

# KOOTENAY COLUMBIA RIVERS

KOOTENAY-COLUMBIA RIVERS  
OFFICIAL COMMUNITY PLAN BYLAW NO.  
1157, 1996

**KOOTENAY-COLUMBIA RIVERS**  
**OFFICIAL COMMUNITY PLAN BYLAW NO. 1157, 1996**

**CONSOLIDATED FOR CONVENIENCE ONLY AND HAS NO LEGAL SANCTION**

**MAPPING SCHEDULES are available on the RDCK's [WebMap](#) (PIMS), please refer to the [tutorial](#) on the WebMap (PIMS) site for instructions on how to view the mapping. Printable copies are available by contacting the RDCK GIS department.**

**Electoral Area I  
and  
Electoral Area J - Lower Arrow/Columbia**

**Adopted: April 27<sup>th</sup>, 1996**



## REGIONAL DISTRICT OF CENTRAL KOOTENAY

**THIS CONSOLIDATED COPY IS FOR CONVENIENCE ONLY AND  
HAS NO LEGAL SANCTION**

### LIST OF AMENDMENTS TO KOOTENAY-COLUMBIA RIVERS

#### OFFICIAL COMMUNITY PLAN, BYLAW No. 1157, 1996

(up to date at end of list)

Bylaw No. (file no.)	Adopted	Amendment	Purpose
1198 Z-96-04-IJ	96/11/30	Text - 3.3.9, 4.1 Maps 1 & 2	(1) redesignating the following subject properties (Lot 7, Plan 2952; Lot 1, Plan 9026; Lot A, Plan 13593; Lots A and B, Plan 15980; Lots A and B, Plan 17440, all being within DL 4598, KD, Brilliant Rd and Co-op Lane) from "Country Residential" to "Industrial"; (2) implementing the Brilliant Industrial Development Permit Area which is comprised of the subject properties; and (3) adding clause 3.3.9 "Any timber harvesting and related forest are subject to the <i>Forest Act</i> , the <i>Forest Practices Code of British Columbia</i> and the regulations
1238	97/09/27	Text 4. Development Permit area	implementing a Development Permit area which will apply to all properties designated as Commercial, Gravel Extraction, High Density Residential, and Industrial in Bylaw 1157. The intent of the Development Permit requirements is to provide guidelines for the protection of the natural environment and for the form and character of new commercial, industrial and multi-family residential development.
1347	00/05/27	Text 3.2.3 to 3.2.7. 3.8.2.10, 3.10.5 – 3.10.8, 4.1.1 & 4.1.2 Maps 1 & 2	The amendments include expanding the Plan area to include all of Electoral Area I as well as amending the text of Bylaw 1157. Electoral Area I includes the communities of Glade, Pass Creek, Playmour Junction/Shoreacres, Tarrys and Thrums. Currently Bylaw No. 1157 applies to a portion of Electoral Area J (Blueberry Creek, Fairview, Ootischenia, Raspberry, Robson) and a portion of Electoral Area I (Brilliant).
1490 (Z9602J- 1482.000)	01/09/22	Map 3 – redesignate Lot 26, Plan 777, Pcl A (95195-I) DL 301A, KD PID 016-058-101 from Suburban Residential to High Density Residential	To legalize the existing non-conforming manufactured home park on the subject property and increase from 24 to 27 units. Development Permit 9902J-1482.000 applies. LTO Registration #KR165394.
1418 (Z9906I-	01/11/24	Map 3 – redesignate Lot B, Plan NEP21537, DL 302A, PID 018- 898-068 from Country	To permit establishment of an automotive vehicle graphics business including: office and retail store for computer cut graphics, signs and

<b>Bylaw No. (file no.)</b>	<b>Adopted</b>	<b>Amendment</b>	<b>Purpose</b>
01612.200		Residential 2 to Commercial	window tinting; sale of motor vehicles and accessories. Development Permit DP00011-1612.200 applies. LTO registration No. KR166474.
1467 Text	02/01/26	Text – delete “Section 4.1.4 Exemptions” and replace with a new “Section 4.1.4 Exemptions”.	To include an additional exemption for subdivision from the requirements for Development Permits.
1488 (Z0102-I/J – Block)	02/01/26	Redesignating properties listed in Schedule A of Bylaw 1488 from Agriculture (AG) to designations as indicated on Sch A / 1488. <i>See attached list.</i>	To redesignate properties listed in Schedule A of Bylaw 1488 which have recently been removed from the ALR.
1496 (Z0009J-10063.060)	01/11/24	Map 2 – redesignate Lot 6, KD Plan 14472, DL 12366, PID 009-994-394 from Rural Residential to Country Residential 1	To reduce minimum lot size requirement to permit the existing second dwelling on the subject property. Covenant restricting subdivision registered. LTO No. KR166474.
1606 (Z0302J-07285.000)	03/07/26	Map – redesignate PID 017-828-627 Lot A, DL 4598, KD Plan NEP19854 and PID 018-783-155 Lot 1, DL 4598, KD Plan NEP21300 from (AG) Agriculture to (P) Park and (SR) Suburban Residential	To provide for the development of: a nine-hole par three executive golf-course on 12 ha of land; and two rural residential lots on 1.88 ha of land
1594 (Z0305i-7595.320) Swetlokoe	03/09/20	Text – Add “Sections 3.7.2.5 and 4.2 to 4.2.4.2” Map 2 – redesignate PID014-327-929 Lot 1, District Lot 4598, Kootenay District, Plan 5848 from CS – Community Services to C – Commercial	To provide for the development of a licensed heritage restaurant and interpretation facility. The proposal involves renovations to the former Doukhobour “Brilliant School” to establish the restaurant operation while maintaining heritage values associated with the building and site.
1627 Z0310I-5796.045 Kalesnikoff	03/11/22	redesignating a 0.56 ha portion of property legally described as PID 024-871-737 Lot A, District Lot 1239, Kootenay District Plan NEP67673 from CR2 – Country Residential 2 to I - Industrial	To allow for the development of a log storage yard and access roads associated with the construction of a new log scale facility
1603 Z0304J-10064.005 Woods & Assocaties	03/11/22	Schedule ‘B’, Sheet 2 of 3 be amended by redesignating PID 007-740-069 – District Lot 12367 Kootenay District Except parts included in Plans 5198, 10912, 14116, 14228, NEP21786, NEP62159 and R256 from Rural Residential (RR) to Country Residential (CR1)	To provide for the development of a 19 lot Country Residential subdivision. Lot sizes in the proposed subdivision are between 1 ha and 1.2 ha (between 2.5 and 3 ac) each.
1611 Z0103J-7595.500 Gillespie/ Pettapiece	03/11/22	Schedule ‘B’, Sheet 2 of 3, be amended by redesignating PID 009-284-125 – Lot A, District Lot 4598, Kootenay District, Plan	The development involves the creation of 36 residential strata lots plus a community club house and pool facility.

<b>Bylaw No. (file no.)</b>	<b>Adopted</b>	<b>Amendment</b>	<b>Purpose</b>
		15831 from AGRICULTURE (AG) to HIGH DENSITY RESIDENTIAL (HDR)	
1661 Z0316J- 07285.110 D-Bar-D	04/04/24	Schedule 'B' be amended by redesignating Lots 3 & 4, District Lot 4598, Plan NEP74484 from C-Commercial to CR1 – Country Residential	To permit residential development on the subject properties.
1699 Z0404J-7288.235 Stanesic	05/06/25	Schedule 'B' be amended by redesignating Lot 45, District Lot 4598, KD Plan 4882 from 'AG – Agriculture' to 'SR – Suburban Residential'	To accommodate subdivision of the 1.96 ha (4.84 acres) parcel into five residential lots ranging in size from 0.32 ha (0.8 acres) to 0.41 ha (1.002 acres)
1731	05/09/24	Section 3.10, 'Specific Community Policies' be amended by adding 3.10.9 South Arrow Lake, 3.10.10 Dee Park and Little Cayuse Creek, 3.10.11 Renata, Brooklyn and Coykendahl and Schedule 'B' be amended by adding Map 4 of 4.	To add the South Arrow Lakes Area including the communities of Deer Park, Renata, Brooklyn, Coykendahl, and Little Cayuse Creek to OCP Bylaw 1157.
1733 Z0408I-5783.005 Wassick	05/06/25	Section 3 'Policies' of Schedule 'A' be amended by adding "3.11 Comprehensive Development".  Schedule 'B' be amended by redesignating Lot 19, District Lot 1239, KD Plan 5230 from CVS – Community Service to CR2 – Country Residential 2.  Schedule 'A' Policy 3.2.4.3 be amended by reducing the minimum lot size from one hectare to .39 hectare for Lot 19, District Lot 1239, KD Plan 5230	To provide for a mixed use development of the former Tarrys School site that includes a forest service 'Fire Attack Base' operation involving office space, training room, equipment storage, and a 17 site RV park and shop on a separate parcel.
1724 Z0409J- 7288.105 Semenoff	05/11/26	Schedule 'B' be amended by redesignating Lot 20, DL 4598, KD Plan 4882 from 'AG – Agriculture' to CR1 – Country Residential 1'.	To accommodate subdivision of the 4.67 ha (11.52 acres) parcel into four residential lots ranging in size from 1 ha (2.47 acres) to 1.57 ha (3.88 acres).
1787 Z0510I- 08897.340 Knaack	06/02/25	redesignate Lot 5, District Lot 7245, Kootenay District Plan 4784, In Trust for School Purposes See DD 14122 (PID 014-833-484) from CS – Community Service to CD – Comprehensive Development	To permit subject property to allow uses in CD2 zone of Bylaw 1675
1797 Z0516J-	06/01/27	redesignate Lots A & B, DL 7669, KD, Plan NEP71970	To allow development of a condominium

<b>Bylaw No. (file no.)</b>	<b>Adopted</b>	<b>Amendment</b>	<b>Purpose</b>
70909034000 Arrow Lakeside Resort		from C – Commercial to CD – Comprehensive Development	complex and marina
1872 5100-23	07/06/23	Schedule B be amended as per Schedule A of Bylaw 1872 3.7.2.6 be added 3.10.3.1 – 3.10.3.6 – Ootischenia Community Specific Policies be repealed and replaced.	Ootischenia Planning Review
1980 Z0803J- 07285.100 McCarthy	08/07/26	redesignate PID 025-798-031 & 025-798-049 – Lots 1 & 2, Plan NEP74484, District Lot 4598 from Commercial (C) to Suburban Residential (SR)	To potentially allow the applicant to subdivide 2 lots with on-site services or up to 10 lots on community water and sewer.
1948 Z0713I- 01586.100 Southeast Fire	08/09/20	redesignate PID 015-885-844 - Lot 3, District Lot 302A, Kootenay District, Plan 1318, Except part included in Plan 12613 - from Country Residential 2 (CR2) to Institutional (I)	To permit a Provincial administrative building, and associated uses for the Ministry of Forests Protection Branch.
2194 Z1016-IJ- 2194_1157	11/03/31	Inclusion of GHG Emission Reduction Targets and Objectives	To meet the requirements of Bill 27 Green Statutes Amendments to the Local Government Act.
4600-20-Z1007J- 10063.020	11/05/19	Re-designate PID 009-994-360 Lot 2 DL 12366 KD Plan 14472 from Rural Residential (RR) to Country Residential 1 (CR1)	To facilitate two lot subdivision.
2502 4200-20-Z1601J- 08434.000	16/06/16	Re-designate DL7164 KD Exc (1) Parts Included in RW Plans RW 12 and RW 8744 and (2) Parts Inc. in Plans 5647, 5674, 5701, 6085, 6155, 7136, 8252, 8300, 9036, 10258 (PID 013-381-652) from Gravel Extraction (G) to Country Residential 1 (CR1)	To facilitate a residential subdivision proposal for lands no longer actively required for aggregate purposes
2528 4200-20-Z1605J- 07593.098	16/11/17	Re-designate Lot 69 Plan NEP795 District Lot 301A Kootenay Land District from Open Space (OS) to Rural Residential (RR)	To facilitate residential development
2512 4200-20-Z1604J- 07289.465	16/11/17	Re-designate a portion of Lot 91 District Lot 4598 Kootenay Land District Plan 4924 (PID009-597- 581) from Suburban Residential 1 (SR1) to Industrial (I)	To facilitate the use of the property for a Contractors Yard and Storage of Heavy Equipment within an Enclosed Building
2651 4600-20-Z1805I- 07595.320	19/06/20	Re-designate Lot 1 District Lot 4598 Kootenay Land District Plan NEP5848 (PID 014-327-929) from Commercial (C) to Suburban Residential (SR) and	To reflect continued use of the property for residential purposes. Heritage protection through a heritage conservation permit.

<b>Bylaw No. (file no.)</b>	<b>Adopted</b>	<b>Amendment</b>	<b>Purpose</b>
		removal of Heritage Development Permit Area	
2669 4600-20-Z1809K	2019-07-04	Re-designate a portion of Lot 1 District Lot 9156 Kootenay Land District Plan NEP6680 (PID 014-045-052) from Institutional (I) to Agriculture (AG).	To facilitate subdivision and retention of communications center by the community of Fauquier.
2720	2021-01-20	Re-designate DISTRICT LOT 11914 KOOTENAY LAND DISTRICT PARCEL A, EXCEPT PLAN NEP88933, (SEE DD183535I). from Rural Residential (RR) to Country Residential 1.	To facilitate subdivision
2762	2021-06-17	Re-designate Lot 7 District Lot 4598, Kootenay District Plan 795, Except Part Included In Plan 8041 (PID 016-027-400) from Country Residential 1 (CR1) to Suburban Residential (SR)	To facilitate a second dwelling and subdivision
2787	2022-09-22	Re-designate Lot 4 District Lot 4599 Kootenay District Plan 842 Except Plan 8895 (PID 014-035-651) from Rural Residential (RR) to Country Residential 1 (SR)	To facilitate construction of three single detached dwellings.
2859 Z2206J-09921.020-Tassone-BA000060	2023-03-16	To re-designate Lot 1, District Lot 11912, Kootenay District, Plan EPP82210 PID (030-542-189) from Rural Residential (RR) to Country Residential 2 (CR2) and to reduce the minimum lot size from 1 hectare to 0.79 hectares on this property only.	To facilitate the construction of a secondary suite in an accessory building.
2867 Z2209J-07289.338-Horkoff-BA000064	2023-05-18	To amend the Suburban Residential Policy 3.2.2.3 to add the following: "except one dwelling unit and one secondary suite shall be permitted on Lot 2 District Lot 4598 Kootenay Land District EPP75763 (PID 030-260-191)."	To facilitate a secondary suite on the subject property.
2851 10/5200/20/A G Agricultural Policy Review – Phase 2 2019	2023-07-20	To add and amend Schedule A, Section 3.	RDCK Agriculture Policy Review Project



**PROPERTIES AND DESIGNATION AMENDMENTS LISTED IN SCHEDULE 'A' OF KOOTENAY-COLUMBIA RIVERS OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 1488**

**FROM AGRICULTURE (AG) to COUNTRY RESIDENTIAL 2 (CR2):**

Lot B, DL 7244 & 9351, Plan 17605	Lot A, DL 7454, Plan 15764
Lot A, DL 8640, Plan 15280	Lot E, DL 8640, Plan 15280
Lot D, DL 8640, Plan 15280	Lot C, DL 8640, Plan 15280
Lot B, DL 8640, Plan 15280	Lot 1, DL 7244, Plan 15073
Lot 2, DL 7244, Plan 15073	Lot 3, DL 7244, Plan 15073
Lot 1, DL 10421, Plan 15045	Lot 2, DL 7244, Plan 15045
Lot A, DL 7244, Plan 14214	Lot B, DL 7244, Plan 14214
Lot A, DL 7246 & 7454, Plan 12842	Lot E, DL 7455, Plan 2116
Lot 33, DL 7244, Plan 4784	Lot 25, DL 7244, Plan 4784
Lot 2, DL 7448 & 7455, Plan 5127	Lot A, DL 7244, Plan 9129
Lot 1, DL 8641, Plan 4923	Lot A, DL 7454, Plan 5587, Exc. Plan 12842
Lot 22, DL 7244, Plan 4784	Pcl A (190026I) Lot 3, DL 7454, Plan 5344
Lot 31, DL 7244, Plan 4784	Lot 1, DL 7454, Plan 5344
Lot 1, DL 7448 & 7455, Plan 5127	Lot 4, DL 7455, Plan 5127
Lot 3, DL 7455, Plan 5127	Lot 2, DL 8641, Plan 4923
Lot B, DL 7454, Plan 5587	Lot 3, DL 7454, Plan 5344, exc. Pcl A (190026I)
Lot 37, DL 7244, Plan 4784	Lot 40, DL 10421, Plan 4784
Lot 41, DL 10421, Plan 4784	Lot 39, DL 10421, Plan 4784
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Lot 29, DL 7244, Plan 4784	Lot 7, DL 7245, Plan 4784
Lot 34, DL 7244, Plan 4784	Lot 10, DL 7245, Plan 4784
Lot F, DL 7455, Plan 2116, Exc. Plan 5127	Lot 32, DL 7244, Plan 4784
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Lot 18, DL 8642, Plan 4923	Lot 12, DL 8640 & 8642, Plan 4923
Lot 19, DL 8642, Plan 4923	Lot 17, DL 7244 & 7245, Plan 4784
Lot 4, DL 8640 & 8642, Plan 4923	Lot A, DL 8641 & 8642, Plan 7844
Lot 16, DL 8642, Plan 4923	Lot 7, DL 8642, Plan 4923
Lot 20, DL 8642, Plan 4923, Exc. Plan 7844	Lot 11, DL 8640 & 8642, Plan 4923
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Lot 3, DL 8641, Plan 4923	Lot 10, DL 8640 & 8642, Plan 4923
Lot 8, DL 8642, Plan 4923	Lot 1, DL 8640 & 8642, Plan NEP20041
Lot 2, DL 8640 & 8642, Plan NEP20041	Lot 13, DL 8640, Plan 4923
Lot A, DL 7244, Plan NEP69248	Lot B, DL 7244, Plan NEP69248

**FROM AGRICULTURE (AG) to REMOTE RESIDENTIAL (RM)**

Lot 48, DL 8640, 8641 & 10420, Plan 4923, Except Plan 14349

**REGIONAL DISTRICT OF CENTRAL KOOTENAY**  
**Kootenay - Columbia Rivers Official Community Plan**  
**BYLAW No. 1157, 1996**

*A bylaw to guide the development and redevelopment within Electoral Area I and Electoral Area J - Lower Arrow/Columbia pursuant to Part 29 of the Municipal Act of British Columbia.*

The BOARD of the Regional District of Central Kootenay in open meeting assembled, ENACTS as follows:

**I. TITLE**

This Bylaw may be cited for all purposes as the **Kootenay - Columbia Rivers Official Community Plan Bylaw No. 1157, 1996**.

**II. APPLICATION**

The Kootenay - Columbia Rivers Official Community Plan Bylaw No. 1157, 1996, hereafter referred to as "The Plan" applies to Electoral Area I and Area J - Lower Arrow/ Columbia of the Regional District of Central Kootenay as outlined on Schedule 'B'

The provisions of this Bylaw include:

Schedule 'A' - General Objectives and Policies.

Schedule 'B' - Maps.

Schedule 'C' - Trail Development.

The attached schedules form part of this Bylaw and constitute the Regional District of Central Kootenay's, **Kootenay - Columbia Rivers Official Community Plan Bylaw No. 1157, 1996** pursuant to Part 29 of the Municipal Act of British Columbia.

In accordance with Section 947(2) of the Municipal Act the Bylaw has been examined in conjunction with the current capital expenditure programme of the Regional District of Central Kootenay and the Bylaw has been referred to the Council of the City of Castlegar for comment.

**III. PURPOSE OF THE PLAN**

The Kootenay - Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 is intended to ensure that decisions on the use and development of property within those parts of Electoral Area I and J - Lower Arrow/Columbia shown on Schedule 'B' - Maps 1 and 2, are made with regard to the provisions of the Municipal Act, Section 945.

The Plan is intended to form the basis for regulatory land use bylaws, capital expenditure programming and to provide guidance and information for private and public agencies and individuals.

Further, The Plan is intended to identify a land use pattern for the Plan Area that achieves the orderly and economical development and use of land; to maintain and improve the quality of the physical environment for settlement; and for the development and conservation of resources.

#### **IV. REPEAL**

The Regional District of Central Kootenay Official Settlement Plan Designation Bylaw No. 398, 1982, is hereby repealed.

#### **V. AUTHORITY AND REQUIREMENT OF THE LEGISLATION**

##### **1** Jurisdiction of Local Government

**1.1** Section 945 of the Municipal Act lists the elements that must be addressed in a community plan.

##### **2** Matters Beyond the Jurisdiction of Local Government

**2.1** Section 945(2) of the Municipal Act prohibits local government from stating anything but broad objectives on matters beyond its jurisdiction unless the Minister of Municipal Affairs has, under Section 945(2)(a) specifically permitted it. Nevertheless, the Plan may indicate directions which the local government intends to undertake in order to encourage senior levels of government and agencies with authority to undertake certain actions consistent with the Plan.

#### **VI. DEFINITION OF THE OFFICIAL COMMUNITY PLAN**

The Official Community Plan is a document which defines a set of general objectives and policies for the Plan Area. It provides a conceptual framework for decision making concerning land use in the Plan Area and the form and character of land use patterns. It is intended as a reference for public and private agencies and groups, specifically: The Regional District of Central Kootenay, Advisory Planning Commissions for Areas I and J - Lower Arrow/Columbia, B.C. Government Ministries and the Public.

The Community Plan becomes official when it is adopted through bylaw. Implementation of an Official Community Plan helps assure that future decisions of the Board of the Regional District and government agencies will be compatible with the defined objectives and policies.

Preparation of the Community Plan involved public input and reflects community views on what are most important considerations in land use matters. Private investors may use the Plan as a source of guidelines which may impact on project decisions. The Plan also suggests ways in which senior levels of government can co-ordinate their responsibilities with the preferences of the Community.

#### **VII. ADMINISTRATION**

##### **1** Implementation

**1.1** The Board of the Regional District has four categories available for implementation of the Plan: a land use bylaw, development permits, temporary commercial and industrial use permits, and covenants.

##### **2** Amendment Procedure

**2.1** The Plan may be amended by the Board of the Regional District on its own initiative or in response to an application for amendment.

##### **3** Update and Review

**3.1** The Board of the Regional District should review The Plan in its entirety at least every five years from the date of its adoption.

**VIII. READINGS, APPROVAL AND ADOPTION**

READ A FIRST TIME this 13th day of January, 1996.

READ A SECOND TIME this 13th day of January, 1996.

WHEREAS A PUBLIC HEARING was held on the 5th day of February, 1996.

READ A THIRD TIME this 17th day of February, 1996.

APPROVED by the Minister of Municipal Affairs pursuant to the provisions of Section 948 of the Municipal Act this 25th day of April, 1996.

RECONSIDERED AND ADOPTED this 27th day of April, 1996.

“H. Cunningham”

\_\_\_\_\_  
Chairperson

“B. Baldigara”

\_\_\_\_\_  
Secretary



**SCHEDULE 'A'**  
**REGIONAL DISTRICT OF CENTRAL KOOTENAY**  
**KOOTENAY-COLUMBIA RIVERS OFFICIAL COMMUNITY PLAN**  
**BYLAW NO. 1157, 1996**

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## **1 GOAL**

To present a Land Use pattern that achieves the orderly, environmentally sensitive development and sustainable use of land within the Plan Area.

## **2 OBJECTIVES**

### **2.1 Residential**

- 2.1.1** To encourage co-ordinated subdivision of land.
- 2.1.2** To consider development proposals in relation to the provision of services.
- 2.1.3** To provide for a choice of housing.
- 2.1.4** To minimize conflicts between housing and other adjacent land uses.
- 2.1.5** To encourage non-profit housing for seniors and low income residents.
- 2.1.6** To maintain the rural character, environmental integrity, the social and cultural diversity of the Plan Area.
- 2.1.7** To encourage some limited higher density residential development subject to adequate servicing and the maintenance of rural character.
- 2.1.8** To encourage and promote the undertaking of feasibility studies investigating the possibility of residential development on large tracts of land within the Plan Area which can be utilized to relieve current pressures on development within existing settled areas.

### **2.2 Environmental**

- 2.2.1** To preserve natural values.
- 2.2.2** To protect environmentally sensitive lands such as steep slopes, floodplains, watersheds and soils subject to erosion from land uses having major environmental impacts.
- 2.2.3** To protect all watersheds within the Plan Area.
- 2.2.4** To provide for the protection and enhancement of buildings and sites of historical and archaeological value.
- 2.2.5** To consider a Tree Cutting Bylaw pursuant to Section 978 of the *Municipal Act* to regulate the tree cutting on private lands where natural hazards are evident.

### **2.3 Agricultural**

- 2.3.1** To identify lands with continuing value for agriculture.
  - 2.3.2** To encourage the protection and agricultural use of land with continuing value for agriculture.
  - 2.3.3** To encourage optimum use and development of agricultural activities on agricultural land.
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- 2.3.4** To encourage agricultural practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.
- 2.3.5** To minimize conflicts between agriculture and other land uses.
- 2.3.6** To propose options for the marketing of locally produced agricultural products.
- 2.3.7** To promote buffered cluster development to maximize the preservation of suitable agricultural land within the Agricultural Land Reserve.
- 2.3.8** To work with the City of Castlegar on a co-operative approach to agricultural lands within the urban/rural interface that will mitigate the loss of agricultural land to future growth.

## **2.4 Commercial**

- 2.4.1** To provide for commercial activities servicing the needs of local communities.
- 2.4.2** To minimize land use incompatibility between commercial activities and surrounding land uses.
- 2.4.3** To ensure the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan Area.
- 2.4.4** To provide opportunities for home occupations.
- 2.4.5** To protect the character and integrity of quiet residential and rural neighbourhoods.

## **2.5 Industrial**

- 2.5.1** To ensure there is opportunity for industrial uses that support the local economy.
- 2.5.2** To accommodate industrial uses compatible with rural character that do not adversely affect the natural environment.
- 2.5.3** To minimize conflicts between industrial land uses and other adjacent land uses by requiring screening and landscaping of industrial sites.
- 2.5.4** To protect land having recoverable deposits of sand and gravel from surface or adjacent uses which would limit or prohibit extraction.
- 2.5.5** To identify lands having recoverable deposits of sand and gravel.
- 2.5.6** To minimize conflicts between sand and gravel processing operations and adjacent land uses.
- 2.5.7** To consider long term community land use needs before aggregate mining begins in order to facilitate the preparation of reclamation plans.
- 2.5.8** To promote sustainable forestry practices on both crown and private land.

## **2.6 Parks and Recreation**

- 2.6.1** To ensure recreation activities are compatible with the rural character of the Plan Area.
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**2.6.2** To ensure provision of recreation facilities are directed toward community needs first.

**2.6.3** To provide local recreational opportunities for tourists that do not stress existing facilities, services and resources or generate undue cost to local taxpayers.

**2.6.4** To establish a comprehensive trail system which connects the Plan Area with the City of Castlegar.

## **2.7 Transportation**

**2.7.1** To plan for the provision of a road network capable of safely servicing existing and future development.

**2.7.2** To encourage alternatives to motor vehicles along roadways.

**2.7.3** To minimize conflicts between the Castlegar Airport and adjacent land uses.

**2.7.4** To minimize conflicts between rail lines and adjacent land uses.

**2.7.5** To encourage development of a comprehensive trail system adjacent to the Columbia and Kootenay Rivers.

**2.7.6** To encourage maintenance and enhancement of the existing Canadian Pacific Railway Bridge for pedestrian use.

**2.7.7** To encourage public use of abandoned railway Rights-of-Ways for community purposes.

**2.7.8** To encourage the maintenance of the existing airport as a Regional Airport

## **2.8 Servicing**

**2.8.1** To plan for schools, recreation, open space and health facilities to satisfy present and future demands.

**2.8.2** To plan for sufficient capacity to accommodate the proper disposal of solid wastes.

**2.8.3** To provide for an adequate level of fire protection within the Plan Area.

**2.8.4** To promote adequate provision of water and sewer services to all users.

**2.8.5** To encourage proper use of water so that such use does not pollute the resource.

**2.8.6** To protect groundwater and surface water from degradation through improper disposal of water borne waste.

**2.8.7** To co-operate with appropriate utility companies to adequately provide services to the Plan Area.

**2.8.8** To provide services to seniors near senior housing developments.

## **2.9 Administrative**

**2.9.1** To encourage coordination of planning and service delivery between the City of Castlegar, the Provincial and Federal governments and the Regional District of

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Central Kootenay to ensure taxation is minimized while service delivery is maximized.

- 2.9.2** To improve communication between the Board of the Regional District and residents on planning and service delivery within the Plan Area.
- 2.9.3** To encourage provincial agencies to respect past assurances on land and to recognize the historical heritage and cultural significance and development of those properties.
- 2.9.4** To encourage planning and feasibility studies are completed prior to transfer of all Crown Lands having potential for future development.

### **3 POLICIES**

#### **3.1 Zoning**

- 3.1.1** A new zoning bylaw which enforces the policies of this Plan shall be developed upon adoption of this bylaw.
- 3.1.2** Zoning regulations shall specify landscaping buffer standards for industrial, commercial and multi-residential properties.
- 3.1.3** Land use decisions for all zones shall be directed by the following criteria:
  - 3.1.3.1** preservation of the rural nature of the area,
  - 3.1.3.2** existing land use,
  - 3.1.3.3** soil conditions with special regard to stability, liability to ponding, drainage, slope and topography, fertility and suitability for farming, horticulture or silviculture,
  - 3.1.3.4** proven availability of adequate potable water,
  - 3.1.3.5** proven capability for sewage disposal without danger of contaminating groundwater,
  - 3.1.3.6** the desirability of securing reasonable privacy for residents,
  - 3.1.3.7** the desirability of providing access to riparian areas for residents and tourists alike,
  - 3.1.3.8** the need to prevent pollution of the environment and to protect the quality of the visual landscape, and
- 3.1.4** The need to protect areas identified as important for the maintenance of the groundwater resources.

#### **3.2 General Residential Policies**

- 3.2.1** The following residential land use policies apply to all land where residential use is allowed irrespective of land use designation. These general policies are followed by policies specific to individual designations.
    - 3.2.1.1** Existing lots smaller than the minimum lot size permitted by designation, may be used for the purposes permitted in the designation providing all other regulations are met.
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- 3.2.1.2** Zoning shall limit subdivision pursuant to Section 996 of the *Municipal Act* on land outside the Agricultural Land Reserve.
  - 3.2.1.3** Clustering of residential development shall be permitted in order to create separation between neighbouring developments and to ensure that they do not form continuous development.
  - 3.2.1.4** Zoning regulations shall provide for a mix of residential lot sizes.
  - 3.2.1.5** An adequate supply of potable water as specified in regulation, must be proven for each new lot created by subdivision.
  - 3.2.1.6** The Approving Officer is requested to ensure that before a subdivision is approved, it must be demonstrated that where required through regulation, withdrawal of ground water for new lots will not adversely affect the supply to existing and potential water users.
  - 3.2.1.7** Flood proofing regulations on setback of buildings and structures from water bodies and elevation of ground floors above water bodies shall be articulated either through zoning regulations or by adoption of a Floodplain Management Bylaw pursuant to Section 969 of the *Municipal Act*.
  - 3.2.1.8** A conservation zone may be assigned to land covenanted or deeded against further development or use, including common property in strata title subdivisions.
- 3.2.2** Suburban Residential Policies (As shown on Schedule 'B' - Land Use Designations)
- 3.2.2.1** The principal use shall be residential.
  - 3.2.2.2** The minimum lot size shall be 2000 square metres.
  - 3.2.2.3** One dwelling unit shall be permitted per 2000 square metres of site area except one dwelling unit and one secondary suite shall be permitted on Lot 2 District Lot 4598 Kootenay Land District EPP75763 (PID 030-260-191).
  - 3.2.2.4** Shall be serviced by a community water system.
  - 3.2.2.5** In areas where individual septic systems are adversely affecting the environment or the quality of water, a sewer system may be required where the minimum lot size for a single detached dwelling shall be 700 square metres.
- 3.2.3** Country Residential 1 Policies (As shown on Schedule 'B' - Land Use Designations)
- 3.2.3.1** The principal use shall be residential and/or agriculture.
  - 3.2.3.2** One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every one (1) hectare of lot area over one (1) hectare.
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**3.2.3.3** The minimum lot size shall be one (1) hectare.

**3.2.3.4** The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-agricultural lands will be considered and encouraged by the Board of the Regional District.

**3.2.4** Country Residential 2 Policies

**3.2.4.1** The principal use shall be residential and/or agriculture.

**3.2.4.2** One single detached dwelling or duplex shall be permitted per lot. In addition, if a lot is developed with a single detached dwelling, a manufactured home may be placed on the lot to provide temporary accommodation for a relative of the occupant of the principal dwelling. Lands within the Agricultural Land Reserve shall comply with the *Agricultural Land Commission Act, Regulations and Orders*.

**3.2.4.3** The minimum lot size shall be one (1) hectare with the exception of Lot 19, District Lot 1239, Kootenay District Plan 5230 which shall be .39 hectare and with the exception of Lot 1, District Lot 11912, Kootenay District Plan EPP82210 which shall be 0.79 hectare.

**3.2.5** Rural Residential Policies (As shown on Schedule 'B' - Land Use Designations)

**3.2.5.1** The principal use shall be residential or agricultural.

**3.2.5.2** One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every two (2) hectares of lot area over two (2) hectares.

**3.2.5.3** The average lot size for subdivision of Rural Residential land shall be at least two (2) hectares.

**3.2.5.4** Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses.

**3.2.5.5** The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-agricultural lands will be considered and encouraged by the Board of the Regional District.

**3.2.6** Remote Residential Policies (As shown on Schedule 'B' - Land Use Designations)

**3.2.6.1** The principal use shall be residential or agricultural.

**3.2.6.2** Non-ALR lands greater than ten (10) hectares in area that are limited by access, topography and/or natural hazards shall be designated *Remote Residential*.

**3.2.6.3** Lands designated *Remote Residential* shall have a minimum lot size of two (2) hectares. One single detached dwelling or duplex is permitted and one additional single detached dwelling or duplex shall be permitted per every additional four (4) hectares of lot area.

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**3.2.6.4** Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses.

**3.2.6.5** The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-agricultural lands will be considered and encouraged by the Board of the Regional District.

**3.2.7** High Density Residential Policies (As shown on Schedule 'B' - Land Use Designations)

**3.2.7.1** Shall be serviced by a community water system and community sewer system.

**3.2.7.2** High Density Residential includes Manufactured Home Parks, Seniors Housing Developments, Coop Housing, Strata Developments, apartment and row house developments.

### **3.3 Environmental Policies**

**3.3.1** The Board of the Regional District shall evaluate development proposals for private land through referral to soils mapping prepared for the Regional District to determine potentially unstable areas. Proposals for development in potentially unstable areas shall only be permitted if the applicant assumes the cost of construction, stabilization, and maintenance measures approved by a qualified registered British Columbia engineer pursuant to Section 734(4) of the *Municipal Act* and meets any associated requirements of the Ministry of Environment.

**3.3.2** Development in potentially unstable areas shall avoid:

**3.3.2.1** cutting into a slope without providing adequate mechanical support;

**3.3.2.2** adding water to a slope that would cause decreased stability;

**3.3.2.3** adding weight to the top of a slope;

**3.3.2.4** removing vegetation from a slope;

**3.3.2.5** steepening slopes.

**3.3.3** The Board of the Regional District shall continue to co-operate with appropriate agencies in their studies of the Brilliant Dam Expansion Project and Hugh Keenleyside electrical generation project to evaluate and minimize adverse effects and capitalize on benefits that may accrue to the Plan Area, should the projects be approved.

**3.3.4** The Board of the Regional District shall continue its efforts to solve water and sewage problems in the Plan Area including the discussion and negotiation with the Provincial government and Irrigation and Improvement Districts.

**3.3.5** A separate zone for conservation shall be applied to new and existing Environmental Reserve areas on private lands.

**3.3.6** Lands covenanted against further development or subdivision shall be identified through appropriate zoning designation.

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- 3.3.7** Zoning for Environmental Reserve areas on private lands may permit trails and uses permitted as specified in the *Ecological Reserves Regulations* pursuant to the *Ecological Reserves Act*.
- 3.3.8** A Tree Cutting Bylaw pursuant to Section 978 of the *Municipal Act* may be developed to regulate tree cutting on private lands where natural hazards are evident and for where there is potential damage to community watersheds.
- 3.3.9** Any timber harvesting and related forest practices carried out on Crown lands within a provincial forest are subject to the *Forest Act*, the *Forest Practices Code of British Columbia* and the regulations.

### **3.4 Agricultural Policies**

- 3.4.1** The principal use of lands designated as Agriculture on Schedule 'B' - Land Use Designations shall be agriculture.
  - 3.4.2** All land within the Agricultural Land Reserve shall be zoned for agricultural use unless otherwise approved by the Agricultural Land Commission.
  - 3.4.3** All land use and subdivision of land within the Agricultural Land Reserve shall be in accordance with the provisions of the *B.C. Agricultural Land Commission Act*, associated regulations, orders and decisions of the Agricultural Land Commission.
  - 3.4.4** May consider an accessory dwelling to accommodate farm help and support secondary farm income where the additional density can be sustainably serviced.
  - 3.4.5** The average lot size for subdivision of Agricultural land shall be two (2) hectares.
  - 3.4.6** Farm operators shall be encouraged to:
    - 3.4.6.1** avoid the use of pesticides, herbicides, fungicides and other noxious chemicals, however if farm operators do apply agricultural chemicals, they are encouraged to apply them in accordance with established Provincial standards and accepted agricultural practices.
    - 3.4.6.2** ensure production methods maintain soil quality and minimize erosion.
    - 3.4.6.3** ensure surface and groundwater recharge areas are not contaminated by agricultural activities, and
    - 3.4.6.4** collect and store rainwater for irrigation purposes.
  - 3.4.7** The Board of the Regional District requests that the British Columbia Agricultural Land Commission remove all lands from the Agricultural Land Reserve as specifically highlighted on Schedule 'B', Land Use Designations.
  - 3.4.8** The keeping of animals and the storage and handling of manure shall be regulated through zoning in accordance with the Code of Practice for Agricultural Environmental Management.
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- 3.4.9** Zoning regulations shall ensure setbacks, landscape buffers and fencing requirements on properties adjacent to agricultural uses shall be sufficient to protect the continuation of the agricultural operation.
- 3.4.10** Roadside stands on lots adjacent to highways for the sale of agricultural and horticultural products grown in the West Kootenay shall be permitted provided that there is approved access by the Ministry of Transportation and Highways.
- 3.4.11** The Ministry of Agriculture and Food is encouraged to provide technical and financial incentives for productive use of agricultural land.
- 3.4.12** The Board of the Regional District shall support the retention of suitable farm land within the Agricultural Land Reserve.
- 3.4.13** The removal of gravel and soil from lands within the Agricultural Land Reserve shall not be permitted without permit from the Agricultural Land Commission pursuant to the Agricultural Land Commission Act.
- 3.4.14** The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on agricultural lands will be considered and supported by the Board of the Regional District through zoning regulation.
- 3.4.15** Discourages subdivisions of agricultural land that do not benefit agriculture and cause further fragmentation of agricultural land.
- 3.4.16** Encourages and promotes the Environmental Farm Plan program to farmers in the Region.

**3.5 Commercial Policies (As shown on Schedule 'B' - Land Use Designations)**

- 3.5.1** Encourages that the principal use of lands designated as Agriculture on Schedule 'B' shall be for agricultural use.
  - 3.5.2** The minimum lot size shall be one (1) hectare unless serviced by a community water system whereby the minimum lot size shall be .5 hectares.
  - 3.5.3** Existing commercial uses shall be recognized.
  - 3.5.4** Small commercial facilities with floor areas no greater than 465 square metres may be permitted to provide for neighbourhood commercial requirements. Such uses must provide adequate parking and be served by Provincial arterial highways, major collector roads, or proposed collector roads to be included within the proposed major street network.
  - 3.5.5** Local agricultural producers are encouraged to establish farmers' markets to serve as a means of primarily marketing local agricultural products. Evaluation of locations for the market shall include:
    - 3.5.5.1** adequate parking;
    - 3.5.5.2** a visual location along a major roadway;
    - 3.5.5.3** adequate access from a major roadway; and
    - 3.5.5.4** compatible adjacent land uses.
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- 3.5.6** Commercial uses may be considered on privately owned parcels located along Highway No. 3 leading from Castlegar towards Grand Forks provided that access is suitable to Ministry standards, water supply is sufficient, slopes are not excessive, sewage disposal meets the requirements of the Ministry of Health, the Blueberry watershed is protected and access is approved by the Ministry of Transportation and Highways.
- 3.5.7** A Landscape buffer shall be required to be installed and maintained on commercial properties adjacent to all properties which have a non-commercial or non-industrial designation and shall be in place prior to commencement of operation.
- 3.5.8** Home Occupation Policies
- 3.5.8.1** Home Occupations shall be accessory to residential use.
- 3.5.8.2** A home occupation shall be conducted entirely within the dwelling unit or within legal accessory structures.
- 3.5.8.3** The number of employees including the primary operator of a home occupation shall be regulated.
- 3.5.8.4** Home occupations shall be permitted only if the residential character of the property is maintained.
- 3.5.8.5** Home occupations that use excessive amounts of groundwater shall be specifically prohibited.
- 3.5.8.6** A restaurant shall not be permitted.
- 3.5.8.7** A product produced on the site by a resident may be sold from the site.
- 3.5.8.8** Adequate off-street parking of vehicles shall be required.
- 3.5.8.9** The home occupation shall not generate waste, vibration, glare, fumes, odours, illumination or electrical interference beyond that generated normally by a single residence and noise abatement techniques and appropriate siting for activities generating noticeable levels of noise shall be encouraged.
- 3.5.8.10** Notwithstanding subsections 3.5.8.1 to 3.5.8.9, home occupations within the Agricultural Land Reserve shall comply with all applicable regulations of the British Columbia Agricultural Land Commission.
- 3.5.9** Bed and Breakfast Accommodation
- 3.5.9.1** Bed and Breakfast accommodations from 1 to 6 rooms accommodating up to two persons per room shall be accessory to a residential use.
- 3.5.9.2** Where a Bed and Breakfast is permitted, the residential character of the site shall be maintained.
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- 3.5.9.3** Notwithstanding subsections 3.5.9.1 and 3.5.9.2, Bed and Breakfasts within the Agricultural Land Reserve shall comply with all applicable regulations of the British Columbia Agricultural Land Commission.
- 3.5.9.4** Shall be subject to Ministry of Health requirements.
- 3.5.9.5** Shall be located in the principal structure only.
- 3.5.10** The size and nature of signs on private property shall be regulated.

### **3.6 Industrial Policies** (As shown on Schedule 'B' - Land Use Designations)

- 3.6.1** The principal use shall be industry.
  - 3.6.2** Existing industrial uses shall be recognized.
  - 3.6.3** Notwithstanding subsection 3.6.2, industrial activity in Brilliant should be relocated and the lands reclaimed for community and/or residential uses.
  - 3.6.4** The minimum lot size shall be one (1) hectare.
  - 3.6.5** Noise abatement techniques are encouraged.
  - 3.6.6** Temporary Industrial Permits pursuant to Section 975 of the *Municipal Act* may be considered by the Board of the Regional District on any parcel designated as industrial, commercial, or open space on Schedule 'B' - Land use Designations, subject to the provision of performance bonds and or registerable covenants ensuring compliance of permit.
  - 3.6.7** The following criteria shall be implemented through zoning regulations:
    - 3.6.7.1** a number of different zones may be applied allowing differing levels of industrial activity,
    - 3.6.7.2** industrial activity shall be allowed on sufficiently large properties in a scale proportionate to the lot size,
    - 3.6.7.3** any application for industrial zoning shall include an assessment of impact on local water flow patterns, groundwater and waste water disposal and shall show evidence of adequate water supply and waste disposal,
    - 3.6.7.4** the Ministry of Environment is requested to ensure industrial activities involving emission of toxic or irritant material meet the most stringent interpretation of its standards with specific regard for the protection of groundwater catchment areas, surface water and riparian areas and with respect to air-borne industrial pollutants,
    - 3.6.7.5** industrial activity shall be located in close proximity with direct access to major arterial highway,
    - 3.6.7.6** prior to commencement of industrial activity, a landscape buffer shall be required on industrial properties adjacent to all properties which have a non-industrial designation,
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- 3.6.7.7** all industrial activity parking and storage must be screened and wide buffers shall be left along roads and property lines, and
- 3.6.7.8** signage and lighting shall be regulated to ensure maintenance of the rural landscape.
- 3.6.8** Upon application a light industrial subdivision may be considered by the Board of the Regional District subject to good arterial highway access and subject to noise abatement and landscaping requirements and where land use conflicts are minimized.
- 3.6.9** Consideration of a Soil Removal Bylaw pursuant to the *Municipal Act* for the Plan Area shall be a priority of the Board of the Regional District.
- 3.6.10** Priority shall be placed on the extraction and processing of sand and gravel aggregate on lands having recoverable deposits and situated in locations having minimal conflicts with adjacent land uses. Other development in conformity with long term land uses proposed in the Plan Area may be considered after extraction is complete and rehabilitation has occurred. Areas designated for future settlement uses and which contain sand and gravel deposits should have the resource extracted prior to final development.
- 3.6.11** Applications for the processing of aggregate resources shall be evaluated by the Board of the Regional District on the basis of the following criteria:
- 3.6.11.1** the extent of visual screening,
  - 3.6.11.2** the type of processing proposed,
  - 3.6.11.3** the prevailing wind direction,
  - 3.6.11.4** adjacent land uses,
  - 3.6.11.5** accessibility,
  - 3.6.11.6** a reclamation plan, and
  - 3.6.11.7** the characteristics of the aggregate deposit.
- 3.6.12** Encouragement is given to the phased rehabilitation of sand and gravel pits after extraction is complete pursuant to Section 10 of the *Mines Act*.
- 3.6.13** Access roads to new sand and gravel extraction and processing operations are not encouraged to use streets that serve abutting residential development.
- 3.6.14** Required setbacks shall be identified through zoning and shall be related to the characteristics of the sand and gravel operation.
- 3.6.15** Landscape buffers for gravel and sand processing operations shall be required adjacent to all properties which have a non-industrial designation in order to minimize any adverse effects from the operation.
- 3.6.16** Any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, coal or quarry materials that is classified as a “mineral” under the *Mineral Tenure Act* or a “mine” under the *Mines Act* shall not be restricted by any terms or conditions of this Plan so long as the Ministry
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of Energy, Mines and Petroleum Resources manages the activities and land for that purpose.

- 3.6.17** The Board of the Regional District supports the existence of the Forest Land Reserve and acknowledges the uses permitted in the Reserve.



### **3.7 Parks and Recreation**

- 3.7.1** A recreation development plan should be prepared for the Plan Area. The Board of the Regional District may then prepare a development cost charge bylaw as a means of acquiring a five percent dedication of land or money in lieu of land to be used for public recreation and open space as a condition of subdivision in all subdivisions where residential lots to be created are less than .8 hectares in size.
- 3.7.2** The Board of the Regional District proposes the establishment of a recreation system in the Plan Area based on the following categories:
- 3.7.2.1** open space - greenbelts which provide for watershed protection, access to river shorelines, and dispersed low environmental impact recreational facilities, such as walking and cycling trails.
  - 3.7.2.2** regional recreation nodes catering to residents of the Plan Area, the City of Castlegar and visitors. Included are the Pass Creek Regional Park which contains a concentration of outdoor recreation facilities such as picnic sites, shelters, and playfields, and the combined Doukhobor Historical Centre and National Exhibition Centre.
  - 3.7.2.3** community parks should be centrally located, and if possible, located in association with a neighbourhood school and contain playgrounds, ball fields, tennis courts and other recreation activities.
  - 3.7.2.4** Historical interpretation sites and archaeological sites which describe the past and reflect major achievements of residents of the area. Included in this category are the Doukhobor Historical Centre, Verigin's Tomb, Robson Community Memorial Church & Cemetery, CPR Train Bridge, Brilliant School, Lots 1-6, Plan 2952 in Brilliant and the Doukhobor Suspension Bridge, Ootischenia Cemetery, Champion Creek Cemetery and the archaeological sites as identified on Schedule 'B' - Land Use Designations.
  - 3.7.2.5** In support of park and recreation initiatives the Regional District shall review its development approval bylaws to include provisions requiring park land dedication or cash-in-lieu as per the *Local Government Act*.
- 3.7.3** The Board of the Regional District proposes the establishment of environmentally sensitive areas as Environmental Reserves subject to the following:
- 3.7.3.1** Development on private lands in sensitive watersheds shall be protected from adverse development.
  - 3.7.3.2** All lands adjacent to within a 15 metre radius of a creek shall be designated as Environmental Reserve.
  - 3.7.3.3** Private development acceptable on land designated Environmental Reserve include trails, interpretive signs, benches and similar types
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of development. One single detached dwelling may be considered subject to compliance with Section 734 of the *Municipal Act*.

- 3.7.4 The impacts of development proposals located on lands adjacent to archaeological sites shall be evaluated by the Board of the Regional District prior to any possible development.
- 3.7.5 Public and Private commercial recreational development may be considered provided they are compatible with adjacent land uses.

### 3.8 Transportation Policies

- 3.8.1 Development proposals shall be evaluated by the Board of the Regional District in relation to the possible dangers arising from the transportation of dangerous materials.
  - 3.8.2 Highways
    - 3.8.2.1 The Ministry of Transportation and Highways is requested to ensure that a public consultative process be followed for all proposed transportation initiatives.
    - 3.8.2.2 The Ministry of Transportation and Highways is requested to initiate and complete a suitable Major Street Network Plan in order that future development potential for all parts of the Plan Area can be better addressed.
    - 3.8.2.3 Pursuant to Section 979 of the *Municipal Act*, approval shall be obtained from the Ministry of Transportation and Highways for commercial and industrial structures exceeding 4500 square metres in gross floor area within one kilometre radius of controlled access highways.
    - 3.8.2.4 The Ministry of Transportation and Highways is requested to ensure that all roads should be designed for safe use and access by pedestrians and cyclists alike.
    - 3.8.2.5 Off street parking shall be required for all land uses.
    - 3.8.2.6 Reclamation of the Ministry of Transportation and Highways gravel pit in Ootischenia is strongly encouraged and the historic/heritage and cultural uses of these lands be evaluated before any development is considered.
    - 3.8.2.7 It is the policy of the Board of the Regional District that the Ministry of Transportation and Highways be encouraged to designate Columbia Road as a local road with minimal industrial traffic permitted.
    - 3.8.2.8 The Ministry of Transportation and Highways is strongly encouraged to plan and construct an alternate access to Brilliant in order that access is maintained in event of an emergency.
    - 3.8.2.9 The Ministry of Transportation and Highways is strongly encouraged to initiate and complete a feasibility study for an alternate route to
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the Ootischenia Sanitary Landfill and the large tracts of land lying to the south of the landfill which are suitable for substantial future development.

- 3.8.2.10** The entire length of Highway No. 3A within the Plan Area is designated a Controlled Access Highway pursuant to the *Highway Act*. Additionally, new subdivisions within the Plan Area may be subject to Ministry of Transportation and Highways road dedication requirements.
- 3.8.3** Regional District of Central Kootenay control of development and land use regulation on airport lands is a priority of the Board of the Regional District.
- 3.8.3.1** Any lands which are transferred by the Federal government to an airport operator shall be, and remain, subject to the existing land use regulations and controls adopted by the Board of the Regional District.
- 3.8.3.2** All building and subdivision applications shall be considered in relation to flight paths, height controls and aircraft noise.
- 3.8.3.3** Airport and Agricultural related uses shall be priority uses for Airport lands. However, Public Institutional, Commercial and Light Industrial uses may be considered subject to:
- 3.8.3.3.1** The preparation of a detailed evaluation of the historic/heritage and cultural uses of the land;
- 3.8.3.3.2** The preparation and approval of a comprehensive planning/feasibility study to:
- 3.8.3.3.2.1** determine adequate servicing requirements for water supply sewage disposal;
- 3.8.3.3.2.2** ensure the environmental protection of the water supply;
- 3.8.3.3.2.3** redesign of highway access to and from the airport lands;
- 3.8.3.3.2.4** ensure land use compatibility with adjacent properties;
- 3.8.3.3.2.5** ensure meaningful public consultation;
- 3.8.3.3.2.6** ensure minimal air and noise emissions;
- 3.8.3.3.2.7** ensure parking needs are met;
- 3.8.3.3.2.8** ensure landscape and buffers are in place to provide an aesthetically pleasing environment and to mitigate any possible land use conflicts resulting from such development; and
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**3.8.3.3.2.9** consider and make recommendation as to the highest and best use of such adjacent lands.

**3.8.3.3.3** Commercial uses confined indoors;

**3.8.3.3.4** Light industrial uses shall be considered only if they are directly related to an Airport activity.

**3.8.3.4** Zoning provisions shall reflect subsections 3.8.3.1 to 3.8.3.3.

#### **3.8.4 Trail Development**

**3.8.4.1** A comprehensive trail development system for pedestrians and cyclists shall be considered as a high priority on lands adjacent to the Kootenay and Columbia Rivers as shown on attached Schedule 'C' - Trail Development.

**3.8.4.2** In general, recreation trails shall be directed away from the Agricultural Land Reserve areas. However, where such trails are proposed on land within the Reserve, the onus shall be on the proponent to demonstrate that the proposed trail system shall not interfere or otherwise restrict the optimum agricultural operation of adjacent or potential agricultural holdings.

**3.8.4.3** In determining the appropriateness of a proposed recreation trail within the Agricultural Land Reserve, the proponent shall submit information documenting the likely impacts on adjacent existing and potential agricultural operations as well as possible mitigative measures including the use of vegetative screening and buffers, natural features and fencing. The proponent shall also demonstrate that the proposal has the support of adjacent agricultural operators and local agricultural organizations.

**3.8.4.4** On land within the Agricultural Land Reserve, proposed recreation trails where approved by the Agricultural Land Commission shall not bisect existing or potential agricultural operations and such trails shall be directed to the periphery of the Agricultural Land Reserve block.

**3.8.4.5** Where recreation trails are proposed on land within the Agricultural Land Reserve, the proponent shall obtain approval of the Agricultural Land Commission prior to development.

#### **3.9 Community Service Policies**

**3.9.1** Community Services permitted on lots designated for Community Service on Schedule 'B' - Land Use Designations, shall include public recreation facilities, community halls, public utility structures and services, schools, universities/colleges, firehalls, greenspace, museums, hospitals and similar uses.

**3.9.2** Subdivision approval within the entire Plan Area shall be subject to proof of adequate potable water supply to every newly created parcel and soil

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conditions suitable for sewage disposal by septic tank systems if the properties are not serviced by community sewer system.

- 3.9.3** The Board of the Regional District will continue to undertake detailed planning, engineering and environmental impact studies to meet the long term sanitary landfill requirements to serve the Plan Area.
- 3.9.4** The Board of the Regional District will continue to maintain and enhance fire protection throughout the Plan Area.
- 3.9.5** In all subdivision applications involving land adjacent to water bodies, the Approving Officer shall be requested to require access to that water body.
- 3.9.6** New and improved domestic water supply systems shall be designed and constructed to provide hydrants and sufficient flows for fire protection and the Regional District recommends to Improvement and Irrigation Districts, the City of Castlegar and the Regional District of Central Kootenay owned water systems that the same utility standards be used so that in case of emergencies, fire equipment can be interchanged and critical repairs made.
- 3.9.7** The Plan supports the provision and enhancement of public transit services to the Plan Area.
- 3.9.8** Encouragement shall be given to the use of subdivision designs that accommodate services, such as public transit vehicles, emergency vehicles, group mail boxes.
- 3.9.9** The Board of the Regional District shall continue to work closely with school and health authorities to plan for school and health care facilities as settlement occurs.
- 3.9.10** The City of Castlegar, the Regional District of Central Kootenay, the Provincial Government and the public are encouraged to jointly develop an emergency measures plan that covers the City of Castlegar and the Plan Area.
- 3.9.11** Institutional zoning shall be provided for public institutional uses.

### **3.10 Specific Community Policies**

#### **3.10.1 Robson/Raspberry**

- 3.10.1.1** The Provincial Government is encouraged to acquire the right-of-way for the proposed upper Robson Road and construct the road.
  - 3.10.1.2** The minimum lot size for single detached housing within Robson is 700 square metres provided it is serviced by a community water system and a community sewer system.
  - 3.10.1.3** Land serviced only by the Robson/Raspberry Improvement District's community water system shall have a minimum lot size of 2000 square metres.
  - 3.10.1.4** Within upper Raspberry land shall be designated as Country Residential as shown on Schedule 'B'.
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- 3.10.1.5** The Board of the Regional District encourages the development of a community sewer system for all lands serviced by the Robson/Raspberry Improvement District.
- 3.10.1.6** All other private lands not serviced by the Robson/Raspberry Improvement District's community water system shall be designated Country Residential, Rural or Agricultural.
- 3.10.1.7** All existing Manufactured Home Parks serviced by the Robson/Raspberry Improvement District shall be designated as High Density Residential.
- 3.10.1.8** Consideration may be given to identifying lands near or adjacent to the old ferry landing for higher density residential development for seniors housing, lower income housing or strata development subject to servicing by a community sewer system.
- 3.10.1.9** Commercial Development is only encouraged on lands near or adjacent to the old ferry landing subject to landscaping requirements.
- 3.10.1.10** The Board of the Regional District encourages the Ministry of Transportation and Highways to maintain public access to the old ferry landing and the old Robson Wharf.
- 3.10.1.11** Light industrial/commercial uses adjacent to both the access to the Robson bridge and to the Castlegar Sewage Lagoon may be considered.

### **3.10.2 Blueberry Creek/Fairview**

- 3.10.2.1** Land serviced by the community water system operated by the Blueberry Creek Irrigation District shall have a minimum lot size of 2000 square metres and shall be designated as Suburban Residential as shown on Schedule 'B'.
- 3.10.2.2** Consideration for the development of a neighbourhood commercial development within Blueberry may be considered subject to good access and landscaping standards.
- 3.10.2.3** On District Lot 7163 and remainder of District Lot 7164, priority shall be given to the extraction and processing of sand and gravel resources. After extraction is complete, consideration may be given to the development of lots for residential purposes.
- 3.10.2.4** Consideration for the designation of District Lots 7163, 7164 and 7166 shall be to Suburban Residential subject to the completion of detailed feasibility studies which accurately assess subdivision potential with respect to water supply, sewage disposal as well as other services.

### **3.10.3 Ootischenia Community Specific Policies**

#### **3.10.3.1 Residential Development Policies**

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- 3.10.3.1.1** In support of the future development of Ootischenia the Regional District shall seek funding support from federal and provincial government agencies for infrastructure improvements including but not limited to, community water service, improvements to the public road network including the development of public roads on presently undeveloped road allowances in the vicinity of Barry Road, transit services and telecommunication services.
- 3.10.3.1.2** Unless otherwise stated, land designated as Ootischenia Suburban Residential as shown on Schedule 'B' shall be permitted for subdivision into lots less than 1 ha only where water service is provided by the Ootischenia Improvement District.
- 3.10.3.1.3** Notwithstanding Policy 3.10.3.1.2, land in the vicinity of Selkirk College as shown on Schedule 'B' shall be designated Ootischenia Suburban Residential. In support of the future development of this area the Regional District shall consult with Selkirk College regarding the College's future development plans with a view to discussing opportunities to cooperate in the provision of community water service.
- 3.10.3.1.4** In support of the Ootischenia Improvement District the Regional District does not support the creation of independent community water systems intended to operate within the service area of the Ootischenia Improvement District. Furthermore, the Regional District does not support development involving the creation of independent community water systems designed to operate outside the Ootischenia Improvement District service area without prior consultation with the Ootischenia Improvement District.
- 3.10.3.1.5** Land located outside the Ootischenia Improvement District service area, south of the Regional District Landfill Site on Columbia Road shall be designated Country Residential 2 with a minimum site area of 1 ha and shall include the opportunity to install a manufactured home for a family member as per the requirements of the Zoning Bylaw.
- 3.10.3.1.6** The location of land designated for High Density residential development is identified on Schedule 'B' of this Bylaw. Proposals for High Density residential development involving land other than as shown on
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Schedule 'B' shall require amendment to this Bylaw and the Zoning Bylaw.

- 3.10.3.1.7** Unless otherwise approved by the Board of the Regional District on application for Bylaw amendment, High Density residential Development shall be connected to the Ootischenia Improvement District community water system and depending on the residential density and site circumstances of a specific proposal the development may be required to be serviced by a community sewer system.
- 3.10.3.1.8** When considering High Density residential development regard shall be given to locations that have access to existing or proposed public transit routes, neighbourhood commercial services and other supportive services.
- 3.10.3.1.9** Pursuant to Section 4.1 of this Bylaw, High Density residential development is designated as a Development Permit Area. Furthermore, in addition to other requirements of this Bylaw and the Zoning Bylaw a Development Permit for High Density residential development shall consider matters such as, road access, screening and buffering with respect to fencing and landscaping requirements, size, mass and location of all proposed buildings, street and site lighting including parking areas, finished surface requirements for all internal service roads and parking areas, potential impacts on ground water, signs and any other relevant matters.
- 3.10.3.1.10** The sale of site grown agricultural produce and the keeping of farm animals shall be permitted on land designated residential on Schedule 'B' in accordance with the requirements of the Zoning Bylaw.
- 3.10.3.1.11** Home Based Business and Accessory Tourist Accommodation operations shall be permitted on land designated as residential on Schedule 'B' subject to the requirements of the Zoning Bylaw.
- 3.10.3.1.12** On land designated Ootischenia Suburban Residential as shown on Schedule 'B' the gross floor area of an accessory building or structure shall not exceed 150 square meters and the total gross floor area devoted to all accessory buildings and structures shall not exceed the cumulative gross floor area of all permitted dwellings.

### **3.10.3.2 Industrial and Commercial Policies**

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- 3.10.3.2.1** The location of land designated for Commercial or Industrial development is identified on Schedule 'B' of this Bylaw. Proposals for Commercial and Industrial development involving land other than as shown on Schedule 'B' shall require amendment to this Bylaw and the Zoning Bylaw.
- 3.10.3.2.2** When considering Bylaw amendments for Commercial or Industrial development the Regional District encourages the development of sites accessible by an arterial highway or a frontage road directly accessed by an arterial highway.
- 3.10.3.2.3** Regarding Provincial Government property located in the vicinity of the Ministry of Transportation vehicle inspection station and truck weigh scales on Highway 3A, prior to any future disposition of this property, the Provincial Government is encouraged to consult with the Regional District with a view to the potential use of this area for future Commercial or Industrial development.
- 3.10.3.2.4** Pursuant to Section 4.1 of this Bylaw, Commercial and Industrial development is designated as a Development Permit Area. Furthermore, in addition to other requirements of this Bylaw and the Zoning Bylaw a Development Permit for Commercial and Industrial development shall consider matters such as, road access, potential impacts on ground water, screening and buffering with respect to fencing and landscaping requirements, the size, mass and location of all proposed buildings, site lighting including parking and loading areas, hours of operation, measures to control dust and reduce noise, finished surface requirements for all internal service roads, parking and loading areas, advertising signs and any other relevant matters.
- 3.10.3.2.5** Sublot 24, District Lot 4598 is the site of an exiting aggregate operation and has been designated Gravel Extraction as per Schedule 'B' of this Bylaw. In the context of the current operation, the Regional District may give consideration to operate an asphalt processing and concrete processing facility subject to the requirements of a Development Permit which shall consider matters such as, screening and buffering with respect to fencing and landscaping requirements, size, mass and location of all proposed buildings, site lighting of operational areas as well as employee parking areas, hours of operation, measures to control dust and reduce noise, advertising signs and any other relevant matters.
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Furthermore, once suitable reclamation of the land has occurred consideration may be given to amending this Bylaw and the Zoning Bylaw to designate the property or portions thereof as Country Residential 2.

### **3.10.3.3 Park and Open Space Policies**

**3.10.3.3.1** The location of land designated for Park or Open Space development is identified on Schedule 'B' of this Bylaw. Proposals for Park or Open Space development involving land other than as shown on Schedule 'B' shall require amendment to this Bylaw and the Zoning Bylaw.

**3.10.3.3.2** The Regional District encourages the Provincial Government to maintain public land designated Open Space as per Schedule 'B' of this Bylaw primarily for environmental conservation and protection purposes. In this regard, the Regional District encourages land designated as Open Space to be used for low impact, land extensive recreation and resource development activities.

**3.10.3.3.3** Schedule 'B' identifies land in the vicinity of Dove Hill, Bridgeview Subdivision and Waterloo Eddy as potential new Regional District Parks. The Regional District shall consult with the Provincial Government regarding the acquisition of an interest in these areas for future park purposes. Until such time as the Regional District acquires an interest in these properties they shall be zoned as Open Space in the Zoning Bylaw.

**3.10.3.3.4** Following the acquisition from the Provincial Government of land in the vicinity of Dove Hill, Bridgeview Subdivision and Waterloo Eddy for park purposes, the Regional District shall prepare a park management plan which shall include a process of consultation with the community. Once the park management plans have been completed the Regional District shall amend this Bylaw and the Zoning Bylaw to designate these lands as Park.

**3.10.3.3.5** The Remainder of Crown owned parcels Sublots 51, 60, 62 and 67, District Lot 4598 located in the vicinity of the Castlegar Golf Club and the Tower Ridge Subdivision, shall be designated Open Space and encouraged to be reserved for future community use. However, through an amendment to this Bylaw and the Zoning Bylaw the Board of the Regional District may consider the use of a portion of these properties for clustered single detached, high density multi-residential development or other purposes subject to the completion of a servicing feasibility study which shall include consultation with the Ootischenia

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Improvement District as well as an evaluation of the historic/heritage and cultural use of these lands.

**3.10.3.3.6** Land near Champion Creek shall be considered for future clustered residential development in conjunction with agricultural and other support uses subject to detailed planning and feasibility studies with respect to servicing.

#### **3.10.4 Brilliant**

**3.10.4.1** Existing residential lots serviced by the community water system operated by the Brilliant Improvement District shall have a minimum lot size of 2000 square metres and shall be designated as Suburban Residential as shown on Schedule 'B'.

**3.10.4.2** The lands identified as Community Service on Schedule 'B' within Brilliant shall be encouraged to be maintained and enhanced as a focal point for cultural activities.

**3.10.4.3** Development of Senior Citizen, Transitional and Co-op housing in conjunction with the Brilliant Cultural Centre is encouraged.

**3.10.4.4** Development of cultural and non-profit commercial facilities designed to support the operations of the Brilliant Cultural Centre such as, but not limited to: museums, theatres, libraries, arts/crafts, food preparation, exhibition/training centres are encouraged to be located in conjunction with the Brilliant Cultural Centre.

**3.10.4.5** Other future commercial development within the community of Brilliant shall be low impact; located along and accessed only by Robson Access Road.

**3.10.4.6** Maintenance of the Brilliant Flats (Lots 1 through 6, Plan 2952) in the Agricultural Land Reserve for use by the local community for co-operative agricultural and other activities consistent with the historic/heritage and cultural uses of these lands is encouraged. Any development shall be compatible with public access to the confluence of the Kootenay and Columbia Rivers and any trail development for pedestrians and cyclists adjacent to these two rivers as approved by the British Columbia Agricultural Land Commission.

**3.10.4.7** Crown land parcel Lot 3, Plan 2938, shall be requested to be reserved for community uses as part of the proposed Brilliant Suspension Bridge Regional Park.

**3.10.4.8** Expansion of City of Castlegar sewage lagoons should not be considered with out a comprehensive public consultation process with residents of Brilliant and Raspberry.

#### **3.10.5 Playmor Junction/Shoreacres**

**3.10.5.1** In order to lessen urban sprawl throughout the Plan Area, the Board, through a Plan amendment, may identify a residential growth

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node(s) in the Playmor Junction/Shoreacres area. Determination of a growth area is subject to the provision of adequate servicing and facilities, proof of sustainability, community support and non-interference with ALR lands. Proof of sustainability shall require a feasibility study(ies) prepared by a Professional Engineer. The study will accurately assess the potential impacts on, and relationships between, water supply and sewage disposal as well as other services. The study must confirm that the proposal is sustainable and environmentally healthy.

- 3.10.5.2** Land serviced by a Provincially approved community water system or a community sewer system developed pursuant to the *Waste Management Act* shall be designated as *Suburban Residential* and shall have a minimum lot size of 2000 m<sup>2</sup>.
- 3.10.5.3** The Regional District may support the development of the Shoreacres park reserve as a regional park with a small picnic site, toilets and change-house.
- 3.10.5.4** The Regional District encourages the Ministry of Transportation and Highways to develop an alternate road access to Shoreacres.
- 3.10.5.5** The lands identified as *Community Services* on Schedule 'B' within Shoreacres shall be encouraged to be maintained and enhanced as a focal point for cultural activities.
- 3.10.5.6** Development of cultural and non-profit commercial facilities designed to support the operations of the Shoreacres Hall are encouraged. Such uses include, but are not limited to, museums, theatres, libraries, art and crafts galleries, food preparation, exhibition/training centres.
- 3.10.5.7** Neighbourhood commercial development will be considered subject to good access, landscaping standards, compatibility with neighbouring uses and the consent of the community.
- 3.10.5.8** The Regional District encourages the Columbia Power Corporation and the Electoral Area 'H' Director to consider designating Lot 1, Plan 17486, District Lots 303, and 5163, located in Electoral Area 'H', for community use such as parks, boat launch, walking trails, and secondary access to Shoreacres.

### **3.10.6 Glade**

- 3.10.6.1** All lands within the Agricultural Land Reserve shall be designated as *Agricultural* and shall have a minimum lot size of two (2) hectares. Subdivision of lots divided by the ALR boundary must be in accordance with the *Agricultural Land Commission Act, Regulations and Orders*.
  - 3.10.6.2** The lands identified as *Community Services* on Schedule 'B' within Glade shall be encouraged to be maintained and enhanced as a focal
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point for cultural activities and, where applicable, shall be in accordance with the *Agricultural Land Commission Act, Regulations and Orders*.

- 3.10.6.3** Development of cultural and non-profit commercial and residential facilities designed to support the operations of the Glade Hall and the community are encouraged, subject to the approval of the Provincial Agricultural Land Commission. Such uses include, but are not limited to museums, seniors housing, theatres, libraries, art and crafts galleries, food preparation, exhibition/training centres.
  - 3.10.6.4** Market gardening, greenhouses, nurseries and florist uses are encouraged.
  - 3.10.6.5** Private land logging within community watersheds is strongly discouraged. All Crown land logging shall be in strict compliance with the Ministry of Forest's *Forest Practices Code*.
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**3.10.7 Tarrys/Thrums**

- 3.10.7.1** All lands within the Agricultural Land Reserve shall be designated as *Agricultural* and shall have a minimum lot size of two (2) hectares. Subdivision of lots divided by the ALR boundary must be in accordance with the *Agricultural Land Commission Act, Regulations and Orders*.
- 3.10.7.2** In order to lessen urban sprawl throughout the Plan Area, the Board, through a Plan amendment, may identify a residential growth node(s) in the Tarrys area. Determination of a growth area is subject to the provision of adequate servicing and facilities, proof of sustainability, community support and non-interference with ALR lands. Proof of sustainability shall require a feasibility study(ies) prepared by a Professional Engineer. The study will accurately assess the potential impacts on, and relationships between, water supply and sewage disposal as well as other services. The study must confirm that the proposal is sustainable and environmentally healthy.
- 3.10.7.3** In order to lessen urban sprawl throughout the Plan Area, the Board, through a Plan amendment, may identify a residential growth node(s) in the Tarrys area. Determination of a growth area is subject to the provision of adequate servicing and facilities, proof of sustainability, community support and non-interference with ALR lands. Proof of sustainability shall require a feasibility study(ies) prepared by a Professional Engineer. The study will accurately assess the potential impacts on, and relationships between, water supply and sewage disposal as well as other services. The study must confirm that the proposal is sustainable and environmentally healthy.
- 3.10.7.4** The lands identified as *Community Services* on Schedule 'B' within Tarrys, shall be encouraged to be maintained and enhanced as a focal point for cultural activities.
- 3.10.7.5** Development of cultural and non-profit commercial facilities designed to support the operations of the Tarrys Hall are encouraged. Such uses include, but are not limited to, museums, theatres, libraries, art and crafts galleries, food preparation, exhibition/training centres.
- 3.10.7.6** Neighbourhood commercial development will be considered subject to good access, landscaping standards, compatibility with neighbouring uses and the consent of the community.
- 3.10.7.7** Development of Seniors Citizen housing in Tarrys area is encouraged.
- 3.10.7.8** The Regional District encourages West Kootenay Power to relocate and consolidate the existing transmission lines away from settled areas.
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**3.10.7.9** Private land logging within community watersheds is strongly discouraged. All Crown land logging shall be in strict compliance with the Ministry of Forest's *Forest Practices Code*.

**3.10.7.10** New industrial developments may be considered, through the Plan amendment process, within the Tarrys area.

### **3.10.8 Pass Creek**

**3.10.8.1** All lands within the Agricultural Land Reserve shall be designated as *Agricultural* and shall have a minimum lot size of two (2) hectares. Subdivision of lots divided by the ALR boundary must be in accordance with the *Agricultural Land Commission Act, Regulations and Orders*.

**3.10.8.2** In order to lessen urban sprawl throughout the Plan Area, the Board, through a Plan amendment, may identify a residential growth node(s) in the Pass Creek area. Determination of a growth area is subject to the provision of adequate servicing and facilities, proof of sustainability, community support and non-interference with ALR lands. Proof of sustainability shall require a feasibility study(ies) prepared by a Professional Engineer. The study will accurately assess the potential impacts on, and relationships between, water supply and sewage disposal as well as other services. The study must confirm that the proposal is sustainable and environmentally healthy.

**3.10.8.3** Land serviced by a Provincially approved community water system or a community sewer system developed pursuant to the *Waste Management Act* shall be designated as *Suburban Residential* and shall have a minimum lot size of 2000 m<sup>2</sup>.

**3.10.8.4** Private land logging within community watersheds is strongly discouraged. All Crown land logging shall be in strict compliance with the Ministry of Forest's *Forest Practices Code*.

**3.10.8.5** The lands identified as *Community Services* on Schedule 'B' within Pass Creek shall be encouraged to be maintained and enhanced as a focal point for cultural activities and where applicable, shall be in accordance with the *Agricultural Land Commission Act, Regulations and Orders*.

### **3.10.9 South Arrow Lake**

**3.10.9.1** In support of the future development of the South Arrow Lake area, the Regional District shall seek funding support from the provincial government and other agencies to undertake a study that considers engineering requirements and long term financing options to provide electrical power service and appropriate public road access to communities on the east shore of Arrow Lake.

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- 3.10.9.2** With respect to communities on the west shore of Arrow Lake, in addition to encouraging the provision of electrical power service, to address the lack of existing public road access the Regional District shall seek funding support from the provincial government and other agencies to create additional parking and boat launch areas in support of water access only development.
- 3.10.9.3** Until such time as appropriate infrastructure services have been established in the South Arrow Lake area the Regional District supports a limited range of development opportunities in accordance with Section 3.10.10 and Section 3.10.11.

### **3.10.10 Deer Park and Little Cayuse Creek**

- 3.10.10.1** The provincial government is encouraged to take all measures necessary to insure that development, particularly forest resource development, in the Deer Creek and Little Cayuse Creek watersheds is conducted in accordance with established environmental standards and forest practices.
- 3.10.10.2** Telephone service providers are encouraged to extend service to each community.
- 3.10.10.3** The Regional District is encouraged to consult with the public regarding the installation of a solid waste facility to service properties from Anderson Point to Syringa Creek Provincial Park. This service should also include a sani-dump facility.
- 3.10.10.4** The Regional District is encouraged to consult with the Deer Park community regarding opportunities for the development of a community hall, playground, picnic area and other appropriate community and recreation facilities.
- 3.10.10.5** Subject to a bylaw amendment and development permit application that addresses site location, site design, building size, water supply and septic services, electrical service, parking, appearance, landscaping, lighting, advertising signs and hours of operation, the Deer Park community supports the development of a general store, service station and marina.
- 3.10.10.6** The Regional District encourages the Agricultural Land Commission to exclude land designated as Agricultural Land Reserve in portions of Deer Park and Syringa Creek pursuant to Agricultural Land Commission Resolution #121/2003.
- 3.10.10.7** Land in Deer Park as shown on Schedule 'A' attached to and forming part of this Bylaw shall be designated RRSA - Rural Residential (South Arrow) with a minimum site area of 2 ha (5 ac).
- 3.10.10.8** Land in Little Cayuse Creek located between Broadwater Road and Arrow Lake as shown on Schedule 'A' attached to and forming part of
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this Bylaw, shall be designated CR2SA - Country Residential (South Arrow) with a minimum site area of 1 ha (2.5 ac).

- 3.10.10.9** As shown on Schedule 'A' attached to and forming part of this Bylaw, unless otherwise approved by the Board of the Regional District on submission of a bylaw amendment application, the land use designation for land in Deer Park, Little Cayuse Creek and the east shore of South Arrow Lake in Electoral Area 'J' shall reflect the zoning designations pursuant to Kootenay-Columbia Rivers Zoning Bylaw No. 1373, 1999.
- 3.10.10.10** For land designated CR2SA - Country Residential (South Arrow) and RRSA - Rural Residential (South Arrow) the maximum number of dwellings per minimum site area shall be one single detached or one duplex dwelling. In addition, subject to the requirements of the zoning bylaw, one guest cabin with a maximum gross floor area of 75 m<sup>2</sup> (807 sq. ft.) per cabin shall be allowed. In this context a 'guest' includes a family member or others occupying a cabin at the invitation of the owner. A guest cabin shall not be used as rental accommodation.
- 3.10.10.11** The communities do not support the unlimited use of recreation vehicles as temporary guest accommodation. However, on all residential and agricultural designated land two (2) recreation vehicles shall be allowed per lot. Recreation vehicles may be used for the temporary accommodation of guests provided that they are licensed and remain mobile consistent with the original design of the vehicle. A recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin.
- 3.10.10.12** Residential subdivision and development proposals involving parcels less than the minimum site area or involving more than the maximum number of dwellings, guest cabins or recreation vehicles per site area shall require a bylaw amendment application. When considering such applications the Regional District shall have regard to site location, subdivision design, building size, water supply, sewage disposal, electric power service, parking, appearance, landscaping and public road access.
- 3.10.10.13** All subdivision and development proposals located in an alluvial fan shall be required to address flood hazard issues pursuant to Regional District of Central Kootenay Floodplain Management Bylaw 1650, 2004 and the requirements of provincial government agencies where applicable.
- 3.10.10.14** Subject to the requirements of the Provincial Approving Officer, subdivision proposals involving parcels less than 1 ha (2.5 ac) may
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require a feasibility study prepared by a Professional Engineer. The feasibility study shall assess the requirements for water supply, sewage disposal and other matters prescribed by provincial government agencies and confirm that the proposal meets accepted engineering practices, provincial requirements and environmental standards.

### **3.10.11 Renata, Brooklyn and Coykendahl**

- 3.10.11.1** The provincial government is encouraged to take all measures necessary to insure that development, particularly forest resource development, in local watersheds is conducted in accordance with established environmental standards and forest practices.
  - 3.10.11.2** Telephone service providers are encouraged to extend service to each community.
  - 3.10.11.3** The Regional District encourages the Agricultural Land Commission to exclude land designated as Agricultural Land Reserve in Renata pursuant to Agricultural Land Commission Resolution #121/2003.
  - 3.10.11.4** Given the lack of infrastructure including public road access, electric power service and limited parking facilities for boat access only development, land in Renata, Brooklyn and Coykendahl as shown on Schedule 'A' attached to and forming part of this Bylaw, shall be designated RRSA - Rural Residential (South Arrow) with a minimum site area of 2 ha (5 ac).
  - 3.10.11.5** As shown on Schedule 'A' attached to and forming part of this Bylaw, unless otherwise approved by the Board of the Regional District on submission of a bylaw amendment application, the land use designation for land in Renata, Brooklyn and Coykendahl and the west shore of South Arrow Lake in Electoral Area 'J' shall reflect the zoning designations pursuant to Kootenay-Columbia Rivers Zoning Bylaw No. 1373, 1999.
  - 3.10.11.6** For land designated RRSA - Rural Residential (South Arrow) the maximum number of dwellings per minimum site area shall be one single detached or one duplex dwelling. In addition, subject to the requirements of the zoning bylaw, one guest cabin with a maximum gross floor area of 75 m<sup>2</sup> (807 sq. ft.) per cabin shall be allowed. In this context a 'guest' includes a family member or others occupying a cabin at the invitation of the owner. A guest cabin shall not be used as rental accommodation.
  - 3.10.11.7** The communities do not support the unlimited use of recreation vehicles as temporary guest accommodation. However, on all residential and agricultural designated land two (2) recreation vehicles shall be allowed per lot. Recreation vehicles may be used for the temporary accommodation of guests provided that they are licensed and remain mobile consistent with the original design of the
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vehicle. A recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin.

**3.10.11.8** All subdivision and development proposals located in an alluvial fan shall be required to address flood hazard issues pursuant to Regional District of Central Kootenay Floodplain Management Bylaw 1650, 2004 and the requirements of provincial government agencies where applicable.

**3.10.11.9** Residential subdivision and development proposals involving parcels less than the minimum site area or involving more than the maximum number of dwellings, guest cabins or recreation vehicles per site area shall require a bylaw amendment application. When considering such applications the Regional District shall have regard to site location, subdivision design, building size, water supply, sewage disposal and other services.

**3.10.11.10** For land located on the west shore of Arrow Lake in Electoral Area 'J' the Regional District does not support residential subdivision proposals involving community water or sewer systems.

### **3.11 Comprehensive Development**

**3.11.1** The Regional District supports development proposals involving a variety of land uses provided that the development is adequately planned and includes measures to mitigate impacts on adjacent landowners.

**3.12.2** For purposes of this Plan, comprehensive development includes development proposals involving more than one of the following land uses; commercial, industrial, parks and recreation or residential.

**3.12.3** Prior to the development of land designated Comprehensive Development as shown on Schedule B – Land Use Designations the Regional District shall require the proponent to prepare a comprehensive development plan in the form of a Development Permit as per Section 4.1 of this Plan.

**3.11.4** When considering a comprehensive development proposal the Regional District shall have regard to the form and character of the proposed buildings, the siting, size and height of buildings, the design and layout of internal service roads and lots, servicing requirements including water supply and sewage disposal, landscaping and fencing plans that are designed to separate land uses and mitigate impacts on adjacent land uses, signs, exterior lighting, dust suppression, hours of operation, parking and loading requirements and other relevant site development matters.

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**3.11.5** Development proposals involving community water and/or sewer systems shall require a feasibility study prepared by a Professional Engineer to confirm that the proposal meets accepted engineering practices, provincial requirements and environmental standards.

**3.11.6** As required on a site-by-site basis, the Zoning Bylaw shall be amended to provide a 'Comprehensive Development Zone' that reflects the policy provisions identified under Sections 3.11.1 through 3.11.5 of this Plan.

### **3.12 Greenhouse Gas Emission Reduction Targets**

#### **Introduction**

Beginning in 2007, the Province of BC has moved forward with a number of legislated and policy actions designed to encourage energy efficiency and reduce emissions of greenhouse gases (GHGs). These are driven by a legislated target to reduce the total GHG emissions in the Province by 33% from 2007 levels by 2020, and 80% by 2050.<sup>1</sup>

Of specific relevance to local governments is the Local Government (Green Communities) Statutes Amendment Act (Bill 27, 2008). "Bill 27" amends the Local Government Act to read:

- LGA 877 (3) - An official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets (by May 31, 2010).
- LGA 850 - Required Content of a Regional Growth Strategy:  
(2)(d) to the extent that these are regional matters, targets for the reduction of greenhouse gas emissions in the RDCK, and policies and actions of the local government proposed for the RDCK with respect to achieving those targets (by May 31, 2011).

In addition, Bill 27 provides some additional enabling powers to local governments intended to assist them in achieving reductions of community-wide emissions. This context provides a mandate to communities and regions to explore energy as part of the planning process.

#### **Objectives**

**3.12.1** Demonstrate leadership in energy conservation, energy efficiency and greenhouse gas emission reductions and to work towards carbon neutrality.

**3.12.2** Foster the development of renewable energy supply options.

**3.12.3** Reduce energy consumption and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.

**3.12.4** Reduce greenhouse gas emissions and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.

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<sup>1</sup>This target is defined in the Greenhouse Gas Reduction Targets Act (Bill 44, 2007)

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- 3.12.5** Locate developments where services and amenities are available and efficiently utilized.
- 3.12.6** Ensure future settlement patterns reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and transit.

### ***Policies***

#### ***General***

The Regional Board:

- 3.12.7** Will implement the RDCK Corporate Greenhouse Gas Emissions Reduction Plan (2010).
- 3.12.8** Will work collaboratively with our partners and community members to reduce the combined greenhouse gas emissions of the rural areas by 15% from baseline levels (2007) by 2020 and by 25% from baseline levels (2007) by 2030.
- 3.12.9** Encourages the reduction of landfill waste through the RDCK zero waste policy, and will investigate ways to increase waste diversion through strategies identified in the Resource Recovery Plan.
- 3.12.10** Supports collaboration with and supports partners that raise awareness and provide education on energy and emissions to local businesses, residents, and other organizations in the community.

#### ***Development and Buildings***

The Regional Board:

- 3.12.11** Encourages the clustering of residential development to create separation between neighbouring developments and to avoid continuous sprawl-like development.
- 3.12.12** Encourages energy efficient retrofits of older buildings, including both residential and commercial buildings.
- 3.12.13** Encourages the use of local materials and green building techniques in new and retrofitted developments.
- 3.12.14** Encourages the establishment of a sustainability checklist for the evaluation of development applications and supports the investigation into the creation of associated incentives for developers that develop buildings to a high level of building performance.

#### ***Transportation***

The Regional Board:

- 3.12.15** Supports a voluntary reduction of personal vehicle transportation emissions by promoting use of public transit, more efficient vehicles, use of alternative fuels,
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providing sufficient pedestrian and cycling facilities and routes, encouraging home-based businesses, and encouraging changes in travel patterns.

**3.12.16** Encourages nodal development instead of sprawl along major roads and, where appropriate, encourages clustering of commercial and urban residential development along major roads, in order to achieve a more efficient use of land and a proper distribution of traffic flow throughout the road network.

**3.12.17** Encourages compact development rather than the creation of low-density residential lots fronting the major road network and the provision of multiple accesses onto the major road network.

### ***Walkways, Trails & Commuter Bicycle Network***

The Regional Board:

**3.12.18** Encourage connectivity between existing walkways and trail systems to schools, parks and commercial areas.

**3.12.19** Promotes pedestrian-friendly development within urban and suburban residential areas, where pedestrian facilities are established and integrated with transit service planning.

**3.12.20** Supports the enhancement of cycling and pedestrian systems in new and existing developments, and supports the development of a comprehensive network of pedestrian and bicycle routes along existing and future road networks.

**3.12.21** Supports an integrated, improved, and expanded trail network in new and existing developments, to provide effective and safe trail transportation options for residents and visitors.

**3.12.22** Supports on-street alternative transportation options with incorporation of sufficient buffering, and accommodation of the movement of agricultural machinery.

### ***Transit***

The Regional Board:

**3.12.23** Supports continuing to facilitate improvement to and expansion of public transportation service opportunities, bus shelters and cross walks in cooperation with BC Transit.

**3.12.24** Supports the reduction of the use of private automobiles and encourages the RDCK and member municipalities to investigate initiatives to expand public and shared transit, including the use of buses, car co-operatives and delivery services.

### ***Renewable Energy Supply***

The Regional Board:

**3.12.25** Seeks partnerships with utility companies, NGOs, member municipalities, Provincial and Federal agencies and others to further local energy strategies and concurrent planning efforts.

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**3.12.26** Encourages the investigation and development of renewable energy supply options such as district energy, ground source heat pumps, solar, heat recovery systems, etc., where opportunities might be present.

**3.12.27** Supports the exploration of renewable energy opportunities in the agricultural and forestry industries, such as biomass energy production.

**3.12.28** Supports the creation of a renewable energy service for the RDCK.

## **4 DEVELOPMENT PERMIT AREA**

### **4.1 Development Permit Area #1**

#### **4.1.1 Designation Category**

All lands designated Commercial, Comprehensive Development, Gravel Extraction, High Density Residential and Industrial as shown of Schedule B, Maps 1 of 3, 2 of 3 and 3 of 3 of Bylaw No. 1157, are designated as a Development Permit Areas pursuant to Sections 879(1)(a) & 879(1)(e) of the Municipal Act, for the purpose of providing guidelines for the protection of the natural environment, and for the form and character of commercial, industrial and multi-family uses.

#### **4.1.2 Justification**

The portions of Electoral Area I and J – Lower Arrow/Columbia are subject to this Official Community Plan includes the communities of Blueberry Creek, Brilliant, Fairview, Ootischenia, Robson, Pass Creek, Thrums, Tarrys, Shoreacres, and Glade. The OCP recognizes the distinct residential character of these communities and also recognizes that there is the opportunity for commercial, industrial and multifamily development provided that such development is compatible with existing uses.

The overall objective of this designation then is to ensure that new commercial, industrial or multi-family development is compatible with its surrounding residential and rural character, that it be aesthetically pleasing and environmentally sensitive.

#### **4.1.3 Design Guidelines**

**4.1.3.1** Development permits issued in this area shall be in accordance with the following general guidelines and with the requirements of the applicable Zoning Bylaw.

**4.1.3.2** Development proposals shall be articulated in a detailed development plan.

#### Form and Character of Building

- 4.1.3.3** Buildings and structures should be sited and shaped in such a manner as to be visually unobtrusive and aesthetically pleasing.
- 4.1.3.4** The shape, siting, roof line and exterior finish of buildings should be sufficiently varied to avoid a monotonous appearance
- 4.1.3.5** A residential component located above commercial or industrial development is encouraged
- 4.1.3.6** Parking should be in smaller clusters, screened from view from internal and adjacent residential uses and from adjacent streets.

#### Landscaping and Screening

- 4.1.3.7** Particular emphasis should be given to landscaping and the retention of natural vegetation. Obtrusive industrial uses shall be screened. Landscaping and screening shall comply with the requirements of any applicable zoning bylaw.
- 4.1.3.8** Outside storage and manufacturing areas shall be located to the rear of buildings and structures where appropriate and shall be adequately screened.
- 4.1.3.9** Landscaping along the street should be established so that it is sympathetic to the neighbourhood.

#### Utility Services

- 4.1.3.10** The Development of new structures may require a geotechnical report prepared by a Professional Engineer. The report shall address potential impacts to existing services and the natural environment with particular emphasis on potential impacts to water resources.
- 4.1.3.11** In-ground sewage disposal fields are discouraged for larger developments.
- 4.1.3.12** Signage should be low, visually unobtrusive and grouped whenever possible. Particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting and boldness to be effective. Lighting should be unobtrusive and in scale with the surroundings.

#### **4.1.4 Exemptions**

A Development Permit will not be required for the following types of development:

- 4.1.4.1** subdivision;
  - 4.1.4.2** single family and two family dwellings and accessory buildings and structures;
  - 4.1.4.3** farm buildings;
  - 4.1.4.4** replacement of building exterior finishes;
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- 4.1.4.5** alteration of colour;
  - 4.1.4.6** additions of canopies or other decorative building features such as mullions, windows, doors, etc.; and
  - 4.1.4.7** interior renovations and alterations
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