



# **KIMBERLEY RURAL OFFICIAL COMMUNITY PLAN BYLAW No. 2760, 2017**

*This is a consolidation of the Zoning & Floodplain  
Management Bylaw and adopted amendments.  
This consolidated copy is for convenience only  
and has no legal sanction.*

*October 8, 2021*

**BYLAW AMENDMENTS**

<b>Bylaw</b>	<b>Amend / Yr</b>	<b>Adopted</b>	<b>Short Citing</b>	<b>Legal / Zone</b>
2938	01/2019	Dec. 6/19	Meadowbrook / Grant	Designation of part of Lot A, District Lot 12735, Kootenay District, Plan 6089, Except Plan 14743 <b>LH to SH</b>
3077	03/2021	Oct. 8/21	St Mary Lake West / Mt. Evans Land Co.	Designation of part of Sublot 39, District Lot 4592, Kootenay District, Plan X30 <b>OSRT to LH</b> and <b>LH to OSRT</b>

# REGIONAL DISTRICT OF EAST KOOTENAY

## BYLAW NO. 2760

A bylaw to adopt an Official Community Plan for the Kimberley Rural 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 the Kimberley Rural area;

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

**1. Title**

This Bylaw may be cited as the “Regional District of East Kootenay – Kimberley Rural Official Community Plan Bylaw No. 2760, 2017”.

**2. Application**

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

**3. Organization**

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

- (a) Schedule A – Policies
- (b) Schedule B – Plan Area and Subareas
- (c) Schedule C – Agricultural Land Reserve
- (d) Schedule D – Land Use Overview
- (e) Schedule D1 – Land Use – St. Mary Lake West
- (f) Schedule D2 – Land Use – St. Mary Lake East
- (g) Schedule D3 – Land Use – Porteous Road/Lone Pine
- (h) Schedule D4 – Land Use – Meadowbrook
- (i) Schedule D5 – Land Use – Woods Corner
- (j) Schedule E1 – Development Permit #2 – ESA – St. Mary Lake West
- (k) Schedule E2 – Development Permit #2 – ESA – St. Mary Lake East
- (l) Schedule E3 – Development Permit #2 – ESA – St. Mary Lake
- (m) Schedule E4 – Development Permit #2 – ESA – Porteous Road/Lone Pine
- (n) Schedule E5 – Development Permit #2 – ESA – Meadowbrook
- (o) Schedule E6 – Development Permit #2 – ESA – Woods Corner
- (p) Schedule F – Flood Hazard
- (q) Schedule G – Slope Analysis
- (r) Schedule H – Interface Fire Hazard
- (s) Schedule I – Ungulate Winter Range
- (t) Schedule J – Badger Habitat
- (u) Schedule K – Development Permit #3 – St. Mary Shoreline

**4. Severability and Enactment**

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

The Planning and Development Services Manager, Building and Protective Services Manager 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. 1924, cited as the “Regional District of East Kootenay – Kimberley Rural Official Community Plan Bylaw 1924, 2006” is hereby repealed.

READ A FIRST TIME the 5<sup>th</sup> day of May, 2017.

READ A SECOND TIME the 5<sup>th</sup> day of May, 2017.

READ A THIRD TIME the 9<sup>th</sup> day of June, 2017.

ADOPTED the 9<sup>th</sup> day of June, 2017.

“Rob Gay”  
CHAIR

“Shannon Moskal”  
CORPORATE OFFICER

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## SCHEDULE A – POLICIES

### 1. INTRODUCTION

#### 1.1 Administration

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

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

This OCP will be used and administered by the Board of Directors and Staff of the Regional District of East Kootenay (Regional District) to evaluate all future development proposals and changes in land use within the plan area. This OCP 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 this OCP.

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

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

#### 1.2 Legal Framework

This OCP is adopted pursuant to the provisions of Part 14 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;
- location and area of sand and gravel deposits suitable for future extraction;
- restrictions on the use of environmentally sensitive and hazardous lands;
- approximate location and phasing of any major road and infrastructure systems;
- location and type of present and proposed public facilities; and
- targets, policies and actions for the reduction of greenhouse gas emissions.

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

#### 1.3 Plan Policies and Map Designations

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

private and public interests. The policies contained within this OCP become the official position of the Regional District.

Schedules attached to this OCP contain the map designations. The map designations apply the goals 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 goal of the planning process was to update the existing Kimberley Rural OCP which was adopted in 2006. The review and update of the existing OCP was authorized by the Board in August 2015.

An information newsletter and questionnaire were mailed to area property owners in October 2015 followed by an introductory meeting held later that month. The introductory meeting provided an overview of the planning process for residents and property owners. Those in attendance were asked to highlight the important features and assets within their communities.

A second newsletter was mailed in February 2016. The newsletter provided a summary of the survey and introductory meeting results. A visioning workshop was also held in February. Residents were asked to work together in groups on mapping activities related to development and conservation of residential, commercial, agriculture, environmental, and recreation areas. Residents also participated in exercises that allowed them to agree or disagree with proposed policy direction and map the future vision of their communities. Between April and September, consultations with Provincial Ministries, Ktunaxa Nation Council, public and private interests occurred and drafting of the OCP commenced. During that time, the Regional District consulted with Registered Professional Biologists and Qualified Environmental Professionals to locate and map the environmentally sensitive habitat values within the rural Kimberley area.

In January 2016, the City of Kimberley was also updating the City's OCP. The preparation of this plan included consultation with City of Kimberley staff and consideration of the results of the City of Kimberley public consultation.

A third newsletter was mailed out in August to update residents on the planning process and to provide a summary of the results of the visioning meeting. The draft OCP was then presented at a public Open House in November 2016, followed by a public comment period ending January 11, 2017.

In March 2017, a fourth newsletter was mailed to property owners to provide information regarding the updates and amendments made to the OCP following the Open House and public comment period.

#### **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 Electoral 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 City of Kimberley**

Land use for parcels in the fringe area surrounding the City is of common concern and should be addressed within the regional context. In particular, the City of Kimberley has an interest in land use within the Mark Creek and Mathew Creek watersheds to ensure long-term sustainability and protection of their water sources.

#### **1.7 Plan Area**

The plan area is located in southeastern British Columbia on the western edge of the Rocky Mountain Trench at the eastern fringe of the Purcell Mountains. It is characterized by the St. Mary River Valley, ponderosa pine and grassland ecosystems and residential



development within Meadowbrook. The plan area surrounds the City of Kimberley and is comprised of distinct subareas. The boundary of the plan area is shown on **Schedule B**. A brief description of each subarea is provided.

**(1) St. Mary Valley**

This subarea follows the St. Mary River corridor from south of Marysville to the large private holdings at the junction of Dewar Creek and St. Mary River west of St. Mary Lake. Residential development is characterized by private parcels along St. Mary Lake Road and recreational properties along the north side and east end of St. Mary Lake. A portion of the west and south ends of St. Mary Lake are Crown land, with the west end of the lake comprised of wetlands. Avery Road Public Access is located on the north shore of St. Mary Lake and provides pedestrian and small watercraft access.

**(2) Mark Creek, Matthew Creek, and Kimberley Creek Watersheds**

The watersheds are along the eastern boundary of the Purcell mountain range. Mark Creek and Matthew Creek are currently licenced by the City of Kimberley for municipal water supply. It is anticipated that in the future the City of Kimberley may apply for a free crown grant to acquire the watersheds. The watersheds are currently utilized for alpine recreation and extractive resource uses.

**(3) Meadowbrook**

The subarea is adjacent to the northeast boundary of the City of Kimberley and contains two distinct residential communities: Summer Subdivision and Meadowbrook. Summer Subdivision consists of long established small residential lots on either side of Highway 95A. Meadowbrook is comprised of linear residential development that follows Highway 95A and is a mix of small and large holdings. The potential for future residential development may be hindered by the availability of water resources, as the water supply is predominantly provided by groundwater. Limited commercial and institutional uses are established along the highway corridor. Meadowbrook is bordered on the south and north by Crown land.

**(4) Woods Corner**

Woods Corner is predominantly Crown land with nodes of private holdings situated east of Meadowbrook. The entire subarea is located within the Agricultural Land Reserve (ALR). Land uses within Woods Corner include residential, agricultural, conservation and forest management. Portions of the subarea provide habitat for unique flora and fauna within sensitive ecosystems. The subarea borders Kootenay Indian Reserve #1 to the south.

**(5) Lone Pine**

The subarea is located on the eastern boundary of the City of Kimberley and south of the Meadowbrook subarea. The subarea is comprised of large parcels with limited residential development. The Lone Pine subarea has a ponderosa pine and grassland ecosystem, as well as agricultural land and wildlife habitat.

**(6) Porteous Road**

The subarea is situated to the southeast of the City of Kimberley adjacent to Marysville, south of the Lone Pine subarea and extends south to the St. Mary River. Residential development consists of large properties along Stirton Road and a range of 2 ha to 8 ha parcels in the Porteous Road area. This subarea is home to a protected grassland ecosystem commonly called the Wycliffe Wildlife Corridor.

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

### **2.1 History**

The Ktunaxa Nation has had traditional territory in the plan area for more than 10,000 years. Historically, the Ktunaxa people migrated throughout their territory. European settlement in the late 1800s led to the establishment of the current Indian Bands. The St. Mary's Band or Aq'am First Nation currently resides south and east of the plan area on the Kootenay Indian Reserve #1.

In 1873, the first mission was founded near the site of the current St Eugene Mission located on Kootenay Indian Reserve #1. In 1893, Pierre a Ktunaxa First Nations member brought a sample of galena ore to Father Coccola, head of the St. Eugene Mission. The two staked claims above the town of Moyie. Father Coccola constructed the St. Eugene Church from his proceeds. The church is one of the few Victorian-era wooden churches remaining in British Columbia.

The location of the existing St. Eugene Golf Resort and Casino was formerly the Kootenay Indian Residential School built in 1910 by the Canadian government and operated by the Catholic Church. Five thousand children from Southern Alberta, the Okanagan, Shuswap and local Ktunaxa attended classes at the school. The school was closed in 1970 and the buildings and land were given to the Ktunaxa Nation Council. It stood empty until 2003 when under the leadership of former St. Mary Indian Band Chief Sophie Pierre, the former residential school was transformed into an international resort housing a hotel, casino, restaurants, golf course, meeting rooms and interpretive centre.

In May, 1891 galena was discovered at the North Star Mine located at the current Kimberley Alpine Resort. A year later, Walter Burchett, EC Smith, John Cleaver and Pat Sullivan arrived in the area only to discover the entire hillside had already been staked. They crossed Mark Creek to Sullivan Mountain, found ore and staked their claims.

The Townsite of Marysville was staked out in 1894 by trapper-pro prospector Bill Meacham.

In 1896, Burchett, Smith and Cleaver formed the Sullivan Group Mining Co. in memory of Sullivan who had passed away in a mining cave-in.

In 1903, a smelter was built for the Sullivan and North Star mine in Marysville and operated until 1907.

In 1914, Meadowbrook became a place for mine employees who wished to live a rural lifestyle. Mrs. Conover was one of the first settlers in the area. Meadowbrook was named after her homestead "Meadowbrook Ranch".

In 1923, Cominco began large scale production of the ore after taking over the mine in 1910. Cominco constructed a concentrator at Chapman Camp in 1922 and a fertilizer plant in 1951.

Although mining was the main industry, exploration facilitated the development of railroads and many residents worked at the various mills in the area. Recognizing that mineral resources would eventually be depleted, the community of Kimberley drew on the area's recreational resources to help sustain the town and beginning in 1970 the Kimberley Alpine Resort was developed. The Sullivan mine closed in 2001.

### **2.2 Previous Plans**

#### **Kimberley (Rural) Official Settlement Plan**

In 1982, an Official Settlement Plan (OSP) for the Kimberley rural area was adopted by the Regional District. The OSP was developed to provide a guide for future development of the plan area in light of planned expansion of Kimberley's tourism and recreation facilities, continued demand for rural residential development and possible new highway construction.

#### **Kimberley (Rural) Official Community Plan**

In 2006, the Kimberley (Rural) OCP was adopted as many of the policies contained within the OSP did not reflect the land use changes in the area. The Kimberley area had evolved into a tourism and retirement destination which had an impact on property values and the

types of residential properties in demand. The change in demographics also led to varying demands for institutional and commercial uses.

### **Regional Sustainability Strategy**

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

### **RDEK Agricultural Plan**

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

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

## **2.3 Recent Development**

The OCP has been amended nine times and thirty-three new lots have been created in the plan area since adoption of the 2006 OCP. The majority of the lots created were in the Meadowbrook and Woods Corner subareas which combined account for twenty-three of the thirty-three lots.

### 3. GOALS OF THE OFFICIAL COMMUNITY PLAN

This OCP is a comprehensive land use document that establishes land use policies for future development of the Kimberley rural area. The goals and policies of this OCP have been developed in consultation with area residents, provincial government agencies and First Nations. The goals of this OCP are:

1. Promote development that maintains the rural character of the plan area and that reflects a diversity of lifestyles, economic and recreational activities while recognizing the unique characteristics of the plan area and the desire to mitigate incompatible forms of development.
2. Recognize the existing commercial and institutional uses within the area, but to generally encourage similar uses to be accommodated within the City of Kimberley or Cranbrook.
3. Recognize the existing light industrial uses in the plan area and establish criteria where new applications may be supported by the Regional District.
4. Support the agricultural base in the plan area through protection of agricultural resources and the promotion of opportunities for local food production, diversification and value added agricultural activities.
5. Protect the integrity and quality of St. Mary Lake, McGinty Lake and all other groundwater and surface water resources.
6. Promote Provincial management of Crown land that respects social, environmental and economic sustainability principles.
7. Recognize and conserve cultural resources and archaeological sites located within the plan area, both recorded and unrecorded. Development activities will comply with heritage conservation legislation.
8. Encourage the reduction of greenhouse gas emissions created within the plan area.
9. Recognize the risk of interface fire hazards within the rural area and establish Development Permit guidelines to mitigate the risk.
10. 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.
11. Establish Development Permit guidelines to direct the form and character of new commercial and light industrial development.

## **4. RESIDENTIAL LAND USE**

### **4.1 Background**

The plan area encompasses a range of residential land uses. Single family housing options are available throughout the plan area, ranging in size from urban size residential lots within Summer Subdivision, small holdings development within Meadowbrook and St. Mary Valley to large holdings in Woods Corner, Porteous and Lone Pine areas.

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

Policies stating support for subdivision of land within the ALR are the policy of the Regional District only.

### **4.2 Objectives**

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

### **4.3 Policies**

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

- (a) Higher density residential and multi-family development is directed to the City of Kimberley.
- (b) Multi-family development (triplexes and larger) is not supported within the plan area.
- (c) The sale or other alienation of Crown land for residential purposes is not generally supported.
- (d) The RES-1(A), Recreation Residential zone within the zoning bylaw was developed to recognize an existing situation where multiple dwellings are located on properties adjacent to St. Mary Lake. The existing parcels are unique in nature and applications for rezoning to the RES-1(A) zone will generally not be supported.
- (e) RR, Rural Resource designated lands are intended to be retained for low density land uses such as recreation, resource extraction, and agriculture.
- (f) Secondary suites in detached garages are supported in the plan area. As resources allow, the Regional District will consider a bylaw amendment to permit the use in the Electoral Area E Zoning and Floodplain Management Bylaw.
- (g) Bylaw amendment applications for residential development should address the following:
  - (i) compatibility of proposed development with surrounding land uses and parcel sizes;
  - (ii) access to the development and proposed road networks;
  - (iii) integration of Conservation Subdivision Design principles by utilizing a compact neighbourhood design and identifying and protecting wetlands, steep slopes, woodlands and wildlife corridors;
  - (iv) capability of the natural environment to support the proposed development, and its impact on important habitat areas;

- (v) identification of trail connectivity within the area under application and adjacent developments;
- (vi) consideration of water reduction measures for buildings and landscapes;
- (vii) consideration of building envelopes to maximize viewsapes and passive solar orientation;
- (viii) mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
- (ix) integration of FireSmart principles;
- (x) consideration of the potential impacts on groundwater;
- (xi) susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
- (xii) suitability of the parcels for on-site groundwater wells and septic systems; and
- (xiii) consideration of vegetated buffers or setbacks where the proposed development is adjacent to agricultural land.

**(2) St. Mary Valley Subarea**

During the consultation process, residents of the St. Mary Valley expressed that protection of agricultural land, riparian areas and wetlands were the primary areas of concern. Residents also indicated that if development is considered, protection of the natural environment and the compatibility of the development with adjacent residential nodes was important.

- (a) Subdivision is generally not supported within the St. Mary Valley subarea, with the exception of subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act*.

**(3) Meadowbrook Subarea**

During the consultation process, residents of Meadowbrook generally expressed concern regarding compatibility of future development with surrounding agricultural uses and existing parcel sizes. The preservation of the character of the area, protection of the natural environment and the potential impacts development could have on groundwater availability were also of concern.

Residents also expressed support for development of some medium to large sized lots. The challenge lies in balancing the interests of those residents wishing to develop with those wishing to preserve the current character and agricultural operations of the area, and respecting the groundwater concerns.

At the time of drafting this bylaw, approximately sixteen additional parcels ranging in size from 1 ha to 8 ha could be created in the Meadowbrook area without the need for rezoning. There is also the potential for an additional ten parcels in the Summer Subdivision area. At the rate of development in the entire plan area over the last ten years, this is equivalent to approximately eight years of development potential.

Even though there is development potential within the Meadowbrook area, the designations of numerous parcels have been amended from RR, Rural Resource to LH, Large Holdings. The intention of amending these designations is to allow for the development of some medium to large sized lots in character with surrounding parcels. The majority of these parcels were identified in the Agricultural Land Commission's (ALC) boundary review as parcels that could be excluded from the ALR. An approved rezoning application which addresses the criteria in section 4.3 (1)(g) would be required prior to subdivision of these parcels.

Several parcels in the Hunt Road area have retained their RR (Rural Resource) designation. These parcels were not included in the ALC boundary review

exclusion area. Agricultural practices were occurring on the parcels and an ALC subdivision application was refused in this area during the time this bylaw was drafted. In the future, if there is development pressure in the Meadowbrook area, the development of these parcels should be reconsidered.

- (a) Applications to vary the requirement to provide proof of potable water as part of the subdivision process will not generally be supported within the Meadowbrook subarea.
- (b) Rezoning applications of parcels designated LH, Large Holdings to permit parcel sizes 2 ha or greater will generally be supported. The application should address the criteria in section 4.3 (1)(g).
- (c) Rezoning applications to allow for subdivision should provide provisions to address the impact the development may have on existing agricultural operations.
- (d) Subdivision of parcels along the Highway 95A corridor should avoid creating new highway accesses.
- (e) Subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act* will generally be supported.
- (f) New development within the Summer Subdivision area shall be restricted to infill at the currently established urban lot size and must be serviced by community water.
- (g) Subdivision in the Hunt Road area is generally not supported, with the exception of subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act*. If there is development pressure in the Meadowbrook area, this policy could be reconsidered and rezoning applications to permit parcel sizes 2 ha or greater may generally be supported.

**(4) Woods Corner Subarea**

- (a) Subdivision within the Woods Corner subarea is generally not supported, with the exception of subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act*.

**(5) Porteous Road and Lone Pine Subareas**

The concerns expressed by residents in the Porteous and Lone Pine subareas were the protection of agriculture and compatibility of future development with existing land uses.

- (a) Subdivision is generally not supported within the Porteous Road and Lone Pine subareas, with the exception of subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act*.
- (b) Despite section 4.3(5)(a), additional small holdings may be supported adjacent to the existing small holdings on Porteous Road provided:
  - (i) the proposed parcel sizes are limited to parcel sizes 2 ha or greater,
  - (ii) the proposed development does not significantly alter the density of the Porteous Road area existing at the time this bylaw was adopted,
  - (iii) proposed parcels containing an alluvial or debris flow fan identified in **Schedule F** incorporate the strategies outlined in section 12.1 (3).
- (c) Parcel A District Lot 10368 is designated LH, Large Holdings to reflect the preferred future land use.

## **5. COMMERCIAL LAND USE**

### **5.1 Background**

Commercial development in the plan area is comprised of local commercial uses along the Highway 95A corridor through Meadowbrook and home based businesses. The existing commercial uses within the plan area were recognized during public consultation and were generally supported to be maintained. However, residents indicated a preference for future commercial development to be located within the nearby municipalities of Kimberley and Cranbrook. The necessity to ensure that future commercial development and signage met an aesthetic standard was also identified during the public consultation.

Residents of the Meadowbrook area also expressed concern regarding the location and number of signs in the Meadowbrook area and along Highway 95A. Residents requested that planning resources be allocated to re-visit the sign regulations in the Electoral Area E Zoning and Floodplain Management Bylaw and the necessity for bylaw enforcement of existing non-conforming signs.

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

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

### **5.2 Objectives**

- (1) Direct new commercial development to the City of Kimberley and City of Cranbrook.
- (2) Support a range of opportunities for economic diversification through home based businesses.
- (3) Promote economic development that supports the unique character of the plan area.
- (4) Support land uses for commercial recreation and tourism, ecotourism and cultural tourism where compatible with adjacent land uses.

### **5.3 Policies**

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

- (a) Home based businesses which are accessory to the residential use, conform with home based business regulations in the zoning bylaw, and do not disrupt the residential nature of the surrounding area are supported in order to facilitate diversified economic development.
- (b) Existing local commercial land uses are recognized and their continued use for the provision of services oriented to local use is generally supported. New or large scale commercial development is encouraged to locate within the City of Kimberley where supporting infrastructure already exists.
- (c) New commercial development and signage is subject to Commercial and Light Industrial Development Permit guidelines and must meet an aesthetic standard that compliments the rural character and natural landscape of the plan area.
- (d) At the request of residents and as resources allow, the Regional District will re-visit the sign regulations in the Electoral Area E Zoning and Floodplain Management Bylaw.



- (e) Ecotourism and cultural tourism activities within the plan area that provide economic diversification and have limited impact on the environment, agriculture and heritage resources are generally supported.
- (f) Rezoning applications to enable campground development will be considered on a site specific basis. Rezoning applications must comply with the Regional District Campground Bylaw and will be subject to issuance of a Campground Permit by the Regional District. Applications will be considered in relation to the following considerations, which should be addressed as part of a comprehensive development plan submitted with the application:
  - (i) compatibility of the proposed development with surrounding land uses;
  - (ii) suitability of access to the development, proposed internal road networks and impacts on the external road network;
  - (iii) confirmation of capability to provide sewer and water servicing;
  - (iv) proposed density;
  - (v) provision and dedication of open and green space, buffers and screening;
  - (vi) provision of overnight and short-term camping opportunities;
  - (vii) provisions to support solid waste management associated with the campground development;
  - (viii) identification and mitigation of development impacts on environmentally sensitive areas including grasslands, connectivity corridors, wetlands and riparian areas and old growth forests, in accordance with section 11 of this OCP concerning environmental considerations; and
  - (ix) susceptibility to natural and geotechnical hazards and integration of hazard mitigation strategies, in accordance with section 12 of this OCP concerning development constraints.

## 6 AGRICULTURAL LAND USE

### 6.1 Background

Much of the privately owned rural land in the plan area is within the ALR, a provincial land use designation intended to protect farming and agriculture as the primary land use. Subdivision and non-farm uses within the ALR must meet provincial regulations and be approved by the ALC. Land included in the ALR is shown on **Schedule C**.

During the consultation process, residents expressed support for continued agriculture operations and expressed concern with future development locations, types and densities and the compatibility with the existing agricultural base within the plan area. The desire to protect the agricultural land base was particularly strong in areas where agricultural use is currently occurring. The preference would be to site future development on land outside of the ALR or on parcels with limited agricultural capability. It was recognized that some land within the ALR may be appropriate for development, subdivision or exclusion.

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

During the OCP review, the ALC was undertaking an ALR boundary review within Electoral Area E. The purpose of the boundary review was to refine the ALR boundaries to only encompass land that was both capable and suitable for agricultural use. In May 2016, the ALC amended the *Agricultural Land Commission Act* to state that property within the ALR may not be excluded without the written consent of the property owner. The boundary review was not finalized at the time this bylaw was adopted. **Schedule C** indicates the properties that the ALC had proposed for exclusion.

### 6.2 Objectives

- (1) Support agricultural activity within the plan area.
- (2) Outline conditions under which subdivision within the ALR will generally be supported and discourage ALR subdivision that does not meet these conditions.
- (3) Minimize conflicts between agriculture and other potentially incompatible land uses on adjacent lands.
- (4) Support local food production, local distribution of food products, and diversification of agricultural uses.
- (5) Preserve and encourage the use of agricultural land for present and future production of food and fibre.

### 6.3 Policies

#### (1) General

- (a) Land in the ALR is generally designated and supported for agricultural use.
- (b) Preservation and continued use of agricultural land for present and future food production is encouraged.
- (c) Buffers between properties on which farming is taking place and adjacent non-agricultural properties will be established through setbacks within the zoning bylaw. Measures such as fencing and screening located on adjacent non-agricultural properties should be utilized to ensure that farm operations are adequately protected and buffered.
- (d) The implementation of applicable recommendations from the Regional District Agricultural Plan is supported.

- (e) Home occupations that are complimentary to agricultural operations are encouraged and supported within the ALR.
- (f) 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 and farm gate sales will generally be supported in the ALR.

**(2) Agricultural Land Reserve Applications**

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

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

- (c) ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capacity, protect productive soils and provide a net benefit to agriculture for the lands that remain within the ALR.
- (d) Applications for subdivision for a relative pursuant to section 514 of the *Local Government Act* will generally be supported when all of the following conditions have been met, subject to compliance with the zoning bylaw:
  - (i) there is no negative impact on the agricultural potential of the parent parcel;
  - (ii) the subdivision for the relative is kept as small as possible, having regard to servicing requirements, and is located in an area which has the least impact on agriculture;
  - (iii) the subdivision complies with the requirements of the zoning bylaw, other than with respect to the provisions relating to minimum lot sizes; and
  - (iv) a statutory declaration will be provided to the Ministry of Transportation and Infrastructure at the time of subdivision to confirm the parcel is for a relative and that the parcel will not be sold or transferred for a period of five years unless required as part of an estate settlement or as required by a lending institution.
- (e) Subject to compliance with the zoning bylaw, applications for homesite severance subdivision for a retiring farmer in the ALR will generally be supported when the minimum parcel size is 0.4 ha and the proposal is in compliance with the ALC Homesite Severance Policy.
- (f) New residential development is encouraged to be directed to established development nodes such as Meadowbrook, land within municipal boundaries and areas outside the ALR.

- (g) ALR applications for exclusion, non-farm use, or subdivision of parcels 4.0 ha in size or larger must be accompanied by a report from a qualified professional unless an exemption from the requirement has been approved by the Regional District Board. The report must include the following:
  - (i) determination of the level of capability and suitability for both soil bound and non-soil bound agricultural production on the parcel including investigation of the terrain, soil, size, configuration and context of the agricultural lands; and
  - (ii) identification of the impact the proposal will have on the agricultural suitability and capability of the parcel, and agricultural operations in the surrounding area.

Applications will not be processed by 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.

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

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

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

**(3) Lone Pine and Porteous Road Subareas**

Land designated OSRT within these subareas are encouraged to be utilized for agricultural uses that complement and do not deplete the environmental values of the area.

## 7. LIGHT INDUSTRIAL

### 7.1 Background

Industrial development within the plan area is very limited; currently one property in the plan area is designated as Industrial. During the public consultation process, residents indicated a preference to direct light industrial development to municipalities and locations with existing light industrial operations. The aesthetic impact of light industrial development was of concern to the public.

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

### 7.2 Objectives

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

### 7.3 Policies

- (1) In order to minimize the impacts of sand and gravel extraction activities, the optimization of current sites is encouraged.
- (2) Proposed new sand and gravel extraction sites should be located in areas that are compatible with adjacent land uses.
- (3) Sand and gravel operations are encouraged to utilize the existing site to its maximum extraction capacity prior to development of new sites.
- (4) Sand and gravel operations are discouraged from locating extraction sites or transportation routes in close proximity to residential areas.
- (5) The rehabilitation and reclamation of industrial and resource extraction sites upon cessation of activity is encouraged.
- (6) Light industrial land uses that will generally be supported are limited to those associated with agriculture or forestry and which occur on a scale that does not disrupt the rural residential nature of the plan area. Applications for light industrial use should also address the following:
  - (a) compatibility of the proposed development with surrounding land uses;
  - (b) water and sewer servicing options;
  - (c) road access; and
  - (d) potential impacts to road infrastructure.
- (7) Intensive or heavy industrial uses are not supported within the plan area unless no available or appropriate site can be located within the City of Kimberley or City of Cranbrook. Support for these uses will only be considered if it can be demonstrated that the impact of locating the use is not in conflict with adjacent land uses or mitigation of the conflict can be sufficiently undertaken.
- (8) Applications to rezone to accommodate a medical marijuana production facility outside of the ALR 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 a small number of institutional and community uses such as the Pentecostal Church, School District No. 6 administration and maintenance complex, Ministry of Transportation and Infrastructure maintenance yard, and Meadowbrook Waterworks District facilities.

### **8.2 Objectives**

- (1) Support existing institutional and community land uses.
- (2) Encourage new institutional land uses to locate within the City of Kimberley.
- (3) Facilitate the identification of lands for required community and institutional land uses such as fire halls, community centers, parks, public utilities and other similar uses.

### **8.3 Policies**

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

- (a) Institutional uses of a local nature that are compatible with adjacent land uses are generally supported within the plan area.
- (b) Institutional uses that are intended to serve the entire Kimberley community or a larger region are not supported within the plan area, unless viable options are not available within the City of Kimberley.
- (c) Fire protection areas currently do not exist within the plan area. If in the future a fire protection area is established within the plan area the Regional District will work with the community to identify an appropriate site for a fire hall, if required.
- (d) School facilities are not anticipated within the projected 5 to 15 year time line considered within this OCP; therefore, no school sites have been identified.

#### **(2) Meadowbrook Subarea**

Institutional uses on the remainder of the Pentecostal Assemblies of Canada property (Lot G, Plan NEP7993, District Lot 11578) that are compatible with the residential nature of the surrounding area will generally be supported.

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

### **9.1 Background**

Preservation of open spaces and recreational opportunities was a common theme during the consultation process. The plan area contains numerous recreational opportunities such as Cherry Creek Falls Regional Park, Avery Road Public Access, North Star Rails to Trails, Bootleg Mountain trails and McGinty Lake. These recreational opportunities are an integral part of many residents' and visitors' lifestyles and also add to the local economy.

Cherry Creek Falls Regional Park is a popular day use recreation site and is approximately 16 ha in size. The park is frequently used by Meadowbrook and area residents and the broader public for activities such as picnics, cross country skiing and hiking. The evolution of the park from a landmark known and used by locals to a protected regional park occurred over a five year period beginning in 2011. The creation of the park involved commitment and dedication from the community, Meadowbrook Community Association and all levels of government. Currently, the park includes a walkway to Cherry Creek Falls, benches and picnic tables.

St. Mary Lake is located approximately 20 km west of Kimberley at the base of the Bootleg Mountain. This area provides many recreational opportunities such as hiking, biking, kayaking, cross country skiing and fishing. The area is home to a variety of fish species as well as osprey, bald eagles, deer, bear, moose and Mountain Caribou.

Upon subdivision of Sublot 39, DL 4592, Plan X30 at the east end of St. Mary Lake, a 6.0 ha park area will be transferred to the Regional District. The park will be owned by the Regional District and administered through the Electoral Area E regional parks and trails service.

In 2010, the Regional District signed an agreement with Ministry of Transportation and Infrastructure to operate, maintain and improve a 0.3 ha portion of road right of way from the end of Avery Road to the shore of St. Mary Lake. Avery Road Public Access is a day use area meant to provide public access to St. Mary Lake. Existing amenities at the Avery Road Public Access include a gravel trail and parking area to facilitate pedestrian and small watercraft access.

Construction of the North Star Rails to Trails began in the spring of 2009 and was adopted into the Trans Canada Trail in 2012. This trail is a converted railway bed approximately 28 km in length and links the cities of Kimberley and Cranbrook. The trail is a year round, non-motorized multi-use trail.

McGinty Lake is a small lake located approximately 10 km east of Kimberley. The area supports a variety of wildlife species including waterfowl, shorebirds, elk and badger. Recreational uses include hiking, cross country skiing, and skating. In January 2016 the Meadowbrook Community Association, in consultation with Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) and the Kootenay Livestock Association, fenced McGinty Lake to protect the riparian zone and enhance the area for both agriculture and recreation.

Other areas such as Dipper Lake, Horsebarn Valley Interpretive Forest, Bootleg Mountain Recreation Site, Lois Creek Recreation Trails and Meachen Creek Recreation Trails offer a variety of non-motorized recreational opportunities such as biking, hiking, cross country skiing and snowshoeing. These areas are established under section 56 of the Forests and Range Practices Act and managed under Partnership Agreements.

### **9.2 Objectives**

- (1) 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.
- (2) Ensure recreational activities are compatible with the rural character of the plan area.
- (3) Recognize and protect recreational features with tourism potential.

- (4) Promote a natural environment where clean water and air are the pillars of the community.
- (5) Promote development of trails in the plan area consistent with Provincial guidelines.

### 9.3 Policies

#### (1) General

- (a) Future consideration of regional parks and trails must be in compliance with the goals and policies of the RDEK Regional Parks Plan. The expansion of existing parks or creation of new park services may require an amendment to the Parks Plan.
- (b) The continued use of Horsebarn Valley and Louis Creek Trails as a recreational area is supported.
- (c) The protection of existing green space is encouraged in order to contribute to a vibrant and healthy community.
- (d) The provision of a broad spectrum of outdoor recreation opportunities that are compatible with the adjacent residential development, suitable for both residents and tourists and that respects the need to protect resource values is supported.
- (e) The development of intercommunity non-motorized trail connections linking the rural area to municipalities for foot and cycle commuting is supported.
- (f) Residents and visitors to the area must comply with the *Off-Road Vehicle Act* which provides specific rules governing the off-road sector and helps ensure these vehicles are driven in a safe and environmentally responsible manner.
- (g) Community gardens on both public and private lands are encouraged where appropriate and feasible.
- (h) When planning outdoor greenspaces such as parks, the development of areas for the public to sit, eat or rest is encouraged.
- (i) Adoption of bylaws to prohibit smoking in parks owned by the Regional District is supported.

#### (2) Meadowbrook Subarea

- (a) Continued operation of the Cherry Creek Falls Regional Park for group and individual recreational day use pursuits is supported.
- (b) Upon adoption of the Cherry Creek Falls Regional Park Management Plan, implementation of applicable recommendations from the plan is supported.
- (c) Stewardship initiatives and educational activities for the benefit of McGinty Lake by local community associations is supported.

#### (3) St. Mary Lake Subarea

- (a) Continued operation of the Avery Road Public Access for group and individual recreational day use pursuits is supported.
- (b) The implementation of applicable recommendations from the Regional District Avery Road Public Access Management Plan is supported.
- (c) Upon creation of the public park at the east end of St. Mary Lake, preparation of a park management plan is supported. The park management plan will outline the vision and direction for the park area. It will include direction on the types and location of uses, activities and facility development. The park management plan will be developed through consultation with First Nations, the public and other interest groups.



- (d) Continued water testing and monitoring programs, stewardship initiatives and education activities of the St. Mary Rural Residents Association is supported.

## 10. WATERSHEDS

### 10.1 Background

Water for the City of Kimberley is collected from two sources; Mark Creek watershed which supplies approximately 80% of the City's population and Matthew Creek watershed which supplies the remaining 20%.

Mark Creek watershed also supplies water to the Forest Crowne development. Matthew Creek watershed supplies water to Marysville, Kimberley Golf Course, Riverside Campground, River Bend Lane, River Bend Road, River Ridge Way, Tamarack Lane and Sunflower Drive.

The Mark Creek Watershed Advisory Committee was formed in 1988 and is chaired by the City of Kimberley. The committee consists of representatives ranging from Provincial Ministries to licenced trappers. The committee reviews land use referrals and makes recommendations to the City of Kimberley.

Resource-related activities such as forestry, ranching, agriculture and mining may affect nearby or downstream community water supplies. Often these activities are outside the jurisdiction of the Regional District.

The WP, Watershed Protection area is home to numerous trails, some unauthorized. Best management practices should be undertaken to reduce negative impacts such as erosion, the spread of noxious weeds and disturbance to vegetation and wildlife when activities are proposed within a community watershed. Recreational mountain bike trail construction, rehabilitation or maintenance on Crown land is not permitted unless authorized by MFLNRO. Legally established groups and organizations that are eligible to submit proposals for recreational trail construction, rehabilitation or maintenance include non-profit organizations established under the *Society Act*, local government, local economic development organizations and First Nations.

### 10.2 Objectives

- (a) Recognize that the primary land management priority in watershed areas is to maintain and preserve water quality and quantity.

### 10.3 Policies

- (a) Continued consultation between the City of Kimberley and Provincial Ministries regarding watershed management is supported.
- (b) Commercial recreation tenures for prolonged intensive recreational use, subdivision or development of lands designated WP, Watershed Protection is discouraged.
- (c) Encourage the relevant Provincial agencies to ensure that forest practices within community watersheds are conducted in accordance with the *BC Forest and Ranges Practices Act* and relevant provincial guidelines.
- (d) Encourage the relevant Provincial agencies to consider the importance of protecting water resources when considering tenures and licenses of occupation within lands designated WP, Watershed Protection.
- (e) The creation of new trails in lands designated WP, Watershed Protection should comply with an approved trails plan and Provincial best practices.
- (f) The portion of Kimberley Alpine Resort which lies within the plan area is intended for continued use as ski terrain. Construction of buildings or structures other than ski lift facilities is not supported.

## 11. ENVIRONMENTAL CONSIDERATIONS

### 11.1 General

#### (1) Background

The plan area is characteristic of the valley bottoms within the southern Rocky Mountain trench and contains grassland, bunchgrass habitat, ponderosa pine forest and riparian areas. Historical resource and agricultural management practices, fire suppression, the introduction of exotic species and rural development have all had a significant impact on the natural environment within the plan area.

Connectivity corridors act as linkages between habitats. 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 are ecologically-isolated fragments. Connectivity corridors within the plan area provide important linkages between fragmented habitat for many species.

Grassland ecosystems, such as that found within the plan area, are considered one of the most endangered ecosystems in Canada. Grasslands provide winter range for ungulates, wildlife habitat and contain endangered and unique plant species.

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

The land protected by the Nature Trust of BC, commonly called the Wycliffe Wildlife Corridor, located within the Lone Pine and Porteous Road subareas is a protected area that is intended to maintain the unique biodiversity contained within the corridor and promote sustainable use of the land. The corridor is home to several red and blue listed plants, as well as the blue listed Lewis Woodpecker and Long Billed Curlew and the red listed American Badger and Williamson's Sapsucker. Grassland habitat provides forage for ungulate populations, nesting areas for grassland birds and hunting areas for birds of prey.

Lewis Woodpecker populations have declined over the years due to logging and clearing of the land for intensive agricultural and development uses. Open ponderosa pine forests, old cottonwood stands, Douglas fir stands, mixed conifer, deciduous woodlands or grasslands with scattered decaying trees are the major breeding and nesting habitat of the woodpecker.

Long-billed Curlews frequent grassy terrain, newly ploughed fields, green hayfields and pastures. Threats to the Long-billed Curlew are habitat loss due to agriculture and urban development. They are sensitive to human disturbance and off-road vehicle use in or near nesting habitat.

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

The area surrounding McGinty Lake is home to the red listed Williamson's Sapsucker. Sapsucker habitat is usually associated with mixed coniferous forests with stands of mature larch. The primary threat to this species' habitat is logging of mature western larch and Douglas fir stands. Clear cuts usually remove habitat

while selection logging often removes the large trees that are needed for future nest trees. The Williamson's Sapsucker, its nests and its eggs are protected under the provincial *Wildlife Act*.

St. Mary Lake contributes fresh water and nutrients to the Columbia Basin. The lake and its tributaries support multiple populations of fish such as Kokanee, Mountain Whitefish and Rainbow Trout. The St. Mary Lake area is home to the red listed Mountain Caribou.

Approximately 98% of the world's Mountain Caribou live in BC. Mountain Caribou inhabit landscape dominated by large tracts of old growth forest which offers heavier lichen loads, better selection of food plants, more effective interception of snow and less frequent use by other ungulates and their predators. This habitat has become less abundant due to timber harvesting, fires and residential development. Reducing recreational activities in key habitats may also reduce the level of disturbance and prevent the Caribou from being displaced into a poorer quality habitat.

Wildlife corridors and ungulate winter range for the plan area are identified on **Schedule I**.

**(2) Objectives**

- (a) Ensure that development causes minimal degradation of soil, air and water systems, and is compatible with maintaining and enhancing wildlife habitat.
- (b) Ensure that wildlife corridors and habitat connectivity are not impaired by future development.
- (c) Recognize the importance of containing and controlling noxious / invasive plants and preventing their establishment.
- (d) Retain critical wildlife habitat, wildlife corridors, and ungulate winter range.
- (e) Foster an awareness of the natural environment and protect environmentally sensitive areas.
- (f) Support rehabilitation, restoration and enhancement of environmentally sensitive areas.

**(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 natural condition are supported.
- (b) Property owners are encouraged to maintain and upgrade onsite septic systems in order to decrease potential nutrient loading and bacteriological inputs to both groundwater and surface water in the plan area.
- (c) 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.
- (d) The Regional District encourages management of Crown land in an environmentally responsible manner which:
  - (i) protects surface and groundwater sources;
  - (ii) manages forest ingrowth;
  - (iii) minimizes risk of interface fire and wildfire;
  - (iv) enhances wildlife habitat;
  - (v) protects viewscapes and scenery;
  - (vi) protects watershed ecological values, including waterfowl and fish and their corresponding habitat; and
  - (vii) maintains diverse plant communities by managing invasive plants.

## 11.2 Fish and Wildlife Habitat

### (1) Objectives

- (a) Maintain habitat connectivity through undisturbed open space and 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) Future land uses should not compromise the integrity of badger habitat and Class 1 and 2 ungulate winter range. Ungulate winter range is shown on **Schedule I**. Badger habitat is shown on **Schedule J**.
- (c) Residents are encouraged to minimize the potential disturbance of wildlife by pets and domestic animals.
- (d) Education programs such as WildSafe BC and Wildlife Collision Awareness Program to reduce wildlife mortality are encouraged.
- (e) Area residents and visitors should be aware of Provincial regulations that prohibit the introduction of non-native fish species to lakes and rivers.
- (f) The removal of wildlife exclusion fencing in the Wycliffe Wildlife Corridor is supported.
- (g) Habitat connectivity, sensitive ecosystems, vulnerable plant communities and movement of endangered animal species shall be considered at the time of rezoning or OCP amendment applications. Additional development approval information may be required by the Regional District as part of the development approval process. For example, submission of a report by a qualified professional that includes, but is not limited to the following:
  - (i) identification of any endangered or vulnerable species that utilize the area under consideration;
  - (ii) identification of opportunities for mitigation of the proposed development on wildlife movement corridors through development design or other compensation;
  - (iii) identification of areas, as appropriate, to be dedicated as conservation areas;
  - (iv) site specific additional requirements identified by the Regional District at the time of application.
- (h) Preservation and restoration of wildlife connectivity corridors is encouraged and supported by the following:
  - (i) Contiguous habitat areas should be preserved.
  - (ii) Structures and barriers that impede wildlife movement, such as exclusion fencing should be avoided within connectivity corridors. For example, solid walls or fences erected to control wildlife capable of jumping over a fence 2.0 m in height should not be used.
  - (iii) Extensive development within connectivity corridors that restricts the opportunity for wildlife movement should be avoided.
  - (iv) If the construction of a structure within a connectivity corridor cannot be avoided, the structure should be located at the periphery of the corridor to limit the impediment of wildlife movement.
  - (v) Extensive pruning of underbrush within connectivity corridors should be avoided.

- (vi) Forest cover should be maintained to encourage the use of connectivity corridors by wildlife.
- (vii) Native vegetation within connectivity corridors should be maintained. Conversion of vegetation within corridors to non-native species should be avoided.
- (viii) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.

### **11.3 Water Resources**

#### **(1) Background**

Ground and surface water protection were highly ranked environmental concerns during the consultation process. Residents expressed concern for protection of larger water bodies such as St. Mary and McGinty Lake and also for Mather Creek, Wait Creek and associated wetlands in the Woods Corner area.

Residents should be aware a variety of regulations govern water use, protection, conservation and sustainability. Provincial authorities, local governments and federal agencies work toward ensuring that water is managed and the supply is protected for use by people and the environment. When conducting projects near water, residents are responsible to ensure they are complying with local and provincial legislation.

#### **(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 ground water, surface water sources and community watersheds for domestic water and irrigation use in order to ensure sustainable water supplies.

#### **(3) Policies**

##### **(a) General**

- (i) Development is encouraged to avoid streams, wetlands and riparian areas and to provide appropriate development setbacks and buffer areas.
- (ii) 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.
- (iii) Within riparian areas use of established access points and trails is encouraged to minimize the level of impact within these sensitive ecological areas.
- (iv) Ecosystem restoration of wetlands and riparian areas is encouraged, subject to appropriate approvals by Provincial and Federal authorities.
- (v) Resource extraction and development within watersheds should not compromise the ability to utilize the water sources for domestic use.
- (vi) 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.

##### **(b) Meadowbrook Subarea**

- (i) Consideration of a water study to understand the dynamics of the water table and sources within the Meadowbrook area is supported. Options for financing such an initiative are undetermined at this time.

- (ii) Initiatives to continue to rehabilitate and enhance McGinty Lake and the associated wetlands will be supported.

#### **11.4 Environmentally Sensitive Areas**

##### **(1) Policies**

- (a) Future development should minimize disturbance to the integrity of ESAs. ESAs within the plan area include, but are not limited to, habitat of red and blue listed species and areas identified on **Schedules E1-E6** such as wetlands and riparian areas, grassland ecosystems, old growth forests, and wildlife habitat areas.
- (b) Development within ESAs identified on **Schedule E1-E6** will be managed through the Development Permit process. Prior to undertaking any works within an ESA, applicants must receive an approved Development Permit in accordance with section 20.3 of this OCP.

#### **11.5 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 ORVs, mountain bikes, boats and vehicles for invasive plants and animals to assist in the prevention of the spread and establishment of these species.
- (c) Installation of interpretive signage at public and private boat launches and lake access points to educate the public about the impact of invasive aquatic species is supported.
- (d) Boat inspections and cleaning stations aimed at reducing or eliminating the spread of invasive species are supported. These stations should not slow or disrupt highway travel.

#### **11.6 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.

## 12. DEVELOPMENT CONSTRAINTS

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

#### (1) Background

Development in proximity to the many water bodies and watercourses within the plan area requires careful consideration. An abundance of creeks and watercourses are found throughout the plan area and 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 plan area is comprised of parcels that encompass varied topographical features. Slopes can lead to geotechnical hazards and should be considered as part of the development approval process. Steep slope areas are identified on **Schedule G**.

#### (2) Objectives

- (a) Ensure public safety by discouraging development in unsuitable areas such as floodplains, alluvial fans, debris flow fans and areas subject to geotechnical hazards such as steep slope, erosion and landslip.
- (b) Prevent or minimize the expenditure of public money in damage compensation or mitigation resulting from development of lands subject to hazardous events or situations.

#### (3) Policies

- (a) Minimum setbacks and flood construction levels for development near the ordinary high water mark of water bodies and watercourses are established within the Electoral Area E Zoning and Floodplain Management Bylaw. All floodplain requirements must be met unless a site specific exemption has been granted by the Regional District.
- (b) All development within a floodplain or along a watercourse or water body, or potentially impacted by site specific hydrologic hazard, such as flooding or channel avulsion, must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional may be required as per section 56 of the *Community Charter* and section 21.5 Development Approvals Information.
- (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) Rezoning applications for any parcels containing an alluvial or debris flow fan identified in **Schedule F** must incorporate strategies that ensure the development will not be impacted by the hazards. Examples of suitable strategies include:
  - (i) completion of a qualified professional engineer's report identifying potential hazards and appropriate hazard mitigation measures;



- (ii) registration of a covenant which establishes the entire alluvial or debris flow fan identified in **Schedule F** as a “no-build” area which may be removed or modified following the implementation of recommendations in a report by a qualified professional engineer; and
- (ii) registration of a covenant which designates building envelopes outside of the entire alluvial or debris flow fan identified in **Schedule F**.
- (f) The development of land greater than 15% slope, susceptible to erosion and landslip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.
- (g) Development activity that occurs on a slope that is equal to or greater than 15%, susceptible to surface erosion, gulying, landslides or landslip must ensure that adequate protection measures are incorporated into development designs. Development of lands with slopes equal to or greater than 30% is discouraged. Specific geotechnical studies prepared by a qualified professional may be required prior to issuance of a building permit or other development approval as per provincial legislation.
- (h) Removal or deposition of soil within the plan area must be carefully reviewed for erosion, drainage or sedimentation concerns.

## 12.2 Interface Fire Hazard & Public Safety

### (1) Background

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

During the public consultation, wildfire hazard was identified as an environmental concern; as well as the need for wildfire emergency response planning and the lack of fire protection services.

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

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

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

### (2) Objectives

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

### (3) Policies

- (a) Applications for rezoning of parcels which include land rated as high for interface fire hazard as shown on **Schedule H** will be considered with respect to the following FireSmart principles, as appropriate to the nature of the application:
  - (i) ability to integrate fire fuel modified areas including an area of a minimum of 10 m in radius to be maintained clear of combustible material surrounding buildings and structures;

- (ii) integration and promotion of building materials that minimize the risk of fires starting or spreading;
  - (iii) provision of a minimum of two vehicular access/egress routes to allow simultaneous access for emergency equipment and evacuation of people;
  - (iv) availability of sufficient water capacity for firefighting activities;
  - (v) implementation of phasing or staging of development to minimize the interface fire risk; and
  - (vi) availability of firefighting equipment and trained personnel as appropriate for the proposed development.
- (b) Ecosystem restoration initiatives on Crown and private land to mitigate the risk of interface fire hazard are supported.
- (c) Development in high fire hazard areas may require mitigation measures as prescribed by a Development Permit issued in accordance with section 20 of this plan.
- (d) At the request of residents, the creation of fire protection service areas will be investigated.
- (e) 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.

## **13. ARCHAEOLOGICAL AND HERITAGE RESOURCES**

### **13.1 Background**

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

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

Knowledge of cultural heritage sites is gained through the Provincial database of recorded archaeological sites and consultation with the Ktunaxa Lands & Resources Agency. An Archaeological Overview Assessment (AOA) has not been conducted for the plan area but the completion of such an overview is supported. The archaeological assessment process is comprised of two principal components: assessment and impact management. Assessment is primarily concerned with the location and evaluation of archaeological resources, and the assessment of impacts during the initial stages of project planning. Impact management should be discussed with the Ktunaxa Nation Council as per the Ktunaxa Nation Archaeological Engagement Guidelines.

Building permit and rezoning applicants will be notified if the subject property overlaps with a recorded protected archaeological site or an area of archaeological potential.

### **13.2 Objectives**

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

### **13.3 Policies**

- (1) Undertaking an AOA for the plan area is supported. The intent of the AOA is to identify areas with potential to contain archaeological sites and recognize known archaeological sites. Upon completion of the AOA the plan should be amended to integrate a schedule depicting the areas of archaeological distribution and potential. This schedule should then be incorporated into the Regional District development application process in order to alert applicants to their obligations under Provincial heritage legislation.
- (2) Developers are encouraged to engage professional archaeological consultants prior to proceeding with land clearing and site grading to determine if an Archaeological Impact Assessment (AIA) is required to manage and mitigate the impact of the development on any known or unrecorded archaeological sites protected under the *Heritage Conservation Act*.

## **14. SOLID WASTE AND UTILITIES**

### **14.1 Background**

Solid waste in the plan area is managed in accordance with the Regional District's Solid Waste Management Plan. The Solid Waste Management Plan outlines strategies for reducing the amount of waste generated, reuse of items and recycling of as much material as possible. All the waste collected at the municipal and rural transfer stations around Cranbrook, Kimberley and surrounding areas is hauled to the Central Subregion Landfill which is located north of Cranbrook on Highway 93/95. The Regional District recycling program allows for recycling of cardboard, paper, tin, aluminum cans, numbered plastics, shopping bags and food-grade glass through the yellow bin program.

Sewer and water service within the plan area are generally provided through onsite servicing by wells and septic systems. The Meadowbrook Waterworks District provides water service to a small number of rural residents.

It is not anticipated that alternative servicing methods will be introduced within the plan area, as the densities that are generally required to support the introduction of new community utilities are not supported by the plan.

### **14.2 Objectives**

- (1) Promote recycling and responsible solid waste management practices.
- (2) Promote responsible on-site water and sewer management.
- (3) Promote cooperation and co-location between utility and telecommunication companies when locating new services or towers.

### **14.3 Policies**

- (1) To promote and encourage responsible solid waste management practices, the Regional District will continue to provide on-going public education campaigns to increase public knowledge on solid waste reduction.
- (2) Residents and visitors are encouraged to follow the principles contained in the Regional District Solid Waste Management Plan to reduce the amount of solid waste produced by following the 5 R's: reduce, reuse, recycle, recover and residual management.
- (3) Recycling is encouraged and coordinated through the Regional District recycling program and Provincial product stewardship programs.
- (4) Property owners and occupiers are encouraged to ensure that maintenance programs for onsite septic systems are followed in accordance with the appropriate Provincial regulations.
- (5) Requests for the Regional District to take over the operation and maintenance of existing or proposed community water or sewer systems will only be considered in relation to the requirements of the Regional District Subdivision Servicing Bylaw and the necessary service establishment approvals.
- (6) Where onsite sewage disposal is utilized for new or redesigned septic systems the use of Type 1 septic systems as defined by the Sewerage System Regulation under the *Public Health Act* is preferred where site conditions permit their installation. Type 1 systems are generally preferred as they are more reliable over time if the maintenance program is followed.
- (7) The cooperation and coordination of utility and telecommunication companies in utilizing existing corridors and sites for multiple uses is encouraged and supported.

## **15. ROAD NETWORK AND TRANSPORTATION**

### **15.1 Background**

The main transportation corridor with the plan area is Highway 95A, which originates in the City of Cranbrook and connects with Highway 93/95 near Wasa. The management of the highway, other roads, and undeveloped road right-of-ways is the responsibility of the Ministry of Transportation and Infrastructure.

During the consultation process, concerns were heard regarding the safety of the intersection at Porteous Road and Highway 95A and the intersection of Thomason Road and Clarricoates Road.

This section establishes the position of the Regional District with respect to issues related to the Ministry's area of responsibility.

### **15.2 Objective**

- (1) Consider and maintain road network safety and efficiency for all new development.

### **15.3 Policies**

- (1) Applications for closure of undeveloped road right of way within the Meadowbrook subarea will not generally be supported.
- (2) Communities are encouraged to work with Ministry of Transportation and Infrastructure to establish safe and attainable active transportation networks (ie. trails).
- (3) The Ministry of Transportation and Infrastructure is encouraged to review the safety of the current intersection of Highway 95A and Porteous Road.
- (4) The Ministry of Transportation and Infrastructure is encouraged to review the safety of the intersection of Thomason Road and Clarricoates Road.
- (5) At the request of the property owner, in order to facilitate redevelopment of existing commercial development along Highway 95A, support for a variance for the Regional District requirement for a 22 m setback from a controlled access highway will be considered upon demonstration of sufficient rationale and the ability to obtain commercial access permits as required by the Ministry of Transportation and Infrastructure.
- (6) Highway mitigation measures to reduce wildlife mortality and the barrier effect, including crossing structures, highway design and education, are supported.
- (7) The construction of a highway linking the northern portion of Highway 95A to the Canadian Rockies International Airport through the Woods Corner subarea is not supported.

## **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.

Numerous applications for solar power development and investigation for solar power sites on Crown land were referred to the Regional District Board during the drafting of this plan. While the Regional District does support renewable energy, the location of such development should take into consideration the impact to existing residential development, recreational users, tenure holders and environmentally sensitive areas.

Enforcement of unauthorized land uses on Crown land is the responsibility of the appropriate Provincial Ministry.

There were also concerns regarding the safety of Gray Creek Pass and the continued use of the Pass in the winter season once the Pass has been closed.

### **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 views 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 by the Province to minimize conflicts between motorized and non-motorized recreation users of Crown land within the plan area are supported.
- (3) Efforts by the Province to minimize conflicts between proposed solar power facilities and other tenure holders are supported.
- (4) The Regional District encourages proposed solar power facilities to be located on existing brownfield or industrial sites.
- (5) The Province is encouraged to consider the impacts to surrounding residential areas and environmentally sensitive areas when considering solar power applications.
- (6) The Ministry of Forests, Lands and Natural Resource Operations is encouraged to install additional signage at Gray Creek Pass that states the potential hazards and seasonal risks that could be encountered.

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

### **17.1 Background**

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

### **17.2 Greenhouse Gas Reduction Target**

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

### **17.3 Policies**

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

## **18. TEMPORARY USE**

### **18.1 Background**

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

### **18.2 Objectives**

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

### **18.3 Policies**

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



## **19. REGIONAL CONTEXT**

### **19.1 Background**

The plan area surrounds the City of Kimberley. Land use within the fringe area is of common concern and should be addressed within the regional context. Consultation with City of Kimberley staff and consideration of the City of Kimberley's OCP were undertaken as part of the planning process to develop the Kimberley Rural OCP.

At the time of drafting the Kimberley Rural OCP, the City of Kimberley did not anticipate future plans to expand the City of Kimberley boundary.

The plan area borders the Kootenay Indian Reserve #1. The need to consider the compatibility of land uses and development policies in proximity and adjacent to the Reserve is recognized.

### **19.2 Objective**

- (1) Support cooperative land use planning between the City of Kimberley and the Regional District.
- (2) Support cooperative land use planning between the Aq'am Community Council, Ktunaxa Nation Council and Regional District.

### **19.3 Policies**

- (1) The Matthew Creek, Mark Creek and Kimberley Creek watersheds are currently located within the plan area. An application by the City of Kimberley to acquire one or all of the watersheds will generally be supported.
- (2) Proposals for development adjacent to the City of Kimberley will be considered in relation to conformity with the principles of the Regional Sustainability Strategy, this plan and the City of Kimberley OCP.
- (3) To provide the City of Kimberley with an opportunity to comment on specific land use proposals and applications, the Regional District will refer all OCP amendments to the City for comment. If a response or request for extension is not received within 30 days, it will be assumed that the interests of the City of Kimberley area unaffected. Comments received from the City of Kimberley will be on an application by application basis and of an advisory nature to the Board.
- (4) All applications for OCP amendments within the plan area will be referred to the Ktunaxa Nation Council for comment.
- (5) All applications will be considered in relation to the Regional Sustainability Strategy and the more specific land use planning principles contained within this plan.

## **20. DEVELOPMENT PERMIT AREAS**

### **20.1 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.

### **20.2 Development Permit Area #1 – Wildfire Hazard**

#### **(1) Area**

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

#### **(2) Purpose**

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

#### **(3) Requirements**

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

- (a) subdivision creating one or more vacant parcels;
- (b) placement or construction of a dwelling unit; additions to a dwelling unit which increase the floor area by an amount greater than 25% of the area existing at the time the Kimberley Rural Official Community Bylaw No. 2760, 2017 was adopted.

#### **(4) Exemptions**

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

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

#### **(5) Justification**

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

#### **(6) Guidelines**

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

- (a) Subdivision Guidelines
  - (i) Prior to the Regional District's issuance of final subdivision comments to the Ministry of Transportation and Infrastructure, a Development Permit will be registered on the property that states all future dwelling units on the property shall be in conformance with section 20.2 (6)(c) of this plan and the results of the report prepared under section 20.2 (6)(a)(ii), if applicable.

- (ii) In cases of Development Permit Area overlap, the Regional District may require a Wildfire Hazard Assessment Report prepared by an RPF who is a member of the Association of BC Forest Professionals. The reports for wildfire hazard and environmentally sensitive areas should be submitted concurrently.
  - (iii) The Regional District may require written acknowledgment that the professionals involved have read and collaborated on their reports and recommendations. The wildfire hazard assessment shall take into account the findings of the other professional report(s) and recommendations including regard for the cutting or thinning of trees and the need for remediation of disturbed areas to avoid situations that could lead to adverse conditions such as destabilization of slopes or negative effects to other environmentally sensitive areas on the property.
- (b) Dwelling Unit Guidelines
- (i) The intention of the guidelines is to ensure the long term maintenance of Priority Zone 1. This zone is the area within 10 m of a dwelling unit including, but not limited to, decks, additions and balconies. The Development Permit will state that future development will comply with the guidelines contained in this section as well as the results of the report prepared under section 20.2 (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 20.2 (6)(d) and 20.2 (6)(f) have been met.
- (d) Occupancy Permit requirements for dwelling units:
- (i) All roofing materials of new dwelling units must conform to Class A, B or C fire resistance as defined in the BC Building Code.
  - (ii) Buildings and structures used to store wood or other combustible materials must be located a minimum of 10 m away from the dwelling unit.
- (e) Property owners must post their civic address in accordance with the Regional District of East Kootenay House Numbering Regulation and Fee Bylaw No. 2010, 2007 as may be amended or replaced from time to time.
- (f) Occupancy Permit landscaping requirements within the Priority 1 Zone:
- (i) Combustible fuel removal shall take place. Fuel removal includes the removal of ground-level fuels, piled debris, and other combustible debris.
  - (ii) Planting of new coniferous species including, but not limited to, juniper, pine and spruce is not permitted.

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

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

#### (1) Area

Development Permit Area #2 applies to all areas designated as ESAs on **Schedules E1 to E6** of this OCP.

#### (2) Purpose

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

#### (3) Applicable Definitions

Within Development Permit Areas #2 and #3:

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

**ENVIRONMENTAL IMPACT ASSESSMENT REPORT** means a report prepared in accordance with the terms of reference issued for the land development project in accordance with the “Regional District of East Kootenay – Development Approval Information Bylaw No. 2122, 2008” and section 21.5(2)(c) of this plan as amended from time to time. In addition, the scope of the Report will either be for the parent parcel or the development footprint in accordance with section 20.3(4)(a) and consistent with guidelines contained in section 20.3(7) of this plan.

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

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

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

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

**RIPARIAN ECOSYSTEM** means an area of land adjacent to a stream or wetland that is directly influenced by perennial water either at the surface or below the surface in the form of saturated soils (i.e. soils that contain unbound water). Riparian areas are characterized by plants or plant communities that are dependent upon free water. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. The riparian area is influenced by, and exerts an influence on, the associated aquatic 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 (492.4 acres) or more upstream of the point of consideration.

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

#### **(4) Requirements**

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

#### **(5) Exemptions**

- (a) A Development Permit is not required within Development Permit Area #2 under the following conditions:
  - (i) The proposed activity is limited to internal alterations to buildings or structures.
  - (ii) The proposed activity is limited to the reconstruction, renovation, repair of, or addition to existing buildings or structures which increase the development footprint by an amount less than 25% of the area existing at the time the Kimberley Rural Official Community Plan Bylaw No. 2760, 2017 was adopted.
  - (iii) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within a public right of way.
  - (iv) The proposed activity is limited to general road or railway construction or maintenance within a public road right of way or railway right of way.
  - (v) The proposed activity is limited to:
    - (A) the removal or pruning of hazardous trees as identified by a qualified hazard tree assessor;
    - (B) an ecosystem restoration project approved by a Qualified Environmental Professional (QEP); or

- (C) supplementing or maintaining natural existing vegetation.
- (vi) The proposed activities are considered to be normal agricultural practices as defined in the *Farm Practices Protection (Right to Farm) Act* or designated as farm use within the *Agricultural Land Commission Act* and Regulations.
- (vii) With respect to subdivision under 20.4(3)(a)(i) either:
  - (A) RDEK staff conducts a site visit and confirms that the ESA identified in **Schedules E1 to E6** is not present on the parcel under application. If identifying the presence or absence of the ESA identified in **Schedules E1 to E6** is beyond the expertise of RDEK staff, then section 20.4(4)(a)(vii)(B) applies.
  - (B) A QEP conducts a site visit and certifies in a signed letter that the ESA identified in **Schedules E1 to E6** is not present on the parcel under application.
- (viii) With respect to development under 20.4(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 E1 to E6**, provided that if identifying the presence or absence of the ESA is beyond the expertise of RDEK staff, then section 20.4(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 E1 to E6**.
- (ix) The land and ESA values within Development Permit Area #2 have been permanently and adequately protected by means such as a conservation covenant, returned to Crown ownership, provided as public park, or similar method as is acceptable to the Manager of Planning & Development Services. Any reference in section 20.3 to the Regional District accepting a conservation covenant is at the discretion of the Regional District.
- (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, is intended to resolve emergency situations that present an immediate danger to life or property including procedures related to flooding or erosion.
- (xii) The proposed activity is limited to emergency repairs to buildings or structures where there is a demonstrable and immediate risk to personal or public safety and property.
- (xiii) The proposed activity is limited to drilling a well, or the siting, construction or installation of a septic tank, drainage field, or sewage treatment system in accordance with provincial regulations. This exemption does not apply to the siting, construction or installation of a septic tank, drainage field, or sewage treatment system located in the riparian buffer area described in section 20.3(7)(b)(iv) or unless section 20.3(5)(a)(viii) applies.
- (xiv) The proposed activity is limited to the siting, construction or installation of a retaining wall or shoreline/bank protection device in accordance with applicable legislation, regulations and best practices.
- (xv) The proposed activity is limited to subdivision which solely involves parcel line adjustments.

- (xvi) The proposed activity is substantially consistent with a development permit previously issued under section 20.3(4)(a)(i).
- (xvii) The proposed activity involves the development or management of a provincial park; is conducted within the boundaries of a provincial park; and is compliant with the provincial *Park Act*.

**(6) Justification**

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

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

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

The range of tree ages and species found in old growth forests results in increased ecological complexity. This complexity contributes to varying habitat and a diversity of species. Some species are highly dependent on attributes found only in older forests. The distribution of old growth forests within the plan area is limited.
  - (iv) Habitat for species at risk

The area contains a range of habitat for vulnerable and endangered wildlife and plants. Information on species at risk within the plan area can be found in the BC Species and Ecosystems Explorer and BC Conservation Data Centre.
- (b) The objective of Development Permit Area #2 is the protection, preservation, restoration and enhancement of the significant ecosystems, habitats and features identified in 20.3(6)(a)(i)-(iv) and on **Schedules E1 to E6**. These ecosystems, habitats and features are considered vital to the retention of the character and ecosystem health of the plan area. Activities within these areas must be undertaken in a manner that minimizes the disruption or alteration of its environmental integrity. The intent is not to preclude all development in these areas, but to provide notice that the areas include unique characteristics that warrant special review and consideration and to ensure appropriate mitigation measures are prescribed where appropriate.

**(7) Guidelines**

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

- (a) General

The following guidelines apply to all areas identified as ESAs on **Schedules E1 to E6** of this OCP:

  - (i) All development proposals are subject to the applicable requirements and approval processes under federal or provincial legislation or regulations. Identification of the permits and approvals required must be submitted with the development permit application. Issuance of the

development permit will be conditional upon the acquisition of all required permits and approvals from the responsible jurisdictions. It is the responsibility of the applicant to identify and complete the applicable federal and provincial approval processes.

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



information. 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 E1 to E6** of this OCP: This section does not apply to Development Permit Area #3 – St. Mary Lake Shoreline and **Schedule K**.

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

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

(c) Grasslands Ecosystem Guidelines

The following guidelines apply to areas identified as grassland ecosystem ESAs on **Schedules E1 to E6** of this OCP:

- (i) Reductions in grassland ecosystem areas as the result of development activities should be limited. Where possible, development should be directed outside grassland ecosystem areas.
- (ii) If development is proposed within grassland ecosystem areas a compact development footprint should be utilized to minimize negative impacts to existing grasslands.
- (iii) Applications for development activities where grasslands ecosystems are temporarily disturbed should include commitments to restore the grassland areas through replanting with native vegetation as determined by a QEP in an Environmental Impact Assessment Report.
- (iv) Applications for development activities that will negatively impact grasslands ecosystems should include compensation measures in order to minimize the net loss of grassland ecosystems. Suitable compensation activities 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 Regional District, other public agencies including the Provincial Government, or non-governmental organizations, such as a private land trust committed to the management of grassland areas; or
  - (B) Appropriate restoration or enhancement of comparable areas through removal of trees encroaching on grassland ecosystems and reclamation of grassland areas by planting native grass species, as determined by a QEP in an Environmental Impact Assessment Report.

(d) Old Growth Forest Guidelines

The following guidelines apply to areas identified as old growth forest ESAs on **Schedules E1 to E6** of this OCP:

- (i) Human settlement and other land development activities within, or adjacent to, old growth forests is discouraged.
- (ii) If development is proposed within old growth forest areas a compact development footprint should be utilized to minimize negative impacts to the old growth forest.
- (iii) Large diameter trees should be identified and preserved.
- (iv) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.
- (v) Applications where development within old growth forests is unavoidable should include compensation measures such as restoration of natural old growth forest disturbance zones through thinning or spacing in order to minimize the net ESA loss. Restoration is encouraged through removal and spacing of smaller trees and burning debris piles as determined by a QEP in an Environmental Impact Assessment Report. Restoration should maintain the key characteristics of typical dry ecosystem old growth forests including a spaced open crown closure comprised of large diameter trees. This guideline does not apply to the restoration of higher elevation old growth forests.

#### **20.4 Development Permit Area #3 – St. Mary Lake Shoreline**

##### **(1) Area**

Development Permit Area #3 applies to those portions of St. Mary Lake shoreline designated as red and orange shoreline zones on **Schedule K**. Where the shoreline is designated as a red or orange shoreline zone the Development Permit Area extends 30 m into the lake and 7.5 m upland from the natural boundary.

##### **(2) Purpose**

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

##### **(3) Requirements**

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

##### **(4) Exemptions**

- (a) A Development Permit is not required within Development Permit Area #3 under the following conditions:
  - (i) The proposed activity is limited to internal alterations to buildings or structures.
  - (ii) The proposed activity is limited to the reconstruction, renovation, repair of existing buildings or structures upland of the natural boundary, or addition to existing buildings or structures which increase the development footprint by an amount less than 25% of the area existing at the time the Kimberley Rural Official Community Plan Bylaw No. 2760, 2017 was adopted.

- (iii) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within the highway right of way.
- (iv) The proposed activity is limited to general road or railway construction or maintenance within the right of way.
- (v) The proposed activity is limited to the removal or pruning of hazardous trees as identified by a qualified hazard tree assessor, an ecosystem restoration project approved by a QEP supplementing native vegetation or maintaining existing vegetation.
- (vi) 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.
- (vii) 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.

**(5) Justification**

- (a) The plan area includes natural ecosystems that are unique to the St. Mary Lake foreshore. The East Kootenay Integrated Lake Management Partnership (EKILMP) undertook a Sensitive Habitat Inventory Mapping (SHIM) project for St. Mary Lake 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. 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 indentified. 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 #3 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. Approximately 56.2% of the St. Mary Lake shoreline is either designated as a red or orange shoreline zone. Generally speaking, the red and orange zones are represented by stream mouths (lake inlet and outlet), wetland areas, and high value fish staging, rearing and migrating areas.

**Red Shoreline Zone** – is identified as essential in the long term maintenance of fish and/or wildlife values through the AHI Analysis. These areas are essential for fish and/or wildlife populations. EKILMP recommends that

these areas be designated for conservation use, and that no development that can impact these sensitive communities occur within them. Low impact water access, recreation and traditional First Nation uses are permissible in these areas, but permanent structures or alteration of existing habitats is not considered to be acceptable.

**Orange Shoreline Zone** – is identified as High Value Habitat Areas for fish and/or wildlife through the 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.

- (c) The objective of Development Permit Area #3 is the protection, preservation, restoration and enhancement of the natural ecosystem along the shoreline of St. Mary Lake. 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 must be in accordance with the following:

### (a) General

The following guidelines apply to all areas identified as red and orange shoreline zones on **Schedule K**.

- (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 *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 of the province and the Regional Operating Statement of Fisheries and Oceans Canada, 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 K**:

- (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 20.4(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 K**:

- (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; 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.
- (iv) 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.

## **20.5 Development Permit Area #4 – Commercial and Light Industrial Development**

### **(1) Area**

Development Permit Area #4 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 #4 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 #4, owners must obtain a Development Permit before:

- (i) Commencing siting, construction, addition or alteration of a building or structure including fencing.

### **(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 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 – Kimberley Rural Official Community Plan Bylaw No. 2760, 2017 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.
- (v) 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.

### **(5) 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.

**(6) 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.
- (iv) The use of back-lit or internally lit signs is not permitted, however signs may be illuminated by external display lighting.

(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.

(g) Signage

- (i) Signage for commercial uses shall be placed so that scenic views are preserved.

**21. IMPLEMENTATION**

**21.1 Background**

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

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

**21.2 Implementation Strategy**

The implementation strategy is not meant to commit the RDEK or any other organization to any particular action, rather it is a high level road map to facilitate implementation, inform the Board of Directors annual priority project setting exercise and create a foundation for tracking plan implementation.

**(6) Strategic Policies**

OCP Section	Policy Action	Lead Organization	Partners
4.3 (1)(f)	Secondary suites in detached garages are generally supported in the plan area. As resources allow, the Regional District will consider a bylaw amendment to permit the use in the Electoral Area E Zoning and Floodplain Management Bylaw.	RDEK	
5.3(1)(e)	At the request of residents and as resources allow, the Regional District will re-visit the sign regulations in the Electoral Area E Zoning and Floodplain Management Bylaw.	RDEK	
6.3 (1)(d)	The implementation of applicable recommendations from the Regional District Agricultural Plan is supported.	RDEK	
9.3 (1)(l)	Adoption of bylaws to prohibit smoking in parks owned by the Regional District is supported.	RDEK	
9.3 (2)(b)	Upon adoption of the Cherry Creek Falls Regional Park Management Plan, implementation of applicable recommendations from the plan is supported.	RDEK	
9.3(3)(b)	The implementation of applicable recommendations from the Regional District Avery Road Public Access Management Plan is supported.	RDEK	
9.3 (3)(c)	Upon creation of the public park at the east end of St. Mary Lake, implementation of a park management plan is supported.	RDEK	
13.3(1)	Undertaking an AOA for the plan area is supported.	RDEK	MFLNRO

**(2) Advocacy Policies**

OCP Section	Policy Action	Lead Organization	Partners
9.3 (3)(d)	Support continued water testing and monitoring programs, stewardship initiatives and education activities of the St. Mary Rural Residents Association.	St. Mary Rural Residents Association	RDEK
9.3(2)(c)	Stewardship initiatives and educational activities for the benefit of McGinty Lake by local community associations is supported.	Local community associations	RDEK, MFLNRO

OCP Section	Policy Action	Lead Organization	Partners
10.3(a)	Continued consultation between the City of Kimberley and Provincial Ministries regarding watershed management is supported.	City of Kimberley	MFLNRO, RDEK
10.3(c)	Encourage the relevant Provincial agencies to ensure that forest practices within community watersheds are conducted in accordance with the <i>BC Forest and Ranges Practices Act</i> and relevant provincial guidelines.	MFLNRO	RDEK
10.3(d)	Encourage the relevant Provincial agencies to consider the importance of protecting water resources when considering tenures and licenses of occupation within lands designated WP, Watershed Protection.	City of Kimberley	MFLNRO, Ministry of Energy and Mines, RDEK
11.3(b)	Consideration of a water study to understand the dynamics of the water table and sources within the Meadowbrook area is supported.	Meadowbrook Community Association	RDEK
15.3(4)	The Ministry of Transportation and Infrastructure is encouraged to review the safety of the current exit to Highway 95A from Porteous Road.	MoTI	
15.3(5)	The Ministry of Transportation and Infrastructure is encouraged to install additional signage at Gray Creek Pass that states the potential hazards and seasonal risks that could be encountered.	MoTI	
15.3(6)	The Ministry of Transportation and Infrastructure is encouraged to review the safety of the intersection at Thomason Road and Clarricoates Road.	MoTI	
16.3(2)	Efforts to minimize conflicts between motorized and non-motorized recreation users of Crown land within the plan area are supported.	MFLNRO	RDEK

### 21.3 OCP Amendments

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

#### 21.4 Zoning Bylaw Amendments

Parcels may be rezoned in conformity with the land use designations contained in **Schedules D to D5**. The proposed zoning must also conform to the objectives and policies contained in this OCP.

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

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

#### 21.5 Development Approval Information

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

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

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

(a) *Flood Hazard*

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

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

(b) *Agriculture*

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

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

(c) *Natural Environment*

Criteria: Applications for amendments to the zoning bylaw, Temporary Use Permits or Development Permits under section 20.3, Development Permit Area #2 – Protection of Environmentally Sensitive Areas (ESAs) and section 20.4, Development Permit #3 – St. Mary Lake Shoreline.

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

- 4. - Residential Land Use;
- 11.1 - Environmental Considerations – General;

- 11.2 - Fish and Wildlife Habitat;
- 11.3 - Water Resources;
- 11.4 - Environmentally Sensitive Areas;
- 20.3 - Development Permit Area #2 – Protection of Environmentally Sensitive Areas;
- 20.4 - Development Permit Area #3 – St. Mary Lake Shoreline

(d) *Wildfire Hazard*

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

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

## 22. 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 ALC. For lands within the ALR, it is possible that subdivision into these lot sizes will not be supported by the ALC.

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

The land use designations are shown on **Schedules D to D5**. 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.

### 22.1 Residential and Rural Land Uses

- (1) **R-SF, Residential Low Density** includes single family residential subdivisions and manufactured home parks.
- (2) **SH, Small Holdings** supports low density residential development with minimum parcel sizes in the range of 0.4 to 2.0 ha.
- (3) **LH, Large Holdings** supports rural residential development and rural resource land uses with parcel sizes in the range of 2.0 ha to 8.0 ha.
- (4) **RR, Rural Resource** includes rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, greenspace and recreation.
- (5) **REC, Residential Recreation** recognizes existing development suitable for seasonal or permanent dwellings and utilized as residential recreation properties.

### 22.2 Commercial and Industrial Land Uses

- (1) **C, Commercial** supports the limited range of local, service and commercial land uses identified in the zoning bylaw.
- (2) **I, Industrial** supports light industrial land uses.

### 22.3 Institutional Land Uses

- (1) **INST, Institutional** supports such land uses as utilities, parks and playing fields, community centers, educational facilities, churches or places of assembly, and similar developments.
- (2) **OSRT, Open Space, Recreation and Trails** supports greenspaces, recreational amenities, agricultural uses, local, regional and provincial parks and other protected areas, such as wildlife corridors.
- (3) **WP, Watershed Protection** identifies lands that are part of an existing or potential community watershed and that require protection from development that could impair the quality of the domestic water supply obtainable from the watershed.

This is Schedule A referred to in Bylaw No. 2760 cited as "Regional District of East Kootenay – Kimberley Rural Official Community Plan Bylaw No. 2760, 2017".

*"Rob Gay"*

Chair

*"Shannon Moskal"*

Corporate Officer

*June 9, 2017*

Date