

# **ELECTORAL AREA F**

**Electoral Area 'F' Official Community Plan  
Bylaw No. 2214, 2011**

**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

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**LIST OF AMENDMENTS TO ELECTORAL AREA 'F'  
 OFFICIAL COMMUNITY PLAN BYLAW NO. 2214, 2011  
 (up to date at end of list)**

<b>Bylaw No. (file no.)</b>	<b>Adopted</b>	<b>Amendment</b>	<b>Purpose</b>
2252 4420-20- Z1007F- 04910.000	April 12, 2012	Amendment to PID 016-066-367 Block F DL 917 KD Plan 764 from Country Residential (CR) to Suburban Residential (SR)	To allow for subdivision of two lots
2307 4600-20- Z1208F-Z- 2308_OCP2307	October 18, 2012	Amendment to re-designate affected properties from Commercial 'C' to Industrial 'M' : Firstly, that portion of Lot 1, District Lot 790, Kootenay District Plan 2449 (PID 008-874-042) and Lot 2, District Lot 790, Kootenay District Plan 2449 (PID 008-874-107) Secondly, Lot 1, District Lot 787, Plan EPP14453 (PID 008-021-171) and Lot 29, District Lot 787, Kootenay District Plan 1329, Parcel A (Reference Plan 56923D) (PID 014-205-645) Thirdly, Lot 1, District Lot 787, Kootenay District Plan 18383 (PID 013-899-724)	To allow for "Light Manufacturing" activities on affected properties in Area F
2484 4600-20- Z1504F- 07783.350	April 21, 2016	Amendment to re-designate a portion of Lot 1 DL 4780 & 6593 KD Plan NEP91158 (PID 028-285-654) from High Density Residential to Suburban Residential	To allow for subdivision with on-site servicing for proposed two lot subdivision
2653 4600-20- Z1806F- 03642.000	July 18, 2018	Amendment to re-designate District Lot 792 Kootenay Land District Except (1) Parcel A (Reference Plan 36390I) and (2) Parcel B (See 162067I) (PID 016-375-343) from Country Residential (CR) to High Density Residential (HR)	To allow for an existing multi-family development on a non-conforming parcel

<b>Bylaw No. (file no.)</b>	<b>Adopted</b>	<b>Amendment</b>	<b>Purpose</b>
2574 4600-20- Z1704F- 06624.500	March 19, 2020	Amendment to re-designate Lot 1 Plan NEP13311 DL 3690 KLD (PID: 010-630-376) from Country Residential (CR) to Multi-Unit Residential (HR)	To allow for an existing multi-family development on a non-conforming parcel
2775 Z2007F- 10121.000- McCormick- BA000044	July 15, 2021	Amendment to re-designate District Lot 12803 Kootenay District (PID: 009-608-371) from Rural Residential (RR) to Agriculture (AG)	To enable Micro-Cultivation, Cannabis and Micro-Processing, Cannabis as a principal use.
2752 10/5110/20/ ACCESSORY BUILDINGS AND TUP'S	October 21, 2021	Multiple text amendments to Sections 2.1, 8.3, 12.3, 15.0, 20.0. Adding Section 20A.	To amend Development Permit Areas and Temporary Use Permit regulations, and minor housekeeping amendments such as updating LGA references.
2848 10/5200/20/AG Agricultural Policy Review – Phase 2 2019	July 20, 2023	Additions to Schedule A, Section 9	RDCK Agriculture Policy Review Project

**October 2021**

**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.**

Regional District of Central Kootenay  
Electoral Area 'F' Official Community Plan Bylaw No. 2214

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A Bylaw to guide land use decisions within Electoral Area 'F' pursuant to Part 26 of the *Local Government Act of British Columbia, R.S.B.C. 1996*.

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WHEREAS the Regional District of Central Kootenay wishes to adopt an Official Community Plan pursuant to Part 26 of the *Local Government Act*.

AND WHEREAS the Regional Board may adopt an Official Community Plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all directors of the Regional Board who are entitled to vote on that bylaw;

AND WHEREAS after first reading of the bylaw the Regional Board shall, in sequence, examine the Official Community Plan in conjunction with its most recent capital expenditure program, the waste management plan, wastewater management plan, and economic strategy plan that is applicable in the RDCK to ensure consistency between them, in accordance with the *Local Government Act*.

AND WHEREAS if the Official Community Plan applies to land in an Agricultural Land Reserve established under Provincial Acts and Statutes, the Regional Board shall refer the Official Community Plan to the Province for comment;

AND WHEREAS the Regional Board has provided one or more opportunities for consultation with persons, organizations and authorities it considers affected in the development of the Official Community Plan in accordance with Section 879 of the *Local Government Act*.

AND WHEREAS the Regional Board of the RDCK has complied with all requirements of the *Local Government Act*, prior to adoption of this bylaw and Official Community Plan including all of the foregoing;

AND WHEREAS upon adoption of this bylaw, the Plan is an Official Community Plan of the RDCK;

NOW THEREFORE the Regional Board of the RDCK, in open meeting assembled, enacts as follows:

The Electoral Area 'F' Official Community Plan attached hereto as Schedules 'A', 'B', 'C', and 'D' and forming part of this bylaw is adopted as the Regional District of Central Kootenay, Electoral Area 'F' Official Community Plan.

The bylaw shall apply only to that portion of the RDCK shown outlined on the attached Schedule 'B' Official Community Plan Maps forming part of this bylaw.

If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw and the Official Community Plan adopted by this bylaw is for any reason held to be invalid by a decision of a

court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw and Official Community Plan.

Pursuant to the *Local Government Act*, Zoning bylaws currently being considered by the Regional Board but not adopted as of the date of adoption of this bylaw and the Official Community Plan adopted by this bylaw are deemed to be consistent with the Official Community Plan.

This bylaw may be cited for all purposes as the 'Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011'.

### Application

The Electoral Area F Official Community Plan Bylaw No. 2214, 2011 applies to Electoral Area 'F' of the Regional District of Central Kootenay as outlined on Schedule 'B'.

The provisions of this Bylaw include:

Schedule 'A' – Official Community Plan Text

Schedule 'B' - Land Use Designations Maps:

*The boundaries of the Land Use Designations listed in this Bylaw, together with any explanatory legends, notations and reference in respect thereof, are delineated and described on the "Land Use Designations Maps" which Land Use Designations Map consists of a computer record compiled by means of geographic information software. The Land Use Designations Map is kept in the office of the Secretary and in the Planning Department at the RDCK Office. The Land Use Designations Maps forms part of this Bylaw. A generalized diagrammatic representation of the Land Use Designations Map is annexed to this Bylaw as Schedule 'B'.*

*The Land Use Designations Map forming part of this Bylaw is at a scale that provides clear and more detailed information than the generalized diagrammatic representation shown on Schedule 'B'. In the event of a conflict or inconsistency between Schedule 'B' and the Land Use Designations Map, and in the event that the Land Use Designations Map shows and provides more information than Schedule 'B', then in all such cases the Land Use Designations Map shall govern.*

Schedule 'C' – Electoral Area 'F' Hazards

Schedule 'D' – Electoral Area 'F' Transportation & Recreation

The attached schedules form part of this Bylaw and constitute the RDCK Electoral Area F Official Community Plan Bylaw No. 2214, 2011 pursuant to Part 26 of the Local Government Act of British Columbia.

In accordance with Section 882 of the Local Government Act, this Bylaw has been examined in conjunction with the current capital expenditure programme and the waste management plan of the Regional District of Central Kootenay.

Purpose

The Electoral Area 'F' Official Community Plan is intended to ensure that decisions of the use and development of property within that part of the Electoral Area 'F' shown on Schedule 'B', are made with regard to land capabilities and constraints, growth trends, the interrelationship of land uses, and the aspirations of the people, for the benefit of the whole community.

Further, the Plan is intended to:

- i) form the basis for regulatory land use bylaws, capital expenditures programming, and waste management;
- ii) to provide guidance and information for private and public organizations and individuals.

Transition

The Official Community Plan portion of Electoral Area 'F' Rural Land Use Bylaw No. 951, 1992, and all subsequent amendments thereto, are hereby repealed.

READ A FIRST AND SECOND TIME on the 22<sup>nd</sup> day of September, 2011.

PUBLIC HEARING held on the 26<sup>th</sup> day of October, 2011.

READ A THIRD TIME on the 24<sup>th</sup> day of November, 2011.

ADOPTED this 19<sup>th</sup> day of January, 2012.

*"Signature"*

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J. Kettle Chair

*"Signature"*

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Dawn Attorp, General Manager of  
Corporate Administration

## **SCHEDULE 'A'**

**Regional District of Central Kootenay  
Electoral Area 'F' Official Community Plan, Bylaw No. 2214**

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**Regional District of Central Kootenay  
Electoral Area 'F' Official Community Plan Bylaw No. 2214**

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Note: Schedules 'B' 'C' and 'D' series can be viewed either on the RDCK website at [www.rdck.bc.ca](http://www.rdck.bc.ca), or in hard copy at the RDCK office.

### Acronyms used in this document

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Environmental Impact Assessment	EIA
Greenhouse Gas	GHG
Official Community Plan	OCP
Regional District of Central Kootenay	RDCK

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## OFFICIAL COMMUNITY PLAN MAP DESIGNATIONS

The future use and development of land within RDCK Electoral Area 'F' must be consistent with the overall pattern of land use depicted on Schedule 'B', and based on the following land use designations:

Designation	Typical Characteristics
Rural Residential	Rural or semi-rural residential uses on parcel sizes 2 ha and greater.
Country Residential	Rural or semi-rural residential uses on parcel sizes 1 ha to 2 ha.
Suburban Residential	Suburban residential development generally includes single detached housing, and other buildings and uses that fit with the medium density character of the designation.
High Density Residential	High Density Residential development generally includes triplexes, fourplexes, townhouses, apartments, manufactured homes and other uses that fit with the higher density residential intent of the designation.
Commercial	Land for retail, tourist commercial, resort commercial and other general commercial uses.
Industrial	Land for light, medium and heavy industrial uses.
Quarry	Generally includes land used for the purpose of mineral extraction and processing.
Administrative and Institutional	Public, non-profit or utility uses such as schools, places of spiritual worship, indoor recreation facilities, community centres, public health facilities, community care facilities, fire halls, libraries, post offices, and local government and improvement district buildings. Also include cultural, heritage and historic sites.
Environmental Reserve	Land preserved and protected for its unique natural value and left in a natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.
Park and Recreation	Land for the purpose of protecting natural environments and/or providing public recreation opportunities.
Open Space	Large parcels of land generally used for forestry, ranching, grazing, general resource management, outdoor recreation, fish and wildlife habitat, and other uses that fit with the character of the area. Open Space areas are generally undeveloped except for limited utility and public access corridors, as well as one principal single detached dwelling per parcel.

Regional District of Central Kootenay  
Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011

Standard OCP Bylaw Designations			Zoning Bylaw (no 1675, 2004)	
Rural Designations:	Agriculture	AG	Agriculture 1	AG1
			Agriculture 2	AG2
			Agriculture 2-A	AG2-A
			Agriculture 3	AG3
			Agriculture 4	AG4
			Agriculture 4K	AG4K
Residential Designations:	Rural Residential	RR	Rural Residential	R3
			Rural Residential B	R3B
			Rural Residential I	R3I
			Rural Residential K	R3K
			Rural Resource	R4
			Rural Resource SA	R4SA
			Rural Resource K	R4K
	Country Residential	CR	Country Residential	R2
			Country Residential I	R2I
			Country Residential SA	2SA
			Country Residential K	R2K
	Suburban Residential	SR	Suburban Residential	R1
			Ootischenia Suburban Residential	R1A
			Suburban Residential K	R1K
			Suburban Residential F	R1F
	High Density Residential	HR	Manufactured Home Park	R5
Multi-Unit Residential			R6	
High-Density Residential			R6F	
Seasonal Residential			R7	
Commercial and Industrial Designations:	Commercial	C	Neighbourhood Commercial	C1
			General Commercial	C2
			Tourist Commercial	C3
			Heritage Commercial	C4
			Small Scale Tourism Accommodation	C5
			Small Scale Tourism Accommodation K	C5K
			Resort Commercial	C6
			Comprehensive Development 1	CD1
			Comprehensive Development 2	CD2
			Industrial	M
	Medium Industrial	M2		
	Heavy Industrial	M3		
	Industrial – Logging	M4		
	Industrial – Railway	M5		
	Industrial - Airport	M6		
Quarry	Q	Quarry	Q	
Administrative and Institutional Designations:	Administrative and Institutional	I	Institutional	I
Natural Environment, Parks, and Recreation Designations:	Environmental Reserve	ER	Environmental Reserve	ER
	Park and Recreation	PR	Park and Recreation	PR
			Special Recreation 1	PR1
	Open Space	OS	Open Space	OS

## **1.0 INTERPRETATION AND ADMINISTRATION**

The provisions of this Plan apply to all lands and surface of water within the Electoral Area 'F' identified on Schedule 'B' of this bylaw, and Map 1, General Context Map.

### **1.1 Interpretation**

An Official Community Plan means a community plan as referred to in the *Local Government Act*, and as adopted by the Regional Board of the Regional District of Central Kootenay (hereafter referred to as the Regional Board), in accordance with the requirements of the *Local Government Act*.

### **1.2 Administration**

- .1 This OCP comes into effect as of the date of formal adoption by the Regional Board.
- .2 The Zoning bylaw will be the primary tool to regulate development, not the OCP. All land use designation amendment proposals must be consistent with the intent of this OCP that serves as a policy foundation for the Zoning bylaw.
- .3 This Plan will be reviewed on a yearly basis and, in order that the document continues to accurately reflect the objectives of Electoral Area 'F', the Plan will undergo a comprehensive review every five to ten years.
- .4 The OCP can only encourage senior levels of government to take action; it cannot force or require senior governments to act. Furthermore, although the OCP cannot commit the Regional Board to specific expenditures, the Regional Board cannot enact bylaws or undertake works that are contrary to it without amending the Plan.

## 2.0 INTRODUCTION

An Official Community Plan (OCP) is the vision the community has for its future. It contains goals and policies that will shape future land use in a way that reflects the community vision. These goals and policies form a framework used by the Regional Board, RDCK staff, other agencies and the community to guide their decisions about future land use. The rural areas of the RDCK will change and grow based upon the contents of the OCP.

There are also several maps that form part of the OCP. The maps show information such as the land use designations, road and trail networks, and future land uses.

### 2.1 Public Consultation

An OCP represents the consensus of the community on future growth and development. It provides objectives and policies that inform the RDCK Board and other government agencies in making land use decisions. Residents, businesses, landowners and governments all depend upon the OCP to assess future community potential. An OCP contains broad goals, objectives for particular land uses, specific and general policies, advocacy policies, maps and development permit area guidelines; it does not contain regulations or detailed prescriptions.

While the OCP is a document that is intended to be a collective vision put forth by the community, other agencies that have been involved include Government, agencies, and First Nations:

- Ktunaxa Nation Council
- Lower Kootenay Band
- Okanagan Nation Alliance
- City of Nelson
- Kootenay Lake School District No. 8
- Agricultural Land Commission
- Transportation and Infrastructure
- Agriculture, Food and Fisheries
- Community Development
- Energy, Mines, and Petroleum Resources
- Environment
- Federal Fisheries and Oceans
- Forests and Range
- Interior Health

Pursuant to Section 475 of the Local Government Act, this OCP was prepared in consultation with participating local residents, land owners, community groups, the local Advisory Planning Commission (APC), and various levels of government. The process proceeded in three phases: community consultation, policy development and bylaw adoption. The community consultation and policy development phases involved eighteen APC meetings (all of which were open to the public), two public meetings, six community specific workshops, three open houses, information posted and updated regularly on the RDCK website and three newsletters distributed as a mail drop. The APC, as appointed members responsible for land use planning recommendations, provided direction on all aspects of the development of the plan, considered

policy options, and recommended adoption of the plan in compliance with the provisions of the *Local Government Act* and other relevant provincial legislation. An OCP does not commit or authorize the RDCK to proceed with any project that is specified in the Plan.



### **3.0 REGIONAL CONTEXT**

#### **3.1 Political Context**

The RDCK is bounded in the north by the Columbia-Shuswap Regional District (CSRD), to the east by the East Kootenay Regional District (RDEK) and to the west by the Kootenay Boundary (RDKB) and North Okanagan (NORD) regional districts.

The province incorporated the regional districts in the 1960's by issuing legal documents called Letters Patent. A Letters Patent contains the regional district's name, describes its boundary and the boundary of its electoral areas, and provides a formula for weighting the Board of Director's votes. The Province can change the boundary of a regional district and its electoral areas by amending the Letters Patent and the Local Government Department facilitates these changes through a restructure process.

The RDCK is comprised of nine incorporated municipalities (the cities of Castlegar and Nelson, the Town of Creston and the villages of Kaslo, Nakusp, New Denver, Salmo, Silvertown and Slocan) and eleven mainly rural electoral areas. The RDCK Board of Directors includes eleven Electoral Area Directors representing rural residents and nine Municipal Directors representing the residents of the municipalities included within the Regional District. Electoral Area Directors are elected to a three-year term to serve specific electoral areas. Municipal Directors are first elected to a municipal council for a three-year term and are then appointed by their council to the Regional Board.

#### **3.2 Geographic Context**

The RDCK is located in the southeast interior of BC, extending from the headwaters of the Duncan River in the north to the Canada-US international border just south of Fruitvale. It encompasses 22,130 k m<sup>2</sup> and had a population of 55,800 in 2006.

The RDCK forms part of the larger Kootenay region of BC, which is characterized by rugged, mountainous terrain, steep valley slopes and a large number of lakes and rivers. The Monashee and Purcell mountain ranges and the Arrow and Kootenay Lake systems are the dominant geographical features of the regional district.

There are a number of river systems in the RDCK:

- .1 Columbia River, which enters the regional district in the north and flows from the Nakusp area to Castlegar, forming the Upper and Lower Arrow Lakes along its course;
- .2 Kootenay River, which enters the RDCK from the south, crossing the international border near Creston. The river widens to become Kootenay Lake, where the Duncan River joins from the north. The Kootenay becomes a river again at Nelson, flowing west to Castlegar where it empties into the Columbia River; and
- .3 Slocan River, which flows out of Slocan Lake and joins the Columbia River system between Nelson and Castlegar.

.4 The smaller rivers include the Lardeau, the Goat and the Salmo Rivers

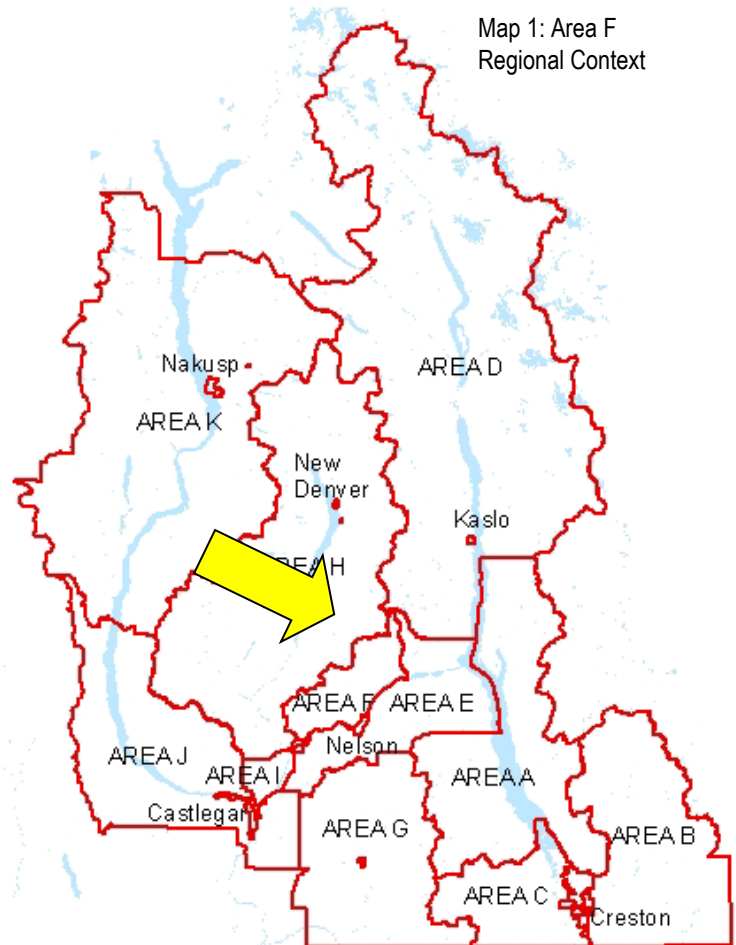
Kootenay Lake has historically flooded a long marsh within the Creston Valley on a seasonal basis. However, this area has been now been protected by dykes and converted to commercial agriculture.

There are floodplains along all of the major river systems and their tributaries. The potential for major flooding is moderate to high, with significant floodplains existing around the Columbia, Duncan, Kootenay, Salmo and Slokan rivers.

The main road transportation corridor is Highway 3, which traverses the regional district from east to west, from Castlegar to Creston. Highway 6 provides transportation north to the Nakusp area.

The regional district's climate is variable but is characterized by moderately warm summers and cool winters with heavy snowfalls. Average minimum and maximum temperatures vary from -5°C to 5°C in winter and 14°C to 25°C in the summer. Monthly rainfall averages 25mm from March to October. Snowfall normally occurs from November to March with December and January averaging 70cm each. Upslope, and on the windward slopes of the Monashee, Selkirk and Purcell Mountains, higher precipitation and cooler temperatures prevail.

Agricultural land usage is primarily within the Agricultural Land Reserve which comprises 63,550 hectares, although less than 50% of that area is being actively farmed. Most of the land suited to cultivated agriculture is restricted to the valleys of rivers and streams. The distribution of the Agricultural Land Reserve is primarily in the south and northwest areas of the regional district. . Agricultural activity is largely centred in the larger valley areas where the rich soils and moderate climate are well suited to crop production. The valley areas also provide some useful ranch land with pastures as well as field crops and forage production, particularly in the south and northwest. At higher elevations, the only significant agricultural activity is summer livestock grazing due to the adverse climate and difficult terrain.



### 3.3 First Nations Context

First Nations within or bounded by the RDCK include, but may not be limited to:

- ✓ Ktunaxa Nation
- ✓ Akisq'nuk / Columbia Lake First Nation
- ✓ Yaqan nu?kiy / Lower Kootenay Indian Band
- ✓ Shuswap Indian Band
- ✓ ?Aq'am / St. Mary's Indian Band
- ✓ Tobacco Plains Indian Band
- ✓ Okanagan Nation Alliance
- ✓ Lower Similkameen Indian Band
- ✓ Okanagan Indian Band
- ✓ Osoyoos Indian Band
- ✓ Penticton Indian Band
- ✓ Upper Similkameen Indian Band
- ✓ Westbank First Nation
- ✓ Splots'in First Nation

#### 4.0 ELECTORAL AREA 'F' CONTEXT

Area F residents have shown widespread support for maintaining a rural lifestyle and have expressed support for development that protects and enhances this lifestyle.

Much of the existing development is along the shores of Kootenay lake/River. Protection of water quality and riparian habitat are important objectives, therefore initiatives such as a 'regional' Liquid Waste Management Plan, in partnership with Electoral Area E and the City of Nelson, is encouraged.

The majority of residents are employed outside of Area F in the nearby community of Nelson. Economic activity within area F consists of home based business, the service and recreation industry and some 'low impact' industrial activity. Economic development is important to the residents however they do not support large industrial enterprises within what is largely a rurally-based residential community.

#### 4.1 Geographic

Encompassing the communities from Bonnington through Taghum and the North Shore to Crescent Beach, Area F features a wide range of spectacular landscapes. Englemann spruce/subalpine fir and the interior cedar/hemlock biogeoclimatic zones support coyotes, bears, beavers, whitetail and mule deer and a large number of birds ranging from the tiny rufous hummingbird to the great blue heron. Creek deltas, Kootenay Lake and the Kootenay River provide habitat for a variety of wildlife, including Kokanee salmon, Dolly Varden, cutthroat and rainbow trout.



Area F's northern border meets the glacier peaked Kokanee range of the Selkirk Mountains – natural wildernesses featuring granite peaks, deep river valleys, glaciers and large subalpine lakes that bring fresh drinking water to the inhabited valley bottoms. The West Arm of Kootenay Lake, its passage through Grohman Narrows and flow into Kootenay River define the southern border of Area F.

Some local place names include<sup>1</sup>:

#### Blaylock Mansion

The mansion built in the English Tudor style in 1934-35 for Cominco executive Selwyn G. Blaylock is one of the largest and best-known homes in West Kootenay. Blaylock called it Lakewood, but it is now more commonly referred to by his own name. After his death in 1945, his widow lived here alone for over thirty years. Subsequently, it changed hands several times, and is currently a bed-and-breakfast

#### Crescent Bay

Also known as Nine Mile, and formerly known as Farrington's Landing. The name changed before 1921.

#### Elephant Mountain

The official name of the mountain directly north of Nelson is Nelson Mountain. But, the common local name reflects its appearance as seen from the City

#### Kootenay

The word Kootenay, or Kutenai, is almost certainly derived from Ktunaxa, the First Nations who lived mainly to the east and south of the Lake in the winter, but who fished, and hunted around the Lake in the summer.

#### Kootenay Crag

Rock climbers gave this name to the spectacular outcrop on the steep slopes of the south shore of the West Arm between Horlick's Point and Five-mile Point. But, theirs seems to be a recent coinage. A number of us who lived on the North Shore opposite it have long known it as South-America Rock—it would not take more than a moment's glance to know why.

#### Kootenay Lake

It is Kootenay Lake, not Lake Kootenay. Only the biggest lakes, such as Lake Superior and Lake Ontario, put the word, Lake, first. As the Ktunaxa (local First Nations from which Kootenay is derived; see Kootenay, above) were also referred to as the Flatbow Indians, early references to the Lake sometimes called it the Flatbow Lake. David Thompson named it McGillivray's Lake, after William and Duncan McGillivray, his superiors in the North West Company. However in 1844, Archibald McDonald of the Hudson's Bay Company referred to it as Kootenais Lake, and with a change in spelling, this was the name which stuck.

#### McDonalds Landing

For Duncan A. McDonald, who filed a pre-emption in 1894. Better known today as Six Mile, although there is still a sign designating McDonalds Landing at the government wharf. In 2011, the landing was transferred from the Federal Government to RDCK.

#### ...Mile...

Many names on the West Arm contain the word, mile: Five-mile Creek, Seven-mile Point, Nine-mile Dolphin. The reference is a survival from the days of the sternwheelers and is an approximate distance along the water from the Nelson City Pier (at the foot of Hall Street). The names have stuck as a descriptor of locations—someone might say, "my cottage is at Four

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<sup>1</sup> Internet: [kootenay-lake.ca](http://kootenay-lake.ca)

Mile” —despite the fact that distances are now more likely to be specified along the road from the orange bridge in kilometers. Occasionally, the earlier scheme produced odd results: the Six-mile Lakes are a lot farther than six miles from the pier, but they empty into Duhamel Creek, which was once called Six-mile Creek because its mouth is approximately six miles from the pier

#### Nasu'kin

Not a place name per se, but a prominent landmark, being the remains of the largest Kootenay Lake sternwheeler, now converted into a home on the North Shore. Nasu'kin was the Ktunaxa word for chief. Next to the ship, Nasookin Rd. leads to the Nasookin Heights subdivision.

#### Pulpit Rock

An outcrop of rock opposite Nelson that reminded the early settlers of a pulpit in an Anglican Church. It is the eye of Elephant Mountain

#### Roberts Bay

This bay in front of Blaylock's was probably named for Mike Roberts, the wood carver for the mansion

#### Sitkum Creek

Chinook jargon for middle or half—an appropriate name given that the creek lies roughly half way along the West Arm. Chinook jargon is eighteenth and nineteenth century trade language of western North America

#### West Arm

Kootenay Lake has three arms: North, South, and West. The North and South arms constitute the Main Lake. The West Arm is shallower than the other two and extends westward for about thirty kilometers from about half way up the Main Lake

#### Willow Point

C.W. West, who moved here in 1901, named it after the willows growing on the sand bar. A post office operated 1905–1915

## **4.2 Historical**

When gold and silver deposits were found during the early 1900s, prospectors flocked to the region. Facilitated by the Canadian Pacific Railway and steamboat navigation, remnants of early European settlements still exist in the form of old ferry landings, homesteads, pack trails, mining ghost towns and wharfs<sup>2</sup>. Taghum is said to be Chinook jargon for “six” – the number of miles from the Nelson Wharf.<sup>3</sup>

As the mining industry waned in the early 20th century, the CPR began to promote fruit growing in the region. Settlers flourished, planting orchards and strawberry fields. Kootenay Lake cherries were particularly successful, gaining recognition at prestigious international competitions. However in 1933, the “little cherry disease” first noticed at Willow Point,

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<sup>2</sup> Adapted from *BC Parks - Kokanee Creek Provincial Park website*

<sup>3</sup> (n.d.) *BC Geographical Names Database website*

eventually affected every orchard in the Kootenay region.<sup>4</sup> Exacerbated by increasing competition and declining demand due to the World Wars, by the 1950s the Kootenay cherry industry was decimated.<sup>5</sup>

Between 1906 and 1914, the waterfront land on the west side of Shannon Creek, known as Ferndale Park, was the centre of entertainment on the North Shore. With an open-air dance pavilion, clubs and lodges, visitors would travel from Nelson by sternwheeler<sup>6</sup>. A bridge between Nelson and the North Shore was opened in 1957, thus retiring the cable ferry that had linked the shores since 1913. The ratification of the Columbia River Treaty further enabled permanent settlements of the shorefront in 1964, by launching the construction of dams that limited spring flooding.<sup>7</sup>

### 4.3 First Nations

Area F is within the traditional territories of the Ktunaxa (pronounced 'k-too-nah-ha'), Sinixt ('sin-aikst') and Okanagan Nation Alliance First Nations. Archaeological sites are found in abundance along the shores of the West Arm of Kootenay Lake and above lake-level on Granite (Elephant) Mountain.

The Traditional Territory of the Ktunaxa Nation covers approximately 70,000 square kilometres throughout the Kootenays and into parts of Alberta and the US. The Ktunaxa people enjoyed the bounty of the land, seasonally migrating to follow vegetation and hunting cycles for food, medicine and materials for shelter and clothing. European settlement and the establishment of Indian Reserves led to the creation of the present Indian Bands. Ktunaxa citizenship is comprised of seven Bands located throughout the traditional territory; many citizens also live in urban and rural areas "off reserve."<sup>8</sup>

The Sinixt: People of the Bull Trout, also known as the "Arrow Lakes Indians" are an Interior Salishan Tribe that also seasonally migrated through their Traditional Territory. From Revelstoke, south to Northport, Washington, from the Monashee Mountains east to the shores of Kootenay Lake, the Sinixt harvested medicines, foods and crafted tools, canoes and baskets from local plants. The Sinixt hunted and fished for bull trout, salmon and caribou, all which thrived before the construction of dams and loss of forests through mining and logging.<sup>9</sup> When the Canadian Government declared the Sinixt extinct in 1956, some Sinixt sought refuge among neighbouring tribes to the east and west, or south to the Coville Indian Reservation in Washington State.<sup>10</sup>

Traditionally, Okanagans (syilx) (Okanagan Nation Alliance) occupied an area which extended over approximately 69,000 square kilometres. The northern area of this territory was close to

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<sup>4</sup> Adapted from *The Golden Age of Kootenay Orchards*. (2007). Great Canadian Lakes website.

<sup>5</sup> Welwood, Ron. (2007). *Big Little Cherry* website

<sup>6</sup> Adapted from, Fraser, Alistair B. (n.d.) *Kootenay Lake* website

<sup>7</sup> Adapted from Wilson, D. M. (2008). *West Arm of Kootenay Lake*, B.C website.

<sup>8</sup> Adapted from, (2005). *Who We Are*. Ktunaxa Nation website.

<sup>9</sup> Adapted from Pearkes, Eileen. (n.d.) *Extinction of History? The Sinixt People, the West Kootenay Region and a Post-Colonial Search for Landscape Truth*. Thompson Rivers University website.

<sup>10</sup> Ibid.

the area of Mica Creek, just north of modern day Revelstoke, BC, and the eastern boundary was Kootenay Lake. The southern boundary extended to the vicinity of Wilbur, Washington and the western border extended into the Nicola Valley.

#### 4.4 Recent Development Activity and Emerging Trends

Since 2001, Area F has experienced a decrease in population – from 3,907 to a total of 3,730 (Bonnington 461, Taghum 211, Six Mile 958), compared to a growth of 1.4% from 1996 to 2001. Private dwellings continue to be largely (92%) occupied by their owners, with 1,587 out of a total of 1,722 private dwellings, and up from 1,616 (2001). The total area of 402 square kilometres is populated with a density of 9.3 residents per square km, compared to the provincial average of 4.4.

The highest employment sectors continue to be sales and service, followed by business, finance and administration occupations, trades and management occupations. Males and females over 14 years of age report roughly equal hours of unpaid childcare, work and housework.

The median age of the population is 44.5, compared to 40.8 across BC and 41.9 in 2001, with 54% of the population over 40 years of age. Sixty-five percent of the area's 2,090 total employed labour force 15 years and over worked in a different census area, nearly double the provincial average of 36%. A relatively large number work at home (14%), when compared to BC's overall 9%. Fewer than eighteen percent of commuters use alternate modes of transportation by carpooling, taking public transit, walking/cycling and other modes at 9.0%, 1.6%, 5.1% and 1.6% respectively.

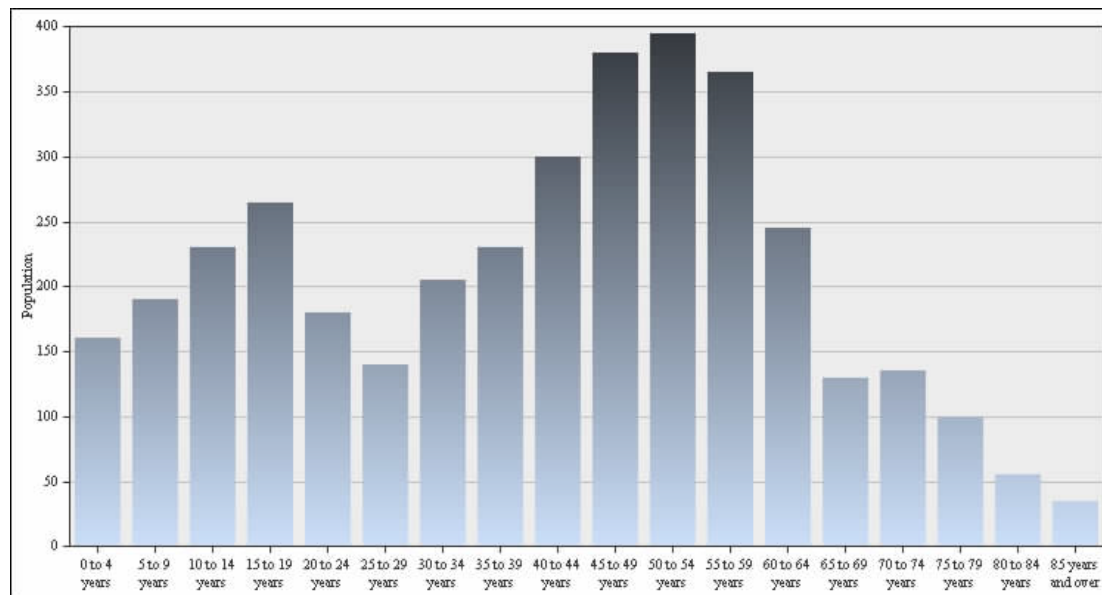


Figure 1 – Area F Age Population. Source Statistics Canada



Like many desirable regions in BC, Area F has experienced a significant increase in property values since 2001, with an average dwelling value of \$273,286 (2006) compared to \$344,269 (RDCK average), \$418,703 (BC average) and \$273,287 (Nelson average). Area F has experienced relatively steady developments, with an increase in building permits ranging from 58 (2000), peaking at 79 (2003/2004) through to 70 (2007).

## 5.0 VISION AND GUIDING PRINCIPLES

### 5.1 Regional Vision

Our underlying goal is that our pristine natural environment and spirited communities provide a peaceful home, balanced economy, and wild recreation experiences for all Kootenay residents and visitors.

### 5.2 Community Vision

We envision a caring and relaxed rural community that is sustained through creativity, diversity, and collaboration. It is characterized by welcoming neighborhoods and a sense of individual belonging. This vision reflects the broad views and collective voice of the residents of Electoral Area 'F'.

Among aspects of our sustainable future addressed are policies and regulations that reflect a commitment to:

- PRESERVATION OF COMMUNITY HERITAGE AND CHARACTER,
- MANAGEMENT OF GROWTH AND DEVELOPMENT,
- STEWARDSHIP OF NATURAL RESOURCES THROUGH CONSERVATION AND PUBLIC EDUCATION,
- MAINTAINING THE RURAL CHARACTER,
- MANAGING AND ENHANCING COMMUNITY SERVICES & FACILITIES,
- FOSTERING SUPPORT FOR A VITAL ECONOMY.



### 5.3 Community Guiding Principles

#### **RDCK ELECTORAL AREA 'F' OFFICIAL COMMUNITY PLAN GUIDING PRINCIPLES**

The Electoral Area 'F' Guiding Principles constitute an articulation by the majority of the residents of the desired direction for community development. These principles were developed in consultation with the Advisory Planning Commission and residents of Area 'F'.

<p>1. Sustainable Community/ Stewardship</p>	<p><b>Supports healthy, clean and sustainable communities based on an ecosystem approach, by ensuring that environmental integrity and diversity are maintained in land use decisions.</b></p> <p>In its support of a sustainable community, the OCP serves to preserve and enhance the local economy, and the health and well-being of its residents and property owners as well as the natural environment. The OCP encourages environmental stewardship for land, water and air, in order to ensure their integrity for future generations.</p>
<p>2. Attractive, Livable and Affordable</p>	<p><b>Aims at creating attractive and livable communities that offer a wide range of opportunities for residents and property owners.</b></p> <p>The OCP provides direction to ensure the quality of life for residents by providing a range of housing, job and leisure opportunities. Maintaining attractive, livable communities involves a mix of land uses; innovative, functional community designs; integration of land uses to ensure ease of mobility; efficient delivery of services; preservation and enhancement of natural features; minimize the potential of adverse impacts of development; and ensuring accessibility to the area's public open spaces.</p>
<p>3. Public Involvement</p>	<p><b>Involves local residents and home owners in new development proposals.</b></p> <p>Public involvement helps to ensure sound decision-making, enhances public education and provides opportunities for residents and property owners to contribute suggestions, knowledge and expertise.</p>
<p>4. Public Access</p>	<p><b>Maintains and enhance access to public use areas, including waterways and Crown lands.</b></p> <p>The OCP identifies public use areas and ensures that it is maintained for all residents, property owners, and tourists, for the future.</p>
<p>5. Support Existing and New Business</p>	<p><b>Creates a community development pattern that supports the existing business community and promotes new business development opportunities, by protecting critical areas of economic enterprise and promoting a variety of locations for economic activity.</b></p> <p>A strong and diverse local economy is essential to enhance the quality of life enjoyed by area residents and property owners. The OCP contributes to a healthy local economy by supporting existing businesses as well as providing opportunities for new business development. The OCP recognizes the changing</p>

	nature of business and jobs in the area, and also recognizes on-going restructuring of local, provincial, national and international economies.
6. Community Identity	<b>Fosters unique, strong community identities.</b> The OCP contributes to the vision of the area as having unique and individual communities by including appealing community centres, an environment of managed development, and an abundance of green space.
7. Collaboration & Cooperation	<b>Promotes collaboration, cooperation and partnerships between government agencies, non-governmental organizations, volunteers and private interests.</b> The OCP focuses on ways to develop links between new development initiatives with all developers, to create synergies that collectively benefit all stakeholders. These linkages enable the establishment of relationships between the public and private sectors as well as establishing new and/or better connections between new and existing communities and developments.
8. Infrastructure	<b>Ensures that Regional District and other publicly owned infrastructure and services are maintained or expanded at a level that is fair, realistic and affordable.</b> Electoral Area 'F' is made up of unique communities with minimal public infrastructure. The OCP ensures that land use development is supported by appropriate services and infrastructure that are fair, realistic and affordable in terms of needs, environmental impact and debt load.
9. Safety	<b>Support safe development.</b> Ensures that all development shall be safe for the use intended wherever development occurs.
10. Implementation	<b>Recognizes the need to minimize government bureaucracy and regulation in moving forth with implementation strategies.</b> Zoning & permitting must be responsive and flexible to community needs.
11. Accountability	<b>The RDCK is accountable for the application and adherence to these principles.</b> The RDCK must be seen to follow the principles identified.

## **6.0 BROAD GOALS**

### **6.1 Social**

- .1 Encourage a cost effective and efficient development pattern in terms of physical (e.g. water, roads, waste water, and storm water management) and social services (e.g. schools, recreation)
- .2 Encourage conservation of cultural and heritage values
- .3 Ensure future development and growth are compatible with community values (e.g. scenic vistas, green space, privacy, quality of life, low population density, rural ambiance)
- .4 Protect and enhance public access along the foreshore of Kootenay Lake
- .5 Maintain public access to parks and recreation areas, with new development required to provide green space and connectivity to public areas

### **6.2 Economic**

- .1 Ensure an orderly level of growth to protect the “rural sense of community”, and to ensure that growth does not result in large tax increases
- .2 Maintain slow managed growth that fosters the agricultural and small business character of Area 'F', and support for agri-tourism
- .3 Promote the area’s unique character at the same time as adapting to the business needs as demographics shift

### **6.3 Environmental**

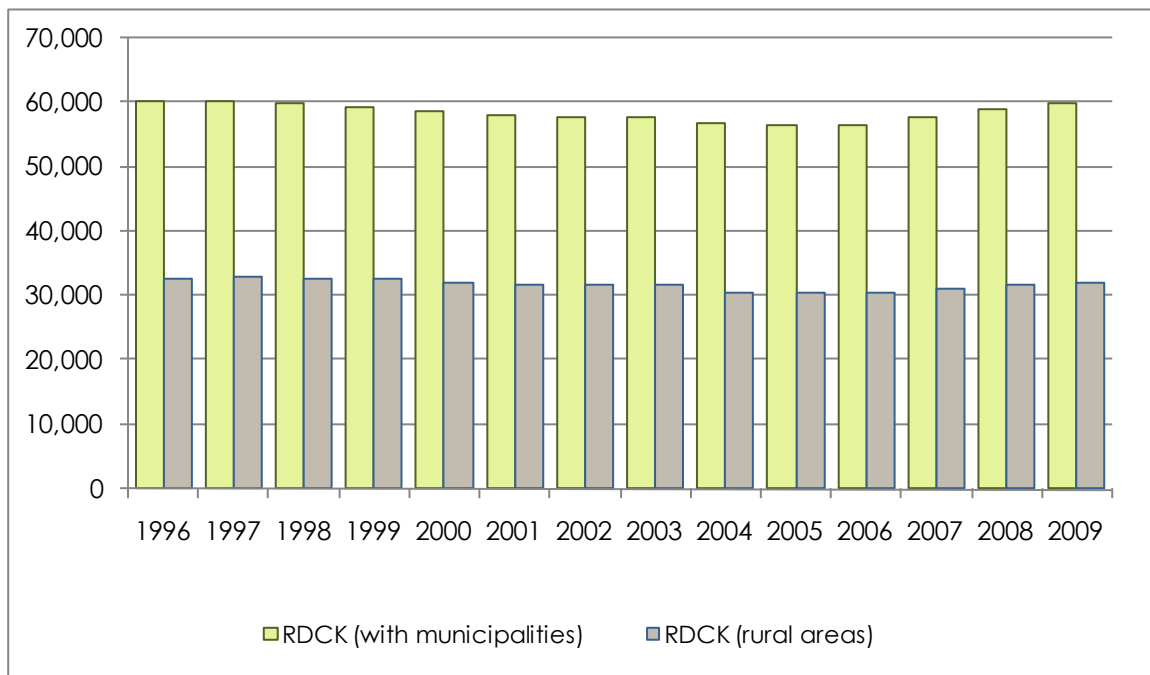
- .1 Protect important and sensitive features of the natural environment
- .2 Direct development away from areas of high natural hazards to areas of no or low natural hazards
- .3 Ensure appropriate solutions to reduce the risk of hazards to development
- .4 Promote a system of representative protected areas and biological corridors
- .5 Protect the quantity and quality of water resources and waterways
- .6 Ensure growth is managed along with the physical nature and natural limitations of the land base

## 7.0 GROWTH MANAGEMENT

### 7.1 Regional District of Central Kootenay Context

The majority of the population and infrastructure in the RDCK is concentrated in and around the municipalities, which include Castlegar, Creston, Kaslo, Nakusp, Nelson, New Denver, Salmo, Silverton, and Slocan. The scope of current development in the rural areas is primarily residential, with pockets of commercial, agriculture, industrial, and institutional, to name a few. Future development, depending on scale, is encouraged primarily in existing or proposed development nodes with the appropriate servicing capacities. Such nodes have typically been localized around the municipalities and areas with greater development potential, such as major highway junctions and existing residential areas.

The region has experienced a relatively stable population over the last decade. Since the year 1996, the population of 60,206 has slightly decreased to 59,756 (2009), with the lowest point at 56,484 people in 2006. In the rural areas, this pattern is similar, with 32,647 people in 1996 dropping to 30,347 in 2006 and then rising again to 31,818 in 2009.



Despite the population numbers not increasing dramatically, there has been a steady increase in the number of building permits issued. From 2000-2006, the RDCK issued 1,145 single family building permits. This is attributed to investment activity in single family home properties, an increase in single person households and an increase in second home ownership. Another area that has seen a big increase is subdivision development. In 2007, the RDCK received 170 subdivision referrals compared to the 75 in 2006 and out of those 170 referrals there were 652 lots created.

Managing what type of growth and development takes place and where it is situated is vital to the sustainability of the RDCK. Development should have a long-term benefit to the area and consider implications for environmental impact, resource consumption, transportation, servicing costs, etc. Development in the rural areas should occur in alignment with the incorporated areas and in such a way that the development will have positive impacts on the community.

## **7.2 Objectives**

- .1 Manage and direct development to where it will have the most positive and least negative impacts on community networks, agricultural lands and the natural environment.
- .2 Ensure development is located in accordance with the long-term planning vision in areas suitable for new residential development and infrastructure in advance of individual or site-specific bylaw amendments and subdivision applications.
- .3 Encourage development in areas where infrastructure, amenities and services are already established, or could be established where appropriate and supported by the local community.
- .4 Utilize existing developed land with greater efficiency and to its full potential.
- .5 Involve, consult with, and communicate to citizens to ensure development meets the long-term needs of community as a whole.

## **7.3 Policies**

The Regional Board:

- .1 Encourages a coordinated approach to development between rural areas and municipalities.
- .2 Encourages development to be contiguous to or within existing developed areas, taking into account topography, natural features, and natural hazards of the area, to capitalize on existing infrastructure and community services while developing with the capacity of existing areas and minimize the length of infrastructure extensions.
- .3 Encourages directing higher density development to municipalities or existing or proposed residential nodes where infrastructure, services and employment opportunities sustain higher densities.

- .4 Supports a range of housing types, densities, and affordability options for new residential developments.
- .5 Generally encourages development outside of identified Environmental Reserves.
- .6 Will work with land owners whose land is designated for residential development and is found within an environmental reserve to consider establishing a different land use designation that reasonably reflects the current density and gives due regard to physical constraints and environmental attributes.
- .7 Encourages conservation organizations to secure important habitat by means of acquisition, conservation covenants or other stewardship agreements for conservation purposes.
- .8 Will review the OCP for consistency with the RDCK Emergency Preparedness Plan.
- .9 Encourages cluster forms of development to reduce the amount of land impacted by residential growth, where the permitted number of units is clustered on part of the site, protecting the remaining area in its natural state, or protecting adjacent important habitat, and may consider alternatives such as comprehensive development zones, density averaging or other methods to achieve this purpose. A proposal for cluster development, as shown in the Figure below, should clearly demonstrate and articulate how environmental, economic and social development sustainability principles are satisfied, and meet the following conditions:
  - a. the total area of land to be subdivided (excluding undevelopable land, such as watercourses, riparian areas, slopes in excess of 30% or 3:1), divided by the number of lots to be created is no greater than the density permitted under the Zoning bylaw,
  - b. the parcel configuration and sizes are adequate to accommodate buildings and structures appropriate to the intended use and in compliance with the Zoning bylaw,
  - c. that (i) a land use designation restricting further development, or (ii) a restrictive covenant is registered in the name of the RDCK against the title of the land at the time of registration of the subdivision, prohibiting the further subdivision of the undeveloped parcel(s),
  - d. a long term management plan, including responsibilities and actions, for the future management of the remaining, protected area,
  - e. maintain good pedestrian access and connectivity.





## **8.0 ECONOMIC DEVELOPMENT**

### **8.1 Background**

The current economy of the RDCK is largely based on agriculture and resource-based industries, manufacturing, tourism and hospitality, arts and culture, renewable energies, and health and life sciences. Supporting new and fostering existing businesses in Area F is encouraged.

### **8.2 Objectives**

- .1 Encourages economic growth and maintenance of our area's unique character through small business.
- .2 Create a strong and sustainable tourism economy within a strong economic mix.
- .3 Attract and maintain the operation of responsible, renewable resource based industries to the region.
- .4 Minimize conflicts between resource based industries and other land uses.

### **8.3 Policies**

#### ***General***

The Regional Board:

- .1 Supports efforts to diversify and strengthen the local economy.
- .2 Continues to support the traditional economic base of the resource sectors, but recognizes and supports the shift towards emerging sustainable resource management opportunities as the new core of the local economy, e.g. tourism, education, value-added.
- .3 Supports a business friendly environment through streamlined approval processes, improved fee structure, open and responsive governance, efficient use of taxation resources and timely delivery of services.
- .4 Recognizes the jurisdiction of the Province over public Crown land.
- .5 Promotes growth and expansion of value added forestry, fishing and agriculture.
- .6 Encourages the development of high-speed internet in the region.
- .7 Supports enforcement of the Noise and Unsightly Premises Bylaws.

### ***Forestry***

The Regional Board:

- .8 Designates land (generally Crown land) identified as Open Space on Map Schedule B for forestry, ranching, grazing, general resource management, resource extraction/exploration activities, outdoor recreation, fish and wildlife habitat, and other uses that fit with the character of the area.
- .9 Will work in cooperation with stakeholders in the forest industry to protect the forest land base and promote sustainable forest operations while balancing recreation and other interests.
- .10 Considers impacts of potential forest operations and management that might conflict with the protection of important habitat.
- .11 Supports the Provincial FireSmart guidelines for the protection of forestry resources.

### ***Aggregate and Mineral Resources***

The Regional Board:

- .12 Designates land identified as Quarry on Map Schedule B for the purpose of mineral extraction and processing.
- .13 Encourages the Province to require rehabilitation and reclamation of resource extraction sites.
- .14 Requires the removal of aggregate and mineral resources to be subject to Provincial requirements. The Province is encouraged to refer mineral exploration proposals to the RDCK for comments and give due consideration to the impact of resource extraction activities on surrounding land uses and developments.
- .15 Will consider land use designation amendment applications for the processing of aggregate resources on the basis of a variety of criteria, including:
  - a. extent of visual screening, hours of operation and other mitigation works proposed;
  - b. type of processing proposed;
  - c. prevailing wind direction, and the potential for noise and dust;
  - d. compatibility with adjacent land uses;
  - e. environmental sensitivity of the site, and adjacent land;

- f. accessibility; and
  - g. characteristics of aggregate deposits and groundwater resources.
- .16 Strongly encourages the Province to seek full community support before Crown land is utilized for aggregate processing.
- .17 Encourages the Province not to issue new surface leases and permits for mineral processing near designated residential areas unless effective mitigation measures can be implemented to significantly reduce or nullify the effects of the proposed activity.
- .18 Encourages the Province to include in their licensing the rehabilitation of aggregate extraction and processing sites after extraction and processing are completed.
- .19 Will consider implementing conditions to mitigate the impact of aggregate extraction and processing sites.
- .20 Will consider the utilization of recoverable deposits prior to subsequent development in areas where recoverable deposits are located.
- .21 Will consider that any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, or quarries that is classified a "mineral" or a "mine" under Provincial Acts and Statutes not be restricted by any terms or conditions of this bylaw so long as the Province manages the activities and land for that purpose.

### ***Entrepreneurship***

The Regional Board:

- .22 Encourages and supports property owners or occupiers to establish home based business opportunities, provided that these developments are compatible with the rural character of the area. Short term (entire house rental of <30days) rentals within residential neighbourhoods are not permitted as a home based business. Residents of Area 'F' support the creation of appropriate zones to permit this activity where a rezoning is supported by adjacent property owners.

### ***Tourism***

The Regional Board:

- .23 Designates land shown as Commercial on Schedule B for commercial uses that include tourism-based commercial.
- .24 Encourages collaborative partnerships to fund tourism development in the community.

- .25 Encourages the development of a range of tourist accommodation types, including campgrounds, lodges, resorts, and bed and breakfasts, to diversify tourism opportunities in the community.
- .26 Supports commercial recreation, resort commercial, agri-tourism and eco-tourism opportunities such as trail rides, campgrounds and/or wilderness tours, providing they do not have a previously demonstrated detrimental impact on important habitat or riparian areas or adjacent land uses.
- .27 Encourages heliports and landing strips to be located in areas where there is limited or mitigated conflict with residential and other land uses.
- .28 Will consider regulating the impacts of heliports and landing strips on surrounding areas, as allowed by Transport Canada, in the Zoning Bylaw.

### ***Industrial***

The Regional Board:

- .29 Designates land shown as Industrial on Schedule B for industrial uses.
- .30 Shall protect the industrial land base to promote a diversified local economy, healthy tax base and stable, well paid labour force.
- .31 Encourages future industrial areas to be located with consideration of the existing and intended uses adjacent to the area and the associated impacts so as to ensure they are context sensitive and harmonize with adjacent land uses. Screening and buffering are required to mitigate land use impacts.
- .32 Supports the development of a light industrial sector, including clean/green, technological, sustainable industries and renewable energy opportunities.

## **9.0 FOOD, AGRICULTURE, & RURAL LAND**

### **9.1 Background**

Many B.C. communities, including Area F, are realizing the importance of locally grown food and are developing ways to preserve agricultural land and develop networks to distribute their agricultural products. The amount of land that is in agricultural production in the rural area is an important factor in developing a more secure local food system. Locally grown food relies less on transportation networks and global fuel costs, and promotes local economic development. This in turn enhances local resiliency. The growing of food and other agricultural operations are dependent on lands that can support these kinds of activities.

Agricultural use includes but is not limited to the production of livestock, poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, fiber crops and horticultural and aquaculture products, as well as activities associated with the production and processing of these items.

Agriculture operations and activities, such as livestock grazing, are also dependent on rural lands. Rural land includes land use designations for Rural Residential or Country Residential. The Country and Rural Residential designations include medium to large sized parcels of land generally used for rural residential, part time farming, limited agriculture, limited resource management, home based businesses and other uses that fit with the character of the area. Rural Residential properties typically have limited development potential due mainly to both topographic and access constraints.

Distributed, smaller locations for food production, such as community gardens and personal gardens, are also a crucial component to establishing a secure food system in the region.

Generally, Area 'F' is not a high use Agricultural area. There are no Agricultural Land Reserve lands in Area 'F', however there are sporadic agriculturally used parcels.

### **9.2 Objectives**

- .1 Support small farms and local food systems by creating opportunities to develop value-added secondary industries to enhance farm income.
- .2 Support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.
- .3 Encourage opportunities for residents to cultivate their own food on land that is not necessarily designated as agricultural.
- .4 Retain and enhance the natural character of rural / country residential areas.
- .5 To preserve agricultural land with continuing value for agriculture for current and future production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.

### **9.3 Agriculture Policies**

The Regional Board:

- .1 Recognizes “agriculture” as a primary permitted use in the OS and ER designations, and “horticulture” and “nurseries, greenhouses, and florists” as either a primary or accessory use in some Residential zones.
- .2 Will ensure that new development adjacent to agricultural areas provides sufficient buffering in the form of setbacks, fencing, and landscaping.
- .3 Supports the consolidation of legal parcels that support more efficient agricultural operations.
- .4 Supports the planning of new and modified roads, utility and communication corridors in the Plan area that avoid disruption and fragmentation of existing and potential agricultural land.
- .5 Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures in the Zoning Bylaw to prevent potential conflicts with adjacent uses.
- .6 Supports a balanced approach between environmental objectives and agricultural objectives.
- .7 Provides for property owners or occupiers to diversify and enhance uses secondary to agricultural uses with home based business opportunities, provided that they are compatible with the agricultural character of the area.
- .8 Supports the Farm Practices Protection (Right to Farm) Act.
- .9 Encourages that the principal use of lands designated as Agriculture on Schedule 'B' shall be for agricultural use.
- .10 Discourages subdivisions of agricultural land that do not benefit agriculture and cause further fragmentation of agricultural land.
- .11 Encourages and promotes the Environmental Farm Plan program to farmers in the Region.

### **9.4 Rural and Country Residential Policies**

The Regional Board:

- .1 Establishes that Country Residential designations provide for a rural or semi-rural, country residential lifestyle ranging in minimum parcel size from 1 ha to 2 ha.
- .2 Establishes that Rural Residential parcel sizes should be 2 ha and greater to ensure that large parcels of land in these areas are protected.
- .3 Encourages environmental stewardship on private land within Rural and Country Residential designations.
- .4 Encourages the Provincial Subdivision Approving Authority to ensure that development or subdivision located within Rural and Country Residential areas allow for public access to Crown land.
- .5 Encourages the location of buildings and infrastructure in clustered configurations that minimize site disturbance.
- .6 Provides for property owners or occupiers to diversify and enhance uses secondary to Rural and Country Residential uses with home based business opportunities, provided that they are compatible with the rural character of the area.

## **10.0 OPEN SPACE**

### **10.1 Background**

For the purpose of this section, Open Spaces are described as large parcels of land, primarily 20 ha or greater, and includes both private and/or Crown land. Typical uses include forest land, grazing or range land, public and commercial recreation areas, watershed, and resource extraction areas. Although it is recognized that local land use designations do not apply to the Crown, the 20 ha minimum parcel size is still applied to Crown land in order to provide regulations upon alienation, and to address Crown leases.

### **10.2 Objectives**

- .1 To recognize that much of the land designated as Open Space in the Plan area is part of the Provincial Forest, and to minimize conflicts between these lands and other land uses.
- .2 To maintain the rural character and compatibility of land designated Open Space.

### **10.3 Policies**

The Regional Board:

- .3 Recognizes that a Open Space designation includes those uses compatible with larger parcels.
- .4 Supports a 20 ha minimum parcel size for Open Space designations in recognition that these areas will remain rural with limited community services and infrastructure.
- .5 Recognizes the jurisdiction of the Province over public Crown land.
- .6 Generally supports Provincial policies on protection and use of working forests, and looks for alternatives to development that might conflict with forestry operations and management, or protection of important habitat.
- .7 Supports Provincial land use strategies as a means to ensure that local government concerns are addressed regarding visual, recreation, timber, range, important habitat and other resources in the Plan area.
- .8 Will support only those open land recreation use proposals that clearly satisfy sustainable environmental, economic and social development principles, and demonstrate appropriate screening between potentially conflicting uses.



- .9 Supports the fire management policies set out in the Hazard Lands Section for any proposed residential uses.

## **11.0 RESIDENTIAL LANDS AND HOUSING**

### **11.1 Background**

This section outlines objectives and policies for residential lands in the rural area, specifically Rural, Country, Suburban and High Density Residential development. Rural, Country, and Suburban Residential development generally includes single detached housing, manufactured homes, duplexes, and other buildings and uses that fit with the low-density character of the designation. High Density Residential development generally includes triplexes, fourplexes, townhouses, apartments, manufactured home parks and other uses that fit with the higher density residential intent of the designation. The Plan recognizes that generally, higher density residential development will be directed to existing settlement areas or municipalities, which are better able to function as service centers.

In order to ensure that new residential growth is aligned with sustainable principles, it is important to consider the rural context and preserve the existing form and character. Residential lots tend to be larger and development is more spread out. However, there are options where resources and land can be used more efficiently, such as clustering development.

Providing for affordable housing alternatives is an important issue in Area F. Land values have increased substantially in the last two decades, while levels of earning have stayed fairly constant. This has widened the gap of affordability for many, and increased the numbers of residents that are facing the challenge of locating affordable housing in B.C. communities. Housing affordability is a function of housing cost and household income. Affordable housing is defined as housing cost that does not exceed 30% of a household's gross income<sup>11</sup>. Housing costs considered in this guideline generally include taxes and insurance for owners, and usually include utility costs. Affordable housing can be provided by the private, non-profit, cooperative, and public sectors separately or through partnership models. Affordable housing includes a variety of tenure models including ownership, co-housing, and rental.

Finally, as the rural landscape throughout the RDCK evolves, residents see it important to maintain the rural residential nature of the area. RDCK will act upon illegal uses that conflict with the residential landscape, such as short-term vacation rentals<sup>12</sup> and other commercial uses. The accompanying zoning bylaw provides specific language regarding permitted uses. As well, the Municipal Ticketing Information Bylaw provides the RDCK Bylaw Enforcement Officer the tools in which to conduct enforcement.

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<sup>11</sup> Canada Mortgage and Housing Corporation

<sup>12</sup> Short-Term Vacation Rentals are defined as the on-going commercial rental of a residential dwelling for a duration of less than 30 consecutive days.

## 11.2 Objectives

- .1 Encourage a variety of residential locations, types, tenures, and densities, including mixed use buildings in commercial areas.
- .2 Preserve and increase the stock of safe and affordable housing for low-income families.
- .3 Direct high density residential development to established residential areas and municipalities to ensure efficient use of existing services, amenities, and infrastructure.
- .4 Protect the existing quality of life and character of existing neighbourhoods.
- .5 Allow safe residential access to residential areas and services.
- .6 Encourage high quality design, building, development and landscaping standards that improve energy efficiency and maintain and enhance rural character.

## 11.3 General Residential Policies

The Regional Board:

- .1 Encourages a variety of housing tenures and organizational frameworks, including affordable housing, seniors housing, lease, rental, strata title, and co-operative housing. Housing projects of this nature are encouraged to locate in existing residential nodes, provided adequate services are available to support it.
- .2 Provides for affordable housing in the form of permitting secondary suites in certain residential zones subject to specific regulations.
- .3 Will assess and evaluate proposed residential development based on the following criteria, in addition to the criteria found in the corresponding Residential policies where appropriate:
  - a. capability of accommodating on-site domestic water and sewage disposal; or community water and sewer
  - b. impact on farm land;
  - c. capability of the natural environment to support the proposed development, and its impact on important habitat and riparian areas;
  - d. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
  - e. compatibility with adjacent land uses and designations, and how its form and character enhances the character of the rural area;
  - f. proximity and access to existing road network, and other community and essential services;
  - g. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
  - h. type, timing and staging of the development.

- .4 Encourages the infill of vacant residential parcels before developing new residential areas.
- .5 Encourages the development of a permanent access road to the Grohman Creek area, further establishing this area for future residential growth.
- .6 Ensure that new development adjacent to agricultural areas provides sufficient buffering in the form of setbacks, and mitigation works.
- .7 Will regulate home based businesses in residential areas to maintain the residential character of an area, and ensure that the home based business does not have a negative impact on the quality of life enjoyed by residents of the area, nor generate undue conflicts with adjacent property owners and residents.
- .8 Will enforce illegal land uses in residential areas through the RDCK Municipal Ticketing Information Bylaw. Short term vacation rentals are not permitted in residential areas and may be subject to bylaw enforcement action.

#### **11.4 Rural, Country, and Suburban Residential**

The Regional Board:

- .1 Considers that new Rural, Country, and Suburban Residential development may be created in the rural area, but that the development must respect the character of the rural area, and therefore, the Regional Board will use the following criteria, in addition to those listed under General Residential policies where appropriate, to assess future development:
  - a. location near parks or community facilities, and connected by pedestrian circulation to these amenities;
  - b. exhibits an attractive and safe streetscape by providing for adequate off-street parking requirements, on-site landscaping and screening, and appropriate signage;
  - c. respects lake and mountain views, and access to sunlight of adjacent properties; and,
  - d. provides access without constructing new roads or utility corridors through Environmental Reserves, hazard areas, and without creating permanent scarring on slopes visible from major roads or residential areas.
- .2 Encourages cluster housing development based on examination of the criteria set out under the Growth Management section.
- .3 Supports small-scale, home-based service, commercial, and industrial uses in Suburban Residential areas, providing such uses shall not conflict with the residential character of the area.

### **11.5 High Density Residential**

The Regional Board:

- .1 Encourages affordable housing in High Density Residential and Administrative/Institutional designations, and observes the following:
  - a. considers using development variance permits and new land use designation districts in the Zoning bylaw to encourage the provision of affordable or community care housing;
  - b. reviews the Zoning bylaw to consider allowing higher densities (density bonus) or exclusions in return for the developer providing affordable or community care housing;
  - c. strongly encourages affordable housing equating to a minimum of 10% of the total number of housing units;
  - d. encourages mixed-use developments (e.g. residential integrated with commercial);
  - e. works with non-profit groups in conjunction with the Provincial Housing Program or any other senior government program;
  - f. explores partnerships with non-profit groups or organizations to find innovative ways to develop non-profit housing outside senior government funding programs (e.g. Habitat for Humanity);
  - g. supports co-operative housing choices;
  - h. encourages entry level and affordable housing choices through various mechanisms including carriage houses (accessory dwelling, typically above garages), duplexes in appropriate locations, and small house/small lot options;
  - i. encourages housing agreements, under authority of local government legislation, as a method to achieve affordable or community care housing as a condition of development, and;
  - j. considers affordable or community care housing when reviewing options for using land held by the RDCK, or land acquired by the RDCK in the future.
- .2 Directs that new High Density Residential development shall be connected to a community water system, or alternate sewage treatment system approved for this density.
- .3 Encourages High Density Residential development to incorporate energy and water efficiency practices in the building and site design.
- .4 Encourages mixed use development that builds upon existing infrastructure.
- .5 Considers alternatives to High Density Residential development within the rural area, such as directing it to municipalities, or existing or proposed residential nodes (e.g. 6-mile, Crescent Beach, Taghum, Bonnington), subject to servicing capacities.

- .6 When a proposal for High Density Residential is considered, the proposal should clearly articulate the need for it, analyse its impact on the rural community, and demonstrate how it will respect the character of the rural area. The Regional Board will use the following criteria, in addition to those listed under General Residential and Suburban Residential as appropriate, to assess future development:
  - a. location near or adjacent to parks and community facilities, and connected by pedestrian circulation to these amenities;
  - b. provides for development of new, or upgrading of existing, roads and community services;
  - c. provides for adequate parking requirements, on-site landscaping and screening, and appropriate signage;
  - d. encourages on-street parking, where feasible, to accommodate parking requirements;
  - e. provides for collection and retention works for surface runoff, and collection and treatment works for domestic wastewater; and
  - f. provides for solid screening from adjacent land uses and designations, and to lessen visual impacts where development is proposed on hillsides or in critical views.
- .7 Directs that High Density Residential designations provide for multi-family residential dwellings such as triplexes, fourplexes, townhouses, condominiums, and apartments.
- .8 Considers General and Tourist Commercial zones in High Density Residential areas based on their contribution and impact to the general residential character of the area.

## **12.0 COMMERCIAL LAND**

### **12.1 Background**

Lands designated for commercial use provide opportunities for local economic development. In Area F, careful consideration must be given to maintain existing rural character, in addition to providing opportunities for local businesses to germinate and flourish.

The Plan recognizes General Commercial and Tourist Commercial designations under the same Commercial land use designation. The Plan recognizes that large scale service, industrial, and commercial development will be directed to existing settlement areas and areas with appropriate levels of servicing, which are better suited to function as service centers.

Commercial land can greatly impact the sustainability of a region in that it provides the goods and services required by the community. Providing these goods and services close to where people live, reduces the need for citizens to travel long distances that has both social, economic and environmental impacts. Commercial developments also contribute to the local economy and economic viability of an area by creating jobs at a local level.

### **12.2 Objectives**

- .1 Provide small scale commercial activities servicing the needs of local residents and tourists, expanding services as future growth may dictate.
- .2 Direct commercial development to existing residential nodes and municipalities where services and amenities are more readily available.
- .3 Support new commercial development in combination with residential use, to promote mixed-use, walkable, community areas.
- .4 Ensure that all commercial development is at a scale appropriate to the rural form and character of the community and its natural environment.
- .5 Minimize land use incompatibility and conflicts between commercial activities and surrounding land uses.

### **12.3 Policies**

#### ***General***

The Regional Board:

- .1 Establishes land identified as Commercial on Map Schedule B for commercial uses.

- .2 Supports maintaining and enhancing existing commercial land uses, and supports new small scale commercial development proposals that reflect the needs of the local community and the anticipated demand from tourism, and will use the following criteria, in addition to the criteria for large scale service and commercial development where appropriate, to assess future development:
  - a. capability of accommodating on-site domestic water and sewage disposal;
  - b. capability of the natural environment to support the proposed development;
  - c. compatibility with adjacent land uses and designations, and the character of the existing area;
  - d. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
  - e. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
  - f. proximity and access to existing road network, and other community and essential services;
  - g. exhibits an attractive and safe streetscape by providing for adequate off-street parking requirements, on-site landscaping and screening, and appropriate signage; and,
  - h. type, timing and staging of the development.
- .3 Considers the provision of reduced parking in lieu of providing additional amenities to facilitate other modes of transportation such as walking, cycling, and transit loading areas in keeping with existing rural form and character.
- .4 Considers alternatives to large scale service and commercial development in the rural area, such as directing it to existing residential nodes and municipalities which has the necessary infrastructure and support services. A proposal to introduce major commercial development in the rural area should clearly articulate the need for it, analyse its impact on the rural community, and demonstrate how it will respect the character of the rural area. The Regional Board will use the following criteria, in addition to the criteria small scale commercial development, to assess future applications:
  - a. provides access without constructing new roads or utility corridors through Environmental Reserves, and without creating a permanent visible scar on slopes;



- b. provides for development of new, or upgrading of existing, roads and community services where they are needed and supported by longer term community objectives;
  - c. provides for attractive buffers from adjacent land uses and designations, to lessen visual impacts where development is proposed on hillsides or in critical views;
  - d. has available fire protection services; and,
  - e. provides for collection, retention and infiltration for surface runoff, and collection and treatment works for domestic wastewater.
- .5 Encourages the design of attractive and safe highway streetscapes that provide landscaping and screening, height requirements, signage and drainage within the implementing bylaws for commercial uses.
- .6 Encourages, through responsible environmental practices, future commercial development to locate away from water and watercourses to reduce human impact, and in order to maintain and improve water quality and habitat.
- .7 Will consider development guidelines for commercial development, as outlined in the Development Permit Area Guidelines.

## **13.0 ADMINISTRATIVE AND INSTITUTIONAL**

### **13.1 Background**

The Administrative and Institutional land use designation generally refers to public, non-profit or utility uses such as schools, places of spiritual worship, indoor recreation facilities, community centres, public health facilities, community care facilities, fire halls, libraries, post offices, and local government and improvement district buildings.

Cultural, heritage and historic sites are also included within this designation. Cultural, heritage and historic sites generally refer to, but are not limited to, provincially and/or regionally significant archaeological sites, and buildings of heritage, historical or architectural significance. The recognition and preservation of the existing built environment is a key component of the social sustainability of the Plan area. Identity and sense of place are derived from the recognition of local landmarks such as historic buildings and unique facades that characterize the uniqueness of place.

The Plan recognizes that most administrative and institutional development will generally be directed to existing settlement areas, such as existing residential nodes and municipalities, which are better able to function as service centres. The Plan recognizes that community halls, serving rural areas are an integral part of a vital community.

Sustainability in our region is dependent on the ability for citizens to receive the necessary skills and attracting people. The quality and amount of facilities available where people can recreate, find cultural expression, learn etc. contributes to creating an attractive region.

Public recreation facilities are generally located within the municipalities, such as the Nelson & District Community Complex. Community halls, Fire Halls, and local recreation centres are generally located within their respective community, such as the North Shore Hall and Taghum Hall.

### **13.2 Objectives**

- .1 Direct administrative and institutional development to areas where services and amenities are more readily available, and where they best serve the needs of residents.
- .2 Celebrate, recognize and validate heritage, cultural and historical sites in cooperation with appropriate ministries, committees, societies and organizations.
- .3 Encourage new development of publicly accessible cultural, amenity and institutional buildings to align with the existing rural character of the area.
- .4 Work with the Province and local School Boards to ensure public education needs are being met in the Plan area.

### **13.3 Policies**

The Regional Board:

- .1 Designates Administrative and Institutional land identified on Schedule B.
- .2 Considers alternatives to locating administrative and institutional uses in rural areas, by directing them to areas which have the necessary infrastructure and support services. A proposal to introduce this type of development in the rural areas should clearly articulate the need for it, analyse its impact on the rural community, and demonstrate how it will respect the character of the rural area.
- .3 Supports locating fire halls, indoor recreation amenities, and community halls in the rural area as development require, and the needs of the community evolve.
- .4 Supports senior governments, recognized First Nations Bands, and other interest groups in identifying and protecting features and sites of scenic, architectural, historical or archaeological significance within the Plan area.
- .5 Will consider the adaptive reuse and rehabilitation of older buildings as a method of retaining a legacy of building types and as a sustainable development practice.
- .6 Requires the development community to fulfill obligations for consideration of cultural and heritage resources in project planning and design.
- .7 Supports multi-purpose use of school facilities and other buildings that serve multiple interest groups or multiple community needs.
- .8 Will consider development guidelines for institutional development, as outlined in the Development Permit Area Guidelines.
- .9 Supports the continued protection of heritage and cultural features, as identified through RDCK and Provincially sanctioned inventories and assessments.
- .10 Development in this designation is subject to the requirements of a Development Permit

## 14.0 NATURAL AREAS, PARKS, AND PUBLIC RECREATION

### 14.1 Background

Nature and recreation go hand-in-hand in the Kootenay region. The RDCK is rich in beautiful natural areas and lakes that entice outdoor recreation enthusiasts of all types. Protection of the natural environment is one aspect to ensuring a healthy human environment in which to live and play.



**Environmental Reserves** are those areas established by public or private agencies as important for conservation purposes. Environmental Reserves may be held by various levels of Government (Local, Provincial, Federal), private organizations such as BC Nature Trust, The Land Conservancy, or an individual landowner interested in conserving natural habitat. Environmental Reserves are also recognized floodplain or riparian areas. Environmental Reserves should be preserved and protected for its unique natural value and left in a natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.

**Riparian Areas** are important elements of our natural areas, in that they help to regulate floods, provide food and habitat for fish and mammals, and help to regulate health aquatic conditions in the stream. Provincial policy designates a riparian area 30m from any watercourse.

**Floodplain Areas** are designated in the RDCK Floodplain Management Bylaw (2009), for all watercourses. This bylaw also regulates use and development in sensitive riparian areas.

**Public Recreation Trails** of all types exist throughout Area F, some of which are managed by local interest groups such as Friends of Pulpit Rock Society, Nelson Cycling Club, Kootenay Mountaineering Club, etc. Coordination and partnership with the RDCK and other governmental agencies ensures that land development does not inhibit the potential of establishing and maintaining an integrated trail network.

All **Public Parks** (Community, Regional and Provincial) are designated as 'Park'. Depending on the intent of the park, they serve to protect natural environments and/or provide public recreation opportunities. Park land includes public use land owned or leased by the RDCK. Park land may also include land or general areas which the RDCK may have a future interest in for park purposes.

## 14.2 Objectives

- .1 Foster an awareness of the natural environment, parks and recreation opportunities in the region.
- .2 Provide ample, accessible local parks, trails, and other public recreation opportunities that are compatible with the natural environment and rural character of our region.
- .3 Protect, restore and enhance natural areas and establish an interconnected ecosystem network of protected conservation areas and corridors.
- .4 Protect riparian stream corridors and wetlands in support of maintaining and enhancing fish and aquatic habitat;

## 14.3 Policies

### *Environmental Reserves*

The Regional Board:

- .1 Recognizes established Environmental Reserves for the purpose of natural area protection. Environmental Reserves include, but are not limited to foreshore and riparian areas, conservation areas, and other potential areas identified by the Province or a landowner. May also be areas specifically zoned as an environmental reserve.
- .2 Recognizes and encourages committees of the Regional Board to make recommendations to the Regional Board on the policies of this Plan, and other local, Provincial and Federal proposals or regulations regarding the natural environment.
- .3 Will not permit redesignation of land use in the OCP or the Zoning bylaw or development within Environmental Reserves in the following cases:
  - a. where the redesignation or development will result in the loss of significant portions<sup>13</sup> of habitat of red-listed species or riparian areas;
  - b. where the redesignation or development will result in the loss of significant portions of riparian areas, as determined by the Federal government; and
  - c. where the impact cannot be mitigated to a level acceptable to the Regional Board.
- .4 Encourages the retention of existing wildlife corridors within and outside Environmental Reserves.
- .5 Encourages the protection, preservation, enhancement and management of Environmental Reserves or land contiguous to Environmental Reserves through the following methods:
  - a. encouraging conservation organizations to secure priority habitat by purchase, conservation covenant or other options;

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<sup>13</sup> Either a Provincial recommendation or a report completed by a qualified Professional will determine what constitutes a 'significant portion'

- b. securing of a minimum of 5% open space in settlement areas, as part of the park land dedication as a requirement of subdivision;
  - c. encouraging the donation of lands to the RDCK, The Nature Trust, The Land Conservancy, or other conservation organizations;
  - d. establishing conservation covenants under Provincial Acts and Statutes;
  - e. acquiring statutory rights-of-way under Provincial Acts and Statutes;
  - f. entering into long-term leases for the area;
  - g. encouraging private land stewardship and participation in stewardship or conservation initiatives; and
  - h. encouraging the Provincial government to allow tax incentives or other appropriate initiatives for land owners who protect Environmental Reserves.
- .6 Supports the completion of more detailed environmental inventories and mapping.
- .7 Supports the protection, enhancement and management of sensitive habitat areas for endangered or threatened species in the region.

### ***Foreshore & Riparian Areas***

The Regional Board:

- .8 Designates the lake area from the high water mark as Foreshore, identified on Map Schedule B.
- .9 May consider policies on the use of surface water areas. This will require coordination with Transport Canada and the Province to establish a tenure area over that surface area.
- .10 Discourages activities that involve foreshore modifications (such as dredging, hauling in sand to create a sandy beach, breakwaters, retaining walls, groins, bulkheads, etc.) that disturb existing vegetation, trees, banks and have a negative impact on the shoreline processes.
- .11 Encourages policies for public access to all foreshore areas.
- .12 Encourages developers to consider the full environmental impacts of lake foreshore development, and prohibits development that is not in compliance with the RDCK Floodplain Management Bylaw, and amendments thereto.
- .13 Will work with agencies and individuals to limit the number of wharves or docks, encourages the sharing of such structures, and considers adopting design guidelines for their placement and construction.
- .14 Supports the objectives contained in the B.C. Stewardship Centre Stewardship Series documents, 'Stream Stewardship: A Guide for Planners and Developers', and 'Stewardship Bylaws: A Guide for Local Government', which describe measures for:
  - a. providing and protecting vegetated riparian areas adjacent to watercourses;

- b. controlling soil erosion and sediment in run-off water;
  - c. controlling the storm water rates of run-off to minimize impacts on watercourses;
  - d. controlling in-stream work, construction and diversions on watercourses;
  - e. providing support to a stewardship program;
  - f. maintaining fish passages in watercourses; and
  - g. preventing the discharge of deleterious substances into watercourses.
- .15 Will consider amending the Zoning bylaw to provide density bonuses and density averaging as a method of clustering development in order to protect environmentally sensitive land.
- .16 Recognizes the importance of containing and controlling noxious weeds through the continued endorsement of weed prevention and control initiatives.
- .17 Recognizes and encourages the educational and eco-tourism contribution toward protection of the community's natural environment made by environmental organizations, and supports accommodating these uses with the necessary changes to the land use designations so long as the general intent of policies in this Plan are met.

### ***Regional Parks***

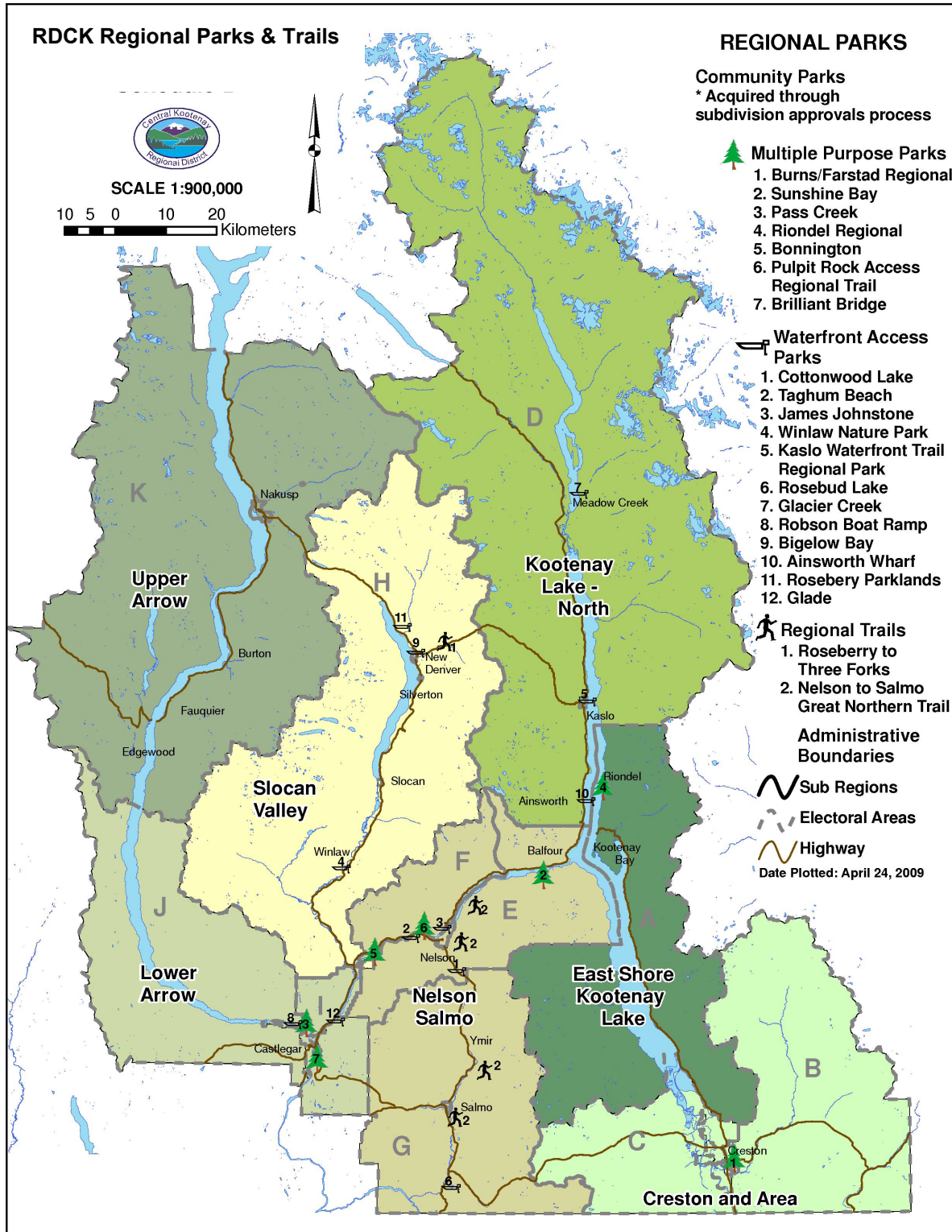
The Regional Board:

- .18 Recognizes land for the purpose of satisfying existing and projected public recreation needs:
- a. All land identified as 'Parks' on Map Schedule B
  - b. All public water accesses, e.g. McDonalds Landing, Six-Mile Beach
  - c. All unalienated (not cut off) shoreline along the West Arm and Kootenay River
- .19 Will require, in accordance with the RDCK Subdivision Bylaw, and RDCK Park land dedication policy, the dedication of park space where a proposed subdivision is not close to existing parks, a suitable site for park land has been proposed, or additional park land is required. In addition to the establishing criteria in the RDCK policy, other areas may also be identified in this plan for future park land dedication. Park land dedication is intended to provide sites for parks to serve new residential subdivisions or to establish public corridors. Where no preferred option for land is available, the cash-in-lieu option is preferred.
- .20 Supports the existing network of public recreation trails identified in Schedule 'D', as well as the creation and extension of a connected network of trails and public corridors to access community parks, recreation areas, public open space and amenities.
- .21 Supports the RDCK Official Regional Parks Plan outlining regional park strategies and functions, addresses regional public and commercial recreation needs, and regional planning priorities.

- .22 Supports individual RDCK Regional Park Plans outlining park strategies and functions, as well as infrastructure and operational requirements.
- .23 Supports appointed Recreation Commissions and partners in maintaining park land and public recreation corridors.



**Map 2: RDCK Regional Parks**

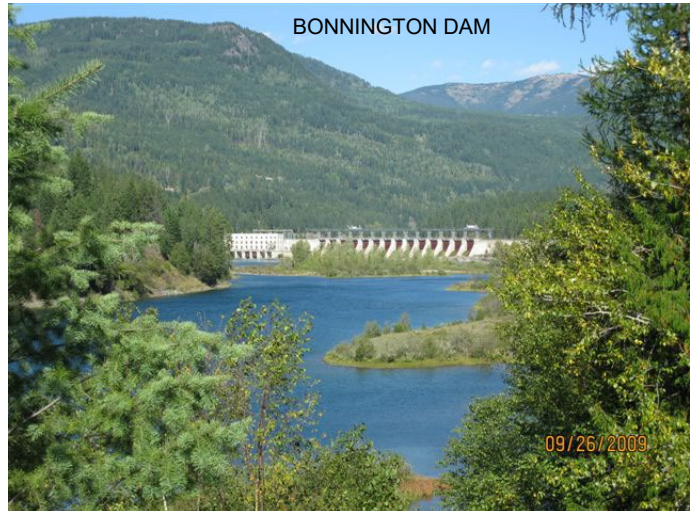


## 15.0 ENERGY AND CLIMATE CHANGE

### 15.1 Background

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>14</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 473 (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 429 - 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.

### 15.2 Objectives

- .1 Demonstrate leadership in energy conservation, energy efficiency and GHG emission reductions and to work towards carbon neutrality.
- .2 Foster the development of renewable energy supply options.
- .3 Reduce energy consumption and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.

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<sup>14</sup> This target is defined in the Greenhouse Gas Reduction Targets Act (Bill 44, 2007)

- .4 Reduce GHG emissions and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.
- .5 Locate developments where services and amenities are available and efficiently utilized.
- .6 Ensure future settlement patterns reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and transit.

### **15.3 Policies**

#### ***General***

The Regional Board:

- .1 Will implement the RDCK Corporate GHG Emissions Reduction Plan (2010).
- .2 Will work collaboratively with our partners and community members to reduce the combined GHG emissions of the rural areas by 15% from baseline levels (2007) by 2020 and by 25% from baseline levels (2007) by 2030.
- .3 Encourages the reduction of landfill waste through its zero waste policy, and will investigate ways to increase waste diversion through strategies identified in the Resource Recovery Plan.
- .4 Supports collaboration and partnerships 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:

- .5 Encourages the clustering of residential development to create separation between neighbouring developments and to avoid continuous sprawl-like development.
- .6 Encourages energy efficient retrofits of older buildings, including both residential and commercial buildings.
- .7 Encourage the use of local materials and green building techniques in new and retrofitted developments.
- .8 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:

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

See also additional transportation policies.

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

The Regional Board:

- .10 Seeks partnerships with utility companies, independent power producers, NGOs, member municipalities, Provincial and Federal agencies, and others to further local energy strategies, and concurrent planning efforts.
- .11 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.
- .12 Supports the exploration of renewable energy opportunities in the agricultural and forestry industries, such as biomass energy production.
- .13 Supports the creation of a renewable energy service for the RDCK.

## 16.0 INFRASTRUCTURE SERVICES

### 16.1 Background

Over the years, development has occurred with a variety of infrastructure providers and service levels. This led to a mixture of development standards depending upon when the development was initially constructed, and what level of service was required at the time.

Infrastructure services include the provision of water, wastewater treatment, along with drainage and solid waste management.

**Water Supply:** Water is supplied by both RDCK-owned, and private systems, for irrigation and domestic purposes. The RDCK owns and operates 1 water service (Duhamel) that deliver water to residents in that portion of Area F. There are 7 private water systems, which service Bonnington, Taghum, Bourke Creek, Shannon Orchard, Whitehead, Ridgewood Road, and Nasookin.

**Wastewater:** Rural areas in the RDCK manage their wastewater using onsite septic systems. There is 1 waste water system at Shannon Orchard.

**Solid Waste:** Area F residents utilize two transfer stations located at Balfour and Nelson, as well as four recycling stations located at Crescent Valley, Nelson, Kokanee park, and Balfour.

**Drainage:** Run-off and flood control in Area F relies on a system of ditches and natural drainage.

The Plan acknowledges the advantages of orderly growth and pre-planning of subdivisions, and the disadvantages of high density un-serviced development or premature, uneconomic extensions of utilities and services. It also supports combining servicing with sound land use development principles for the protection of environmentally sensitive land.

### 16.2 Objectives

- .1 Ensure that infrastructure services, namely water, wastewater, solid waste and drainage are planned to accommodate existing and future needs of resident and visitor populations.
- .2 Direct development to areas that can be best serviced by existing or planned utility infrastructure services.
- .3 Ensure that water, sewer and drainage infrastructure systems support good healthy living and safety, and meet recognized standards of service, and operate efficiently.
- .4 Encourage the cooperation and coordination in the provision of other utilities that service existing and future developments, such as telephone, hydro and gas service.
- .5 Provide services while maintaining the integrity of natural ecosystems.
- .6 Design service alignments to avoid disruption of environmentally sensitive land and riparian areas, or to fully mitigate or compensate for impacts of development.
- .7 Maintain high water quality in surface water, groundwater and aquifers.

- .8 Deliver infrastructure services in a cost effective manner.
- .9 Maximize waste diversion from landfills.

### **16.3 Policies**

#### ***General***

The Regional Board:

- .1 Requires that new developments enter into a development agreement, where such development places significant demands on RDCK infrastructure.
- .2 Shall prepare and review at least every five years infrastructure master plans to identify the existing capacity, the short-term upgrading requirements and the long-term viability of the following RDCK infrastructure systems:
  - a. water supply system;
  - b. wastewater system; and
  - c. solid waste management system.

#### ***Water Management***

The Regional Board:

- .3 Supports the recommendations of the Water Management Plan (2010).
- .4 Requires that all new developments are adequately serviced by a water supply system in accordance with the RDCK Subdivision Bylaw.
- .5 Will liaise with the Plan area water purveyors and agencies to ensure an overall coordinated water management strategy for water quality and quantity.
- .6 Promotes water conservation, without reducing the beautification of the community, where possible and practical, by encouraging:
  - a. New designs, construction, and operation of public facilities are to be water efficient;
  - b. Public education and the benefits of water conservation.
  - c. Working with CBT's *Water Smart Initiative*.
  - d. Implementing a staged program where users incur the full cost of water and one sector does not unjustifiably subsidize another.
  - e. Reviewing bylaws as they come up for amendment or renewal with water conservation in mind.
- .7 Encourages the development of a watershed or drinking water management plan that serves to protect water quality, in consultation with the community.

- .8 Supports the analysis of water metering options and implementing a water metering program.

### ***Wastewater Management***

The Regional Board:

- .9 Requires that all new development continue to use on-site wastewater treatment (treatment plants and septic).
- .10 Will consider suitable locations for community or package waste water treatment plants, should one prove to be desirable within the community.
- .11 Recognizes the need to protect water quality by requiring the safe disposal of wastewater in its development and building bylaws. The need to replace existing aged and vulnerable works and the ability of Area F to sustain additional development must be addressed in the short term through a Liquid Waste Management Plan.
- .12 Requires new development to be consistent with the Waste Water Management Plan and RDCK Wastewater Bylaw.

### ***Drainage Management***

The Regional Board:

- .13 Encourages the review of stormwater management in new and existing developments.
- .14 Encourages natural drainage and on-site management of runoff as the primary mean of drainage management in the region.
- .15 Will consider monitoring water quality and quantity of runoff flowing into major watercourses.
- .16 Will consider regulations that control or prevent discharge of construction silts, gravel and debris into natural drainage courses, streams, or onto agricultural lands or highways.
- .17 Require all new and re-development to implement on-site rainwater management, and surface treatment of rainwater, wherever possible;
- .18 Protect aquatic ecosystems (lakes, wetlands, rivers, streams), as part of the surface drainage system.
- .19 Encourage the use of alternative development standards that support integrated drainage management options, such as reduced road widths, use of permeable surfaces and roadside swales.

### ***Solid Waste Management***

The Regional Board:

- .20 Supports implementation of the RDCK Resource Recovery Plan.
- .21 Promote effective Resource Recovery services for the rural areas as outlined in the Resource Recovery Plan; including but not limited to expanding recycling services, composting and green technologies.
- .22 Will work with partners to find and capture value in waste streams.
- .23 Will work with developers to encourage building disassembly and recycling through varied permit fee incentives.
- .24 Recognizes the long distances separating communities that contributes to the high cost for delivery of waste and recyclables. Promoting efficiencies to cost, environmental impacts, and GHG emissions must remain a priority for this service.

### ***Other Utilities***

The Regional Board:

- .25 Encourages the cooperation and coordination of utility companies in utilizing existing corridors for multiple uses, where feasible and compatible as determined by the relevant service provider.
- .26 Encourages public utility companies and the Province to locate and develop utility corridors and roads in a way that will not have a negative impact on critical habitat areas, or on agriculture.
- .27 Encourages utility agencies to hold public meetings on proposed changes to their facilities that would have an impact in the Plan area.
- .28 Encourages that future high voltage electrical transmission lines and corridors be located outside of developed or high density areas.
- .29 Encourages public utility companies to locate and develop utility corridors either underground, or in areas that are not visually intrusive, where feasible.



## **17.0 HAZARD LANDS**

### **17.1 Background**

The geography of Area F is mountainous and characterized by variable, steep slopes, variable soil quality, and weather patterns. The amount of land that is ideal for development is very limited. Out of necessity, development is moving into areas that demand a carefully planned response to the challenges these locations present.

The biophysical characteristics combined with the variable weather makes its susceptible to a variety of natural hazards, which include flooding, mud flows, debris flows, erosion, rock fall, landslides, sink holes, avalanche and wildfire. Therefore, when a development is proposed, those hazards need to be assessed on a site-by-site basis. Some hazards such as geologic issues can be evaluated and reduced at the time of development. Other hazards, such as wildfire and climate change, affect new development in the short term, and can change over time.

To address flooding in the Plan area, there is an existing regulation put in place by the Regional District. The Regional District is governed by a Flood Management Bylaw which outlines floodplain areas in the District, as well as non-standard flood and erosion areas (NSFEA). The by-law also provides floodplain regulations for development, including construction standards and setback requirements.

### **17.2 Objectives**

- .1 Work towards understanding, assessing, and managing the multiple natural hazards in the region to an acceptable level of public risk.
- .2 Prevent development in areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed.
- .3 Prevent injury and loss of life and to prevent or minimize property damage as a result from natural hazards.
- .4 Recognize that important habitat may also be found in natural areas that are considered hazardous, and that disruption of these areas should be minimized.
- .5 Adapt to climate change impacts that are already occurring or anticipated to occur, minimize the adverse impacts, and take advantage of positive impacts and opportunities.
- .6 Support existing and on-going inventories and studies in order to further determine the nature, extent, and risk of development.

Note: Maps showing NSFEA and Floodplain areas in Area 'F' are available on the RDCK website at [www.rdck.bc.ca](http://www.rdck.bc.ca)

### **17.3 Policies**

#### ***Hazard Lands***

The Regional Board:

- .1 Will direct development away from those lands that may have a potential natural hazard, or have been identified as hazardous by the RDCK or other agencies having jurisdiction.
- .2 Recognizes flooding and NSFEA hazard lands and management of those lands through the RDCK Floodplain Management Bylaw 2080 (2009). This bylaw requires that the construction and siting of buildings and structures to be used for habitation, business, industry, or the storage of goods damageable by flood waters to be flood proofed to geotechnical standards and certified by a registered professional where land that may be prone to flooding is required for development and no alternative is available.
- .3 Encourages new development areas with slopes and grades in excess of 3:1 to be professionally reviewed for soil instability, potentially hazardous conditions and environmental sensitivity.

#### ***Fire Management***

The Regional Board:

- .4 May request that the Provincial Subdivision Approving Authority require the developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application where the Province indicates that a property may be subject to a moderate or higher fire risk. The Regional Board may require the same assessment during the land use designation amendment or applicable development permit process. The assessment will provide a recommended fire hazard mitigation strategy, completed by a qualified professional, that will be submitted to both the RDCK and the Province, and is recommended to include, but is not limited to, the following:
  - a. incorporating fuel breaks adjacent to or on the residential subdivisions;
  - b. establishing zones around potential structures and homes which are clear of debris, highly combustible material or trees;
  - c. utilizing fireproofing techniques and fireproof materials in building design;
  - d. designing roads that provide evacuation routes and facilitate movement of firefighting equipment;
  - e. ensuring all roads are named and signed;
  - f. ensuring availability of water supply facilities adequate for fire suppression;
  - g. ensuring the provision of access to local water sources, lakes and watercourses as part of access requirements; and

- h. implementing setbacks, interfacing fire protection standards, and building material standards pursuant to the Provincial publications The Home Owners FireSmart Manual and FireSmart: Protecting Your Community From Wildfire.
- .5 Directs the Provincial Subdivision Approving Authority to require that where a fire hazard mitigation strategy has been prepared the developer enter into a restrictive covenant to ensure the strategy is followed.
- .6 Encourages proactive wildfire mitigation programs to reduce the risk of wildfires to the 'Moderate' fire hazard risk as recommended by the Provincial FireSmart program.
- .7 Promotes prescribed burning in areas where there is the potential for wildfire abatement and habitat enhancement.
- .8 Considers the use of prescribed burning to enhance forage production and riparian remediation.
- .9 Where practical, coordinates and implements fire hazard reduction activities with priority areas for prescribed burning for ecosystem enhancement purposes.
- .10 Supports protection of accesses to water sources such as hydrants, standpipes, lakes, and streams, ensuring these accesses remain free of obstructions for fire protection purposes.
- .11 Encourages local Fire Departments to work with the RDCK to keep its emergency preparedness plan up to date.

## 18.0 TRANSPORTATION

### 18.1 Background

The road and trail network within Area F is key to the movement of people and goods between communities. The historic trend of having far flung uses, single homes on large parcels, neighbourhoods with little housing choice, and limited cycling, pedestrian, or transit options has created a reliance on the automobile. For local residents, the result is stressed infrastructure from population increases, and costly infrastructure upgrades.

All major highways are provincially designated controlled access highways, and are intended to function as regional transportation corridors. The local (or secondary) road system is designated in a hierarchy, i.e. arterials link to the highway system, collectors provide connections between neighbourhoods, and finally local streets provide mobility within a neighbourhood.

Other transportation modes include cycling and pedestrian routes that are effective mostly in the municipalities. Trail links to the fringe area and beyond should be encouraged and protected.

The road infrastructure between communities in Area F is largely managed by the Province of B.C., however the RDCK does influence the transportation system through its decisions on locating development. The RDCK also works closely with the Province to facilitate public transit infrastructure in the rural area.

The Plan sets out Schedule 'D' Transportation and Recreation for the current inventory of transportation and recreation infrastructure in Area F. The Plan recognizes the importance of a mutually supportive partnership to acknowledge the plans and policies of both the RDCK and the Province.

*Transportation Patterns and Services:* Private passenger vehicle is the primary mode of transportation throughout Area F.

*Passenger Vehicle Travel:* In 2006, almost 85% of the residents in the RDCK travelled to work in passenger vehicles (2006 Census, Statistics Canada).

*Public Transit:* Service is available from Nakusp to Nelson, from Nelson to Kaslo, as well as the popular Nelson-Trail connector.

*Public Recreation Trails:* Area F has extensive public recreational trails, with various levels of management and stewardship, such as the Smallwood Creek Trails, Sproule Creek Trail, and the popular Pulpit Rock Trail.

Some roads within Area F are unserviced and do not provide adequate access to developed residential properties. These boat access areas cannot be accessed by emergency vehicles



resulting in health and safety concerns for its residents. The community will continue to encourage the Provincial Government to upgrade it's current road service to the boat access area known a Grohman. The RDCK will continue to work with the community to upgrade the existing boat access.

## **18.2 Objectives**

- .1 Move goods and people efficiently and safely throughout local centres and the region.
- .2 Maintain and improve the road connectivity between and within communities.
- .3 Develop a regionally and locally connected network of bikeways, commuter trails, and open spaces for local commuting and public recreational use.
- .4 Encourage multiple modes of transportation (bike routes, pedestrian routes, efficient and cost effective transit options) and methods to reduce environmental impacts, and the inefficient use of roads.
- .5 Support the development of a diversity of transportation choices.
- .6 Improve access to public transit.
- .7 Ensure future settlement patterns reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and transit.
- .8 Recognize and minimize the impacts of transportation corridors on farmland, and important habitat in Environmental Reserves.

## **18.3 Policies**

### ***Roadways***

The Regional Board:

- .1 Encourages community consultation and discussions with the Province that review the transportation capacity of Highway 3A, local collector roads, pedestrian and recreational corridors, and commercial development strategies.
- .2 Encourages an evaluation of road, pedestrian, transit, and other public use corridor requirements including any off-site impacts or necessitated improvements for the community.
- .3 Looks for alternatives to continuous, sprawling development along Major Roads and, where appropriate, encourages clustering of commercial and High Density 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.
- .4 Looks for alternatives to the creation of low-density residential lots fronting the Major Road Network, and the provision of multiple accesses onto the Major Road Network.

- .5 Encourages the development of land uses compatible with road noise and speed along the highway.
- .6 Encourages off-street commercial parking areas in the implementing Zoning bylaw to avoid congestion of the road right of way, increase safety and improve maintenance.
- .7 Considers revisions or additions to Schedule D as an amendment to the OCP bylaw and include a traffic engineering assessment of site impacts.
- .8 Encourages that private roads that access forest lands should be of adequate design to allow for the safe movement of logging and fire-fighting equipment.
- .9 Encourages luminaries and/or street lights when needed to improve road safety, particularly at major intersections without negatively impacting the dark sky character of our rural areas.
- .10 Works with the Province to ensure that traffic impact studies are undertaken for major development proposals so that:
  - a. existing and future roads and alignments are designed with due consideration for the protection of Environmental Reserves;
  - b. safety and mobility is maintained through access management;
  - c. disruption to farming operations is minimized; and
  - d. projected traffic volumes do not reduce the present service levels for the existing roadway.

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

The Regional Board:

- .11 Encourage connectivity between existing walkways and trail systems to schools, parks and commercial areas.
- .12 Promotes pedestrian-friendly development within and among High Density and Suburban Residential areas, where pedestrian facilities are established and integrated with transit service planning.
- .13 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.
- .14 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.
- .15 Supports the development of a Bicycle Network Plan (BNP) in the rural area. Components of a BNP should include, but not be limited to:
  - a. overall goals and objectives to be achieved

- b. integration with existing roadways, pathways, park systems, and transit services, and should accommodate transportation cyclists to major destinations within the RDCK (e.g. residential nodes, bus stops, municipalities)
  - c. design guidelines for bicycle infrastructure, e.g. intersection configuration, surface materials, grades, signage, crossings, illumination, etc.
  - d. maintenance policies and procedures
  - e. capital expenditure plan, identifying estimated costs of projects and timing of implementation
  - f. any supporting programs and services, such as zoning amendments, cycling awareness, mapping, education, enforcement, advisory committees, etc.
- .16 Supports on-street alternative transportation options with incorporation of sufficient buffering and accommodation of the movement of agricultural machinery.

### ***Transit***

The Regional Board:

- .17 Continue to facilitate improvement to and expansion of public transportation service opportunities, bus shelters and cross walks in cooperation with BC Transit.
- .18 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.

## **19.0 CROWN LAND**

### **19.1 Background**

The RDCK area is made up almost entirely (about 85-90%) of Crown land managed by the Provincial government under various Provincial agencies. Crown land is used for various public and commercial purposes. The most significant public use is recreation, and the most significant and visible commercial uses of Crown land are forest harvesting, cattle grazing, mining, and tourism. Other visible examples are gravel quarries, telecommunication sites and utility corridors. Crown lands can also include foreshore areas.

The management of these lands is complex, and the potential for impact on downstream private property and lakeshores is a key consideration in decision-making. Management policies and objectives supported within the Provincial Kootenay Boundary Land Use Plan Implementation Strategy include general management direction.

### **19.2 Objectives**

- .1 Encourage the Province to respect the interests and concerns of local residents in decisions concerning activities, development, and sale of Crown land.

### **19.3 Policies**

The Regional Board will:

- .1 Strongly encourage the Province to seek full community support before any change in land use on Crown land, including issuing licenses or permits for any development or activity, land sales, and land use designation amendments that may affect the community.
- .2 Encourage the Province to give adequate notice to the RDCK and the affected community about applications for the lease or sale of Crown Lands, and to encourage the Province to ensure adequate public consultation in the affected community before a decision is made on such applications.
- .3 Encourage connectivity within and among environmentally sensitive Crown lands with important habitat and wildlife corridors, through the sale and lease of adjoining Crown lands.



## **20.0 DEVELOPMENT PERMIT AREAS**

### **20.1 Background**

There are specific community goals for issues such as the appearance, form and character of certain types of land uses, respect for the environment, and dealing with potential hazards such as wildfire. It is important that these goals are considered when certain types of development or buildings are proposed.

The OCP may designate Development Permit (DP) areas under the authority of local government legislation. Unless otherwise specified, a DP must be approved by the Regional Board prior to any development or subdivision of land within a designated DP area.

The Local Government Act (LGA) Section 488 provides that local governments may designate DP areas for the purposes of:

1. protection of the natural environment, its ecosystems and biological diversity;
2. protection of development from hazardous conditions;
3. protection of farming;
4. revitalization of an area in which a commercial use is permitted;
5. establishment of objectives for the form and character of intensive residential development;
6. establishment of objectives for the form and character of commercial, industrial or multi-family residential development
7. in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
8. establishment of objectives to promote energy conservation;
9. establishment of objectives to promote water conservation;
10. establishment of objectives to promote the reduction of GHG emissions.

Development within designated DP areas will be reviewed by the RDCK in accordance with the associated guidelines identified in this Section. Conditions or restrictions may be imposed on the development accordingly.

## **20.2 General Development Permit Policies**

1. Development within designated Development Permit Areas will be reviewed by the RDCK in consideration of the objectives identified in this Section. Conditions or restrictions may be imposed on the development accordingly.
2. In accordance with the Local Government Act, the RDCK may require a bond to ensure the completion of landscaping, environmental rehabilitation, or other conditions for which it may be held.

## **20.3 Commercial, Industrial, and High Density Residential Development Permit (CIHDRDP) Area**

### ***Designation:***

The CIHDRDP Area is designated under Section 488(1) (f), (h) and (e) of the Local Government Act to establish objectives for the form and character of commercial, industrial and multi-family residential development, and the promotion of energy and water conservation.

### ***Area:***

The CIHDRDP Area is comprised of all lands designated Commercial, Industrial, Comprehensive Development, Quarry, and High Density Residential on Schedule B.

### ***Justification:***

The intent of the CIHDRDP Area is to encourage high quality design, building, development, and landscaping standards that maintain and enhance rural character, improve energy efficiency, and maintain high water quality in surface water, groundwater and aquifers. General supporting objectives are also provided in Section 8.0 (Economic Development), Section 11.0 (Residential Lands and Housing), Section 12.0 (Commercial Land) and Section 15.0 (Energy and Climate Change).

### ***Objectives:***

The CIHDRDP Area seeks to achieve the following objectives:

1. Guide form and character of new developments.
2. Ensure that new development contributes to creating a high quality public realm and that it fits within the rural context of the region.
3. Conserve water and energy through the promotion of renewable energy sources.

### ***Prohibition:***

Within the CIHDRDP Area construction of, addition to or alteration of a building or other structure must not be started without first obtaining a Development Permit, unless otherwise exempt in this Bylaw.

**Guidelines:**

Development shall be in accordance with the following guidelines:

All Designations

1. Site design should consider:
  - a. impact on farm land;
  - b. the capability of the natural environment to support the proposed development;
  - c. compatibility with adjacent land uses and designations, and the character of the area;
  - d. susceptibility to natural hazards, including but not limited to flooding, slope instability, or wildfire risk; and,
  - e. the size of the property in relation to the proposed activity.
2. Any new development should take into account the overall physical aesthetic, ambience or sense of place, respecting the general scale, quality, eclectic variety of architecture and nature of the streetscape.
3. Creative use of signs is encouraged. Pedestrian scale front lit or neon designs are permitted, while back lit fluorescent and plastic light boxes are discouraged.

Commercial, Industrial, and Quarry

4. The Province is requested to ensure activities involving emission of toxic or irritant material meet the highest standards regarding the protection of groundwater catchment areas, surface water and riparian areas and air-borne industrial pollutants.
5. Wherever possible, new activity should be located in close proximity and with direct access to major roads.
6. Prior to commencement of activity, a landscape buffer adjacent to non-industrial, non-commercial, and non-high density residential designated properties should be included.
7. All activity including parking and storage should be screened and wide buffers should be left along roads and property lines.
8. Can include operational guidelines, including hours of operation, noise restrictions, sign requirements, siting of proposed operations, and other measures as identified to ensure that impacts to adjacent properties are mitigated.

Commercial

9. New buildings should assume parking will be either parallel or diagonal on the street, as well as potential on-site locations. Provincial regulations require a minimum building setback from an existing road right of way of 4.5 m from the property line for new buildings;
10. The maximum building height should be two storeys;
11. New buildings should be similar in size and scale to existing buildings;
12. Residential dwelling units should be located upstairs or to the rear of commercial buildings, based on the servicing capacity and applicable bylaws;

13. Preservation, restoration, and/or infill additions to existing older character buildings is supported;
14. The planting and maintenance of vegetation and the recognition of the pedestrian nature of commercial designations is encouraged;
15. High quality redevelopment and rehabilitation to promote the economic growth of the area as well as respect the integrity of its historical buildings, as well as a pedestrian oriented environment is encouraged.
16. Commercial development that contributes to the economic revitalization of the area, as well as remaining sensitive to the residential component in mixed use buildings is encouraged.

#### High Density Residential

17. Developments should be compatible in scale, form and character with the neighbourhood and consistent with the desired future development plans;
18. Developments that serve to preserve and enhance the special natural, historical or aesthetic features which help define the identity of the neighbourhood are encouraged;
19. Consideration of ease of access for all of local residents, regardless of physical capabilities is encouraged.

#### Comprehensive Development

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. Prior to the development of land designated Comprehensive Development as shown on Schedule B the RDCK shall require the proponent to prepare a comprehensive development plan in the form of a Development Permit.

20. Development proposals involving a variety of land should be adequately planned and include measures to mitigate impacts on adjacent landowners.
21. When considering a CIHDRDP proposal the RDCK 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.
22. Development proposals involving community water and/or sewer systems should include a feasibility study prepared by a Professional Engineer to confirm that the proposal meets accepted engineering practices, provincial requirements and environmental standards.
23. As required on a site-by-site basis, the Zoning Bylaw should be amended to provide a 'Comprehensive Development Zone' that reflects the policy provisions identified under these Guidelines.

### Sequence of Development

24. Sequence and timing will be considered for phased developments to encourage orderly and cost efficient development, recognizing priorities, market demands and completion sequences. New phases should not be started until previous phases have been completed. The area designated for future phased development should be landscaped, however temporary, and kept clear of debris and construction materials. Construction should follow immediately after any site clearing.

### Energy and Water Conservation

25. Where possible and within the existing block pattern, new buildings should be designed (oriented and sited) to take maximum advantage of passive solar energy.
26. Natural ventilation for buildings should be utilized as much as possible and energy efficient windows should be installed.
27. Green roofs are strongly encouraged to help absorb storm water, reduce heat gain. Intensive green roofs, or "rooftop gardens" will be preferred over extensive green roofs.

### Renewable Energy

28. It is strongly encouraged that all buildings over 1,000 square feet meet at least 10% of their annual combined lighting, space heating and water heating energy demand using one or more of the following renewable energy generation technologies:
- a. Solar thermal hot water heater;
  - b. Solar photo-voltaic (PV) panels;
  - c. Ground-source heat pump.
  - d. Micro-wind turbine; and
  - e. Geo-thermal
29. Facilities that generate onsite energy or heat for mechanical or industrial processes are encouraged to utilize renewable fuels, such as biomass. Where waste heat is generated as a result of an industrial facility's operations, an appropriate location of the facility should be chosen and design features incorporated that allow the waste heat to be captured and used in an existing or new district heating system.

### ***Exemptions:***

The CIHDRDP Area does not apply to the following:

1. subdivision;
2. temporary buildings and structures such as construction trailers, temporary scaffolding, and buildings and structures permitted by a Temporary Use Permit;
3. construction of, addition to or alteration of a building or structure involving only: interior renovation, repair or maintenance, façade improvement to an area less than 20% of the existing facade, construction of an accessory building, or an addition to principal building less than 100 m<sup>2</sup>;
4. minor alterations that do not alter or affect requirements for parking, landscaping, access, or alter the building footprint, or

5. replacement of a building that has been destroyed by natural causes, in cases where the replacement building is identical to the original in both form, footprint, and location.
6. replacement of one dwelling unit within a manufactured home park, and/or minor alterations to an existing dwelling unit that are consistent with the intent of this OCP.

## **20A TEMPORARY USE PERMITS**

### **Background**

Temporary Use Permits may be issued by the RDCK under the Local Government Act, S.493. The temporary use may continue in accordance with the provisions of the permit until the date that the permit expires, or three years after the permit was issued, whichever occurs first. Permits may be renewed only once, after which the use must be either permanently designated in the OCP Bylaw and Zoning Bylaw or cease. Temporary Use Permits are not a substitute for a land use designation amendment in accordance with the Zoning Bylaw. Permits are also subject to approval by the Agricultural Land Commission where land is classified as farm under the Assessment Act.

### **Objective**

1. Permit temporary uses to provide short-term opportunity when considered appropriate by the Regional Board, without negatively affecting surrounding properties or the environment.

### **Policies**

The Regional Board:

1. May consider the issuance of Temporary Use Permits throughout the plan area, subject to the following:
  - a. demonstration that the use is temporary or seasonal in nature;
  - b. address potential conflict with nearby land uses;
  - c. address potential impacts on environmentally sensitive areas;
  - d. satisfy provision of adequate servicing that meets health requirements; and
  - e. consider relevant policies within other sections of this plan.
2. May require conditions under which a temporary use may be allowed, including: the buildings or structures that may be used; the period of applicability of the permit; the area, duration or timing of use; and required site rehabilitation upon cessation of the use.
3. May require security deposits, site restoration plans or letters of undertaking to ensure conditions are met.

## **21.0 IMPLEMENTATION**

### **21.1 Introduction**

The OCP sets out statements on the broad objectives, polices and directions for the Plan area, but does not provide the tools for implementing its policies. The RDCK has a number of tools and methods available for implementing the Plan. The purpose of this section is to set out specific steps the RDCK can take to implement this Plan. Some of the steps include refining the Plan; changing existing bylaws; adopting new bylaws; conducting studies to obtain more information and direction; and working closely with other jurisdictions and government agencies. Some of the specific steps are set out in the subsections below.

### **21.2 Implementation Policies**

- .1 Pursuant to the Local Government Act, an applicant may be required to provide development approval information with a zoning amendment bylaw application in order to assess how the development addresses on-site issues such as energy use, accessibility and water conservation. Approval information may also be required from the applicant to assess off-site impacts such as traffic flow, and impacts to local infrastructure. The objective is to provide a thorough professional collection and review of information in order to support informed land use decisions. Reports may be required from qualified professionals on the following:
  - a. Transportation patterns, including traffic flow;
  - b. The impact and assessment on local infrastructure;
  - c. Assessment of capacity of public facilities, including schools and parks;
  - d. The natural environment of the area affected; and
  - e. The impact on or need for additional community services
- .2 The production of neighbourhood and study area plans as well as updates of bylaws and servicing strategies requires review and considerable staff participation. As the approval for the undertaking of plans is considered, the RDCK will endeavor to ensure that appropriate staff participation and resources are committed.

### **21.3 Refinements**

The RDCK will consider refinements to this OCP. These refinements may include but are not limited to the following:

- .1 coordination with other Provincial and Regional strategies;
- .2 changes resulting from various transportation planning initiatives;
- .3 coordination with the municipalities.



#### 21.4 Relationship to the Zoning Bylaw

The Zoning Bylaw sets out the density of development on a parcel of land, as well as specifying the permitted uses allowed. It also contains specific regulations that control the size, siting and various other details of development on a parcel of land. The Zoning Bylaw will be updated to ensure consistency with the OCP and to implement portions of the Plan.

The land use designations contained within the OCP were assigned based on the goals and policies outlined within the OCP and in consideration of the current and future land uses. RDCK Zoning Bylaw 1675, 2004 includes all of Electoral Areas 'C', 'I', 'J' and 'K', and portions of 'A', and 'B'. Electoral Area 'F' will also be included in Bylaw 1675 at the completion of the planning process.

In some cases, OCP land use designations may not match a parcel's zoning within some portions of the planning area. This is because the OCP is a long range strategic planning document that identifies the preferred future land use, while the zoning bylaw usually recognizes the current land use. Development of the parcel may continue in accordance with the zoning of the property, however, any amendment to the zoning must be in conformity with the land use designation in the OCP.

#### 21.5 Follow-up Studies and Initiatives

There are follow-up studies and initiatives that have been identified which may be undertaken to implement the Plan.

Study/Initiative	Approximate Timeline (short/mid/long term)
1. General review for concurrence with OCP (Procedures, application forms, Zoning bylaw, Subdivision bylaw, Floodplain bylaw, Liquid Waste Management Plan, etc.)	Short
2. Creation of a Liquid Waste Management Plan	Short
3. Establishment of public access and public use areas identified in the OCP, as Regional Parks	Short
4. Creation of a housing strategy (seniors, community care, affordable)	Mid
5. Sensitive Ecosystem Inventory and/or Sensitive Habitat Inventory mapping for establishment of Environmental Reserves, especially along watercourses.	Mid

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6. Special Areas Mapping, inventory of Special Places	Mid
7. Review of the Electoral Area 'F' OCP for the purpose of clarification after its first year of use	Mid
8. Parks, Public Recreation, and Commercial Tourism Plan	Mid
9. Watershed Management Plan and water conservation strategies	Mid/Long
10. Creation of a Kootenay Lake Foreshore/Stewardship Plan	Long
11. Undertake a process with the Province to develop a long-term strategy for Crown Land Management within Electoral Area 'F', possibly in combination with existing Provincial higher level plans	Long

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### **21.6 Other Agencies**

The RDCK will work with Provincial, Federal and other agencies to help implement and complement portions of the Plan.

### **21.7 Monitoring**

The OCP should be monitored on an ongoing basis by the Regional Board and the Electoral Area 'F' Advisory Planning Commission. The OCP should be revised when necessary to ensure it addresses current needs and aspirations of the community and reflects changing local and external conditions. In support of this initiative, the RDCK will monitor:

- .1 population growth and demographic changes;
- .2 land supply / demand;
- .3 changing housing requirements;
- .4 economic, social, and environmental factors; and
- .5 refine or amend the Plan accordingly as resources permit.

