interface fire hazard. Generally, fire suppression efforts to protect developed land have led to forest in-growth and an increase in fuel load resulting in a significant fire hazard rating for the plan area and surrounding land.

During public consultation associated with the planning process, wildfire hazard was identified as one of the top environmental concerns. In addition, the need for wildfire emergency response planning and the lack of fire protection services were identified as significant concerns.

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

Interface fire hazard ratings for the plan area are shown on **Schedule I**.

### (2) Objectives

- (a) Mitigate the risk associated with interface fire hazard to residents and visitors.
- (b) Encourage the adoption and implementation of FireSmart principles and wildfire mitigation measures by property owners, occupiers and developers.

### (3) Policies

- (a) Ecosystem restoration initiatives on Crown and private land to mitigate the risk of interface fire hazard are supported.
- (b) Development in high fire hazard areas may require mitigation measures as prescribed by a Development Permit issued in accordance with the provisions of section 17.
- (c) Applications for rezoning of parcels which include land rated as high for fire hazard probability on **Schedule I** 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 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 two vehicular access / egress routes, wide enough to accommodate emergency vehicles, to allow for simultaneous access for emergency equipment and evacuation of residents;
  - (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.
- (d) Residents and visitors are required to comply with the provincial *Wildfire Act* and Wildfire Regulation.
- (e) The acquisition and utilization of resources, facilities and funding for emergency response planning and management is supported.
- (f) Residents are encouraged to ensure that their civic address is clearly posted, in good repair, and visible to assist emergency response personnel in locating the property.

## **12. ARCHAEOLOGICAL AND CULTURAL RESOURCES**

### **12.1 Background**

The plan area has a rich archeological history extending back thousands of years through inhabitation and utilization of the land and its resources by the Ktunaxa. The plan area also contains artifacts and sites related to the first European Settlers including the location of the original Kootenai House trading post established by the Northwest Fur Trading Company and David Thompson in 1807. The plan area contains recorded archeological sites and has the potential to contain many more. The Province protects these sites, whether known or unrecorded, through the *Heritage Conservation Act*. The protection applies to both private and Crown land.

Current knowledge about the known archeological sites is gained through the Provincial database of recorded archeological sites and consultation with the Ktunaxa Lands and Resources Agency. An Archeological Overview Assessment has not been completed as part of this planning process.

### **12.2 Objectives**

- (1) To help preserve the archeological and cultural resources of the plan area.
- (2) To recognize the potential for discovery of archeological sites and artifacts during the development process.
- (3) To recognize the need for an Archeological Overview Assessment for the plan area.

### **12.3 Policies**

- (1) Archeological sites dating before 1846 are protected under the *Heritage Conservation Act* and must not be disturbed or altered without a permit from the Archeology Registry Services Branch.
- (2) Development in conflict with archeological sites protected under the *Heritage Conservation Act* may be required to undertake an archeological impact assessment as a condition of approval.
- (3) Developers are encouraged to engage a professional consulting archeologist prior to proceeding with land clearing and site grading to determine if an archeological impact assessment is required to manage and mitigate the impact of the development on any known or unrecorded archeological sites.
- (4) As part of the site planning and design of future developments the developer or property owner is encouraged to recognize and avoid the disturbance of identified archeological sites.
- (5) Initiatives that protect archeological sites and cultural resources within the plan area are supported.
- (6) Undertaking an Archeological Overview Assessment (AOA) for the plan area is supported. The intent of the AOA is to identify areas with potential to contain archeological sites and recognize known archeological sites. Upon completion of the AOA the plan should be amended to integrate a schedule depicting the areas of archeological distribution and potential.

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

### **13.1 Background**

Solid waste in the plan area is managed in accordance with the RDEK Solid Waste Management Plan. The solid waste is handled at the Regional District's Central Subregion Landfill, a number of transfer stations, and through the Regional District recycling program. The recycling program allows for recycling of cardboard, paper, tin, aluminum cans, numbered plastics, shopping bags and food-grade glass.

Sewer services in the plan area are primarily provided through on-site sewage disposal systems. The continued reliance on on-site groundwater sources for potable water was a concern expressed during the public consultation. In particular, significant concern was identified in relation to the limited information that is available about the groundwater aquifer within Wasa; its susceptibility to contamination or depletion and the lack of government responsibility for groundwater protection. Water quality and quantity was one of the top community planning issues identified during the planning process.

The main transportation corridors in the plan area are Highway 93/95 and 95A. Highway 93/95 leads to Canal Flats in the north and Fort Steele in the south. Highway 95A intersects Highway 93/95 north of Wasa and heads southwest to Kimberley.

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

### **13.2 Objectives**

- (1) Promote responsible solid waste management and recycling practices.
- (2) Promote responsible on-site sewer system management.
- (3) Encourage the study of groundwater resources within the plan area.
- (4) Consider and maintain road network safety and efficiency for all new development.

### **13.3 Policies**

- (1) Residents and visitors are encouraged to follow the principles contained in the RDEK Solid Waste Management Plan to reduce the amount of solid waste produced by following the 5 R's: reduce, reuse, recycle, recover and residual management.
- (2) Recycling will be encouraged and coordinated through the Regional District recycling program.
- (3) In order to promote and encourage responsible waste management practices the Regional District will continue to provide on-going public education campaigns to increase public knowledge about how to reduce solid waste.
- (4) Property owners and occupiers are encouraged to ensure that maintenance programs for on-site septic systems are followed in accordance with the appropriate Provincial regulations.
- (5) Where on-site 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 *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.
- (6) The continued mapping and assessment of the quality and quantity of groundwater resources with the Wasa area is encouraged. Cooperative efforts with the responsible Provincial ministries and organizations will be undertaken by the Regional District as resources allow.
- (7) Land uses adjacent to Highway 93/95 and Highway 95A should be compatible with the highway noise and traffic speed. The utilization of secondary access roads rather than direct access to Highway 93/95 and 95A is encouraged.

- (8) Applications for closure of undeveloped road rights-of-way should not prevent future opportunities for utilization of the right-of-way for access routes, trails or access to water.
- (9) Mitigation measures, including highway design and public education, are supported to reduce highway wildlife mortality and the barrier effect.
- (10) Improvements to the road network within the plan area intended to improve public safety are supported.

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

### **14.1 Background**

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

### **14.2 Objectives**

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

### **14.3 Policies**

- (1) Green building standards, such as consideration of opportunities to minimize the energy and resource requirements of buildings and structures, is encouraged for all development.
- (2) The integration of energy efficient and renewable energy infrastructure and utilities is encouraged.
- (3) The utilization of passive solar energy through solar orientation is encouraged.
- (4) The location of future development within existing development nodes is encouraged.
- (5) The use of compact development footprints is encouraged within the plan area.
- (6) The reduction of green house 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 trails linkages and open spaces is supported.
- (9) The protection of existing forested areas, green spaces and grasslands is supported.

## **15. TEMPORARY LAND USE**

### **15.1 Background**

Within the plan area there may be a need to accommodate a temporary land use on a parcel not zoned for that purpose.

### **15.2 Objectives**

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

### **15.3 Policies**

- (1) Temporary Land Use Permits will be considered throughout the plan area.
- (2) An application for a Temporary Land 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 residential 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 land 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;
  - (d) other business or operating conditions to mitigate the impacts of the temporary use.



## **16. CROWN LAND MANAGEMENT**

### **16.1 Background**

The primary purpose of the plan is to provide policy direction for the development of private land within the plan area. However, within the plan area there is a significant amount of Crown land. While the activities on these lands are not the jurisdiction of the Regional District and the enforcement of unauthorized land uses on Crown land is the responsibility of the appropriate Provincial Ministry it is recognized that these activities can have a significant impact on residents of the plan area. This plan contains statements regarding land use activities and management of Crown land that were identified during the development of this plan.

### **16.2 Objectives**

- (1) Support the management of Crown land in a manner that considers the social, environmental and economic needs of the plan area.

### **16.3 Policies**

- (1) The Regional District encourages management of Crown land in an environmentally responsible manner that:
  - (a) protects surface water 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 ecological values, including waterfowl and fish and their corresponding habitat; and
  - (g) maintains diverse plant communities by managing invasive and noxious plants.
- (2) Efforts to minimize conflicts between motorized and non-motorized recreation users of Crown land within the plan area are supported.

## 17. DEVELOPMENT PERMIT AREAS

### 17.1 Background

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

### 17.2 Development Permit Area #1 – Wildfire Hazard

#### (1) Area

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

#### (2) Purpose

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

#### (3) Requirements

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

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

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#### (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 to be constructed or placed is not within a high fire hazard area.
- (c) The land is already subject to a Wildfire Hazard Development Permit or wildfire hazard restrictive covenant.

#### (5) Justification

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

#### (6) Guidelines

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

- (a) Subdivision Guidelines
  - (i) Prior to the Regional District's issuance of final subdivision comments to the Ministry of Transportation and Infrastructure, a Development Permit will be registered on the property that states all future dwelling units on the property shall be in conformance with section 17.2 (6)(c) of this plan and the results of the report prepared under section 17.2 (6)(a)(ii), if applicable.

- (ii) In cases of Development Permit Area overlap, the Regional District may require a Wildfire Hazard Assessment Report prepared by an RPF who is a member of the Association of BC Forest Professionals. The reports for wildfire hazard and environmentally sensitive areas should be submitted concurrently.
  - (iii) The Regional District may require written acknowledgment that the professionals involved have read and collaborated on their reports and recommendations. The wildfire hazard assessment shall take into account the findings of the other professional report(s) and recommendations including regard for the cutting or thinning of trees and the need for remediation of disturbed areas to avoid situations that could lead to adverse conditions such as destabilization of slopes or negative effects to other environmentally sensitive areas on the property.
- (b) Dwelling Unit Guidelines
  - (i) The intention of the guidelines is to ensure the long term maintenance of Priority Zone 1. This zone is the area within 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 17.2 (6)(b)(ii), if applicable.
  - (ii) In cases of Development Permit Area overlap, the Regional District may require a Wildfire Hazard Assessment Report prepared by an RPF who is a member of the Association of BC Forest Professionals. The reports for wildfire hazard and environmentally sensitive areas should be submitted concurrently.
  - (iii) The Regional District may require written acknowledgment that the professionals involved have read and collaborated on their reports and recommendations. The wildfire hazard assessment shall take into account the findings of the other professional report(s) and recommendations including regard for the cutting or thinning of trees and the need for remediation of disturbed areas to avoid situations that could lead to adverse conditions such as destabilization of slopes or negative effects to other environmentally sensitive areas on the property.
- (c) Occupancy Permit Guidelines

An Occupancy Permit will not be issued by the Regional District until an inspection has been completed and it has been confirmed that the conditions under section 17.2 (6)(d) and 17.2 (6)(e) have been met.
- (d) Occupancy Permit requirements for dwelling units:
  - (i) All roofing materials of new dwelling units must conform to Class A, B or C fire resistance as defined in the BC Building Code.
  - (ii) Buildings and structures used to store wood or other combustible materials must be located a minimum of 10 metres away from the dwelling unit.
  - (iii) Property owners must post their civic address in accordance with the applicable Regional District House Numbering Regulation and Fee Bylaw.
- (e) Occupancy Permit landscaping requirements within the Priority 1 Zone:
  - (i) Combustible fuel removal shall take place. Fuel removal includes the removal of ground-level fuels, piled debris, and other combustible debris.
  - (ii) Planting of new coniferous species including, but not limited to, juniper, pine and spruce is not permitted.

- (iii) It is not advisable to retain previously existing mature coniferous trees within the Priority 1 zone. If retained, coniferous trees must:
- have limbs pruned such that they are at least two metres above the ground; and
  - be spaced so that there are three metres between crowns, thereby ensuring the tips of the branches of a coniferous tree are no closer than three metres to the tips of the branches of neighbouring coniferous trees; and
  - have no limbs within three metres of the dwelling unit or attachments such as balconies; OR
  - be managed as recommended in a Wildfire Hazard Assessment Report, in consideration of FireSmart Principles, prepared by an RPF who is a member of the Association of BC Forest Professionals.

### 17.3 Development Permit Area #2 – Wasa Lake and Cameron Pond Shoreline

(1) **Area**

Development Permit Area #2 applies to those portions of the shoreline of Wasa Lake and Cameron Pond designated as red and orange shoreline zones on **Schedule J** of the Wasa and Area Official Community Plan. Where the shoreline is designated as a red or orange shoreline zone the Development Permit Area extends 30 m into the lake or pond and 15 m upland from the natural boundary.

(2) **Purpose**

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

(3) **Requirements**

For land located within Development Permit Area #2, an owner shall obtain a Development Permit prior to proceeding with any of the following:

- (a) Construction, addition or alteration of a building or other structure; or
- (b) Alteration of land, including the removal of riparian or aquatic vegetation, site grading, deposition of fill, beach creation, or dredging.

(4) **Exemptions**

A Development Permit is not required within Development Permit Area #2 under the following conditions:

- (a) The proposed activity is limited to internal alterations to buildings or structures.
- (b) 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 development footprint by an amount less than 25% of the area existing at the time the Wasa and Area Official Community Plan Bylaw No. 2501, 2014, was adopted.
- (c) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within the highway right of way.
- (d) The proposed activity is limited to general road or railway construction or maintenance within the right of way.
- (e) 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 QEP supplementing native vegetation, or maintaining existing vegetation.

- (f) 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.
- (g) 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 and erosion.
- (h) Routine maintenance of existing beach areas, including the periodic deposition of new sand and removal of encroaching upland vegetation on the existing beach areas conducted under the direction of BC Parks or Wasa Lake Land Improvement District.
- (i) The proposed activity is conducted in partnership with a QEP under the direction of the Wasa Lake Land Improvement District for the purpose of flood mitigation. All development is still subject to the applicable Federal and Provincial requirements and approval processes.

(5) **Justification**

- (a) The Wasa and Area Official Community Plan area includes natural ecosystems that are unique to the Wasa Lake and Cameron Pond foreshore. The East Kootenay Integrated Lake Management Partnership (EKILMP) undertook a Sensitive Habitat Inventory Mapping (SHIM) project for Wasa Lake and Cameron Pond to identify these natural ecosystems and explore the alteration of the shoreline. The SHIM process has been developed in British Columbia as a tool to assist in conserving and protecting sensitive ecosystems and critical habitats. The SHIM methodology was originally utilized for mapping fish and wildlife habitat associated with watercourses and has been developed and refined for application on lake shorelines.

An Aquatic Habitat Index (AHI) analysis was used to score and rank the shoreline on both water bodies. The AHI used numerical data from four categories of parameters: biophysical, Zones of Sensitivity, riparian and modifications. Zones of Sensitivity for the project area were determined to be native fish spawning area, biologically productive area, sensitive plant species and bird staging areas.

The Shoreline Management Guidelines were prepared using templates from other lake studies completed in the region (ie. Windermere and Moyie Lake). Segments were color coded and mapped using the AHI rankings. Appropriate activities for each color zone 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 zones, lower in yellow and lowest in a grey zone.

- (b) Development Permit Area #2 is applicable to the red and orange shoreline color zones 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 AHI Analysis. This zone includes the park area associated with Hanson Creek and the north end of Cameron Pond which contains conservation lands, a wetland and the outlet of Lewis Creek. 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. Red zones account for 7% of the total shoreline length of Wasa Lake and 46% of the total shoreline length of Cameron Pond.

**Orange Shoreline Zone** –is identified as High Value Habitat Areas for fish and/or wildlife through the AHI 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. Two of the three segments designated as orange zones are already protected as parks. Restoration opportunities potentially exist in these areas. Orange zones account for 21% of the total shoreline length of Wasa Lake and 26% of the total shoreline length of Cameron Pond.

- (c) The objective of Development Permit Area #2 is the protection, preservation, restoration and enhancement of the natural ecosystem along the shoreline of Wasa Lake and Cameron Pond. 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.

(6) **Guidelines**

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

(a) General

The following guidelines apply to all areas identified as red and orange shoreline zones on **Schedule J** of the Wasa and Area Official Community Plan:

- (i) All development proposals are subject to the applicable requirements and approval processes under the federal *Fisheries Act*, *Canadian Environmental Assessment Act* and the provincial *Land Act*, *Water Act*, *Health Act* and *Environmental Management Act*. 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) 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 favor of the Regional District, and may include another public agency, including the province.

- (iv) 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*.
- (v) 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.
- (vi) 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.

- (vii) 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.
  - (viii) All approved development should follow the applicable best management practices (BMP) of the province and the Regional Operating Statement (ROS) of Fisheries and Oceans Canada (DFO), unless a letter of advice or *Fisheries Act* authorization under section 35(2) has been issued.
  - (ix) 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 under the *Fisheries Act* and *Environmental Management Act*.
- (b) Red Shoreline Zone Guidelines

The following guidelines apply to portions of shoreline identified as red shoreline zone on **Schedule J** of the Wasa and Area 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 color 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 17.3(6)(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 **Schedule J** of the Wasa and Area Official Community Plan:

- (i) In consideration of the impact resulting from the alteration of land, removal of vegetation and placement or construction of in-water structures on aquatic organisms; fish; fish habitat; riparian, aquatic 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 QEP concludes that the site under application no longer possesses the characteristics that would warrant the orange color 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 federal *Fisheries Act* or provincial *Water Act* or *Environmental Management Act* must be done in accordance with the recommendations made by a QEP and any requirements of the province or Fisheries and Oceans Canada (DFO).



**(7) Applicable Definitions**

Within Development Permit Area #2:

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

**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.

## 17.4 Development Permit Area #3 – Commercial and Light Industrial Development

### (1) Area

Development Permit Area #3 applies to all properties zoned a commercial or light industrial designation within the zoning bylaw or utilized for commercial development or light industrial purposes within the plan area.

### (2) Purpose

The purpose of Development Permit Area #3 is for the establishment of objectives for the form and character of commercial and light industrial land development, to promote energy and water conservation, and the reduction of greenhouse gas emissions.

### (3) Requirements

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

#### 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 which do not affect the outer appearance of the buildings or structures.
  - (ii) The proposed activity is limited to replacement, upgrading, or repair of roofing.
  - (iii) 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 10% of the area existing at the time Regional District of East Kootenay – Wasa and Area Official Community Plan Bylaw No. 2501, 2014 was adopted.
  - (iv) Temporary buildings or structures that are erected for offices, construction or marketing purposes for a period that does not exceed the duration of construction.
  - (v) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within a public right of way.
  - (vi) 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.

### (4) Justification

The form and character of commercial and light industrial development is an important part of what makes a community attractive and livable for visitors and residents.

The primary objective of this designation is to ensure that commercial and industrial developments are attractive and compatible with the surrounding area.

A second objective of this designation is to establish guidelines that promote reductions in the consumption of energy and water and in the emissions of greenhouse gases. These guidelines will help the Regional District meet targets related to greenhouse gas emissions reduction.

**(5) Guidelines**

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

**(a) Siting**

- (i) Location of buildings and open spaces will be planned to create a positive relationship between adjacent buildings, landscape features and residential uses.
- (ii) The placement of buildings will respect existing landforms where possible to ensure minimal grading of the site is required.
- (iii) All buildings will be designed to both preserve and take advantage of natural features or scenic views.
- (iv) All buildings and structures must be sited in accordance with the regulations contained within the zoning bylaw, unless a variance is approved by the Regional District.
- (v) Where appropriate, buildings should be oriented to maximize solar orientation of building envelopes.

**(b) Building Massing and Scale**

- (i) Larger buildings shall be broken into smaller masses by breaking up the building footprint, offsetting walls, shifting rooflines to vary height, and articulating building elevations. The buildings should be brought down to the pedestrian scale through the use of low eave lines, porches and canopies. Building heights shall be in accordance with the zoning bylaw, unless a variance is approved by the Regional District.
- (ii) The use of verandahs and porches is encouraged as a means of mitigating the scale and mass of a building.
- (iii) Large developments should be broken into smaller buildings when possible.
- (iv) Building footprints should be minimized where possible in order to allow for maximum green space.

**(c) Exterior Finish**

- (i) Long expanses of unbroken or unarticulated roofline and continuous ridgelines are discouraged. Roofs that include architectural detail such as dormers are encouraged.
- (ii) Exterior finishes should be wood, brick, natural stone, stucco, or other materials of warm appearance. Substantial areas of concrete, uniform cinder block, solid wall, or glass should be avoided. Stucco should be utilized to a maximum of 40% of the total exterior of the building.
- (iii) The use of exposed wood architectural features and trim is encouraged.
- (iv) The use of green roofs, living walls or other measures to reduce heat gains caused by hard surfaces and to help absorb storm water is encouraged.
- (v) The use of sustainable or 'green' building materials is highly encouraged.

**(d) Outdoor Lighting**

A dark sky policy should be implemented to reduce glare, light trespass, and light pollution. The following principles shall be observed:

- (i) The appropriate level of lighting should be provided to ensure safety and aesthetic measures.
- (ii) Illumination should be limited to way finding and be of low intensity.
- (iii) The use of sulphur and mercury vapour lighting is prohibited.

(e) Landscaping

- (i) A combination of hard and soft landscaping is required. Consideration must be given to the relationship between the building, provision of parking and landscape within the context of the pedestrian and passerby experiences. A detailed landscape plan must be submitted as part of the development permit application.
- (ii) The preservation of significant trees and shrubs and the utilization of mature plantings are encouraged.
- (iii) Large parking areas shall be broken into smaller elements through the use of landscaping. The use of trees that will provide shade throughout the parking area when they mature is encouraged.
- (iv) The use of native species to landscape new developments and to restore disturbed sites is encouraged. Where possible native plant communities should be protected and preserved.
- (v) Plants should be used to screen utility boxes, garbage bins, propane tanks, storage areas, loading docks, exposed mechanical or electrical units. Fencing, walls or other architectural design elements may be used in addition to plants and if utilized must be integrated into the overall design structure.
- (vi) Fences and garden walls should be constructed with natural materials such as stone or wood.
- (vii) Landscaping shall be protected from pedestrian, vehicular and equipment damage by curbs, bricks, low fencing or other materials.
- (viii) Adjacent residential uses should be adequately buffered by appropriate landscaping or the provision of screening.
- (ix) The use of porous materials should be maximized throughout landscaping.
- (x) When possible, opportunities for rainwater recycling should be included in landscape design.

(f) Access

- (i) Site access points shall 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.
- (iii) The provision of bicycle parking close to building entrances, at grade, in a well-lit and clearly visible location is encouraged.

## 17.5 Development Permit Area #4 – Protection of Environmentally Sensitive Areas (ESAs)

### (1) Area

Development Permit Area #4 applies to all areas designated as ESAs on **Schedules K1 and K2** of this plan.

### (2) Purpose

The purpose of Development Permit Area #4 is for the protection of the natural environment, its ecosystems and biological diversity.

### (3) Requirements

- (a) Within Development Permit Area #4, 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 #4;
  - (ii) Construction, addition or alteration of a building or structure where any portion of the proposed development footprint is located within Development Permit Area #4; or
  - (iv) 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 #4.

### (4) Exemptions

- (a) A development permit is not required within Development Permit Area #4 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 Regional District of East Kootenay – Wasa and Area Official Community Plan Bylaw No. 2501, 2014 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) ecosystem restoration project approved by a 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.

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- (vii) With respect to subdivision under 17.5(3)(a)(i) either:
  - (A) RDEK staff conducts a site visit and confirms that the ESA identified in Schedules K1 and K2 is not present on the parcel under application. If identifying the presence or absence of the ESA identified in Schedules K1 and K2 is beyond the expertise of RDEK staff, then Section 17.5(4)(a)(vii)(B) applies.
  - (B) A QEP conducts a site visit and certifies in a signed letter that the ESA identified in Schedules K1 and K2 is not present on the parcel under application.
- (viii) With respect to development under 17.5(3)(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 K1 and K2, provided that if identifying the presence or absence of the ESA is beyond the expertise of RDEK staff, then Section 17.5(4)(a)(viii)(B) applies; or
  - (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 K1 and K2.
- (ix) The land and ESA values within Development Permit Area #4 have been permanently and adequately protected by means such as a conservation covenant, returned to Crown ownership, provided as public park, or similar method as is acceptable to the Manager of Planning & Development Services. Any reference in Section 17.5 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 District Forest Manager.
- (xi) The proposed activity is conducted under the authority 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.
- (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 17.5 (6)(b)(iv) unless Section 17.5 (4)(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 17.5(3)(a)(i).
- (xvii) The proposed activity involves the development or management of a provincial park; is conducted within the boundaries of a provincial park; and is compliant with the provincial *Park Act*.
- (xviii) On Lot 2, Plan NEP 7228, DL 14, KD except Plan NEP19932, the proposed activity is limited to maintenance or emergency repairs of the manmade diking and associated infrastructure on the parcel.

## (5) Justification

- (a) The Wasa and Area Official Community 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 food, habitat and connectivity corridors for many terrestrial and aquatic species. Wetland and riparian ecosystems, including both the wetted area and adjacent supporting land and vegetation, are important to both aquatic and terrestrial wildlife.

- (ii) Grassland ecosystems

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

- (iii) Old growth forests

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

Every type of forest is distinct, and there is no internationally accepted definition of an old growth forest. B.C. scientists have developed a working definition based on the age when the province's different forest ecosystems typically begin to develop old growth characteristics

B.C.'s coastal forests are considered old growth if trees are more than 250 years old. In the Interior, where trees have a shorter life span and wildfires are more common, old growth is defined as more than 120 years of age for forests dominated by lodgepole pine or broadleaf species, and more than 140 years for all other forests such as Englemann spruce, white spruce and Interior Douglas-fir.

While characteristics vary according to location and species, old growth forests tend to have more standing dead trees, or snags, and fallen trees than younger forests. The trees are often larger, and the forest canopy is layered, with openings that allow light, encouraging the growth of ferns, berry bushes and mosses.

Large trees and decaying woody materials such as standing dead trees and fallen trees provide nests, dens and food for many birds, mammals and amphibians.

## (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.

- (b) The objective of Development Permit Area #4 is the protection, preservation, restoration and enhancement of the significant ecosystems, habitats and features identified in 17.5(5)(a)(i)-(v) and on **Schedules K1 and K2**. 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.

**(6) Guidelines**

Development requiring a permit must comply with the Guidelines. Development permits issued shall be in accordance with the following:

## (a) General

The following guidelines apply to all areas identified as ESAs on **Schedules K1 and K2** 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) For subdivision, reduction of the minimum parcel sizes specified in the zoning bylaw 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 an inventory of any habitat that supports species at risk which are identified as extirpated, endangered or threatened in federal or provincial legislation or regulations 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 any dry ecosystem old growth forest values may be required to be completed as part of the identification of relevant baseline information, depending on the scope of the Report and its Terms of Reference. If the land is identified as having dry ecosystem old growth forest values, the Environmental Impact Assessment Report must:

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

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

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

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

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

(b) Wetland and Riparian Ecosystem Guidelines

The following guidelines apply to areas identified as wetland and riparian ecosystem ESAs on **Schedules K1 and K2** of this plan. This section does not apply to Development Permit Area #2 - Wasa Lake and Cameron Pond Shoreline and Schedule J.

- (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 concurrent with, or subject to, the development approval and should be in favour of the RDEK, other public agencies including the Province, 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 should 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 17.5(6)(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 may be required 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 17.5(6)(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) Grassland Ecosystem Guidelines
- The following guidelines apply to areas identified as grassland ecosystems ESAs on **Schedules K1 and K2** of this plan:

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- (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 grassland 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 grassland 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 Province, 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.

## (7) Applicable Definitions

Within Development Permit Area #4:

**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 18.4(2)(iii) 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 17.5 (3) (a) and consistent with the guidelines contained in section 17.5 (6) of this plan.

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

**FLOODPLAIN** means an area which is susceptible to flooding from a watercourse, lake or other body of water.

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**GRASSLANDS** are uncultivated lands on which native grasses, forbs and shrubs are the dominant plant cover, and whose soils are not water saturated, except for brief periods.

Grassland vegetation in the East Kootenay Trench can be divided into three broad associations: the lower elevation open grasslands, the slightly higher elevation shrub-steppe, and the open savannah dominated by either ponderosa pine or Douglas-fir. Open grassland and savannah associated with ponderosa pine are dominated by rough fescue, Idaho fescue and bluebunch wheatgrass, whereas antelope-brush and bluebunch wheatgrass are more characteristic of Douglas-fir grasslands and savannah.

**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 ecosystem.

**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.

## 18. IMPLEMENTATION

### 18.1 Background

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

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

### 18.2 OCP Amendments

In the future, plan amendments may occur in response to a change in the needs of the community or the objectives for development or conservation. Amendments may be initiated by the Regional District or by an application by a property owner. All amendments to the plan require a bylaw amendment as prescribed by the *Local Government Act*.

Upon application to amend the OCP the applicant shall demonstrate that the proposed development site(s) will have adequate access and infrastructure services and that they are able to sufficiently mitigate any hazardous site conditions such as soil erosion, flooding or interface fire.

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 plan be substantially amended or rewritten.

### 18.3 Zoning Bylaw Amendments

Parcels may be rezoned in conformity with the land use designations contained in **Schedules D – D8**. The proposed zoning must also conform to the objectives and policies contained in the OCP.

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

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

### 18.4 Development Approval Information

- (1) Pursuant to Section 920.1 of the *Local Government Act* the Regional District may require the submission of development approval information to ensure that sufficient supporting documentation is provided, prior to approval, to assess the potential impact of a development or activity.

Development approval information may be required and apply to:

- applications for amendments to the zoning bylaw;
- application for a development permit; and
- applications for a temporary commercial or industrial use permit.

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 amended from time to time.

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

(i) *Flood Hazard*

Criteria: Applications for amendments to the zoning bylaw or Temporary Land Use Permits where the subject property is in an area of torrent or flood hazard identified on **Schedule H** of this plan.

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

(ii) *Agriculture*

Criteria: Applications for amendments to the zoning bylaw or a Temporary Land Use Permits for land that has not previously been subject to an *Agricultural Land Commission Act* application for which a report under section 6.3(7) of this plan has been provided to the Regional District.

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

(iii) *Natural Environment*

Criteria: Applications for amendments to the zoning bylaw, temporary use permits or development permits under section 17.3 Development Permit Area #2 – Wasa Lake and Cameron Pond Shoreline and 17.5 Development Permit Area #4 – Protection of Environmentally Sensitive Areas (ESAs) of this plan.

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

- 4. – Residential Land Use;
- 10.1 – Environmental Considerations - General;
- 10.2 – Water Resources;
- 10.3 – Fish and Wildlife Habitat;
- 17.3 – Development Permit Area #2 – Wasa Lake and Cameron Pond Shoreline; and
- 17.5 – Development Permit Area #4 – Protection of Environmentally Sensitive Areas (ESAs)

(iv) *Wildfire Hazard*

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

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

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## 19. LAND USE DESIGNATIONS

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

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

The land use designations are shown on **Schedules D, D2 – D8**. Where a land use designation boundary is shown as following a highway or creek, the center line of such highway or creek shall be the land use designation boundary.

### 19.1 Residential Land Uses

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

### 19.2 Rural Land Uses

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

### 19.3 Commercial Land Uses

**C, Commercial** supports the limited range of local, service and commercial land uses identified in the zoning bylaw.

### 19.4 Industrial Land Uses

**I, Industrial** supports light industrial land uses.

### 19.5 Institutional Land Uses

- (1) **INST, Institutional** supports such land uses as utilities, parks and playing fields, educational facilities, churches or places of assembly, and similar developments.
- (2) **OSRT, Open Space, Recreation and Trails** supports greenspaces, recreational amenities, agricultural use, local, regional and provincial parks and other protected areas, such as wildlife corridors.

This is Schedule A referred to in Bylaw No. 2501 cited as "Regional District of East Kootenay – Wasa and Area Official Community Plan Bylaw No. 2501, 2014".

"Rob Gay"

Chair

"Lee-Ann Crane"

Corporate Officer

April 4, 2014