Regional District of East Kootenay

LAKE KOOCANUSA
OFFICIAL COMMUNITY PLAN
BYLAW NO. 2432, 2013
CONSOLIDATION

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

June 12, 2026

Lake Koocanusa

Official Community Plan

Bylaw No. 2432, 2013

This is a consolidation of the Official Community Plan. This consolidated version is for convenience only and has no legal sanction.

April 5, 2013

BRITISH COLUMBIA
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KTUNAXA NATION

Regional District of East Kootenay

Lake Koocanusa Official Community Plan
Endorsement

Regional District of East Kootenay

"Rob Gay" April 5, 2013
Rob Gay, Board Chair Date

"Heath Slee" April 5, 2013
Heath Slee, Electoral Area B Director Date

Ktunaxa Nation Council

"Ray Warden" March 28, 2013
Ray Warden, Director of Ktunaxa Lands and Resources Agency Date

Forest, Lands and Natural Resources Operations

"Tony Wideski" March 15, 2013
Tony Wideski, Regional Executive Director – Kootenay Date

BYLAW AMENDMENTS

Bylaw	Amend / Yr	Adopted	Short Citing	Legal / Zone
2539	01/2014	Oct. 3/14	Medical Marihuana /RDEK	Text Amendment
2771	02/2017	Aug. 4/17	Koocanusa West / Wentzell	Designation of Part of Lot 1, DL 11493, Plan 16032 **RR to CR**
2921	03/2019	Jun. 7/19	Sweetwater / KV Properties Inc.	Part of Lot 2, DL 10348, KD, Plan EPP14443 **C to R-SF**
2973	04/2019	Jul. 3/20	Sweetwater / KV Properties Inc.	Part of Lot 2, DL 10348, KD, Plan EPP14443 **C to R-SF**
3146	05/2022	Aug. 12/22	Sweetwater / KV Properties Inc.	Part of Lot 2, DL 10348, KD, Plan EPP14443 **R-SF to C** **R-SF to OSRT** **OSRT to R-SF**
3202	06/2022	Apr. 14/23	Koocanusa Village / KV Properties	Part of Lot 2 DL 10348 KD Plan EPP14443 except plan EPP101154 **OSRT to R-MF**
3240	07/2023	May 10/24	Koocanusa North / Reeves	Lot 2 DL 316 KD Plan 14685 except Plan EPP4774 **RR to CR** Text Amendment
3277	09/2024	Feb. 9/24	Koocanusa Village / KV Properties	Designation of Part B DL 10348 KD Plan EPP101154 except Plan EPP109367 **C to R-SF**
3360	10/2024	Jul. 11/25	Grasmere / Rogers	Designation of the west half of Sublot 16 DL 360 KD Plan X40 except (1) Parcel 1 (Reference Plan 23416A) and (2) part included in Plans 5916, 6638 and 7891 **RR to SH**

Bylaw	Amend / Yr	Adopted	Short Citing	Legal / Zone
3456	11/2026	Jun. 12/26	Koocanusa Village / KV Properties Inc.	Designation of Lot B DL 10348 KD Plan EPP101154 except Plans EPP109367 and EPP138855 **C to R-MF**

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2432

A bylaw to adopt an Official Community Plan for the Lake Koocanusa 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 Lake Koocanusa area;

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

Title

1. This Bylaw may be cited as the "Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013".

Application

2. This Bylaw is applicable to all land within the boundaries of the Lake Koocanusa plan area as shown on **Schedule B**.

Organization

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

   (a) Schedule A – Policies
   (b) Schedule B – Plan Area
   (c) Schedule C – Land Use Overview
   (d) Schedule C1 – Land Use Overview - Grasmere
   (e) Schedule C2 – Land Use Overview - Newgate
   (f) Schedule C3 – Land Use Overview - Sweetwater
   (g) Schedule D – Ownership
   (h) Schedule E – Agricultural Land Reserve
   (i) Schedule F – Alluvial Fan / Debris Torrent Fan Hazard
   (j) Schedule G – Interface Fire Hazard
   (k) Schedule H – Road Network Plan
   (l) Schedule I – Environmentally Sensitive Areas

Severability and Enactment

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

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

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

READ A FIRST TIME the 1st day of February, 2013.

READ A SECOND TIME the 1st day of February, 2013.

READ A THIRD TIME the 1st day of March, 2013.

ADOPTED the 5th day of April 2013.

"Rob Gay"
CHAIR

"Lee-Ann Crane"
CORPORATE OFFICER

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Schedule A
Policies

1. INTRODUCTION

1.1 Administration

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

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

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

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

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

1.2 Legal Framework

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

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

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

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

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

1.3 Plan Policies and Map Designations

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

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

1.4 Plan Process

On April 24, 2008, as a result of increased pressure for Crown land development in the Lake Koocanusa area, the Ktunaxa Nation Council (KNC), the Province of British Columbia (the Province), and the Regional District of East Kootenay (RDEK) signed an Engagement Protocol in order to work collaboratively on a government-to-government land use planning initiative. The intent was to address stewardship and development concerns in the Koocanusa area through an integrated planning process. The Engagement Protocol was intended to create a forum within which to discuss the development of the planning framework.

Following the signing of the Engagement Protocol, a Joint Steering Committee (JSC) was formed with representatives from the KNC, the Province and the RDEK. The JSC ratified a Terms of Reference for both the Committee and a planning process for the Koocanusa area on December 18, 2009.

The intent of the planning process was to establish land use policy and regulation in an unzoned portion of the Regional District. The objectives included:

- an RDEK OCP and zoning bylaw to guide development on private and Crown lands;
- OCP policies which address the disposition of Crown land;
- OCP policies which will provide guidance for land use and management decisions by provincial agencies; and
- a reflection of KNC land values and interests in the plan area.

The preparation of the Lake Koocanusa Official Community Plan and inclusion of the OCP area in the South Country Zoning and Floodplain Management Bylaw were authorized by the RDEK Board in June 2010.

A Project Charter and Work Plan was completed on July 2, 2010 and signed by the KNC, the Province, and the RDEK. The Project Charter outlined the anticipated outcomes, major deliverables and key project milestones that would be involved in developing the Koocanusa area OCP and zoning bylaw.

The OCP planning process was directed by the KNC, the Province, and the RDEK through the JSC. Introductory meetings, a questionnaire, and a land use inventory were conducted in the summer of 2010, and were followed by a newsletter update mailed to area residents. Four visioning workshops were held at the end of 2010 in Baynes Lake, Jaffray, Grasmere, and at the Tobacco Plains Band Hall. Area residents were updated by newsletter regarding the workshops in February 2011. In addition, provincial agencies and the KNC contributed to the OCP process by providing input on a range of topics. Following the workshops and agency consultation, drafting of the OCP commenced. The draft OCP was reviewed by the Joint Steering Committee in January 2012 and subsequently was presented to the community in March 2012. Following a public comment period revisions were made to the OCP and a second draft was presented to the public in the summer of 2012.

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 South Country Zoning & Floodplain Management Bylaw. This is because the OCP is a long range strategic planning document that identifies the preferred future land use, while the zoning bylaw usually recognizes the current land use. Development of the parcel may continue in accordance with the zoning of the property, however, any amendment to the zoning must be in conformity with the land use designation in the OCP.

1.6 Relationship to the Ktunaxa First Nation

The OCP planning process was directed by a Joint Steering Committee which included representatives from the KNC. Preparation of the OCP was done collaboratively with the KNC, with contribution by the Tobacco Plains Indian Band, in recognition of Ktunaxa rights and title within the OCP area.

The Lake Koocanusa plan area is part of the larger traditional territory of the Ktunaxa Nation. The Ktunaxa are currently at stage 4 of a treaty negotiation process that may impact Crown land located within the OCP area. The current treaty negotiations include a land offer for parcels in the vicinity of Lake Koocanusa; consequently, some of the current Crown land may be administered by the KNC in the future. The treaty and OCP processes are independent of each other and any zoning designations assigned through a bylaw will not apply to lands acquired by the Ktunaxa Nation through a treaty settlement. In addition, the Lake Koocanusa OCP will not affect the on-going treaty negotiations or treaty land offers. However, the KNC may use the OCP to develop management strategies for lands they acquire through treaty and other processes.

The Lake Koocanusa OCP area contains recorded archaeological sites and is also likely to contain many more unrecorded sites. These archaeological sites, which encompass thousands of years of inhabitation and utilization of the plan area, represent an important historical connection for the Ktunaxa Nation. As such, the plan includes policies to recognize and conserve the archaeological resources that are contained within the plan area and to mitigate any impacts to these resources.

1.7 Plan Area

The plan area is located in southeastern British Columbia in the Rocky Mountain Trench between Jaffray and the United States border. The area is also commonly referred to as the "South Country". The boundary of the plan area is shown on **Schedule B**. Three subareas have been identified within Lake Koocanusa area. In addition, one independent OCP exists within the plan area. These areas include:

(1) Grasmere Subarea

Located 8 km east of Lake Koocanusa and 12 km north of the US border, Grasmere is a small community which offers a limited number of services to residents of the agricultural properties in the surrounding area. Commercial development is limited to a gas/convenience store and a post office/gift shop. Institutional facilities within the development node include an elementary school, a community centre, and a church. Private land in the surrounding area is made up of a wide range of parcel sizes where the primary land use is agriculture; isolated industrial uses also exist. The private land is primarily located along Highway 93 between the Elk River and the US border; many private parcels border the west side of the Tobacco Plains Indian Reservation, which lies between the highway and Lake Koocanusa. Surrounding both the private land and the Tobacco Plains Indian Reservation are large areas of Crown land which serve as ungulate winter range and grazing land for cattle. The subarea is located almost entirely within the Agricultural Land Reserve (ALR).

(2) Newgate Subarea

The Newgate Subarea is located on the west side of Lake Koocanusa from the north side of Gold Bay to the US border. Access from the Kikomun Road is via the Kikomun-Newgate Road which parallels Lake Koocanusa to the US border. The Newgate area includes large privately held parcels accommodating agricultural operations, primarily located along the Kikomun-Newgate Road. Almost the entire land base between the Kikomun-Newgate Road and the shoreline of Lake Koocanusa is within the ALR as is much of the land on the west side of the road. Development in the Newgate area includes RV campgrounds, a few

small tourist retail operations, a marina, and a houseboat rental operation. Most of the land adjacent to the lake shoreline is owned by the Crown, which is utilized by grazing operations and wildlife. Much of this shoreline is used for unregulated RV camping during the summer months.

(3) Sweetwater Subarea

The development known as Sweetwater is located on the west side of Lake Koocanusa opposite Kragmont on the site of a former farm operation. Sweetwater is a planned high density residential development encompassing single family and multi-family homes, commercial properties, marinas and RV sites. Development of the Sweetwater project began prior to the initiation of the Lake Koocanusa Official Community Plan and South Country Zoning and Floodplain Management Bylaw process. A separate zoning bylaw, the "Regional District of East Kootenay – SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009" was developed specifically for the property during the initial phase of its development. The SweetWater Zoning & Floodplain Management Bylaw will continue to regulate that development. At the time of drafting this OCP, the Sweetwater project was still in the early phases of development.

(4) Baynes Lake Official Community Plan Area

Baynes Lake is the largest community in the vicinity of the Canadian portion of Lake Koocanusa and was the subject of a separate planning process which concluded in August 2011 with the adoption of "Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011". Both the Baynes Lake OCP and the Lake Koocanusa OCP include goals, policies and objectives related to a broad range of land use issues. While many policies are shared between the two plans, other policy areas exhibit divergence from each other; these similarities and differences reflect the variety of values and concerns expressed by residents of Baynes Lake and the Lake Koocanusa area during the separate consultation processes. The Baynes Lake OCP will continue to provide long-range guidance and policy direction for the development of that community. Baynes Lake and the Koocanusa area will both be covered by the South Country Zoning & Floodplain Management Bylaw which regulates land development.

2. AREA HISTORY AND BACKGROUND

2.1 History

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

The first European visitors to the area were explorers during the early 1800s. Europeans returned to the East Kootenay in the second half of the 1800s as a result of successful gold exploration in the area. The Kootenay River, which runs through the South Country, and the adjacent Kalispell Trail, provided a trade route to bring supplies to the gold fields in the Fort Steele area. Though the gold fields were soon depleted, the discovery of large coal fields around Crowsnest Pass at the turn of the century led to extensive economic activity in the region in order to facilitate extraction of the resource. In the late 1800s a short lived canal was built connecting the Kootenay and Columbia River enabling passage of steamboats from Golden, BC to Jennings, Montana through the area now occupied by Lake Koocanusa. In the early 1900s the Great Northern Railway was constructed, passing through the South Country, providing a connection between the coal fields and the United States. Coal extraction and the associated rail lines led to employment and settlement within the South Country as services were established to provide supplies such as timber and food. Pioneering families settled in the area to establish farms and logging operations; over time a number of small settlements developed including Gateway, Newgate, Flagstone, Dorr and Elkmouth.

In the late 1960s construction of the Libby Dam in Montana began; the project was officially dedicated in 1975. In 1973 the dam created Lake Koocanusa, an international lake created by the flooding of the Kootenay River valley and named through a contest as an amalgamation Kootenay, Canada and USA. The damming of the Kootenay River flooded many of the valley bottom agricultural properties and communities resulting in significant property loss for farmers and residents of the valley. Some of the displaced property owners moved onto the surrounding lands

above the reservoir. Agriculture continues as an important South Country industry; however, with the creation of Lake Koocanusa the area has become a destination for RV camping, boating and seasonal visitors.

2.2 Previous Plans and Studies

In July 1984 the Lands and Housing Regional Operations Division of the Ministry of Lands, Parks and Housing completed the Southern Rocky Mountain Trench Sub-District Crown Land Plan. This plan outlined Provincial policy regarding planning, management and disposition of unalienated Crown lands within the plan area, a substantial portion of which is included in the Lake Koocanusa OCP area.

In February 1991 the Lake Koocanusa Recreation Strategy Committee, made up of representatives from provincial ministries, the Regional District, and BC Hydro, completed a Lake Koocanusa Recreational Land Use Strategy. This plan included a number of recommendations aimed at addressing increasing demand for recreational opportunities on Lake Koocanusa. The development of a land use plan by the Regional District to guide and control development was supported in the Recreational Land Use Strategy.

In 2004 the Regional District adopted a Regional Growth Strategy (RGS) policy. The RGS is a policy document that establishes principles for evaluating land use changes and developing community plans throughout the Regional District. The RGS vision statement encourages growth where it is socially, environmentally and economically sustainable and respects the character of each subregion. The RGS contains two types of policies: those that apply to the entire Regional District and those that reflect subregional planning objectives. The Lake Koocanusa OCP area is located within the Central Subregion.

In 2005, the Ministry of Sustainable Resource Management completed the *Cranbrook West Recreation Management Strategy.* This recreation plan was intended to help address impacts and conflicts of Crown land recreation, protect resource values, and provide increased certainty to the commercial recreation sector. The planning process involved a total of 40 recreation groups/stakeholders over a period of two and a half years.

2.3 Recent Development

The plan area has seen limited growth pressure in recent years. From January 2000 to November 2011 approximately 44 building permits were issued which include the placement of 7 manufactured homes and construction of 6 single family dwellings. During this time the RDEK received 12 subdivision referrals from the Ministry of Transportation to create new parcels in the Lake Koocanusa OCP area. From these applications 13 parcels have been created while 18 new parcels are still awaiting approval. In the future, subdivision and development within the Sweetwater Subarea is anticipated to create a total of 224 lots and up to 886 dwelling units.

In the same time period a total of 7 Agricultural Land Reserve applications for non-farm use within the plan area were received, 5 of which were approved and 2 of which were refused. One of the non-farm use applications resulted in approval of a recreation vehicle resort accommodating up to 160 recreational vehicles on ALR land within the Newgate area.

3. GOALS OF THE OFFICIAL COMMUNITY PLAN

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

1. The Lake Koocanusa area will maintain its rural character. A variety of residential development opportunities in identified development nodes will provide a range of ownership options for permanent and seasonal residents; the proliferation of rural sprawl will be reduced by directing growth to these development nodes.

2. Commercial development within the Lake Koocanusa area will enhance existing development nodes and will serve the daily needs of area residents and visitors. Commercial recreation and tourism activities within the plan area, including RV parks, will be located in areas where they are compatible with values on adjacent lands.

3. The Lake Koocanusa area will maintain its agricultural character. Existing agricultural activities within the plan area will continue and the agricultural suitability of the area will be retained. Land use decisions within the plan area will minimize impacts to agricultural operations.

4. Light industrial activities within the Lake Koocanusa area will be limited to existing operations and aggregate extraction.

5. The Lake Koocanusa area will contain institutional and community land uses appropriate to the needs of area residents.

6. Recreational activity will be compatible with social and environmental values within the plan areas. Residents and visitors to the area will have access to a range of quality recreational opportunities.

7. Important and unique ecosystem features within the plan area such as riparian areas, dry grasslands and sensitive habitat will be preserved for the long-term benefit of wildlife, to maintain ecological resiliency, and to protect ecosystem services for area residents. Species-at-risk and the functional components of the ecosystems that allow them to flourish will be maintained and enhanced. Land use planning and development activities will limit the fragmentation and contraction of wildlife habitat, and preserve biodiversity.

8. A high level of public safety will be achieved through proactive risk management activities including discouraging development in hazardous areas. Wildfire risks to life and property will be mitigated.

9. Cultural resources and archaeological sites located within the plan area, both recorded and unrecorded, will be recognized and conserved. Development activities will comply with heritage conservation legislation.

10. Solid waste management and transportation infrastructure will be provided to visitors and area residents at a standard appropriate to the rural nature of the plan area.

11. Greenhouse gas emissions created within the plan area will be reduced in order to mitigate climate change impacts.

12. Provincial management of Crown land will respect social, environmental and economic sustainability principles.

13. Traditional Ktunaxa aboriginal activities on the land will be recognized and supported. Impacts on traditional Ktunaxa aboriginal activities on the land will be reduced.

14. Land use planning within the plan area will reflect the values of the KNC, the Tobacco Plains Indian Band, the Province and the RDEK.

4. RESIDENTIAL LAND USE

4.1 Background

Residential land use in the Lake Koocanusa area is predominantly characterized by rural acreages, many of which support agricultural operations. Residents indicate that they are drawn to the area by the climate, the natural environment, the recreational opportunities, and as a retirement destination. The Sweetwater development adjacent to Lake Koocanusa is indicative of the growing interest in owning recreational property in the area.

During the consultation process residents expressed concern with retention of the rural character of the area. This sentiment was mirrored by an identified preference for either the current rate, or a slower rate of residential growth. In addition, residents were concerned with the current lack of a long term vision for residential development in the plan area. Residents indicated an interest in directing future residential growth to existing development nodes and expressed support for a range of minimum parcel sizes.

Consultation with Provincial government agencies indicated little support for alienation of Crown land for residential development within the Lake Koocanusa OCP area. Current Provincial policy is that the release of Crown lands for development will occur at the discretion of the Province through a proactive, competitive process. In addition, Crown lands will not be released for development unless an identified need exists that is not being met by the private sector. It is expected that the current supply of residential lots within the plan area, including lots that will be developed at Sweetwater, as well as in adjacent areas such as Wardner and Baynes Lake, will be capable of meeting demand for the foreseeable future. Future Crown land sales for residential purposes are more likely to come from the Baynes Lake area, given the availability of accessible subdivided lots and the proximity to an existing community.

4.2 Objectives

(1) RDEK Objectives

(a) Maintain minimum parcel sizes that reflect the rural character of the area.

(b) 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.

(c) Identify development nodes for future residential development, and direct development to these areas.

(d) Recognize the demand for residential recreation properties within the plan area and provide opportunities to accommodate existing and future demand in identified development nodes.

(e) Encourage single family residential development on a range of rural parcel sizes.

(f) Promote the incorporation of FireSmart principles into existing and new residential development.

(g) Support the build out of the Sweetwater Subarea; direct proposals for multifamily and other high density developments to the Sweetwater Subarea.

(2) Ktunaxa Nation Council Objectives

(a) Recognize, support, and not further erode Ktunaxa rights, title and traditional activities.

(b) Avoid further hindrances to hunting and gathering opportunities.

(3) Provincial Objectives

(a) Direct the alienation of Crown land to existing subdivided parcels with road access, located in established development nodes.

(b) Limit the alienation of Crown land to periods when demand cannot be met by the existing supply from the private sector.

4.3 Policies

(1) General

(a) Multifamily development (duplexes, triplexes and larger) within the plan area is directed to the Sweetwater development where community water and sewer services are available and increased density is supported.

(b) Home based businesses within the plan area which comply with regulations in the South Country Zoning & Floodplain Management Bylaw are supported.

(2) Rezoning and Subdivision

(a) Applications to create parcels less than 0.4 ha in size are not supported within the plan area and are directed to communities outside the plan area.

(b) Parcels less than 1.0 ha in size along the shoreline of Lake Koocanusa are not supported.

(c) Applications for subdivision in the ALR will generally be supported under the following conditions, subject to compliance with the Zoning Bylaw:

(i) homesite for a retiring farmer where the proposal is in compliance with the Agricultural Land Commission Homesite Severance Policy;

(ii) homesite for a family member pursuant to section 946 of the *Local Government Act* and where the proposed parcel is kept as small as possible and is located in an area which has the least impact on agriculture, and the proposed subdivision benefits agriculture; or

(iii) to improve agricultural capability.

(d) Despite the minimum parcel size requirements established within the zoning bylaw, subdivision is generally not supported within the plan area, with the exception of areas specifically referred to in sections 4.3(3), 4.3(4) and 4.3(5) and applications consistent with section 4.3(2)(c). However, if applications for ALR subdivision or rezoning of these areas are received, they will be reviewed on an individual basis in relation to the following criteria:

(i) compatibility of proposed development with existing and surrounding land uses and parcel sizes;

(ii) compatibility with agriculture and existing resource industries in the area;

(iii) proposed lot size and density;

(iv) proximity to an existing development node;

(v) capability to provide onsite sewage disposal in accordance with provincial requirements;

(vi) potential impact of the proposal on groundwater;

(vii) potential impacts of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels if the application is for a parcel located within the ALR;

(viii) identification and mitigation measures for ecologically sensitive areas including riparian areas, wildlife habitats, and fish habitats;

(ix) identification and mitigation of potential hazards (avulsion, flooding, wildfire & geotechnical);

(x) access to the development and proposed road networks;

(xi) access to emergency services; and

(xi) FireSmart principles identified in 11.2(3)(c).

(e) Rezoning of Lot A District Lots 487 & 4589 Kootenay District Plan 19998, to enable subdivision and consolidation as approved through Agricultural Land Commission Resolution #392/2000, is supported.

(f) To reduce rural sprawl and preserve the agricultural value of larger parcels within the Lake Koocanusa plan area, residential subdivision not supported in this plan is directed to development nodes located in other areas such as the Baynes Lake Official Community Plan area.

(3) Grasmere Subarea

During the public consultation process the Grasmere Subarea (**Schedule C1**) was identified as both an important agricultural zone due to good farm capability and the availability of water, and as an area suitable for additional residential subdivision due to the existence of commercial activity and smaller lot sizes. The following policies attempt to mesh these two values by protecting viable agricultural land while providing opportunities for future year-round, single family residential development on smaller lot sizes.

These policies recognize that limited areas within the Grasmere Subarea are 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.

(a) Applications for subdivision to create residential parcels with a minimum size of 0.4 ha or greater within the Grasmere General Store Node (Figure 4.1) will generally be supported. Applications will also be reviewed in relation to the capability to provide onsite sewage disposal in accordance with provincial requirements, and the potential impact of the proposal on groundwater aquifer depletion.

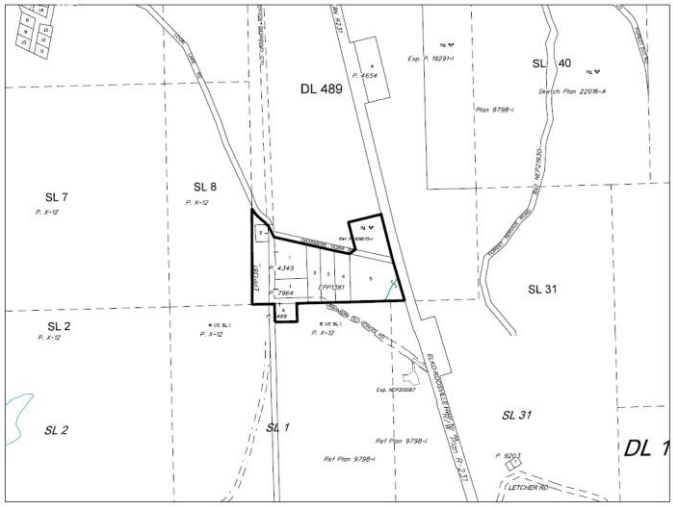


Figure 4.1 Grasmere General Store Node

(b) Applications for subdivision to create residential parcels with a minimum size of 0.4 ha or greater within the McDonald Loop Road Node (Figure 4.2) will generally be supported. Applications for this area will be reviewed in relation to the identification and mitigation of potential alluvial fan/debris torrent hazards identified on **Schedule F**. Applications will also be reviewed in relation to the capability to provide onsite sewage disposal in accordance with provincial requirements, and the potential impact of the proposal on groundwater aquifer depletion.

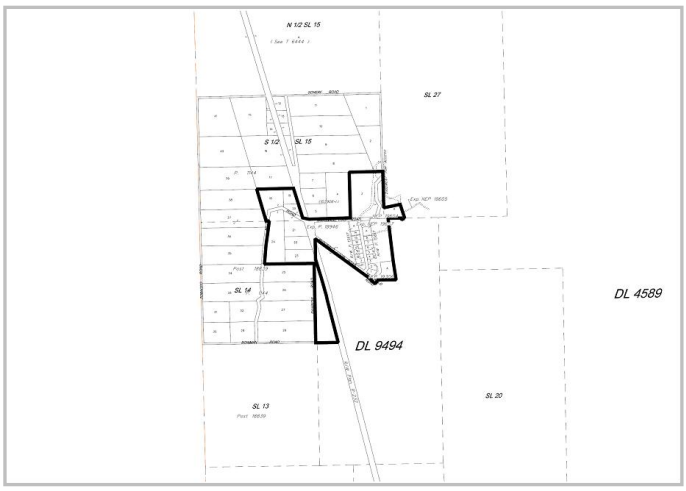


Figure 4.2 McDonald Loop Road Node

(c) Applications for residential subdivision of the Grasmere North Parcels located north of Grasmere, between Letcher Road and Canyon Cut-Off Road adjacent to either Highway 93 or the Elko Grasmere Road (Figure 4.3) will be reviewed on an individual basis in relation to the following criteria:

(i) compatibility of proposed lot size and density with existing and surrounding land uses and parcel sizes;

(ii) potential impacts of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels;

(iiii) potential impact of the proposal on groundwater;

(iv) the capability to provide onsite sewage disposal in accordance with provincial requirements; and

(v) identification and mitigation of potential alluvial fan/debris torrent hazards identified on **Schedule F**.

Applications for residential subdivision of the Grasmere North Parcels that involve the fragmentation or parcelization of land suitable for agriculture are not supported.

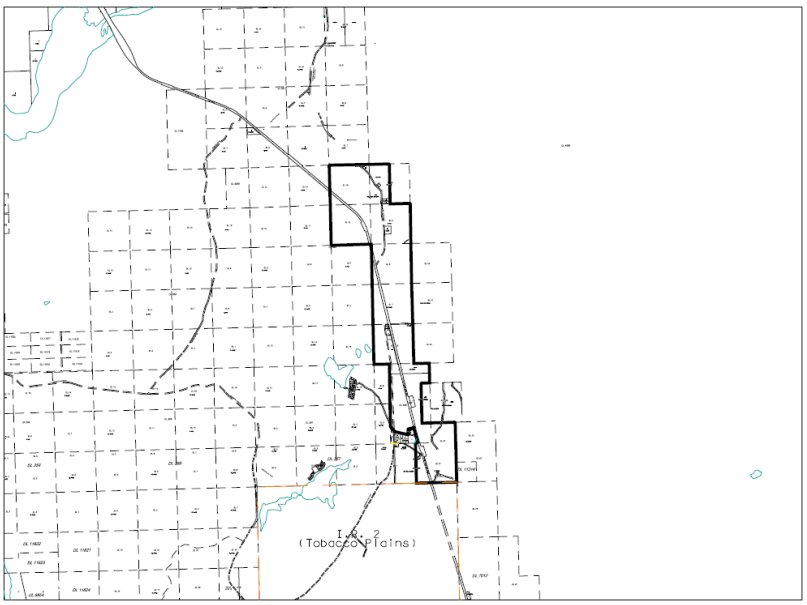


Figure 4.3 Grasmere North Parcels

(d) Applications for residential subdivision in the Grasmere Subarea in areas not identified in 4.3(3)(a), 4.3(3)(b) and 4.3(3)(c) are generally not supported.

(4) Kikomun-Newgate Road North

During public consultation for this plan, parcels at the north end of the Kikomun-Newgate Road (Figure 4.4) were identified as receiving support for additional residential development opportunities provided agricultural suitability and capability of the parcels are not impacted. The following policies attempt to mesh these two values by protecting viable agricultural land while providing opportunities for future year-round, single family residential development on smaller lot sizes.

These policies recognize that limited areas within the Kikomun-Newgate Road North area are 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.

(a) Fragmentation or parcelization of land suitable for agricultural use in the Kikomun-Newgate Road North area is not supported.

(b) Applications for residential subdivision of the Kikomun-Newgate Road North parcels will be considered on an individual basis in relation to the following criteria:

(i) compatibility of proposed lot size and density with existing and surrounding land uses and parcel sizes;

(ii) potential impacts of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels;

(iii) potential impact of the proposal on groundwater;

(iv) the capability to provide onsite sewage disposal in accordance with provincial requirements; and

(v) Regional District of East Kootenay Board decisions regarding ALR subdivision applications which were made prior to the adoption of this plan.

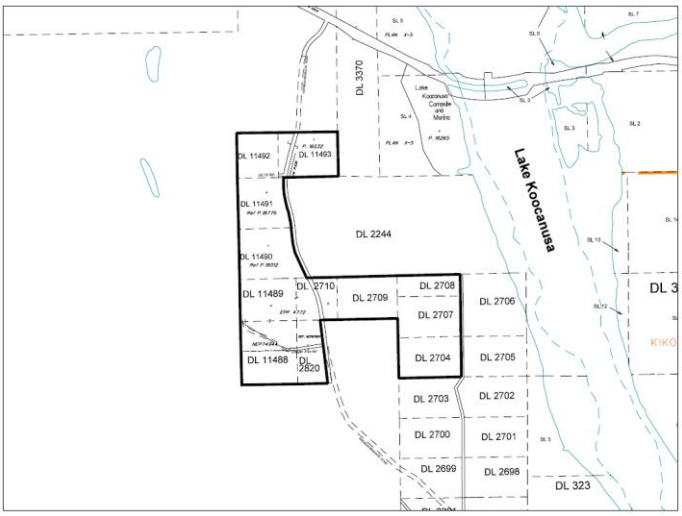


Figure 4.4 Kikomun-Newgate Road North

(5) Sweetwater Subarea

The Sweetwater Subarea (Figure 4.5) is a development node intended to include small lot single family residential parcels and multi-family development, in addition to commercial development, RV sites, and marina facilities.

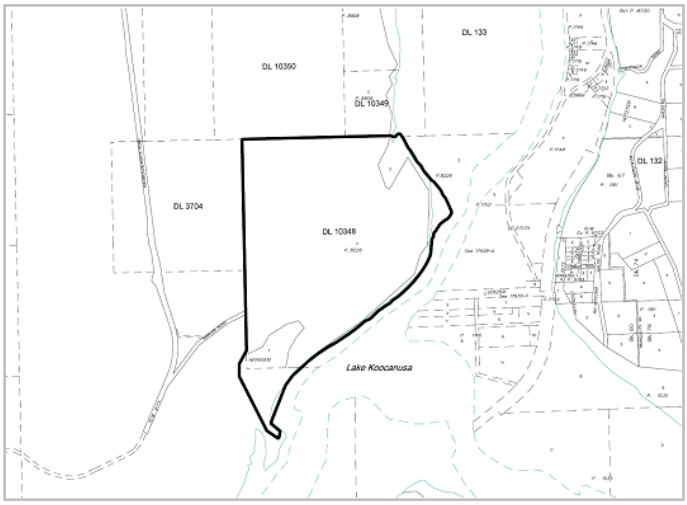


Figure 4.5 Sweetwater Subarea

(a) Development within the Sweetwater Subarea is regulated by "Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009."

(b) The overall maximum density for principal dwelling units shall not exceed 7.4 dwelling units per hectare within the Sweetwater Subarea.

(c) Subsequent rezoning applications for the Sweetwater Subarea will be considered on an individual basis in relation to the following criteria:

(i) consistency with the original development vision for the parcel reflecting a high density village concept design;

(ii) provision of community water and sewer servicing; and

(iii) provision of approximately 150 recreational vehicle spaces, approximately 1/3 of which will be available for short-term rental (less than 14 days), and 2/3 of which will be available for full season ownership and use.

(d) Rezoning to permit additional multi-family development opportunities within the Sweetwater Subarea is supported.

(e) Despite section 4.3(2)(a) parcels smaller than 0.4 ha in size are supported in the Sweetwater Subarea, consistent with the original development vision.

(f) Despite section 4.3(2)(b) parcels smaller than 1.0 ha in size along the shoreline of Lake Koocanusa are supported in the Sweetwater Subarea, consistent with the original development vision.

(g) Consideration may be given to expansion of the Sweetwater Subarea development node to encompass abutting parcels to the north subject to:

(i) support from the land owner of property proposed for inclusion in the Sweetwater Subarea;

(ii) community water and sewer servicing;

(iii) extension of the road network from the Sweetwater Subarea to the parcels proposed for inclusion;

(iv) completion of a subarea plan by the applicants, in consultation with the RDEK, for the parcels proposed for inclusion; and

(v) consideration of the impact the proposed expansion would have on agricultural activities such as ranching in the surrounding area.

5. COMMERCIAL & RESORT RECREATIONAL LAND USE

5.1 Background

Within the plan area there are a limited number of locations with commercial development; these include the Grasmere General Store, the Grasmere Post Office, Koocanusa Lake Campsite & Marina Ltd, and the Newgate area (Sunshine Houseboats and Newgate Sandy Shores Resort). During the public consultation process these existing commercial uses were recognized and supported. Although residents expressed little support for an increased rate of commercial development, there was strong support for additional local commercial development that services basic day-to-day needs of area residents in the community, provided that such development was located within existing development nodes. The Baynes Lake area, which is located adjacent to Lake Koocanusa but is the focus of a separate OCP, is an important commercial and service centre for Koocanusa area residents and visitors.

The Lake Koocanusa area is a significant draw for tourists with recreational vehicles during the summer season and consequently there are many RV parks and campgrounds located within the plan area. During the public consultation process residents expressed concern with unregulated RV camping on Crown land. Some residents expressed an interest in developing additional RV sites within the plan area to reduce pressure on Crown land. However, other residents expressed concern with the potential impact of large RV developments on a variety of area characteristics including the rural character, road networks, grazing operations, and environmentally sensitive areas (ESAs).

During the interagency consultation process, the Provincial government recognized the increased demand for recreational camping opportunities within the plan area. The Province indicated some support for alienation of Crown land to facilitate development of new commercial RV campgrounds and additional RV sites at existing campgrounds. The Province indicated that the release of Crown land for such uses would be most appropriate in locations located near a suitable road network, visitor services, an existing development node, and that are covered by emergency services. Provincial agencies expressed concern regarding new resort recreational development

on Crown land if located near existing commercial resort recreational facilities land that are not operating at full capacity. The Province indicated support for directing commercial development to the Kikomun Road and Jaffray-Baynes Lake Road intersection, also known as the “four corners”, at the boundary of the Koocanusa and Baynes Lake OCP areas.

5.2 Objectives

(1) RDEK Objectives

(a) Support commercial development that services basic day-to-day needs of area residents in the community.

(b) Ensure commercial development is located in existing development nodes.

(c) Direct commercial development that is regional in scale to the larger communities outside the plan area.

(d) Support the creation of new RV parks and campgrounds within the plan area, where the use is compatible with adjacent land uses and environmental values, to help manage demand and reduce unregulated camping.

(e) Support commercial recreation and tourism land uses within the plan area where the use is compatible with adjacent land uses.

(2) Ktunaxa Nation Council Objectives

(a) Cluster RV camping in identified areas and limit expansion of RV camping on Crown land so as to not preclude the exercise of Aboriginal rights and traditional activities.

(b) Recognize that recreational activities increase stress on wildlife and cattle, particularly during calving season.

(3) Provincial Objectives

(a) Reduce negative impacts associated with unregulated camping by supporting the creation of new RV parks and campgrounds on Crown land in areas that are in close proximity to existing development nodes, are serviced by suitable road networks, and offer access to visitor and emergency services.

(b) Consider the impacts that granting new Crown land tenures for resort recreational activities will have on nearby resort recreational facilities that are not operating at full capacity.

5.3 Policies

(1) General

(a) New small scale commercial development that provides additional local services such as restaurants, convenience stores, gas stations, and grocery stores are generally supported in the vicinity of the following development nodes:

(i) adjacent to the Grasmere General Store;

(ii) adjacent to the Grasmere post office near the McDonald Loop Road;

(iii) at the four corners intersection of the Jaffray-Baynes Lake Road and Kikomun Road;

(iv) within the Village Square of the Sweetwater development adjacent to the south marina; and

(v) on the south shore of Gold Bay, east of Abbey Road, excluding the Crown land located between Lot 226 District Lot 329 Kootenay District Plan 1171 and Lot 1 District Lot 14030 Kootenay District Plan 7646.

This OCP does not identify specific parcels for commercial development within these development nodes. Amendments to the OCP land use designations and Zoning Bylaw zones may be necessary in order to facilitate such development.

(b) Rezoning to permit new small scale commercial development is generally not supported outside the areas identified in section 5.3(1)(a).

(c) Large scale commercial development within the plan area is not supported and should be directed to larger communities outside the plan area.

(d) Ecotourism and cultural tourism activities within the plan area that provide economic diversification and have limited impacts on the environment, agriculture and heritage resources are generally supported.

(2) Resort Recreational (Campgrounds/RV Parks)

(a) Proposals for the creation of camping facilities such as Provincial recreation sites or private commercial campgrounds within the plan area are directed to the following locations:

(i) Sweetwater Subarea, consistent with the original Sweetwater development vision and within the area designated as Commercial - Recreation on **Schedule C3**;

(ii) Umbrella Beach/Plumbob Creek within the area designated as Commercial - Recreation on **Schedule C**;

(iii) the former Flagstone town site, located on the east shore of Lake Koocanusa opposite Gold Bay, within the area designated as Commercial - Recreation on **Schedule C** and **Schedule C2**;

(iv) the Crown land adjacent to Marcer Road between Sweetwater and the Kikomun-Newgate Road;

(v) the south shore of Gold Bay, east of Abbey Road, excluding the Crown land located between Lot 226 District Lot 329 Kootenay District Plan 1171 and Lot 1 District Lot 14030 Kootenay District Plan 7646;

(vi) the eastern half of District Lot 2708 Kootenay District;

(vii) the southeast quarter of District Lot 2704 Kootenay District as indicated on **Schedule C**; and

(viii) The portion of Lot 1 District Lot 11493 Kootenay District Plan 16032 east of the Kikomun-Newgate Road, excluding areas of the parcel developed for agricultural production.

Bylaw 3240
10 May 2024

(ix) The southern 4.0 ha portion of Lot 2, District Lot 316, Kootenay District, Plan 14685 except Plan EPP4774 located east of Desrosier Rd.

Rezoning will be necessary prior to the creation of new campground facilities in locations identified in sections 5.3(2)(a)(ii), 5.3(2)(a)(iii), 5.3(2)(a)(vi) and 5.3(2)(a)(vii).

This OCP does not designate specific parcels or land for the creation of new campground facilities for sections 5.3(2)(a)(iv), 5.3(2)(a)(v) and 5.3(2)(a)(viii). The establishment of new campground facilities in these areas is supported; however, site specific amendments to the OCP and zoning bylaw will be necessary prior to development.

(b) The Crown lands adjacent to the following locations are supported for the expansion of privately owned campgrounds:

(i) Big Springs; and

(ii) Koocanusa Lake Campsite and Marina.

(c) Expansion of the Oestreich RV Ranch on Lot A District Lot 12988 Kootenay District Plan 8908, and Lot B District Lot 3009 Kootenay District Plan 8908, to include additional recreational vehicle sites beyond the 50-60 RV sites approved by the Agricultural Land Commission is supported.

(d) ALR Non-Farm Use applications and rezoning applications for the development of new campgrounds, including but not limited to those locations identified in section 5.3(2)(a), or the expansion of existing campgrounds, including but not limited to 5.3(2)(b) and 5.3(2)(c), will be considered in relation to the following criteria, which should be included as part of a comprehensive development plan submitted with the application:

(i) compatibility of proposed development with surrounding land uses;

(ii) suitability of access to the development, proposed internal road networks and impacts on external road network;

(iii) confirmation of capability to provide sewer and water servicing;

(iv) proposed density;

(v) mitigation of impacts to agricultural operations;

(vi) access to emergency services;

(vii) proximity to tourist services;

(viii) provision and dedication of open and green space, buffers and screening;

(ix) identification and mitigation of potential hazards (geotechnical, wildfire);

(x) identification and mitigation measures for ecologically sensitive areas including riparian areas and wildlife habitats;

(xi) recognition and integration of opportunities to protect viewscapes;

(xii) provision of overnight and short-term camping opportunities;

(xiii) provisions to support solid waste management associated with the campground development;

(xiv) for applications involving Crown land tenures, the current operating capacity of campgrounds accessible within a 10 km drive in relation to their total approved operating capacity; and,

(xv) for applications limited to the expansion of existing campgrounds, compliance of the existing campground operation with existing RDEK bylaws and Agricultural Land Commission regulations and non-farm use approval conditions.

(e) The development of a privately owned and operated recreational vehicle sani-dump in the vicinity of the RDEK transfer station on Kikomun-Newgate Road is supported.

(f) The development and implementation of best management practices for the operation of campgrounds is supported.

(g) The development of managed campground facilities at locations identified in sections 5.3(2)(a)(ii) and 5.3(2)(a)(iii) is encouraged in order to mitigate negative impacts associated with ongoing unregulated camping in these areas.

(h) Rezoning applications for the development of new campgrounds in the plan area should include development contributions to assist in mitigating the impacts of the proposed development, including contributions to address the cost of managing solid waste generated within campgrounds and mitigate the impact of off-road vehicle use on adjacent agricultural operations.

(i) An application for redesignation and rezoning of Parcel 5 (Explanatory Plan 11461I) District Lot 326 Kootenay District Plan X26 to enable campground development may be supported in relation to the following criteria:

(i) compliance by the existing Madera Ranch campground operation on Assigned Sublot 4 (See 23079I) District Lot 326 Kootenay District Plan X26 with existing RDEK bylaws and Agricultural Land Commission non-farm use approval conditions;

(ii) utilization of a phased development approach;

(iii) consideration of the impacts of existing resort recreational development on agricultural operations in the Newgate area;

(iv) approval of the proposed development by the Agricultural Land Commission;

(v) compatibility of the proposed development with surrounding land uses; and

(vi) the submission of a comprehensive development plan as outlined in section 5.3(2)(d).

(3) Sweetwater Subarea

(a) Commercial development in the Sweetwater subarea is directed to the village square adjacent to the south marina.

6. AGRICULTURAL LAND USE

6.1 Background

The first agricultural operations in the area that encompassed large scale cultivation of crops began at the outset of the 20th century. Since that time agriculture has encompassed grazing of horses and cattle and the production of a variety of crops including grains, vegetables and fruit. Today agricultural operations within the plan area are primarily limited to cattle grazing.

Within the Lake Koocanusa OCP area approximately 67% of the total land is located in the ALR. Areas located within the ALR are identified in **Schedule E**. Areas outside the ALR include a few smaller parcels east of Highway 93 between Baynes Lake and the US border, and several large tracts of land on the west side of Lake Koocanusa. The use of land within the ALR must conform to those permitted by the *Agricultural Land Commission Act* and regulations.

During the public consultation process residents indicated strong support for continued agriculture operations within the plan area. Residents expressed mixed opinion regarding subdivision and exclusion of lands from the ALR; those that supported subdivision and exclusion generally indicated that such applications should be assessed based on the agricultural capability of the land.

Consultation with Provincial government agencies indicated a high level of support for agriculture within the plan area. The Province recognizes that increased recreational use in the area has impacted agricultural operations, and that any future commercial recreational proposals on Crown land should be considered in relation to grazing operations.

Bylaw 2539
03 Oct. 2014

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

6.2 Objectives

(1) Objectives

(a) Support agricultural activity within the plan area.

(b) Outline conditions under which subdivision within the ALR will generally be supported and to discourage ALR subdivision that does not meet these conditions.

(c) Minimize conflicts between agriculture and other potentially incompatible land uses on adjacent lands.

(d) Support local food production, local distribution of food products, and diversification of agricultural uses.

(2) Ktunaxa Nation Council Objectives

(a) Support wildlife on Crown lands located within the ALR.

6.3 Policies

(1) General

(a) Land in the ALR is generally designated and supported for agricultural use.

(b) New and continued Licenses of Occupation for grazing tenures on Crown land are generally supported provided the tenures are not associated with wildlife fencing.

(c) The primary commercial uses for land within the ALR should be agricultural production and the processing and marketing of on-farm produce. However, accessory uses that complement agriculture, including, but not limited to agri-tourism, farm gate sales, and market gardens will generally be supported in the ALR.

(d) 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 should be utilized to ensure that farm operations are adequately protected and buffered.

(e) The development of a Koocanusa area off-road vehicle management plan to minimize the impacts of off-road vehicle use on grazing operations is encouraged.

Bylaw 2539
03 Oct. 2014

(f) The cultivation, processing and direct marketing of medical marihuana by a licenced producer under the federal Marihuana for Medical Purposes Regulations is considered a light industrial use within the plan area. In accordance with the Agricultural Land Commission Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation licenced producers may operate within the Agricultural Land Reserve (ALR) as identified within the zoning bylaws and section 7.3 (8) of this plan.

Bylaw 2539
03 Oct. 2014

(g) The production, processing and distribution of medical marihuana by a medical marihuana production facility is anticipated to occur on an intensive agricultural scale in conjunction with required security measures, such as intrusion detection

systems, 24 hour site monitoring, access restrictions and perimeter video recording. In consideration of these characteristics, which would not generally be associated with non-federally regulated or licenced agricultural commodities, the zoning bylaw identifies regulations specific to medical marihuana production facilities.

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

(i) existing land use;

(ii) surrounding land uses;

(iii) proposed servicing for water and sewage disposal; and

(iv) proposed mitigation of potential impacts on adjacent properties resulting from the security measure requirements of the federal Marihuana for Medical Purposes Regulations.

(2) Agricultural Land Reserve Applications

(a) ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capacity and provide a net benefit to agriculture for the lands that remain within the ALR.

(b) Applications for subdivision in the ALR will generally be supported under the following conditions, subject to compliance with the Zoning Bylaw:

(i) homesite for a retiring farmer where the proposal is in compliance with the Agricultural Land Commission Homesite Severance Policy;

(ii) homesite for a family member pursuant to section 946 of the *Local Government Act* and where the proposed parcel is kept as small as possible and is located in an area which has the least impact on agriculture, and the proposed subdivision benefits agriculture; or

(iii) to improve agricultural capability.

(c) ALR applications for non-farm use, or subdivision of parcels that are consistent with residential policies 4.3(3)(a) and 4.3(3)(b); commercial policies 5.3(1)(a) or 5.3(2)(a)-(c); or open space, recreation and trails policies 9.3(1)-(3) or 9.3(6)-(7) will generally be supported.

(d) The plan recognizes the historical importance of agriculture in the Lake Koocanusa area. Fragmentation or parcelization of agricultural lands in the Koocanusa area is generally not supported. Applications for ALR subdivision in areas not identified in sections 6.3(2)(c), 6.3(3) or 6.3(4) are generally not supported; if ALR subdivision applications are received for areas not identified in sections 6.3(2)(c), 6.3(3) or 6.3(4) they will be considered in relation to the following:

(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;

(iii) where applicable, information in the report from a qualified professional as required in section 6.3(2)(e); and,

(iv) consideration of the objectives and policies outlined in section 4.3 and 5.3.

(e) 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 RDEK 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. Agrologist report) is currently not required unless otherwise identified by RDEK staff.

(f) 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)(e) 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 hectares in size.

(ii) Reconsideration or alteration of a prior approval by the Agricultural Land Commission.

(iii) The application is consistent with residential policies 4.3(3)(a) or 4.3(3)(b); commercial policies 5.3(1)(a) or 5.3(2)(a)-(c); or open space, recreation and trails policies 9.3(1)-(3) or 9.3(6)-(7).

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

(g) During the planning process residents expressed that some land located within the ALR in the Koocanusa area was of low agricultural value and should be excluded from the ALR. The plan does not attempt to identify areas of low agricultural capability within the ALR; a review of ALR boundaries in the plan area to exclude areas of low agricultural potential is supported.

(3) Grasmere Subarea

(a) ALR applications for subdivision or exclusion within the Grasmere General Store Node (Figure 4.1) and McDonald Loop Road Node (Figure 4.2) will generally be supported.

(b) During public consultation for the development of this plan the parcels adjacent to either Highway 93 or the Elko Grasmere Road between Letcher Road and Canyon Cut-Off Road identified in Figure 4.3, were identified as receiving support for additional residential development opportunities provided agricultural suitability and capability of the parcels are not impacted.

The plan recognizes the opportunity for limited residential subdivision that is compatible with agricultural operations 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 for these areas 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)(e).

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

(4) Kikomun-Newgate Road North

(a) During public consultation for the development of this plan parcels at the north end of the Kikomun-Newgate Road identified in Figure 4.4 were identified as receiving support for additional residential development opportunities provided agricultural suitability and capability of the parcels are not impacted.

The plan recognizes the opportunity for limited residential subdivision that is compatible with agricultural operations 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 for these areas 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)(e).

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

Photo by Gustav Evertsson

7. LIGHT INDUSTRIAL LAND USE

7.1 Background

Within the plan area, identified industrial activities included sand and gravel extraction and processing, forest harvesting and processing, and log home building operations. During the public consultation process there was little support for an increased rate of light industrial development in the plan area. The primary concern was the incompatibility between light industrial activities and neighbouring residential uses.

7.2 Objectives

(1) Support existing light industrial uses within the plan area.

(2) Ensure that aggregate extraction activities are conducted in a manner that is compatible with adjacent land uses and the rural character of bylaw area.

(3) Encourage new light industrial land uses to be accommodated within nearby municipalities or developed industrial nodes outside the plan area.

7.3 Policies

(1) The continued operation of existing sand and gravel extraction operations in the plan area is supported. Sand and gravel operations are encouraged to utilize existing sites to their maximum extraction capacity prior to the development of new sites.

(2) Proposed new sand and gravel extraction sites should be located in areas that are compatible with adjacent land uses.

(3) The siting of sand, gravel, and mineral resource extraction activities in close proximity to residential areas is discouraged. The Province is encouraged to adjudicate applications fairly and with full public input. If an application is approved, appropriate mitigation measures should be applied in order to minimize impacts on nearby residential uses.

(4) Resource extraction operations are encouraged to give due consideration to the preservation of scenic views in the bylaw area.

(5) The rehabilitation and reclamation of industrial and resource extraction sites upon cessation of activity is encouraged.

(6) New non-source dependent industrial land uses are generally not supported in the plan area.

(7) Light industrial uses should be directed to the nearest municipality or developed industrial nodes outside the plan area.

Bylaw 2539
03 Oct. 2014

(8) The cultivation of medical marihuana by licenced commercial producers is recognized as a potential agricultural use within the plan area. Medical marihuana production facilities licenced under and operated in conformity with the federal Marihuana for Medical Purposes Regulations are generally supported within the ALR and parcels zoned I-1, Light Industrial zone. Uses accessory to a medical marihuana production facility which are not considered to be farm use by the Agricultural Land Commission may require approval of a non-farm use application.

Future applications for rezoning for medical marihuana production facilities outside of the ALR will be considered in relation to the criteria identified in section 6.3(h) of this plan.

8. INSTITUTIONAL AND COMMUNITY LAND USE

8.1 Background

The plan area contains a number of institutional, community and public utility land uses. These include the Grasmere Pioneer Hall, the Grasmere Elementary School, the Grasmere United Church, the former Newgate school building, a post office and local cemeteries.

8.2 Objectives

(1) Support existing community and institutional land uses.

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

8.3 Policies

(1) Institutional land uses should be directed to the existing developed nodes such as the area around the Grasmere Pioneer Hall. Additional locations will be considered on a case-by-case basis.

(2) The Grasmere and Sand Creek District Cemeteries are recognized as important institutional assets within the plan area. The ongoing management of these cemeteries by a community group or society is supported.

(3) Development of a community hall in the Newgate area is supported.

(4) The restoration of the former Newgate school as a community asset is supported.

(5) No school facilities are anticipated within the projected 5 to 15 year time line considered within this plan and therefore no further school sites have been identified.

9. OPEN SPACE, RECREATION AND TRAILS

9.1 Background

The Lake Koocanusa area is a popular destination for recreational activities. In addition to being a draw for visitors to the area, recreational opportunities were identified as the number one reason why individuals own property or reside in the area. The need to maintain public access to lakes and beaches in the area was stressed during consultation for the plan.

Over the years activities such as boating, RV camping, and ATV use have seen significant increases in participant numbers and are now perceived by some residents to be at, or over, the area's carrying capacity. Throughout the planning process, many individuals raised concerns that unregulated RV camping and ATV use were leading to substantial impacts on both the environment and quality of life. The importance of developing management strategies for both camping and ATV use in the plan area was frequently expressed by community members. Ongoing issues related to unregulated RV camping in the Koocanusa area resulted in enforcement action during the summer of 2011 conducted by the Ministry of Forests, Lands and Natural Resource Operations, Rocky Mountain Field Unit Compliance Officers. Trespass notices were issued for RVs occupying Crown land over extended periods; RVs that remained on Crown land were subsequently removed and impounded.

9.2 Objectives

(1) RDEK Objectives

(a) Encourage responsible recreational activity in the plan area.

(b) Ensure recreational activities are compatible with the rural character of the plan area.

(c) 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.

(d) Ensure that policies necessary to support the creation of parks or recreation facilities are in place.

(2) Ktunaxa Nation Council Objectives

(a) Monitor and control invasive species at designated public access points.

(b) Restrict boat access to designated areas which can be monitored and controlled.

(c) Recognize that recreational activities increase stress on wildlife, particularly during calving season.

(3) Provincial Objectives

(a) Encourage recreational activities that occur on Crown land within the plan area to be conducted in a responsible manner.

(b) Support the goals, objectives and policies of the *Cranbrook West Recreation Management Strategy* for the recreational use of Crown land.

(c) Recognize and protect recreational features with tourism potential.

(d) Provide appropriate outdoor recreation opportunities and facilities for area residents and visitors.

9.3 Policies

(1) The establishment of a provincially managed day use recreational facility encompassing the Rockcliff Islands is supported

(2) The establishment of additional public access points to Lake Koocanusa as RDEK parks or provincially managed day use recreational sites along both the east and west shoreline is supported.

(3) The establishment of day use recreational facilities at Flagstone, Gateway and the outlet of the Elk River as RDEK parks or provincially managed recreation sites is supported.

(4) To ensure that the costs associated with any future RDEK park facilities established in the Lake Koocanusa area are distributed equitably amongst the intended beneficiaries, including but not limited to those identified in 9.3(2) and 9.3(3), these facilities should be funded by a service area that includes Electoral Areas A, B and C, with participation from municipalities located within these Electoral Areas.

(5) Future consideration of regional parks and trails must be in compliance with the goals and policies of the RDEK Regional Parks Plan.

(6) The continued operation and creation of additional short term RV camping sites for recreational use at Kikomun Provincial Park is supported in order to alleviate pressure of unregulated RV camping on surrounding Crown land.

(7) The expansion to include additional short term RV camping sites at the provincially managed Dorr Road, Englishman Creek and Gold Bay Recreation Sites is supported in order to alleviate pressure of unregulated RV camping on surrounding Crown land.

(8) The Province is encouraged to develop a management plan and enforcement strategy pertaining to unauthorized occupation of Crown land by recreational vehicles and associated structures.

(9) Users of Crown land for recreational purposes, including the use of off-road vehicles, are encouraged to act in a socially and environmentally responsible manner.

(10) The Province is encouraged to develop an off-road vehicle management plan for the Lake Koocanusa area, including the specific identification of existing roads and trails on which off-road vehicle use is permitted, and to develop an associated education and enforcement strategy which directs off-road vehicle users to appropriate locations for activity participation and ensures user compliance with existing off-road vehicle regulations.

(11) Recreational activities within the plan area, including the use of off-road vehicles, should conform to policies of the *Cranbrook West Recreation Management Strategy*.

(12) Enhancement of the basic day use, non-commercial visitor services provided at the boat launch facilities at Yaqakxaqlamki Boat Launch such as picnic tables, lighting, washrooms and garbage collection is supported.

(13) The development of a boat wash facility at the Yaqakxaqlamki Boat Launch to reduce the spread of invasive species, including but not limited to *Dreissena polymorpha* (zebra mussel), is supported.

(14) The development of a park management plan for the Yaqakxaqlamki Boat Launch to address management priorities and identify future development and improvements is supported.

(15) The installation of navigational aids for boaters on Lake Koocanusa is supported.

(16) Identification of potential trails in the plan area for motorized and non-motorized use is supported.

10. ENVIRONMENTAL CONSIDERATIONS

10.1 Background

The plan area can be characterized as a broad and relatively level valley bottom found adjacent to Lake Koocanusa, a reservoir spanning the Canada-US border created by the damming of the Kootenay River at the Libby Dam in Montana. The plan area is made up of the Ponderosa Pine and Interior Douglas Fir biogeoclimatic zones, and includes areas of native grasslands which have been reduced in size following the creation of the Libby Dam, forest encroachment and human settlement. These grasslands provide habitat and winter forage for a variety of species including Elk and Deer. The plan area is home to a number of red and blue listed plant and animal species. Red listed species in the plan area include the Western Screech Owl, American Badger, Lewis's Woodpecker, Blue Grama, Spalding's Campion, and Williamson's Sapsucker. Blue listed species in the plan area include Grizzly Bear, Long-billed Curlew, Flammulated Owl, Sandberg's Desert-Parsley, Slender Wedgegrass, and Montana Larkspur.

Aside from Lake Koocanusa, the plan area contains other significant water resources providing a range of values. These water resources are used to meet the potable water, irrigation and recreational needs of residents and property owners in the plan area. These resources also provide important habitat for a variety of fish and wildlife species.

Public consultation during the preparation of this plan indicated that natural and environmental assets are highly valued by residents of the Lake Koocanusa area. For a majority of residents, the natural environment was one of the top reasons people chose to live or own property near Lake Koocanusa. Residents expressed strong support for protection of wildlife and their associated habitat within the plan area, including retention of the existing grassland habitat.

During the interagency consultation process, the Provincial government identified significant wildlife and environmental values within the plan area. The Provincial government indicated that,

if development is to occur on the ungulate winter range within the plan area, clustered development which maximized the amount of undisturbed wildlife habitat would be preferable. Areas such as the zone between Kikomun-Newgate Road and Lake Koocanusa from Englishman Creek to Gold Bay encompass Class 1 ungulate winter range of significant regional importance.

Data supplied by the Provincial government was used to identify the environmentally sensitive areas (ESAs) indicated on **Schedule I**. **Schedule I** may not accurately depict all ESAs located within the plan area and consequently will be refined as new information regarding the location of ESAs becomes available. Policies included in section 10.3 are intended to apply to all ESAs located within the plan area, regardless of whether or not they are identified on **Schedule I.**

10.2 Objectives

(1) Objectives

(a) Retain critical wildlife habitat, wildlife corridors, and ungulate winter range.

(b) Encourage the protection of water resources within the plan area.

(c) Ensure that development and resource based activities cause minimal degradation of soil, air, and water systems, and are compatible with maintaining and enhancing wildlife habitat.

(2) RDEK Objectives

(a) Protect ESAs and natural ecosystem features that are unique to the plan area.

(b) Recognize the importance of containing and controlling invasive plants and animals and prevent their establishment.

(3) Ktunaxa Nation Council Objectives

(a) Ensure fisheries, fish bearing streams and fish species within the plan area, including fisheries on the lower Elk River, are managed sustainably.

(b) Maintain and enhance wildlife habitat and wildlife corridors.

(c) Recognize the importance of containing and controlling invasive fish species, and preventing their establishment.

(d) Protect traditional and natural food and medicinal plant sources.

(4) Provincial Objectives

(a) Protect ESAs and natural ecosystem features that are of regional significance.

(b) Encourage the mitigation of land use development impacts on ESAs within the plan area.

10.3 Policies

(1) Water Bodies, Wetlands and Riparian Areas

(a) Development is encouraged to avoid streams, wetlands and riparian areas including, but not limited to, those areas identified on **Schedule I**, and to provide appropriate development setbacks and buffer areas.

(b) Property owners adjacent to water bodies or watercourses including, but not limited to, those areas identified on **Schedule I**, are encouraged to protect and conserve the natural riparian vegetation. Any land altering activities within a riparian area must comply with the applicable provincial and federal legislation and regulations.

(c) No person may carry out a work or undertaking which impacts fish or fish habitat in contravention of the *Fisheries Act*.

(d) Development adjacent to water bodies or watercourses should consider storm water management options to mitigate the impact of run-off on riparian areas and ESAs.

(e) Development in the plan area should consider the impact of associated water usage requirements on groundwater resources.

(f) Resource extraction and development within watersheds should not compromise watershed integrity or the ability to utilize the water sources for domestic use.

(g) Property owners are encouraged to maintain and upgrade on-site septic systems in order to decrease potential nutrient loading and bacterial inputs to both groundwater and surface water resources.

(h) Water conservation is encouraged through the use of low volume fixtures, the use of commonly accepted lawn watering practices and the utilization of native vegetation in landscaping.

(i) Approved development and associated management activities such as dredging within or adjacent to water bodies, wetlands, or riparian areas should be conducted following appropriate best management practices.

(2) Environmentally Sensitive Areas

(a) To the greatest extent possible future development should avoid compromising the integrity of environmentally sensitive areas (ESAs) including, but not limited to, those areas identified on **Schedule I**. ESAs within the plan area include, but are not limited to, wetlands and riparian areas, sensitive grassland ecosystems, ungulate winter range, and the habitat of red and blue listed species.

(b) To minimize disturbance to ESAs future development is encouraged to consider the integration of Conservation Subdivision Design principles by:

(i) identifying and protecting conservation areas such as riparian areas, wetlands, Class 1 ungulate winter range, wildlife corridors, wildlife habitat areas, steep slopes, woodlands, and buffers;

(ii) clustering development into nodes of smaller lots in order to preserve larger, contiguous ESA zones; and

(iii) utilizing compact neighbourhood design with dwelling units built in close proximity to each other to minimize the overall development footprint and required infrastructure.

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; or the *Conservation Subdivision Design Handbook*. Southwestern Illinois Resource Conservation & Development, Inc., 2006.

(c) Prior to development within ESAs, developers are encouraged to complete an environmental inventory, assess potential environmental impacts of the proposed development, and identify appropriate mitigation strategies.

(d) With support from area residents and as resources allow, the RDEK will consider the creation of a development permit area to guide development within ESAs.

(e) The use of conservation covenants to preserve the natural values of environmentally sensitive areas is supported. The covenants may be held by the RDEK, the Province and/or a non-government organization eligible to hold conservation covenants.

(3) Fish and Wildlife Habitat

(a) Conservation and/or enhancement of fish and wildlife habitat values within the plan area by local citizens, environmental organizations, and Provincial and Federal jurisdictions is encouraged.

(b) Agricultural operations considering the use of wildlife fencing are encouraged to consider wildlife movement, habitat, and access to water when determining fence placement. Property owners in the Grasmere area are encouraged to ensure fences do not prevent the east-west movement of wildlife along wildlife corridors perpendicular to Highway 93.

(c) Residents are encouraged to minimize the potential disturbance of wildlife by pets and domestic animals.

(d) Residents and visitors accessing Crown land are encouraged to minimize impacts to grazing, habitat, wildlife, and sensitive soils and should be aware that any motorized vehicle use off existing trails is prohibited by law.

(e) Development is encouraged to limit impacts on wildlife movement through development design or other compensations.

(f) Area residents and visitors should be aware Provincial regulations prohibit the introduction of non-native fish species to lakes and rivers.

(g) Education programs such as Bear Aware, Bear Smart and Wildlife Collision Awareness to reduce wildlife mortality are encouraged.

(h) During consultation for the development of this plan First Nations, Provincial agencies and the public indicated that the area between the Kikomun-Newgate Road and Lake Koocanusa from Englishman Creek to Gold Bay encompassed significant wildlife habitat. Establishment of this area as a provincially designated Wildlife Management Area is supported.

(i) Ecosystem restoration of the open forests ecosystem and historic grasslands, including the Waldo North Grasslands Restoration Pilot Project and the Rocky Mountain Trench Ecosystem Restoration Project, is supported.

(j) Consolidation of the Newgate Wildlife Property parcels is supported.

(4) Invasive Species

(a) Property owners and occupiers are required to control and manage invasive plants in accordance with applicable RDEK bylaws and provincial acts and regulations.

(b) Recreation users within the plan area are encouraged to inspect their ATVs, mountain bikes, boats and vehicles for invasive plants and animals to assist in the prevention of the spread and establishment of these species.

(5) Air Quality

(a) Initiatives to protect air quality in the bylaw area such as the conversion of inefficient wood burning appliances to high efficiency models and the implementation of smart burning practices are supported.

11. DEVELOPMENT CONTRAINTS

11.1 Floodplains, Debris Torrent Fans and Geotechnical Hazards

(1) Background

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

The plan area contains a number of topographic features with potential for geotechnical hazards, such as those created as a result of the flooding of Lake Koocanusa, 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.

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

(2) Objectives

(a) Ensure public safety by discouraging development in flood prone areas.

(b) Ensure public safety by discouraging development in areas subject to geotechnical hazards such as slope, erosion and landslip.

(c) Ensure public safety by discouraging development in alluvial fan areas subject to debris torrent hazard.

(3) Policies

(a) Minimum setbacks and flood construction levels for development near the ordinary high water mark of water bodies and watercourses are established within the South Country Zoning & Floodplain Management Bylaw. All floodplain requirements must be met unless a site specific exemption has been granted by the Regional District.

(b) All development within a floodplain or along a watercourse or water body, or potentially impacted by a site specific hydrologic hazard, such as flooding or channel avulsion, must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies may be required as per section 56 of the *Community Charter*.

(c) The development of land susceptible to flooding is discouraged. Lands susceptible to flooding should not contain structures used for habitation. Suitable uses for land susceptible to flooding include but are not limited to parks, open space, recreation or agricultural uses.

(d) Applications to vary the minimum usable site area requirements contained within the zoning bylaw will generally not be supported.

(e) The development of land greater than 15% slope, susceptible to erosion and landslip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.

(f) All development with a slope that is equal to or greater than 15%, susceptible to surface erosion, gullying, landslides or landslip must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional may be required prior to issuance of a building permit or other development approval as per section 56 of the *Community Charter*.

(g) Development of lands with slopes in excess of 30% is discouraged and is subject to a geotechnical assessment and the registration of a covenant identifying the hazard and remedial requirements as specified in the geotechnical assessment.

(h) The development of land susceptible to debris torrent hazard including, but not limited to, those areas identified in **Schedule F** is discouraged.

(i) Development applications for parcels in the vicinity of the Lake Koocanusa shoreline should address the potential effect of reservoir operation on shoreline erosion. Consideration of Provincial information regarding safe development areas adjacent to the Koocanusa shoreline is encouraged.

11.2 Interface Fire Hazard & Public Safety

(1) Background

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

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

Several public safety and emergency services exist within the Lake Koocanusa OCP area in order to promote a safe environment for residents and visitors. Enhanced 911 and the Regional District of East Kootenay Emergency Management Plan cover the entire plan area. The Regional District of East Kootenay Elk Valley and South Country Region Emergency Management Procedures guide mitigation, response, and recovery actions for the area in the event of a disaster. During the drafting of this plan a community wildfire protection plan was completed for Electoral Area B, which includes the area surrounding Lake Koocanusa. A limited number of properties in the vicinity of Baynes Lake and the Jaffray-Baynes Lake Road are located within the Jaffray and Baynes Lake Fire Protection Service Areas.

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

(2) Objectives

(a) Mitigate the risk associated with interface fire hazard to Lake Koocanusa area residents and visitors.

(b) Encourage the adoption and implementation of FireSmart principles and wildfire mitigation measures by property owners, occupiers and developers.

(3) Policies

(a) With support from area residents and as resources allow, the RDEK will consider the creation of a development permit area to guide development and mitigate risk within high interface fire hazard rated areas.

(b) The use of fire rated building materials is encouraged.

(c) Applications for rezoning of parcels which include land rated as high for fire hazard probability on **Schedule G** will be considered with respect to the following FireSmart principles, as appropriate to the nature of the application:

(i) ability to integrate fire fuel modified areas including an area a minimum of 10 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, wide enough to accommodate emergency vehicles, to allow for simultaneous access for emergency equipment and evacuation of residents;

(iv) availability of sufficient water capacity for firefighting activities;

(v) the implementation of phasing or staging of development to minimize the interface fire risk; and

(vi) availability of firefighting equipment and trained personnel as appropriate for the proposed development.

(d) Residents and visitors are required to comply with the provincial *Wildfire Act* and *Wildfire Regulation*.

(e) The acquisition and utilization of resources, facilities and funding for emergency response planning and management is supported.

(f) Residents are encouraged to ensure that their civic address is clearly posted, in good repair, and visible to assist emergency response personnel in locating the property.

(g) The implementation of the Community Wildfire Protection Plan for Electoral Area B is supported.

(h) The identification, development and maintenance of an emergency egress route from the west side of Lake Koocanusa in the vicinity of Teepee Creek is supported to provide an alternative egress option in the event of wildfire emergencies.

Photo by Nicole Kapell

12. ARCHAEOLOGICAL AND CULTURAL RESOURCES

12.1 Background

Part of the plan area's heritage includes archaeological sites—the physical evidence of how and where people lived in the past. This archaeological history extends back thousands of years through inhabitation and utilization of the land and its resources by the Ktunaxa. For 98% of the time people have lived in this area, no written records were made. Cultural heritage sites and oral tradition are the only evidence of this rich history extending back many thousands of years. The term "cultural heritage sites" includes, but is not limited to, archaeological/heritage sites and objects, cultural/heritage landscapes, sacred/spiritual sites and sites with cultural value. It encompasses sites and objects regardless of age.

The plan area contains recorded archaeological sites and is also likely to contain many unrecorded archaeological and cultural heritage sites. The Province 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 has not been conducted for the plan area but the completion of such an overview is supported within this plan.

The plan area's cultural heritage also includes a number of small towns, formerly located along the Kootenay River, which were abandoned and flooded following the construction of the Libby Dam, completed in 1972. Waldo was afarming and logging community that was largely destroyed by fire in 1929. Elkmouth was a small community built around a mill located at the confluence of

the Elk and Kootenay Rivers. Krag was a farming community largely comprised of Swedish families located a mile south of Waldo. Flagstone (located 8 km north of Newgate) and Dorr (located 8 km north of Flagstone) were communities which grew around logging and sawmill operations that began at the turn of the century. Gateway, located at the international border on the east shore of the Kootenay River was the site of a ferry crossing and later a bridge across the Kootenay, farming operations, inspection offices, and railway offices. All structures in these former town sites were removed during construction of the Libby Dam.

Located within the plan area are the historic "Kalispell Trails", which connected settlements and farms along the Rocky Mountain Trench in the late 19th and early 20th century. The Kalispell Trails led from Kalispell, Montana to Fort Steele, Wildhorse Creek and eventually Invermere. Initially this route was a horse trail to transport supplies northward and gold southward. The trail was later improved and relocated in sections to facilitate the use of horse-drawn wagons.

12.2 Objectives

(1) RDEK Objectives

(a) Ensure that property owners are aware of their responsibilities under the *Heritage Conservation Act* when conducting land-altering activities.

(b) Recognize and communicate the potential for discovery of cultural heritage sites and artifacts during the development process.

(c) Avoid unauthorized damage and minimize authorized damage to protected archaeological sites on private land in accordance with the *Heritage Conservation Act*.

(d) Recognize and support the need for an Archaeological Overview Assessment for private land located within the plan area.

(2) Ktunaxa Nation Council Objectives

(a) Ensure the protection of archaeological and cultural resources within the plan area.

(b) Recognize and support the need for an Archaeological Overview Assessment for the Lake Koocanusa OCP area.

(3) Provincial Objectives

(a) Avoid unauthorized damage and minimize authorized damage to protected archaeological sites on Crown land in accordance with the *Heritage Conservation Act*.

(b) Recognize and support the need for an Archaeological Overview Assessment for Crown land located within the plan area.

12.3 Policies

(1) Initiatives that protect archaeological sites and cultural resources within the plan area are supported.

(2) Undertaking an Archaeological Overview Assessment (AOA) for the plan area is supported. The intent of the AOA is to identify areas with potential to contain archaeological sites and recognize known archaeological sites. Upon completion of the AOA the plan will be amended to integrate a schedule depicting the areas of archaeological distribution and potential. This schedule will then be incorporated into the Regional District development application process in order to alert applicants to their obligations under Provincial heritage legislation.

(3) As part of the site planning and design of future developments the developer or property owner is legally obligated to recognize and avoid the disturbance of identified cultural resource sites. The Regional District will provide development and building permit applicants with information regarding their obligation to protect recorded and unrecorded archaeological sites.

(4) Developers are encouraged to engage professional archaeological consultants prior to proceeding with land clearing and site grading to determine if an Archaeological Impact Assessment (AIA) is required to manage and mitigate the impact of the development on any known or unrecorded archaeological sites protected under the *Heritage Conservation Act*. An AIA includes the assessment, recording and evaluation of archaeological resources located within a defined area. The archaeological assessment process is comprised of two principal components: assessment and impact management. Assessment is primarily concerned with the location and evaluation of archaeological resources, and the assessment of impacts during the initial stages of project planning. Impact management follows directly from assessment and is primarily concerned with managing unavoidable adverse impacts as well as unanticipated impacts. Impact management should be discussed with the KNC as per the Ktunaxa Nation Archaeological Engagement Guidelines.

(5) Upon receipt of a building permit or rezoning application, planning staff will check the Provincial archaeological site inventory for overlaps with protected archaeological sites. Where archaeological potential mapping is available, building permit and rezoning applications will also be reviewed for overlaps with areas that have potential to contain unknown but protected archaeological sites.

(6) Building permit and rezoning applicants will be notified if the subject property overlaps with a recorded protected archaeological site or an area of archaeological potential. Notification will include direction to engage a professional consulting archaeologist. The archaeologist will determine if an archaeological impact assessment is necessary to manage development related impacts to an archaeological site. Altering a protected archaeological site will require a Provincial heritage alteration permit prior to land altering activities.

(7) The preservation of historically significant sites and features is supported.

(8) The Chain Lakes area, Plumbob Mountain, Plumbob Creek, Gold Creek, Linkletter Creek and Sink Creek are recognized as important areas for traditional use by members of the Ktunaxa Nation. Traditional use of these areas by the Ktunaxa Nation is supported.

13. SOLID WASTE, UTILITIES AND TRANSPORTATION

13.1 Background

Solid waste in the plan area is managed in accordance with the Regional District's Solid Waste Management Plan. The solid waste is handled at the Regional District's Central Subregion Landfill, a number of transfer stations, and through the Regional District recycling program. The recycling program allows for recycling of cardboard, paper, tin, aluminum cans, numbered plastics, shopping bags and food-grade glass. During the consultation process area residents expressed significant concern regarding solid waste disposal on the west side of Lake Koocanusa by camping parties. Residents requested the placement of a garbage receiving facility at the north end of the Kikomun-Newgate Road close to the Yaqakxaqlamki boat launch. Residents felt that campers from the west side of Lake Koocanusa were unlikely to seek out the Baynes Lake Transfer Station and that a solid waste disposal opportunity was required in a more accessible and visible location.

Sewer services in the plan area are primarily provided through on-site sewage disposal systems. Currently one privately owned community sewer and water utility is being constructed within the plan area at the Sweetwater Development.

The main transportation corridors in the plan area are Highway 93, which connects Elko to the US border; the Jaffray-Baynes Lake Road, which connects Jaffray to Baynes Lake; the Kikomun Road, which connects Elko and the west side of Lake Koocanusa; and the Kikomun-Newgate Road, which connects Kikomun Road on the west side of Lake Koocanusa to the community of Newgate adjacent to the US border.

The plan includes Highway 93 as well as a number of developed secondary roads. During public consultation associated with the planning process, the overall quality of road infrastructure in the plan area was identified as a significant concern. Residents expressed safety concerns associated with increased recreational visitor traffic accessing remote developments in the plan area.

The major road network plan developed in consultation with the Ministry of Transportation and Infrastructure is shown on **Schedule H**.

13.2 Objectives

(1) Promote responsible solid waste management and recycling practices.

(2) Promote responsible on-site sewer system management.

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

13.3 Policies:

(1) The public is required to dispose of household waste in a responsible manner at the transfer stations within or near the plan area including those located in Newgate, Grasmere, Baynes Lake, Elko and Tie Lake. Tires, clean wood, yard and garden waste and metal must be disposed of at the Tie Lake Transfer Station marshalling area. Operating procedures for the transfer stations may be altered if the public does not comply with the requirements posted at the sites.

(2) At the request of area residents, the development of a transfer station or other type of solid waste receiving facility on the west side of Lake Koocanusa in the vicinity of Yaqakxaqlamki Boat Launch will be investigated.

(3) 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.

(4) Recycling will be encouraged and coordinated through the Regional District recycling program.

(5) In order to promote and encourage responsible waste management practices the Regional District will continue to provide on-going public education campaigns to increase public knowledge about how to reduce solid waste.

(6) Improve signage at the exit of Dorr Road and in the Grasmere area to indicate the distance and direction to the nearest transfer stations is supported to encourage Koocanusa area visitors to dispose of solid waste at transfer stations rather than littering.

(7) The RDEK recognizes that the placement of wireless communication facilities is under the jurisdiction of Industry Canada. However, the RDEK will work with Industry Canada to facilitate wireless communication facility placement in accordance with the zoning bylaw.

(8) Property owners and occupiers are encouraged to ensure that maintenance programs for on-site septic systems are followed in accordance with the appropriate Provincial regulations.

(9) 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.

(10) Where on-site sewage disposal is utilized for new or redesigned septic systems the use of Type 1 septic systems as defined by the Sewerage System Regulation under the *Health Act* is preferred where site conditions permit their installation. Type 1 systems are generally preferred as they are more reliable over time if the maintenance program is followed.

(11) Applications for closure of undeveloped road rights-of-way should not prevent future opportunities for utilization of the right-of-way for access routes, trails or access to water.

(12) The unauthorized use or closure of undeveloped road right-of-ways that provide public access to Lake Koocanusa is not supported. The Ministry of Transportation and Infrastructure is encouraged to engage in enforcement activity against unauthorized uses or private occupation of these rights-of-way.

(13) Mitigation measures, including highway design and public education, are supported to reduce highway wildlife mortality and the barrier effect.

(14) Improvements to the road network within the plan area intended to improve public safety are supported.

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

14.1 Background

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

14.2 Objectives

(1) Recognize the need to plan for the reduction of greenhouse gas emissions and climate change.

(2) Support policies and actions that will contribute to the RDEK's commitment for a 17% reduction in greenhouse gas emissions.

14.3 Policies

(1) Green building standards, such as consideration of opportunities to minimize the energy and resource requirements of buildings and structures, is encouraged for all development.

(2) The integration of energy efficient and renewable energy infrastructure and utilities is encouraged.

(3) The utilization of passive solar energy through solar orientation is encouraged.

(4) The location of future development within existing development nodes is encouraged.

(5) The use of compact development footprints is encouraged within the plan area.

(6) The reduction of green house gas emissions generated from solid waste landfills through the diversion and reduction of solid waste is encouraged.

(7) The integration of water efficient landscape features such as xeriscaping and the use of native vegetation is encouraged.

15. TEMPORARY LAND USE

15.1 Background

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

15.2 Objectives

(1) Provide an opportunity for temporary land use applications to be considered within the plan area.

(2) Ensure that temporary land uses are compatible with adjacent land uses.

15.3 Policies

(1) Temporary Land Use Permits will be considered throughout the plan area.

(2) An application for a temporary land use permit will be considered in relation to:

- (a) demonstration that the use is temporary or seasonal in nature;
- (b) compatibility with the existing land use;
- (c) compatibility with surrounding land use;
- (d) potential conflict with agricultural or resource based activities;
- (e) potential conflict with residential land uses;
- (f) potential impact on fish or wildlife habitat;

(g) provision of adequate servicing for water and sewage disposal;

(h) duration of the proposed temporary land use;

i) relevant policies within other sections of this plan.

(3) The permit may be issued subject to conditions such as, but not limited to:

(a) the buildings, structures, or area of land that may be used for the temporary use;

(b) the period of applicability of the permit;

(c) required site rehabilitation upon cessation of the use;

(d) other business or operating conditions to mitigate the impacts of the temporary use.

16. CROWN LAND MANAGEMENT

16.1 Background

The purpose of this plan is to provide policy direction for the development of private land within the Lake Koocanusa area. While most activities on Crown lands are not within the jurisdiction of the RDEK, over 85% of the plan area is Crown land and activities on these lands have a significant impact on the local community. Consequently, this plan contains policy statements regarding Crown land management that reflect values and concerns of area residents identified through the planning process.

During the public consultation phase of the Lake Koocanusa OCP, issues related to Crown land management were frequently raised as a high priority concern of area residents. Specifically, unregulated, unauthorized long term RV occupation of Crown land and ATV use were significant issues. Many residents indicated that these two activities had substantial negative impacts to quality of life in the plan area and were their top land use planning priorities. Residents were concerned that unregulated RV use and ATV use resulted in:

(1) damage to the environment due to widespread random camping, inadequate sewage disposal, and off trail ATV use on sensitive grassland ecosystems;

(2) negative impacts on wildlife in the plan area;

(3) widespread litter, including the dumping of garbage by campers and the abandonment of vehicles and RVs;

(4) motor vehicle safety issues related to alcohol consumption and excessive speed;

(5) increased wildfire threats related to irresponsible campfire activity;

(6) displacement of day use recreational activities for area residents due to long term occupation of Crown land by RVs and the construction of illegal structures; and

(7) significant challenges to ranching operations due to the harassment and displacement of grazing cattle, damage to fencing by ATV users, and lack of care regarding gate facilities intended to manage grazing cattle.

Throughout the public consultation process, area residents frequently indicated the need for an increased commitment to enforcement of existing legislation related to ATV use and the occupation of Crown land by RVs. Area residents made numerous requests for a comprehensive provincially initiated management and enforcement strategy to address these concerns given that they primarily occur on Crown land.

Crown land and privately owned land are identified in **Schedule D**.

16.2 Objectives

(1) RDEK Objectives

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

(2) Ktunaxa Nation Council Objectives

(a) Limit the alienation of Crown land associated with successive and increasingly exclusive tenure applications.

(b) Recognize, support, and not further erode Ktunaxa rights, title and traditional activities.

(3) Provincial Objectives

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

(b) Ensure recreational activities that occur on Crown land are conducted in a responsible manner, consistent with existing legislation and regulations.

(c) Ensure recreational activities that occur on Crown land are compatible with the rural residential character of the plan area.

16.3 Policies

(1) General

(a) The Regional District encourages management of Crown land in an environmentally responsible manner that:

(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 and noxious plants.

(b) Subsequent to adoption of the Lake Koocanusa OCP, the RDEK will request that the Province develop a management plan and enforcement strategy pertaining to unauthorized occupation of Crown land by recreational vehicles and associated structures.

(c) Subsequent to adoption of the Lake Koocanusa OCP, the RDEK will request that the Province develop an off-road vehicle management plan for the Lake Koocanusa area, including the specific identification of existing roads and trails on which off-road vehicle use is permitted, and to develop an associated education and enforcement strategy which directs off-road vehicle users to appropriate locations for activity participation and ensures user compliance with existing off-road vehicle regulations.

(d) Subsequent to adoption of the Lake Koocanusa OCP, the RDEK will request that the Province co-ordinate with the Royal Canadian Mounted Police and allocate adequate Provincial enforcement resources to address Crown land management issues within the plan area including those identified in sections 16.3(1)(b) and 16.3(1)(c). A permanent enforcement presence between the months of May and September is encouraged.

(e) The sale of existing, subdivided Crown lands for agricultural purposes within the plan area is generally supported. The sale of these parcels for residential purposes within the plan area is generally not supported. Further subdivision of Crown land parcels is generally not supported.

(f) Referrals for alienation of Crown land (lease or sale) within the plan area for resort recreational uses such as campgrounds in areas identified in sections 5.3(2)(a), 5.3(2)(b) and on Sublot 15 District Lot 326 Kootenay District Plan X26 will be considered in relation to the provisions of section 5.3(2)(d). Alienation of Crown land (lease or sale) for other resort recreational uses is generally not supported.

(g) The alienation of Crown land (lease or sale) for resort recreational uses such as campgrounds is not supported at the following locations:

(i) the east shore of Lake Koocanusa between Baynes Lake and the northern boundary of the plan area; and

(ii) the parcel of Crown land on the west shore of Lake Koocanusa adjacent to US border.

(h) Alienation of Crown land (lease or sale) in the area between the Kikomun-Newgate Road and Lake Koocanusa from Englishman Creek to Gold Bay is not supported. This area is recognized as encompassing important wildlife habitat.

(i) Alienation of Crown land (lease or sale) for residential purposes is not generally supported within the plan area. Referrals from the Province related to the sale or alienation of Crown land will be reviewed on an individual basis in relation to the following considerations:

(i) criteria outlined in section 4.3(2)(d); and

(ii) impact on public access to Lake Koocanusa.

17. REGIONAL CONTEXT

17.1 Background

The composition of the Lake Koocanusa OCP area is predominantly Crown land with small nodes of private land scattered throughout the area. The entire Lake Koocanusa OCP area is located within the traditional territory of the Ktunaxa Nation. In addition, the plan area surrounds the Tobacco Plains Indian Reservation. These characteristics contribute to the regional context of the plan area.

Crown land within the plan area is managed by the Provincial government. Provincial responsibilities include the areas of agriculture, energy, mines and mineral policies, water protection, species and ecosystem protection, forest stewardship, Crown land allocation and authorizations, and backcountry public and commercial recreation. The Province and the RDEK recognize that land management decisions for Crown land within the Koocanusa area can impact residents and communities. In addition, both agencies acknowledge that development activities on private land can impact a variety of values on Crown land. The Province and the RDEK agree that consultation between both agencies can result in better land use decisions that consider a range of important values. The participation of the Provincial government and the RDEK in the Lake Koocanusa Official Community Plan Joint Steering Committee reflects a commitment to ongoing collaboration in the management of the plan area to address social, economic and environmental values.

The Tobacco Plains Indian Band (TPIB) is responsible for the Tobacco Plains Indian Reservation land, but also has an interest in what occurs in the surrounding area. The KNC is responsible for ensuring aboriginal rights and title are respected in the traditional territory outside of the reserve land, and as such, has an interest in the Koocanusa area. Consequently, land use within the Lake Koocanusa area is of common concern to the RDEK, the TPIB, and the KNC, and should be addressed within the regional context. The TPIB and the KNC, through their participation on the Lake Koocanusa Official Community Plan Joint Steering Committee, have expressed interest in working with the Regional District to promote subregional and regional interests.

17.2 Objectives

(1) Support ongoing communication and consultation between the KNC, the Tobacco Plains Indian Band, the Province and the RDEK regarding development applications.

(2) Support cooperative land use planning between the KNC, the Tobacco Plains Indian Band, the Province and the RDEK.

(3) Promote effective government to government communication and relationships regarding land use applications through referral processes.

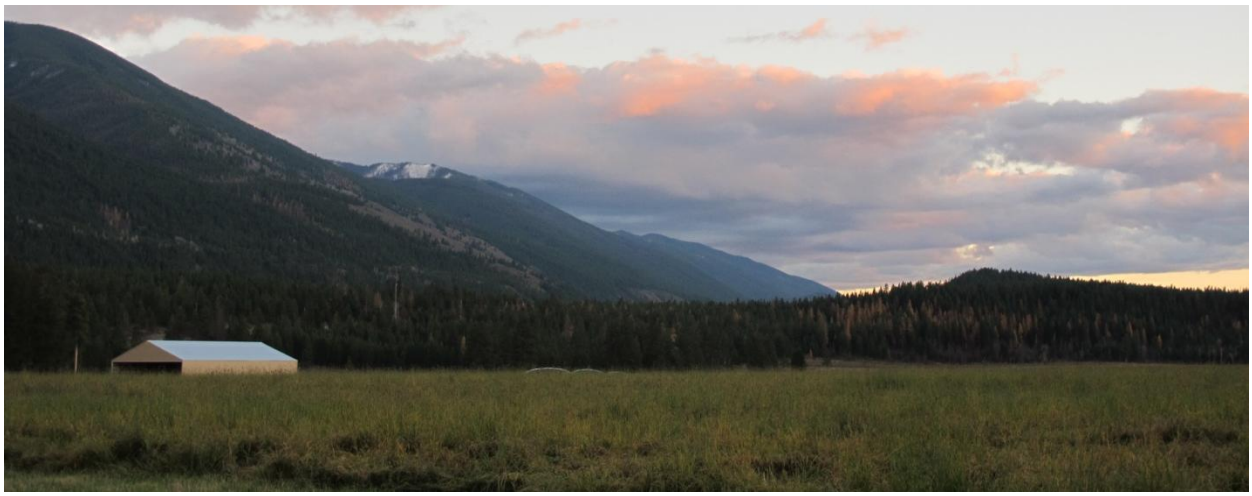
17.3 Policies

(1) Applications for OCP amendments within the plan area will be referred to the Province for consideration of the impact of the proposed change on Provincial legislation and interests.

(2) The Province will refer tenure applications for occupation of Crown land under the *Land Act* to the RDEK. Provincial referrals will be reviewed by the RDEK in consideration of the goals, objectives and policies contained within the Lake Koocanusa OCP.

(3) All applications for OCP amendments within the plan area will be referred to the KNC for comment.

(4) This plan recognizes the ongoing treaty negotiations taking place for lands contained within the plan area. The RDEK supports the creation of and application of KNC policies to direct development on potential treaty settlement lands.



18. IMPLEMENTATION

18.1 Background

The OCP sets out the broad objectives and policies of the Regional District for the Lake Koocanusa area. In addition, the OCP identifies objectives and policies of the Province and the KNC for the Koocanusa area. The plan does not provide all the tools to implement the specific directions contained within it.

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

18.2 OCP Amendments

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

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

To ensure that the OCP remains effective, relevant and responsive to the needs of the community, the OCP should periodically be reviewed to determine if the level of development that has occurred in the plan area, or a change in other conditions, necessitates that the plan be substantially amended or rewritten.

18.3 Zoning Bylaw Amendments

Parcels may be rezoned in conformity with the land use designations contained in **Schedules C, C1, C2 and C3.** The proposed zoning must also conform to the objectives and policies contained in the OCP.

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

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

18.4 Development Approval Information

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

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

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

(a) Alluvial Fan and Debris Torrent Hazard

Criteria: Applications for amendments to the zoning bylaw or temporary use permits where the subject property is in an area of alluvial fan or debris torrent hazard identified on **Schedule F** of this plan.

Rationale: To assess the nature, extent, magnitude, frequency and potential effect of all flood hazards that may affect the property.

To assess the proposed development with regards to safe building sites, building elevations and foundation design requirements, and the construction of on-site protective works.

(b) Agriculture

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

(c) Natural Environment

Criteria: Applications for amendments to the zoning bylaw or temporary use permits.

Rationale: To consider the impact of the proposed activity or development on water bodies, wetlands, riparian areas, environmentally sensitive areas, fish and wildlife habitat, and invasive species in order to meet the objectives and policies identified within section 10 of this plan.

19. LAND USE DESIGNATIONS

The land use designations are meant to identify, in general terms, the type of land uses that are appropriate for the designated lands. Subject to the zoning bylaw, agricultural use is considered to be an appropriate use on all lands located within the Agricultural Land Reserve. Further detail regarding the intent of the land use designations is found below.

The land use designations are shown on **Schedules C, C1, C2 and C3.** Where a land use designation boundary is shown as following a highway or creek, the center line of such highway or creek shall be the land use designation boundary.

19.1 Residential Land Uses

(1) **R-SF, Residential Low Density** supports single family residential subdivisions, duplexes and manufactured home parks.

(2) **SH, Small Holdings** supports low density residential development with minimum parcel sizes in the range of 0.2 ha to 2.0 ha.

(3) **LH, Large Holdings** supports rural residential development and rural resource land uses on parcels sizes in the range of 2.0+ ha.

(4) **R-MF, Residential Multi-Family** includes medium and high density non-commercial residential accommodation such as fourplexes, townhouses and condominiums.

19.2 Rural Land Uses

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

19.3 Commercial Land Uses

(1) **C, Commercial** supports the limited range of local, service and commercial land uses identified in the Zoning Bylaw.

(2) **CR, Commercial – Recreation** supports commercial recreation land uses, including campgrounds.

19.4 Industrial Land Uses

(1) **I, Industrial** supports light industrial land uses.

19.5 Institutional Land Uses

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

(2) **OSRT, Open Space, Recreation and Trails** supports greenspaces, recreational amenities, agricultural use, local, regional and provincial parks and other protected areas, such as wildlife corridors.

This is Schedule A referred to in Bylaw No. 2432 cited as "Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013."

"Rob Gay"
Chair

"L.V. Crane"
Corporate Officer

April 5, 2013
Date