

ELECTORAL AREA E

ELECTORAL AREA 'E' RURAL OFFICIAL
COMMUNITY PLAN BYLAW NO. 2260, 2013

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
ELECTORAL AREA 'E' RURAL OFFICIAL COMMUNITY PLAN BYLAW NO. 2260, 2013**

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

**LIST OF AMENDMENTS TO RDCK ELECTORAL AREA 'E' RURAL OFFICIAL
COMMUNITY PLAN BYLAW NO. 2260, 2013 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
2751 10/5110/20/ ACCESSORY BUILDINGS AND TUP'S	October 21, 2021	Multiple text amendments to Sections 7.0, 12.0, 16.0 & 18.0	To amend Residential Cluster Development Permit Area and Temporary Use Permit regulations, and minor housekeeping amendments such as updating LGA references.

October, 2021

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

Regional District of Central Kootenay
Electoral Area 'E' Rural
Official Community Plan Bylaw No. 2260, 2013

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

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

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

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

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

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

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

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

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

The Electoral Area 'E' Rural Official Community Plan attached hereto as Schedules 'A', 'B.1', 'B.2', 'B.3' and 'B.4' and forming part of this Bylaw is adopted as the Regional District of Central Kootenay Electoral Area 'E' Rural Official Community Plan Bylaw 2260, 2013.

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

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

court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

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

This Bylaw may be cited for all purposes as the '**Electoral Area 'E' Rural Official Community Plan Bylaw No. 2260, 2013**'.

READ A FIRST TIME on the 16th day of August, 2012.

PUBLIC HEARING held on the 24th day of October, 2012

PUBLIC HEARING held on the 3rd day of April, 2013.

READ A SECOND TIME on the 16th day of May, 2013.

READ A THIRD TIME on the 16th day of May, 2013.

ADOPTED this 16th day of May, 2013.

"J. R. Kettle"

Chair

"D. Attorp"

Secretary

**Regional District of Central Kootenay
Electoral Area 'E' Rural
Official Community Plan Bylaw No. 2260, 2013**

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Schedule B.4	Natural Areas Maps

Note: Schedule 'B' Series can be viewed either on the RDCK website at www.rdck.bc.ca or in hard copy at the RDCK office.

Acronyms used in this document

Agricultural Land Reserve	ALR
Agricultural Land Commission	ALC
Official Community Plan	OCP
Regional District Central Kootenay	RDCK
Watercourse Development Permit	WDP
Residential Cluster Development Permit	RCDP
Industrial Development Permit	IDP

OFFICIAL COMMUNITY PLAN MAP DESIGNATIONS

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

Rural Designations:

Agriculture	AG
Resource Area	RA
Forest Reserve	FR

Residential Designations:

Suburban Residential	RS
Country Residential	RC
Rural Residential	RR
Multi-Unit Residential	RH

Commercial Designation:

General Commercial	GC
Tourist Commercial	TC
Industrial	M
Quarry	Q

Community Services and Administrative Designations:

Administrative and Institutional	I
Parks and Recreation	PR
Environmental Reserve	ER

SCHEDULE 'A'

Regional District of Central Kootenay

**Electoral Area 'E' Rural
Official Community Plan Bylaw No. 2260, 2013**

1.0 INTERPRETATION AND ADMINISTRATION

The provisions of this Plan apply to all lands and surfaces of water within the Kootenay Lake Portion of Electoral Area 'E' as identified on Schedule 'B' of this bylaw, and Map 1, General Context Map.

Interpretation

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

Administration

1. This OCP comes into effect as of the date of formal adoption by the Regional Board.
2. A zoning bylaw is the primary tool to regulate development, not the OCP. All land use designation amendment proposals must be consistent with the intent of this OCP that serves as a policy foundation for the zoning bylaw.
3. This Plan will 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 'E'.
4. Public hearings to consider Plan 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 per required under the *Local Government Act*. The Board may hold a public hearing at any time to consider a community plan amendment if it is deemed to be in the public interest.
5. The OCP can only encourage senior levels of government to take action; it cannot force or require senior governments to act. Furthermore, although the OCP cannot commit the Regional Board to specific expenditures, the Regional Board cannot enact bylaws or undertake works that are contrary to it without amending the Plan.

2.0 PUBLIC CONSULTATION

An 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, including:

- Ktunaxa Nation Council
- Lower Kootenay Band
- Okanagan Nation Alliance
- Okanagan Indian Band
- Akisqnuq First Nation
- St. Mary's Indian Band
- Tobacco Plains Indian Band
- Shuswap Indian Band
- Osoyoos Indian Band
- Penticton Indian Band
- Lower Similkameen Indian Band
- Sinixt Nation
- City of Nelson
- Kootenay Lake School District No. 8
- Agricultural Land Commission
- Agriculture
- Community, Sport and Cultural Development
- Mines and Energy
- Environment
- Fisheries and Oceans
- Forests, Lands and Natural Resource Operations
- Interior Health

- Transportation and Infrastructure
- Fortis BC
- Teck Metals Ltd.
- Regional District of Central Kootenay Environmental Services
- Regional District of Central Kootenay Building Services

This OCP was prepared in consultation with participating local residents, land owners, community groups, the local Advisory Planning Commission (APC), and various levels of government. The process proceeded in three phases: community consultation, policy development, and bylaw adoption. The community consultation and policy development phases involved a range of meetings, workshops, open houses, information posted on the RDCK website and newsletters distributed as a mail drop. The APC provided direction on all aspects of the development of the plan, considered policy options, and recommended adoption of the plan in compliance with the provisions of the *Local Government Act* and other relevant Provincial legislation. An OCP does not commit or authorize the RDCK to proceed with any project that is specified in the Plan.

3.0 CONTEXT

The Official Community Plan area includes the portion of Electoral Area 'E' which stretches from along the West Arm of Kootenay Lake from Nelson to Procter and the north shore of the West Arm of Kootenay Lake from Long Beach to Queen's Bay. It includes the unincorporated communities of Mountain Station, Bealby Point, Harrop, Procter, Longbeach, Balfour and Queen's Bay.

The first people to settle and use the areas in and around Kootenay Lake were the Ktunaxa and Sinixt (Arrow Lakes) first peoples, who traded amongst each other and had camps along the foreshore of the lake and river in various locations. The Okanagan first peoples have also made indication of traditional use of the area.

Early settlement surrounding the City of Nelson and along the West Arm of Kootenay Lake was primarily focused on timber harvesting, mineral exploration and later, agricultural pursuits in support of a burgeoning economy in the Kootenay region at the time. The gold and silver rush in the West Kootenay region began in earnest in 1867, whereas development within the town site of Nelson focused on the transportation of goods to and from local mine operations. As a transportation hub for both sternwheelers and rail lines, settlement began to expand to the areas outside of Nelson along the foreshore and within the Kootenay River valley corridor. Sternwheelers as a mode of transportation for goods and people within the region shaped the location of settlements within Electoral Area 'E', with many of the early settlement areas coinciding with steam ship terminuses. Prior to construction of Highway 3A, transportation was solely reliant on steam ships, with landings located at Troup Junction, Hamilton Point, Bradley Landing (Strickland), Longbeach (Hallett's Landing), Harrop, Sunshine Bay, Fraser's Landing, Balfour and Procter's Slip, Outlet Hotel and the Procter Lighthouse¹.

In 1900 the Canadian Pacific Railway completed a rail line connecting the south shore of Kootenay Lake from Troup to Procter and in 1913 a cable ferry between Nelson and the North Shore better enabled travel, connecting to a wagon road along the North Shore to Balfour. A similar ferry connected the North Shore and Harrop by 1925. In 1931, the Canadian Pacific Railway completed its rail line from Kootenay Landing to Procter bringing an end to travel by sternwheeler, although some remained in service until 1957 along the North Arm of Kootenay Lake to Lardeau. During the early 1900's the area began to flourish as a major fruit producing region focused on apples, cherries and strawberries. Tourism also helped support development along the lake. However, by the 1930's, cherry production was decimated by disease and the industry began to lose commercial viability. By World War Two, other fruits also became commercially unviable due to market conditions at the time

¹ 'Sternwheelers of Kootenay Lake' Accessed November 1, 2011 at:
<http://www.virtualmuseum.ca/Exhibitions/Kootenay/en/history/companies.php>

and most commercial fruit production ended. By 1957, Highway 3A was developed and the orange bridge connecting the North Shore to the City of Nelson was constructed, easing transportation to Balfour and to the cable ferry connecting Harrop and Procter. Summer cottages became full time residences and as part of the Columbia River Treaty and construction of the Duncan Dam in 1967, flooding of foreshore properties became less of a deterrent to development. With improvements to the highway system, passenger service along the south shore of the West Arm of Kootenay Lake was discontinued and by 1989, the rail line passing through Mountain Station constructed in 1893 ceased operation and was converted into a recreational trail².

The Plan area is now primarily characterized by small rural residential parcels, agriculture and recreational developments. With one elementary school located at Redfish, the area serves as a rural alternative to those who are primarily employed within the City of Nelson. A high percentage of the 3,780 (2011) individuals residing in Electoral Area E (including portions outside of the Plan area) are within the age category associated with the labour force, between the ages of 20 and 65 years of age. Two person and single person households dominate. The City of Nelson acts as a center for commerce, cultural events, secondary and post-secondary education and organized recreational and social services.

Of the 1,985 dwellings in Electoral Area E (including portions outside the Plan area), 1,661 are occupied, with the remainder being vacant for part or all of the year. Many of these are likely seasonal or summer cottages that have been passed down from generation to generation or more recent investments. Single detached homes pre-dominate the Plan area, many of which were built during the 1970's and 1980's³.

Development activity within Electoral Area E (including portions outside of the Plan area) over the past five years has been relatively steady, with building permit activity ranging from 61 permits in 2006 to 97 in 2009. The creation of additional lots in the Plan area has been significant in some years compared to others, with 99 lots being created in 2007 compared to only 3 in 2008. Accretions or the surveying of properties along the foreshore of Kootenay Lake to include more site area as a result of changes to the natural boundary is unique to Kootenay Lake and the Plan area is no exception. Approximately 10 accretions per year have been issued within Electoral Area 'E'.

The following table outlines development activity between 2005 and 2010 based on RDCK records:

Application Type	2005	2006	2007	2008	2009	2010
ALR Exclusion	1	2	0	0	2	0
ALR Subdivision	1	2	1	2	3	0

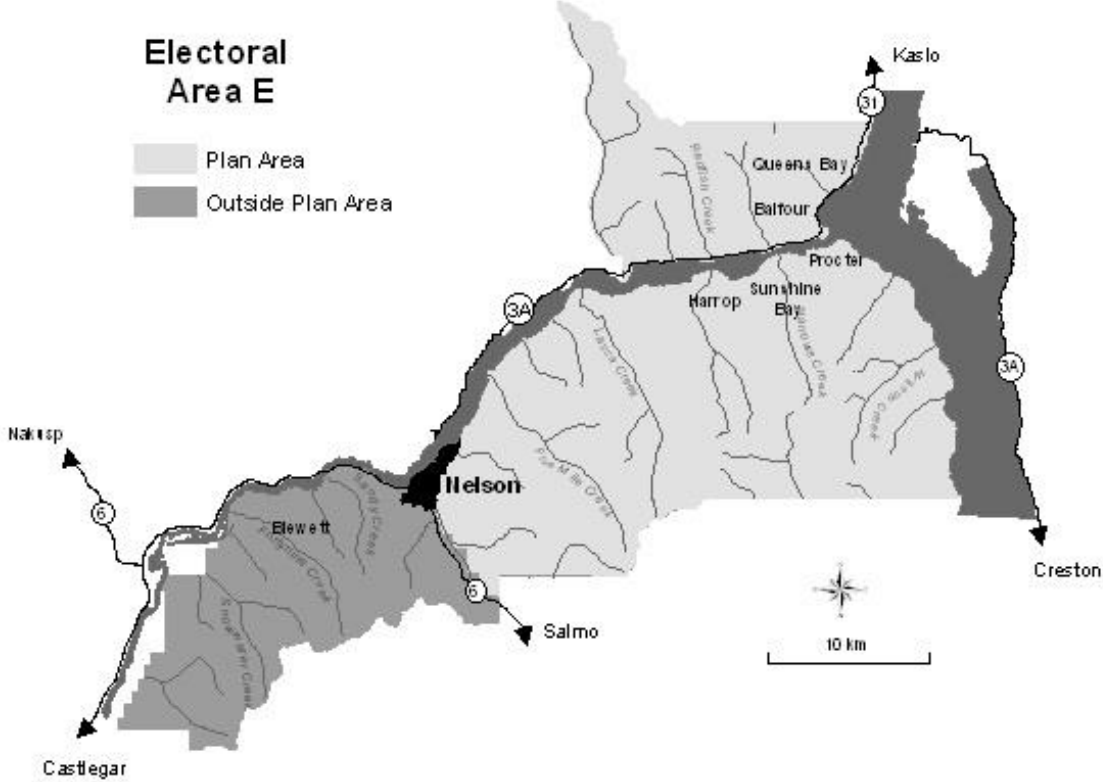
² 'A Chronology of Kootenay Lake' Accessed November 2nd, 2011 at: <http://kootenay-lake.ca/seasons/chronology>

³ BC Stats (2011) Accessed January 21, 2013 at: <http://www.bcstats.gov.bc.ca>.

ALR Non-farm Use	0	0	0	0	0	0
Crown/Notice of Works	1	0	2	2	0	0
Subdivision Referrals	6	10	12	2	13	5
Lots Created	24	45	99	3	38	11
Building Permits	82	61	78	94	97	88
Accretions	5	12	5	11	10	3
Floodplain Relaxations	1	1	0	1	1	2

The Plan area falls entirely within active fire and emergency service areas, including a volunteer fire department in Balfour and Harrop-Procter. Those areas most proximate to Nelson are provided fire service through the City of Nelson. There are numerous small water systems within the Plan area, some of which serve multiple properties, multi-unit or cooperative developments, and some of which serve single buildings. The RDCK operates and manages two water systems: Balfour and Grandview; while others are operated under private or small public water utilities. Throughout the Plan area there is water allocation issues associated with over subscription of surface water resources or limited ground water capabilities.

Map 1: General Context Map



4.0 COMMUNITY VISION AND GUIDING PRINCIPLES

GUIDING PRINCIPLES TOWARD THE DEVELOPMENT OF THE AREA E OFFICIAL COMMUNITY PLAN

Area 'E' is a region that is comprised of diverse, distinct and livable rural communities that are unified by a shared commitment to the following principles in the development of an Official Community Plan (OCP):

Public Involvement	Support public involvement to ensure sound decision-making, enhance public education, and provide opportunities for residents and property owners to contribute suggestions, knowledge and expertise.
Respect	Respect input from all participants and points of view during the development of the OCP. There is a strong desire that all points of view can be expressed without fear of intimidation.
Collaboration & Cooperation	Encourage and enable ways to develop links between development initiatives in order to benefit all stakeholders. These linkages enable the establishment of relationships between the public and private sectors, as well as establishing new and/or better connections between new and existing communities and developments.
Environmental Stewardship	Support healthy, clean and sustainable communities based on an ecosystem approach, by ensuring that environmental integrity and diversity are considered in land use decisions. The OCP must encourage environmental stewardship for land, water and air.
Sustainable Communities	Enhance and create attractive and liveable communities that offer a wide range of opportunities for residents and property owners. In its support of a sustainable community, the OCP must serve to preserve and enhance the local health and well-being of its residents and property owners as well as the natural environment.
Sustainable Rural Economies	Encourage and support a strong and diverse local economy to enhance the quality of life enjoyed by area residents and property owners. It is essential that the OCP encourage a strong local economy.
Public Access	Maintain and enhance where appropriate public access to Kootenay Lake and Crown owned land for all residents, property owners and tourists.
Infrastructure	Ensure that Regional District and other publicly owned infrastructure and services are maintained or expanded at a level that is fair, realistic and affordable.

Rural Values	Promote and maintain rural values reflected in living close to and as part of the land. These values include community activity and character, maintenance and protection of the natural surroundings, agricultural activity, and overall sense of safety and comfort. Work collaboratively with the City of Nelson to maintain the rural values of Area E.
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5.0 AGRICULTURE

Background

Lands within the Agricultural Land Reserve (ALR) can be found throughout the Plan area. Historically the area was a well known fruit production area for apples and cherries. Currently, agricultural activity is limited to small hobby farms, orchards, cattle, horses, hay production, greenhouses and nurseries. However, only a small proportion of available agricultural lands are being used for agricultural purposes. Many lands



within the ALR are used for rural residential and country residential purposes, although small market gardens can be an important contributor to local food production. Weekly farmer's markets are held throughout the summer and autumn months in the City of Nelson and the community of Harrop hosts an agricultural fair each year.

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

Agriculture Objectives

1. To preserve and promote the use of agricultural land for current and future agricultural production.
2. To minimize conflicts between agriculture and other land uses.
3. To support small farms and local food systems by creating opportunities to develop value-added secondary industries to enhance farm income.
4. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
5. To encourage opportunities for residents to cultivate their own food on land that is not necessarily designated as agricultural.
6. To encourage opportunities in agricultural skill building and education in the Plan area in recognition of the area's agricultural heritage and to promote self-sufficiency and local food production.

7. To examine any ALR exclusions initiated by property owners, the RDCK, and the Province which review agricultural suitability in the Plan area; provided it is ensured affected landowners are notified and have opportunity for input.

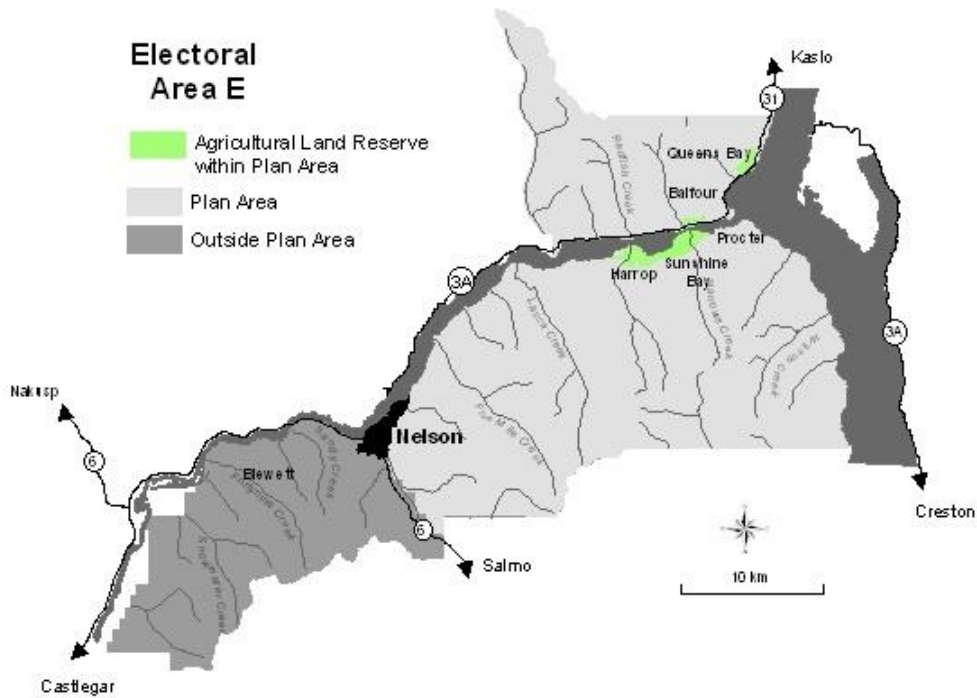
Agriculture Policies

The Regional Board:

1. Encourages that the principal use of lands designated as Agriculture in Schedule 'B' shall be for agricultural or rural residential use.
2. Will permit varying parcel sizes depending on the respective land use designation, but generally, shall not be smaller than 4 hectares for lands within the ALR, or smaller than 2 hectares for lands outside of the ALR.
3. Encourages ALR inclusions where property owners are committed to the preservation of suitable agricultural lands.
4. Encourages the RDCK and Agricultural Land Commission (ALC) to review Provincial policies with regard to recognizing the importance of small lot agriculture and food production prevalent in the RDCK and soil improvement strategies when making decisions on Agricultural Land Reserve exclusion applications.
5. Recognizes that local agriculture contributes to local food production and the economy within the Plan area, the City of Nelson, and adjacent electoral areas.
6. Will consider supporting applications to subdivide parcels smaller than 4 hectares within the ALR, subject to approval of the ALC, in the following cases:
 - a. for a home-site severance under Provincial Acts and Statutes; where the subdivision or boundary adjustment will allow for more efficient use of agricultural land or the better utilization of farm buildings for farm purposes;
 - b. where the community interest in the subdivision of the land outweighs the community interest in the retention of the land in a larger parcel as identified in Section 5, Clause 8 above and as determined through public consultation; and
 - c. where the individual parcel sizes within the 'Agriculture' designation are subject to approval by the ALC and meet Provincial requirements for waste water disposal.
7. Supports the consolidation of existing parcels where such consolidation supports more effective agricultural operations.
8. Encourages that all land use and subdivision of land within the ALR be in accordance with Provincial Acts and Statutes, associated regulations, and orders and decisions of the Agricultural Land Commission (ALC).

9. Will ensure that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing, and landscaping consistent with Provincial specifications.
10. 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.
11. Will support enhanced educational and training opportunities in agriculture in conjunction with local educational institutes, school districts and private initiative.
12. Supports the Farm Practices Protection (Right to Farm) Act.

Map 2: Agricultural Land Reserve



6.0 RESIDENTIAL

Background

This section outlines the objectives and policies for Suburban Residential, Country Residential, Rural Residential and Multi-Unit Residential designations in the Plan area.

The Plan area is dominated by single detached dwellings, with some exceptions where secondary cottages or suites have been provided for family members, visitors, or as rental accommodation. According to 2011 census data, there are 1,985 dwellings in Electoral Area E, 1,661 of which are occupied year round, with the remainder being vacant for part or all of the year. Current statistics on rental housing and affordability is not available, however based on local housing reports; tenant occupied or rental housing affordability is a significant issue, with a high percentage of homes making monthly payments more than 30% of total household income⁴. Affordability was slightly higher for those homes that were owner occupied.



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 town sites or terrain characteristics, or assessment values do not accurately reflect development on the property. This is especially evident in Procter and Balfour, where pre-existing lots are small and rely on on-site waste water disposal. In most communities, vacant land availability is low and larger lots are held in the Agricultural Land Reserve (ALR) or such lands are inaccessible and have barriers to development. However, the potential for creation of new residential lots through subdivision exists

throughout the Plan area. The area is characterized by small lots interspersed with larger parcels with consistency generally found only in new subdivisions and existing town sites.

General Residential Objectives

1. To accommodate and direct residential development so its location, appearance and impact take into consideration the natural environment, community aesthetics, community resources, and existing land uses.
2. To accommodate medium and higher density residential development in established residential areas in Procter, Harrop, Balfour and rural Nelson to ensure efficient use of existing services, amenities and infrastructure.

⁴ Nelson Committee on Homelessness, 2012, 4th Annual Report Card on Homelessness for Nelson B.C.

3. To explore and create opportunity for allowing senior residents to comfortably continue residing in their respective communities.
4. To manage residential growth in a manner that protects the rural character, environmental integrity, and the social and cultural diversity of the Plan area.
5. To maintain the character and integrity of the riparian area of Kootenay Lake by redirecting high density residential development to alternative locations.
6. To encourage the creation of public access to Kootenay Lake when and where there is public demand and such access does not exist.
7. To take into consideration transportation needs and to incorporate pedestrian and bicycling facilities in new and existing residential developments.
8. To take into consideration the service needs and resources required for new residential developments in recognition of limitations of water supply and waste water disposal capabilities in localized areas within the Plan area.

General Residential Policies

The Regional Board:

1. 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 waste water 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 complements 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.
2. Encourages a variety of housing tenures and organizational frameworks, including affordable housing, seniors housing, lease, rental, strata title, and co-operative housing. Housing projects of this nature are encouraged to locate in existing residential nodes, provided adequate services are available to support it.

3. Supports the recommendations and objectives of the Osprey Community Foundation Project: Creating an Age-Friendly Community: Assessing Needs and Priorities (2011) and will encourage the development of affordable and attainable housing and services for seniors where appropriate.
4. Encourages cluster forms of development to reduce the amount of land impacted by residential growth, where the permitted number of units is clustered on part of the site, protecting the remaining area in its natural state, and may consider alternatives such as comprehensive development zones, density averaging or other methods to achieve this purpose, provided that the total area of land to be subdivided divided by the number of lots to be created is no greater than the density permitted under supportive zoning regulations.
5. Encourages the use of local materials and green building techniques in new and retrofitted developments to reduce greenhouse gas emissions and reduce impacts to the natural environment.
6. Encourages the infill of vacant residential parcels before developing new residential areas.
7. Supports that home-based businesses and/or occupations in residential areas consider the quality of life enjoyed by residents in the area and that related activities not generate undue conflict with adjacent property owners and residents.
8. Encourages a coordinated approach to development between rural areas and the City of Nelson.
9. Recognizes that the Harrop-Procter Road and Harrop Cable Ferry infrastructure has a limited capacity to absorb expanded development opportunity.
10. Encourages the retention of green space and parkland dedication within large residential developments where possible.
11. Recognizes that accessory residences, such as small cottages, secondary suites, carriage houses, and manufactured homes increases housing choice and affordability in the Plan area and will encourage such developments where servicing and infrastructure permits.

Suburban Residential (RS) Policies

The Regional Board:

1. Directs that the principal use shall be single detached or duplex dwellings.
2. Supports medium density residential development with lot sizes for subdivision purposes being determined by the level of available or proposed servicing, with density increasing with the provision of community water and/or waste water disposal.
3. Encourages cluster housing development based on examination of the criteria set out in General Residential policies.
4. Encourages directing development of this type to municipalities or existing or proposed residential nodes where infrastructure services are available or can be provided.

Country Residential (RC) Policies

The Regional Board:

1. Directs that the principal use shall be single detached or duplex dwellings.
2. 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 waste water disposal.
3. Provides for property owners or residents to diversify and enhance uses secondary to Country Residential uses with home-based business, agri-tourism, home occupation, or bed and breakfast opportunities, provided that they are compatible with the character of the surrounding area.

Rural Residential (RR) Policies

The Regional Board:

1. Directs that the principal use shall be single detached or duplex dwellings.
2. Supports rural residential development with lot sizes for subdivision purposes that generally exceed 2.0 ha (4.94 acres).
3. Provides for property owners or residents to diversify and enhance uses secondary to Rural Residential uses with home-based business, agri-tourism, home occupation, or bed and breakfast opportunities, provided that they are compatible with the character of the surrounding area.

Multi-Unit Residential (RH) Policies

The Regional Board:

1. Directs that the principal use be single detached, duplex or multi-unit residential.
2. Supports that Multi-Unit Residential including 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 be subject to the provision of community water and/or waste water disposal.
3. Encourages that multi-unit residential developments may include accessory or incidental commercial use.

7.0 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 City of Nelson and existing commercial nodes in selected areas of Balfour and Procter. 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.



Small scale industrial operations exist throughout the Plan area, but are generally concentrated in and around Balfour and Harrop. These activities are provided for under the Industrial land use designation. The principal industrial activity in the area is orientated toward secondary resource processing related to forestry and agriculture and machine and equipment repair and storage.

Commercial and Industrial Objectives

1. To enhance the long term vitality and economic sustainability of the Plan area by supporting new and existing businesses and the creation of employment.
2. To direct economic development toward business retention and expansion and seeking investment opportunities in high technology, light manufacturing, tourism and the service industry.
3. To accommodate a broad variety of home-based businesses.
4. To expand employment opportunities associated with home based businesses and occupations within the Plan area.
5. To support new commercial development in combination with residential use to promote mixed use community areas where appropriate.
6. To recognize and support the City of Nelson and selected areas within the unincorporated communities of Balfour and Procter as commercial and service centers.
7. To seek opportunities to improve signage, tourism and community use amenity areas in Balfour, Harrop, and Procter.
8. To accommodate temporary commercial and industrial uses in appropriate locations.

9. To support and enhance industrial uses within the Plan area while minimizing incompatibility with surrounding land uses through requirements for screening or landscaping.
10. To 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. To encourage value added resource manufacturing and production to enhance or maximize the value of raw materials within the local community.
12. To ensure good arterial access for existing and new industrial developments.

General Commercial (GC) Policies

The Regional Board:

1. Directs that existing commercial uses shall be recognized and designated as such.
2. 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.
3. Supports that requirements for screening or landscaping be incorporated into the design of new commercial developments other than home-based.
4. Recognizes the commercial and service center role of the City of Nelson and selected areas within the unincorporated communities of Balfour and Procter; therefore commercial development in the Plan area will primarily be oriented toward serving local community needs, as well as tourist and traveler needs.
5. 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.
6. Will ensure that home based business opportunities remain flexible and accommodate expanded employment needs.
7. Will ensure that adequate land is designated for commercial uses where deemed appropriate and necessary.

Tourist Commercial (TC) Policies

The Regional Board:

1. Directs that existing tourist commercial uses shall be recognized and designated as such.
2. Recognizes that the ferry crossing between Kootenay Bay and Balfour is a significant tourist attraction and business link for communities within the West Kootenay region.
3. Recognizes and supports the policy and objectives of the Cultural Tourism Strategy (2010) developed by the Nelson Kootenay Lake Tourism Association.

4. Encourages the development of a range of tourist accommodation types, including campgrounds, lodges, resorts, and bed and breakfast establishments, to diversify tourism opportunities in the community.
5. Encourages the development of policies and bylaws concerning the placement and design of park model and recreational vehicle developments to ensure compatibility with existing land use, available services, and the impact on local road and highway infrastructure.
6. Supports commercial recreation, resort commercial, agri-tourism and eco-tourism opportunities such as trail rides, campgrounds and/or wilderness tours, provided they do not have a previously demonstrated detrimental impact on important habitat or riparian areas or adjacent land uses.
7. Recognizes the significance of Whitewater Ski Resort as a local winter tourist attraction.

Industrial (M) Policies

The Regional Board:

1. Directs that existing industrial uses shall be recognized and designated as such.
2. Recognizes the importance of industry to the local economy, and supports new light industry, information technology, and value added manufacturing so that a broader employment base can be achieved and economic benefits are retained in the local community.
3. Supports that requirements for screening or landscaping be incorporated into the design of new and expanded industrial developments.
4. Supports that industrial activities resulting in significant noise pollution are managed by hours of operation and/or screening.
5. Discourages industrial activities that are considered noxious, emit pollutants, create public safety hazards, extreme noise and/or are otherwise detrimental to the environment, neighbouring properties, and the community as a whole.
6. 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.

8.0 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. In addition, the Plan recognizes that many of the community services and administrative activities available to residents of the Plan area are centrally located in the City of Nelson or provided through regional partnerships.

The Plan area contains one elementary school and falls under Kootenay Lake School District No. 8. Secondary and post-secondary education is provided in the City of Nelson. There are several community halls, churches, one fire hall and local postal facilities within the Plan area in addition to ferry landings at Balfour and Harrop. Fire service is also provided by the City of Nelson.

Community Services and Administration Objectives

1. To 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. To investigate options for enhanced service delivery through regional partnerships where supported by the unincorporated communities where such services are to be provided.
3. To attract a diversified age demographic to ensure the long term sustainability of school and health care services.
4. To pursue opportunities for senior's home care to enable senior residents to comfortably continue residing in their respective communities.
5. To 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. To recognize the variety of spiritual and cultural activities important to residents of the unincorporated communities within Electoral Area 'E'.

Community Services and Administration Policies

The Regional Board:

1. Supports the location and development of fire halls, indoor recreation amenities, and community halls in the rural area as development requires and the needs of the community change.
2. Supports the Province, senior governments, aboriginal 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.
3. Encourages the development of childcare services and facilities within existing and new developments and supports the establishment of home-based child care facilities.
4. Supports and will work with appropriate agencies and regional partners in the maintenance and expansion of health care and social services within the Plan area.
5. Supports the enhancement and creation of greater opportunities for children, youth, and adult recreational, educational, and leisure activity.
6. Supports multi-purpose use of school facilities and other buildings that serve multiple interest groups or multiple community needs.
7. 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.
8. 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.
9. Will ensure that adequate lands are set aside to allow for churches, cemeteries, libraries, youth organizations, service groups and non-commercial retreats within the Plan area.
10. 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.

9.0 PARKS AND RECREATION, CULTURE AND HERITAGE

Background

The Plan area contains several Provincial and Regional Parks which provide opportunity for back country and outdoor recreation, including portions of Kokanee Creek, Kokanee Glacier and West Arm Provincial Park, the Dark Woods property, and Sunshine Bay Regional Park. In addition, portions of the Burlington Northern Railway Trail bisect the Plan area.

Public recreational trails and opportunities of all types exist informally or are managed by local interest groups on Crown lands or public lands throughout the Plan area. Coordination and partnership with the RDCK and other government agencies ensures that land development does not inhibit the potential of establishing and maintaining an integrated trail network.



Electoral Area E is rich in recreational infrastructure, well preserved community buildings and community events. Many of these amenities are owned and maintained by volunteer community groups. There are three community halls, one fire hall, two repurposed school buildings, two senior's halls, playing fields, children's playgrounds, equestrian facilities, a tennis court and one golf course. Privately owned amenities include a fitness centre, Whitewater Ski Resort, a par three golf course and fishing charters.

There are a multitude of significant cultural and heritage sites within the Plan area, including historic ferry landings, pilings, buildings and non-structural features.

Parks and Recreation, Culture and Heritage Objectives

1. To provide ample, accessible local parks, trails, and other public recreation opportunities within the Plan area.
2. To protect, establish and maintain public access to Kootenay Lake where there is expressed community interest and support and ensure clear signage of such sites.
3. To retain existing recreational, community and heritage infrastructure and enhance facilities where and when possible.
4. To establish community parks or public spaces in areas where there is community support.
5. To protect Crown lands around Kootenay Lake and other riparian areas for public enjoyment and aesthetic and natural heritage values.

6. To 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.
7. To provide for the protection and enhancement of buildings and sites with historical and cultural significance within the Plan area, while encouraging the restoration or retrofitting of such sites to meet local and visitor needs.

Parks and Recreation, Culture and Heritage Policies

The Regional Board:

1. Supports the establishment of community parks where there is community support, provided there are adequate resources for long term maintenance and management.
2. Will require, in accordance with the RDCK Subdivision Bylaw, the dedication of park land where a proposed subdivision is not close to existing parks, a suitable site for park land has been proposed, or additional park land is required. Parkland dedication is intended to provide sites for parks to serve new residential subdivisions or to establish public corridors.
3. Supports the RDCK Regional and Community Parks Strategy (2009) that outlines overall park strategies and functions, addresses public and commercial recreation needs, planning priorities, as well as infrastructure requirements in consultation with the community.
4. Supports appointed Recreation Commissions and partners in maintaining regional park land and public recreation corridors.
5. Supports commemorating local heritage, cultural and archaeological sites in cooperation with appropriate Provincial ministries, First Nations, committees, organizations and individuals.
6. Will consider the adaptive reuse and rehabilitation of older buildings as a method of retaining a legacy of building types and as a sustainable development practice.
7. Supports the establishment of a community heritage register to manage the multitude of culturally and historically significant properties and sites within Electoral Area 'E'.
8. Will seek stewardship opportunities for public access points to ensure long term access to Kootenay Lake and the Kootenay River.

10.0 INFRASTRUCTURE 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 within the Plan area include numerous small water systems, including small water user communities or improvement districts, utilities within the elementary school at Red Fish; and several which serve manufactured home parks or recreational vehicle developments. Two community water systems fall under the Regional District: Grandview and Balfour. Small 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 waste water disposal 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 at Balfour and within the City of Nelson.

All major highways are provincially designated controlled access highways, and are intended to function as regional transportation corridors. The road infrastructure connecting communities within the RDCK is largely managed by the Province; however, the RDCK influences the transportation system through its decisions with regard to development. The RDCK also works closely with the Province to facilitate public transit. Transit service is currently available along the north shore to Balfour. Within the Plan area the B.C. inland ferry system is an important community transportation service.

Servicing Objectives

1. To support expanded utility service in the Plan area where there is community need and desire.
2. To 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. To ensure that water and sewer systems within the Plan area support good health and safety, and meet appropriate and affordable standards of service.
4. To encourage that surface water sources for domestic and irrigation use within the Plan area are identified and measures taken to ensure the long term quantity and quality of water supply are maintained or improved.
5. To support that new development be subject to the requirements of adequate water supply for both domestic and fire protection purposes.

6. To 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. To protect groundwater and surface water from degradation through improper disposal of water-borne waste.
8. To encourage the cooperation and coordination with and among utility companies for the provision of public utilities that service existing and future developments.
9. To encourage reduction of solid waste through consumer habits, recycling, re-use and composting within the Plan area.

Servicing Policies

The Regional Board:

1. 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.
2. 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.
3. Requires that the acquisition of existing and new community water and sewer systems shall meet all policies and recommendations of the Regional Board, RDCK Water Management Plan (2010) and Acquisition Strategy, and RDCK Waste Water Management Plan (2012).
4. Encourages all users and government agencies having jurisdiction, to use best management practices for the conservation of water sources for domestic and irrigation use within the Plan area.
5. Applies the precautionary principle⁵ 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.
6. Recognizes on-site treatment (treatment plants and septic) as the existing type of waste water disposal in the Plan area.

⁵ '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, 2009 from Dictionary.com.

7. 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.
8. Recognizes the Federation of Canadian Municipalities (FCM) Protocol for the Siting of Antenna Systems and supports that proponents ensure that siting of such facilities adhere to Health Canada Safety Code standards for radio-frequency emission levels and that residents and property owners within 10 kilometers (km) of such sites are provided written notification.
9. Will investigate the costs associated with, and long term feasibility of enhancing waste management facilities to accommodate expanded recycling and composting of waste materials.
10. Supports the implementation of the RDCK Resource Recovery Plan (2011).

Transportation Objectives

1. To encourage the Province to plan for the provision of a road network capable of safely servicing existing and future development.
2. To ensure that future development patterns and land use decisions recognize and support highway safety and mobility objectives.
3. To develop a safe transportation corridor that would allow for cyclists, pedestrians and alternative means of transportation between communities.
4. To carefully consider the impacts of additional traffic and increased traffic flow when development decisions are being made.
5. To support the development of a diversity of transportation choices.
6. To improve access to public transit for all areas within the Plan area.

Transportation Policies

The Regional Board:

1. 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 through out the road network.
2. Supports that all new developments provide adequate off-street parking.
3. Supports that the local road network is safe, effective and equally accessible and inviting for use by cyclists, pedestrians, equestrians and motorists.
4. Encourages the Province to consult with the public prior to commencing any significant transportation initiatives.

5. 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. Construction of moorage facilities will require Land and Water Act approvals prior to construction.
6. Promotes pedestrian friendly development within urban and suburban residential areas, where pedestrian facilities are established and integrated with transit service planning.
7. Supports the establishment of multiple use corridors within and connecting rural community nodes within public right of ways for non-motorized (pedestrian, horses) and designated motorized use (ATV, dirt bikes).
8. Shall continue to facilitate improvement to, and expansion of public transportation service opportunities, bus shelters and cross walks in co-operation with BC Transit.
9. 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 cooperatives and delivery services.
10. Supports investigation into the feasibility of rail passenger service along the Harrop-Procter and Nelson Railroad between the communities of Procter and City of Nelson.
11. Recognizes the importance of the Harrop Ferry and the Osprey ferry to transportation, commerce, and tourism within the Plan area.
12. Encourages the identification and maintenance of public access points to the Kootenay River and the West Arm of Kootenay Lake to facilitate emergency egress via water in the event of forest fire, spills, slides and other disasters, most particularly in constricted areas such as Harrop and Procter where few opportunities exist for egress via roads and highway.

11.0 NATURAL ENVIRONMENT

Background

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, forestry, hunting, fishing 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, while portions of the Plan area have been historically flooded or modified as part of the Columbia River Treaty. The conservation values of West Arm, Kokanee Creek, and Kokanee Glacier Provincial Parks, the newly protected Nature Conservancy of Canada (NCC) Dark Woods protected area and eco-system based management of the Harrop-Procter Community Forest 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 Kootenay Lake and the Kootenay River system.

Natural Environment Objectives

1. To maintain high water quality of groundwater and surface water sources of domestic and irrigation water supply.
2. To foster an awareness of the values associated with the natural environment and to conserve sensitive and significant natural features and values from negative impacts as a result of development.
3. To encourage the maintenance of biodiversity in the Plan area, important to the biological functioning and ecological integrity of the area.
4. To 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. To maintain the aesthetic quality of communities within the Plan area.

Natural Environment Policies

The Regional Board:

1. Supports the identification, protection, and restoration of environmentally sensitive areas as delineated on Schedule B.1 as Environmental Reserve (ER) including areas identified as wetlands, spawning areas and areas for species at risk. Please note that additional areas of environmental sensitivity exist beyond those featured on Schedule B.1 and that efforts will be made to refine these values as resources permit.

2. 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, March 2006; and
 - c. other applicable Provincial Guidelines and Best Management Practices sanctioned by the Province.
3. 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.
4. Encourages the retention of existing wildlife corridors, riparian corridors and access to water.
5. Encourages the Province to recognize environmentally sensitive areas, hazard areas, and areas upstream of alluvial fans, and uphold the strictest regulation for resource and recreational tenure in these areas.
6. Encourages the protection of environmentally sensitive areas and features, important to the ecological functioning of the Plan area and which contribute to community greenway corridors.
7. 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.
8. Supports Provincial regulation that prohibits the dumping of raw sewage and grey water from all water craft on and around Kootenay Lake 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.
9. Supports that new, and expanded, commercial marina developments over fourteen (14) slips shall be developed with waste water sani-stations, unless there is an existing sani-station within one kilometre as required and in substantial compliance with Provincial regulations.
10. Supports cooperation with Fisheries and Oceans Canada and the Province in the identification and management of sensitive habitat on Kootenay Lake and other riparian areas.
11. In combination with Electoral Areas 'A', 'D', and 'F', Area 'E' will develop a Kootenay Lake Stewardship Plan, including consideration of development permits and riparian area regulations in order to ensure protection of critical habitat.
12. 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.

13. Encourages the legitimization of existing private docks through application and approval by the Provincial authority having jurisdiction.
14. Supports water conservation by residential, business and recreational users.

12.0 ENERGY AND ENVIRONMENT

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 2050.⁶

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

- LGA 473 (3) - An official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets (by May 31, 2010).
- LGA 429 - Required Content of a Regional Growth Strategy: (2)(d) to the extent that these are regional matters, targets for the reduction of greenhouse gas emissions in the RDCK, and policies and actions of the local government proposed for the RDCK with respect to achieving those targets (by May 31, 2011).

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

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.

⁶ This target is defined in the Greenhouse Gas Reduction Targets Act (Bill 44, 2007)

Greenhouse Gas Emission Reduction Policies

General

The Regional Board:

1. Will implement the RDCK Corporate Greenhouse Gas Emissions Reduction Plan (2010).
2. Will work collaboratively with our partners and community members to reduce the combined greenhouse gas emissions of the rural areas by 15% from baseline levels (2007) by 2020 and by 25% from baseline levels (2007) by 2030.
3. 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.
4. 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.
5. Encourages invitations from entrepreneurs to utilize waste wood or other waste materials to produce a localized source of energy and reduce landfill deposits.

Development and Buildings

The Regional Board:

6. Encourages the clustering of residential development to create separation between neighbouring developments and to avoid continuous sprawl-like development.
7. Encourages energy efficient retrofits of older buildings, including both residential and commercial buildings.
8. Encourages the use of local materials and green building techniques in new and retrofitted developments.
9. 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:

10. 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.
11. 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.

12. 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.
13. Supports investigation into the feasibility of rail passenger service along the Harrop-Procter and Nelson Railroad between the communities of Procter and City of Nelson.

Walkways, Trails & Commuter Bicycle Network

The Regional Board:

14. Encourage connectivity between existing walkways and trail systems to schools, parks and commercial areas.
15. 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 on public and private lands and along existing and future road networks.
16. Supports on-street alternative transportation options with incorporation of sufficient buffering, and accommodation of the movement of agricultural machinery.

Transit

The Regional Board:

17. Supports continuing to facilitate improvement to and expansion of public transportation service opportunities, bus shelters and cross walks in cooperation with BC Transit.
18. Recognizes public transit services currently serving the north shore of Kootenay Lake and Balfour areas.
19. Supports investigating and establishing public transit options for Harrop and Procter.
20. 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:

21. Seeks partnerships with utility companies, small independent power producers, NGOs, member municipalities, Provincial and Federal agencies and others to further local energy strategies and concurrent planning efforts.
22. 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.
23. Supports the exploration of renewable energy opportunities in the agricultural and forestry industries, such as biomass energy production.

24. Discourages development of large scale hydro-electric power projects involving diversion or generation facilities within the Plan area.

13.0 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 flow, 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 a moderate to extreme risk.

Hazard Lands Objectives

1. To prevent development in areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed.
2. To prevent injury and loss of life and to prevent or minimize property damage as a result of natural hazards.
3. To 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. To 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:

1. 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.
2. Recognizes flooding and NSFEA areas and management of those areas through RDCK Floodplain Management Bylaw 2080 (2009).
3. Recognizes the significance of BC Hydro and Fortis BC facilities in regulating lake levels and will work cooperatively with these agencies with regard to determining safe building sites when considering Crown land and water referrals and exemptions or relaxations from RDCK Floodplain Management Bylaw 2080 (2009).
4. Directs development away from lands identified as being susceptible to soil instability and potentially hazardous geotechnical conditions.
5. Requires that the construction and siting of buildings and structures to be used for habitation, business, industry, or the storage of goods damageable by flood waters to be flood proofed to geotechnical standards and certified by a registered professional where land that may be prone to flooding is required for development and no alternative is available.

Fire Management Policies

The Regional Board:

1. May request that the Regional Subdivision Approving Authority require the developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application where the Province indicates that a property may be subject to a moderate or high 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 subdivision;
 - 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 a minimum a fire rated roof;
 - d. designing roads that provide evacuation routes and facilitate movement of fire fighting equipment;
 - e. ensuring all roads are named and signed;
 - f. ensuring availability of water supply facilities adequate for fire suppression;
 - g. ensuring the provision of access to local water sources, lakes and watercourses as part of access requirements;
 - h. implementing setbacks, interface fire protection standards, and building material standards pursuant to the Provincial publications The Home Owners Fire Smart Manual and Fire Smart: Protecting Your Community From Wildfire.
2. Directs the Regional Subdivision Approving Authority to require that where a fire hazard mitigation strategy has been prepared the developer enter into a restrictive covenant to ensure the strategy is followed.
3. Supports protection of accesses to water sources such as hydrants, standpipes, lakes, and streams to remain free of obstructions for fire protection purposes.
4. 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.
5. Encourages voluntary efforts to reduce fire risk to existing buildings and developments by residents and community members through educational materials and appropriate Fire Smart programs.

6. Supports the development and implementation of Interface Fire Management Plans and associated adjacent forest management strategies in areas of high to moderate wildfire risk.
7. Will evaluate opportunities to assist in Interface Fire Fuel Reduction treatments.

14.0 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. Aggregate resources may exist throughout the Plan area, but have not been identified as part of this process.

Aggregate and Mineral Resources Objectives

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

Aggregate and Mineral Resources Policies

The Regional Board:

1. 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 within the Plan area may be considered after extraction is complete and rehabilitation has occurred. Areas designated for future settlement uses and which contain sand and gravel deposits should have the resource extracted prior to final development.
2. 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 comments and give due consideration to the impact of resource extraction activities on surrounding land uses, sources of domestic and irrigation water supply and development activity.
3. 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. potential for light pollution;
 - f. potential for vibration from blasting of materials;

- g. environmental sensitivity of the site and adjacent land;
 - h. accessibility; and
 - i. the characteristics of the aggregate deposit and groundwater resources.
4. Strongly encourages the Province to inform and communicate with affected communities before Crown land is utilized for aggregate or mineral processing.
 5. Encourages the protection and maintenance of sources of domestic and irrigation water supply as an integral part of the extraction and processing process for aggregates and other resources.
 6. Encourages the Province to include in their licensing the on-going rehabilitation of aggregate extraction and mineral processing sites.
 7. Will assist the Province in implementing conditions set by the Province to mitigate the impact of aggregate extraction and mineral processing sites.
 8. Encourages full utilization of recoverable deposits prior to development in areas where recoverable deposits are located.
 9. 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.

15.0 RESOURCE AREA

Background

For the purpose of this section, Resource Areas (RA) 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.

Forest Reserves (FR) are also been delineated within the Plan area and reflect both private and community owned and managed forest lands.

Resource Area Objectives

1. To retain and diversify resource based land uses which contribute to the local economy and nature of communities in the Plan area.
2. To recognize and support traditional resource based industries, such as mining, mineral exploration and forest management of timber resources on Crown land in recognition of the importance of these industries to the history and economy of the Plan area.
3. To encourage the economic benefits of value added resource processing to be retained in the community.
4. To 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. To encourage the Province to respect the interests and concerns of residents in decisions concerning activities, development, and sale of Crown lands and water.
6. To maintain Crown lands adjacent to lake fronts, riparian areas and areas of environmental sensitivity within the public domain.
7. To encourage collaboration with large industrial land owners with regard to public use of industrial lands and consideration of community values where possible.

Resource Area Policies

The Regional Board:

1. Recognizes that a Resource Area designation includes those uses compatible with larger parcels and/or restrictions to land use such as accessibility or hazards.
2. For the purpose of subdivision of lands, supports larger minimum parcel sizes for 'Resource Area' designations, in recognition that these areas will remain rural with limited community services and infrastructure.

3. Recognizes the jurisdiction of the Province over public Crown land and that resource based activities on Crown land are governed under applicable Provincial regulations and statutes.
4. Recognizes the need for collaboration between industrial users and public users of Crown lands with regard to the establishment and promotion of recreational use of Crown lands.
5. Will work with the Province to ensure sources of domestic and irrigation water supply are recognized and protected within the Plan area.
6. Will support the development of community owned and managed woodlots in consultation and with the support of the community.
7. Will work collaboratively with large industrial land holders with regard to public use of industrial lands.
8. Strongly encourages 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 affect the community.
9. 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.
10. Discourages the Province from disposing of any Crown Land that is environmentally sensitive, except for conservation or stewardship purposes, unless such sensitive aspects are protected through a restrictive covenant.

16.0 TEMPORARY COMMERCIAL AND INDUSTRIAL PERMITS

Background

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

Objective

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

Policies

The Regional Board:

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

17.0 COMMUNITY SPECIFIC POLICIES

Queen's Bay

1. Recognizes that the character of Queen's Bay will remain primarily Rural Residential and Agricultural.
2. Recognizes the importance of heritage sites, such as St. Francis Woods.
3. Recognizes the slide hazard associated with lands south of Queen's Bay along Highway 31 and will direct future development patterns accordingly.
4. Recognizes that the waters of Kootenay Lake are licensed for domestic water consumption and that Queen's Bay is a valued location for swimming and other water based recreational activities; and therefore encourages the RDCK support effective enforcement against the dumping of all grey water from pleasure craft on Kootenay Lake.
5. Encourages RDCK to support the development and implementation of a community wildfire interface plan.
6. Acknowledges the rural residential character of the community and the desire to maintain low density and large lot sizes.
7. Recognizes the value of agriculture and the Agricultural Land Reserve (ALR) and supports small scale agricultural development in keeping with the environmental values of the area.
8. Recognizes that the various recreational trails located on Crown land adjacent to the community are valued by residents and encourages that these lands be retained in an undeveloped state.
9. Recognizes that the foreshore of Kootenay Lake at the foot of Wharf Road as a public access point as well as a valuable recreational site for the community.

Balfour

10. Recognizes that the character of Balfour will remain a mix of Suburban Residential, Civic and Commercial within the town site and a mix of lot sizes and uses throughout the rest of the community reflective of its nature as a terminus for the Kootenay Lake Ferry.
11. Recognizes the public and private interests in the Balfour Golf Club as a significant community asset.
12. Recognizes the importance of transportation and tourism to the local Balfour economy and the need to support the services and businesses required to support these endeavors.
13. Recognizes the slide hazard associated with lands north of Balfour along Highway 31 and will direct future development patterns accordingly.
14. Supports a reduction in setback from a public road for lots between the foreshore of Kootenay Lake and Highway 31 to assist in re-directing development away from this important community asset and in recognition of existing small lots.

15. Encourages the consolidation of lots to address existing and future servicing concerns within the town site and along the foreshore of Kootenay Lake.
16. Encourages the reclamation of the Wilson Street gravel pit north of the town site once all materials have been extracted for future community or residential use.
17. Supports the establishment of Balfour Beach Regional Park as an important and valued community asset and encourages collaboration with community members on how to address community specific concerns with regard to public use of the area.
18. Encourages the remediation of the former Regional District of Central Kootenay Transfer Station.
19. Recognizes the Balfour Wharf on Lower Wharf Road as a significant community asset.
20. Encourages the establishment and maintenance of landscape buffering of multi-family and tourist commercial developments adjacent to agricultural lands.
21. Recognizes that the character of development north of Upper Balfour Road as Rural Residential and Agricultural.
22. Recognizes Grandview Properties as a significant phased development unique to the western boundary of the community of Balfour.
23. Recognizes the importance of motorized access to Crown lands for recreational pursuits.
24. Supports increased access to Kootenay Lake for boat launching and/or other recreational activities (such as fishing, picnicking and swimming).
25. Encourages increasing the amount of land used for agricultural production.
26. Recognizes the importance of heritage sites, such as the oldest Anglican Church in the West Kootenay, St. Michaels and All Angels (AD 1892), Old Balfour School and the Balfour Cemetery on Queen's Bay Road.

Longbeach

27. Recognizes that the character of the Longbeach area will remain primarily Country Residential.
28. Recognizes the importance of Kokanee Creek Provincial Park as a recreational resource for community members.
29. Recognizes Redfish Elementary School as a valued centre of community.
30. Encourages the protection and maintenance of the spawning channel located at Redfish Creek for its biodiversity values.

Procter

31. Recognizes that the character of Procter shall remain primarily Rural and Country Residential outside of the townsite.

32. Recognizes the historic character of development associated with the town site of Procter.
33. Supports maintaining the Regional District managed Procter Wharf as a valued community asset.
34. Encourages the consolidation of lots to address existing and future servicing concerns within the town site and along the foreshore of Kootenay Lake.
35. Supports the protection and maintenance of historic and heritage features, such as Procter Hall, the Procter Schoolhouse and Procter Seniors Hall (old United Church) throughout the community as valued cultural assets.
36. Recognizes the importance of the rail way corridor as contributing to the nature and historic development of the community.
37. Recognizes the hazard associated with the Procter Creek alluvial fan and servicing capabilities as a significant barrier to in-fill development within the town site of Procter.
38. Identifies the lands legally described as Sub-lots 5, 10, 11, 17, 18, 19, 21 and 22 and Parcel A, District Lot 309, Plan 1858 as part of the Harrop-Procter Community Co-operative for the uses of timber extraction and that relocation of a portion of said lands for future housing be investigated.
39. Recognizes Kootenay Lake Village as a phased development unique to the eastern boundary of the community of Procter.
40. Recognizes Beach Park within Kootenay Lake Village as a community asset.
41. Encourages protection and maintenance of the marsh and kokanee spawning areas located adjacent to Sawdust Bay and Harlequin Bay in recognition of its value to biodiversity.
42. Encourages the RDCK and the Province to be vigilant in requiring permits for rock walls or improvements above the natural boundary of Kootenay Lake.
43. Discourages the building of high sided docks that impede navigation along the foreshore of Kootenay Lake.
44. Supports identification of Crown land on the foreshore of Kootenay Lake that may be used for the establishment of an off-leash dog park or area within the community.

Sunshine Bay

45. Recognizes that the character of Sunshine Bay will remain primarily Rural Residential and Agricultural.
46. Supports the protection and maintenance of historic and heritage features throughout the community as valued cultural assets.
47. Recognizes and supports the maintenance of Sunshine Bay Regional Park, West Arm Outdoors Club Wharf and Federal Wharf as valued community assets for recreational purposes.

48. Recognizes the importance of the Sunshine Bay Riding Club as a community value.

Harrop

- 49. Recognizes that the character of Harrop will remain primarily Rural Residential and Agricultural.
- 50. Recognizes the significance of the Erindale portion of Sunshine Bay Regional Park for its biodiversity and community values.
- 51. Recognizes the significance of the PRT Nursery as a significant commercial use in the area.
- 52. Recognizes the importance of the rail way corridor as contributing to the nature and historic development of the community.
- 53. Supports development of appropriate and supportive infrastructure in association with the ferry landing, such as small scale tourism accommodation, civic or institutional uses, and eating establishments.
- 54. Encourages reclamation of lands associated with the former works yard at 6331 Erindale Road.
- 55. Recognizes the need for establishment of a cemetery for Harrop and Procter residents.
- 56. Recognizes the significance of West Arm Provincial Park and encourages continued access to Lasca Creek Forest Service Road in collaboration with the Province.
- 57. Encourages establishment of public camping facilities in the vicinity of Harrop and Procter, where there is public support.

Bealby Point/Svoboda Road

- 58. Recognizes that the character of the community shall remain primarily Country Residential.
- 59. Recognizes the isolation of the area from the remainder of Electoral Area E due to the boundaries of the City of Nelson and West Arm Provincial Park.
- 60. Supports the recognition and maintenance of public access to Kootenay Lake and beaches as a recreational asset to community members and the City of Nelson.
- 61. Encourages long term management and maintenance of the Nelson Salmo Great Northern Trail to Troupe Junction.
- 62. Recognizes the importance of the area for wildfire interface management for the community and City of Nelson.
- 63. Recognizes the significance of West Arm Provincial Park and encourages continued access to Lasca Creek Forest Service Road in collaboration with the Province.

Mountain Station

64. Recognizes that the character of the community shall remain primarily Country Residential and Rural Residential.
65. Encourages the consolidation of lots to address existing and future servicing concerns within the community.
66. Recognizes the importance of the City of Nelson Reservoir and encourages long term protection of the infrastructure associated with this value.
67. Recognizes the recreational values associated with the Nelson Salmo Great Northern Trail and Mountain Bike Trail Network.

18.0 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, or delegate of the 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 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 919.1(1) (a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

Justification

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

Area

The WDP area is comprised of:

1. Riparian assessment areas (Figure 1) for fish and wildlife habitat and drinking water, including:
 - a. All areas within 15 metres of the high water mark of a watercourse, including the natural boundary of a lake;
 - b. within 15 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide;

- c. within 5 metres of the top of the ravine bank in the case of a wider ravine that links 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
- d. all areas within 15 metres of the high water mark of a wetland.

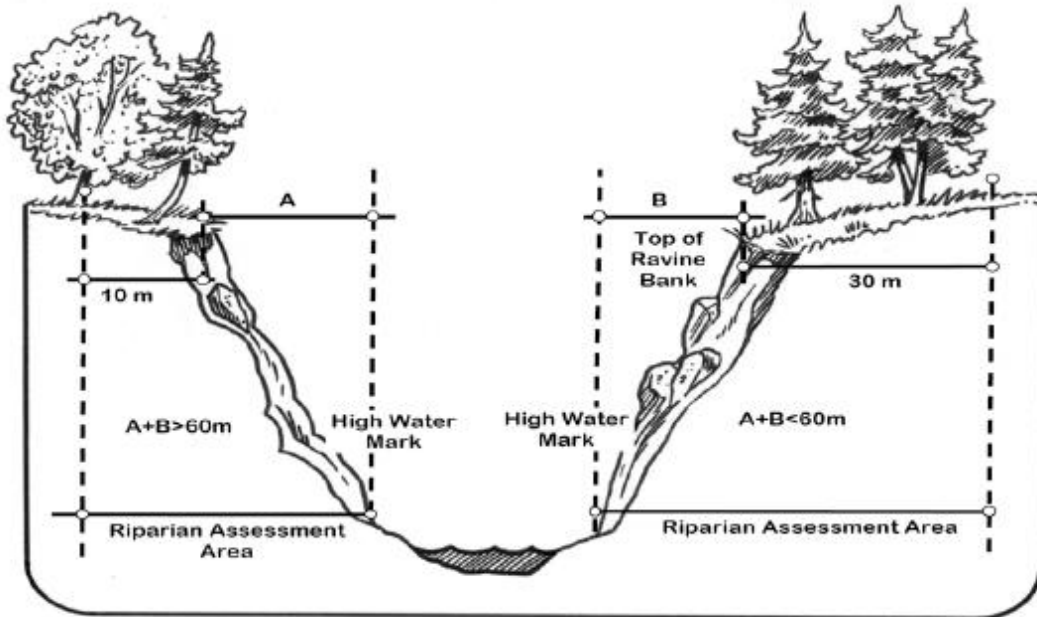


FIGURE 1: RIPARIAN ASSESSMENT AREA: means the area within 15 m of the high water mark of a watercourse; within 15 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 5 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems 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

Where the following definitions apply:

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.

Lake means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland.

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.

Wetland means any areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Guidelines

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;
- 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 in section 872 of the *Local Government Act*;

Development shall be in accordance with the following guidelines:

2. All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) or Registered Professional Biologist (RP Bio) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province;

3. An WDP shall not be issued prior to the RDCK ensuring that a QEP or RP Bio 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, and;
4. 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:

5. existing construction, alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes;
6. existing institutional development containing no residential, commercial or industrial aspect;
7. 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;
8. an area where the applicant can demonstrate that the conditions of the ESDP 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.

Development Permit Area #2: Residential Cluster Development Permit Area (RCDP)

Designation

The RCDP area is designated under Section 488.1(1) (a) and (e) of the Local Government Act for protection of the natural environment, its ecosystems and biological diversity and the establishment of objectives for the form and character of intensive residential development.

Area

The RCDP Area is comprised of all privately owned or leased lands designated as Suburban Residential (RS), Country Residential (RC) and Multi-Unit Residential (RH) on Schedule 'B'.

Justification

The intent of the RCDP Area is to ensure that intensive residential development is completed in a manner that is sensitive to the rural character of the Plan area, adjoining lands, the natural environment, and achieves a high standard of appearance. Lands in the Plan area have not been studied to a high level for their ability to sustain intense development over the long term. It is therefore desirable to allow development to occur in a manner which allows for efficient use of land and services and protects lands deemed environmentally sensitive or hazardous from potential adverse impacts.

Objectives

The RCDP Area seeks to achieve the following objectives:

1. Ensure that new intensive residential development respects the existing rural character of surrounding areas.
2. Reduce the impacts of residential land uses on the natural environment and surrounding lands.
3. Achieve a high standard of appearance.

Prohibition

Land within the Residential Cluster Development Permit (RCDP) Area must not be subdivided and construction of, addition to or alteration of a building or other structure must not be started without first obtaining a Development Permit, unless otherwise exempt in this Bylaw.

Guidelines

Development shall be in accordance with the following guidelines:

1. Development that may impact designated "Watercourse Development Permit" (WDP) Areas, either directly through disturbance or indirectly through site infrastructure, shall be subject to the requirements of the RCDP Area in addition to these guidelines.
2. Building footprints and paved areas should be minimized, where possible, or otherwise clustered to reduce the total impervious cover of the site.
3. Natural, on-site filtration is encouraged through means such as, but not limited to, the:
 - a. retention of natural vegetation;
 - b. clustering of buildings and structures; and,
 - c. use of landscaped areas for storm water infiltration.
4. Siting of buildings and structures, uses and site infrastructure away from property boundaries is encouraged to minimize potential impacts to surrounding lands.
5. Building profiles should reflect the character of surrounding development with special attention to the height of new buildings in relationship to surrounding buildings on adjoining properties.
6. Existing vegetation should be retained, where possible, as part of the overall landscape design.
7. Retention of green space in common areas is encouraged.
8. The use of covenants to ensure common lands in strata subdivisions are not subdivided further is encouraged.

Exemptions

The RCDP area does not apply to the following:

1. Fee simple lots, strata developments, shared interest, cooperatives, or companies that propose lots or sub-lots that:
 - a. are all larger than 1 hectare (2.47 acres);
 - b. create less than five sub-lots or lots; or,
 - c. involve the construction of less than five buildings or dwelling units.

2. Additions, alterations and accessory structures in pre-existing developments, where all of the following are demonstrated at the time of application for Building Permit:

- a. The parcel's strata, shared interest corporation, cooperative, or company has provided a letter of support for the proposal;
- b. It is clearly demonstrated that the proposal will not impact adjacent riparian areas; and,
- c. Proposed buildings and structures, with the exception of fences, are:
 - i. Sited a minimum of 7.5 metres from front or exterior side lot lines and 2.5m from any other lot line; and,
 - ii. Are screened from adjacent lands by a landscape screen.

Development Permit Area #3: Industrial and Commercial Area Permit (ICDP) Area

Category

The ICDP 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 and commercial uses within the Plan area.

Area

The ICDP area is comprised of all privately owned or leased lands designated as Industrial (M) and Commercial (TC and GC) on Schedule 'B'.

Justification

The primary objective of this development permit area designation is to ensure that industrial and commercial 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

1. Any off-street parking area, exterior display area or loading area on a lot used for Commercial or Industrial purposes shall:
 - a. be provided with screening in the form of a fence not less than 1.5 metre in height or by a hedge not less than 1.5 metre in height at the time of planting where adjacent to a lot in any residential zone; such screening shall be planted or installed so that no person shall be able to see through it; and,

- b. be separated from any directly abutting lot in any residential zone and from any adjoining highway other than a lane, by a fully and suitably landscaped and properly maintained strip not less than 1.5 metres in width.
2. Where any lot is used for commercial, industrial and institutional purposes, any part of such lot that is not used for buildings, exterior display areas, parking or loading facilities shall be maintained as a landscaped area, or as undisturbed forest.
3. Where any off-street parking area for four (4) or more vehicles is located within 4.5 metres of a front or exterior side lot line, it shall be screened by an evergreen hedge not less than 1.5 metre in height at the time of planting. The minimum width of soil area for the hedge shall be 0.75 metres. The hedge shall be planted one (1) metre from curbs or wheel stops.
4. The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the "British Columbia Landscape Standard" prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association. These standards do not apply where endemic, native plantings are used for landscaping.

Exemptions

The ICDP area does not apply to the following:

5. Development associated with agricultural, residential or institutional land uses and activities; and
6. Existing construction, alteration, repair, demolition and maintenance of industrial or commercial buildings.

19.0 Implementation

Introduction

The OCP sets out statements on the broad objectives, polices and directions for the Plan area, but does not provide the tools for implementing its policies. The RDCK has a number of tools and methods available for implementing the Plan. The purpose of this section is to set out specific steps the RDCK can take to implement this Plan.

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. 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. It is recognized that the community has not expressed an interest in pursuing zoning at this time.

Subdivision and Development Servicing Bylaw

The RDCK Subdivision Bylaw sets out minimum standards for access, domestic water provision and waste water disposal. Subdivisions must meet these standards before they are approved. The Subdivision 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.