



**MOYIE & AREA OFFICIAL  
COMMUNITY PLAN  
BYLAW No. 2912, 2019**

**Updated January 10, 2025**

**BYLAW AMENDMENTS**

<b>Bylaw</b>	<b>Amend / Yr</b>	<b>Adopted</b>	<b>Short Citing</b>	<b>Legal / Zone</b>
3025	03/2020	Apr. 9/21	(Lumberton / Mazurek)	Designation of Lot 1 DL 2305 KD Plan 5093 <b>RR to LH</b>
3220	05/2023	Dec. 8/23	(Lumberton / Lost Dog Forestry)	Designation of that part of DL 5255 KD <b>RR to I</b>
3342	06/2024	Jan. 10/25	(Moyie / Teck Metals Ltd.)	Designation of that part of DL 4416 KD except that part outlined in red on Plan 18621A <b>RR to INST</b>

**REGIONAL DISTRICT OF EAST KOOTENAY**

**BYLAW NO. 2912**

A bylaw to adopt an Official Community Plan for Moyie & Area.

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

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

**1. Title**

This Bylaw may be cited as the “Regional District of East Kootenay – Moyie & Area Official Community Plan Bylaw No. 2912, 2019.”

**2. Application**

This Bylaw is applicable to all land within the boundaries of the Moyie & Area Official Community Plan area as shown on **Schedule B**.

**3. Organization**

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

- (a) Schedule A - Policies
- (b) Schedule B - Plan Area and Subareas
- (c) Schedule C - Agricultural Land Reserve
- (d) Schedule D - Land Use Overview
- (e) Schedule D2 - Land Use - Lumberton
- (f) Schedule D3 - Land Use - Green Bay Monroe Lake
- (g) Schedule D4 - Land Use - Moyie Narrows
- (h) Schedule D5 - Land Use - Moyie North
- (i) Schedule D6 - Land Use - Moyie Townsite
- (j) Schedule D7 - Land Use - Moyie South
- (k) Schedule E1 - Environmentally Sensitive Areas - Moyie North
- (l) Schedule E2 - Environmentally Sensitive Areas - Moyie South
- (m) Schedule F1 - Flood Hazard Overview - Moyie North
- (n) Schedule F2 - Flood Hazard Overview - Moyie South
- (o) Schedule G1 - Slope Analysis - Moyie North
- (p) Schedule G2 - Slope Analysis - Moyie South
- (q) Schedule H - Ungulate Winter Range
- (r) Schedule I - Badger Habitat
- (s) Schedule J1 - Development Permit #2 - Moyie Lake South
- (t) Schedule J2 - Development Permit #2 - Moyie Lake North
- (u) Schedule J3 - Development Permit #2 - Monroe Lake

**4. Severability and Enactment**

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

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

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

READ A FIRST TIME the 3<sup>rd</sup> day of May, 2019.

READ A SECOND TIME the 3<sup>rd</sup> day of May, 2019.

READ A THIRD TIME the 7<sup>th</sup> day of June, 2019.

ADOPTED the 5<sup>th</sup> day of July, 2019.

“Rob Gay”  
CHAIR

“Shannon Moskal”  
CORPORATE OFFICER

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## SCHEDULE A – POLICIES

### 1. INTRODUCTION

#### 1.1 Administration

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

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

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

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

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

#### 1.2 Legal Framework

This OCP is adopted pursuant to the provisions of Part 14 of the *Local Government Act*, which states:

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

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

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

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

#### 1.3 Plan Policies and Map Designations

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

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

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

#### **1.4 Plan Process**

The goal of the planning process is to replace the current Moyie & Area Land Use Bylaw with a Moyie and Area Official Community Plan (OCP). The planning process will also consolidate the land use bylaw with the existing Cranbrook Rural Zoning Bylaw to create one zoning bylaw for the southern portion of Electoral Area C. The Regional District Board authorized the planning process in April 2017.

An information newsletter and questionnaire were mailed to area property owners in May 2017. An introductory meeting was held on June 15<sup>th</sup>. The introductory meeting provided an overview of the planning process for residents and property owners. Those in attendance were asked to highlight the important features and assets within their communities and to voice their land use concerns and vision for their community in the next five to ten years.

A volunteer Advisory Group consisting of seven residents of the plan area was appointed by the Board in August. The role of the Advisory Group was to provide feedback to Regional District staff and the Area Director and act as a liaison with the public throughout the development of the Moyie and Area OCP.

A second newsletter was mailed in November 2017. The newsletter provided a summary of the survey and introductory meeting results. A community planning workshop was also held in November. Residents were asked to work together on mapping activities related to development and conservation of residential, commercial, agriculture, environmental, and recreational areas. Residents also participated in exercises that allowed them to agree or disagree with proposed policy direction and map the future vision of their communities. Between January and March, consultations with Provincial Ministries, Ktunaxa Nation Council, public and private interests occurred and OCP drafting commenced.

A third newsletter was mailed in April to update residents on the planning process and to provide a summary of the results of the community planning workshop. As preservation of the Moyie Lake Narrows (Narrows) was a high priority for residents, a public information meeting was held in May. Representatives from Transport Canada, Ministry of Forests, Lands, Natural Resource Operations and Rural Development and the RCMP provided information.

In January 2019, a fourth newsletter was mailed to property owners to provide an update on the planning process and information regarding the Open House. The draft OCP was presented at a public Open House in January 2019, followed by a public comment period ending in March 2019.

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

The land use designations contained within the OCP were assigned based on the goals, objectives and policies outlined within the OCP and in consideration of the current land uses. However, the land use designations may not match a parcel's zoning within the Electoral Area C South 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 Plan Area**

The plan area is located approximately 10km south of the City of Cranbrook and contains approximately 500 permanent residents. The boundary of the plan area is shown on **Schedule B**. A brief description of each subarea is provided.

**(1) Westview Road**

This subarea consists of residential parcels ranging in size from 1 ha to 26 ha. One commercial parcel exists in the subarea housing a paint ball recreational facility and one parcel partially zoned Industrial for a sawmill.

**(2) Lumberton**

The Lumberton area consists mainly of industrially designated properties housing sawmills and sand and gravel pits. The area also contains a sixteen-unit mobile home park, one 2 ha residential property with the remaining residential properties ranging in size from 24 ha to 132 ha.

**(3) Green Bay / Monroe Lake**

This subarea is located at the north end of Moyie Lake and contains residential, recreational and agricultural property. Adjacent to the Hiawatha Campground, south of Hiawatha Lake, is a Crown land sand and gravel pit. Moyie Vista RV Resort is located south across Highway 3/95 and is surrounded by large residential properties. This subarea contains Moyie Lake Provincial Park, Green Bay Resort, Green Bay Transfer Station and the Green Bay residential area consisting of parcels ranging in size from 0.2 ha to 2 ha.

Monroe Lake and Monroe Lake Recreation Site are located west of Moyie Lake and are home to approximately thirty-five residential lots ranging in size from 0.4 ha to 0.6 ha.

The only land with the Agricultural Land Reserve in the plan area is located in this subarea and consists of six properties on Hidden Valley Road and a portion of Moyie Provincial Park.

**(4) Moyie Lake - North & the Narrows**

Mineral Lake and Mineral Lake Recreation Site are located west of Moyie Lake. The east side of the Narrows consists of residential parcels ranging in size from 1 ha to 8 ha. A privately owned campground is also located in this subarea but was not in operation at the time this bylaw was drafted.

The west side of the Narrows is primarily large privately owned parcels. Access to these lots is obtained through forestry service roads or water.

**(5) Moyie Lake - South**

The first development south of the Narrows is Aurora Estates. This 12 ha parcel is located on the west side of Moyie Lake and is a shared ownership containing thirty-two parcels approximately 0.08 ha in size with the remainder as common property.

Moyie Shores Estates is south of Aurora Estates. This is a strata development consisting of approximately seventy-five parcels ranging in size from 0.2 ha to 0.8 ha. This property is serviced by a strata-owned community water system.

The east side of Highway 3/95 consists of large parcels owned by Teck Metals Ltd. The south end of Moyie Lake at the mouth of the Moyie River consists of numerous residential parcels and a 277-unit private campground.

**(6) Moyie Townsite**

There are still remnants of St. Eugene's mining history including the mine buildings, fire hall, church and cemetery. The townsite is also home to a general store, community hall, museum and playground.

The Regional District owns the Moyie Water System which provides water to the townsite of Moyie.

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

### **2.1 History**

The Ktunaxa Nation has lived in the area covered by the plan for more than 10,000 years. Historically, the Ktunaxa people migrated throughout their territory. European settlement in the late 1800s led to the establishment of the current Indian Bands.

In 1873, the first mission was founded near the site of the current St. Eugene Mission located on Kootenay Indian Reserve #1. In 1893, Pierre, a Ktunaxa citizen brought a sample of galena ore to Father Coccola, head of the St. Eugene Mission. The two staked claims above the town of Moyie. Father Coccola constructed the St. Eugene Church from his proceeds and in 1904 build a similar church in Moyie. In 1904, a new church, St. Peter's was built on the corner of Tavistock Street and Moyie Avenue.

The first recorded funeral was in 1898. The cemetery is located south of Moyie townsite and contains grave markings with dates ranging from 1900 to 1983.

In 1898, the Crow's Nest Pass Railway (later becoming Canadian Pacific Railway) arrived in Moyie and by 1900, the concentrator was operating.

The first school term in Moyie was September 1898. The school remained open until 1985. The school building is now the community hall.

The townsite of Moyie dates from 1896 and had a population of approximately one thousand residents by 1901. With the increase in population, the business sector grew as well. Moyie townsite was home to multiple hotels, general stores, barber shops, butcher shops, bakeries, pharmacies, laundries, clothing shops and breweries. In 1898, the post office was established.

From 1900 to 1928, the community of Moyie had an organized fire brigade. In 1907, the community built a new fire hall which continues to stand today.

During the 1930's with minimal work available, company houses were moved to various other locations, other buildings were torn down or abandoned. It wasn't until the 1950's with reconstruction of the highway, renewed logging activity and the realization of the recreational potential of the area that revitalization began.

### **2.2 Previous Plans**

#### **Moyie & Area Land Use Bylaw**

In November 2008, the Regional District adopted the Moyie & Area Land Use Bylaw. Prior to 2008, the plan area was unzoned. In 2007, in response to interest from residents, to promote the community vision and provide certainty to land use and development, the Regional District Board authorized staff to proceed with a planning process. In addition to public and Provincial agency consultation, a volunteer Advisory Group was created to assist with the development of the bylaw and act as a liaison between Regional District staff, the Area Director and the community.

#### **Regional Sustainability Strategy**

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

#### **RDEK Agricultural Plan**

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

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

### **Community Wildfire Protection Plan**

In 2012 the Regional District hired B.A. Blackwell & Associates to develop a region-wide Community Wildfire Protection Plan (CWPP). The intent of the CWPP was to provide the Regional District with a high-level overview of wildfire risk in the region, which would also be used as a guiding document for any proposed wildfire risk mitigation or prevention efforts. The CWPP is comprised of a Regional Summary and Implementation Plan, supplemented with more specific plans for each Electoral Area in the regional district.

### **2.3 Recent Development**

The Moyie & Area Land Use Bylaw has been amended fourteen times since its adoption in 2008. Between 2008 and 2011, thirteen new lots were created in the plan area. Since 2011, one new lot has been created.

Sixty-one new dwelling units have been constructed in the plan area since 2008, with 27 of those in the Westview Road area.

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

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

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

## **4. RESIDENTIAL LAND USE**

### **4.1 Background**

Single family housing options within the plan area range in size from urban sized residential lots within the townsite of Moyie to larger acreages in the Westview area.

North of the townsite of Moyie development potential is limited due to steep slopes and flood hazards. Residential development is also challenging in the vicinity of the railway right of way as safety, noise and vibration all become issues.

There is potential for development of some of the larger lots along the east side of the Narrows at Parr and Porto Rico Road; however, at the time of drafting this plan the community did not support development adjacent to the Narrows.

There are large privately owned parcels on the west side of the Narrows. Residential development of these parcels is limited due to road access issues and flood hazard areas.

The plan area contains approximately six parcels of private land that are within the ALR. These lands support agricultural uses such as forage and livestock production and contribute to the rural character of the area.

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

### **4.2 Objectives**

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

### **4.3 Policies**

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

- (a) Higher density residential and multi-family development is directed to nearby municipalities.
- (b) Multi-family development (triplexes and larger) is not supported within the plan area.
- (c) The sale or other alienation of Crown land for residential purposes is generally not supported.
- (d) RR, Rural Resource designated lands are intended to be retained for low density land uses such as recreation, resource extraction, and agriculture.
- (e) Bylaw amendment applications for residential development should address the following:
  - (i) compatibility of proposed development with surrounding land uses and parcel sizes;
  - (ii) access to the development and proposed road networks;
  - (iii) integration of Conservation Subdivision Design principles by utilizing a compact neighbourhood design and identifying and protecting wetlands, steep slopes, woodlands and wildlife corridors;
  - (iv) capability of the natural environment to support the proposed development, and its impact on important habitat areas;
  - (v) identification of trail connectivity within the area under application and adjacent developments;
  - (vi) consideration of water use reduction measures for buildings and landscapes;

- (vii) consideration of building envelopes to maximize viewsapes and passive solar orientation;
  - (viii) mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
  - (ix) integration of FireSmart principles;
  - (x) consideration of the potential impacts on groundwater;
  - (xi) susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
  - (xii) suitability of the parcels for groundwater wells and septic systems if on-site services are proposed; and
  - (xiii) consideration of vegetated buffers or setbacks where the proposed development is adjacent to agricultural land.
- (f) If a rezoning application is proposed adjacent to a railway right of way, the rezoning application should address the “Guidelines for New Development in Proximity to Railway Operations”.
- (g) If a rezoning application for development of properties with on-site services is proposed, parcels smaller than 1 ha will generally not be supported.

**(2) Moyie Townsite Subarea**

- (a) Infill residential development within Moyie townsite is generally supported.

**(3) Moyie Lake – North & the Narrows**

- (a) Subdivision of parcels in the Parr and Porto Rico Road area may be supported if development is sufficiently setback from the Narrows and the requirements listed in section 4.3 (1) (e) are addressed.

## **5. COMMERCIAL LAND USE**

### **5.1 Background**

Commercial development in the plan area is limited, consisting of the Owl's Nest RV Resort, Moyie General Store and Moyie Marine. The site of the former Moyie Pub is zoned commercial; however, at the time of writing this bylaw the pub was not in operation and had not been for some time. During public consultation, residents voiced support for the continued operation of the Moyie General Store and for re-establishment of a restaurant or pub in the pub's current location. Residents also indicated support for small local retail and commercial businesses. The preference for future commercial development was to be located in Moyie townsite.

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

### **5.2 Objectives**

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

### **5.3 Policies**

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

- (a) Home based businesses which are accessory to the residential use, conform with home based business regulations in the zoning bylaw, and do not disrupt the residential nature of the surrounding area are supported in order to facilitate diversified economic development.
- (b) New small scale commercial development that provides local services is generally supported in Moyie townsite provided there will be no significant adverse impact on adjacent uses.
- (c) Existing local commercial land uses are recognized and their continued use for the provision of services oriented to local use is generally supported. New or large scale commercial development is encouraged to locate within nearby municipalities where supporting infrastructure already exists.
- (d) Ecotourism and cultural tourism activities within the plan area that provide economic diversification and have limited impact on the environment, agriculture and heritage resources are generally supported.
- (e) Rezoning applications to enable new campground development are generally not supported. However, if an application is received by the Regional District, it must comply with the Regional District Campground Bylaw and will be subject to issuance of a Campground Permit by the Regional District. Rezoning applications will be considered in relation to the following considerations, which should be addressed as part of a comprehensive campground development plan submitted with the application:
  - (i) compatibility of the proposed development with surrounding land uses;

- (ii) suitability of access to the development, proposed internal road networks and impacts on the external road network;
  - (iii) confirmation of capability to provide sewer and water servicing;
  - (iv) proposed density;
  - (v) provision and dedication of open and green space, buffers and screening;
  - (vi) provision of overnight and short-term camping opportunities;
  - (vii) provisions to support solid waste management associated with the campground development;
  - (viii) identification and mitigation of development impacts on environmentally sensitive areas including grasslands, connectivity corridors, wetlands and riparian areas and old growth forests, in accordance with section 10 of this OCP concerning environmental considerations; and
  - (ix) susceptibility to natural and geotechnical hazards and integration of hazard mitigation strategies, in accordance with section 11 of this OCP concerning development constraints.
- (f) At the request of the property owner, in order to facilitate redevelopment of commercial properties along Highway 3/95, support for variances for property lines setbacks will generally be supported upon demonstration of sufficient rational and the ability to obtain commercial access permits as required by the Ministry of Transportation and Infrastructure.

## **6 AGRICULTURAL LAND USE**

### **6.1 Background**

The plan area contains four private properties and two Crown land parcels located in the ALR, as well as a portion of the Moyie Lake Provincial Park. The ALR is a provincial land use designation intended to protect farming and agriculture as the primary land use. Subdivision and non-farm uses within the ALR must meet provincial regulations and be approved by the ALC. Land included in the ALR is shown on **Schedule C**.

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

### **6.2 Objectives**

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

### **6.3 Policies**

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

- (a) Land in the ALR is generally designated and supported for agricultural use.
- (b) Preservation and continued use of agricultural land for present and future food production is encouraged.
- (c) Buffers between properties on which farming is taking place and adjacent non-agricultural properties will be established through setbacks within the zoning bylaw. Measures such as fencing and screening located on adjacent non-agricultural properties should be utilized to ensure that farm operations are adequately protected and buffered.
- (d) The implementation of applicable recommendations from the Regional District Agricultural Plan is supported.
- (e) Home occupations that are complimentary to agricultural operations are encouraged and supported within the ALR.
- (f) The primary commercial uses for land within the ALR should be agricultural production and the processing and marketing of on-farm produce. However, accessory uses that complement agriculture, including, but not limited to agri-tourism and farm gate sales will generally be supported in the ALR.

#### **(2) Agricultural Land Reserve Applications**

- (a) The plan recognizes the opportunity for limited residential subdivision that is compatible with agricultural operations and on land that is not suitable for agricultural use due to topography and other limitations. The intent is to cluster residential growth on land of low agricultural capability and suitability in order to reduce rural sprawl and preserve the agricultural value of larger

parcels in the area. ALR subdivision applications will be considered in relation to the following criteria:

- (i) current agricultural capability and suitability of the parcel;
  - (ii) potential impacts of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels; and
  - (iii) where applicable, information in the report from a qualified professional as required in section 6.3(2)(f).
- (b) ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capacity, protect productive soils and provide a net benefit to agriculture for the lands that remain within the ALR.
- (c) Applications for subdivision for a relative pursuant to section 514 of the *Local Government Act* will generally be supported when all of the following conditions have been met, subject to compliance with the zoning bylaw:
- (i) there is no negative impact on the agricultural potential of the parent parcel;
  - (ii) the subdivision for the relative is kept as small as possible, having regard to servicing requirements, and is located in an area which has the least impact on agriculture;
  - (iii) the subdivision complies with the requirements of the zoning bylaw, other than with respect to the provisions relating to minimum lot sizes; and
  - (iv) a statutory declaration will be provided to the Ministry of Transportation and Infrastructure at the time of subdivision to confirm the parcel is for a relative and that the parcel will not be sold or transferred for a period of five years unless required as part of an estate settlement or as required by a lending institution.
- (d) Subject to compliance with the zoning bylaw, applications for homesite severance subdivision for a retiring farmer in the ALR will generally be supported when the minimum parcel size is 0.4 ha and the proposal is in compliance with the ALC Homesite Severance Policy.
- (e) New residential development is encouraged to be directed to established development nodes such as Moyie, land within municipal boundaries and areas outside the ALR.
- (f) ALR applications for exclusion, non-farm use, or subdivision of parcels 4.0 ha in size or larger must be accompanied by a report from a qualified professional unless an exemption from the requirement has been approved by the Regional District Board. The report must include the following:
- (i) determination of the level of capability and suitability for both soil bound and non-soil bound agricultural production on the parcel including investigation of the terrain, soil, size, configuration and context of the agricultural lands; and
  - (ii) identification of the impact the proposal will have on the agricultural suitability and capability of the parcel, and agricultural operations in the surrounding area.

Applications will not be processed by Regional District staff until such time as the report has been submitted or an exemption has been granted. Requests for exemption must be provided in writing to the Regional District prior to making an application and should provide rationale for granting the exemption.

- (g) 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)(f) as part of their application to the Regional District:

- (i) the application is for subdivision for a relative as per the provisions in the zoning bylaw and the *Local Government Act* and the parcel proposed is equal to or less than 2.0 ha in size; or
- (ii) the application is for a reconsideration or alteration of a prior approval by the ALC; or
- (iii) the original parcel size is equal to or less than 4.0 ha in size.

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

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

## **7. LIGHT INDUSTRIAL**

### **7.1 Background**

Industrial development within the plan area is located mainly within the Lumberton area and consists of sawmills and sand and gravel operations. One property in the Twin Lakes Road area is also zoned Industrial as it contains a sawmill. During the public consultation process, residents indicated a preference to continue to direct light industrial development to the Lumberton area with mitigation requirements for safety and the aesthetic impacts additional light industrial development could create.

### **7.2 Objectives**

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

### **7.3 Policies**

- (1) In order to minimize the impacts of sand and gravel extraction activities, the optimization of current sites is encouraged.
- (2) Proposed new sand and gravel extraction sites should be located in areas that are compatible with adjacent land uses.
- (3) Sand and gravel operations are discouraged from locating extraction sites or transportation routes in close proximity to residential areas.
- (4) The rehabilitation and reclamation of industrial and resource extraction sites upon cessation of activity is encouraged.
- (5) Light industrial land uses that will generally be supported are limited to those which occur on a scale that does not disrupt the rural residential nature of the plan area. Applications for light industrial use should also address the following:
  - (a) compatibility of the proposed development with surrounding land uses;
  - (b) water and sewer servicing options;
  - (c) road access;
  - (d) potential impacts to road infrastructure;
  - (e) aesthetic mitigation measures such as screening, fencing, buffers and responsible outdoor lighting;
  - (f) safety considerations such as wildfire hazards.

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

### **8.1 Background**

The plan area currently contains a small number of institutional and community uses such as the Moyie Community Hall, St. Peter's Catholic Church and the Moyie Cemetery.

At the time this bylaw was prepared, Moyie Fire Hall was privately owned and not used for fire services. The Moyie Community Association was maintaining the building.

### **8.2 Objectives**

- (1) Support existing institutional and community land uses.
- (2) Facilitate the identification of lands for required community and institutional land uses such as fire halls, community centers, public utilities and other similar uses.

### **8.3 Policies**

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

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

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

### **9.1 Background**

Preservation of open spaces and recreational opportunities were common themes during the consultation process. The plan area contains numerous recreational opportunities such as Moyie Lake Provincial Park, Ellis Park, Monroe Lake Recreational Site, Mineral Lake Recreational Site and Aldridge Regional Park. These recreational opportunities are an integral part of many residents' and visitors' lifestyles and also add to the local economy.

Moyie Lake Provincial Park is 90.5 ha in size and is a popular recreation site with a boat launch, and one hundred and eleven campground sites.

Aldridge Regional Park located on Braunagel Road is approximately 0.28 ha. The park infrastructure includes a parking area, two public lake accesses and one watercraft/trailer access to Moyie Lake. The park is primarily a recreational spot for the local community to enjoy boating and swimming.

Monroe Lake and Mineral Lake Recreational Sites contain campsites, boat launches and picnic tables.

During the consultation process, the community voiced their concern that access to the Dewdney Trail through Teck Resources property was no longer available. Residents would like to pursue options to allow use of the trail again for hiking and access to the cemetery.

One of the Regional District's 2018 Strategic Priorities was to investigate the establishment of a Regional District park on the 0.6 ha parcel of Crown land at the intersection of Braunagel and Park Road. The "Moyie Lake Access Park" was supported by residents during the OCP consultation.

### **9.2 Objectives**

- (1) Provide local parks, trails, and other outdoor recreational opportunities in locations and in sufficient quantity to be available and accessible, where possible, to all members of the community.
- (2) Ensure recreational activities are compatible with the rural character of the plan area.
- (3) Recognize and protect recreational features with tourism potential.
- (4) Promote a natural environment where clean water and air are the pillars of the community.
- (5) Promote development of trails in the plan area consistent with Provincial guidelines.

### **9.3 Policies**

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

- (a) Future consideration of regional parks and trails must be in compliance with the goals and policies of the RDEK Regional Parks Plan. The expansion of existing parks or creation of new park services may require an amendment to the Parks Plan.
- (b) The protection of existing green space is encouraged in order to contribute to a vibrant and healthy community.
- (c) The provision of a broad spectrum of outdoor recreation opportunities that are compatible with the adjacent residential development, suitable for both residents and tourists and that respects the need to protect resource values is supported.
- (d) The development of intercommunity non-motorized trail connections linking the rural area to municipalities for foot and cycle commuting is supported.

- (e) Residents and visitors to the area must comply with the *Off-Road Vehicle Act* which provides specific rules governing the off-road sector and helps ensure these vehicles are driven in a safe and environmentally responsible manner.
- (f) Community gardens on both public and private lands are encouraged where appropriate and feasible.
- (g) When planning outdoor greenspaces such as parks, the development of areas for the public to sit, eat or rest is encouraged.
- (h) Adoption of bylaws to regulate smoking in parks owned by the Regional District is supported.
- (i) At the request of residents and as resources allow, the Regional District will investigate the possibility of a Regional District trail at the existing Dewdney Trail to provide hiking opportunities and access to the existing cemetery.
- (j) As resources allow, the Regional District will pursue creating the “Moyie Lake Access Park” as an Electoral Area C Regional Park.

## 10. ENVIRONMENTAL CONSIDERATIONS

### 10.1 General

#### (1) Background

The plan area is characteristic of the valley bottoms within the southern Rocky Mountain trench and contains Interior Douglas Fir, Interior Cedar Hemlock and riparian areas. Historical resource and agricultural management practices, fire suppression, the introduction of exotic species and development have all had a significant impact on the natural environment within the plan area.

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

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

The corridor is home to several red and blue listed plants, as well as the red listed American Badger and Mountain Caribou and the blue listed Williamson's Sapsucker, Painted Turtle, Great Blue Heron and Grizzly Bear. Grassland habitat provides forage for ungulate populations, nesting areas for grassland birds and hunting areas for birds of prey.

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

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

The blue listed Williamson's Sapsucker habitat is usually associated with mixed coniferous forests with stands of mature larch. The primary threat to this species' habitat is logging of mature western larch and Douglas fir stands. Clear cuts usually remove habitat while selection logging often removes the large trees that are needed for future nest trees.

The blue listed Painted Turtle faces many threats within its limited range in southern BC. Alteration or destruction of its habitat is its main threat; many wetlands, ponds and channels have been modified to meet development needs, leaving little or no nesting habitat. Living in areas of human development also poses other threats including traffic mortality, disturbance of basking and nesting turtles by the public, trampling of nests and the illegal capture of turtles for pets. Painted Turtles have numerous natural enemies as well, however under natural conditions the population is maintained as adult turtles have low death rates and

may live 20 or 30 years. It is only when habitat destruction and human caused mortalities are factored in that the populations usually decline.

The Great Blue Heron is the largest wading bird in North America and measures over 1 m in height. Great Blue Herons are found near lakes and coastal areas. They may nest individually or in colonies. They are a Blue Listed species, considered vulnerable to disturbance by Bald Eagles and humans. Urban and rural development results in the loss of suitable nesting areas and disturbance to birds during their breeding season. During the early stages of nesting, loud noises such as vehicle traffic may cause the Herons to abandon their nests. It is an offence under the *BC Wildlife Act* to possess, injure or destroy a Heron, its eggs, or its nests. The nests and nest trees of Herons are protected year round, whether or not the nest is currently active.

Ungulate Winter Range for the plan area is identified on **Schedule H**.

**(2) Objectives**

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

**(3) Policies**

- (a) Ecosystem restoration and reclamation initiatives by environmental organizations, local citizens or the responsible Provincial Ministry that restore and enhance disturbed environmentally sensitive areas to a natural condition are supported.
- (b) Property owners are encouraged to maintain and upgrade onsite septic systems in order to decrease potential nutrient loading and bacteriological inputs to both groundwater and surface water in the plan area.
- (c) In order to ensure that private land in environmentally sensitive areas is conserved and protected, designation of land as OSRT, Open Space, Recreation and Trails within comprehensive developments is encouraged. Opportunities within an area designated OSRT would include passive uses with minimal impact such as non-motorized recreation trails and non-land altering recreation activities.
- (d) The Regional District encourages management of Crown land in an environmentally responsible manner which:
  - (i) protects surface and groundwater sources;
  - (ii) manages forest ingrowth;
  - (iii) minimizes risk of interface fire and wildfire;
  - (iv) enhances wildlife habitat;
  - (v) protects viewscales and scenery;
  - (vi) protects watershed ecological values, including waterfowl and fish and their corresponding habitat; and
  - (vii) maintains diverse plant communities by managing invasive plants.

## 10.2 Fish and Wildlife Habitat

### (1) Objectives

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

### (2) Policies

- (a) Conservation and/or enhancement of fish and wildlife habitat values within the plan area by local citizens, environmental organizations, and Provincial and Federal jurisdictions is encouraged.
- (b) Future land uses should not compromise the integrity of badger habitat. Badger habitat is shown on **Schedule I**.
- (c) Residents are encouraged to minimize the potential disturbance of wildlife by pets and domestic animals.
- (d) Education programs such as WildSafe BC and Wildlife Collision Awareness Program to reduce wildlife mortality are encouraged.
- (e) Area residents and visitors should be aware of Provincial regulations that prohibit the introduction of non-native fish species to lakes and rivers.
- (f) Habitat connectivity, sensitive ecosystems, vulnerable plant communities and movement of endangered animal species shall be considered at the time of rezoning or OCP amendment applications. Additional development approval information may be required by the Regional District as part of the development approval process. For example, submission of a report by a qualified professional that includes, but is not limited to the following:
  - (i) identification of any endangered or vulnerable species that utilize the area under consideration;
  - (ii) identification of opportunities for mitigation of the proposed development on wildlife movement corridors through development design or other compensation;
  - (iii) identification of areas, as appropriate, to be dedicated as conservation areas;
  - (iv) site specific additional requirements identified by the Regional District at the time of application.
- (g) Preservation and restoration of wildlife connectivity corridors is encouraged and supported by the following:
  - (i) Contiguous habitat areas should be preserved.
  - (ii) Structures and barriers that impede wildlife movement, such as exclusion fencing should be avoided within connectivity corridors. For example, solid walls or fences erected to control wildlife capable of jumping over a fence 2.0 m in height should not be used.
  - (iii) Extensive development within connectivity corridors that restricts the opportunity for wildlife movement should be avoided.
  - (iv) Extensive pruning of underbrush within connectivity corridors should be avoided.
  - (v) Forest cover should be maintained to encourage the use of connectivity corridors by wildlife.
  - (vi) Native vegetation within connectivity corridors should be maintained. Conversion of vegetation within corridors to non-native species should be avoided.
  - (vii) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.

### 10.3 Water Resources

#### (1) Background

Ground and surface water protection were highly ranked environmental concerns during the consultation process. Residents expressed concern for protection of Moyie Lake, with the priority being the preservation of the Narrows. Protection of smaller water bodies such as Mineral and Monroe Lake were also noted.

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

#### (2) Objectives

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

#### (3) Policies

##### (a) General

- (i) Development is encouraged to avoid streams, wetlands and riparian areas and to provide appropriate development setbacks and buffer areas.
- (ii) Approved development and associated management activities such as dredging within or adjacent to water bodies, wetlands, or riparian areas should be conducted following appropriate best management practices and in accordance with the required approvals.
- (iii) Within riparian areas use of established access points and trails is encouraged to minimize the level of impact within these sensitive ecological areas.
- (iv) Ecosystem restoration of wetlands and riparian areas is encouraged, subject to appropriate approvals by Provincial and Federal authorities.
- (v) 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.
- (vi) The community has voiced supporting a motorized traffic speed restriction in the Narrows. If requested by residents and as resources allow, the Regional District would support acting as a sponsor for the Moyie Community Association in their application to Transport Canada.
- (vii) At the request of residents and as resources allow, the Regional District will consider water zoning on Moyie Lake.
- (viii) Encourage the relevant Provincial agencies to ensure that forest practices within community watersheds are conducted in accordance with the *BC Forest and Ranges Practices Act* and relevant provincial guidelines.
- (ix) Encourage the relevant Provincial agencies to consider the importance of protecting water resources when considering tenures and licences of occupation within lands designated WP, Watershed Protection.

#### **10.4 Environmentally Sensitive Areas**

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

- (a) Future development should minimize disturbance to the integrity of ESAs. ESAs within the plan area include, but are not limited to, habitat of red and blue listed species and areas identified on **Schedules E1** and **E2** such as wetlands and riparian areas, grassland ecosystems, old growth forests, and wildlife habitat areas.

#### **10.5 Invasive Species**

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

- (a) Property owners and occupiers are required to control and manage invasive plants in accordance with applicable Regional District bylaws and Provincial acts and regulations.
- (b) Recreation users within the plan area are encouraged to inspect their ORVs, mountain bikes, boats and vehicles for invasive plants and animals to assist in the prevention of the spread and establishment of these species.
- (c) Installation of interpretive signage at public and private boat launches and lake access points to educate the public about the impact of invasive aquatic species is supported.
- (d) Boat inspections and cleaning stations aimed at reducing or eliminating the spread of invasive species are supported. These stations should not slow or disrupt highway travel.

#### **10.6 Air Quality**

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

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

## 11. DEVELOPMENT CONSTRAINTS

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

#### (1) Background

Development in proximity to the many water bodies and watercourses within the plan area requires careful consideration. An abundance of creeks and watercourses are found throughout the plan area and may be subject to flooding or terrain stability issues. Development in areas that may be subject to flooding should be avoided.

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

The plan area is comprised of parcels that encompass varied topographical features. Slopes can lead to geotechnical hazards and should be considered as part of the development approval process. Steep slope areas are identified on **Schedules G1** and **G2**.

#### (2) Objectives

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

#### (3) Policies

- (a) Minimum setbacks and flood construction levels for development near the ordinary high water mark of water bodies and watercourses are established within the Electoral Area C South Zoning and Floodplain Management Bylaw. All floodplain requirements must be met unless a site specific exemption has been granted by the Regional District.
- (b) All development within a floodplain or along a watercourse or water body, or potentially impacted by site specific hydrologic hazard, such as flooding or channel avulsion, must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional may be required as per section 56 of the *Community Charter* and section 19.5 Development Approval Information.
- (c) The development of land susceptible to flooding is discouraged. Lands susceptible to flooding should not contain structures used for habitation. Suitable uses for land susceptible to flooding include but are not limited to parks, open space, recreation or agricultural uses.
- (d) Applications to vary the minimum usable site area requirements contained within the zoning bylaw will generally not be supported.
- (e) Rezoning applications for any parcels containing an alluvial or debris flow fan identified in **Schedules F1** and **F2** must incorporate strategies that ensure the development will not be impacted by the hazards. Examples of suitable strategies include:
  - (i) completion of a qualified professional engineer's report identifying potential hazards and appropriate hazard mitigation measures;

- (ii) registration of a covenant which establishes the entire alluvial or debris flow fan identified in **Schedules F1** and **F2** as a “no-build” area which may be removed or modified following the implementation of recommendations in a report by a qualified professional engineer; and
- (ii) registration of a covenant which designates building envelopes outside of the entire alluvial or debris flow fan identified in **Schedules F1** and **F2**.
- (f) The development of land greater than 15% slope, susceptible to erosion and landslip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.
- (g) Development activity that occurs on a slope that is equal to or greater than 15%, susceptible to surface erosion, gulying, landslides or landslip must ensure that adequate protection measures are incorporated into development designs. Development of lands with slopes equal to or greater than 30% is discouraged. Specific geotechnical studies prepared by a qualified professional may be required prior to issuance of a building permit or other development approval.
- (h) Removal or deposition of soil within the plan area must be carefully reviewed for erosion, drainage or sedimentation concerns.

## 11.2 Interface Fire Hazard & Public Safety

### (1) Background

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

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

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

### (2) Objectives

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

### (3) Policies

- (a) Applications for rezoning of parcels will be considered with respect to the following FireSmart principles, as appropriate to the nature of the application:
  - (i) ability to integrate fire fuel modified areas including an area of a minimum of 10 m in radius to be maintained clear of combustible material surrounding buildings and structures;
  - (ii) integration of building materials that minimize the risk of fires starting or spreading;
  - (iii) provision of a minimum of two vehicular access/egress routes to allow simultaneous access for emergency equipment and evacuation of people;
  - (iv) availability of sufficient water capacity for firefighting activities;

- (v) implementation of phasing or staging of development to minimize the interface fire risk; and
  - (vi) availability of firefighting equipment and trained personnel as appropriate for the proposed development.
- (b) Ecosystem restoration initiatives on Crown and private land to mitigate the risk of interface fire hazard are supported.
  - (c) 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.
  - (d) The implementation of applicable wildfire risk mitigation or prevention efforts as per the CWPP is supported.

## 12. ARCHAEOLOGICAL AND HERITAGE RESOURCES

### 12.1 Background

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

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

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

The first mineral claims were staked near the town of Moyie in 1893. The cemetery has grave markings as early as 1900. St. Peter’s Church was built in 1904 followed by the firehall in 1907. At that time, Moyie had a population of over one thousand and was considered to be the most important silver-lead mining centre in the country. Just south of the town of Moyie concrete foundations from that era are still visible.

The Regional District will notify building permit and rezoning applicants if the subject property overlaps with a recorded protected archaeological site or an area of archaeological potential. The property owner should then contact the Archaeology Branch for further information.

### 12.2 Objectives

- (1) Ensure that heritage values are protected and not impaired by future development.
- (2) Ensure that property owners are aware of their responsibilities under the *Heritage Conservation Act* when conducting land-altering activities.
- (3) Recognize and communicate the potential for discovery of cultural heritage sites and artifacts during the development process.
- (4) Avoid unauthorized damage and minimize authorized damage to protected archaeological sites on private land in accordance with the *Heritage Conservation Act*.
- (5) Recognize and support the need for an AOA for private land located within the plan area.

### 12.3 Policies

- (1) The preservation of historically significant sites and features such as the historic buildings located in Moyie and the cemetery and mine remnants located outside the town of Moyie is supported.

- (2) At the request of area residents and as resources allow, the Regional District will investigate and develop heritage designations as per the *Local Government Act* to regulate and protect various heritage properties within the plan area.
- (3) Undertaking an AOA for the plan area is supported. The intent of the AOA is to identify areas with potential to contain archaeological sites and recognize known archaeological sites. Upon completion of the AOA the plan should be amended to integrate a schedule depicting the areas of archaeological potential. This schedule should then be incorporated into the Regional District development application process in order to alert applicants to their obligations under Provincial heritage legislation.
- (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*.

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

### **13.1 Background**

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

Sewer and water service within the rural residential areas is generally provided through onsite wells and septic systems; however there are developments serviced by community water systems such as Aurora Estates.

The Moyie Water System is owned and operated by the Regional District and services one hundred and thirty four properties within Moyie townsite. The water system receives its groundwater from a well 57 m deep. Water is pumped from the well using a fifteen horsepower well pump up to a 71 m<sup>3</sup> reservoir which maintains the pressure in the distribution system. The water is not chlorinated. RDEK operators are on site to ensure proper operation and perform monthly bacteriological sampling. The pump house is outfitted with automatic alarm dialers to alert staff when regular functions are compromised. Watermains were replaced along Madora Lane in 2016 and along Lake Street and Moyie Avenue in 2017.

As part of its Water Conservation Strategy, the Regional District devotes resources to system monitoring and leak detection, as well as adopting a Watering Hours Schedule and metering for all of its water systems.

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

### **13.2 Objectives**

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

### **13.3 Policies**

- (1) To promote and encourage responsible solid waste management practices, the Regional District will continue to provide on-going public education campaigns to increase public knowledge on solid waste reduction.
- (2) Residents and visitors are encouraged to follow the principles contained in the Regional District Solid Waste Management Plan to reduce the amount of solid waste produced by following the 5 R's: reduce, reuse, recycle, recover and residual management.
- (3) Recycling is encouraged and coordinated through the Regional District recycling program and Provincial product stewardship programs.
- (4) Property owners and occupiers are encouraged to ensure that maintenance programs for onsite septic systems are followed in accordance with the appropriate Provincial regulations.

- (5) Requests for the Regional District to take over the operation and maintenance of existing or proposed community water or sewer systems will only be considered in relation to the requirements of the Regional District Subdivision Servicing Bylaw and the necessary service establishment approvals.
- (6) Where onsite sewage disposal is utilized for new or redesigned septic systems the use of Type 1 septic systems as defined by the Sewerage System Regulation under the *Public Health Act* is preferred where site conditions permit their installation. Type 1 systems are generally preferred as they are more reliable over time if the maintenance program is followed.
- (7) The cooperation and coordination of utility and telecommunication companies in utilizing existing corridors and sites for multiple uses is encouraged and supported.

## **14. ROAD NETWORK AND TRANSPORTATION**

### **14.1 Background**

The main transportation corridor within the plan area is Highway 3/95, which travels through the City of Cranbrook and connects with Highway 93/95 north to Fort Steele and Highway 3/93 south to the Mayook/Wardner area. The management of the highway, other roads, and undeveloped road right-of-ways is the responsibility of the Ministry of Transportation and Infrastructure.

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

### **14.2 Objective**

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

### **14.3 Policies**

- (1) To establish safe and attainable active transportation networks (ie. trails), stakeholders are encouraged to communicate and work with the Ministry of Transportation and Infrastructure.
- (2) Highway mitigation measures to reduce wildlife mortality and the barrier effect, including crossing structures, highway design and education, are supported.
- (3) Developments requiring a Commercial Highway Access Permit from the Ministry of Transportation and Infrastructure will not be authorized by the Regional District until such approval can be obtained.

## **15. CROWN LAND MANAGEMENT**

### **15.1 Background**

The primary purpose of the plan is to provide policy direction for the development of private land; however, the plan area contains a significant amount of Crown land. While the activities on these lands are not the jurisdiction of the Regional District and the enforcement of unauthorized land uses on Crown land is the responsibility of the appropriate Provincial Ministry it is recognized that these activities can have a significant impact on residents of the plan area.

Tenured occupants of Crown land must comply with Regional District zoning and land use regulations.

### **15.2 Objectives**

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

### **15.3 Policies**

- (1) The Regional District encourages management of Crown land in an environmentally responsible manner that:
  - (a) protects surface water and groundwater sources;
  - (b) manages forest ingrowth;
  - (c) minimizes risk of interface fire and wildfire;
  - (d) enhances wildlife habitat;
  - (e) protects viewscales and scenery;
  - (f) protects ecological values, including waterfowl and fish and their corresponding habitat; and
  - (g) maintains diverse plant communities by managing invasive and noxious plants.
- (2) Efforts by the Province to minimize conflicts between motorized and non-motorized recreation users of Crown land within the plan area are supported.

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

### **16.1 Background**

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

### **16.2 Greenhouse Gas Reduction Target**

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

### **16.3 Policies**

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

## **17. TEMPORARY USE**

### **17.1 Background**

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

### **17.2 Objectives**

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

### **17.3 Policies**

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

## 18. DEVELOPMENT PERMIT AREAS

### 18.1 Background

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

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

#### (1) Area

Development Permit Area #1 applies to all properties with all or a portion of the property within the boundary of the plan area as shown on **Schedule B**.

#### (2) Purpose

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

#### (3) Requirements

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

- (a) placement or construction of a dwelling unit; additions to a dwelling unit which increase the floor area by an amount greater than 25% of the area existing at the time the Moyie and Area Official Community Bylaw No. 2912, 2019 was adopted.

#### (4) Exemptions

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

- (a) The proposed activity is limited to internal alterations to buildings or structures.
- (b) The land is already subject to a Wildfire Hazard Development Permit or wildfire hazard restrictive covenant.

#### (5) Justification

In an effort to minimize the risk of damage to property by wildfire, placement or construction of a dwelling unit will be subject to FireSmart construction standards.

#### (6) Guidelines

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

##### (a) Dwelling Unit Guidelines

The intention of the guidelines is to ensure the long term maintenance of Priority Zone 1. This zone is the area within 10 m of a dwelling unit including, but not limited to, decks, additions and balconies. The Development Permit will state that future development will comply with the guidelines contained in this section.

##### (b) Occupancy Permit Guidelines

An Occupancy Permit will not be issued by the Regional District until an inspection has been completed and it has been confirmed that the conditions under section 18.2 (6)(c), 18.2 (6)(d) and 18.2 (6)(e) have been met.

##### (c) Occupancy Permit requirements for dwelling units:

- (i) All roofing materials of new dwelling units must conform to Class A, B or C fire resistance as defined in the BC Building Code.

- (ii) Buildings and structures used to store wood or other combustible materials must be located a minimum of 10 m away from the dwelling unit.
- (d) Property owners must post their civic address in accordance with the Regional District of East Kootenay House Numbering Regulation and Fee Bylaw No. 2010, 2007 as may be amended or replaced from time to time.
- (e) Occupancy Permit landscaping requirements within the Priority 1 Zone:
  - (i) Combustible fuel removal shall take place. Fuel removal includes the removal of ground-level fuels, piled debris, and other combustible debris.
  - (ii) Planting of new coniferous species including, but not limited to, juniper, pine and spruce is not permitted.
  - (iii) It is not advisable to retain previously existing mature coniferous trees within the Priority 1 zone. If retained, coniferous trees must:
    - have limbs pruned such that they are at least two metres above the ground; and
    - be spaced so that there are three metres between crowns, thereby ensuring the tips of the branches of a coniferous tree are no closer than three metres to the tips of the branches of neighbouring coniferous trees; and
    - have no limbs within three metres of the dwelling unit or attachments such as balconies; OR
    - be managed as recommended in a Wildfire Hazard Assessment Report, in consideration of FireSmart Principles, prepared by an RPF who is a member of the Association of BC Forest Professionals.

### 18.3 Development Permit Area #2 – Moyie Lake & Monroe Lake Shoreline

#### (1) Area

Development Permit Area #2 applies to those portions of Moyie Lake and Monroe Lake shorelines designated as red and orange shoreline zones on **Schedules J1 – J3**. Where the shoreline is designated as a red or orange shoreline zone the Development Permit Area extends 30 m into the lake and 15 m upland from the natural boundary.

#### (2) Purpose

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

#### (3) Requirements

- (a) For land located within Development Permit Area #2, an owner shall obtain a Development Permit prior to proceeding with any of the following:
  - (i) Construction, addition or alteration of a building or other structure; or
  - (ii) Alteration of land, including the removal of riparian or aquatic vegetation, site grading, deposition of fill, beach creation, or dredging.

#### (4) Exemptions

- (a) A Development Permit is not required within Development Permit Area #2 under the following conditions:

- (i) The proposed activity is limited to internal alterations to buildings or structures.
- (ii) The proposed activity is limited to the reconstruction, renovation, repair of existing buildings or structures upland of the natural boundary, or addition to existing buildings or structures which increase the development footprint by an amount less than 25% of the area existing at the time the Moyie and Area Official Community Plan Bylaw No. 2912, 2019 was adopted.
- (iii) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within the highway right of way.
- (iv) The proposed activity is limited to general road or railway construction or maintenance within the right of way.
- (v) The proposed activity is limited to the removal or pruning of hazardous trees as identified by a qualified hazard tree assessor, an ecosystem restoration project approved by a QEP, supplementing native vegetation or maintaining existing vegetation.
- (vi) The proposed activity is limited to emergency repairs to buildings or structures where there is a demonstrable and immediate risk to public safety and property.
- (vii) The proposed activity is conducted under the direction of the Provincial Emergency Program, and is intended to resolve emergency situations that present an immediate danger to life or property including procedures related to flooding and erosion.

**(5) Justification**

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

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

The Shoreline Management Guidelines were prepared using templates from other lake studies completed in the region. Segments were color coded and mapped using the AHI rankings. Appropriate activities for each color zone were identified. Although a greater number of activities are permissible in areas with lower ecological value, proper planning is still required to protect environmental values.

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

- (b) Development Permit Area #2 is applicable to the red and orange shoreline color zones only. These zones have been identified as being sensitive to development pressure and essential to the long term maintenance of key habitat and fish and wildlife values. Approximately 55% of Moyie Lake shoreline and 80% of Monroe Lake shoreline is either designated as a red or orange shoreline zone. Generally speaking, the red and orange zones are represented by stream mouths (lake inlet and outlet), wetland areas, and high value fish staging, rearing and migrating areas.

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

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

- (c) The objective of Development Permit Area #2 is the protection, preservation, restoration and enhancement of the natural ecosystem along the shorelines of Moyie and Monroe Lakes. Activities within and along the shoreline must be undertaken in a manner that minimizes the disruption or alteration of the natural ecosystems that create fish and wildlife habitat and maximizes the opportunity for restoration and enhancement. The intent is not to preclude all development in these areas, but to provide notice that these portions of the shoreline provide unique characteristics that warrant special review and consideration, and to ensure appropriate mitigation or protection measures are prescribed where identified by a QEP.

## **(6) Guidelines**

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

### **(a) General**

The following guidelines apply to all areas identified as red and orange shoreline zones on **Schedules J1 – J3**.

- (i) All development proposals are subject to the applicable federal and provincial requirements and approval processes. The identification of the permits and approvals required must be submitted with the Development Permit application. The submission of proof of acquiring all required permits and approvals from the responsible jurisdictions may be a condition of the issuance of the Development Permit.
- (ii) The Regional District may require an Environmental Impact Assessment report prepared by a QEP in accordance with “Regional District of East Kootenay – Development Approval Information Bylaw No. 2122, 2008”.
- (iii) Proposals that offer to register a conservation covenant on the title of the lands in order to permanently protect shoreline ecosystems are encouraged. The covenant should be registered before any development occurs. The covenant should be registered in favor of

the Regional District, and may include another public agency, including the province.

- (iv) All structures must be constructed with materials that do not have the potential to negatively impact water quality, fish, aquatic organisms or aquatic vegetation. Applicants are encouraged to utilize western red cedar, redwood, cypress, eastern white cedar, or plastic lumber. Use of real wood for the in-water portion of the dock is encouraged. Appropriate materials should be selected in consideration of Fisheries and Oceans Canada's *The Dock Primer*.
- (v) In order to facilitate implementation of a recommendation contained within a report by a QEP, the applicable zoning regulations may be varied as part of the Development Permit approval.
- (vi) To soften the shoreline and create fish habitat, bioengineered features are required to be integrated into the design of new or replacement of existing retaining walls. A report by a QEP must be provided to identify the appropriate bioengineered features for the proposed development site. Applicants will be exempt from this guideline when it can be demonstrated that a vertical retaining wall structure is required for stabilization of the shoreline for the protection of upland structures. The need for a vertical structure or retaining wall must be documented in a report by a Qualified Geotechnical Professional or Engineer.
- (vii) When stabilization of the shoreline is required due to natural erosion processes, the use of rock or rip-rap above the ordinary high water mark for shoreline stabilization is encouraged. The placement of the rock should be done in such a manner as to not require the placement of fill, where feasible. The planting of deeply rooted native vegetation above and immediately behind the rock is encouraged to increase the life span of the wall.
- (viii) All approved development should follow the applicable best management practices of the province and the Regional Operating Statement of Fisheries and Oceans Canada, unless a letter of advice or *Fisheries Act* authorization under section 35(2) has been issued.
- (ix) Riparian and emergent vegetation should be maintained where intact, and restored where disturbed or invasive weeds have intruded. Habitat restoration, including the removal of invasive weeds, should be completed under the direction of a QEP and in accordance with the required federal and provincial approvals under the *Fisheries Act* and *Environmental Management Act*.

(b) Red Shoreline Zone Guidelines

The following guidelines apply to portions of shoreline identified as red shoreline zone on **Schedules J1 – J3**:

- (i) In consideration of the impact resulting from the alteration of land, removal of vegetation, placement or construction of in-water structures on aquatic organisms, fish, fish habitat, aquatic vegetation and emergent vegetation the area **below** the natural boundary must remain free from development unless an assessment report from a QEP concludes that the site under application no longer possesses the characteristics that would warrant the red color zone designation due to previously **approved** development.

- (ii) All applications for development **above** the natural boundary within the red shoreline zone must be accompanied by a report from a QEP. The assessment report must identify the extent of the proposed development, any constraints on the timing of the development to minimize impacts on riparian vegetation, upland vegetation and wildlife habitat and demonstrate that the proposed development has been designed to mitigate impact on the adjacent fish and riparian habitat. Opportunities to restore or enhance habitat should also be identified, where appropriate. All approved development must be completed in accordance with the recommendations of the report.
- (iii) Despite section 18.3(6)(b)(i) activities that include the following are permissible in the red shoreline zone:
  - (A) habitat restoration or removal of aquatic invasive species as identified within a report by a QEP and completed under the direction of trained persons; and
  - (B) traditional First Nation uses.
- (c) Orange Shoreline Guidelines

The following guidelines apply to portions of shoreline identified as orange shoreline zone on **Schedules J1 – J3**:

- (i) In consideration of the impact resulting from the alteration of land, removal of vegetation and placement or construction of in-water structures on aquatic organisms, fish, fish habitat, riparian, aquatic and emergent vegetation the following types of activities or structures are generally not permitted:
  - (A) beach creation (above or below the natural boundary);
  - (B) boathouses;
  - (C) dredging, in areas not previously authorized by the province or Fisheries and Oceans Canada; and
  - (D) deposition of fill;

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

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

**19. IMPLEMENTATION**

**19.1 Background**

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

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

**19.2 Implementation Strategy**

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

**(1) Strategic Policies**

OCP Section	Policy Action	Lead Organization	Partners
6.3(1)(d)	The implementation of applicable recommendations from the Regional District Agricultural Plan is supported.	RDEK	
9.3(1)(h)	Adoption of bylaws to regulate smoking in parks owned by the Regional District is supported.	RDEK	
9.3(1)(i)	At the request of residents and as resources allow, the Regional District will investigate the possibility of a Regional District trail at the existing Dewdney Trail to provide hiking opportunities and access to the existing cemetery.	RDEK	TECK, Moyie Community Association
9.3(1)(j)	As resources allow, the Regional District will pursue creating the “Moyie Lake Access Park” as an Electoral Area C Park.	RDEK	
10.3(3)(vi)	If requested by residents and as resources allow, the Regional District would support acting as a sponsor for the Moyie Community Association in their application to Transport Canada.	RDEK	Moyie Community Association
10.3(3)(vii)	At the request of residents and as resources allow, the Regional District will consider water zoning on Moyie Lake.	RDEK	
12.3(2)	At the request of residents and as resources allow, the Regional District will investigate and develop heritage designations.	RDEK	Moyie Community Association
12.3(3)	Undertaking an AOA for the plan area is supported.	RDEK	MFLNRORD Ktunaxa Nation Council

**(2) Advocacy Policies**

OCP Section	Policy Action	Lead Organization	Partners
10.3(3)(viii)	Encourage the relevant Provincial agencies to ensure that forest practices within community watersheds are conducted in accordance with the <i>BC Forest and Ranges Practices Act</i> and relevant provincial guidelines.	MFLNRORD	RDEK

10.3(3)(ix)	Encourage the relevant Provincial agencies to consider the importance of protecting water resources when considering tenures and licences of occupation within lands designated WP, Watershed Protection.	MFLNRORD	Ministry of Energy and Mines, RDEK
15.3(2)	Efforts to minimize conflicts between motorized and non-motorized recreation users of Crown land within the plan area are supported.	MFLNRORD	RDEK

### 19.3 OCP Amendments

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

### 19.4 Zoning Bylaw Amendments

Parcels may be rezoned in conformity with the land use designations contained in **Schedules D to D7**. The proposed zoning must also conform to the objectives and policies contained in this OCP.

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

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

### 19.5 Development Approval Information

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

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

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

- (a) *Flood Hazard*

Criteria: Applications for amendments to the zoning bylaw, floodplain management provisions or Temporary Use Permits where the subject property is in an area of torrent or flood hazard identified on **Schedules F1 and F2** of this plan.

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

- (b) *Agriculture*

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

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

(c) *Natural Environment*

Criteria: Applications for amendments to the zoning bylaw, Temporary Use Permits or Development Permits under section 18.3, Development Permit Area #2 – Moyie Lake and Monroe Lake Shoreline.

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

- 4. - Residential Land Use;
- 10.1 - Environmental Considerations – General;
- 10.2 - Fish and Wildlife Habitat;
- 10.3 - Water Resources;
- 10.4 - Environmentally Sensitive Areas;
- 18.3 - Development Permit Area #2 – Moyie Lake and Monroe Lake Shoreline

(d) *Wildfire Hazard*

Criteria: Applications for amendments to the zoning bylaw or Development Permits under section 18.2, Development Permit Area #1 – Wildfire Hazard of this OCP.

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

## 20. LAND USE DESIGNATIONS

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

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

The land use designations are shown on **Schedules D to D7**. 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.

### 20.1 Residential and Rural Land Uses

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

### 20.2 Commercial and Industrial Land Uses

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

### 20.3 Institutional Land Uses

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

This is Schedule A referred to in Bylaw No. 2912 cited as "Regional District of East Kootenay – Moyie & Area Official Community Plan Bylaw No. 2912, 2019".

"Rob Gay"  
Chair

"Shannon Moskal"  
Corporate Officer