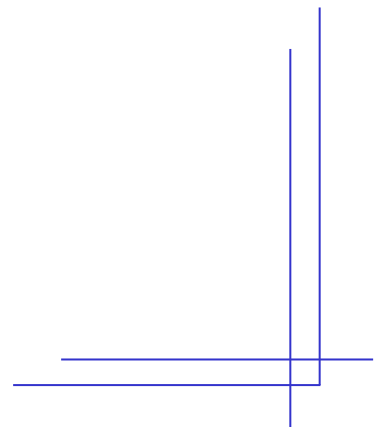




**PANORAMA AREA  
OFFICIAL COMMUNITY PLAN  
BYLAW NO. 2997, 2020**



**REGIONAL DISTRICT OF EAST KOOTENAY  
BYLAW NO. 2997**

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

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

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

**1. Title**

This Bylaw may be cited as the “Regional District of East Kootenay - Panorama Area Official Community Plan Bylaw No. 2997, 2020.”

**2. Application**

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

**3. Organization**

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

- (a) Schedule A - Policies
- (b) Schedule B - Plan Area
- (c) Schedule C - Land Use Overview
- (d) Schedule C1 - Land Use Trappers Ridge & Resort Core
- (e) Schedule C2 - Land Use Greywolf
- (f) Schedule D - Road Network
- (g) Schedule E1 - Development Permit Area #2 - Trappers Ridge & Resort Core
- (h) Schedule E2 - Development Permit Area #2 - Greywolf
- (i) Schedule E3 - Biophysical Habitat Mapping
- (j) Schedule E4 - Low Elevation Ungulate Winter Range
- (k) Schedule E5 - Wildlife Corridors
- (l) Schedule F - Torrent Hazard
- (m) Schedule G - Slope Analysis

**4. Severability, Enforcement 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 must be severed and the decision that it is invalid must not affect the validity of the remainder.

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

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

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

Bylaw No. 1441, cited as “Regional District of East Kootenay - Panorama Mountain Village Official Community Plan No. 1441, 1999” is hereby repealed.

READ A FIRST TIME the 3<sup>rd</sup> day of July, 2020.

READ A SECOND TIME the 3<sup>rd</sup> day of July, 2020.

READ A THIRD TIME the 7<sup>th</sup> day of August, 2020.

ADOPTED the 7<sup>th</sup> day of August, 2020.

“Rob Gay”  
CHAIR

“Shannon Moskal”  
CORPORATE OFFICER

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## SCHEDULE A - POLICIES

### 1. INTRODUCTION

#### 1.1 Administration

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

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

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

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

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

#### 1.2 Legal Framework

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

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

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

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

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

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

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

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

### **1.4 Plan Process**

The RDEK Board of Directors authorized the Panorama Area OCP planning process in September 2017. This review and update replaces the 1999 Panorama Mountain Village OCP.

The planning process formally kicked off in March 2019 when an open house was hosted at the resort to launch the process. The project launch was followed by an online Ideas and Issues survey to initiate public engagement. The survey was open from mid-April to the end of May to allow interested residents, property owners and resort users to provide feedback. A newsletter was mailed to all property owners within the proposed plan area to ensure that there was awareness and to encourage interested individuals to sign up for updates about the process. A second open house was hosted on July 9<sup>th</sup> to provide an update and initiate feedback on targeted areas of consultation. A second online survey and online engagement tools were also launched to solicit feedback from the community. Consultation with stakeholders and the resort was undertaken in the fall to discuss policy options and gather background information. The draft of the OCP was completed in the fall and presented to the community in December 2019. Following the public comment period a revised draft was presented in April 2020.

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

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

### **1.6 Relationship to the Ktunaxa**

The preparation of the OCP included consultation with the Ktunaxa Nation Council in recognition of their interest in the land uses occurring and proposed in the plan area. The plan area is also in proximity to the area designated in the Qat'muk Declaration as an area of spiritual and cultural significance which must be managed in accordance with the Ktunaxa Stewardship Values. The OCP contains policies to recognize the archaeological and cultural resources that are contained within the plan area and the need to conserve and mitigate impacts on these resources.

### **1.7 Relationship to the Shuswap Indian Band**

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

**1.8 Relationship to the District of Invermere**

The preparation of the OCP included consultation with District of Invermere staff and consideration of the District of Invermere OCP. As the nearest municipality to and the nature of the development within the plan area the District of Invermere is vital to the success of the plan area. The District of Invermere provides residential, commercial, recreational and light industrial uses for visitors, employees and residents of the plan area.

**1.9 Plan Area**

The plan area is located approximately 18 kilometers southwest of the District of Invermere via Toby Creek Road within the Purcell Mountain Range. The plan area includes the land which is subject to the Panorama Mountain Village Master Plan and associated Controlled Commercial Recreation Area, a portion of the Springs Creek watershed, the remainder of the Taynton Creek watershed, and the land which is utilized for the Nordic trail system. The boundary of the plan area is shown on **Schedule B**. The figure below shows the location of the plan area in relation to the region.



Figure 1: Location of plan area

In order to direct polices to specific geographic areas the plan area has been divided into subareas:

**(1) Resort Core**

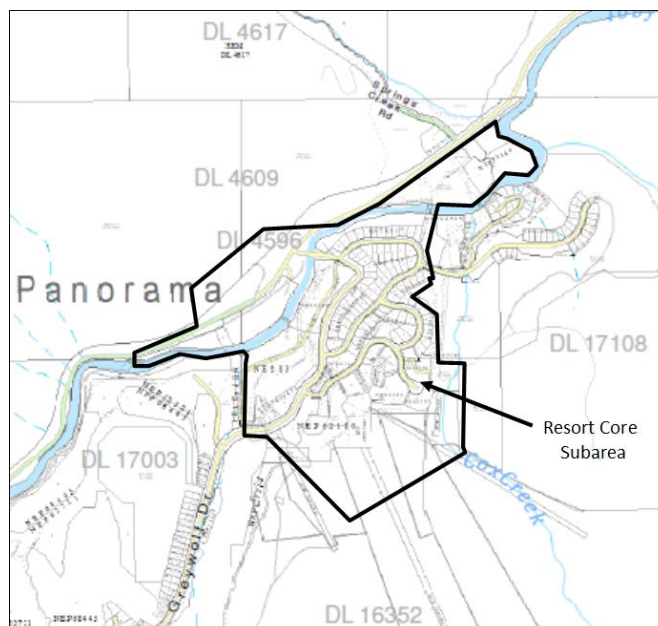


Figure 2: Resort Core Subarea

The Resort Core subarea encompasses the original single family subdivision, multi-family development along Panorama Drive and Resort Core along Summit Drive. The subarea includes the central check-in facilities, resort administration offices, current conference facilities and a range of resort accommodation and commercial land uses. Also included in the subarea are the employee housing facility, utilities and maintenance buildings and infrastructure, recreational facilities and day use parking located north of Toby Creek. The ski terrain and associated facilities that directly abuts the developed areas are considered to form part of this subarea.

**(2) Trappers Ridge**

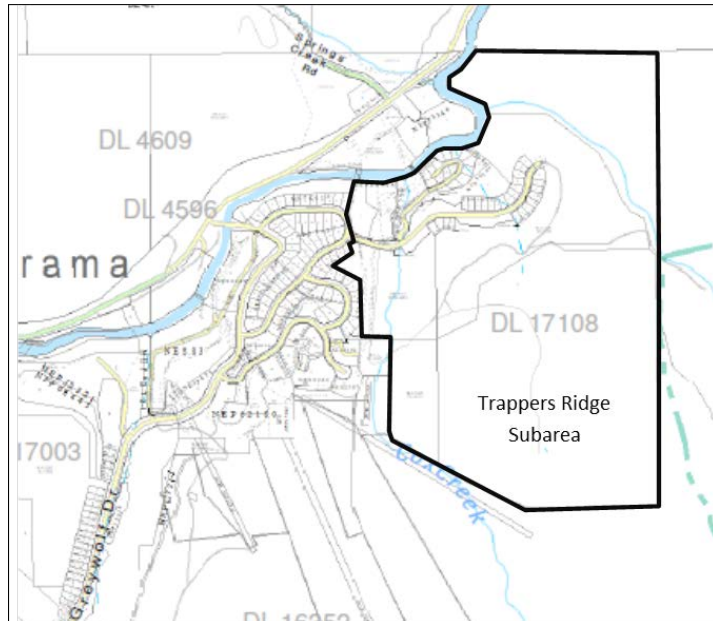


Figure 3: Trappers Ridge Subarea

The Trappers Ridge subarea extends from the intersection of Panorama Drive and Trappers Way to the eastern boundary of the plan area and includes the single family development along Trappers Way, the Creekside development node, the undeveloped portion of Block A District Lot 17108 and the remainder of District Lot 17108. District Lot 17108 contains vacant land which is proposed for future residential and ski development. The lower reaches of Taynton Creek, utilities infrastructure and resort maintenance facilities are also located within the subarea.

**(3) Greywolf**

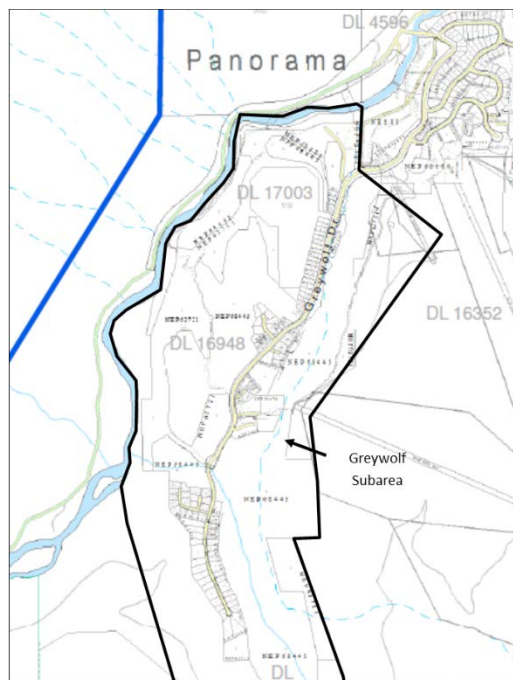


Figure 4: Greywolf Subarea



The subarea includes all those lands west of the intersection of Panorama Drive and Greywolf Drive, including the RK-Heli Ski properties, current residential development along Greywolf Drive, Forest Ridge Estates, the Greywolf Golf Course and the land under tenure for the nordic ski trail system. Future residential development is proposed in nodes around the western and northern boundary of the golf course to the east of Toby Creek.

**(4) Springs Creek**

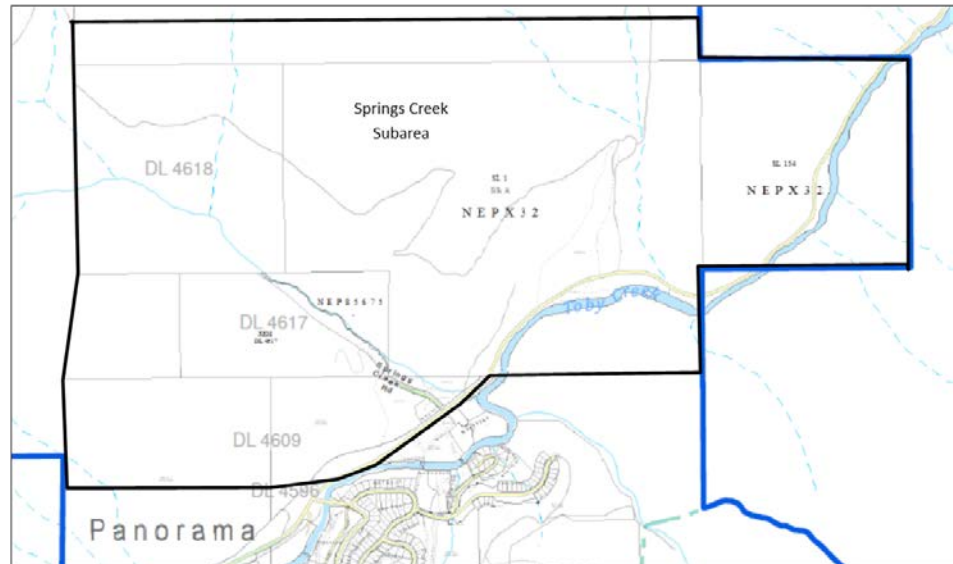


Figure 5: Springs Creek Subarea

The subarea encompasses the land in the plan area that is located north of Toby Creek Road. Access to the plan area is through this subarea and the subarea includes the large private parcel which extends to both sides of Toby Creek road and is utilized by Toby Creek Outfitters. Springs Creek Road extends to the north providing access to two large private acreage parcels. The Panorama Fire Hall is located at the intersection of Springs Creek Road and Toby Creek Road. At the northern and eastern extents of the subarea there are Crown land parcels under tenure to RK-Heli Ski.

**2. AREA HISTORY AND BACKGROUND**

**2.1 Rural Area Plans and Studies**

**Upper Columbia Valley Zoning Bylaw (1992)**

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

Comprehensive development zones within the zoning were developed in consideration of the Comprehensive Development Plan prepared by the previous resort ownership Intrawest Resort Corporation (Intrawest). The allocation of specific land uses to parcels within the comprehensive zones was in relation to the type and density of land use specified within the Comprehensive Development Plan.

**Panorama Mountain Village Official Community Plan (1999)**

The Panorama Mountain Village OCP (1999) was prepared as part of the revised Master Development Agreement process undertaken by Intrawest and the Province. The OCP replaced the previous Official Settlement Plan, which was adopted in 1981 and was based on the original development plan for the resort. The new OCP was prepared as a companion document to Intrawest's Comprehensive Development Plan, which contains information on the biophysical and visual resources of the plan area and a detailed outline of the corporate vision

for the resort at build out. The OCP and revised Comprehensive Development Plan documents formed the basis for the updated Master Development Agreement. The 1999 OCP has been amended 15 times since adoption to reflect policy and land use changes within the plan area. The OCP relies on the land use programmes identified in the Comprehensive Development Plan to provide direction to the form and density of future development.

### **Regional Sustainability Strategy (2014)**

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

### **Columbia Valley Bicycle Network Plan (2016)**

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

## **2.2 History**

The Ktunaxa are a culturally and linguistically unique group who have occupied the lands within the plan area for more than ten thousand years. The Ktunaxa people were nomadic and travelled throughout their traditional territory on a seasonal basis to correlate with the peak availability of plant and animal resources. The plan area has been identified as being along an important travel route that connects the Selkirk and Rocky Mountain trenches. The Qat'muk Declaration by the Ktunaxa Nation Council has identified the Toby Creek watershed and Jumbo Creek watershed to the west of the plan area as Qat'muk. Qat'muk is the home of Grizzly Bear spirit, as such the Ktunaxa people have identified that they have a stewardship obligation and duty to land within Qat'muk.

The Shuswap Indian Band lives in the Columbia valley and is sometimes referred to as the Kinbasket people. The Shuswap Indian Band is a member of the Shuswap Nation, an Interior Salish group. Salish use of the Columbia valley dates back many years ago as evidenced by the presence of pit houses or Kekulis. The plan area provides a historical travel route between the Thompson River drainage and the Windermere valley.

The modern history of the plan area dates back to the late 1800s and the utilization of the Toby valley for mining operations. Evidence of the old mining legacy can still be seen surrounding the plan area. The first consideration of the potential for a ski resort at Panorama was explored in the 1960s. A ski lodge, a number of runs and a t-bar were developed at the site of the present resort. In 1975, the original Panorama subdivision consisting of 75 lots was created.

In 1980, a Land Use Settlement Contract was negotiated with the Province. As part of the process a development plan was established that focused on a ski base area and the potential for residential development in what is now the Greywolf subarea. A Comprehensive Ski Development Agreement followed in 1983. This agreement accommodated the phased construction of recreation improvements in accordance with the 1980 development plan and identified Crown land to be available for purchase for the purpose of residential and commercial development. The 1980 plan was amended in 1989 to reflect changes to the physical master plan for the resort.

## **2.3 Recent Resort Development Background**

In 1993, the Resort was purchased by Intrawest with the intent of the developing a year round destination resort. Following the purchase of the resort a new Master Development Agreement was negotiated with the Province. As part of the Master

Development Agreement process a Comprehensive Development Plan was developed that reflected Intrawest’s corporate vision and direction for Panorama.

The Comprehensive Development Plan is comprised of three components that informed the proposed future development of the Resort: Volume I - Land Use Strategy, Volume II - Technical Background Report and Volume III - Design Standards Manual. The Comprehensive Development Plan included, but is not limited to, the following:

- A revised resort bed unit capacity of 7,084;
- A revised Skier Carrying Capacity of 8,000;
- Detailed land use programmes that identified a development pattern for each of the three development nodes: Panorama Village, Trappers Ridge and Greywolf. The programmes include areas for conservation, proposed timing and type and density of development.
- Identification of Crown lands that would need to be acquired by the Intrawest for the purpose of future development;
- An updated Mountain Master Plan including the extent of the controlled Commercial Recreation Area, existing and proposed lifts and ski runs, glades, renovation and expansion of on-mountain facilities and associated skier facilities and infrastructure.

In order for Intrawest to proceed with the development and Mountain Master Plan as envisioned in the Comprehensive Development Plan the adoption of a new OCP by the RDEK was required. A planning process was undertaken to provide opportunity for the general public and community to provide input on the major issues and concerns within the community. The new OCP was adopted in December 1999.

The 1999 OCP recognized the prescribed land use programmes, new resort bed unit capacity, and revised skier carrying capacity of the resort as established by the new Master Development Agreement and Comprehensive Development Plan. The resort bed unit capacity is a measure of calculating how development correlates to the servicing and facility requirements of one person. The 1999 OCP did not set a cap on the number of bed units in the Panorama Village subarea, but restricted both the Greywolf and Trappers Ridge development areas to a maximum cap of 2,500 respectively. The calculation of bed units is shown in the table below.

	Unit Size (m <sup>2</sup> )	Number of Bed Units
Detached Single Family Dwelling	N/A	6
Multiple Family Dwellings	0-55	2
▪ townhouse, rowhouse, condominium	55-100	3
	100 +	4
Duplex	N/A	12
Commercial Accommodation		
▪ Guest Room or Dwelling Unit	0-55	2
	55-100	3
	100+	4
▪ Tourist Pension	N/A	8
▪ Bed & Breakfast	N/A	6
▪ Campsite	N/A	0
Employee Housing	N/A	0

Table 1: Bed Unit Calculations

In 2010 the Resort returned to local ownership when a group of investors from the Panorama community purchased the resort and associated commercial, recreational and development interests. The current ownership group has undertaken master mountain and development planning to reflect goals of the

ownership group in consideration of operational, recreational, servicing and the current real estate market and demands.

An amendment to the Mountain Master Plan was approved by the Province in 2016. The amendment replaces section 5.4 of the Comprehensive Development Plan or Provincial Master Plan. The updated Mountain Master Plan:

- recognizes the new and proposed lift development and associated facilities;
- adds an additional 383 hectares of terrain in the Taynton Bowl to the Commercial Recreation Area;
- updates environmental inventory information for the Taynton Bowl drainage;
- increases the daily skier carrying capacity based on maximum lift capacity of 8,970 upon the installation of 12 lifts.

Revised development planning has also been undertaken by the current ownership group. This planning has resulted in refinement of the proposed development nodes and densities to reflect revised development priorities, infrastructure requirements and current real estate demands.

### 3. GOALS OF THE OFFICIAL COMMUNITY PLAN

The following goals have been developed to reflect the values and interests identified through the planning process. The major goals of the Official Community Plan (OCP) are:

1. Encourage residential development that reflects the diverse interests and needs of resident and non-resident homeowners.
2. Recognize and support a range of housing options to meet the needs of the non-resident resort community and permanent residents.
3. Support the integration and inclusion of commercial land uses within the Resort Core that increase the self-sufficiency and strengthen the area as a destination resort community.
4. Encourage the inclusion of limited commercial land uses that support the day to day needs of residents and visitors.
5. Encourage the development of a mountain recreational and leisure resort that integrates a range of recreational amenities and opportunities.
6. Direct light industrial, other than those related to resort operations, to existing light industrial zoned land in adjacent municipalities.
7. Facilitate a reduction of the use of motorized transportation through the integration of a pedestrian and cycling trail network and ski-in / ski-out accommodation and linkages within and between development nodes.
8. Recognize the dependence on collector roads and consider opportunities to mitigate traffic congestion within the road network.
9. Ensure that public access to crown land and trail connectivity within and outside the plan area is supported and maintained.
10. Recognize the risk of interface fire and natural hazards such as steep slopes and establish Development Permit guidelines that promote public safety through mitigating risks to life and property.
11. Recognize the cultural significance of the plan area and the Toby Creek drainage and potential for recorded and unrecorded archaeological and cultural resources.
12. Protect wildlife habitat values by promoting the protection of important natural areas and wildlife corridors within the plan area.
13. Encourage future cooperative planning between all levels of government, First Nations and Panorama Mountain Village.
14. Manage traffic and parking so that local traffic flows safely and efficiently while the emphasis is on non-motorized and ski-in/ski-out movement is encouraged within the resort.
15. Encourage the integration of alternate egress for the Greywolf development area.
16. Reduce greenhouse gas emissions created within the plan area in order to mitigate impacts to climate change.

## 4. RESIDENTIAL LAND USE

### 4.1 Background

Residential development within the plan area is currently focused within the Resort development area. The current build-out of the Resort is approximately 50% of the maximum allowable number of bed units for the Resort under the Master Development Agreement. Significant development has occurred over the past twenty years since the last OCP was adopted, particularly within the Resort Core area. Both the Trappers Ridge and Greywolf subareas are nearing build out of the current development nodes and are at a turning point for future development within these areas.

This OCP process was utilized as an opportunity to shift the OCP policies and land use designations away from a reliance on the land use programme identified in Intrawest's Comprehensive Development Plan. The OCP land use designations within this OCP are intended to provide more clarity to the proposed type and density of future residential development throughout the plan area.

During the public consultation process, issues related to residential development were primarily related to short term commercial rentals within residential areas, accommodating affordable housing and the suitability of secondary suites throughout the plan area. In consideration of the proposal to integrate private land outside of the previous OCP boundary feedback on ideas for policy direction with regard to those lands were included within the engagement strategy. The public consultation and consultation with Panorama Mountain Village has informed the policy direction and applicable land use designations found on **Schedules C, C1** and **C2** of this plan.

### 4.2 Objectives

- (1) Identify development nodes for residential accommodation and limit development to these areas.
- (2) Identify where secondary suites are permitted within the plan area.
- (3) Ensure that new higher density residential uses adjacent to existing residential development incorporate buffers to reflect localized conditions.
- (4) Support a range of housing types and densities within the plan area to reflect both resident and non-resident property owners.
- (5) Recognize the need for attainable housing and employee housing within the plan area.

### 4.3 Policies

- (1) General
  - (a) The total number of allowable bed units as calculated in accordance with Table 1 of this plan shall not exceed 7,084 within the Resort Core, Greywolf and Trappers Ridge subareas. Development to the maximum allowable bed unit within these subareas is supported, subject to the subarea specific policies within this plan.
  - (b) New residential development is directed to the development nodes within land use designations that support residential development and employee housing as designated on **Schedules C, C1** and **C2**.
  - (c) New single family and multi-family residential development must be serviced by a community water and community sewer system.
  - (d) Continued use of the Employee Housing facility for the temporary accommodation of resort employees is supported. Registration of a housing agreement on the title of Lot 3 NEP73346 Kootenay District

for the existing employee housing development to ensure that the development continues to be used in accordance with the employee housing zoning provisions of the zoning bylaw is encouraged.

- (e) Registration of a Housing Agreement will be required for any future development to be used as dedicated employee housing. The Housing Agreement will be a condition of approval for any future rezoning applications or amendments to the EH-1, Employee Housing Zone.
- (f) Following the adoption of this plan the RES-(2)S, Ski Resort/Residential Development Zone and RES-2(G), Golf Course/Residential Development Zone comprehensive development zones are proposed to be replaced with parcel or development node specific zoning that reflects the type and density of residential development as identified on **Schedules C, C1 and C2**. The determination of the applicable zone for each parcel shall be in consideration of the current or proposed land use and density.
- (g) Development of new residential areas should include internal non-motorized trails and identify connectivity with the existing Valley Trail and ski trail network.

(2) Secondary Suites

The inclusion of alternative housing solutions must be considered within the context of supporting a range of housing options within an OCP. Secondary suites are one form of alternative housing that is currently accommodated within specific zones within the zoning bylaw. Secondary suites accessory to a single family dwelling increase the densification of low density residential areas. The inclusion of secondary suites within established residential areas can be polarizing. Those who support secondary suites identify their potential for use as employee housing, long term rentals for full time residents of diverse economic means and increasing housing affordability by providing income as a mortgage helper. Those in opposition to secondary suites particularly in a resort context such as in Panorama identify the change in the character of the community, use of secondary suites for short term commercial accommodation and the negative impacts of use by some short term renters.

During the consultation phase this planning process, the level of support for the integration of secondary suites and concerns that residents have with existing suites within the plan area was explored. The top three concerns expressed by survey respondents were traffic congestion, off street parking capacity and use of secondary suites for short term commercial accommodation. During the development of this plan the 1999 OCP was amended to permit two secondary suites within the Resort Core subarea. The process demonstrated the importance of the inclusion of policies that provide clear direction for the consideration of additional legal secondary suites, particularly within the Resort Core subarea. In consideration of the consultation, anticipated future land uses in each of the subareas and demands on the internal road network within the Resort Core subarea, the following policies shall guide the approval of secondary suites within the plan area:

- (a) The integration of alternative housing options such as secondary suites accessory to single family dwellings is supported within the Trappers Ridge, Greywolf and Springs Creek subareas.
- (b) The inclusion of new secondary suites accessory to single family dwellings are not supported within the Resort Core subarea.
- (c) In accordance with the policy identified in section 4.3 (1)(f) of this plan the rezoning of parcels within the Trappers Ridge and Greywolf subareas to a zone that permits secondary suites is supported. In

recognition that how secondary suites should be permitted may differ for existing versus proposed development areas the following rezoning recommendations are supported:

- (i) Existing parcels utilized for single family dwellings to be rezoned to R-1, Single Family Residential zone shall accommodate secondary suites within single family dwellings; and
  - (ii) Future development within Trappers Ridge and Greywolf subareas to be rezoned to a new zone that shall accommodate secondary suites within single family dwellings or above garages.
- (d) The continued use of existing secondary suites on parcels currently zoned to accommodate one secondary suite within the Resort Core subarea is supported. Future use of these secondary suites shall be subject to policy direction per sections 4.3 (3)(a) and (b) of this plan.

(3) Short Term Rentals

During the planning process two main types of concerns were expressed. The first concern related to the impact of short term rentals on the character of the community due to negative behavior of some short term tenants. The second concern related to how short term rentals within the community are managed; private owner to tenant arrangements versus a centralized reservation system under Rental Pool Agreements. While both types of concerns are noted and have been considered with regard to policy development within this OCP, the RDEK currently does not have the regulatory or enforcement tools to effectively address these concerns. As such the following policy identifies the current position of the RDEK:

- (a) The current zoning regulations do not include a zone to recognize the short term rental of single family dwellings or secondary suite within single family dwellings. The RDEK undertaking a stand-alone public planning process to establish regulations and associated enforcement options pertaining to use of residentially zoned parcels for short term commercial accommodation is supported. At such time as a process is undertaken stakeholders from within the plan area should be consulted to ensure that the experience from this community is considered in determining future direction of RDEK regulations and policy related to short term commercial accommodations.
- (b) The continued use of existing multiple family dwelling units for short term commercial accommodation within the Resort Core is supported.

(4) Home Based Businesses

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

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

(5) Trappers Ridge

The future land use for the Trappers Ridge subarea is proposed to be a mix of residential densities ranging from single family to row or townhouse style development. The proposed densities are less than previously envisioned in the Comprehensive Development Plan and previous OCP land use designations. The decrease in density is a result of no longer designating



a portion of the subarea for a Commercial Accommodation site and associated buffering of the commercial use via multi-family development.

- (a) The R-MU, Residential Mixed Use land use designation supports a mix of residential densities. Following adoption of the OCP in accordance with section 4.1 (3)(f) a new comprehensive development zone shall be developed for those lands designated R-MU.
- (b) The R-MU. Residential Mixed Use land use designation is a transitional land use designation to allow for flexibility of the density of future development. Development nodes at the north end of the subarea have been designated more specific density allocations to provide land use certainty in the short term horizon. Specific caps on the number of bed units in each subarea have not been entrenched within this plan; however, it must be recognized that the remaining bed unit allocation is to be divided amongst the three applicable subareas. Future rezoning applications that would accommodate an increase in density beyond that anticipated in this plan must include information on the build out of bed units and potential impacts on future development within the Resort Core and Greywolf subareas.
- (c) A bylaw amendment to rezone the portion of DL 4609 currently zoned RES-3(TP), Resort Pension Zone, on Trappers Way, to accommodate multi-family residential development as identified on **Schedules C and C1** is generally supported subject to:
  - (i) Designation of a buffer area directly adjacent to the parcels zoned R-1, Residential Single Family; and
  - (ii) Submission of a proposed development plan that shows that all required off-street parking spaces as required as per the zoning bylaw can be provided on the proposed parcel.
- (d) Each phase of development within the Trappers Ridge subarea must demonstrate connectivity to the broader trail network and the Resort Core. At such time as rezoning applications are proposed within the subarea those lands proposed or currently utilized for trail or community connectivity should be designated as OSRT, Open Space, Recreation and Trails to ensure their conservation and future use.
- (e) Upon completion of development of Trappers Ridge multi-family development shall comprise no less than sixty percent of the total dwelling units within the subarea.

(6) Greywolf

The future residential land use within the Greywolf subarea is generally reflective of the type and densities supported by the previous OCP and the Comprehensive Development Plan with the exception of the development node associated with Block E of District 17003 Kootenay District. Block E is located south of Greywolf Golf Course Hole #12. The development node associated with Block E is no longer proposed for residential development. Minor refinement to the development nodes has also been incorporated into this plan in consideration of the current development and subdivision of lands within the subarea.

- (a) Specific caps on the number of bed units in each subarea have not been entrenched within this plan; however, it must be recognized that the remaining bed unit allocation is to be divided amongst the three applicable subareas. Future rezoning applications that would accommodate an increase in density beyond that anticipated in this plan must include information on the build out of bed units and

potential impacts for future development within the Resort Core and Trappers Ridge subareas.

- (b) A rezoning process to rezone the portion of Block E of District Lot 17003 Kootenay District currently designated RES-2(S), Ski Resort/Residential Development Zone is supported. The appropriate zone designation will be determined based on consultation with Panorama Mountain Village, but the new zone must align with the land use designation OSRT, Open Space, Recreation and Trails land use designation contained within this plan. A custom resort oriented open space and recreation zone may be suitable for this parcel in consideration of the goals and objectives identified within this plan.

(7) Springs Creek

The lands included within this subarea are proposed for inclusion within the boundary of this OCP and had not previously been contemplated for future development policies. The policies for this subarea seek to provide guidance for the consideration of future property owner initiated applications for lands north of Toby Creek Road.

- (a) Future rezoning applications or OCP amendments to accommodate residential use for any parcel accessed or proposed to be accessed by Springs Creek Road must include a report from a Qualified Environmental Professional (QEP) that assesses:
  - (i) The current capacity and utilization of the land under application and adjacent lands as a wildlife corridor.
  - (ii) Projected impacts on the capacity and utilization of the lands as a wildlife corridor in consideration of the proposed land use change.
  - (iii) Recommendations or opportunities to mitigate projected impacts on the capacity and utilization of the lands as a wildlife corridor.
  - (iv) Recommendations or opportunities to preserve key habitat features or attributes and minimize habitat fragmentation.

The requirement for a QEP report does not imply support for future development in the Springs Creek Road subarea; but serves to recognize that this portion of the plan area is a potentially significant wildlife corridor. As such the information provided in a QEP report is required in order to fully consider any future land use changes. Any QEP report prepared for the RDEK in accordance with this section must be prepared in consideration of section 20.4 of this plan and an approved Terms of Reference as prescribed by the RDEK Development Approval Information Bylaw.

- (b) A bylaw amendment application to accommodate subdivision of Lot A Plan NEP85675 DL4617 to parcels sizes supported by the LH, Large Holdings land use designation is generally supported. To minimize the fragmentation of lands on the north side of Toby Creek Road a concurrent amendment to allow additional dwelling units on one of the proposed parcels may be supported subject to:
  - (i) Each primary dwelling unit having its own potable water and sewage disposal systems.
  - (ii) Clustering of the dwelling units to preserve opportunities for wildlife movement and habitat.
  - (iii) The maximum number of additional dwelling units must not exceed a total of four, including secondary suites.

- (c) A bylaw amendment application to accommodate additional dwelling units for the purpose of employee housing accessory to the Commercial Recreation operation on Block A, Sublot 1, District Lot 4596 Kootenay District Plan X32 may be supported subject to:
  - (i) Each dwelling unit is serviced by its own potable water and sewage disposal systems.
  - (ii) Clustering of the dwelling units to minimize the overall development footprint.
  - (iii) Access to the parcel being retained as a single access point off of Toby Creek Road.

## **5. COMMERCIAL & COMMERCIAL ACCOMMODATION LAND USE**

### **5.1 Background**

The commercial development within the plan area is currently focused in the Resort Core with satellite commercial nodes on-mountain, at the RK Heli-Ski complex, Greywolf Golf Course and Toby Creek Outfitters property along Toby Creek Road. The commercial uses within the plan area are limited and focus on food services, accessory retail and services, commercial recreation and commercial accommodation. The challenge of providing commercial uses and amenities within the plan area that is adequate to serve the needs of visitors and permanent residents was identified within the plan process. While a broader range of commercial uses and amenities may be desirable the seasonal fluctuation of occupants within the plan area varies greatly depending on the season and availability of recreational opportunities which makes economic feasibility challenging.

Commercial accommodation within the plan area is provided through a range of opportunities including a rental pool program managed by Panorama Mountain Village, the Pine Inn and the rental of single family dwellings and multi-family as short term rentals through owner direct rentals. The resort nature of the plan area accommodates this range of commercial accommodation, however the potential for conflict between commercial accommodation users and residential land uses was identified during the planning process. In addition, a challenge identified within the planning process is the ability of the RDEK to regulate the use of properties, particularly those zoned for residential development, for short term commercial accommodation based on the existing regulatory framework.

Commercial recreation land uses within the plan area and applicable policies are discussed within the Open, Space, Recreation and Trails and Commercial Recreation sections of this plan.

### **5.2 Objectives**

- (1) Recognize the reliance on commercial retail and services located in adjacent municipalities.
- (2) Promote the centralization of commercial land uses within the Resort Core subarea.
- (3) Promote the inclusion of commercial retail and services that meets the needs of the range of resort occupants and residents.
- (4) Recognize the range of commercial accommodation uses within the plan area.
- (5) Support the investigation of options to manage short term rentals for commercial accommodation using enforceable regulatory options or licensing.

### **5.3 Policies**

- (1) The centralization of commercial retail uses and services within the Resort Core, other than existing satellite commercial uses and on-mountain facilities, is supported.
- (2) The integration of commercial services that cater to the day to day needs of visitors and residents, such as basic grocery items is encouraged.
- (3) Commercial uses and services of a regional or non-resort oriented nature are directed to adjacent municipalities.
- (4) Commercial development within the plan area is encouraged to maintain a high development standard and be constructed in an architectural style that

is complementary to the natural surroundings and resort character of the plan area.

- (5) All commercial uses except those located within the Springs Creek subarea must be serviced by a community water system and a community sewer system.
- (6) The integration of additional accessory commercial and commercial accommodation uses as part of the Toby Creek Outfitters and RK-Heli Ski commercial operations that complement the resort nature of the plan area are generally supported.
- (7) The integration of additional accessory commercial uses as part of the Earl Grey Lodge pension commercial operation may be supported subject to the following:
  - (a) accessory uses are encouraged to be complementary to the existing pension and food service use;
  - (b) an application for rezoning must be accompanied by the submission of:
    - (i) a parking plan that identifies the location and number of parking spaces required by the zoning bylaw; and
    - (ii) identification of opportunities to mitigate potential impacts on adjacent residential uses, such as orientation of new building entrances and/or vegetative buffers.
  - (c) in order to provide certainty to future land use without reliance on restrictive covenants or development agreements, the development of a custom zone that is reflective of the existing and proposed commercial and accessory commercial land uses is encouraged.
- (8) Commercial accommodation uses are generally directed to existing multi-family development nodes and adjacent lands within the Resort Core subarea.
- (9) The integration of commercial retail and service uses within the Trappers Ridge subarea is not supported.
- (10) Within the Greywolf subarea, the integration of further commercial retail and services uses other than those associated with or accessory to the operation of the Greywolf Golf Course are not supported.
- (11) The investigation of regulatory options for the management of short term rentals by the RDEK is supported. This investigation should include, but is not limited to:
  - (a) options for amendments to the zoning regulations;
  - (b) bylaw enforcement capacity of the RDEK;
  - (c) potential impact of and management of legal non-conforming uses resulting from regulatory changes or amendments; and
  - (d) the use of business licences as a regulatory tool, subject to the authority to grant businesses licences under the *Community Charter*.

## 6. COMMERCIAL RECREATION LAND USE

### 6.1 Background

The Panorama area provides commercial recreation opportunities in both the winter and summer seasons on both private and Crown land. The majority of the commercial recreation activities occur within the 3,087 hectare Controlled Recreation Area or the 125 hectare Crown land tenure at the western extent of the plan area. The land within the Commercial Recreation Area is managed by Panorama Mountain Village for multi-season commercial recreation uses and associated infrastructure in accordance with the Master Development Agreement with the Province. The Crown land commercial recreation tenure is managed by Panorama Mountain Village for nordic skiing, walking and biking trails. Within the plan area commercial recreation activities that are undertaken on private land include golfing at Greywolf Golf Course and ATV adventuring with Toby Creek Outfitters. The RK-Heli Ski complex is also located within the plan area, but the Heli-Ski commercial recreation activities primarily occur on tenured Crown land outside of the plan area.

The land use designations on **Schedules C, C1 and C2** have been assigned to identify those Crown and private lands managed for commercial recreation. While lands designated as RES-R, Resort Recreation may also serve as conservation and include public recreation areas and trails, they are actively managed with the intent of being used and accessible for commercial recreation infrastructure, facilities and uses.

### 6.2 Objectives

- (1) Recognition of land managed for commercial recreation purposes within the plan area.
- (2) Identify where within the plan area and what forms of commercial recreation is supported.
- (3) Recognition of the overlap between commercial and public recreation uses.

### 6.3 Policies

- (1) The phasing of recreational infrastructure in accordance with the Mountain Master Plan (2016) is supported.
- (2) Amendments to the phasing or location of recreational infrastructure as currently identified within the Mountain Master Plan (2016), such as the relocation of lifts and the addition of a new lift originating in the Trappers Ridge subarea, is generally supported provided:
  - (a) The amendment does not require an expansion of the Controlled Recreation area.
  - (b) If an amendment will result in an increased Skier Carrying Capacity the additional day use parking as required by the zoning bylaw must be calculated and section 11 and **Schedule D** of this plan amended to reflect the revised parking requirement and location of the dedicated day use / skier parking.

If the Mountain Master Plan is amended, amendments to this plan must be considered and if necessary changes made to reflect the requirements identified above.

- (3) The management of lands designated RES-R, Resort Recreation are recognized to prioritize use and maintenance of associated facilities for commercial recreation purposes in accordance with the Master Development Agreement. However, the management of these lands should not preclude public recreational access to established trails, lands and recreation sites within and beyond the boundary of the plan area.

- (4) Recreational vehicle parks and campgrounds other than the walk-in campground as designated in section 7.3 (4) are not supported within the plan area.
- (5) Continued commercial recreation and wildland use by the current guide outfitting and tourism operator is supported for Block A, Sublot 1, District Lot 4596, Kootenay District. Commercial expansion on the parcel is encouraged to utilize co-location and focus development around the already disturbed portions of the parcel in proximity to Toby Creek Road.

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

### **7.1 Background**

The plan area stretches from valley bottom to alpine ridge and encompasses approximately 5,500 hectares of land. The focus of land use planning often rests on the lands proposed for development, but of equal importance is the recognition of those portions of the landscape that will be retained as open space areas for conservation, preservation of habitat values and recreation. Land designated as open space are those recognized as not suitable for development due to topography, protection of environmentally sensitive areas, existing and future recreational opportunities. It is recognized that these values overlap with land designated as RES-R, Resort Recreation within this plan, and while not designated as OSRT, Open Space, Recreation and Trails, many of the policies in this section will also be applicable to and should be considered for these lands.

As a resort destination the Panorama area offers a broad range of recreational opportunities in all four seasons. Winter recreational opportunities include downhill and nordic skiing, snowshoeing and fat biking. Summer recreational opportunities include walking, hiking, golfing and mountain biking. Integral to these recreation opportunities is a trail network of multi-purpose trails that provide connectivity and access to recreational opportunities within and beyond the boundary of the plan area. The preservation and expansion of these trails was identified as a priority within the planning process.

### **7.2 Objectives**

- (1) To recognize lands designated for conservation and recreation within the plan area.
- (2) Support the existing trail network and connectivity within the plan area.
- (3) Promote trail construction and maintenance standards that protect trail users and the environment.
- (4) Promote pedestrian oriented trail infrastructure within the plan area.
- (5) Identify opportunities for expansion of the trail network within the Resort area.

### **7.3 Policies**

- (1) The Valley Trail is recognized as an integral part of the resort development within the plan area. Retention and expansion of the Valley Trail network is supported and encouraged.
- (2) The integration of connectivity between future development nodes in the Trappers Ridge and Greywolf subareas and the Resort Core is supported. Clear identification of how each development node connects to the Valley Trail network through designated right-of-ways or easements is required at the time of subdivision.
- (3) The retention and continued provision for ski in / ski out access for existing and proposed development through designated right-of-ways or easements is required for the Trappers Ridge subarea.
- (4) The design and maintenance of trails throughout the plan area is encouraged to be designed to accommodate pedestrian use on a year round basis. The priority for pedestrian oriented maintenance is for those trails that provide connectivity to the Resort Core.
- (5) The continued use of the lands south of Toby Creek adjacent to the pedestrian access bridge for the purpose of temporary accommodation for occupants of tents as a walk-in campground is supported. At such time as the adjacent node designated for residential development is proposed for



development, an assessment of the suitability of relocating the walk-in campground within the plan should be explored.

- (6) Collaborative planning for the development of trail linkages inside and beyond the plan area boundary through the Columbia Valley Recreation Access Management Plan process is supported and encouraged.
- (7) An application to rezone Block E District Lot 17003 Kootenay District to recognize the OSRT, Open Space, Recreation and Trails designation as contained within this plan is supported.
- (8) As new development nodes are developed within the Greywolf and Trappers Ridge subareas, the designation of designated right-of-ways, easements or undeveloped areas that are designated for access to the trail network to OSRT, Open Space, Recreation and Trails is encouraged.
- (9) While planning for the future of the trail network, collaborative planning between Trail user groups, organized trail groups, Toby Creek Outfitters and Panorama Mountain Village is encouraged to ensure that the needs of a variety of users are met.
- (10) Non-motorized Access Management Areas (AMA) are located to the south of the plan area in the Brewer Creek and Goldie Creek areas. The promotion of awareness for recreation users who utilize the Panorama area as an access point to lands beyond of the presence of adjacent non-motorized Access Management Area (AMA) is encouraged.
- (11) To ensure that trails meet the needs of a range of users and minimize disturbance to the natural environment, trail maintenance and construction is encouraged to follow established best practices and standards, such as the Recreation, Sites and Trails BC Recreation Manual.

## **8. LIGHT INDUSTRIAL LAND USE**

### **8.1 Background**

Light industrial land uses within the plan area are linked to utility uses and Resort maintenance facilities related to the ski operation and Greywolf Golf Course. Due to the limited scope of the plan area additional light industrial uses are not anticipated in the future.

There are currently no sand and gravel extraction sites within the plan area, nor is it anticipated that future extraction sites will be identified due to the scope of the plan area.

### **8.2 Objectives**

- (1) Direct new light industrial uses not related to utility or resort maintenance functions within the plan area to nearby communities.
- (2) Encourage landscaping, vegetation buffering, screening and building design and materials to reflect the mountain resort character of the plan area.

### **8.3 Policies**

- (1) Light industrial development not related to utility or Resort maintenance functions are directed to neighbouring municipalities.
- (2) The integration of landscaping, building design and building materials that reflect the mountain resort character within the plan area is encouraged for those light industrial uses that are:
  - (a) located along Toby Creek Road;
  - (b) located adjacent or within close proximity to residential development; and
  - (c) located within the Resort Core subarea.

The inclusion of screening of outdoor storage is also encouraged within these areas.

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

### **9.1 Background**

The plan area contains limited institutional land uses due to the resort nature of the plan area. The Panorama Volunteer Fire Department Fire Hall is located on Springs Creek Road near the Toby Creek bridge and main access to the community.

Community land uses are resort recreational in nature and include the tennis courts and basketball court. Community amenity facilities have been developed as part of individual resort projects, such as the Panorama Springs pools. During the consultation for this plan the need for additional indoor and outdoor community spaces were identified. The capacity of existing amenity spaces and facilities particularly at peak periods at the resort was identified as being insufficient. The need for a broad range of community spaces and amenities were identified. Outdoor spaces that were identified as desirable within the plan area included play structures and outdoor gathering spaces with basic amenities such as seating and washroom facilities. The need for indoor community space that accommodated social gatherings, indoor fitness activities and community programs was also identified during the consultation.

### **9.2 Objectives**

- (1) Facilitate the identification, location and need for community and institutional land uses.

### **9.3 Policies**

- (1) Institutional land uses of a regional nature such as libraries and schools are directed to communities within the Columbia Valley with a larger and more diverse permanent population.
- (2) No school facilities are anticipated within the projected 10-15 year timeline considered within this plan; therefore, no school sites have been identified.
- (3) The inclusion of indoor and outdoor community amenity spaces are encouraged to incorporate basic facilities at hubs that accommodate the needs of day users within the plan area. Basic facilities may include but are not limited to washroom facilities.
- (4) Cellular providers are encouraged to share tower infrastructure. If an existing tower is not available in the vicinity, new towers should be located away from residential areas and utilize public institutional land when possible.

## 10. TRANSPORTATION NETWORK

### 10.1 Background

The eastern extent of the plan area is located approximately 16 kilometers from the District of Invermere. Access to and from the plan area is provided by Toby Creek Road. Toby Creek Road is considered to be a high mountain road that is subject to variable weather conditions and high snowfall. Toby Creek Road and all roads within the plan area, with the exception of strata roads, are maintained by the Ministry of Transportation and Infrastructure.

The majority of the existing and proposed development within the plan area is located to the south of Toby Creek. A vehicle bridge spans Toby Creek and is the primary point of access to the community. A smaller bridge is located south of the Employee housing facility and connects to the Trappers Ridge subarea, but is used for pedestrian access and emergency egress purposes only and does not form part of the road network. A pedestrian bridge provides access to the Greywolf subarea from the day use parking area by the recreational facilities north of Toby Creek.

Transportation within the community is via an internal road network and the Valley Trail system. The internal road network relies on three main collector roads for in / out navigation within the resort. The three collector roads funnel traffic to the Resort Core, Trappers Ridge and Greywolf development nodes. The location of the original subdivision in close proximity to the bridge across Toby Creek means that significant traffic flows through the subdivision via Trappers Way and Panorama Drive.

The provision of alternate emergency egress routes from the community continues to be identified as a concern. Concerns about safe egress from the community in the event of an emergency include the potential for bottlenecks at specific intersections due to merging traffic, lack of awareness from short stay visitors and the lack of an alternate dedicated vehicular access route from the Greywolf subdivision.

Non-motorized circulation within the plan area is accommodated via the road network and the Valley Trail system. The Valley Trail provides all season access and is intended to encourage pedestrian and bicycle navigation throughout the plan area. Ensuring that all future development areas connect to the trail network was identified as a priority during the plan process. Maintaining ski in/ski out access and linkages between residential development and the ski facilities was also identified as a priority during consultation.

The main components of the road network as identified within this plan are shown on **Schedule D**.

### 10.2 Objectives

- (1) Provision of an efficient and safe internal road network that recognizes the potential for a high volume of traffic on the three main collector roads.
- (2) Minimizing dependence on the automobile or other motorized transportation for circulation within the Resort.
- (3) Ensuring that emergency egress is considered in conjunction with future development in the Greywolf subarea.
- (4) Support for mechanisms to facilitate safe pedestrian crossings of the road network within the plan area.

### 10.3 Policies

- (1) The Ministry of Transportation and Infrastructure is encouraged to ensure that the road network within the plan area is maintained to allow safe and unimpeded vehicular and pedestrian movement throughout the plan area.

- (2) In order to ensure that there is sufficient off-street parking to accommodate vehicles for residential or accessory commercial uses, variances to reduce the number of off-street parking spaces within the original subdivision within the Resort Core subarea is not supported.
- (3) Snow clearing and removal along roadways and adjacent to driveways is encouraged to be undertaken in a manner that ensures that views are not obstructed for vehicles entering the road network.
- (4) Connectivity between the Valley Trail and the road network is encouraged. When trails cross the road network the inclusion of signage that is visible in all seasons is encouraged.
- (5) The designation of dedicated crosswalks on Panorama Drive to help facilitate safe pedestrian crossing is supported. The proposed location of the crosswalks is shown on **Schedule D**.
- (6) All new development nodes must include demonstrated connectivity between the Valley Trail and/or other trails that provide for connectivity within the plan area. If a portion of the road network is proposed to be utilized to make these connections then pedestrian friendly road attributes that encourage traffic slowing are encouraged provided that they are designed in such a manner as to not impede snow removal.
- (7) The Ministry of Transportation and Infrastructure is encouraged to consider requirements for alternate emergency egress when considering future subdivision applications for the Trappers Ridge and Greywolf subareas. Upon the construction of 1000 bed units within the Greywolf subarea the integration of a single lane bridge capable of accommodating passenger vehicles and appropriate upgraded access road for the purpose of emergency egress is supported.
- (8) The Ministry of Transportation and Infrastructure and Provincial Approving Officer are encouraged to require the dedication of an unconstructed right-of-way off of Trappers Way to ensure future access to lands beyond, including that portion of Block A, Sublot 1, DL 4596 south of Toby Creek, in conjunction with future subdivision applications for Block A DL 17108.

## 11. DAY USE PARKING

### 11.1 Background

The zoning bylaw establishes requirements for the provision of off-street parking spaces to meet demands generated by various land uses. Parking is generally required to be provided on the parcel for which a given land use is occurring. The exception is for requirements for the provision of day use skier parking. Day use parking is permitted to be located in centralized locations in proximity to the ski and recreational infrastructure to allow for movement throughout the Resort. Parking requirements are established to ensure that parking will be available during peak periods of recreational use. However, the zoning bylaw also has provisions to accommodate a reduction in the number of day use parking spaces that must be required in consideration of other land uses within the plan area. This provides an opportunity to balance the need for parking based on the skier carrying capacity of the resort and existing parking that is required to accommodate other land uses.

During the consultation phase of the planning process the adequacy of accessibility and sufficiency of day use parking on a seasonal basis was queried. At the current recreational usage the parking provided was perceived by property owners and occupiers to generally be sufficient and provide reasonable access to recreation opportunities. The availability of parking was identified as a concern during peak periods during the winter and summer. The consultation focused on the perspective of property owners and occupiers. The perspective of day users using the ski and recreational facilities was not solicited. However, it is anticipated that similar results would be generated as the results from the survey are consistent across the subareas with varying proximity to ski in / ski out access.

As the recreational capacity of the resort increases the demands on the day use parking facilities will increase. Alternative access to the Resort such as buses and dedicated shuttles from the District of Invermere that will reduce daily vehicle trips are anticipated to be utilized by some recreational users. However, day use parking that is commensurate to the carrying capacity of the Resort will still need to be provided.

The OCP review process provided an opportunity to consider day use parking requirements in light of the existing development, current usage of parking lots, and the amended Mountain Master Plan (2016) and associated increase in projected skier carrying capacity and revised development plans of the new ownership group. The increase in skier carrying capacity results in a corresponding requirement for the location of additional day use parking spaces to be identified. While the physical provision of parking spaces equal to the maximum number required as in accordance with the skier carrying capacity may not immediately be required, the identification of the capacity to meet the required parking demonstrates the ability for the provision in the future. The calculation of required day use / skier parking is shown in Table 2 below. The determination of the parking provided within the 380 m buffer of any lift terminal included existing off-street parking spaces and project parking space creation based on undeveloped nodes within the buffer area.

	Parking Spaces
Day use / skier parking as required by the zoning bylaw	2,990
Less - Off-street Parking provided for lodge, hotel, and residential uses within 380 m of any lift terminal	2,256
Day use / skier parking required which must be provided independent of hotel, lodge and residential uses	734

Table 2: Day Use / Skier Parking Requirement

The dedicated day use parking facilities within the plan area are shown in Table 3 below and on **Schedule D**. The allocation of previously dedicated day use parking

within the Resort Core subarea has been removed in consideration of existing and proposed land uses within the Resort Core subarea. Removal of the day use parking in the Pine Inn / Administration lot has been contemplated since 2003 in recognition of the conflicting demands for those spaces based on other land uses within the core area. Day use parking for recreational and skier users has been reallocated to other parking locations within the plan area. While no longer identified as dedicated day use / skier parking, the Pine Inn / Administration Lot is recognized as serving the overflow parking needs and commercial uses located in the Resort Core subarea. The need to retain access and ensure availability to a portion of the parking spaces for these purposes has been identified.

<b>Day Use / Skier Parking Location</b>	<b>Parking Spaces</b>
Greywolf Parking Lot	100
Lower Toby Creek Lot	377
Upper Toby Creek Lot	355
<b>Total Day Use / Skier Parking</b>	<b>832</b>

Table 3: Day Use / Skier Parking Location

### 11.2 Objectives

- (1) Provision of adequate parking to serve the needs of overnight and day use resort users.
- (2) Ensuring that parking facilities remain accessible so that they meet the needs of users throughout the plan.
- (3) Recognize that the total number of required off-street parking spaces can be reduced in consideration of existing and complementary land uses.
- (4) Identify day user parking facilities that reflect the revised Skier Carrying Capacity as reflected by the amended Mountain Master Plan.
- (5) To ensure that day use parking is provided to ensure access to recreational facilities and the trail network.

### 11.3 Policies

- (1) Retaining the overall amount of required parking within the plan area for residential and commercial uses at a minimum requirement is supported. In order to achieve a minimum requirement for parking the calculation of required parking spaces for buildings that include residential or commercial accommodation and complementary commercial uses shall not be required to provide parking for the complementary commercial uses as required by the zoning bylaw. Complementary commercial uses include but are not limited to restaurant and retail facilities, the commercial uses must be clearly accessory and incidental to the commercial or residential accommodation.
- (2) The physical provision of day use / skier parking must be commensurate with increases in the Skier Carrying Capacity of the resort. Panorama Mountain Village is encouraged to maintain a monitoring program to inform the phased development of day use parking facilities and ensure that adequate parking spaces are being provided to accommodate peak capacity.
- (3) Within the 380 m buffer areas of lift terminals the actual number of parking spaces provided when development occurs should be tracked to compare against the assumptions made when calculating the required number of day use / skier parking spaces was determined as reflected in Table 2 above. At such time as a review of the required day use / skier parking requirements occurs the inclusion of this revised information is supported to ensure that the calculations are reflective of development conditions.

- (4) The calculation of day use / skier parking requirements as shown in Table 2 above includes consideration of a new lift terminal originating within the Trappers Ridge subarea that is not identified within the current Mountain Master Plan (2016). The addition of the new lift and subsequent tenures or approvals by the Province is supported. Should the addition of the new lift be disallowed or applicable Crown land tenures or right-of-ways not supported by the Province the recalculation of day use parking requirements will be required.
- (5) The submission of a revised parking allocation plan for the Pine Inn / Administration parking lot is encouraged. The plan should include a parking layout and identify the number of spaces allocated to Pine Inn North and South, resort administration and facility maintenance, and the proposed commercial accommodation. Integration and accommodation of parking for the purpose of overflow parking and commercial uses in the Resort Core is encouraged.
- (6) The role that Panorama fulfills as a trail hub within and outside the plan area is recognized. The accommodation of day use parking for users of trails within and extending beyond the plan area is supported.
- (7) The development of alternative transportation strategies such as park and ride or dedicated shuttle service to reduce daily vehicle trips to the Resort and demands on day use parking facilities is supported.
- (8) Variances to the required day use / skier parking requirements as specified by the zoning bylaw are not generally supported. Any requested variance to day use / skier parking requirements must be accompanied by information on the current lift capacity, number and location of designated parking facilities with current lot layout and parking stall counts, and information of parking capacity monitoring within the plan area.
- (9) In order to ensure that daily users utilize the designated day use parking facilities, the development of day use parking is encouraged to maintain access to opportunities to readily move within the resort and access ski and recreational facilities.



## 12. ENVIRONMENTAL CONSIDERATIONS

### 12.1 Wildlife Habitat & Corridors

#### (1) Background

The plan area includes important wildlife habitat and connectivity to significant wildlife habitat areas or habitat patches outside the plan area. The inclusion of lands that extend from valley bottom to alpine ridges and peaks means that a diverse range of vegetation and topography is present within the plan area. Planning for the development of Panorama has included considering how the development and recreational activities can be accommodated while working to minimize disturbance of wildlife and wildlife habitat and ensure protection of significant wildlife habitat features. Future planning for the plan area must consider both wildlife habitat features and habitat values moving forward. Habitat values recognizes that while specific features support wildlife that together a range of specific features creates value support species and populations. The consideration of the interconnectivity between features and their resulting wildlife values is necessary to ensure that these broader values are preserved and protected.

The diverse vegetation and topography provides wildlife with habitat for breeding, calving, rearing of young, foraging, movement, resting and escape. Habitat for migratory birds, including the threatened barn swallow, is also found within the plan area. The Toby Creek valley provides ungulate winter range and higher elevations, such as the Hopeful watershed provides grounds for summer calving and the fall rut. Upper elevation areas have been identified to be inhabited by red and blue listed species such as the *Selkirki* subspecies of the least chipmunk and grizzly bear. The upper Taynton watershed includes old growth forest that support dense shrub vegetation such as grouse berry for foraging and provides grizzly bear habitat at higher elevations. Higher elevations at or above treeline also provide summer habitat and escape for mountain goats. Riparian corridors and wetlands within the plan area, including Toby Creek and its tributaries, provide forage areas and movement corridors for ungulates and habitat for smaller mammals, such as shrews and bats. Mountain goat habitat for winter and summer based on biophysical habitat mapping is shown on **Schedule E3**. Low elevation ungulate winter range within the plan area is shown on **Schedule E4**.

In addition to the diverse habitat within the plan area there are significant wildlife habitat areas or habitat patches outside the plan area that are linked by the wildlife corridors. For example, the Barbour wildlife patch to the west is linked to the Springs Creek patch to the east of the plan area. The habitat patches are generally areas with less disturbance due to development and human use and provide a wide spectrum of habitat requirements for a range of species. Retention of wildlife corridors within the plan area is essential to ensure that movement along the Toby Creek is maintained and that linkages between the habitat patches are preserved. Conceptual wildlife corridors within and adjacent to the plan area are shown on **Schedule E5**.

While the plan area contains important wildlife corridors for localized movement it is also part of the broader linkage between the Purcell Wilderness Conservancy and the Rocky Mountain Trench. The Toby Creek valley provides a linear connection, habitat and migratory passage for ungulates, small and large carnivores. North of Toby Creek has been identified as the primary wildlife corridor along the northern slope. In order to ensure that habitat is conserved, the retention of an undeveloped corridor a minimum of one kilometer width is recommended (Cascade Environmental, 2000). On the south side of Toby Creek a secondary wildlife corridor to the south of the development area is also recommended to facilitate movement between the upper Taynton, Hopeful and Barbour

watersheds. Ephemeral streams and riparian areas throughout the plan area also provide natural wildlife movement and migration corridors.

**(2) Objectives**

- (a) Retain critical wildlife habitat and wildlife corridors within the plan area.
- (b) Recognition of the importance of wildlife corridors within the plan area as linkages to critical habitat adjacent to and beyond the plan boundary.
- (c) Recognition of opportunities to minimize the impact of development on wildlife, wildlife corridors and plant communities within the plan area.

**(3) Policies**

- (a) The Toby Creek riparian corridor is recognized as being an important linkage between the Purcell Wilderness Conservancy and the Rocky Mountain Trench for wildlife movement and habitat. Consideration of opportunities to ensure that wildlife movement is unimpeded is encouraged.
- (b) The design of road and trail crossings of ephemeral streams and creeks in a manner that does not impede or discourage wildlife movement is encouraged. The number of crossings should be minimized and bridges are preferred over culverts. Disturbance or removal of vegetation during construction activities may necessitate revegetation or supplemental vegetation using native species.
- (b) Construction activities in wildlife corridors and upland areas of the plan area should be sensitive to disturbance of wildlife. The integration of opportunities to mitigate the disturbance through selection of appropriate timing of activities, reduction of noise levels and consideration of species use of the area during different seasons is encouraged.
- (d) In recognition of the broader ecosystem function of the Taynton Bowl area, as development and increased recreational usage in the Taynton Bowl area is undertaken further consideration of the impact on wildlife migration to adjacent high capability drainages is encouraged.
- (e) The whitebark pine communities in the upper alpine portions of the plan area are encouraged to be preserved. Any proposed development is encouraged to avoid destruction of these communities and minimize ground disturbance.
- (f) Wildlife management must be integrated into site planning early in the development process to allow for continued wildlife use. A report by a qualified environmental professional (QEP) is required to be submitted with future OCP amendment applications for land not currently designated for development or for a change in land use designation that will result in a higher density of development. The report must consider development design, greenspace retention, site specific wildlife habitat and conditions, and opportunities to mitigate development impacts on various wildlife species and habitat. All reports prepared to consider wildlife corridors and wildlife movement must be prepared in accordance with the Development Approval Information provisions as outlined within section 20.4 of this plan.

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

- (g) Preservation and restoration of wildlife corridors to allow for movement within and to lands beyond the plan area 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 wildlife corridors that restricts the opportunity for wildlife movement should be avoided.
  - (iv) If the construction of a structure within a wildlife corridor cannot be avoided, the structure should be located at the periphery of the corridor to limit the impediment of wildlife movement.
  - (v) Extensive pruning of underbrush within wildlife corridors should be avoided.
  - (vi) Forest cover should be maintained to encourage the use of wildlife corridors.
  - (vii) Native vegetation should be maintained. Conversion of vegetation within wildlife corridors to non-native species should be avoided.
  - (viii) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.
- (h) Wildlife habitat, species at risk and sensitive ecosystems will be considered at the time of rezoning or OCP amendment applications. Despite the development permit requirements of section 19.3 of this plan, additional development approval information may be required by the RDEK as part of the development approval process. For example, submission of a report by a qualified professional that includes, but is not limited to:
  - (i) Identification of any endangered or vulnerable species that utilize the area under consideration.
  - (ii) Identification of areas, as appropriate, to be dedicated as conservation areas.
  - (iii) Site specific additional requirements identified by the RDEK at the time of application.
- (i) Education programs such as WildSafe BC and Wildlife Collision Prevention Program to reduce wildlife conflict and mortality are encouraged.
- (j) The limitations of the conceptual wildlife corridors as shown on **Schedule E5** are recognized. A study by QEPs to determine refinement of the probable and predicted wildlife corridors and associated key habitat areas within the plan area and the broader

Toby Creek drainage outside of a developer or private landowner led initiative is supported. RDEK participation in a study or planning process is subject to the allocation of available resources, funding and staff capacity. The integration of a Development Permit Area to incorporate guidelines related to the wildlife corridors and key habitat areas following a comprehensive study is supported.

## **12.2 Riparian Areas and Wetlands**

### **(1) Background**

Riparian areas and wetlands within the plan area provide habitat for a range of terrestrial and aquatic species. These areas provide habitat for breeding and foraging areas for wildlife, wildlife corridors and migration corridors through the plan area. The riparian areas also provide habitat for fisheries via Toby Creek and its tributaries.

A development permit area for the protection of the natural environment to recognize the need to protect and conserve these areas is found within section 19.3 of this plan.

### **(2) Objectives**

- (a) Support the protection and rehabilitation of riparian areas and wetlands.
- (b) Promote the establishment of buffer areas to reflect site specific attributes and topographical constraints.

### **(3) Policies**

- (a) Locating road and utility corridors within or across wetland or riparian areas is discouraged, as linear infrastructure disrupts the natural connectivity of these areas.
- (b) Development is encouraged to avoid riparian and wetland areas and to establish undisturbed buffer areas adjacent to these areas. Generally the buffer area should reflect a 15 m setback from the natural boundary as identified within Development Permit Area #2. Where the bank of a watercourse is characterized by a steep slope or a ravine such as portions of Taynton Creek the buffer area should be measured from the top of bank.
- (c) In areas where windthrow is a risk the designation and conservation of a wider riparian buffer of 30 m on both sides of the watercourse is encouraged.
- (d) Wetland areas in upland ecosystems in Taynton Bowl are encouraged to remain undisturbed as recommended in the 2016 Environmental Review completed by Cascade Environmental Resource Group. The Environmental Review identified that the design of ski lifts, ski trails and siting of associated facilities should avoid these areas and integrate a 30 m vegetated buffer area to protect the unique plant and wildlife values within the Taynton Bowl area.
- (e) Development and construction activities adjacent to watercourses are encouraged to develop sediment control plans to manage run off and sedimentation impacts downstream and on fish habitat and breeding areas within the plan area.
- (f) The conservation, rehabilitation and enhancement of fish and wildlife values within the plan area is encouraged. Work should be completed under the direction of a Qualified Environmental

Professional and adhere to all recommendations for the proposed works.

### **12.3 Invasive Species**

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

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

#### **(2) Objectives**

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

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

- (a) Property owners and occupiers are required to control and manage invasive plants in accordance with applicable RDEK bylaws and provincial acts and regulations.
- (b) Recreational users within the plan area are encouraged to inspect their ATVs, mountain bikes, footwear, boats and vehicles for invasive plants and animals to assist in the prevention of the spread and establishment of these species.
- (c) Continue to support the RDEK's efforts in controlling invasive species on private land through education and implementation of the Invasive Plant Bylaw Enforcement Policy and Procedures.

### **12.4 Water & Air Quality**

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

The plan area includes significant water resources including the entire Taynton, Cox and Hopeful watersheds and a portion of the Springs Creek watershed. The creeks within the plan area are tributaries to Toby Creek which flows to the east to the Columbia River system. Activities within the plan have the potential to impact the broader water resources within the region. The community water system draws water from the Toby Creek and Springs Creek watersheds. Water is also sourced from creeks within the plan area for golf course irrigation and snow making.

#### **(2) Objectives**

- (a) Encourage the responsible use and protection of water resources.
- (b) Protect groundwater, surface water sources and community watersheds for domestic water and irrigation in order to ensure sustainable water supplies.

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

- (a) Water conservation is encouraged through the use of low volume fixtures, the use of efficient vegetation watering practices and the utilization of native vegetation in landscaping.

- (b) Development adjacent to watercourses should consider stormwater management options that mitigate the impact of run-off on riparian areas.
- (c) 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.

## 13. DEVELOPMENT CONSTRAINTS

### 13.1 Alluvial and Debris Flow Fans and Geotechnical Hazards

#### (1) Background

The mountain terrain of the plan area includes lands and creeks that are potentially subject to natural processes and events. Potential hazards may include alluvial and debris flow fans, avulsion hazards associated with flooding events, and geotechnical hazards such as steep slopes. The areas that may be subject to development constraints have been considered during planning for the resort development through the provincial approval processes. To reduce the potential for natural hazards to harm people, infrastructure and services, development in these areas requires careful consideration and may require areas to remain free from development or be developed in accordance with recommendations made by a qualified professional.

Known alluvial and debris fans with a Non-Standard Flooding and Erosion Hazard Rating of E (high hazard) are shown on **Schedule F**. Steep slopes in excess of 15% are shown on **Schedule G**.

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

#### (2) Objectives

- (a) Ensure public safety by discouraging development in unsuitable area such as floodplains and areas subject to geotechnical hazards such as slope, erosion and landslip.
- (b) Prevent or minimize the expenditure of public money in damage compensation or mitigate resulting from development 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 watercourses are established within the Upper Columbia Valley Floodplain Management Bylaw. All floodplain requirements must be met unless a site specific amendment has been granted by the RDEK.
- (b) Applications to vary the minimum usable site area or minimum usable site area (resort) requirements will generally not be supported; except as identified within a geotechnical report required within section 19.4 of this plan where a variance is required to meet the applicable development permit guidelines.
- (c) All development within a floodplain or along a watercourse, or potentially impacted by a site specific hydrologic hazard, such as flooding or channel avulsion, must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional may be required prior to issuance of a building permit, development permit or other development approval.
- (d) The development of land susceptible to flooding is discouraged. Land susceptible to flooding should not contain structures used for habitation. Suitable uses for lands susceptible to flooding include but are not limited to parks, open space and recreation.

- (e) Development of new roads, utilities infrastructure, excavations and land development within an alluvial or debris flow fan identified on **Schedule F** as high hazard areas, should include a terrain hazard assessment and demonstrate how activities will not be impacted or increase hazard to adjacent and downstream lands.
- (f) Rezoning applications for any land containing an alluvial or debris flow fan identified on **Schedule F** as high hazard area, should incorporate strategies that mitigate the impact of the hazard on the development. Strategies include:
  - (i) Completion of a qualified geotechnical 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 on **Schedule F** as a 'no build' area which may be removed following the implementation of recommendations in a report by a qualified geotechnical engineer.
  - (iii) Registration of a covenant which designates building envelopes outside of the alluvial or debris flow fan identified in **Schedule F**.
- (g) Development of land with slope equal to or greater than 15%, susceptible to erosion and land slip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.
- (h) Development activity that occurs on a slope that is equal to or greater than 15%, susceptible to surface erosion, gulying, landslides or landslip, should ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional may be required prior to issuance of a building permit, development permit or other development approvals.
- (i) Development of lands with slopes equal to or greater than 30% is discouraged and is subject to a geotechnical assessment and the registration of covenants identifying the hazard, remedial requirements and applicable development requirements. For lands not subject to a development permit under section 19.4 of this plan, the report requirements under section 19.4 (6) are the minimum requirements for a professional report.
- (j) Removal or deposition of soil within the plan area must be carefully reviewed for erosion, drainage or sedimentation concerns, in addition to downstream impacts.

## 13.2 Interface Fire Hazard

### (1) Background

Significant resources are being directed to planning for and the mitigation of interface fire hazard for communities throughout the RDEK. Planning for interface fire hazard includes recognizing the inherent risk to communities that are surrounded by forest and where developed areas are interspersed with coniferous trees. Mitigation of interface fire hazard can occur by recognizing that future development can be designed to reduce the risk by incorporating FireSmart best practices for construction and landscaping standards.



Historical forest management and the vegetation management associated with the ski terrain and golf course within the plan area have the potential to reduce the risk of interface fire within the plan area. Portions of the plan area are currently within a fire protection service area. The Panorama area is serviced by the Panorama Volunteer Fire Department which is part of the Columbia Valley Rural Fire and Rescue Service. As development in the Trappers Ridge subarea proceeds an expansion of the existing service area will be required.

Wildfire hazard development permit guidelines for the protection of development from hazardous conditions are found within section 19.2 of this OCP.

**(2) Objectives**

- (a) Support ecosystem restoration initiatives on Crown and private land.
- (b) Mitigate the risk associated with interface fire hazard to residents and visitors.
- (c) Encourage the adoption and implementation of FireSmart principles and wildfire mitigation measures by property owners and occupiers, landscaping contractors and developers.
- (d) Support expansion of the fire protection service area to the Trappers Ridge subarea.

**(3) Policies**

- (a) Ecosystem restoration and interface fire management initiatives on Crown and private land to mitigate the risk of interface fire hazard are supported.
- (b) Development at the time of subdivision or construction may require mitigation measures as prescribed by a development permit issued in accordance with section 19.2 of this OCP.
- (c) The development and dissemination of public message about protecting communities from wildfire is supported.
- (d) Efforts by private landowners to reduce the threat of interface fire on their properties is encouraged.
- (e) The acquisition and utilization of resources, facilities and funding for emergency response planning and management is supported.
- (f) The expansion of the fire protection service area to include:
  - (i) existing parcels along Trappers Way that are outside the current service area boundary;
  - (ii) all lands designated for residential development within the Trappers Ridge subarea as shown on **Schedules C** and **C1**; and
  - (iii) Block A, Sublot 1, District Lot 4596, Kootenay District, Plan X32;is supported subject to the applicable approval processes.
- (g) Residents are to ensure that their civic address is clearly posted, in good repair and visible to assist emergency response personnel in locating the property.

- (h) The development of design guidelines for landscaping within statutory building schemes that are consistent with and promote FireSmart principles is encouraged. The inclusion of opportunities for education of homeowners and landscaping contractors on FireSmart principles and how to integrate them into landscape design is also encouraged.
- (i) Efforts by the public to protect forest interface areas and environmentally sensitive areas from fire risk by properly disposing of cigarette butts is encouraged.

## 14. ARCHAEOLOGICAL AND HERITAGE RESOURCES

### 14.1 Background

Part of the plan area's heritage includes archeological sites, the physical evidence of how and where people lived in the past. This archaeological history extends back thousands of years through inhabitation and utilization of the land and its resources by First Nations people. For most of the time people have lived in this area, no written records were made. Cultural heritage sites and oral tradition are the only evidence of this rich history, extending back many thousands of years. The term 'cultural heritage sites' includes but is not limited to archaeological/heritage 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 unrecorded archaeological and historical 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 landowner must have a provincial heritage permit to alter or develop land within an archaeological site.

Knowledge of cultural heritage site is gained through the provincial database of recorded archaeological sites, commissioned archaeological reports and studies, and consultation with First Nations. An Archaeological Overview Assessment (AOA) was completed in 1997 for the ski terrain expansion area northwest of Mount Goldie. The plan area was found to fall within the Traditional Use Inventory Unit designated as Panorama (#37) with the Ktunaxa name *qatmuk* (Van Dyke, 1997). The traditional land use unit encompasses Toby Creek, and the lower reaches of Taynton and Hopeful Creeks. A Heritage Impact Assessment report for the proposed golf course was prepared by Wayne Choquette in 1988. The report identifies the importance of the area as a travel route between the Rocky Mountain and Selkirk trenches and the Thompson River drainage (Choquette, 1988). In addition, Choquette identifies that the confluent valleys, southerly slopes and high elevation grasslands indicate a high probability that the area would have been utilized by First Nations people.

The Ktunaxa Nation is undertaking a process to designate lands to the west of the plan area within the core of Qat'muk as an Indigenous Protected and Conserved Area (IPCA). Within an IPCA Indigenous governments have the primary role in protecting and conserving cultural values and biological ecosystems through Indigenous laws, governance and knowledge systems.

### 14.2 Objectives

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

Citations: Van Dyke, Stanley. Bison Historical Services Ltd. September 1997. Final Report Archaeological Resource Overview Proposed Panorama Expansion.

Choquette, Wayne. October 1988. Heritage Impact Assessment of the Proposed Panorama Resort Golf Course, Toby Creek Valley, BC.

- (5) Recognize the potential for future land and ecosystem management in the Toby Creek watershed and adjacent watersheds under an IPCA.

### 14.3 Policies

- (1) An Archaeological Overview Assessment (AOA) for portions of the plan area not currently covered by a report is supported. The intent of an AOA is to identify areas with potential to contain archaeological sites and recognize known archaeological sites. Upon completion of an AOA, the OCP may be amended to integrate a schedule depicting the areas of archaeological distribution and potential. This schedule should be incorporated into the RDEK development application process to alert applicants to their obligations under provincial heritage legislation.
- (2) Developers are encouraged to engage professional archaeological consultants prior to proceeding with land clearing and site grading to determine if an Archaeological Impact Assessment (AIA) is required to manage and mitigate the impact of the development on any known or unrecorded archaeological sites protected under the *Heritage Conservation Act*. Impact management should be discussed with the Ktunaxa Nation Council as per the Ktunaxa Nation Archaeological Engagement Guidelines and with the Shuswap Indian Band.
- (3) Building permit and rezoning applications will be notified if the subject property overlaps with a recorded protected archaeological site or an area of archaeological potential. Notification will include direction to engage a professional consulting archaeologist. The archaeologist will determine if an archaeological impact assessment is necessary to manage development related impacts to an archaeological site. Altering a protected archaeological site will require a provincial alteration permit prior to land altering activities.
- (4) If an unaltered archaeological site is encountered during development, work is to be halted and the applicant should contact the Archaeology branch of the provincial government.
- (5) Crown land management policies within the Toby Creek watershed and adjacent watersheds as identified within section 18 of this plan may require refinement in consideration of the management and conservation principles established under the IPCA designation.
- (6) In recognition of the linkages between the plan area and the lands designated within the Qat'muk Declaration the participation of the RDEK in community and stakeholder processes to establish an IPCA as by the Ktunaxa Nation Council or other levels of government is supported.

## 15. SOLID WASTE & UTILITIES

### 15.1 Background

Solid waste in the plan area is managed in accordance with the RDEK's Regional Solid Waste Management Plan. The Solid Waste Management Plan outlines strategies for reducing the amount of waste generated, reuse of items and recycling as much material as possible. Residual solid waste generated within the plan area is handled at the Toby Creek Road garbage and recycling centre, District of Invermere Recycling Centre or Columbia Valley Landfill. The recycling program is primarily available through the RDEK yellow bin program; however, a Recycle BC depot at the landfill does provide accessibility to a broader range of recyclable materials.

### 15.2 Objectives

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

### 15.3 Policies

- (1) Residents and visitors are encouraged to follow the principles contained in the RDEK Solid Waste Management Plan and to reduce the amount of solid waste produced by the following R's: reduce, reuse, recycle, recover and residual management.
- (2) Recycling is encouraged and coordinated through the RDEK recycling program, Recycle BC and provincial stewardship programs.
- (3) In order to promote and encourage responsible solid waste management practices, the RDEK will continue to provide on-going public education campaigns to increase public knowledge on solid-waste reduction.
- (4) Responsible handling of food wastes and other wildlife attractants is encourage in order to reduce the likelihood of human wildlife conflict.
- (5) Property owners and occupiers are encouraged to ensure that maintenance programs for onsite sewer systems are followed in accordance with best practices and the appropriate provincial regulations.
- (6) Where onsite sewage systems are currently utilized, connections to the existing community sewage disposal system are encouraged.
- (7) The use of Type 1 septic systems as defined by the Sewerage System Regulation under the *Public Health Act* is preferred when existing onsite systems are required to be redesigned or upgraded onsite sewage systems. Type 1 systems are generally preferred as they are more reliable over time if the maintenance program is followed.

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

### **16.1 Background**

Local governments are required to establish targets and identify specific policies and actions for the reduction of greenhouse gas emissions. Consequently the RDEK has established a greenhouse gas emission target of 17% below 2007 levels by 2020. The target will be updated for this plan when information on Community Energy and Emissions Inventory is available to the RDEK. Policies that address emissions reduction targets promote reductions in the consumption of energy and emission of greenhouse gases through proactive land use, solid waste management and transportation planning.

### **16.2 Objectives**

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

### **16.3 Policies**

- (1) Green building standards, such as consideration of opportunities to minimize the energy and resource requirements of buildings and structures, is encouraged for all development.
- (2) The integration of energy efficient and renewable energy infrastructure and utilities is encouraged.
- (3) The utilization of passive solar energy through solar orientation is encouraged.
- (4) The reduction of greenhouse gas emissions generated from solid waste landfills through diversion and reduction of solid waste is encouraged.
- (5) Continued use and further development of linkages to the Valley Trail network providing non-motorized transportation options is strongly encouraged.
- (6) The integration of water efficient landscape features such as xeriscaping and the use of native vegetation is encouraged.
- (7) New residential dwellings and commercial development are encouraged to incorporate electrical service suitable for the installation of an electric vehicle charging station.
- (8) The reduction targets, objectives and policies contained within this OCP should be reviewed and updated to reflect new targets for reduction once information to inform their development is available.
- (9) The installation of a publicly accessible electric vehicle charging station and infrastructure in the community is encouraged.
- (10) The integration of electric vehicle charging stations and infrastructure in all multi-family and commercial parking facilities is encouraged.

## **17. TEMPORARY LAND 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 the zoning bylaw. In general, a temporary use permit may be issued for a period of up to three years and renewed, at the discretion of the RDEK Board of Directors, only once. The RDEK Board of Directors may impose special conditions under which the temporary use may be carried out and regulate the construction of buildings or structures related to the temporary use.

### **17.2 Objectives**

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

### **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 the surrounding land use;
  - (d) potential conflict with agricultural or resource based activities;
  - (e) potential conflict with adjacent land uses;
  - (f) potential impact on fish and 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 section 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. CROWN LAND MANAGEMENT**

### **18.1 Background**

The primary purpose of this plan is to provide policy direction for the development or conservation of private land within the plan area. However, within the plan area there is a significant amount of Crown land that is managed as part of the Panorama Mountain Village Commercial Recreation Area for winter and summer recreational opportunities, under other provincial tenure for a range of commercial and non-commercial recreation uses or provides access to non-commercial recreation opportunities within or beyond the boundaries of this plan. Activities and the management of these lands are not under the jurisdiction of the RDEK, but their management has a significant impact on the community. This OCP contains statements regarding land use activities and management of Crown land that were identified during the development of this plan.

### **18.2 Objectives**

- (1) Support the management of Crown land in a manner that considers the social, environmental and economic needs of the plan area.
- (2) Preserve public access to Crown land for recreation purposes.

### **18.3 Policies**

- (1) The continued use of the current extent of the Commercial Recreation Area managed by Panorama Mountain Village for multi-seasonal recreational activities and associated infrastructure is supported. Further expansion of the Commercial Recreation Area is not supported at this time.
- (2) The existing Commercial Recreation tenures for RK-Heli Ski that overlap with the plan area are supported to be used for commercial recreation purposes.
- (3) Access to Crown lands beyond the plan area via existing trail networks within the plan area are recognized. As identified within section 7 of this plan, ensuring that these connections are maintained while respecting commercial recreation activities and infrastructure is supported.
- (4) Sale or other alienation of additional Crown land within the plan area for residential purposes is not generally supported.
- (5) The RDEK encourage the management of Crown land in an environmentally responsible manner that:
  - (a) protects surface and groundwater sources;
  - (b) manages forest ingrowth;
  - (c) minimizes risk of interface fire and wildfire;
  - (d) enhances wildlife habitat;
  - (e) protects viewscapes and scenery;
  - (f) protects watershed ecological values, including wildlife & refuge habitat, fish and their corresponding habitat; and
  - (g) maintains diverse plan communities by managing invasive plants.



**19. DEVELOPMENT PERMIT AREAS**

**19.1 Background**

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

**19.2 Development Permit Area #1 - Wildfire Hazard**

**(1) Area**

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

**(2) Purpose**

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

**(3) Requirements**

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

- (a) Subdivision creating one or more vacant parcels.

**(4) Exemptions**

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

- (a) A Registered Professional Forester (RPF) who is a member of the Association of BC Forest Professionals conducts a site visit and certifies in a signed letter that the parcel of land to be subdivided is not within a high hazard area.
- (b) The land is already subject to a Wildfire Hazard Development Permit and wildfire hazard restrictive covenant.
- (c) The land is located within the Resort Core subarea.

**(5) Justification**

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

**(6) Guidelines**

Development permits issued must be in accordance with the following Guidelines:

- (a) Prior to the issuance of final subdivision comments to the Ministry of Transportation and Infrastructure, a development permit will be registered on the parcel and be transferable to all vacant parcels created by the subdivision with the exception of common property proposed for access purposes within a strata subdivision and common lot access routes as defined by the zoning bylaw. The development permit will require that all future dwelling units on the property must be in conformance with the Occupancy Permit

Guidelines under section 19.2 (6) (d) of this OCP and the result of the report prepared under section 19.2 (6) (b), if applicable.

- (b) In cases of Development Permit Area overlap, the RDEK may require a Wildfire Hazard Assessment Report prepared by an RPF who is a member of the Association of BC Forest Professionals. The reports should be submitted concurrently.
- (c) The RDEK may require written acknowledgement that the professionals have read and collaborated on their reports and recommendations. The Wildfire Hazard Assessment must take into account the findings of the other professional report(s) and recommendations including regard for cutting or thinning of trees and the need for remediation of disturbed areas to avoid situations that could lead to adverse conditions such as destabilization of slopes or negative effects on environmentally sensitive areas on the property.
- (d) Occupancy Permit Guidelines

When a development permit is registered on the title of a property an occupancy permit for a dwelling unit will be not issued by the RDEK until an inspection has been completed and it has been confirmed that the conditions under section 19.2 (d) (i) and (ii) have been met.

- (i) Occupancy Permit requirements for dwelling units:
  - (A) All roofing materials of new dwelling units must conform to Class A, B or C fire resistance as defined in the BC Building Code.
  - (B) Buildings and structures used to store wood or other combustible materials must be located a minimum of 10 metres away from the dwelling unit.
  - (C) Property owners must post their civic address in accordance with the RDEK House Numbering Regulation and Fee Bylaw as may be amended and replaced from time to time.
- (ii) Occupancy Permit landscaping requirements within the FireSmart Priority Zone 1:
  - (A) Removal of combustible fuel is required, including the removal of ground level fuels, piled debris and other combustible debris.
  - (B) Planting of new coniferous species including, but not limited to, juniper, pine and spruce is not permitted.
  - (C) It is not advisable to retain previously existing mature coniferous trees. If retained, coniferous trees must:
    - have limbs pruned such that they are at least two metres above the ground, and
    - be spaced so that there are three metres between crowns, thereby ensuring the tips of the branches of a coniferous tree are no closer than three metres to the tips of the branches of neighbouring coniferous trees; and
    - have no limbs within three metres of the dwelling unit or attachments such as balconies; OR
    - be managed as recommended in a Wildfire Hazard Assessment Report, in consideration of FireSmart Principles, prepared by an RPF who is a member of the Association of BC Forest Professionals.

**19.3 Development Permit Area #2 - Protection of Environmentally Sensitive Areas**

**(1) Area**

Development Permit Area #2 applies to all areas designated as Environmentally Sensitive Areas (ESAs) on **Schedule E1** and **E2** of this OCP.

The determination of the extent of the area of applicability for the Riparian ESA shall be determined on a site specific basis measured from the natural boundary and extending fifteen metres upland from the natural boundary of the watercourse. When the top of bank is more than fifteen metres above the natural boundary of the watercourse the area of applicability is measured fifteen metres from the top of bank.

**(2) Purpose**

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

**(3) Applicable Definitions**

Within Development Permit Area #2:

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

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

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

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

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

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

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

**STREAM** includes any of the following:

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

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

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

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

Within Development Permit Area #2, owners must obtain a development permit before:

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

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

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

- (a) The proposed activity is limited to internal alterations to buildings or structures.
- (b) The proposed activity is limited to the reconstruction, repair of, or addition to existing buildings or structures which increase the development footprint by an amount less than 25% of the area existing at the time this OCP was adopted.
- (c) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within a public right of way.

- (d) The proposed activity is limited to general maintenance or upgrading of existing roads within a public road right of way.
- (e) The proposed activity is limited to:
  - (i) the removal or pruning of hazardous trees as identified by a qualified hazard tree assessor;
  - (ii) an ecosystem restoration project approved by a Qualified Environmental Professional (QEP);
  - (iii) supplementing or maintaining natural existing vegetation.
- (f) The proposed activity is limited to timber harvesting, forest road construction, grazing enhancement, forest recreation or other forest management activities on Crown land that are conducted under the auspices of the appropriate provincial Ministry.
- (g) The proposed activity is conducted under the authority of the Provincial Emergency Program, is intended to resolve emergency situations that present an immediate danger to life or property including procedures related to flooding or erosion.
- (h) The proposed activity is limited to emergency repairs to buildings or structures where there is a demonstrable risk to personal or public safety and property.
- (i) The proposed activity is limited to the siting, construction or installation of bank protection devices or measures in accordance with application legislation, regulations and best practices.
- (j) The proposed activity is limited to subdivision which solely involves parcel line adjustments.
- (k) The proposed activity is substantially consistent with a development permit previously issued under section 19.3 (4)(a).
- (l) The proposed activity is conducted within the Controlled Recreation Area for the purpose of:
  - (i) routine ski area vegetation management, including the maintenance of runs and glades to ensure safe recreational use; and
  - (ii) the installation and maintenance of ski facility equipment or lifts.

**(6) Justification**

- (a) The plan area includes a range of significant ecosystems, habitats and features. These include:
  - (i) Wetland and riparian ecosystems  
  
Wetlands and riparian ecosystems play a critical role in helping maintain biodiversity as they provide habitat and wildlife corridors for many terrestrial and aquatic species. Wetland and riparian ecosystems, including both the wetted area and adjacent supporting land and vegetation provide productive fish habitat and are important to both aquatic and terrestrial wildlife.

(ii) Habitat for species at risk

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

- (b) The objective of Development Permit Area #2 is the protection, preservation, restoration and enhancement of significant ecosystems, habitats and features as identified in sections 19.3 (6)(a)(i - ii) and on **Schedules E1** and **E2**. These ecosystems, habitats, and features are considered vital to the retention of the character and ecosystems health of the plan area. Activities within these areas must be undertaken in a manner that minimizes the disruption or alteration of its environmental integrity. The intent is not to preclude all development in these areas, but to provide notice that the areas include unique characteristics that warrant special review and consideration and to ensure appropriate mitigation measures are prescribed where appropriate.

**(7) Guidelines**

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

(a) General

The following Guidelines apply to all areas identified as ESAs on **Schedules E1** and **E2** of this OCP.

- (i) All development proposals are subject to the applicable requirements and approval processes under federal or provincial legislation or regulations. Identification of the permits and approvals required must be submitted with the development permit application. Issuance of the development permit will be conditional upon the acquisition of all required permits and approvals from the responsible jurisdictions. It is the responsibility of the applicant to identify and complete the applicable federal and provincial approval processes.
- (ii) Where development is considered in an ESA, the following strategies may be used to meet guideline provisions and direct development away from the ESA:
- (A) Variance through the development permit to vary setbacks or siting regulations in the zoning bylaw;
  - (B) Reduction of the minimum parcel sizes specified in the zoning bylaw in a subdivision application may be considered on the parcel that contains the ESA if the proposed subdivision is based on Conservation Subdivision Design principles and conserves the environmentally sensitive feature or area as recommended by a QEP in an Environmental Impact Assessment Report. Further details on Conservation Subdivision Design can be found in Randal Arendt's *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*. Washington DC: Island Press, 1996;

- (C) Registration of a conservation covenant against the title of the property which requires that the environmentally sensitive area be protected in its natural, existing or restored state as recommended in an Environmental Impact Assessment Report by a QEP.
- (iii) The RDEK may require additional information as part of the development permit application process, for example, submission of an Environmental Impact Assessment Report prepared by a QEP.
- (iv) When an Environmental Impact Assessment Report by a QEP is prepared as part of a development permit application for Development Permit Area #2, an inventory of any habitat that supports species at risk (identified on **Schedules E1** and **E2** of this plan) which are identified as extirpated, endangered or threatened in federal or provincial legislation or regulations may be required to be completed as part of the identification of relevant baseline information, depending on the scope of the report and its Terms of Reference. If habitat that supports species at risk is identified, the Environmental Impact Assessment Report must:
  - (A) Document the species at risk and their habitat which may be impacted by the proposed activity or development;
  - (B) Identify and describe any potential and likely impacts of the activity or development on the species at risk and their habitat, including any cumulative effects when combined with other projects proposed or under development;
  - (C) Evaluate the impacts in terms of their significance and the extent to which they might be mitigated; and
  - (D) Make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are mitigated or avoided;

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

(b) Wetland and Riparian Ecosystem Guidelines

The following Guidelines apply to areas identified as riparian ecosystem ESAs on **Schedules E1** and **E2** on this OCP:

- (i) Human settlement and other land development activities within or adjacent to wetlands is discouraged.
- (ii) Proposals that offer to register a conservation covenant on the title of the lands in order to permanently protect riparian ecosystems are encouraged. The covenant should be registered before any development, including subdivision, and should be in favour of the RDEK, other public agencies including the provincial government, or non-governmental organizations, such as a private land trust committed to the management of watercourses or streamside areas.
- (iii) Locating road and utility corridors along or across riparian ecosystems should be avoided to maintain natural connectivity.
- (iv) A riparian buffer for watercourses must be established within which no development or alteration of land is permitted.

Unless an Environmental Impact Assessment Report by a QEP indicates otherwise, the size of the riparian buffer must be equal to or greater than the minimum setback distance as required by the RDEK's floodplain management regulations and no less than 15 m measured on a perpendicular line inland from the natural boundary. When the top of bank is more than 15 m above the natural boundary of the watercourse the 15 m setback distance shall be measured from the top of bank, unless an Environmental Impact Assessment Report by a QEP indicates that a smaller or greater setback is required due to site specific features.

- (v) Despite subsection 19.3 (7)(b)(iv), development proposals that involve disturbance of creeks, watercourses or riparian ecosystems may be permitted in compliance with the following guidelines:
  - (A) For development proposals that involve disturbance within the riparian buffer or the filling in of riparian ecosystems, an Environmental Impact Assessment Report by a QEP must be completed to determine the appropriate measures to protect wetland hydrology and ecological processes. All approved development should be completed in accordance with the recommendations of the Environmental Impact Assessment Report or the conditions of the development permit.
  - (B) All channelization or alterations of creeks must incorporate mitigation measures as determine by a QEP in an Environmental Impact Assessment Report to minimize adverse environmental effects and be in compliance with federal and provincial legislation or regulations.
  - (C) Applications for development activities that will negatively impact riparian ecosystems should include appropriate compensatory enhancement or restoration measures as determined in an Environmental Impact Assessment Report by a QEP in order to minimize the net loss of riparian ecosystems.
  
- (vi) When an Environmental Impact Assessment Report by a QEP is prepared to satisfy Guidelines in subsection 19.3 (7)(b)(i-v) the potential for upland development to impact riparian ecosystems areas through increased runoff, sedimentation, loss of shade, or increased watercourse temperature must be considered. Appropriate mitigation strategies should be identified where applicable. All approved development should be in accordance with the recommendations of the Environmental Impact Assessment Report.

#### **19.4 Development Permit Area #3 - Steep Slope Development Permit Area**

**(1) Area**

Development Permit Area #3 applies to all lands with slopes that are equal to or greater than 15% within the plan area.

**(2) Purpose**

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



**(3) Requirements**

Within Development Permit Area #3, owners must obtain a development permit before:

- (a) subdivision creating more than one or more vacant parcels.

**(4) Exemptions**

Development permits are not required within Development Permit Area #3 under the following conditions:

- (a) The land is already subject to a Steep Slope Development Permit and applicable covenants identify areas to remain undisturbed or conditions to be met for future development.
- (b) The subdivision is a lot consolidation or boundary adjustment subdivision that does not result in the creation of a vacant lot or parcel proposed for future development.

**(5) Justification**

Steep sloping lands are susceptible to surface erosion, gullying and slides. The development permit area is designated to reduce potential geotechnical hazards to development.

**(6) Guidelines**

Development permits issued must be in accordance with the following Guidelines:

- (a) A geotechnical report prepared by a qualified geotechnical engineer or geoscientist, registered with the Association of Professional Engineers and Geoscientists of BC, must be submitted with the development permit application. The report must address the following:
  - (i) existing natural slope contours and proposed grading;
  - (ii) establishing the top of bank, toe of bank, development setback lines and identifying development constraints, opportunities and conditions of design;
  - (iii) proposed building envelopes defining limits for building footprints and identifying sufficient usable site area as required by the zoning bylaw; and
  - (iv) if further geotechnical investigation is warranted on a parcel specific basis prior to development to ensure safe use and development.
- (b) Building envelopes as identified in the required geotechnical report must be registered as a covenant on the title on the proposed parcels.
- (c) Parcel specific conditions or constraints identified in the required geotechnical report must be registered as a covenant on title on the proposed parcels.
- (d) Where development is considered in a steep slope area, the following strategies may be used to meet guideline provisions and reduce potential exposure to geotechnical hazard:

- (i) Variance through the development permit to vary setbacks or siting regulations in the zoning bylaw;
  - (ii) Variance through the development permit to vary minimum usable site area regulations in the zoning bylaw.
- (e) In order to reduce impacts on water quality, fish habitat or flooding hazards a report or plan that addresses drainage, erosion and sediment control must be submitted with the development permit application. The report or plan must identify proposed mitigation, construction standards or interim measures to be applied during development of the proposed parcels. Specific recommendations in the plan must be registered as a covenant on title of the applicable parcels.

## 20. IMPLEMENTATION

### 20.1 Background

This OCP sets out the broad objectives and policies of the RDEK for the plan area. The plan does not provide 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 RDEK. In these cases, this OCP represents the RDEK's position with respect to the preferred course of action for other levels of government, public authorities or individuals.

### 20.2 OCP Amendments

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

### 20.3 Zoning Bylaw Amendments

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

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

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

### 20.4 Development Approval Information

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

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

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

(a) *Wildfire Hazard*

Criteria: Applications for Development Permits under section 19.2, Development Permit Area #1 - Wildfire Hazard.

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

(b) *Natural Environment*

Criteria: Applications for amendments to the zoning bylaw, temporary use permits or development permits under section 19.3, Development Permit Area #2 - Protection of Environmentally Sensitive Area (ESAs).

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

- 4. - Residential
- 12. - Environmental Considerations
- 19.3 - Development Permit Area #2 - Protection of Environmentally Sensitive Areas

(c) *Natural Hazard*

Criteria: Applications for amendments to the zoning bylaw, temporary use permits or development permits under section 19.3, Development Permit Area #3, where the subject property is within a hazard area identified on **Schedule F** or a steep slope identified on **Schedule G**.

Rationale: To minimize the impact of the proposed development or activity on minimum usable site area requirements and to meet the objectives and plan policies identified within the following sections of the OCP:

- 4. - Residential
- 5. - Commercial
- 8. - Light Industrial
- 13.1 - Alluvial and Debris Flow Fans and Geotechnical Hazards

## 20.5 Development Permits

The development permit provisions of this plan are in effect upon the date of adoption unless:

- (1) A complete building permit application was received prior to the date of adoption of this Bylaw, provided that the building permit is issued within 12 months of the date of adoption of this Bylaw. A complete building application means that all information required to determine compliance with the BC Building Code and applicable RDEK bylaws been received and the permit application fee has been paid.
- (2) A subdivision referral from the Ministry of Transportation and Infrastructure referral was received prior to the date of adoption of this Bylaw.
- (3) Alteration of land within the applicable development permit area was commenced prior to the date of adoption of this Bylaw and was completed in accordance with any development permit guidelines as required under the previous bylaw.

## 20.6 Implementation Strategy

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

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

RDEK	Regional District of East Kootenay
MOTI	Ministry of Transportation and Infrastructure
MFLNRORD	Ministry of Forests, Land, Natural Resource Operations and Rural Development
PMV	Panorama Mountain Village
PSOA	Panorama Subdivision Owners Association
CVRAMP	Columbia Valley Recreation Access Management Plan Process

### Projects

OCP Policy Reference	Policy Action	Lead Organization	Partners
4.3(1)(f)	Development of new comprehensive development zones to replace existing zones in accordance with the future land use designations as identified on <b>Schedule C, C1 and C2</b> of this plan.	RDEK	
4.3 (2)(b)	Rezoning of the applicable subareas to support the inclusion of secondary suites as a permitted use within residential areas.	RDEK	
4.3 (3)(a)	Undertaking a stand-alone public process to establish regulations and associated enforcement options for the Short Term Rentals of residential properties.	RDEK	
4.5 (5)(a)	Development of a new comprehensive development zone for land designated as R-MU, Residential Mixed Use.	RDEK	
4.3 (6)(b)	Rezoning process for Block E of District Lot 17003 to recognize the new Open Space, Recreation and Trails designation as identified within this plan.	RDEK	PMV
6.3 (2)	Recognize the potential for amendments to the OCP in response to changes to recreational infrastructure within the Commercial Recreation Area as identified within the Mountain Master Plan.	RDEK	PMV
7.3 (5)	Recognize the temporary nature of the walk-in campground adjacent to Toby Creek and future need for consideration of a similar amenity elsewhere within the plan area.	RDEK	PMV
11.3 (4)	Recognize the need to reassess the required day use / skier parking due to amendments to the Mountain Master Plan.	RDEK	PMV
12.1 (3)(j)	Participation in a study to identify wildlife corridors and key habitat and integration of a new Development Permit Area.	RDEK	MFLNRORD
13.2 (3)(f)	Expansion of the Fire Protection Area for the Trappers Ridge subarea.	RDEK	
16.3 (8)	Update community greenhouse gas emissions reduction targets, objectives and policies.	RDEK	

**Advocacy**

<b>OCP Policy Reference</b>	<b>Area of Advocacy</b>	<b>Lead Organization</b>	<b>Partners</b>
7.3 (6) & (9)	Recognize the importance of collaborative planning for the trail network within and adjacent to the plan area.	RDEK	CVRAMP PMV Toby Creek Outfitters
7.3 (10)	Proximity of plan area to non-motorized Access Management Areas in the Brewer Creek and Goldie Creek drainages.	MFLNRORD	CVRAMP
10.3 (1)	Safe and unimpeded vehicle and pedestrian movement.	MOTI	PSOA
10.3 (5)	Designation of pedestrian crosswalks on Panorama Drive.	MOTI	PSOA
10.3 (7)	Requirement for alternate emergency egress in the Greywolf subarea.	MOTI	PMV
10.3 (8)	Integration of a dedicated right-of-way to access lands beyond in conjunction with future subdivision application(s) that extend Trappers Way.	RDEK	MOTI
11.3 (2)	Day use / skier parking monitoring program.	PMV	RDEK

## 21. LAND USE DESIGNATIONS

### 21.1 Background

The land use designations are meant to identify, in general terms, the type of land uses that are appropriate for the designated lands. The range in parcel sizes are reflective of parcel sizes that are supported for future use within the residential land use designations. The range of types of uses are reflective of current uses and future uses that may be accommodated within the respective land use designation. Public utility uses, parking and associated infrastructure are supported in all land use designations.

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

### 21.2 Residential Land Uses

- (1) **R-SF, Residential Single Family** includes single family dwellings, duplexes and zoning that supports secondary suites.
- (2) **R-MF, Residential Multi-Family** supports medium density residential accommodation such as duplexes, row houses and townhouses.
- (3) **R-MU, Residential Mixed Use** supports single family dwellings, duplexes row houses and townhouses.
- (4) **LH, Large Holdings** supports rural residential and rural resource land uses on parcels in the range of 2.0 to 8.0 ha.

### 21.3 Rural Resource Land Uses

**RR, Rural Resource** supports 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 resource extraction, greenspace and recreation. RR designated lands also includes areas that may be environmentally sensitive such as wildlife habitat and wildlife corridors.

### 21.4 Commercial Land Uses

**R-REC, Commercial Recreation** supports commercial recreation and administrative offices. Supported accessory uses include commercial accommodation, residential use, employee housing, retail, and associated maintenance facilities. R-REC designated lands also includes lands that are environmentally sensitive such as riparian areas, wildlife habitat and wildlife corridors.

### 21.5 Resort Land Uses

- (1) **RES-A, Resort Accommodation** supports a range of residential, commercial accommodation and commercial land uses; including row houses, townhouses, condominium hotel, and hotel. Supported accessory commercial uses include recreational facilities, food services, resort commercial uses, child care facilities, banquet and conference facilities and resort administrative offices.
- (2) **RES-EH, Resort Employee Housing** supports employee housing accommodation and associated amenity space.
- (3) **RES-MU, Resort Mixed Use** supports commercial accommodation, food service, heli-ski lodge, heli-pad, and administrative offices. Supported accessory commercial uses include commercial retail, recreational amenity space and professional office space. Limited residential use is supported accessory to commercial accommodation.

- (4) **RES-R, Resort Recreation** supports recreational use and associated amenities and infrastructure, including ski terrain, ski lifts, golf course, golf course club house, mini-golf, tennis courts, trails and day use / skier parking.
- (5) **RES-LI, Resort Light Industrial** supports commercial ski operation and golf course maintenance facilities, resort maintenance facilities' recycling depot, resort solid waste management facility and associated light industrial uses.

## 21.6 Institutional Land Uses

- (1) **OSRT, Open Space, Recreation and Trails** supports greenspaces, recreational amenities, trails, parks and other protected areas, such as wildlife corridors and riparian areas.
- (2) **WP, Watershed Protection** identifies lands that area part of or potential community watersheds and that require protection from development that could impair the quality of the domestic water supply. The designation also includes lands that have been identified as significant as environmentally sensitive areas for wildlife habitat or corridors.

This is Schedule A referred to in Bylaw No. 2997 cited as "Regional District of East Kootenay – Panorama Area Official Community Plan Bylaw No. 2997, 2020."

*"Rob Gay"*

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Chair

*"Shannon Moskal"*

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Corporate Officer

*August 7, 2020*

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Date