

# NORTH KOOTENAY LAKE

ELECTORAL AREA 'D' COMPREHENSIVE  
LAND USE BYLAW NO. 2435, 2016



**REGIONAL DISTRICT OF CENTRAL KOOTENAY  
ELECTORAL AREA 'D' COMPREHENSIVE LAND USE BYLAW NO. 2435, 2016**

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**LIST OF AMENDMENTS TO RDCK ELECTORAL AREA 'D' COMPREHENSIVE LAND USE BYLAW NO. 2435, 2016 UP TO (see date at bottom of last page of amendments), WHICH ARE INCLUDED IN THIS CONSOLIDATED VERSION OF THE BYLAW**

Bylaw No. File No.	Adopted	Amendment	Purpose
2572 Z1703D	2017 NOV 16	Text Amendment to setback and height in Ainsworth Resort Commercial Zone	To facilitate the development of staff housing
2582 Z1703D	2017 JAN 18	Text Amendment to density and height in Ainsworth Resort Commercial Zone	To facilitate future development of resort owned properties
2622  5110-20- Cannabis_Act	2019 JAN 17	Text Amendments for the implementation of the Cannabis Act	Text Amendments to enable cannabis retail sales, cultivation, processing and nurseries throughout the RDCK.
2689  5110-20- Compliance-and- Enforcement	April 16, 2020	Text Amendments for Compliance and Enforcement	Text Amendments for the purposes of alignment with the RDCK Bylaw Enforcement and Dispute Adjudication System Bylaw and Municipal Ticketing Information Bylaw.
2750 5110-20-Accessory Buildings and TUP's	February 17, 2022	Multiple Text Amendments	Text Amendments to Parks (s. 21.0 & 22.26), Zoning Boundaries and housekeeping.
2956 5110-20-Provincial Housing Changes	July 18, 2024	Multiple Text Amendments to Interpretation, General Use Regulations and multiple zones.	Small Scale Multi Unit Housing updates required by Bill 44 Housing Statutes (Residential Development) Amendment Act

**July 2024**

**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.**

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**Regional District of Central Kootenay**  
**Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016**

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A Bylaw to guide decisions in planning and land use and to regulate land use and development within Electoral Area 'D' pursuant to Part 14 of the *Local Government Act of British Columbia, R.S.B.C. 2015*.

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**TITLE**

This Bylaw may be cited for all purposes as the Electoral Area 'D' Land Use Bylaw No. 2435, 2016'.

**AUTHORITY**

WHEREAS under the provisions of Section 472 of the *Local Government Act* the Regional Board may adopt an Official Community Plan for an area;

AND WHEREAS under the provisions of Sections 479, 482, 492, 523, 525, 526 and 527 of the *Local Government Act* the Regional Board may adopt a Zoning Bylaw allowing the Regional District to regulate the following: the use, density, siting, size and dimensions of land, buildings and other structures; the shape, dimensions and area, including the establishment of minimum and maximum sizes of parcels created by subdivision; density benefits for amenities; designation of temporary use areas; runoff control requirements; off street parking and loading space requirements; provisions for the regulation of signs and provisions for screening and landscaping;

AND WHEREAS under the provisions of Section 227 of the *Local Government Act* the Regional Board may by General Bylaw, exercise any number of its powers to act by Bylaw;

AND WHEREAS the Regional Board has prepared a combined Official Community Plan contained herein as Schedule 'A' and Zoning Bylaw contained herein as Schedule 'B';

AND WHEREAS the Regional Board may adopt a 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 the Regional Board has consulted and complied with Sections 475, 476 and 477 as required under the *Local Government Act* for that portion of this Bylaw that is an Official Community Plan;

AND WHEREAS the Regional Board has consulted and complied with Section 464 as required under the *Local Government Act* for that portion of this Bylaw that is a Zoning Bylaw;

AND WHEREAS it is recognized that the requirements for consultation under Sections 475 and 476 of the *Local Government Act* will be applied to proposed bylaw amendments that fall under Schedule 'A' of this Bylaw and that the requirements for consultation under Section 464 will be applied to proposed bylaw amendments that fall under Schedule 'B' of this Bylaw.

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

## **APPLICATION**

1. Schedule 'A' being the components of an Official Community Plan and as applicable to that portion of Electoral Area 'D' as outlined in Schedules A.1, A.2 and A.3 being mapping forming part of the Official Community Plan; and
2. Schedule 'B' being the components of a Zoning Bylaw and as applicable to that portion of Electoral Area 'D' as outlined in Schedule B.1 being mapping forming part of the Zoning Bylaw

## **ADMINISTRATION AND ENFORCEMENT**

3. The Manager of Development Services, Planning Services, Building Services and Bylaw Enforcement Services staff and any other person authorized to assist the aforementioned persons are authorized to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with.

## **VIOLATION AND PENALTY**

4. Penalties are subject to the conditions of any applicable RDCK Municipal Ticketing Information Bylaw and RDCK Bylaw Enforcement Notice and Dispute Adjudication System Bylaw as amended or replaced from time to time.

## **VALIDITY**

5. If any statement, section, sub-section, clause or phrase of this Bylaw and the provisions 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.

## **REPEAL**

6. The Kootenay Lake and Lardeau Valley - portion of Electoral Area 'D' Official Community Plan Bylaw No. 1996, 2009, and all subsequent amendments thereto, is hereby repealed.
7. The Ainsworth Rural Land Use Bylaw No. 1189, 1996, and all subsequent amendments thereto, is hereby repealed.



## READINGS

REGIONAL BOARD CONSIDERATION OF SECTION 477 OF THE *LOCAL GOVERNMENT ACT* this day of 20<sup>th</sup> day of August, 2015.

READ A FIRST TIME on this 20<sup>th</sup> day of August, 2015.

READ A SECOND TIME on this 20<sup>th</sup> day of August, 2015.

PUBLIC HEARING held this 5<sup>th</sup> day of October, 2015 and 25<sup>th</sup> day of January, 2016.

READ A THRID TIME on this 18<sup>th</sup> day of February, 2016.

ADOPTED under Section 477(6) of the *Local Government Act* this 18<sup>th</sup> day of February, 2016.

*'Karen Hamling'*  
Chair

*'Anitra Winje'*  
Secretary

## LIST OF SCHEDULES, MAPS, AND FIGURES

<u>Table 1</u>	<u>Land Use Consistency Table</u>
<u>Schedule 'A'</u>	<u>Electoral Area 'D' Official Community Plan</u>
Schedule A.1	Land Use Designation Maps
Schedule A.2	Hazard Maps
Schedule A.3	Protected Areas Map
<u>Schedule 'B'</u>	<u>Electoral Area 'D' Zoning Bylaw</u>
Schedule B.1	Zoning Designation Map – Ainsworth

Note: Schedule 'A' and 'B' Map 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. Original mapping schedules are as adopted in hard copy as part of the Bylaw. Any subsequent amendments are maintained electronically.

### Acronyms used in this document

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Agricultural Land Commission	ALC
Agricultural Land Reserve	ALR
Comprehensive Land Use Bylaw	CLUB
Industrial Development Permit	IDP
Regional District Central Kootenay	RDCK
Watercourse Development Permit	WDP

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**TABLE 1: LAND USE CONSISTENCY TABLE**

The future use and development of land within Electoral Area ‘D’ must be consistent with the overall pattern of land use depicted on Schedule ‘A.1’ and ‘B.1’, and based on the following land use designations and zoning designations:

<u>Rural Designations:</u>	<u>Land Use:</u>	<u>Zoning:</u>
Agriculture	AG	
Resource Area	RA	RA
Environmental Reserve	ER	ER
<u>Residential Designations:</u>		
Suburban Residential	RS	R1 (Town-site)
Country Residential	RC	R2
Rural Residential	RR	R3
Multi-Family Residential	RM	
Comprehensive Development Zone	CDZ	
<u>Commercial Designation:</u>		
General Commercial	GC	C1 (Town-site)
Tourist Commercial	TC	C2
Ainsworth Resort Commercial	TC	C3
Industrial	M	
<u>Community Services and Administrative Designations:</u>		
Community Service	CS	CS
Parks and Recreation	PR	PR
	PR	PR1

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**SCHEDULE 'A'**

**OFFICIAL COMMUNITY PLAN**

**Regional District of Central Kootenay**  
**Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016**

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## **1.0 INTERPRETATION AND ADMINISTRATION**

The policy provisions of this Bylaw apply to all lands and surfaces of water within the select portions of Electoral Area 'D' as identified on Schedule 'A.1' of this Bylaw, whereas the land use regulation provisions of this Bylaw apply to only the portion of Electoral Area 'D' as identified on Schedule 'B.1' (Ainsworth) of this Bylaw.

### **Interpretation**

A Comprehensive Land Use Bylaw (CLUB) means a community plan containing elements of an Official Community Plan and Zoning bylaw. It is intended to be a comprehensive document addressing the present and future needs of the community 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*.

### **Administration**

1. This CLUB comes into effect as of the date of formal adoption by the Regional Board.
2. This Bylaw will undergo a comprehensive review every five to ten years in order that the document continues to accurately reflect the long-range planning objectives of the unincorporated communities of Electoral Area 'D'.
3. Public hearings to consider Bylaw amendments will be held upon the time of application and at the discretion of the Board. All public hearings will be advertised in the local newspaper and all property owners within 100 meters or a greater distance of the subject property will be sent notice as required under the *Local Government Act*. The Board may hold a public hearing at any time to consider a Bylaw amendment if it is deemed to be in the public interest.
4. The community plan portion of this CLUB can only encourage senior levels of government to take action; it cannot force or require senior governments to act. Furthermore, although the CLUB 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 Bylaw.

## 2.0 PUBLIC CONSULTATION

An Official Community Plan (OCP) represents the vision and objectives of a community on future growth and development. It provides policy direction that informs 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 a collective vision put forth by the community, other agencies and First Nations have been consulted.

The OCP portion of this bylaw was prepared in consultation with local residents, land owners, community groups, the local Advisory Planning Commission (APC), and various levels of government during the years 2008 and 2009. The process for the OCP portion of the Bylaw proceeded in three phases: community consultation, policy development and Bylaw adoption. The community consultation and policy development phases involved twenty-nine Advisory Planning Commission (APC) meetings (all of which were open to the public), twenty public meetings, three open houses, information posted and updated regularly on the RDCK website, a land use survey distributed in January 2008 and two newsletters. Letters seeking input were also sent to landowners in communities where non-resident land ownership is high, such as Murphy Creek, Birchdale, Duncan Estates and Schroeder Creek. The APC, as appointed members responsible for land use planning recommendations, provided direction on all aspects of the development of the plan, considered all policy options, and recommended adoption of the plan in compliance with the provisions of the *Local Government Act* and other relevant provincial legislation. The OCP portion of this Bylaw does not commit or authorize the RDCK to proceed with any project that is specified in the plan.

The local APC in cooperation with the Regional District of Central Kootenay Planning Department developed the 'Electoral Area D – Land Use Survey' in the winter of 2008. The intent of the survey was to provide residents and land owners the opportunity to give consideration to growth and development issues, and identify various options and alternatives for addressing those issues in a manner appropriate and acceptable to the unincorporated communities of Electoral Area D. These included the consideration of proceeding with the development of an Official Community Plan for the area, in addition to other land use planning exercises to address specific matters of concern, such as shoreline development and economic diversification.

Some of the highlights of the survey and subsequent report included the following:

- *The majority of respondents felt that it was important to maintain the rural character of their communities.*

- *There was strong support for making provisions within the Plan area for agricultural activities and home-based businesses.*
- *Most respondents strongly agreed or agreed that lands with good commercial agricultural potential should be reserved for that purpose.*
- *Stimulating full-time residency was indicated to be of importance to Area D communities.*
- *Barriers to full-time residency included lack of employment opportunities, lack of access to health and emergency services, and the distance to goods and services; such as shopping, health care and schools.*
- *Public access and protection of Kootenay and Duncan Lakes was supported by a majority of respondents.*
- *Strong support was expressed for development of a water stewardship plan for Area D.*
- *There was strong agreement that additional Crown lands should be allocated for recreational purposes and wilderness park status and that protection of fish and wildlife was of high importance.*
- *There was strong agreement that development in view corridors should be planned to maintain the scenic beauty of the area.*
- *The top five values identified as important to the Plan area were as follows:*

*Clean air and water, scenic beauty, wildlife and its habitat, feeling of safety, and peace and quiet*

Subsequent review and consultation occurred with the Ainsworth community during the years 2014 and 2015 to incorporate a new Zoning Bylaw for the community within the wider Plan area. This process similarly proceeded in three phases: community specific consultation, revision of existing land use regulation, and adoption. Community consultation included a community specific survey conducted in 2014, followed by two workshops, two open houses to review and discuss revisions to existing land use regulation, and an inter-agency review of community specific issues and opportunities. Zoning bylaws establish specific frameworks for development, such as permitted uses of land, as well as guidelines to development, such as height restrictions, setbacks from property lines, and appropriate lot sizes for subdivision purposes. A 'Zoning Bylaw' must be consistent with the policy framework as adopted in an Official Community Plan.

Due to the nature of Comprehensive Land Use Bylaws, a new Bylaw was drafted to include the content of the initial Official Community Plan adopted in 2009 and a new Zoning Bylaw specific to the community of Ainsworth Town-site in 2015.

### 3.0 CONTEXT

#### Historical Context

Most of the communities within the Plan area were settled during the mining boom of the 1880's and 1890's. Some were active mining communities, while others grew as saw mill towns, railroad towns or sternwheeler ports to supply goods and services. When the mining boom waned during the early 1900's some communities were abandoned, while others were promoted by the rail companies for fruit growing and resort development. Sternwheelers continued to be an important form of transportation to the area until 'the Moyie' was retired in 1957.

In 1965, the Duncan Dam was constructed as the first dam under the Columbia Rivers Treaty. This resulted in some communities being relocated as a result of changed water levels and diversion. It also brought short term prosperity for those communities in the Lardeau Valley. Communities in the area continued to be orientated toward the natural resource industry and the economic boom and bust cycles associated with such resource dependency. The isolated nature of the area ensured development pressure and growth remained minimal and northern portions of the Plan area continued to receive 'Isolation Allowance' up until the 1990's.

Recent trends in the area have shown an increase in amenity migration, or the movement of people into the area for its natural and cultural amenities. The increased ability of being able to work at a distance from places of employment, recreational home ownership, an aging and mobile population, and a more diversified economy have all resulted in increased development pressure in the area similar to most mountain communities within the Kootenay Rockies.

#### Geographic Context

The communities and residents of North Kootenay Lake and the Lardeau Valley have inevitably been influenced by the challenging geography of place. Situated in a narrow valley between the Purcell Range in the east and the Selkirk Range to the west, settlement has been confined to valley bottoms and transportation routes have, as necessity, been linear in nature. Historically, communities relied on the railways and sternwheeler routes for travel and goods and services. Today,



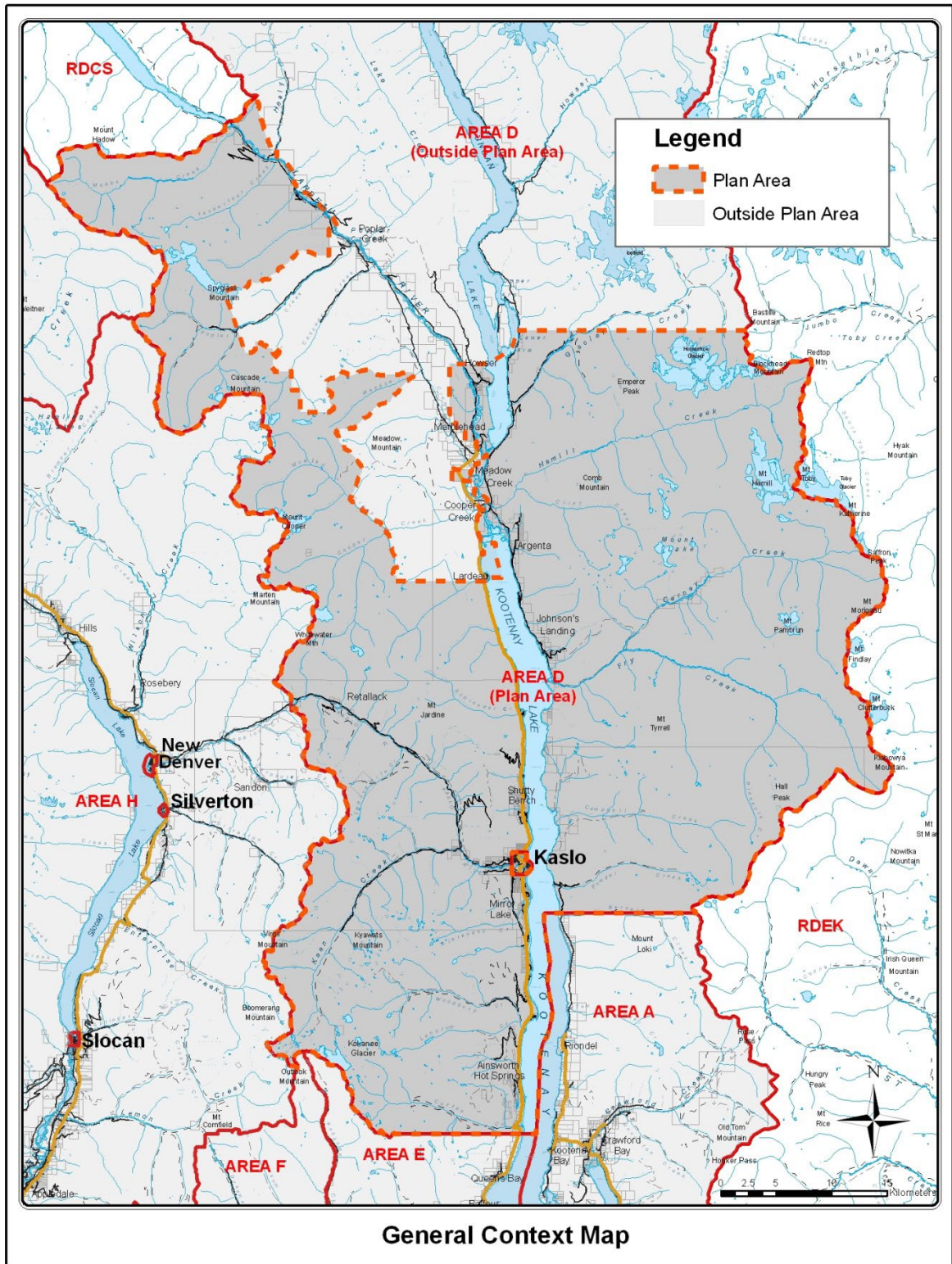
these old rail lines and sternwheeler routes have been abandoned and replaced with Highway 31 along the western shore of Kootenay Lake and north to Trout Lake, and Highway 31A from the Village of Kaslo west to New Denver.



Residents and visitors must travel to the area as a destination and its relative isolation provides a challenge to economic diversification and sustainability. The natural environment has shaped the self-sufficient culture of many of the communities in the Plan area and is what attracts people to live and visit the area. The challenge of the physical environment, however, leaves many communities vulnerable to loss of services, the boom and bust economics of resource dependency, and isolation.

Growth in the area has historically been slow and followed the pattern of the economics of the region being tied to the natural resource industry. In 2006, the population of the area was estimated to be 1,525 persons residing in 709 dwellings according to census data. In 2011, the population of the area fell slightly to 1,413 persons residing in 647 dwellings. Part-time residency based on non-resident property ownership was approximately 32%. Increasingly, new development has been oriented toward recreational properties, while full-time residency has experienced resurgence due to an increased number of retirees, employment no longer being tied to location due to increased communications and diversification toward tourism and recreational related employment. The attractiveness of the area and its isolation is one of many reasons people reside here. It is an area where the physical geography of place still dominates and provides challenges to those who choose to make their home here. It is important to residents of the area, that the natural and cultural values that shape the area are maintained, while a strong and diversified economic future is developed.

Map 1: General Context Map



#### **4.0 COMMUNITY VISION AND GUIDING PRINCIPLES**

In order for the Official Community Plan (OCP) portion of this Bylaw to inform the Regional District of Central Kootenay (RDCK), it is necessary to state the values and principles that underline the policies in the Plan. In the development and subsequent administration of the Area D OCP, the following principles and values will be observed:

1. The RDCK will administer and be accountable for the OCP of Area D.
2. Primary considerations are to include the following:
  - a. The integrity of our natural environment;
  - b. Employment opportunities and entrepreneurial spirit within the community;
  - c. Respect for the diversity of opinions of all individuals in the process;
  - d. Public access to watercourses and lakes; and
  - e. Respect for the unique culture of each community.

Each community shall have the right to its own unique community plan within the OCP and each community may choose to opt out of the OCP. After the OCP is approved, each community within the OCP shall have the freedom to determine whether it moves to the next and separate part of the process which is land use regulation in the form of a Zoning Bylaw.

## 5.0 AGRICULTURE

### Background

Lands within the Agricultural Land Reserve (ALR) can be found throughout the flats and benches of the Plan area, concentrated in many of the unincorporated communities north and in and around the Village of Kaslo. All communities north of Kaslo have historically been involved to some degree in commercial agriculture.



Lands designated as Agriculture in Schedule 'A.1' include areas within the Agricultural Land Reserve and additional lands with the identified potential for agricultural operation or activity. Agricultural operations and activities are also dependent on lands located outside of the Agriculture designation in Schedule 'A.1'.

### Agriculture Objectives

1. Preserve agricultural land with continuing value for agriculture for current and future production, and protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
2. Minimize conflicts between agriculture and other land uses.
3. Encourage the agricultural sector's viability by pursuing supportive land use policies within, and adjacent, to farming areas and ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
4. Examine any ALR boundary changes initiated by property owners, the RDCK, and the Province which review agricultural suitability in the Plan area; provided affected landowners are notified and have opportunity for input.
5. Support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.
6. Encourage agricultural producers to consider environmental values during agricultural activity.
7. Encourage opportunities in agricultural skill building and education in Kootenay Lake and the Lardeau Valley in recognition of the area's agricultural heritage and to promote self-sufficiency and local food production.

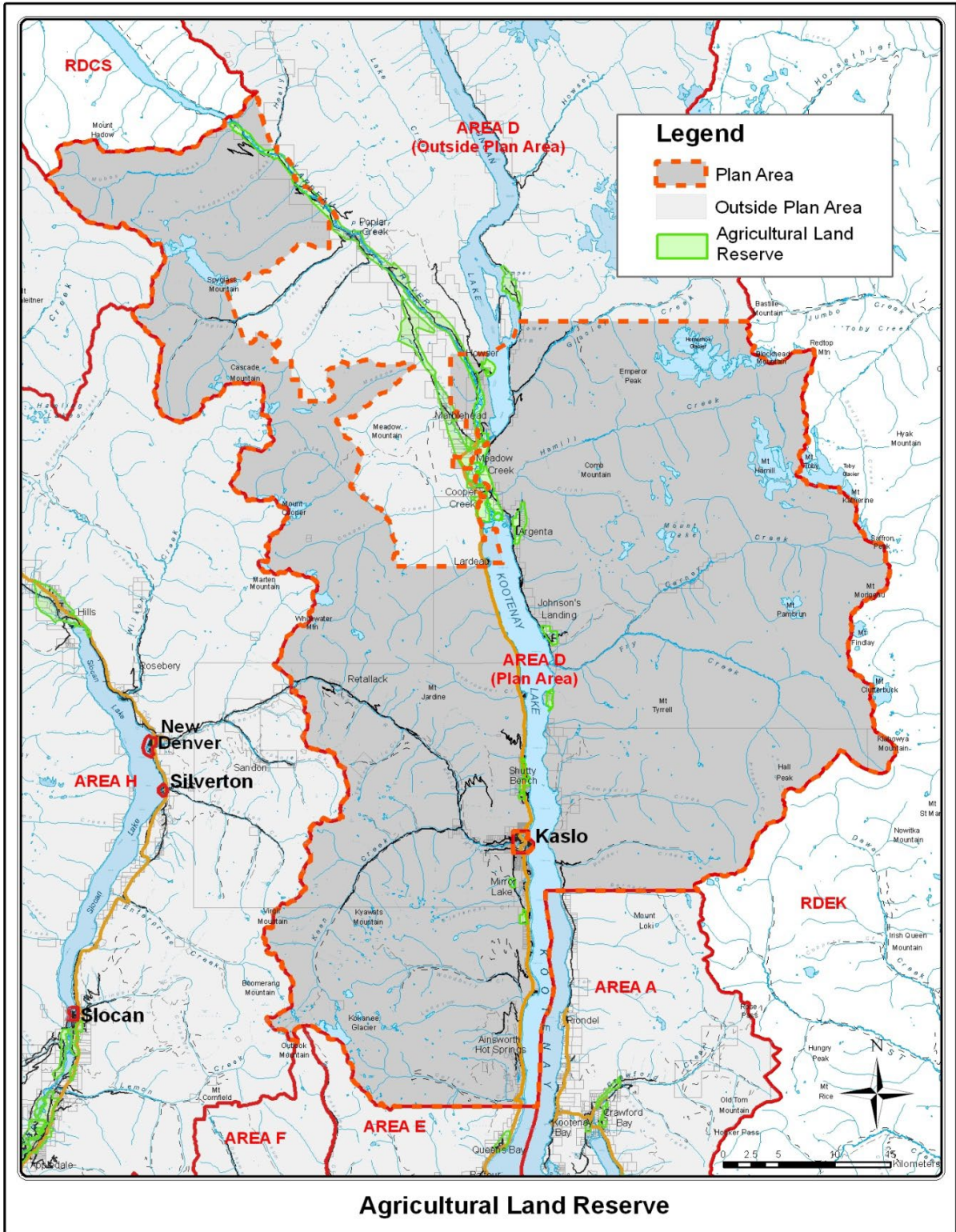
## **Agriculture Policies**

The Regional Board:

8. Encourages that the principal use of lands designated as 'Agriculture' in Schedule 'A.1' shall be agricultural or residential.
9. Recognizes the value of agriculture in the Plan area.
10. Ensures that all land use and subdivision of land within the ALR shall be in accordance with the provisions of the *Agricultural Land Commission Act*, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.
11. Will work with the Province to ensure that new development adjacent to agricultural areas provides sufficient buffering in the form of setbacks, fencing, and landscaping consistent with Provincial specifications.
12. Supports the preservation of environmental values, and where possible conserving these values, in conjunction with sustainable agricultural practices, Provincial Acts and Statutes, and associated amendments to the *Local Government Act*.
13. Will encourage food processing activities within the Plan area, and uses secondary to and complementary to agricultural production, such as market gardens, agri-tourism, farmers markets and farm gate sales.
14. Will support enhanced educational and training opportunities in agriculture in conjunction with local educational institutes, school districts and private initiative.
15. Supports that lands under the 'Agriculture' designation used for conservation purposes be encouraged to consider maintaining the agricultural value and/or use of such lands.
16. Will consider the impacts on local food production and self-sufficiency when making land use decisions on lands within the Agricultural Land Reserve and/or designated 'Agriculture', including but not limited to:
  - a. Soil capacity;
  - b. Water resources; and
  - c. Capability for agricultural production.



Map 2: Agricultural Land Reserve



## **6.0 RESOURCE AREA**

### **Background**

For the purpose of this section, 'Resource Areas' are described as large parcels of land and include both private and/or Crown land. Typical uses include forest land, grazing or range land, public recreation areas, tourism, watersheds, and resource extraction areas. Although it is recognized that local land use designations do not apply to the Crown, the designation is intended to provide regulations upon alienation, and to address Crown leases.

### **Resource Area Objectives**

1. Retain and diversify resource-based land uses which contribute to the local economy and nature of communities in the Plan area.
2. Encourage the economic benefits of value-added resource processing to be retained in the community.
3. Recognize the importance of Crown lands for recreational values and opportunity.
4. Ensure, in cooperation with the Province and private land owners, that resource based activities do not result in increased occurrence or magnitude of natural hazards in areas where there is risk to persons or property in the Plan area.
5. Encourage that the economic values associated with water resources within the Plan area provide benefit to the community.

### **Resource Area Policies**

The Regional Board:

6. Recognizes that a 'Resource Area' designation includes those uses compatible with larger parcels and/or restrictions to land use such as accessibility or hazards.
7. Supports, for the purpose of subdivision of lands, larger minimum parcel sizes for 'Resource Area' designations, in recognition that these areas will remain rural with limited community services and infrastructure.
8. Recognizes the jurisdiction of the Province over public Crown land.
9. Promotes low impact recreational activity, opportunity, and use of Crown lands as a significant contributor to the local economy and nature of the area.
10. Will work with the Province to ensure unique scenic vistas and public recreation areas are recognized and managed for within the Plan area.
11. Will work with the Province to ensure community watersheds and sources of domestic water supply are recognized and protected within the Plan area.
12. Will support the development of community owned and managed woodlots in consultation and with the support of the community.

## 7.0 RESIDENTIAL

### Background

This section outlines the objectives and policies for Suburban Residential, Country Residential, Rural Residential, Remote Residential and Multi-Family Residential designations in the Plan area. A Comprehensive Development Zone is described under community specific policies for the area south of the Village of Kaslo and east of Highway 31.

The Plan area is dominated by single family dwellings, with some exceptions where secondary cottages or suites have been provided for family members, visitors, or as rental accommodation. Single family dwellings account for 91% of all household types in the area, modular or mobile homes account for another 7% of housing type, with duplexes and other types of housing accounting for only 2%. According to 2011 census data, there are 1,015 dwellings in Electoral Area D, 647 of which are occupied year round. Part-time residency is assumed to be growing based on non-resident property ownership. Rental housing is primarily found in the southern portion of the Plan area and a lack of such accommodation has been identified in the northern portion of the Plan area.

The amount of undeveloped residential property in the Plan area is difficult to determine. Many residential lots are incapable of on-site servicing without consolidation due to their small size in former town sites or terrain characteristics, or assessment values do not accurately reflect development on the property. In most communities, vacant land availability is low and larger lots are held in the Agricultural Land Reserve (ALR) or such lands are inaccessible or have barriers to development. However, the potential for creation of new residential lots through subdivision exists throughout the Plan area.

### General Residential Objectives

1. Accommodate and direct residential development so its location, appearance and impact take into consideration the natural environment, community resources and existing land uses.
2. Ensure maintenance of natural green space in residential developments.
3. Explore and create opportunity for allowing senior residents to comfortably continue residing in their respective communities.
4. Manage residential growth in a manner that protects the rural character, environmental integrity, and the social and cultural diversity of the Plan area.

#### Top 5 Community Values in Kootenay Lake North

1. Clean air and water
2. Scenic beauty
3. Wildlife and it's habitat
4. Feeling of safety
5. Peace and quiet

Source: 2008 Survey of Kootenay Lake and the Lardeau Valley residents and property owners



5. Maintain the character and integrity of the riparian area of Kootenay Lake and Duncan Lake by redirecting high density residential development to alternative locations.
6. Maintain flexibility with regard to the appropriate number of dwellings per lot to be determined on a community specific basis.
7. Recognize the importance of maintaining and enforcing public access to Kootenay and Duncan Lakes.
8. Encourage the creation of public access to Kootenay and Duncan Lakes, when and where there is public demand, and such access does not exist.
9. Take into consideration transportation needs and to incorporate pedestrian and bicycling facilities in new residential developments.
10. Take into consideration the service needs and resources required for new residential developments in recognition of limitations of water supply and sewage capabilities in localized areas within the Plan area.

### **General Residential Policies**

The Regional Board:

11. Will assess and evaluate proposed residential development based on the following criteria, irrespective of land use designation:
  - a. capability of accommodating on-site domestic water and sewage disposal;
  - b. capability of the natural environment to support the proposed development, and its impact on habitat and riparian areas;
  - c. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
  - d. compatibility with adjacent land uses and designations, and how its form and character compliments the surrounding rural area;
  - e. proximity and access to existing road networks, and other community and essential services, if they exist;
  - f. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas; and
  - g. type, timing and staging of the development.
12. Encourages future residential development to maintain adequate setbacks from Kootenay and Duncan Lakes and other riparian areas, to protect these important natural resources, reducing human impact and maintaining water quality and natural habitat.
13. Encourages a variety of housing tenures and organizational frameworks, including affordable housing, seniors housing, lease, rental, strata title, and co-operative housing.

14. Encourages senior levels of government to seek solutions to the effects of higher property assessments for certain properties to ensure long-time residents and property owners can affordably remain living within their homes.

The intent of the following residential land use designations is to provide general policy direction on the type of residential development appropriate to each community. Designations were based on existing use, community input and assessment of barriers and opportunities for development. The residential policies below provide the context to allow for further refinement of each of the land use designations if and when each community moves forward with the development of zoning or other land use regulation and are depicted in Schedule A.1 – Land Use Designation Maps. These designations do not limit opportunity for subdivision or development and can be re-examined and refined if a zoning bylaw is requested in the future.

### **Suburban Residential (RS) Policies**

The Regional Board:

15. Directs that the principal use shall be single detached or duplex dwellings.
16. Supports medium density residential development with lot sizes for subdivision purposes being determined based on level of servicing, with density increasing with the provision of community water and/or sewer.

### **Country Residential (RC) Policies**

The Regional Board:

17. Directs that the principal use shall be single detached or duplex dwellings.
18. Supports low density residential development with lot sizes for subdivision purposes being determined by the requirements of on-site servicing, such as ground or surface water and Type 1 sewage disposal.

### **Rural Residential (RR) Policies**

The Regional Board:

19. Directs that the principal use shall be single detached or duplex dwellings.
20. Supports rural residential development with lot sizes for subdivision purposes that generally exceed 2.0 ha (4.94 acres).

### **Remote Residential (RR) Policies**

The Regional Board:

21. Directs that the principal use shall be agricultural, single detached or duplex dwellings.
22. Supports remote residential and rural resource land uses with lot sizes for subdivision purposes that generally exceed 4.0 ha (9.88 acres).

### **Multi-Family Residential (RM) Policies**

The Regional Board:

23. Directs that the principal use be single family, duplex or multi-family residential.
24. Supports that multi-family residential includes developments consisting of more than five (5) units per hectare in manufactured home parks, seniors housing developments, co-operative housing, apartments, fractional, strata and row housing developments.
25. Directs that multi-family developments be restricted to two-stories and be subject to the provision of community water and/or sewage.
26. Encourages that multi-family developments may include accessory or incidental commercial use.

## 8.0 COMMERCIAL AND INDUSTRIAL

### Background

This section outlines the objectives and policies for General Commercial, Tourist Commercial and Industrial designations in the Plan area.

Most of the commercial and business needs within the Plan area are met within the Village of Kaslo or in the larger city center of Nelson. However, several service establishments, eating and tourist accommodation facilities, and retail outlets exist throughout the Plan area. In addition there are many home-based businesses within the area that are vital to the liveability and economic and social sustainability of area communities.



Industrial operations exist throughout the Plan area, but are concentrated north of the Plan area in Meadow Creek and Cooper Creek, approximate to the Kaslo Airfield and along the Highway 31 corridor south of Kaslo. Ainsworth Hot Springs is recognized as a significant tourism destination within the Kootenay Region.

Industrial activities are provided for under the Industrial land use designation. The principal industrial activity in the area is forestry related in the northern portions of the Plan area and light, small scale industrial in other locations within the Plan area.

### Commercial and Industrial Objectives

1. Enhance the long term vitality and economic sustainability of the Plan area by supporting new and existing businesses and the creation of employment.
2. Accommodate a broad variety of home-based businesses.
3. Expand employment opportunities associated with home-based businesses within the Plan area.
4. Support commercial agricultural opportunities in Kootenay Lake and the Lardeau Valley in appropriate locations.
5. Recognize and support the Village of Kaslo as a commercial and service center.
6. Support diversifying goods and services within and around the Village of Kaslo.
7. Support the potential of off-season tourism opportunities.
8. Support and enhance industrial uses within the Plan area while minimizing incompatibility with surrounding land uses through requirements for screening or landscaping.

9. Accommodate temporary industrial uses in appropriate locations.
10. Ensure that new proposed industrial operations have significant public input prior to development so that issues can be resolved to the satisfaction of the public and operator.
11. Encourage value added resource manufacturing and production to enhance or maximize the value of raw materials within the local community.
12. Encourage the Province to maintain the safety and capacity of the local road and highway network to accommodate industrial traffic.
13. Ensure good arterial access for existing and new industrial developments.

### **General Commercial (GC) Policies**

The Regional Board:

14. Directs that existing commercial uses shall be recognized and designated as such.
15. Will encourage the development of neighbourhood commercial areas where appropriate; ensuring the design of such developments is compatible with surrounding land uses and where the majority of residents in the affected areas have been consulted and are in support of such developments.
16. Supports that requirements for lighting and hours of operations be decided on a community specific basis.
17. Supports that requirements for screening or landscaping be incorporated into the design of new commercial developments, other than home-based.
18. Recognizes the commercial and service center role of the Village of Kaslo; therefore commercial development in the Plan area will primarily be oriented toward serving local community needs and tourist and traveler needs.
19. Will promote home-based businesses as a significant means of satisfying local employment needs provided they do not conflict with or negatively impact on the natural and residential character of communities.
20. Will ensure that home-based business opportunities remain flexible and accommodate expanded employment needs.
21. Will ensure that adequate land is designated for commercial uses where deemed appropriate and necessary.
22. Supports the right of communities to be informed and consulted regarding any changes to the electromagnetic spectrum, by all operators of cell phone towers, local area wireless communication systems, microwave systems, etc., that create man made electromagnetic fields; and also supports the right of communities to propose zoning designations that apply to these operations.

### **Tourist Commercial (TC) Policies**

The Regional Board:

23. Directs that existing tourist commercial uses shall be recognized and designated as such.
24. Encourages that tourist commercial operations along the foreshore of lakes and rivers maintain a vegetative buffer along the foreshore and riparian areas to protect the aesthetic and natural value of this resource.

### **Industrial (M) Policies**

The Regional Board:

25. Directs that existing industrial uses shall be recognized and designated as such.
26. Recognizes the importance of industry to the local economy, and supports new light industry and value added manufacturing so that a broader employment base can be achieved and economic benefits be retained in the local community.
27. Encourages the Province to investigate the safety and capacity of the local road and highway network to accommodate industrial traffic prior to issuance of industrial access permits. Proponents of new industrial developments will be responsible for the improvement of roads where deemed necessary. Industrial use of unmaintained or unimproved roads is discouraged.
28. Supports that requirements for lighting and hours of operations be decided on a community specific basis.
29. Supports that requirements for screening or landscaping be incorporated into the design of new and expanded industrial developments.
30. Supports that industrial activities resulting in significant noise pollution are managed by hours of operation and/or screening.
31. Discourages industrial activities that are considered noxious or emit pollutants, or are otherwise detrimental to the environment, neighbouring properties, and the community as a whole.
32. Supports that a Development Permit Area pursuant to Sections 488 and 489 of the *Local Government Act* shall be required for all new and expanded industrial developments to ensure development is compatible with adjacent land uses.

## 9.0 COMMUNITY SERVICES AND ADMINISTRATION



### Background

The Community Services and Administration land use designation generally refers to public, non-profit or utility uses such as schools, churches, recreation facilities, community centres, public health facilities, community care facilities, fire halls, libraries, post offices, and local government and improvement district buildings. The Plan recognizes that administrative and institutional development will generally be

directed to existing settlement areas; which are central and better able or already provide for this service function.

### Community Services and Administration Objectives

1. Support a strategy of directing administrative and institutional development to areas where services and amenities are more readily available, and where they best serve the needs of residents.
2. Attract a diversified age demographic to ensure the long term sustainability of school and health services.
3. Pursue opportunities for senior's home care to enable senior residents to comfortably continue residing in their respective communities.
4. Work toward provision of essential services to all communities within Electoral Area D, such as fire service and emergency services where deemed feasible.
5. Ensure that land use decisions accommodate emergency response through provision of adequate access to developments and facilities for fire protection services and emergency first response.
6. Recognize the variety of spiritual and cultural activities important to residents of Kootenay Lake and the Lardeau Valley.
7. Support the existing level of postal service within Kootenay Lake and the Lardeau Valley.
8. Encourage options for increased communication within and amongst communities within the Plan area, such as community bulletin boards, print media, radio, television and the internet.

### Community Services and Administration Policies

The Regional Board:

Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016  
Schedule A

9. Supports the location and development of fire halls and community halls in the rural area as development requires and the needs of the community change.
10. Supports the Province, senior governments, First Nation communities, individuals, and interest groups in identifying and protecting features and sites of scenic, architectural, historical, spiritual, archaeological and ecological significance within the Plan area.
11. Encourages the development of childcare services and facilities within existing and new developments and supports the establishment of home-based child care facilities.
12. Supports, and will work with, appropriate agencies in the maintenance and expansion of health services within the Plan area.
13. Supports the enhancement and creation of greater opportunities for children, youth, and adult recreational, educational, and leisure activity.
14. Supports that emergency response organizations are provided the opportunity to comment on emergency access and safety issues when considering new developments in the Plan area.
15. Will consult with the local fire department(s) to determine needs for access to new developments and for the filling of tankers to support local fire service to unincorporated communities within the Plan area where appropriate.
16. Will investigate the feasibility and costs associated with the expansion of essential services, such as fire protection and emergency services in all areas of Electoral Area D and will consult with residents and property owners regarding the options available for provision of such services.
17. Will ensure that adequate lands are set aside to allow for churches, cemeteries, libraries, youth organizations, service groups, community halls and non-commercial retreats within the Plan area.
18. Will continue to support the use of public and private lands for local community events, provided that such events are supported and do not negatively impact on neighbouring properties.
19. Will explore options for the placement of community bulletin boards and use of print media, radio, television, and the internet to increase communication options within and among communities in the Plan area.



## 10.0 PARKS AND RECREATION, CULTURE AND HERITAGE



### Background

The Plan area has a variety of recreational and cultural facilities. The Plan area includes portions of three large mountain wilderness parks; including Goat Range Provincial Park in the northwest, the Purcell Wilderness Conservancy to the east of the Plan area, and Kokanee Glacier Provincial Park to the southwest of the Plan area. In addition, several smaller Provincial parks and forest recreation sites exist. In the southern portion of the Plan area; south of the Village of Kaslo, there is Coffee Creek Provincial Park, Cody Caves Provincial Park, Woodbury Bluffs, and Fletcher Falls Recreation Site. Proximate to the Village of Kaslo and along Highway 31A is Mount Buchanan, Soda Springs, Lyle Creek, Bear Lake and Fish Lake. North of Shutty Bench is the Milford Lake Forest Recreation Site and

Davis Creek and Lost Ledge Provincial Parks. Proximate to the north-eastern shore of Kootenay Lake around the communities of Argenta and Johnson's Landing are the Argenta Marsh Wildlife Reserve, the Purcell Wilderness Conservancy, Fry Creek Canyon Provincial Recreation Area and Campbell Bay Provincial Park. Glacier Creek Regional Park is found along the eastern shore of Duncan Lake.

The area hosts some of the highest ranking hiking trails in the Kootenay region; with MacBeth, Monica Meadows and Jumbo in the Glacier Creek drainage, and Mount Brennan (Lyle Creek) and Whitewater Creek west of the Village of Kaslo. Other popular trail systems include the Cedar Trail in Retallack, the K&S Wagon Road Trail from Zwicky Road to Fish Lake, Fletcher Creek Trail, Kaslo River Trail, Earl Grey Trail, Fry Creek Trail, John Fenger Trail and Clute Lake Trail in Kootenay Lake Provincial Park.

Recreational facilities exist in Meadow Creek and the Village of Kaslo outside of the Plan area. J.V. Humphries, the Langham Theatre, the Moyie, Kaslo Riding Arena, the Kaslo Golf Course, Kaslo and District Arena, and Vimy Park in the Village of Kaslo are also important recreational facilities used by area residents. Community halls exist in Johnson's Landing, Argenta, Meadow Creek, and Ainsworth.

There are significant natural and historical features within the Plan area in which the residents of Kootenay Lake and the Lardeau Valley have indicated as important to the character of the area. These include the historic ambiance of the Ainsworth town site, historic buildings in Shutty Bench, Argenta and Johnson's Landing and the relatively undeveloped shoreline of Kootenay Lake and Duncan Lake.

### **Parks and Recreation, Culture and Heritage Objectives**

1. Provide a diverse range of recreational and cultural opportunities that is sustainable and compatible with the rural and cultural character of Kootenay Lake and the Lardeau Valley.
2. Support recreational infrastructure improvements and planning for the long term viability of existing recreational facilities.
3. Encourage the provision of indoor and outdoor recreational opportunities for all age groups within Kootenay Lake and the Lardeau Valley.
4. Protect, establish and maintain public access to Kootenay and Duncan Lakes and the river systems within the Plan area.
5. Establish community parks or public spaces in areas where there is community support.
6. Encourage that community parks or public facilities contribute to a healthy environment by prohibiting or restricting tobacco use in outdoor spaces.
7. Protect Crown lands around Kootenay and Duncan Lakes and other riparian areas for public enjoyment and aesthetic and natural heritage values.
8. Work toward the development of a trail system which encourages and accommodates a variety of users and uses; which is consistent and complementary to existing trail systems within the Plan area, while recognizing the need to protect domestic water sources.
9. Provide for the protection and enhancement of buildings and sites with historical and cultural significance in Kootenay Lake and the Lardeau Valley, while encouraging the restoration or retrofitting of such sites to meet local and visitor needs.
10. Will develop a Kootenay Lake Stewardship Plan, in conjunction with Areas A, E, and F, including consideration of development permit areas and riparian area regulation in order to ensure protection of critical habitat.

### **Parks and Recreation, Culture and Heritage Policies**

The Regional Board:

11. Encourages the Province to secure, enforce, and provide ongoing maintenance and development of public right-of-ways and access to Kootenay and Duncan Lakes and river systems within the Plan area.
12. Supports the establishment of community parks where there is community support, provided there are adequate resources for long term maintenance and management.
13. Supports investigation of measures to create smoke free environments in public outdoor spaces, such as parks, playgrounds, playing fields and in proximity to schools, community halls and other public facilities through the creation of designated smoke free areas.
14. Encourages the Province to maintain and protect Crown lands along and adjacent to the foreshore of Kootenay and Duncan Lakes and other riparian areas for public use and enjoyment.

15. Supports that Crown lands adjacent to the community of Lardeau along Davis Creek be maintained as public green space.
16. Encourages the establishment of a trail linking Davis Creek and Lost Ledge Provincial Parks in conjunction with the Province and BC Parks.
17. Encourages the Province to maintain old forestry roads recognized for their value to residents and visitors for recreational activity and use.
18. Supports commemorating local heritage, cultural and historical sites in cooperation with appropriate Provincial ministries, committees, organizations and individuals.
19. Supports the establishment of a community heritage register to manage the multitude of culturally and historically significant properties and sites in Kootenay Lake and the Lardeau Valley.

## **11.0 SERVICING AND TRANSPORTATION**

### **Background**

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

Utility services in Kootenay Lake and the Lardeau Valley include the provision of water by the Mirror Lake, Fletcher Creek, Allen Division, Pineridge, Schroeder Creek, and Woodbury community water systems for domestic purposes. MacDonald Creek is a Regional District service, while Fletcher Creek is an Improvement District. All other water systems in the Plan area are privately owned and operated. Water supply and distribution in Kootenay Lake and the Lardeau Valley communities; including those with community water systems, primarily depend upon surface water and well water. Water systems and individual water sources are vulnerable to drinking water advisories, or over subscription of water resources. Areas that require water for both domestic and irrigation purposes can be especially vulnerable.

There are no publicly owned sewage services in the Plan area. Septic, and more recently, package sewage treatment plants, are the present forms of sewage treatment. Refuse disposal for the area is provided at the regional transfer facilities west of the Village of Kaslo and Marblehead north of Meadow Creek.

Settlement in the Plan area has historically been and continues to be primarily linear due to the geography of the area, creating the need for long distance travel and a dependency on private automobile usage amongst residents and for the exchange of goods and services. Communities in the Plan area are primarily found along major transportation routes including Highway 31 from Coffee Creek to the Lardeau Valley and Argenta-Johnson's Landing Road. Highway 31A toward New Denver is settled in close proximity to the Village of Kaslo, but only scattered development in old town sites remain along the famed 'Valley of Ghosts'.

### **Servicing Objectives**

1. Support expanded utility service in the Plan area where there is community need and desire.
2. Ensure that new development proposals, including construction and subdivision of lands, do not put undue strain or pressure on existing domestic and irrigation water supply.
3. Ensure that water and sewer systems within the Plan area support good health and safety, and meet recognized standards of service.
4. Encourage that surface water sources for domestic and irrigation use within Kootenay Lake and the Lardeau Valley are identified and measures taken to ensure the long term quantity and quality of water supply are maintained or improved.

5. Support that new development be subject to the requirements of adequate water supply for both domestic and fire protection purposes.
6. Promote water resource conservation strategies and reduce water demand as much as possible through educative materials and voluntary incentives; particularly in areas where the water resource has already been over-subscribed.
7. Protect groundwater and surface water from degradation through improper disposal of water-borne waste.
8. Encourage the cooperation and coordination with and among utility companies for the provision of public utilities that service existing and future developments.
9. Encourage reduction of solid waste through consumer habits, recycling, re-use and composting within the Plan area.

### **Servicing Policies**

The Regional Board:

10. Will investigate options for improved or expanded utility services within the Plan area in cooperation with affected communities where it is deemed necessary or desirable, with consideration given to long term feasibility and available resources. Decisions on improved or expanded utility services shall be made by the authority having jurisdiction and the community on a case by case basis.
11. Requires that any extension or modification of local infrastructure or creation of new infrastructure necessitated by the approval of subdivision or issuance of a building permit, including all costs for upgrades and design, be the responsibility of the developer or those benefiting from such improvements.
12. Requires that the acquisition of existing and new community water and sewer systems shall meet all policies of the Regional Board.
13. Encourages all users and government agencies having jurisdiction to use best management practices for the conservation of community watersheds in Kootenay Lake and the Lardeau Valley.
14. Applies the precautionary principle<sup>1</sup> in ensuring that the density and intensity of land use is not increased in areas which are known to have concerns with supply of domestic drinking water.
15. Recognizes on-site treatment (treatment plants and septic) as the existing type of sewage disposal in the Plan area.

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<sup>1</sup> 'Precautionary Principle' is an approach to decision- making in risk management which justifies preventive measures or policies despite scientific uncertainty about whether detrimental effects will occur (precautionary principle). *Webster's New Millennium™ Dictionary of English, Preview Edition (v 0.9.7)*. Retrieved September 10<sup>th</sup>, 2009, from Dictionary.com.

16. Encourages the cooperation and coordination with and among utility companies in utilizing existing corridors for multiple uses, where feasible and compatible, as determined by the relevant service provider.
17. Promotes the use of small scale residential, business and community generated power production and energy self-sufficiency and conservation.
18. Will investigate the costs associated with, and long term feasibility of enhancing waste management facilities to accommodate expanded recycling and composting of waste materials.

### **Transportation Objectives**

19. Encourage the Province to plan for the provision of a road network capable of safely servicing existing and future development.
20. Ensure that future development patterns and land use decisions recognize and support highway safety and mobility objectives.
21. Develop a safe transportation corridor that will allow for cyclists, pedestrians and alternative means of transportation between communities.
22. Carefully consider the impacts of additional traffic and increased traffic flow when development decisions are being made.

### **Transportation Policies**

The Regional Board:

23. Discourages multiple driveway or private road accesses leading to congestion along major roads in order to achieve a more efficient use of land and a proper distribution of traffic flow throughout the road network.
24. Supports that all new developments provide adequate off-street parking.
25. Supports that the local road network is safe, effective and equally accessible and inviting for use by cyclists, pedestrians, equestrians and motorists.
26. Encourages the Province to consult with the public prior to commencing any significant transportation initiatives.
27. Supports the development of frontage roads, where deemed feasible, for use by residential, commercial and industrial developments to improve traffic flow and usage of Highway 31.
28. Encourages cooperation amongst the Regional District and the Province in addressing road maintenance and drainage issues within the Plan area, including but not limited to the community of Ainsworth.
29. Supports investigation of lowering the highway speed along the Highway 31 and Highway 31A corridor to address safety concerns and blind intersections, specifically at the intersection for Pineridge Road, the turn off for Davis Creek Provincial Park, and the Highway 31A Bridge at the parking lot for the Kaslo River Trail.

30. Discourages the development of water access only subdivisions due to lack of infrastructure in place for moorage, parking and emergency services.
31. Encourages that the subdivision or creation of lots with water access only, if deemed necessary, shall be required to provide parking spaces and moorage for each proposed lot or dwelling at the most reasonable location for access by water to the place of subdivision.

## **12.0 NATURAL ENVIRONMENT**

### **Background**

Kootenay Lake and the Lardeau Valley is an area recognized for its valleys, benches, mountain streams, lakes and mountainous landscapes. The natural environment is of significant value to the economy and livelihood of the Plan area for both resident and non-resident property owners, recreation, education, tourism, and spiritual well being; and is recognized for its inherent value to wildlife and the ecological functioning of the area.

Due to the nature of development in the Plan area, much of the natural environment has remained un-fragmented and relatively intact in the higher reaches of mountain systems, while portions of the valley have been historically flooded or modified as part of the Columbia River Treaty. The conservation values of the Purcell Wilderness Conservancy, Goat Range and Kokanee Glacier Provincial Parks and the multitude of smaller ecological sites and protected areas contribute significantly to the local inventory of large natural space and aesthetic qualities of the landscape. There are significant wildlife corridors and habitat values that have been identified as significant in the Plan area, as well as fisheries values in association with the lakes and larger river systems in the northern extent of the Plan area.

### **Natural Environment Objectives**

1. Maintain high water quality of groundwater and surface water sources of domestic water supply.
2. Foster an awareness of the values associated with the natural environment and conserve sensitive and significant natural features and values from negative impacts as a result of development.
3. Encourage the maintenance of biodiversity in the Plan area, important to the biological functioning and ecological integrity of the area.
4. Conserve the natural values within the Plan area in recognition of their importance to the local economy, residents, visitors, as a natural amenity, and for wildlife and ecological functioning.
5. Support the creation of a watershed stewardship plan for the lakes, rivers and streams within Kootenay Lake and the Lardeau Valley.

### **Natural Environment Policies**

The Regional Board:

6. Encourages the creation of a watershed stewardship plan for the lakes, rivers and streams within Kootenay Lake and the Lardeau Valley, including, but not limited to an assessment of habitat values, provision of domestic and irrigation water, an assessment of risks, and opportunities for enhancement and conservation.



7. Supports the identification, protection, and restoration of environmentally sensitive areas.
8. Supports best management practices for land developers, as found in:
  - a. Department of Fisheries and Oceans: Land Development Guidelines for the Protection of Aquatic Habitats, September 1993;
  - b. Ministry of Environment - Develop with Care: Environmental Guidelines for Urban and Rural Land Development in BC, 2014; and
  - c. Ministry of Environment - Standards and Best Management Practices for In-stream Works, March 2004;
  - d. Ministry of Environment - Wetland Ways: Interim Guidelines for Wetland Protection and Conservation in British Columbia July 2009; and
  - e. other applicable Provincial Guidelines and Best Management Practices sanctioned by the Province.
9. Supports the Provincial requirement that developers apply for and obtain appropriate permits and authorization for 'Changes In and About a Stream' pursuant to Section 9 of the *Water Act*.
10. Encourages the retention of existing wildlife corridors and access to water.
11. Encourages the Province to recognize environmentally sensitive areas, hazard areas, and areas upstream of alluvial fans, and uphold the strictest regulation for forest and mining or mineral development in these areas.
12. Encourages the protection of environmentally sensitive areas, important to the biodiversity and ecological functioning of the Plan area, and areas that contribute to community greenway corridors that link open space areas.
13. Encourages private landowners and developers to protect environmental and heritage values through the registering of conservation covenants, land management agreements, or through planned donation of lands.
14. Supports Provincial regulation that prohibits the dumping of raw sewage and grey water from all water craft on and around Kootenay and Duncan lakes and encourages that the RDCK and appropriate agencies investigate options for the development of secure and safe facilities for the disposal of raw sewage and grey water on Kootenay Lake.
15. Supports cooperation with Fisheries and Oceans Canada and the Province in the identification and management of sensitive habitat on Kootenay and Duncan Lakes and other riparian areas.
16. Supports the development of a 30 meter no wake zone along the shoreline of Kootenay Lake and Duncan Lake to discourage disturbance to property owners, recreational users and wildlife.

17. Encourages the Federal government to increase and enhance enforcement of existing regulations associated with the use of personal watercraft and motor boats on Kootenay and Duncan Lakes.
18. Supports quiet and clean recreational use and safe and responsible use of watercraft on Kootenay and Duncan Lakes through educational materials and signage.
19. Encourages the maintenance and improvement of existing public wharves and docks and that the establishment of additional public wharfs, docks or walkways; if deemed appropriate or necessary, are developed in an ecologically sound manner; and in accordance with Provincial and Federal standards and regulations.
20. Supports that the approval of new private dock and wharf facilities on Kootenay and Duncan Lakes encourages the sharing of such facilities amongst neighbouring property owners.
21. Encourages the RDCK to work with the Province to discourage refuse disposal along highways and Crown lands through installation of refuse disposal containers, signage, fines and media.
22. Supports water conservation by residential, business and recreational users.
23. Encourages, as a first preference, manual and biological methods of weed control as a means to work towards elimination of the use of chemical pesticides; and full consultation with the communities concerned before commencement of any spraying of growth regulators/inhibitors and/or chemical pesticides.
24. Supports the conservation of a dark night sky for stargazing, astronomical observations, and natural values.

## 13.0 ENVIRONMENT AND GREENHOUSE GAS EMISSION REDUCTION TARGETS

### 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>2</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 - 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.

### Greenhouse Gas Emission Reduction Objectives

1. Demonstrate leadership in energy conservation, energy efficiency and greenhouse gas 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.
4. Reduce greenhouse gas 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.
7. Support local food production and local purchasing.
8. Encourage mixed use developments and infill in areas that are appropriate and where supported by the community.

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<sup>2</sup> This target is defined in the Greenhouse Gas Reduction Targets Act (Bill 44, 2007)  
Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016  
Schedule A

9. Encourage locally appropriate solutions for shared transit, such as car shares, ride shares, enhanced and improved public transit and use of local internet, bulletin boards, and media to inform of the availability of these programs.

## **Greenhouse Gas Emission Reduction Policies**

### **General**

The Regional Board:

10. Will implement the RDCK Corporate Greenhouse Gas Emissions Reduction Plan (2010).
11. Will work collaboratively with our partners and community members to reduce the combined greenhouse gas emissions of the rural areas by 15% from baseline levels (2007) by 2020 and by 25% from baseline levels (2007) by 2030.
12. Encourages the reduction of landfill waste through the RDCK zero waste policy, and will investigate ways to increase waste diversion through strategies identified in the Resource Recovery Plan.
13. Supports collaboration with, and supports, partners that raise awareness and provide education on energy and emissions to local businesses, residents, and other organizations in the community.
14. Encourages the protection of environmentally sensitive areas, important to the biodiversity and ecological functioning of the Plan area, and areas that contribute to community greenway corridors that link open space areas.

### **Development and Buildings**

The Regional Board:

15. Encourages energy efficient retrofits of older buildings, including both residential and commercial buildings.
16. Encourages the use of local materials and green building techniques in new and retrofitted developments.
17. 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:

18. 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.

19. Encourages nodal development instead of sprawl along major roads and, where appropriate, encourages clustering of commercial and urban residential development along major roads, in order to achieve a more efficient use of land and a proper distribution of traffic flow throughout the road network.
20. Encourages compact development rather than the creation of low-density residential lots fronting the major road network and the provision of multiple accesses onto the major road network.

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

The Regional Board:

21. Encourages connectivity between existing walkways and trail systems to schools, parks and commercial areas.
22. Promotes pedestrian-friendly development within urban and suburban residential areas, where pedestrian facilities are established and integrated with transit service planning.
23. 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.
24. 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.
25. Supports on-street alternative transportation options with incorporation of sufficient buffering and accommodation of the movement of agricultural machinery.

### **Transit**

The Regional Board:

26. Supports continuing to facilitate improvement to and expansion of public transportation service opportunities, bus shelters and cross walks in cooperation with BC Transit.
27. Supports the reduction of the use of private automobiles and encourages the RDCK and member municipalities to investigate initiatives to expand public and shared transit, including the use of buses, car co-operatives and delivery services.

### **Renewable Energy Supply**

The Regional Board:

28. Seeks partnerships with utility companies, NGOs, member municipalities, Provincial and Federal agencies and others to further local energy strategies and concurrent planning efforts.
29. 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.

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

## **14.0 HAZARD LANDS AND FIRE MANAGEMENT**

### **Background**

Hazard lands include, but are not limited to, areas the RDCK has reason to believe are subject to natural hazards including flooding, mud flows, debris torrents, erosion, rock fall, landslip, and avalanche.

Fire and the risk of fire associated with interface areas surrounding communities have led to many communities developing strategies to address this issue. The Plan area has many relatively isolated communities in which forest fire is of an extreme to moderate risk.

### **Hazard Lands Objectives**

1. Prevent development in areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed.
2. Prevent injury and loss of life and to prevent or minimize property damage as a result of natural hazards.
3. Recognize that important habitat may also be found in natural areas that are considered hazardous, and that disruption of these areas should be minimized.
4. Support existing and on-going inventories and studies in order to further determine the nature, extent, and risk of development below, on and adjacent to identified natural hazard areas.

### **Hazard Lands Policies**

The Regional Board:

5. Directs 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.
6. Directs development away from lands identified as being susceptible to soil instability and potentially hazardous geotechnical conditions.
7. 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 Provincial standards where land that may be prone to flooding is required for development.

### **Fire Management Policies**

The Regional Board:

8. May request that developers 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 request the same assessment during a land use designation amendment or development permit process. The assessment will provide a recommended fire hazard mitigation strategy, 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; requiring at minimum a fire rated roof;
  - d. designing roads that provide evacuation routes and facilitate movement of fire fighting equipment;
  - e. ensuring all roads are appropriately 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'.
9. Directs that where a fire hazard mitigation strategy has been prepared, that the developer enters into a restrictive covenant to ensure that the strategy is followed.
  10. Encourages pro-active wildfire mitigation programs to reduce the risk of wildfires in Kootenay Lake and the Lardeau Valley to the moderate fire hazard risk as recommended by the Provincial '*FireSmart*' program.
  11. Supports protection of accesses to water sources such as hydrants, standpipes, lakes, and streams to remain free of obstructions for fire protection purposes.
  12. Encourages local volunteer fire departments to work with the RDCK to keep up to date with emergency preparedness and with the identification of increased risk as a result of natural or man-made events.
  13. Encourages voluntary efforts to reduce fire risk to existing buildings and developments by residents and community members through educational materials and appropriate '*FireSmart*' programs.
  14. Supports the local acquisition, maintenance, and use of fire fighting equipment in remote communities where fire departments do not operate.
  15. Encourages the development of a community wildfire interface plan in recognition of the areas isolation and susceptibility to forest fire risk.



## **15.0 AGGREGATE AND MINERAL RESOURCES**

### **Background**

The Province is primarily responsible for the regulation of aggregate and mineral resource operations. The RDCK is able to provide some direction on the location and operation of aggregate and mineral processing locations. There is active mining and mineral processing in the areas north of Meadow Creek along the highway corridor to Trout Lake. Aggregate resources can be found in the areas of Woodbury, Zwicky Road, Back Road, along Highway 31A to Shutty Bench and Hamill Creek. Additional aggregate resources may exist throughout the Plan area, but have not been identified as part of this process.

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

1. Protect land with recoverable deposits of sand and gravel from adjacent uses that would limit or prohibit extraction, and identify lands having recoverable deposits of sand and gravel.
2. Minimize conflict between sand and gravel processing operations and adjacent land uses.
3. Support Provincial requirements for rehabilitation and reclamation of resource extraction sites.

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

The Regional Board:

4. Encourages that priority shall be placed on the extraction and processing of sand and gravel on lands having recoverable deposits and situated in locations having minimal conflict with adjacent land uses. Other development in conformity with long-term land uses proposed in Kootenay Lake and the Lardeau Valley may be considered after extraction is complete and rehabilitation has occurred. Areas designated for future settlement uses and which contain sand and gravel deposits should have the resource extracted prior to final development.
5. Supports the Provincial requirements for the removal of aggregate and mineral resources. The Province is encouraged to refer mineral exploration proposals to the RDCK for comment and give due consideration to the impact of resource extraction activities on surrounding land uses and developments.
6. Will consider land use designation amendment applications for the processing of aggregate or mineral resources on the basis of a variety of criteria, including but not limited to the:
  - a. extent of visual screening 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. the characteristics of aggregate deposits and groundwater resources.
7. Strongly encourages the Province to inform and communicate with effected communities before Crown land is utilized for aggregate or mineral processing.
  8. Discourages the Province from issuing new surface leases and permits for mineral processing near designated residential areas or Kootenay and Duncan lakes unless effective mitigation measures can be implemented to significantly reduce or nullify the effects of the proposed activity.
  9. Encourages the Province to include in their licensing the rehabilitation of aggregate extraction and mineral processing sites after extraction and processing are completed.
  10. Will assist the Province in implementing conditions set by the Province to mitigate the impact of aggregate extraction and mineral processing sites.
  11. Encourages full utilization of recoverable deposits prior to development in areas where recoverable deposits are located.
  12. Recognizes that the terms or conditions of this Bylaw can not restrict or conflict with any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, coal or quarries that is classified as a 'mineral' or a 'mine' under Provincial Acts and Statutes, so long as the Province manages the activities and land for that purpose.

## **16.0 CROWN LAND**

### **Background**

Kootenay Lake and the Lardeau Valley are made up almost entirely of Crown land managed by the BC 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, energy production, mining, and tourism. Other visible examples are gravel quarries, telecommunication sites and utility corridors.

### **Crown Land Objective**

1. Encourage the Province to respect the interests and concerns of residents of Kootenay Lake and the Lardeau Valley in decisions concerning activities and development of Crown lands and water.
2. Maintain Crown lands adjacent to lake fronts, riparian areas, and areas of environmental sensitivity within the public domain.

### **Crown Land Policies**

The Regional Board will:

3. Strongly encourage the Province to inform and consult with a community before any change in land use on Crown land, including issuing licences or permits for any development or activity, land sales, and land use designation amendments that may effect the community.
4. Encourage the management or disposition of Crown land or water in a manner that is consistent with the broader policies of the Plan regarding settlement patterns, the conservation of environmentally sensitive areas, and the recreational and conservation values associated with these lands.
5. Discourages the Province from disposing of Crown lands that are used by the general population for recreational purposes, when such disposition would prevent further usage by the general public.
6. Discourages the Province from disposing of any Crown Land that is environmentally sensitive, except for conservation or stewardship purposes, or unless such sensitive aspects are protected through a restrictive covenant.

**17.0** *Removed by Bylaw 2689*

## **18.0 COMMUNITY SPECIFIC POLICIES**

### **Ainsworth**

1. Encourages the Province to continue to work with the RDCK and the community in addressing road maintenance and drainage issues within Ainsworth, in addition to addressing pedestrian safety on an on-going basis.
2. Supports the investigation and establishment of public access and beach access to Kootenay Lake for the local community.
3. Supports enhancing existing parkland and trails that serve local residents and tourists, while identifying opportunities to establish future community parkland, specifically in areas identified as being sensitive to development or where there is opportunity to connect existing trail corridors and protected areas.
4. Recognizes that single family residential land use will remain the dominant form of land use within the town-site, with the exception of designated commercial and resort commercial areas.
5. Recognizes the rural residential character of the areas surrounding the town site.
6. Supports that new development will respect the lifestyles and property of area residents and the natural environment.
7. Will investigate options for the development of community water and waste water facilities in consultation with the community.
8. Supports housing types and densities that can accommodate special needs and seniors housing.
9. Encourages the recognition, protection and enhancement of buildings and sites of historical value within the community, including the Ainsworth Community Cemetery, Smith Ranch, former Silverledge property, J.B. Fletcher General Store, Ainsworth Hot Springs and Ainsworth Community Hall.
10. Supports the establishment of home-based business opportunities and accessory tourist accommodations in residential areas within the community.
11. Encourages residents to pursue market garden production and sale of home grown produce and market garden products.
12. Encourages the protection and on-going community use of the beach area and associated trails at the confluence of Cedar Creek and Kootenay Lake, with recognition that such assets may include both provincial and privately owned lands.
13. Encourages the protection and on-going community use of the Ainsworth Boat Bay as a community asset and supports investigation into long term access and management of this asset by all members of the community.

14. Supports investigation into the establishment of community or regional park land in and around Loon Lake in recognition of its recreational and aesthetic value to residents and visitors of the community.
15. Recognizes Kootenay Lake Provincial Park (Coffee Creek) as an important recreational and protected area contributing to the recreational and aesthetic value of the community.

### **Woodbury**

16. Supports investigation into the feasibility of designating portions of the community trail network along Woodbury Creek as parkland or open space.
17. Recognizes that Woodbury will remain primarily single family residential with opportunity for appropriate home-based business and commercial use.
18. Will investigate options for small scale agricultural operations on larger parcels within and surrounding the community.
19. Will encourage that the height of buildings should not obstruct the view of surrounding properties.
20. Supports that septic effluent should be by ground disposal only due to domestic water intakes on Kootenay Lake.

### **Fletcher Creek**

21. Encourages that new and existing industrial developments establish landscape buffers to screen industrial uses from adjacent residential development and that industrial development be designated in areas a distance from existing residential uses to minimize land use conflict.
22. Supports development of water conservation strategies; such as water restrictions during periods of low flow, drip irrigation, nature-scaping or xeri-scaping, and coordination with the Province to preserve water quality on Fletcher and Leet Creeks.
23. Recognizes that Fletcher Creek will remain primarily single family residential with opportunity for home-based businesses within residential areas and designated areas for light industry.
24. Encourages that the RDCK, in cooperation with the authorities having jurisdiction, investigate options to address long standing issues with servicing and the subdivision of lands within the Lease Lots.
25. Supports maintenance of the Agricultural Land Reserve and enhanced agricultural opportunities.
26. Supports establishment of a community hall or meeting place.
27. Encourages the development of management tools for noise and light pollution.

### **Mirror Lake**

28. Recognizes that Mirror Lake will remain primarily a single family residential and rural community.
29. Recognizes that much of the community has developed to the full practical extent of its land base and the capacity of its water system; and that further intensive development would adversely affect the sense of community and lifestyle so valued by its residents.
30. Strongly encourages that any extension or modification of local infrastructure necessitated by subdivision or the issuance of a building permit is financed in total by the developer, so that associated costs are not bourn by local residents.
31. Encourages, and would support, that agencies and businesses associated with land development are educated with regards to the information contained within the OCP and that such information is passed on to prospective developers and new residents.
32. Requires that home-based businesses, including tourist accommodation be restricted as accessory to single family residential use.
33. Discourages commercial developments that deal with primary or secondary industrial or commercial production beyond existing facilities and home-based businesses.
34. Strongly encourages the enforcement of legal speed limits, and other laws on local highways and roads to enhance the safety of local pedestrians and tourist traffic; and promotes the education of all drivers through appropriate signage and other means.
35. Strongly advocates the protection of all sources of domestic water supply.
36. Supports the use of local bylaws, such as zoning, as proposed from time to time by local residents.
37. Encourages close cooperation between the Village of Kaslo and surrounding communities in planning developments in the approaches to the Village, particularly between Mirror Lake and the Village. Recognizes that the Village is the tourist and commercial center for residents of Electoral Area D.

### **Pineridge and O Avenue**

38. Recognizes that Pineridge and O Avenue will remain primarily single family residential, with water availability being considered at the time of zoning.
39. Encourages the RDCK to investigate options to establish a community trail and lake access at Silver Bay.
40. Encourages development of a trail corridor linking the community to the Village of Kaslo in cooperation with the Province and private land owners.
41. Encourages the dedication of Crown lands adjacent to the community for community park land or public use.

42. Recognizes that the surveyed boundaries of lots created by the Province adjacent to the community do not reflect community character or the geography of the area and that if leased or sold by the Province, that such lot sizes should be re-assessed.
43. Recognizes that the steep hillside backing the industrial designation west of Pineridge results in significant sound amplification and will ensure that noise pollution will be an important consideration for permitting developments in this area; and that such developments shall be subject to consultation with the affected area.
44. Recognizes that the mosquito control program covering Pineridge and 0 Avenue is an important issue and requires long term attention and periodic review.

### **Highway Frontage**

45. Recognizes that the existing use of Highway 31 is primarily light industrial and commercial.
46. Supports that the use of the Highway 31 corridor be primarily oriented toward mixed residential, commercial and light industrial.
47. Supports that those lands adjacent to the Village of Kaslo and east of Highway 31 are designated a Comprehensive Development Zone to encourage mixed use of such lands and to encourage provision of amenities, such as a trail system to connect existing residential development to the Village of Kaslo.
48. Discourages the use of large commercial billboards at the entrance to the Village of Kaslo.
49. Recognizes the environmental sensitivity of the wetland area in the west side of Highway 31.
50. Supports the establishment of a landscape buffer between existing and new industrial developments and the highway to reduce noise and dust from adjacent residential areas.
51. Encourages investigation of access to private lands west of Highway 31.
52. Supports investigating options for establishment of a community water system to support existing and new developments along Highway Frontage, Back Road and west of the Village of Kaslo.
53. Encourages the Province to consider establishment of safe and accessible paths or lanes along the Highway 31 corridor for use by cyclists and pedestrians from Mirror Lake to the Village of Kaslo.

### **Back Road**

54. Recognizes that Back Road will remain primarily rural residential and agricultural, and that the keeping of domestic farm animals be supported.
55. Supports investigating options for establishment of a community water system to support existing and new developments along Highway Frontage, Back Road and west of the Village of Kaslo.



56. Recognizes that the municipal airport and lands surrounding the airport be recognized and considered for light industrial use.
57. Supports the protection and maintenance of recognized wildlife corridors and habitat.
58. Encourages that the Province in cooperation with the RDCK and Village of Kaslo to investigate options for protection of recreational assets on Crown lands in and around the municipal airport and other areas of the community.
59. Encourages that development in and around the area surrounding the Village of Kaslo reservoir take the utmost care to avoid negative impacts to the quality and quantity of domestic water supply in these areas and that the RDCK investigate options for conservation and maintain public ownership of these lands.

### **Allen Division**

60. Recognized that Allen Division will remain primarily suburban residential with a mix of housing types, primarily oriented toward single family residential and duplex dwellings.
61. Supports investigating options for affordable housing in partnership with local government, the Province, and non-profit organizations.
62. Recognizes that new buildings should not exceed two stories and should not block the view of existing neighbours.
63. Encourages that the RDCK and the Village of Kaslo cooperate in reducing light pollution or glare from street lighting in the community.
64. Encourages that the RDCK and the Village of Kaslo cooperate in ensuring provision of domestic water supply from the Village of Kaslo water system or provide an alternative source without undue burden or cost to residents.
65. Supports the establishment of non-polluting home-based businesses including accessory tourist accommodation and small rental cabins in association with residential areas.

### **Zwicky Road**

66. Recognizes that Zwicky Road and adjacent portions of Highway 31 will remain primarily rural residential..
67. Recognizes that further development in the community is restricted by water availability.
68. Recognizes Kaslo Cemetery and encourages that once existing capacity is reached that the existing cemetery not be expanded and a new location be sought in cooperation with the Village of Kaslo and surrounding areas.
69. Recognizes and supports that activities undertaken in areas of domestic drinking water supply use the utmost care and consideration toward protecting this resource.
70. Supports the establishment of home-based business opportunities and accessory tourist accommodations in residential areas within the community.

### **South Fork**

71. Recognized that South Fork will remain primarily rural residential.
72. Encourages investigating the feasibility of maintaining lands and public access along the Kaslo River as community parkland.
73. Supports the establishment of accessory tourist accommodation, such as bed and breakfasts and small rental cabins in association with residential areas within the community.

### **Retallack**

74. Recognized that Retallack will be primarily oriented toward resort and recreational residential use.

### **Shutty Bench**

75. Understands that residents value individual freedom, respect for property rights, and the ability to live a life unencumbered by unnecessary rules.
76. Recognizes that residents value the pristine nature of the environment, including land, water and wildlife, and wish to continue to promote wise and balanced stewardship of the area.
77. Acknowledges the rural character of the community and the desire to maintain low density and large lot sizes.
78. Emphasizes that historical use of lands be taken into consideration before land use decisions are made.
79. Recognizes the value of agriculture and the ALR and supports further agricultural development in keeping with the environmental values of the area.
80. Encourages economic growth of a kind which is consistent with the values of the community, including strong emphasis on home-based businesses, agricultural development and low impact tourism and recreation.
81. Supports maintenance and protection of existing public access points and beaches on Kootenay Lake.
82. Encourages the establishment of view corridors where appropriate in conjunction with interface wildfire planning.
83. Encourages that the Province retain public lands along the foreshore of Kootenay Lake.
84. Encourages the preservation of heritage assets and encourages the development of a community heritage register.
85. Wishes to foster a community spirit which cares about the quality of life and well being of all its residents as well as future generations, and supports the establishment of a community hall or meeting place.

### **Schroeder Creek**

86. Recognizes that Schroeder Creek will remain primarily single family residential.
87. Supports that home-based businesses and accessory tourist accommodation be restricted as an accessory to single family residential use, and that decisions regarding land use amendments or development applications be considered based on the existing history, peaceful and private character, and social characteristics of the community.
88. Encourages that the RDCK investigate options and alternatives to address parking issues and public recreational use of Schroeder Creek beach in cooperation with residents, including options for alternative locations for parking and moorage facilities for cross lake boat access.
89. Recognizes that the OCP has no impact on existing bylaws and covenants held by property owners in the community.
90. Discourages development and future subdivision along the riparian area of Kootenay Lake and supports long term planned development of new public access areas along the west side of Kootenay Lake.
91. Discourages commercial developments that deal with primary or secondary industrial or commercial production beyond existing facilities and home-based businesses.
92. Encourages the development of a community wildfire interface plan in recognition of the area's isolation and susceptibility to forest fire risk.

### **Hamill Creek**

93. Understands that residents value individual freedom, respect for property rights, and the ability to live a life unencumbered by unnecessary rules.
94. Wishes to maintain existing conditions of clean air and water.
95. Recognizes that Hamill Creek will remain primarily residential but supports agriculture, light industry and commercial development; provided it does not pollute the environment.
96. Encourages the Province to re-examine lands within the Agricultural Land Reserve for agricultural suitability and supports maintenance of the Agricultural Land Reserve on lands deemed suitable for agricultural production.
97. Encourages maintenance of Hamill Creek Park as community green space.
98. Encourages the Province to reduce the speed limit between Duncan Bridge and the community of Argenta and place this section of road on the District priority list for pavement.
99. Supports ongoing efforts for mosquito abatement.

## **Argenta**

100. Understands that residents value individual freedom, and the ability to live a life unencumbered by unnecessary rules.
101. Recognizes that residents value the pristine nature of the environment, including land, water and wildlife, and wish to continue to promote wise and balanced stewardship of the area.
102. Wishes to foster a community spirit which cares about the quality of life and well being of all residents, as well as future generations.
103. Recognizes that Argenta shall remain primarily remote residential and agricultural.
104. Discourages development and future subdivision along the riparian area of Kootenay Lake.
105. Recognizes Argenta contains several cooperative developments and wishes to maintain flexibility in the number of dwellings per lot subject to health requirements.
106. Strongly advocates the protection of all sources of domestic water supply.
107. Recognizes the value of the north end of Kootenay Lake and the Argenta Wetlands to the community, and recognizes the environmental sensitivity of both.
108. Recognizes the value of the Agricultural Land Reserve and supports future agriculture.
109. Encourages economic growth of a kind which is consistent with the values of the community, including home-based businesses, small scale commercial farms, and small scale commercial and manufacturing.
110. Encourages businesses that require signage to be limited to one wooden sign measuring no more than one square meter.
111. Encourages the RDCK and/or Province to designate as undeveloped community parkland of all Crown lands between the Argenta Wetlands and the northern boundary of Bulmers Pointe from the road down to the lakeshore.
112. Encourages investigation of options for the conservation of the privately owned portions of the Argenta wetlands through conservation covenants or creation of undeveloped community parkland.
113. Recognizes the importance of the Purcell Wilderness Conservancy to the community and encourages that it be retained as a Class 'A' Provincial Park.
114. Supports that the Crown land immediately north of former Crown lots 1 through 9, Plan 8391 be considered for undeveloped community park purposes, with all lands to the west of this area toward Kootenay Lake to be kept within the working forest.
115. Recognizes access to the Earl Grey Trail and supports long term maintenance of this access point.
116. Encourages development of a public dock and/or moorage for emergency purposes as well as recreation.

### **Johnson's Landing**

117. Understands that residents value individual freedom and respect for property rights. We strongly support the values of clean air, clean water and clean soil, the protection of the scenic beauty of the area, our wildlife and its habitat and peace and quiet.
118. Recognizes that Johnson's Landing shall remain primarily remote residential and agricultural.
119. Encourages recognition and protection of existing community trail corridors and supports long term maintenance and public ownership of the Fry Creek Trail.
120. Recognizes and supports public access north of Lot 2, Plan 6809, south of Lot 1, Plan 9039 and south of Lot A, Plan 6809.
121. Recognizes the importance of the Purcell Wilderness Conservancy to the community and encourages that it be retained as a Class 'A' Provincial Park.
122. Encourages that commercial developments be home-based and be consistent with the values of the community.
123. Discourages development and future subdivision along the riparian area of Kootenay Lake.
124. Recognizes heritage values and encourages conservation of cultural and archaeological sites.
125. Supports the Agricultural Land Reserve and opportunities for agricultural activity in keeping with the environmental values of the area.
126. Encourages organic agriculture.
127. Encourages recognition and protection of wildlife corridors and seasonal habitat ranges.
128. Encourages investigation into alternative economical and fuel efficient means of transportation, including water transportation.
129. Encourages that house design, size, and materials be in keeping with the values of the community.
130. Encourages that development in the community minimizes visual impacts from public roadways and Kootenay Lake.
131. Encourages businesses requiring signage be limited to one wood sign measuring no larger than one square meter.

### **Birchdale and Murphy Creek**

132. Recognizes that Birchdale and Murphy Creek will remain remote residential with limited services.
133. Recognizes that Birchdale and Murphy Creek will remain boat access only communities and encourages establishment of adequate public moorage and parking facilities to service these communities in cooperation with the Province and residents.

134. Supports maintenance of the Agricultural Land Reserve and enhanced opportunities for small scale agricultural production.
135. Encourages the development of a community wildfire interface plan in recognition of the areas isolation and susceptibility to forest fire risk.
136. Recognizes the importance of the Purcell Wilderness Conservancy to the community and encourages that it be retained as a protected area.

## 19.0 DEVELOPMENT PERMIT AREAS

### Background

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

Development Permit Areas allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Kootenay Lake and the Lardeau Valley Plan area. Development Permit Areas can also be used to meet targets for carbon emission reductions and energy and water conservation.

Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the guidelines of all such Areas.

### Development Permit Area #1: Watercourse Development Permit (WDP) Area

#### Category

The WDP area is designated under Section 488 (1) (a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

#### Area

The WDP area is comprised of:

1. Riparian assessment areas (Figure 1) for fish and wildlife habitat and drinking water, which include all watercourses and adjacent land:
  - a. within 30 m of the high water mark of a watercourse;
  - b. within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and
  - c. within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse; and as identified in Schedule 'A.1'.

HIGH WATER MARK means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

TOP OF RAVINE BANK means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is greater than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

WATERCOURSE means any natural or man made depression with well-defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year and/or having a drainage area of two square kilometres (0.8 square miles) or more upstream of the point of consideration.

### **Justification**

The primary objective of this Development Permit Area designation is to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the environmentally sensitive riparian area.

### **Determining whether development falls within the WDP Area**

To confirm whether a proposed development is within land identified as a riparian assessment area in the WDP area for which a development permit application is required, the following applies:

2. Any area located within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;
3. Unless the proposed development or alteration of land is clearly outside the riparian assessment area the location of the development shall be determined accurately by survey in relation to the WDP Area to determine whether a development permit application is required.

### **Guidelines**

4. A development permit is required, except where specified under the Exemptions Section, for development or land alteration on land identified as a riparian assessment area within the WDP Area. Where not exempt, development requiring a development permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under local government legislation:
  - a. removal, alteration, disruption or destruction of vegetation;
  - b. disturbance of soils;



- c. construction or erection of buildings and structures;
- d. creation of non-structural impervious or semi-impervious surfaces;
- e. flood protection works (with the exception of those constructed during emergency events);
- f. construction of roads, trails, docks, wharves and bridges;
- g. provision and maintenance of sewer and water services;
- h. development of drainage systems;
- i. development of utility corridors; and
- j. subdivision as defined under Section 455 of the *Local Government Act*.

**Development shall be in accordance with the following guidelines:**

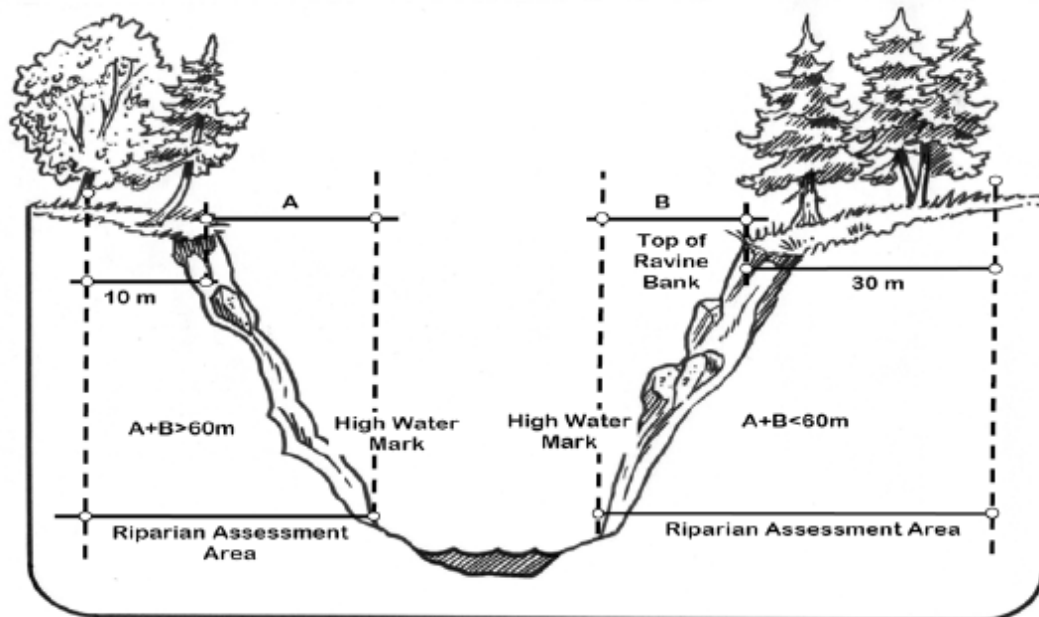
- 5. All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province.
- 6. A WDP shall not be issued prior to the RDCK ensuring that a QEP has submitted a report certifying that they are qualified to carry out the assessment, that the assessment methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse or riparian area and that the criteria listed in the Riparian Areas Regulation has been fulfilled.
- 7. The Riparian Areas Regulation implemented through the WDP does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

**Exemptions**

The WDP area does not apply to the following:

- 8. existing construction, alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes;
- 9. existing institutional development containing no residential, commercial or industrial aspect;
- 10. construction, renovation, or repair of a permanent structure if the structure remains on its existing foundation. Only if the existing foundation is moved or extended in to a riparian assessment area would a WDP be required; and

- an area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.



**FIGURE 1: RIPARIAN ASSESSMENT AREA:** means the area within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.

Source: British Columbia Ministry of Environment, *Riparian Areas Regulation Implementation Guidebook*, March 2005

## Development Permit Area #2: Industrial Development Permit (IDP) Area

### Category

The IDP area is designated under Section 488 (1) (a) and (f) of the *Local Government Act* for the establishment of objectives for the protection of the natural environment and form and character of industrial uses within the Plan area.

### Area

- The IDP area is comprised of all privately owned or leased lands designated as Industrial (M) on Schedule 'A.1'.

### Justification

The primary objective of this development permit area designation is to ensure that industrial developments within the Plan area are compatible and considerate of the natural environment and the surrounding residential and rural character of the Plan area.

### **Guidelines**

2. Development shall be in accordance with the following guidelines and considerations:

- a. impact on farm land;
- b. 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;
- e. the size of the property in relation to the proposed industrial activity;
- f. the Province is requested to ensure industrial 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;
- g. wherever possible, new industrial activity shall be located in close proximity and with direct access to major roads;
- h. prior to commencement of industrial activity, a landscape buffer shall be required on industrial properties adjacent to non-industrial designated properties;
- i. all industrial activity; including parking and storage must be screened and wide buffers shall be left along roads and property lines; and
- j. Hours of operation, lighting and extent of screening will be determined on a community specific basis.

### **Exemptions**

The IDP area does not apply to the following:

3. existing construction, alteration, repair, demolition and maintenance of industrial buildings.

## **20.0 IMPLEMENTATION**

### **Introduction**

The OCP portion of this Bylaw 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.

### **Zoning Bylaw**

A 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. A zoning bylaw enforcing the policies of this Plan may be developed during or following the adoption of this bylaw. This may occur through a lengthy public review process and will occur only through a separate public input process. Individual communities may initiate a zoning bylaw for their community or it may include the entire Plan area dependent on the preferred direction of each community. Part Two of this plan outlines the applicable land use regulation and zoning applicable to Ainsworth town-site, as the only portion within Electoral Area 'D' with zoning regulation as initiated under former Ainsworth Rural Land Use Bylaw No. 1189, 1997 and incorporated within this Plan.

### **Subdivision and Development Servicing Bylaw**

The RDCK Subdivision and Development Servicing Bylaw sets out minimum standards for access, water systems, and sewer systems. Subdivisions must meet these standards before they are approved. The Subdivision and Development Servicing Bylaw will need to be reviewed and amended where necessary to ensure that it works to implement various policies in the Plan, particularly with respect to servicing levels related to parcel sizes.

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**SCHEDULE 'B'**

**AINSWORTH TOWNSITE ZONING BYLAW**

**Regional District of Central Kootenay  
Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016**

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## 21.0 INTERPRETATION

In this Bylaw, unless the context otherwise requires:

**ACCESSORY** means a use or structure naturally and normally incidental, subordinate and devoted to the principal use or structure and located on the same lot or site;

**ACCESSORY BUILDING OR STRUCTURE** means a detached building or structure located on the same parcel as the principal building, the use of which is subordinate, customarily incidental, and exclusively devoted to that of the principal building;

**ACCESSORY DWELLING UNIT** means a building, or part of a building containing only one dwelling unit that is secondary to a principal dwelling located on the same property;

**AGRICULTURE** means the carrying on of a farm operation as defined by the Farm Practices Protection (Right to Farm) Act (FPPA);

**ALLUVIAL FAN** means an alluvial deposit of a stream where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream or other water body;

**BED AND BREAKFAST** means an accessory use located wholly within single detached housing that provides temporary lodging for tourists and visitors;

**BOARD** means the Board of the Regional District of Central Kootenay;

**BUILDING** means any structure used or intended for supporting or sheltering any use or occupancy, and includes a manufactured home; but does not include a recreational vehicle, tent or park model recreational unit;

**BYLAW ENFORCEMENT OFFICER** means a Bylaw Enforcement Officer of the Regional District of Central Kootenay;

**CABIN** means one (1) self-contained or non-self contained structure no larger than 100 square metres intended for the purposes of temporary or seasonal residential purposes or temporary lodging for tourists and visitors;

**CAMPGROUND** means a site used or intended to be used for temporary accommodation of persons in recreational vehicles or tents for less than 30 consecutive days, but excludes a manufactured home park (as defined by this Bylaw); campgrounds may offer central washrooms or full or partial hook-ups, in addition to common amenity areas and facilities; such as a sani-dump, showers, laundry facilities, playgrounds, picnic and day use areas, recreational trails, swimming pools, recreational facilities, marinas, boat launches, convenience stores or other similar uses;

**CANNABIS** means cannabis as defined in the *Cannabis Act* (Canada);

**CANNABIS RETAIL STORES** means the premises specified in a *retail cannabis license* where the retail sale of cannabis is authorized;

**CARETAKER SUITE** means a dwelling unit within a building or portion of a building used to provide on-site accommodation by the employer for persons employed on the property,

a residence for the site caretaker, operator of a commercial establishment, or on-duty security personnel. No more than one caretaker suite is permitted on a site;

**COMMUNITY CARE FACILITY** means any facility licensed by the Provincial government as a community care facility or social care facility or like establishments not licensed by the province;

**COMMUNITY GARDEN** means a public or private piece of land that is collectively developed, cultivated, gardened, and maintained by a group of people;

**COMMUNITY HALL** means a building or part of a building designed for, or intended to be used by the public for such purposes as civic meetings, educational meeting, political meetings, recreational activities or social activities and may include banquet facilities;

**COMMUNITY MARKET** means a public or private piece of land that is used permanently or on a temporary basis for the purposes of a group of stalls or booths intended to be used by farmers or other vendors to sell their products directly to customers;

**COMMUNITY RECREATIONAL FACILITIES** means recreational facilities as a principal use or as an accessory to a residential or resort development such as community wharves and boat launches, swimming pools, playgrounds, tennis courts, recreation centres, trails or other similar communal recreational assets;

**COMMUNITY WASTEWATER SYSTEM** means a system owned and operated by the Regional District, Strata Corporation, Utility or Corporation (private or public) for the collection, treatment and disposal of sanitary waste, which serves two (2) or more lots and is operated under the *Public Health Act* or the *Environmental Management Act*;

**COMMUNITY WATER SYSTEM** means a system of waterworks approved under the *Drinking Water Protection Act*, which is owned, operated, and maintained by the Regional District, and Improvement District or Utility operating under the jurisdiction of the Province;

**COMMUNITY WHARVES AND BOAT LAUNCHES** means a commercial or public establishment containing docking facilities or mooring facilities where boats and other water vessels are berthed, stored, or kept for sale or rent;

**CONVENIENCE STORE** means a retail sales outlet which sells or offers for sale foodstuffs, periodicals, sundries, fresh fruit and vegetables, hygienic or cosmetic goods, or plants;

**CURIO-SHOP** means a retail sales outlet which sells or offers for sale antiques, collector items, art, bric-a-brac or objects of curiosity;

**DAY CARE FACILITY** means a building Provincially licensed as a community care facility in which care, supervision or any form of educational or social training not provided under the School Act is provided for any portion of the day to seven or more children under six years of age not forming part of the operator's household;

**DENSITY** means the number of dwelling, visitor or resort accommodation units on a site expressed as a maximum number of units per lot, or alternatively as the site area required per unit;

**DUPLEX HOUSING** means a building designed exclusively to accommodate two households living independently in separate dwelling units above, below or beside each other. This type of development is designed and constructed as two dwelling units at initial construction;

**DWELLING, STAFF HOUSING** means a detached or attached building, used exclusively for residential purposes, consisting of one (1) or more dwelling units, either with private individual access or common access intended to be used as a residence by staff employed in commercial operations;

**DWELLING UNIT** means one or more rooms with self-contained kitchen, living, sleeping and sanitary facilities, used or intended to be used as a residence for no more than one household;

**EATING AND DRINKING ESTABLISHMENT** means a development where prepared foods and beverages are offered for sale to the public for consumption within the premises or off the site, such as neighborhood pubs, licensed restaurants, lounges, cafes, delicatessens, tea rooms, dining rooms, drive in food services, refreshment stands and take out restaurants, and mobile catering food services;

**EDUCATIONAL FACILITIES** means a building(s) including residences, structures and grounds associated with the operation of a school, college, university or training centre;

**EXTERIOR SIDE LOT LINE** means the lot line or lines not being the front or rear lot line, common to the lot and a street;

**FRONT LOT LINE** means the lot line common to the lot and an abutting street, or where there is more than one (1) lot line common to abutting streets, the shortest of these lines shall be considered as the front lot line; or in the case of a lot abutting two (2) parallel or approximately parallel streets, the lot lines abutting these two (2) streets shall each be considered as front lot lines;

**GROSS FLOOR AREA (G.F.A.)** means the sum of the horizontal areas of each storey of the building measured from the exterior faces of the exterior walls. The gross floor area measurement is exclusive of areas of unfinished basements, unfinished attics, attached garages, carports, breezeways, and unenclosed porches, balconies and terraces;

**HOUSEHOLD** means one person or a group of persons who through marriage, blood relationship or other circumstances normally live together.

**HEIGHT** means the vertical distance measured from the average finished ground level at the perimeter of a building or structure to the highest point of the structure;

**HIGHWAY** means a street, road, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property;

**HORTICULTURE** means growing of fruits, vegetable, flowers or ornamental plants for resale with or without greenhouses;



**HOUSEKEEPING UNIT** means a room with a kitchen used for the temporary accommodation of travellers;

**INTERIOR SIDE LOT LINE** means the lot line or lines, not being the front or rear lot line, common to more than one lot;

**INTERPRETIVE FACILITIES** means a building or structure or group of buildings or structures that provides interpretation of a place of interest through a variety of media, such as displays and exhibitions of material, and, may include facilities such as trails;

**JUNK YARD** means the collection or accumulation of rubbish, garbage, bottles, broken glass or other discarded materials or unwholesome materials or ashes on real property, except where the owner of the real property holds a valid permit respecting those items under the *Waste Management Act*; or the outside storage or accumulation on real property of any building material, whether new or used, where there is no apparent or real construction occurring on the real property for which the materials are required; or the outside storage or accumulation on real property of any goods or merchandise which is offered or intended to be offered for sale, unless that real property is used solely for the wholesale or retail sale of those goods or merchandise;

**KITCHEN** means facilities intended to be used for the preparation or cooking of food, and includes any room or portion of a room containing cooking appliances including, without limitation, stoves or ovens. Plumbing, wiring or provision for a stove or oven constitutes the existence of such appliances;

**LAUNDROMAT** means an establishment with self-service operated washing and drying machines intended for public use;

**LIQUOR STORE** means a retail store licensed under the *Liquor Control and Licensing Act* for the sale of beer, wine, or other alcoholic beverages;

**LODGE** means an establishment for the use of tourists consisting of three or more attached or detached sleeping units and includes recreational facilities;

**LOT** has the same meaning as parcel under the *Local Government Act*, and means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

**MANUFACTURED HOME** means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed, or manufactured to be moved from one place to another by being towed or carried, and to provide a dwelling or premises, and which conforms to the requirements of the British Columbia Building Code and manufactured to and compliant with the Canadian Standards Association (CSA) Z-240 MH and CSA A277 MH series of standards;

**MINIMUM LOT AREA** means the minimum lot size required for the purposes of subdivision as set out in the applicable zone;

**MOTEL** means a building or buildings containing housekeeping and/or sleeping units each with an exterior entrance and designed to provide temporary accommodation for the travelling public;

**MULTI-UNIT HOUSING** means a detached building, used exclusively for residential purposes, consisting of three or more dwelling units, either with private individual access or common access intended to be used as a residence by three or more households living independently of each other;

**NATURE SANCTUARY** means a reserved area in which plants, birds, and other animals, especially wild animals, are protected from hunting or disturbance;

**OUTDOOR RECREATIONAL ACTIVITIES** means development that provides facilities for use by the public at large for sports and active recreation conducted outdoors and may include tourist accommodation for remote locations;

**PARK** means land which is publicly owned or under the control of a government agency, or owned or managed by a community association or other registered non-profit association used for the outdoor recreation and enjoyment of the public including playgrounds, playing fields, trails, skate parks, allotment gardens, green space, buffers, ecological and archeological conservation areas, nature and cultural interpretation areas, and similar land uses. It may include Buildings and Structures ancillary to the Park;

**PARK MODEL TRAILER** means a recreational vehicle under CSA Z241 standards designed as living quarters for seasonal recreation accommodation, which can be relocated on occasion, and must be connected to those utilities necessary for the operation of installed fixtures and appliances, and has a gross floor area, including lofts, not exceeding 50 square metres when in the set up mode, and has a width no greater than 4.42 metres in the transit mode. A park model trailer shall not be considered a dwelling unit;

**PERMITTED USE** means the principal, permissible purpose for which land, buildings or structures may be used, and for the purposes of this Bylaw all uses not listed as permitted shall be deemed to be a prohibited use within the applicable zone;

**PERSONAL SERVICE ESTABLISHMENT** means uses that provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects;

**PLACE OF WORSHIP OR CONGREGATION** means an assembly building used for religious worship, which is maintained and controlled by a religious body organized to sustain public worship;

**POULTRY** means any bird normally raised for food or egg production and without limiting the generality of the foregoing, includes chickens, turkeys, geese, ducks, grouse, partridge, quail, pheasant or ptarmigan;

**PRINCIPAL BUILDING** means the main building on a lot in which the majority of the space is used for a permitted principal use or uses;

**PRINCIPAL DWELLING** means a principal dwelling unit that consists of a self-contained set of rooms located in a building; is used or intended for use as a residential premises, and

contains kitchen and bathroom facilities that are intended to be exclusive to the unit; and is not an accessory dwelling unit, or any vehicle;

**PRINCIPAL USE** means the main purpose for which land, buildings or structures are ordinarily used;

**RABBIT** means any member of the long eared, short tailed, burrowing animals of the family *Leporidae* normally raised for food, fur production, or for the purposes of breeding;

**REAR LOT LINE** means the lot line opposite to, and most distant from the front lot line, or where the rear portion of the lot is bounded by intersecting side lot lines, the rear lot line shall be deemed to be the point of such intersection;

**RECREATION, OPEN LAND** means a use of a natural landscape for low impact recreational activities that are consistent with the preservation and protection of natural areas in the community and includes the development of trails. Typical uses include, but are not limited to hiking, biking, skiing, kayaking and horseback riding;

**RECREATIONAL VEHICLE** means a vehicle, either designed to be towed behind a motor vehicle or self propelled, and includes such vehicles commonly known as travel trailers, fifth wheels, campers, motor homes, or other similar vehicles designed to provide temporary accommodation for recreational, camping, or travel use;

**REGIONAL BOARD** means the Board of the Regional District of Central Kootenay;

**REGIONAL DISTRICT** means the Regional District of Central Kootenay;

**RESORT** means a building or group of buildings or an area, used by the travelling public for accommodation on a temporary and seasonal basis, and may include accessory retail, banquet, conference, sports and entertainment facilities;

**RESOURCE BASED ACTIVITIES** means activities related to forest harvesting and management, natural resource extraction, natural resource processing, and resource based outdoor recreation;

**RESOURCE EXTRACTION** means the quarrying, sorting, screening, removal and off-site sale of sand, gravel, earth or mineralized rock found on or under a site and includes quarries, gravel pits, and stripping of top soil but does not include further processing of raw materials on site;

**RESOURCE PROCESSING** means a use providing for the processing of primary mineral resources mined on-site, including preliminary grading, washing, and crushing of such materials, but excluding all other processing or manufacturing;

**RETAIL CANNABIS LICENSE** means a license issued under the *Cannabis Control and Licensing Act of British Columbia*;

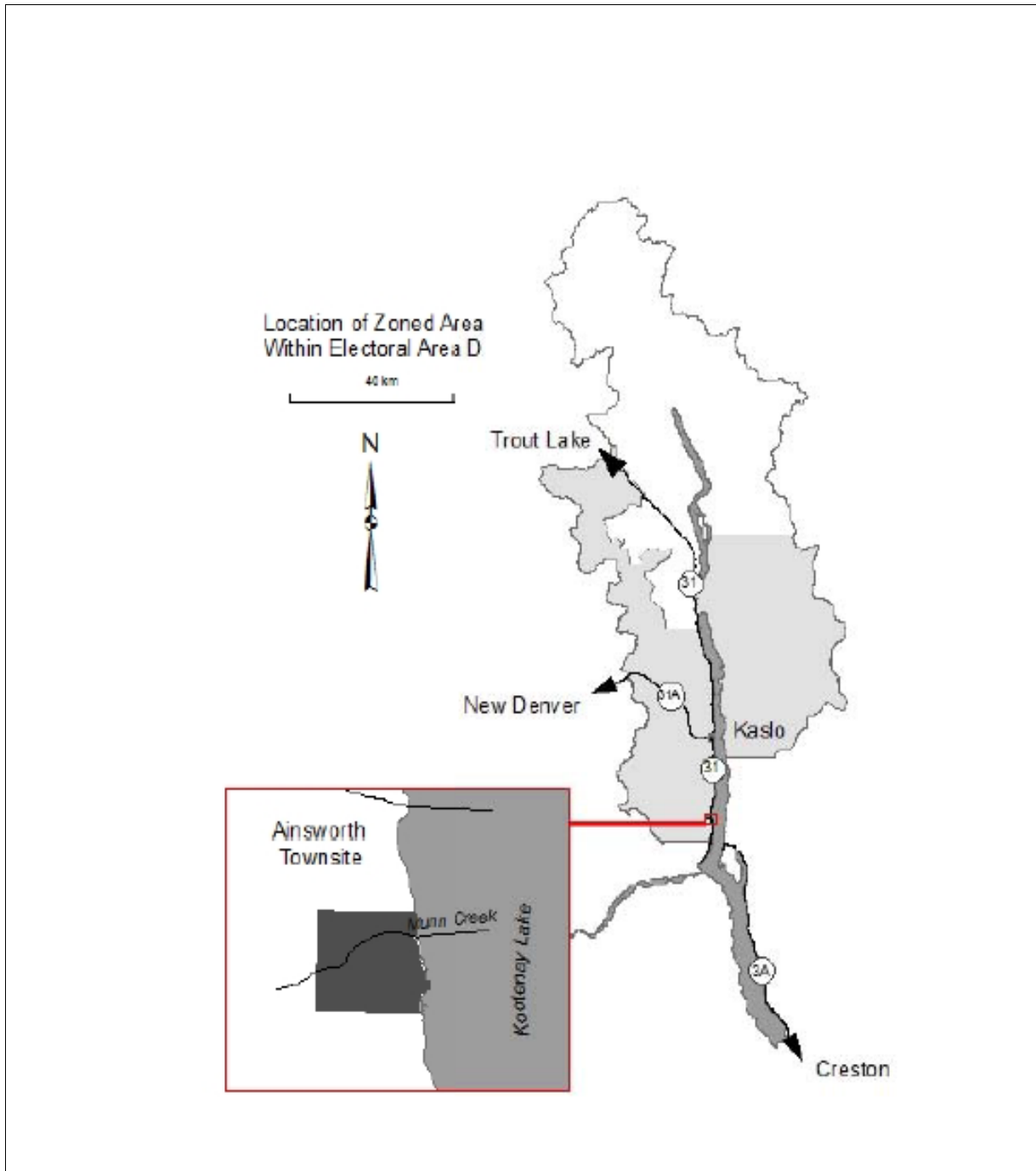
**RETAIL STORES** means a place of business in which merchandise is sold;

**SECONDARY SUITE** means an accessory dwelling unit that is located in and forms part of a principal dwelling;

- SETBACK** means the measured distance from a specified property line and/or specified natural feature in which building is prohibited;
- SHIPPING CONTAINER** means a non-combustible, portable unit designed and fabricated for the storage or intermodal transporting of goods, and includes cargo containers, but specifically excludes dumpsters and recycling receptacles intended for waste collection;
- SIGN** means a free standing or projecting structure designed to be used for the purposes of displaying information including the advertising for a business on-site and includes a sign board;
- SINGLE DETACHED HOUSING** means a detached building containing only one dwelling unit, designed exclusively for occupancy by one household. Where a secondary suite is permitted, this use class may contain a secondary suite. This use includes manufactured homes;
- SITE AREA** means the area of a lot or part thereof sufficient to satisfy the provisions for each permitted use in this bylaw;
- SITE COVERAGE** means the area of a lot covered by structures, buildings, driveways, parking areas and outdoor storage;
- SLEEPING UNIT** means either a unit in a residential care facility or a room without a kitchen used for the temporary accommodation of travellers;
- SPA FACILITIES** means a commercial establishment offering health and beauty treatment through such means as steam baths, exercise equipment, and massage;
- STOREY** means that portion of a building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;
- STRUCTURE** means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures;
- UTILITY BUILDING OR STRUCTURE** means a building or structure containing unattended equipment necessary for the operation of community water, sewer or gas distribution systems, radio or television antennae, telecommunication relay stations, automatic telephone exchanges, navigational aids, electrical substations or generating stations, fire halls, or other similar facilities or utilities.
- VACATION RENTAL** means the use of a self contained dwelling for the purposes of providing temporary lodging for tourists and visitors;
- VEHICLE** means any motor vehicle as defined under the *Motor Vehicle Act*;
- WRECKED VEHICLE** means a vehicle that is dilapidated, physically wrecked or disabled so that it cannot be operated by its own mode of power; or a vehicle that is dilapidated or appears to be physically wrecked although it could be operated by its own mode of

power, but is not displaying thereon a lawful current licence for its operation on a highway.

Map 3: General Context (Zoning)



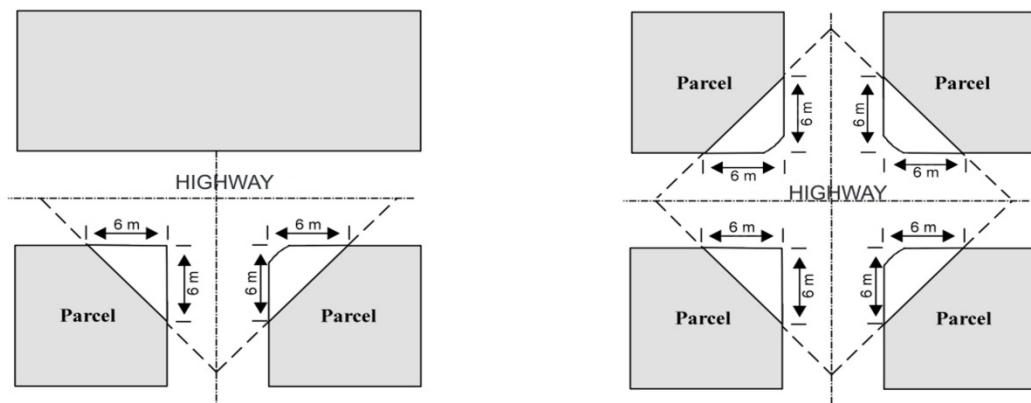
## 22.0 GENERAL REGULATIONS

### Non-Conforming Uses and Siting “Grandfathering”

1. Non-conforming uses and siting shall comply with all applicable requirements of Section 528 of the *Local Government Act*.

### Clear Vision Area

2. No person who owns or occupies land at the intersection of two (2) or more highways may place or grow any tree, shrub, plant, fence or other structure within the sight triangle above an elevation such that an eye one (1) metre above the surface elevation on one highway cannot see an object one (1) metre above the surface elevation of the other highway as shown on the sight triangle on Figure 1. The Ministry of Transportation and Infrastructure is the final authority for sight distance on the roads under their jurisdiction and for the purpose of subdivision.



**SIGHT TRIANGLE (Figure 1)**

### Site Areas

3. There shall be no minimum site area for trails, parks, playgrounds and unattended public utility buildings and structures.
4. The minimum lot area for a parcel subdivided under Section 514 of the *Local Government Act* shall be the minimum site area of the zone in which the parcel is located unless otherwise stated.
5. Despite any other provision of this bylaw, any lot located on any land rated as an “E” or “P” on a Non Standard Flood & Erosion Area under any applicable *Regional District of Central Kootenay Floodplain Management Bylaw* currently in effect for the area, cannot be further subdivided unless flood protective works are constructed to an appropriate standard as determined by the authority having jurisdiction and maintained by an ongoing authority.

6. Lots that are shown on a plan duly filed in the Land Title Office, which have less than the minimum site area required in this bylaw may be used for any permitted use in the zone where the lot is located provided that the method by which sewage is to be disposed of complies with local health authority requirements, any restrictions set out under any regulation under the *Health Act*, and provided that all other requirements applicable to the zone can be met.
7. Despite any other provision of this bylaw, no subdivision shall be permitted where the proposed lots cannot each accommodate two (2) full septic systems as determined by the local health authority where no community sewer system is in place.
8. No newly created lot shall be bisected by a legally dedicated road.

#### **Reduction of Minimum Lot Areas**

9. Where two or more contiguous lots registered prior to adoption of this bylaw have less than the minimum lot area required by this bylaw, the lots may be consolidated into fewer lots than exist at the time of application as long as no new lot created is smaller than any previously existing lot.
10. Where it is not possible to create a lot that has the minimum lot area required for a zone, the minimum lot area requirement may be reduced where the proposed subdivision involves any one of the following and meets local health authority requirements:
  - a. a boundary adjustment that does not create, or make it possible to create additional lots to those that exist at the time of application;
  - b. a lot that, at the time of adoption of this bylaw, is divided by a highway or forest service road and where the boundaries of the highway or road will be the boundaries of the proposed lots; or
  - c. a lot where two or more single detached, duplex or combination of single detached and duplex dwellings existed prior to adoption of this bylaw.
11. The minimum lot area for a lot created under sub-section 10 shall be 0.2 hectares where serviced by a community water system and 0.4 hectares where not serviced by a community water system.
12. Despite sub-section 11, where a dwelling has been constructed across a legal property line prior to the adoption of this bylaw, lot lines may be adjusted so as to allow property owners to legitimize the structure as long as no lot is reduced in lot area.

#### **Subdivision Servicing Requirements**

13. All subdivisions shall comply with the provisions of the *Local Services Act*.
14. All subdivisions shall be in full compliance with any *Regional District of Central Kootenay Subdivision Bylaw* currently in effect for the area.



15. All subdivisions shall comply with the *Water Act*, the *Drinking Water Protection Act*, the *Health Act* and the *Waste Management Act*.

### **Setback Requirements**

16. Unless otherwise stated, no principal or accessory building or structure may be located within 4.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line.

### **Setback Exceptions**

17. Where the top surface of an underground structure projects no more than 0.6 metre above the average finished ground elevation, that structure may be sited in any portion of a lot.
18. Fences, freestanding lighting poles, warning devices, antennae, masts, solar collectors, utility poles, wires, flagpoles, up to ten (10) metres in height may be sited on any portion of a lot.
19. Where chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, or ornamental features project beyond the face of the building, the minimum distance to an abutting lot line as permitted elsewhere in this bylaw may be reduced by not more than 0.6 metre providing such reduction shall apply only to the projecting feature.
20. Where steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distance to an abutting front lot line as permitted elsewhere in this bylaw may be reduced by not more than 1.2 metres and the minimum distance to an abutting site lot line or rear lot line as permitted elsewhere in this bylaw may be reduced by not more than 0.6 metre provided such reduction shall apply only to the projecting feature.

### **Home-based Businesses**

21. A home-based business, where permitted, is subject to the requirements that:
  - a. The proprietor resides on the subject property;
  - b. The activity shall be conducted in a dwelling unit or accessory building;
  - c. The area devoted to the home-based business shall not exceed 100 square metres, inclusive of external storage of materials, equipment or finished products;
  - d. No more than two (2) persons who are not a resident of the dwelling may be employed in the home-based business;
  - e. No change is made in the external appearance of the building which would indicate that a home-based business is being conducted therein; except for one un-illuminated sign not exceeding 0.4 square metres;

- f. External storage of materials, equipment or finished products shall be screened from view from adjacent properties and road right-of-ways;
- g. No dwelling unit or accessory building used for home-based businesses involving automotive mechanical or body repairs, electronic repairs, wood working, or iron working may be located within 15 metres of a lot line; and
- h. The maximum number of vehicles permitted for repair on any lot at any one time shall be limited to three (3) on lots zoned R1 and six (6) on lots zoned R2 and R3.

#### **Bed and Breakfast Accommodation**

22. Bed and breakfast accommodation operations, where permitted, are subject to the requirements that:
- a. Such operations shall be confined to the principal dwelling;
  - b. The proprietor must reside in the principal dwelling;
  - c. No more than two (2) persons who are not a resident of the premises may be employed in the bed and breakfast operation;
  - d. No more than two (2) sleeping rooms with a maximum of six (6) lodgers may be used for bed and breakfast accommodation; and
  - e. No change is made in the external appearance of the building, which indicates a bed and breakfast is being conducted on the premises, except for one un-illuminated sign not larger than 0.4 square metres.

#### **Vacation Rentals**

23. Vacation rentals, where permitted, are subject to the requirements that:
- a. Such operations shall be confined to the principal dwelling;
  - b. No more than one (1) vacation rental use is permitted per parcel;
  - c. The use of accessory buildings or structures, recreational vehicles or camping for vacation rental occupancy is prohibited;
  - d. No more than four (4) sleeping rooms with a maximum of ten (10) lodgers may be used for vacation rental accommodation; and
  - e. No change is made in the external appearance of the building, which indicates a vacation rental is being conducted on the premises, except for one un-illuminated sign not larger than 0.4 square metres.

#### **Storage**

24. No lot may be used as a junkyard, auto wrecking yard or for the outdoor storage of more than two (2) wrecked vehicles as meaning any vehicle as defined by the *Motor Vehicle Act*, that is dilapidated, physically wrecked or disabled so that it cannot be operated by its own mode of power; or a vehicle that is dilapidated or appears to be

physically wrecked although it could be operated by its own mode of power but is not displaying thereon a lawful current licence for its operation on a highway and is not housed in a garage or carport.

### **Shipping Containers**

25. Shipping containers shall be permitted for use as accessory buildings subject to the requirements that:
- a. The maximum number of shipping containers for storage or other accessory use permitted on a lot at any one time shall be limited to one (1) for lots zoned Town-site Commercial (C1), Tourist Commercial (C2) and Ainsworth Resort Commercial (C3) and two (2) for lots zoned Country Residential (R2), Rural Residential (R3) and Resource Area (RA).

Any shipping container placed on a lot as an accessory building must comply with the site coverage, siting, size and setback requirements for that zone.

### **Uses Permitted in All Zones**

26. The following uses shall be permitted in any zone:
- a. Ecological and archeological conservation areas retained in their natural state;
  - b. Passive recreation for informal, low intensity recreation activities such as walking, hiking and biking trails and wildlife viewing platforms;
  - c. Park established by the Regional District of Central Kootenay, Provincial or Federal Government;
  - d. Park established by Section 510 of the Local Government Act where the land is dedicated as park by a plan deposited in the Land Title Office;
  - e. Fire halls; and
  - f. Unattended public utility buildings and structures.

### **Parking Space Requirements**

27. Off-street parking spaces for each building and use shall be provided in accordance with the following:
- a. application of the regulations;
  - b. the Provincial standards for required parking spaces will apply when dealing with matters that are within its jurisdiction, such as highway access permits; and
  - c. the local government standards will apply with respect to the location, design and construction of the parking spaces.
28. Off-street parking and loading spaces must be located on the same parcel as the building or use they serve unless a suitably zoned site is located within 100 metres of the site.

29. Where some or all of the off-street parking is provided on a parcel other than that on which the use, building, or structure being served is located, a covenant under section 219 of the *Land Title Act* must be registered in the Land Title Office in favor of the Regional District of Central Kootenay against the parcel to be used for parking, reserving the off-street parking spaces that are not on the same parcel as the use, building or structure that they are intended to serve, for as long as that use, building or structure exists.

#### Off-Street Parking Space Standards

30. Off-street parking spaces shall be a minimum of 17 square metres and shall have at all times convenient vehicular access to a public thoroughfare.
31. Each parking space shall have a length of not less than 5.8 metres and a width of not less than 2.6 metres and a height of not less than 2.2 metres.
32. Where a parking space abuts a wall along its side, the width of the parking space shall be increased by 0.6 metres from the minimum required.
33. Where off-street parking is required by this bylaw and where access for a person with disabilities is required, parking space(s) will be provided in accordance with the *British Columbia Building Code* and amendments thereto.
34. With the exception of a recreational vehicle (maximum two) and farm vehicles, not more than one (1) vehicle with a gross vehicle weight in excess of 4000 kg will be permitted on a lot in a residential, commercial or community services zone at any time, except vehicles that are required for construction, repair, servicing or maintenance of a premises which may be on the lot during daylight hours.

#### Off-Street Parking Requirements

Category	Type of Uses	Parking Spaces
<b>Residential</b>	Single Detached Housing	2 spaces
	Duplex Housing	4 spaces
	Accessory Dwelling Unit	1 space
	Multi-Unit Housing	1.5 spaces per dwelling unit
	Bed and Breakfast and Vacation Rentals	1 space per guest room
<b>Commercial</b>	All uses in a C zone (except as listed below)	4 spaces per 100 m <sup>2</sup> of GFA
	Campground	2 spaces per campsite
	Eating and Drinking Establishment	1 space per 4 seats or 10 spaces per 100 m <sup>2</sup> of customer service area, whichever is greater

Category	Type of Uses	Parking Spaces
	Eating and Drinking Establishment (Drive-in only)	10 spaces
	Hotels/Motels/Lodges	1 space per guest room plus 1 per 5 seats of 15 m <sup>2</sup> of customer service area in any eating and drinking establishments associated with the facility
	Tourist Attraction	1 per 4 persons capacity
<b>Community Services</b>	All uses in a CS zone	1 space per 5 seats of capacity or 10 per 100 m <sup>2</sup> of floor area used for customers, patrons or clients, whichever is greater

### Keeping of Farm Animals

35. For the purposes of this bylaw, Animal Units (A.U.) means equivalencies as indicated in the following table:

<u>Sheep</u>	<u>A.U.</u>	<u>Swine</u>	<u>A.U.</u>
ewe	.14	sow	.33
yearling ewe	.10	boar-young (18-90 kg)	.20
lamb ewe	.07	boar-mature	.33
ram	.14	gilt	.33
yearling ram	.10	bred gilt	.33
lamb ram	.07	weaner (less than 18 kg)	.10
nursing lamb	.05	feeder (18-91 kg)	.20
feeder lamb	.10	suckling pig	.01
breeding lamb	.10		
<u>Cattle</u>	<u>A.U.</u>	<u>Poultry</u>	<u>A.U.</u>
cow & calf	1.00	chickens	.015
2 yr. old	1.00	turkeys, raised	.0125
yearling	.67	turkeys, breeding stock	.02
calf	.25	geese	.02
bull	1.00	ducks	.015
<u>Horses</u>	<u>A.U.</u>	<u>Other</u>	<u>A.U.</u>
horse	1.00	goats	.14
colts 1-2 years	.50	rabbit	.025
colts, under 1 yr.	.25	mink	.025

36. Where the keeping of farm animals are permitted, the following regulations shall be complied with:

- a. On lots less than 0.4 hectares (1.0 acres), the total number of farm animals and poultry shall not exceed 0.5 animal units. For example, where a lot is

smaller than 0.4 hectares (1 acre) in area, a maximum of 33 chickens could be kept (0.5 A.U. divided by 0.015 A.U. per chicken = 33.33 chickens).

- b. On lots greater than 0.4 hectares (1.0 acre), the total number of farm animals and poultry shall not exceed two animal units per hectare. For example, where a two hectare lot exists, 6 yearling cattle could be housed (.67 A.U. times 2 hectares times 2 A.U. per hectare = 5.97 yearlings).
- c. No buildings, structures or enclosures used for housing more than 0.5 animal units; no drinking or feeding troughs; and no manure piles may be located within 4.5 metres (15 feet) of a lot line. This setback does not apply to fences adjacent to lot lines which are used for enclosures for the grazing of animals.

**Hazard Land Development**

- 37. Despite any other provisions of this Bylaw, development on flood hazard lands should be flood proofed in accordance with those provisions specified in any applicable *Regional District of Central Kootenay Floodplain Management Bylaw* and amendments thereto.
- 38. Despite any other provisions of this Bylaw, development on lands identified to have drainage concerns or are located on steep slopes may be subject to the requirements of a geotechnical or hydrological assessment under Section 56 of the *Community Charter*.

**Mining Activities**

- 39. Any mineral or mining activity relating to the exploration or production of minerals, sand, gravel, coal or quarries that is classified a ‘mineral’ under the *Mineral Tenure Act* or a ‘mine’ under the *Mines Act* shall not be restricted by any terms or conditions of this bylaw so long as the Province manages the activities and land for that purpose.

**Zone Designations**

- 40. For the purpose of this bylaw, the land subject to regulation in this bylaw is divided into the following zones:

ZONE	SHORT FORM
Town-site Residential	R1
Country Residential	R2
Rural Residential	R3
Town-site Commercial	C1
Tourist Commercial	C2
Ainsworth Resort Commercial	C3

Community Services	CS
Parks and Recreation	PR
Parks and Recreation Ainsworth Resort	PR1
Environmental Reserve	ER
Resource Area	RA

### **Zone Boundaries**

41. The extent of each zone is shown on Schedule 'B.1' Zoning Map, which is incorporated in and forms part of this bylaw.
42. Where the zone boundary is designated as following a road allowance, creek or other body of water, the centre line of the road allowance, creek or body of water shall be the zone boundary.
43. Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning sheets referred to in *Section 22 (41)*.
44. Any area not specifically shown on Schedule 'B.1' shall be deemed to be zoned Resource Area (RA).
45. In circumstances where a single lot is located in more than one zone, the provisions of this Bylaw that regulate the use of land, buildings and structures; the density of the use of land, buildings, and structures; the siting, size, and dimension of buildings and structures, and uses permitted on the land; the location of uses on the land and within the building and structures; and the shape, dimension, and area of all parcels of land that may be created by subdivision; shall apply as if the zone boundary were a property line, and in the case of subdivision, be in compliance with the largest minimum area that applies to that lot or portion of the lot being created.

### **Accessory Dwelling Units**

46. An accessory dwelling unit is subject to the following regulations:
  - a. The maximum number of accessory dwelling units per lot is one.
  - b. The minimum lot size for an accessory dwelling unit shall be 1.0 hectare.
  - c. Notwithstanding section 46(b) secondary suites are permitted on all lots.
  - d. The maximum gross floor area is 90.0 square metres.
  - e. The maximum height is 8.0 metres.
  - f. The maximum number of storeys is 2.
  - g. An accessory dwelling unit must be serviced by an on-site sewerage disposal system in accordance with the Sewerage System Regulations of the Public

Health Act and it must be demonstrated that there is a suitable back up field area on the parcel unless a community sewer system is available in which case connection to the community sewer system is required.

- h. An accessory dwelling unit is not permitted to be used as accessory tourist accommodation or a short term rental.



PERMITTED USES TABLE FOR R1 ZONE	
1	Permitted uses, buildings and structures: Principal Uses Single Detached Housing Duplex Housing Accessory Uses Accessory Building or Structures Accessory Dwelling Unit <i>see Section 22(46)</i> Bed and Breakfast Accommodation <i>see Section 22(22)</i> Home-based Business <i>see Section 22(21)</i> Horticulture Keeping of Farm Animals <i>see Section 22 (35)</i> Vacation Rentals <i>see Section 22(23)</i>

DEVELOPMENT REGULATIONS TABLE FOR R1 ZONE		
2	Maximum Density	2 Dwelling Units
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum site coverage	50 percent of site area
8	Maximum building height: Principal buildings Accessory buildings and structures	9.0 metres 5.0 metres
9	Minimum lot area for Subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	0.1 hectares 0.2 hectares 0.2 hectares 1.0 hectares

PERMITTED USES TABLE FOR R2 ZONE	
1	Permitted uses, buildings and structures: Principal Uses Single Detached Housing Duplex Housing Horticulture Accessory Uses Accessory Building or Structures Accessory Dwelling Unit <i>see Section 22(46)</i> Bed and Breakfast Accommodation <i>see Section 22(22)</i> Home-based Business <i>see Section 22(21)</i> Keeping of Farm Animals <i>see Section 22(35)</i> Vacation Rentals <i>see Section 22(23)</i>

DEVELOPMENT REGULATIONS TABLE FOR R2 ZONE		
2	Maximum Density	2 Dwelling Units
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum site coverage	50 percent of site area
8	Maximum building height: Principal buildings Accessory buildings and structures	9.0 metres 5.0 metres
9	Minimum lot area for Subdivision	1.0 hectares

PERMITTED USES TABLE FOR R3 ZONE	
1	Permitted uses, buildings and structures: Principal Uses Single Detached Housing Duplex Housing Horticulture Outdoor Recreational Activities Parks Resource Based Activities Accessory Uses Accessory Building or Structures Accessory Dwelling Unit <i>see Section 22(46)</i> Bed and Breakfast Accommodation <i>see Section 22(22)</i> Home-based Business <i>see Section 22(21)</i> Keeping of Farm Animals <i>see Section 22(35)</i> Vacation Rentals <i>see Section 22(23)</i>

DEVELOPMENT REGULATIONS TABLE FOR R3 ZONE		
2	Maximum Density	2 Dwelling Units
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum building height: Principal buildings Accessory buildings and structures	9.0 metres 5.0 metres
8	Minimum lot area for Subdivision	2.0 hectares



5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum site coverage	50 percent of site area
8	Maximum building height: Principal buildings Accessory buildings and structures	9.0 metres 5.0 metres
9	Minimum lot area for Subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	0.1 hectares 0.2 hectares 0.2 hectares 1.0 hectares

PERMITTED USES TABLE FOR C2 ZONE	
1	Permitted uses, buildings and structures: Principal Uses Cannabis Retail Store Eating and Drinking Establishments Hotels, Motels and Lodges Outdoor Recreational Activities Swimming Pools Vacation Rentals <i>see Section 22(23)</i> Accessory Uses to 'Hotels, Motels and Lodges' Convenience Stores Curio-shops Laundromats Liquor Stores Personal Service Establishments Accessory Uses Accessory Building or Structures Caretaker Suite

DEVELOPMENT REGULATIONS TABLE FOR C2 ZONE		
2	Minimum site area for each Principal Use: Community Water System and Community Wastewater System Hotels, Motels and Lodges First sleeping room or housekeeping unit Each additional sleeping room Each additional housekeeping unit Other permitted uses Community Water System and On-site Wastewater Disposal Hotels, Motels and Lodges First sleeping room or housekeeping unit Each additional sleeping room Each additional housekeeping unit Other permitted uses	0.2 hectares  No minimum required No minimum required 0.1 hectares  0.2 hectares  300 square metres 400 square metres 0.2 hectares
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres

7	Maximum site coverage	50 percent of site area
8	Maximum building height: Principal buildings Accessory buildings and structures	9.0 metres 5.0 metres
9	Minimum lot area for Subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	0.1 hectares 0.2 hectares 0.2 hectares 1.0 hectares

PERMITTED USES TABLE FOR C3 ZONE	
1	<p>Permitted uses, buildings and structures:</p> <p>Principal Uses</p> <ul style="list-style-type: none"> <li>Cabins</li> <li>Campgrounds</li> <li>Cannabis Retail Store</li> <li>Community Recreational Facilities</li> <li>Community Wharves and Boat Launches</li> <li>Dwelling, Staff Housing</li> <li>Eating and Drinking Establishments</li> <li>Horticulture</li> <li>Hotels, Motels and Lodges</li> <li>Outdoor Recreational Activities</li> <li>Resorts</li> <li>Swimming Pools</li> <li>Vacation Rentals <i>see Section 22(23)</i></li> </ul> <p>Accessory Uses to 'Hotels, Motels and Lodges'</p> <ul style="list-style-type: none"> <li>Laundromats</li> <li>Liquor Stores</li> <li>Curio-shops</li> <li>Convenience Stores</li> <li>Personal Service Establishments</li> <li>Spa Facilities</li> </ul> <p>Accessory Uses</p> <ul style="list-style-type: none"> <li>Accessory Building or Structures</li> <li>Caretaker Suite</li> </ul>

DEVELOPMENT REGULATIONS TABLE FOR C3 ZONE		
2	<p>Minimum site area for each Principal Use:</p> <ul style="list-style-type: none"> <li>Community Water System and Community Wastewater System</li> <li>Dwelling, Staff Housing                             <ul style="list-style-type: none"> <li>First dwelling unit</li> <li>Each additional dwelling unit</li> </ul> </li> <li>Hotels, Motels and Lodges                             <ul style="list-style-type: none"> <li>First sleeping room or housekeeping unit</li> <li>Each additional sleeping room</li> <li>Each additional housekeeping unit</li> </ul> </li> <li>Other permitted uses</li> </ul>	<ul style="list-style-type: none"> <li>0.1 hectares</li> <li>0.1 hectares</li> <li>0.1 hectares</li> <li>No minimum required</li> <li>No minimum required</li> <li>0.1 hectares</li> </ul>



	<p>Community Water System and On-site Wastewater Disposal</p> <p>Dwelling, Staff Housing</p> <p>    First dwelling unit</p> <p>    Each additional dwelling unit</p> <p>Hotels, Motels and Lodges</p> <p>    First sleeping room or housekeeping unit</p> <p>    Each additional sleeping room</p> <p>    Each additional housekeeping unit</p> <p>Other permitted uses</p>	<p>0.2 hectares</p> <p>0.2 hectares</p> <p>0.2 hectares</p> <p>300 square metres</p> <p>400 square metres</p> <p>0.2 hectares</p>
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	<p>4.5 metres</p> <p><i>Site Specific variation to 0.0 metres to an undeveloped laneway for the southern exterior lot line of property legally described as Lot 1 Township 1 Section 5 Kootenay Land District Plan NEP22988 (PID 023-419-733)</i></p>
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum site coverage	50 percent of site area
8	<p>Maximum building height:</p> <p>    Principal buildings</p> <p>    Accessory buildings and structures</p>	<p>21.0 metres</p> <p><i>Site specific variation to 9.0 metres maximum building height for a principal building for portion of property located adjacent to an undeveloped laneway for the southern exterior lot line of property legally described as Lot 1 Township 1 Section 5</i></p>

		<i>Kootenay Land District Plan NEP22988 (PID 023-419-733)</i> 5.0 metres
9	Minimum lot area for Subdivision:	
	Community Water System and Community Wastewater System	0.1 hectares
	Community Water System and On-site Wastewater Disposal	0.2 hectares
	Individual Water Source and Community Wastewater System	0.2 hectares
	Individual Water Source and On-site Wastewater Disposal	1.0 hectares

<b>PERMITTED USES TABLE FOR CS ZONE</b>	
1	Permitted uses, buildings and structures: Principal Uses Place of Worship or Congregation Community Care Facilities Community Gardens Community Halls Community Markets Day Care Facilities Educational Facilities Parks Government Offices Accessory Uses Accessory Building or Structures

<b>DEVELOPMENT REGULATIONS TABLE FOR CS ZONE</b>		
2	Minimum site area for each Principal Use: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	0.1 hectares 0.2 hectares 0.2 hectares 1.0 hectares
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum site coverage	50 percent of site area
8	Maximum building height: Principal buildings Accessory buildings and structures	9.0 metres 5.0 metres
9	Minimum lot area for Subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal Individual Water Source and Community Wastewater System	0.1 hectares 0.2 hectares 0.2 hectares

	Individual Water Source and On-site Wastewater Disposal	1.0 hectares
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<b>PERMITTED USES TABLE FOR PR ZONE</b>	
1	Permitted uses, buildings and structures: Principal Uses Campgrounds Community Gardens Community Markets Community Recreational Facilities Community Wharves and Boat Launches Nature Sanctuary Outdoor Recreational Activities Parks Trails Accessory Uses Accessory Buildings or Structures Interpretative Facilities Washroom Facilities

<b>DEVELOPMENT REGULATIONS TABLE FOR PR ZONE</b>		
2	Minimum site area for each Principal Use	1.0 hectares
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum site coverage	30 percent of site area
9	Minimum lot area for Subdivision	1.0 hectares

<b>PERMITTED USES TABLE FOR PR ZONE</b>	
1	Permitted uses, buildings and structures: Principal Uses Cabins Campgrounds Community Gardens Community Markets Community Recreational Facilities Community Wharves and Boat Launches Horticulture Nature Sanctuary Outdoor Recreational Activities Parks Trails Accessory Uses Accessory Buildings or Structures Interpretative Facilities Washroom Facilities

<b>DEVELOPMENT REGULATIONS TABLE FOR PR ZONE</b>		
2	Minimum site area for each Principal Use	1.0 hectares
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum site coverage	30 percent of site area
9	Minimum lot area for Subdivision	1.0 hectares

**32.0 ENVIRONMENTAL RESERVE**

**ER**

<b>PERMITTED USES TABLE FOR ER ZONE</b>	
1	Permitted uses, buildings and structures: Principal Uses Nature Sanctuary Parks Trails Accessory Uses Accessory Buildings or Structures Interpretative Facilities Washroom Facilities

<b>DEVELOPMENT REGULATIONS TABLE FOR ER ZONE</b>		
2	Minimum site area for each Principal Use	1.0 hectares
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Minimum lot area for Subdivision	1.0 hectares

<b>PERMITTED USES TABLE FOR RA ZONE</b>	
1	Permitted uses, buildings and structures: Principal Uses Nature Sanctuary Outdoor Recreational Activities Recreation, Open Land Resource Extraction Resource Processing Parks Trails Accessory Uses Accessory Buildings or Structures Interpretative Facilities Washroom Facilities

<b>DEVELOPMENT REGULATIONS TABLE FOR RA ZONE</b>		
2	Minimum site area for each Principal Use	15.0 hectares
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Minimum lot area for Subdivision	15.0 hectares



## **34.0 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:

2. 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. potential conflict with nearby land uses;
  - c. potential impacts on environmentally sensitive areas;
  - d. provision of adequate servicing that meets health requirements; and
  - e. relevant policies within other sections of this plan.
3. 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.
4. May require security deposits, site restoration plans or letters of undertaking to ensure conditions are met.

