

## REGIONAL DISTRICT OF EAST KOOTENAY

### BYLAW NO. 3213

A bylaw to amend Bylaw No. 2532 cited as "Regional District of East Kootenay – Elk Valley Official Community Plan Bylaw No. 2532, 2014."

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WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2532;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Elk Valley Official Community Plan Bylaw No. 2532, 2014 – Amendment Bylaw No. 16, 2023 (Lizard Creek / CH Nelson Holdings Ltd – Galloway Lands)."
2. The designations of the East half of District Lot 4129, Kootenay District; the North half of District Lot 4126, Kootenay District; District Lot 8900, Kootenay District except (1) Parcel A (see 142795i) and (2) Parts included in Plans R368, 17500 and EPP88294; and Part of District Lot 4130, Kootenay District except (1) Reference Plan 66648i, (2) The Right of Way of the Crows Nest Southern Railway as shown on Plan B15 and (3) Parts included in Plans 1021, 1339 and EPP88294, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, are amended from RR, Rural Resource and RE, Resort Expansion to SH, Small Holdings and OSRT, Open Space, Recreation and Trails.
3. The first paragraph of Section 4.3 (5) is repealed and the following substituted:

Large undeveloped parcels are located south of the Fernie Alpine Resort. In response to consultation with the land owners during the development of the Fernie Area Land Use Strategy these parcels were identified as suitable for resort expansion. Given sufficient demand for resort amenities and accommodations, these parcels may be incorporated into the Fernie Alpine Resort Official Community Plan.

4. Section 3 is amended by adding the following:
  - (y) Schedule J – Development Permit Area #1 – Wildfire Hazard (Lizard Creek)
  - (z) Schedule K – Development Permit Area #2 – Environmentally Sensitive Areas (Lizard Creek)
5. Schedule A, section 4.3 (5) (f) is repealed.
6. Schedule A, section 17.3 (3) is repealed and the following substituted:

Portions of Galloway Lumber's Managed Forest 37 are generally supported for residential and open space land uses, should they be removed from the managed forest classification.

7. Schedule A - Policies sections 19 and 20 are repealed and the following substituted:

#### **19. DEVELOPMENT PERMIT AREAS**

##### **19.1 Background**

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

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

###### **(1) Area**

Development Permit Area #1 applies to all properties within the plan area as shown on **Schedule J** of this OCP.

**(2) Purpose**

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

**(3) Requirements**

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

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

**(4) Exemptions**

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

- (a) The land is already subject to a Wildfire Hazard Development Permit.

**(5) Justification**

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

**(6) Guidelines**

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

- (a) Prior to the issuance of final subdivision comments to the Ministry of Transportation and Infrastructure, a development permit will be registered on the parcel and be transferable to all vacant parcels created by the subdivision with the exception of common property proposed for access purposes within a strata subdivision and common lot access routes. The development permit will require that all future dwelling units on the property must be in conformance with the Occupancy Permit Guidelines under section 19.2 (6) (b) of this OCP.

- (b) Occupancy Permit Guidelines

When a development permit is registered on the title of a property, an occupancy permit for a dwelling unit will be not issued by the RDEK until an inspection has been completed and it has been confirmed that the conditions under section 19.2 (6) (b) (i) and (ii) have been met.

- (i) Occupancy Permit requirements for dwelling units:

- (A) All roofing materials of new dwelling units must conform to Class A, B or C fire resistance as defined in the BC Building Code.
- (B) Buildings and structures used to store wood or other combustible materials must be located a minimum of 10 metres away from the dwelling unit.

(C) Property owners must post their civic address in accordance with the RDEK House Numbering Regulation and Fee Bylaw as may be amended and replaced from time to time.

(ii) Occupancy Permit landscaping requirements within the FireSmart Priority Zone 1:

(A) Removal of combustible fuel is required, including the removal of ground level fuels, piled debris and other combustible debris.

(B) Planting of new coniferous species including, but not limited to, juniper, pine and spruce is not permitted.

(C) It is not advisable to retain previously existing mature coniferous trees. If retained, coniferous trees must:

- have limbs pruned such that they are at least two metres above the ground, and
- be spaced so that there are three metres between crowns, thereby ensuring the tips of the branches of a coniferous tree are no closer than three metres to the tips of the branches of neighbouring coniferous trees; and
- have no limbs within three metres of the dwelling unit or attachments such as balconies; OR
- be managed as recommended in a Wildfire Hazard Assessment Report, in consideration of FireSmart Principles, prepared by an RPF who is a member of the Association of BC Forest Professionals.

### 19.3 Development Permit Area #2 - Environmentally Sensitive Areas (Lizard Creek)

#### (1) Area

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

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

#### (2) Purpose

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

#### (3) Applicable Definitions

Within Development Permit Area #2:

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

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

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

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

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

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

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

**STREAM** includes any of the following:

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

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

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

**(4) Requirements**

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

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

**(5) Exemptions**

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

- (a) The proposed activity is limited to internal alterations to buildings or structures.
- (b) The proposed activity is limited to the reconstruction, repair of, or addition to existing buildings or structures which increase the development footprint by an amount less than 25% of that which was approved under a previous ESA development permit application for the property.
- (c) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within a public right of way.
- (d) The proposed activity is limited to general maintenance or upgrading of roads.
- (e) The proposed activity is limited to:
  - (i) the removal or pruning of hazardous trees as identified by a qualified hazard tree assessor;
  - (ii) an ecosystem restoration project approved by a Qualified Environmental Professional (QEP);
  - (iii) supplementing or maintaining natural existing vegetation.

- (f) The proposed activity is conducted under the authority of the Provincial Emergency Program, is intended to resolve emergency situations that present an immediate danger to life or property including procedures related to flooding or erosion.
- (g) The proposed activity is limited to emergency repairs to buildings or structures where there is a demonstrable risk to personal or public safety and property.
- (h) The proposed activity is limited to the siting, construction or installation of bank protection devices or measures in accordance with application legislation, regulations and best practices.
- (i) The proposed activity is limited to subdivision which solely involves parcel line adjustments.
- (j) The proposed activity is substantially consistent with a development permit previously issued under section 19.3 (4)(a)(b) or (c).
- (k) The proposed activity is conducted within an area zoned PG-4, Resort Open Space, Recreation and Trails Zone for the routine maintenance of non-motorized trails, bridges and ancillary structures to ensure safe recreational use.
- (l) The proposed activity is limited to parent parcel subdivision and where all parcels thus created are intended for further subdivision or for designation as Conservation / Recreation Area.
- (m) The proposed activity is limited to construction of a public road and/or common lot access, provided the construction of such public road and/or common lot access is completed in accordance with the recommendations of a QEP and include compensation measures such as restoration of natural old growth forest disturbance zones through thinning or spacing in order to minimize the net ESA loss. This exemption shall only take effect after the RDEK has received and approved of the QEP report and the RDEK has provided a letter to the property owner confirming this exemption applies.

**(6) Justification**

- (a) The plan area includes a range of significant ecosystems, habitats and features. These include:
  - (i) Wetland and riparian ecosystems

Wetlands and riparian ecosystems play a critical role in helping maintain biodiversity as they provide habitat and wildlife corridors for many terrestrial species including the known presence of the cottonwood-spruce-dogwood ecological community and many aquatic species including the known presence of Bull Trout and West Slope Cutthroat Trout. Wetland and riparian ecosystems, including both the wetted area and adjacent supporting land and vegetation provide productive fish habitat and are important to both aquatic and terrestrial wildlife.

(ii) Habitat for species at risk

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

(iii) Old Growth Forest

The range of tree ages and species found in old growth forests results in increased ecological complexity such as that found within the cottonwood-spruce-dogwood ecological community. This complexity contributes to varying habitat and a diversity of species. Some species are highly dependent on attributes found only in older forests.

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

(7) **Guidelines**

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

(a) General

The following Guidelines apply to all areas identified as ESAs on **Schedule K** of this OCP.

- (i) All development proposals are subject to the applicable requirements and approval processes under federal or provincial legislation or regulations. Identification of the permits and approvals required must be submitted with the development permit application. Issuance of the development permit will be conditional upon the acquisition of all required permits and approvals from the responsible jurisdictions. It is the responsibility of the applicant to identify and complete the applicable federal and provincial approval processes.
- (ii) Where development is considered in an ESA, the following strategies may be used to meet guideline provisions and direct development away from the ESA:

- (A) Variance through the development permit to vary setbacks or siting regulations in the zoning bylaw;
  - (B) Reduction of the minimum parcel sizes specified in the zoning bylaw in a subdivision application may be considered on the parcel that contains the ESA if the proposed subdivision is based on Conservation Subdivision Design principles and conserves the environmentally sensitive feature or area as recommended by a QEP in an Environmental Impact Assessment Report. Further details on Conservation Subdivision Design can be found in Randal Arendt's *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*. Washington DC: Island Press, 1996;
  - (C) Registration of a conservation covenant against the title of the property which requires that the environmentally sensitive area be protected in its natural, existing or restored state as recommended in an Environmental Impact Assessment Report by a QEP.
- (iii) The RDEK may require additional information as part of the development permit application process, for example, submission of an Environmental Impact Assessment Report prepared by a QEP.
- (iv) When an Environmental Impact Assessment Report by a QEP is prepared as part of a development permit application for Development Permit Area #2, an inventory of any habitat that supports species at risk which are identified as extirpated, endangered or threatened in federal or provincial legislation or regulations may be required to be completed as part of the identification of relevant baseline information, depending on the scope of the report and its Terms of Reference. If habitat that supports species at risk is identified, the Environmental Impact Assessment Report must:
- (A) Document the species at risk and their habitat which may be impacted by the proposed activity or development;
  - (B) Identify and describe any potential and likely impacts of the activity or development on the species at risk and their habitat, including any cumulative effects when combined with other projects proposed or under development;
  - (C) Evaluate the impacts in terms of their significance and the extent to which they might be mitigated; and
  - (D) Make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are mitigated or avoided;

in accordance with accepted impact assessment methodology. All approved development should be



completed in accordance with the recommendations of the Environmental Impact Assessment Report.

(b) Wetland and Riparian Ecosystem Guidelines

The following Guidelines apply to areas identified as riparian area ESAs on **Schedule K** on this OCP:

- (i) Human settlement and other land development activities within or adjacent to wetlands is discouraged.
- (ii) Proposals that offer to register a conservation covenant on the title of the lands in order to permanently protect riparian ecosystems are encouraged. The covenant should be registered before any development, including subdivision, and should be in favour of the RDEK, other public agencies including the provincial government, or non-governmental organizations, such as a private land trust committed to the management of watercourses or streamside areas.
- (iii) Locating road and utility corridors along riparian ecosystems should be avoided to maintain natural connectivity. When a road or utility corridors must cross a riparian ecosystem, the work must be completed in accordance with the recommendations of a QEP to minimize the net ESA loss.
- (iv) A riparian buffer for watercourses must be established within which no development or alteration of land is permitted. Unless an Environmental Impact Assessment Report by a QEP indicates otherwise, the size of the riparian buffer must be equal to or greater than the minimum setback distance as required by the RDEK's floodplain management regulations and no less than 15 m measured on a perpendicular line inland from the natural boundary. When the top of bank is more than 15 m above the natural boundary of the watercourse the 15 m setback distance shall be measured from the top of bank, unless an Environmental Impact Assessment Report by a QEP indicates that a smaller or greater setback is required due to site specific features.
- (v) Despite subsection 19.3 (7)(b)(iv), development proposals that involve disturbance of creeks, watercourses or riparian ecosystems may be permitted in compliance with the following guidelines:
  - (A) For development proposals that involve disturbance within the riparian buffer or the filling in of riparian ecosystems, an Environmental Impact Assessment Report by a QEP must be completed to determine the appropriate measures to protect wetland hydrology and ecological processes. All approved development should be completed in accordance with the recommendations of the Environmental Impact Assessment

- Report or the conditions of the development permit.
- (B) All channelization or alterations of creeks must incorporate mitigation measures as determined by a QEP in an Environmental Impact Assessment Report to minimize adverse environmental effects and be in compliance with federal and provincial legislation or regulations.
  - (C) Applications for development activities that will negatively impact riparian ecosystems should include appropriate compensatory enhancement or restoration measures as determined in an Environmental Impact Assessment Report by a QEP in order to minimize the net loss of riparian ecosystems.
- (vi) When an Environmental Impact Assessment Report by a QEP is prepared to satisfy Guidelines in subsection 19.3 (7)(b)(i-v) the potential for upland development to impact riparian ecosystem areas through increased runoff, sedimentation, loss of shade, or increased watercourse temperature must be considered. Appropriate mitigation strategies should be identified where applicable. All approved development should be in accordance with the recommendations of the Environmental Impact Assessment Report.
- (c) Old Growth Forest Guidelines
- The following Guidelines apply to areas identified as Old Growth Forest ESAs on **Schedule K** on this OCP:
- (i) Human settlement and other land development activities within, or adjacent to, old growth forests is discouraged.
  - (ii) If development is proposed within old growth forest areas a compact development footprint should be utilized to minimize negative impacts to the old growth forest.
  - (iii) Large diameter trees, and trees which are part of a rare or endangered ecological community such as the cottonwood-spruce-dogwood ecological community known to be present along Lizard Creek, should be preserved, subject to related provisions of this OCP.
  - (iv) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.
  - (v) Where development within old growth forests or within old growth related rare or endangered ecological communities is unavoidable, applications should identify trees which are part of a rare or endangered ecological community such as the cottonwood-spruce-dogwood ecological community known to be present along Lizard Creek and include compensation measures such as restoration of natural old growth forest disturbance zones through

thinning or spacing in order to minimize the net ESA loss. Restoration is encouraged through removal and spacing of smaller trees and burning debris piles as determined by a QEP in an Environmental Impact Assessment Report. Restoration should maintain the key characteristics of ecosystem old growth forests including a spaced open crown closure comprised of large diameter trees. This guideline does not apply to the restoration of higher elevation old growth forests. Restoration activities must be completed under the guidance of a QEP.

## 20. IMPLEMENTATION

### 20.1 Background

The OCP sets out the broad objectives and policies of the RDEK for the Elk Valley area. The plan does not provide all the tools to implement the specific directions contained within it.

Many of the policy statements contained within the OCP are not the direct responsibility of the RDEK. In these cases, the OCP represents the RDEK's position with respect to the preferred course of action for other levels of government, public authorities or individuals.

### 20.2 OCP Amendments

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

### 20.3 Zoning Bylaw Amendments

Parcels may be rezoned in conformity with the land use designations contained in **Schedules D, D1-D8**. The proposed zoning must also conform to the objectives and policies contained in the OCP.

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

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

### 20.4 Development Approvals Information

- (1) Pursuant to Section 485 (1) of the *Local Government Act* the RDEK may require the submission of development approval information to ensure that sufficient supporting

documentation is provided, prior to approval, to assess the potential impact of a development or activity.

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

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

(a) Alluvial Fan and Debris Flow Fan

Criteria: Applications for amendments to the zoning bylaw or temporary use permits where the subject property is in an alluvial fan or debris flow fan identified on **Schedules F1 and F2** of this plan.

Rationale: To assess the nature, extent, magnitude, frequency and potential effect of all flood hazards that may affect the property.

To assess the proposed development with regards to safe building sites, building elevations and foundation design requirements, and the construction of onsite protective works.

(b) Agriculture

Criteria: Applications for amendments to the zoning bylaw or temporary use permits for land that has not previously been subject to an application for which a report under section 6.3(2)(h) of this plan has been provided to the Regional District.

Rationale: To minimize conflict between agriculture and other land uses and meet the objectives and policies identified within section 6 of this plan.

(c) Wildfire Hazard

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

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

(d) Natural Environment

Criteria: Applications for amendments to the zoning bylaw, temporary use permits or development permits under section 19.3, Development Permit

Area #2 – Environmentally Sensitive Areas (Lizard Creek).

Rationale: To consider the impact of the proposed activity or development on water bodies, wetlands, riparian areas, environmentally sensitive areas, fish and wildlife habitat, and invasive species in order to meet the objectives and policies identified within the following sections of this OCP:

10. Environmental Considerations

19.3 Development Permit Area #2 – Environmentally Sensitive Areas (Lizard Creek)

## 21. LAND USE DESIGNATIONS

### 21.1 Background

The land use designations are meant to identify, in general terms, the type of land uses that are appropriate for the designated lands. The ranges in parcel sizes are reflective of parcel sizes that currently exist within the land use designation. The referenced minimum parcel sizes do not reflect the perspective of the ALC. For lands within the ALR, it is possible that subdivision into these lot sizes will not be supported by the ALC.

Subject to the zoning bylaw, agricultural use is permitted on all lands located within the ALR. The ALR is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are controlled. Further detail regarding the intent of the land use designations is found below.

The land use designations are shown on **Schedules D and D1-D8**. Where a land use designation boundary is shown as following a highway or creek, the center line of such highway or creek shall be the land use designation boundary.

### 21.2 Residential Land Uses

- (1) **R-SF, Residential Low Density** supports single family residential subdivisions, duplexes and manufactured home parks.
- (2) **SH, Small Holdings** supports low density residential development with minimum parcel sizes in the range of 0.2 ha to 2.0 ha.
- (3) **LH, Large Holdings** supports rural residential development and rural resource land uses on parcels sizes in the range of 2.0 ha to 8.0 ha.

### 21.3 Rural Land Uses

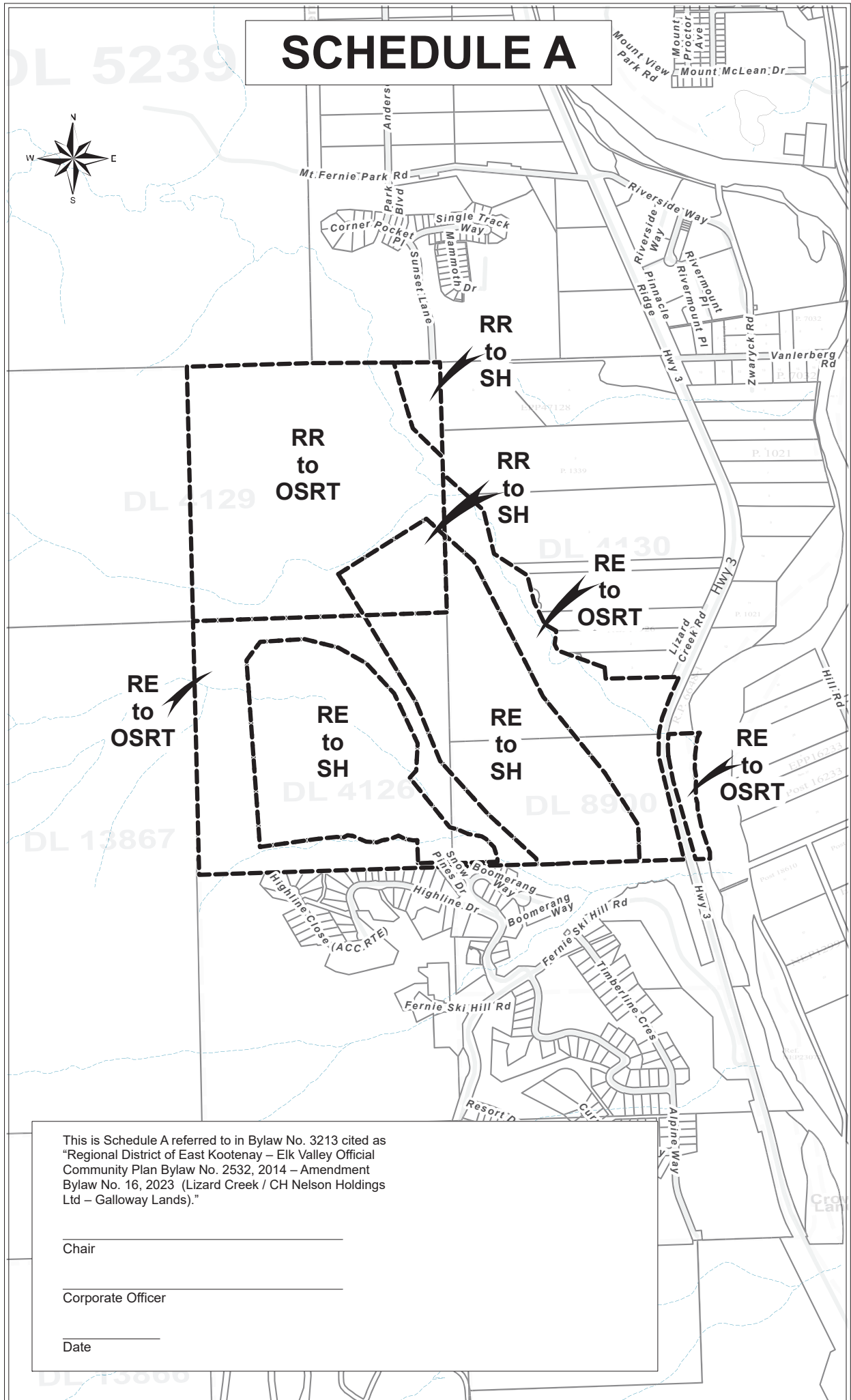
**RR, Rural Resource** supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

### 21.4 Commercial Land Uses

- (1) **C, Commercial** supports the limited range of local, service and commercial land uses identified in the zoning bylaw.



# SCHEDULE A



This is Schedule A referred to in Bylaw No. 3213 cited as "Regional District of East Kootenay – Elk Valley Official Community Plan Bylaw No. 2532, 2014 – Amendment Bylaw No. 16, 2023 (Lizard Creek / CH Nelson Holdings Ltd – Galloway Lands)."

Chair

Corporate Officer

Date









**REGIONAL DISTRICT OF EAST KOOTENAY**

**BYLAW NO. 3214**

A bylaw to amend Bylaw No. 829 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990."

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WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 829;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 106, 2023 (Lizard Creek / CH Nelson Holdings Ltd – Galloway Lands)."
2. The designations of the East half of District Lot 4129, Kootenay District, the North half of District Lot 4126, Kootenay District, District Lot 8900, Kootenay District except (1) Parcel A (see 142795i) and (2) parts included in Plans R368, 17500 and EPP88294, and part of District Lot 4130, Kootenay District except (1) Reference Plan 66648i, (2) The right of way of the Crows Nest Southern Railway as shown on Plan B15 and (3) parts included in Plans 1021, 1339 and EPP88294, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, are amended from RR-60, Rural Resource Zone and RR-8, Rural Residential (Country) Zone to RS-4, Single Residential (Extensive) Zone and PG-4, Resort Open Space and Trails Zone.
3. Section 4.27 (1) is amended by adding the following:
  - (f) On those parts of the East half of District Lot 4129, Kootenay District, the North half of District Lot 4126, Kootenay District, District Lot 8900, Kootenay District except (1) Parcel A (see 142795i) and (2) parts included in Plans R368, 17500 and EPP88294, and part of District Lot 4130, Kootenay District except (1) Reference Plan 66648i, (2) The right of way of the Crows Nest Southern Railway as shown on Plan B15 and (3) parts included in Plans 1021, 1339 and EPP88294 which are zoned PG-4, a Cabin accessory to a Wildland Use is not permitted.
4. Section 7.23 (1) is amended by adding the following:
  - (f) Park

READ A FIRST TIME the    day of                    , 2023.

READ A SECOND TIME the    day of                    , 2023.

READ A THIRD TIME the    day of                    , 2023.

APPROVED by the Ministry of Transportation and Infrastructure the    day of                    , 2023.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

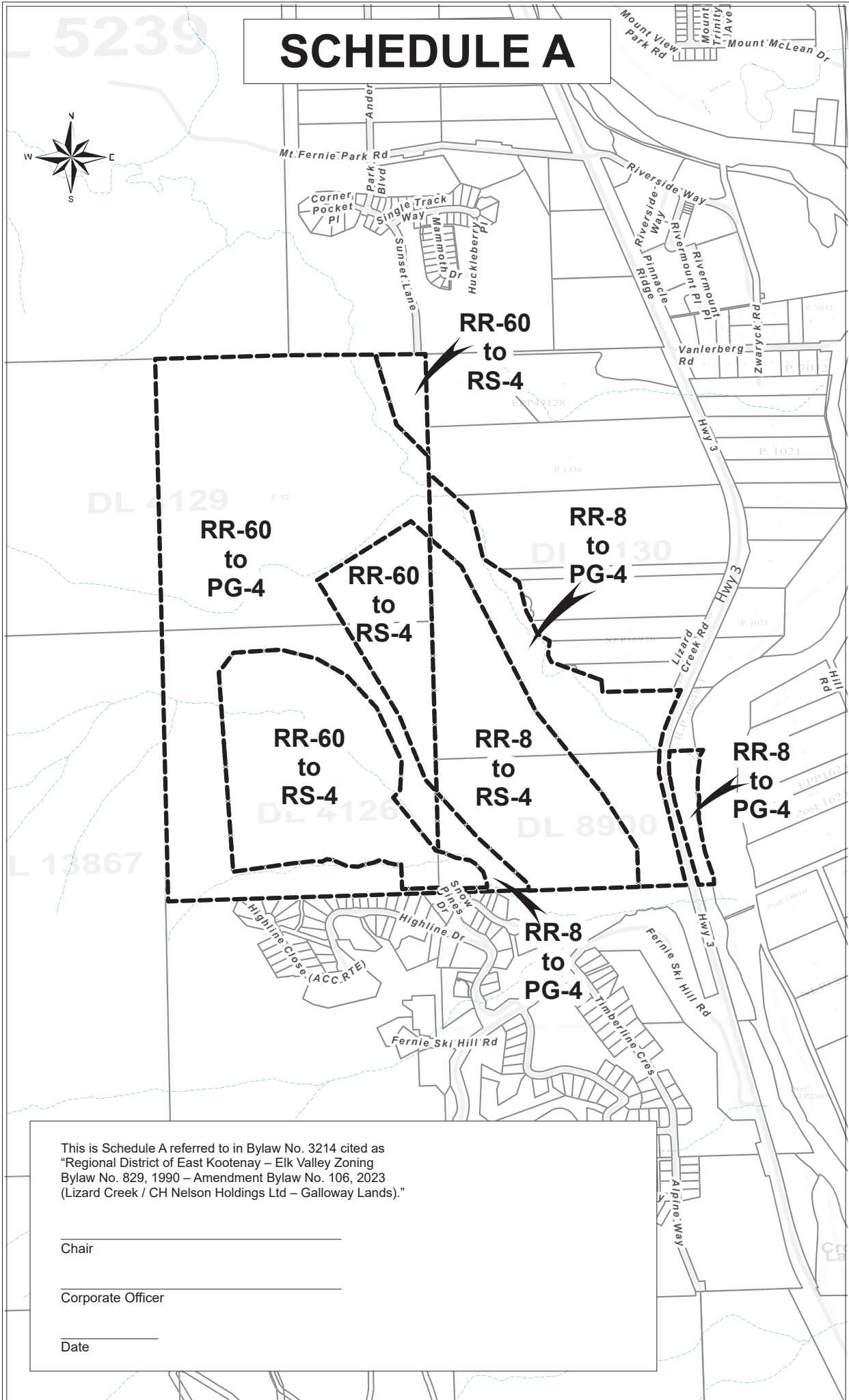
ADOPTED the    day of                    , 2023.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

5239

# SCHEDULE A



RR-60  
to  
PG-4

RR-60  
to  
RS-4

RR-60  
to  
RS-4

RR-8  
to  
PG-4

RR-60  
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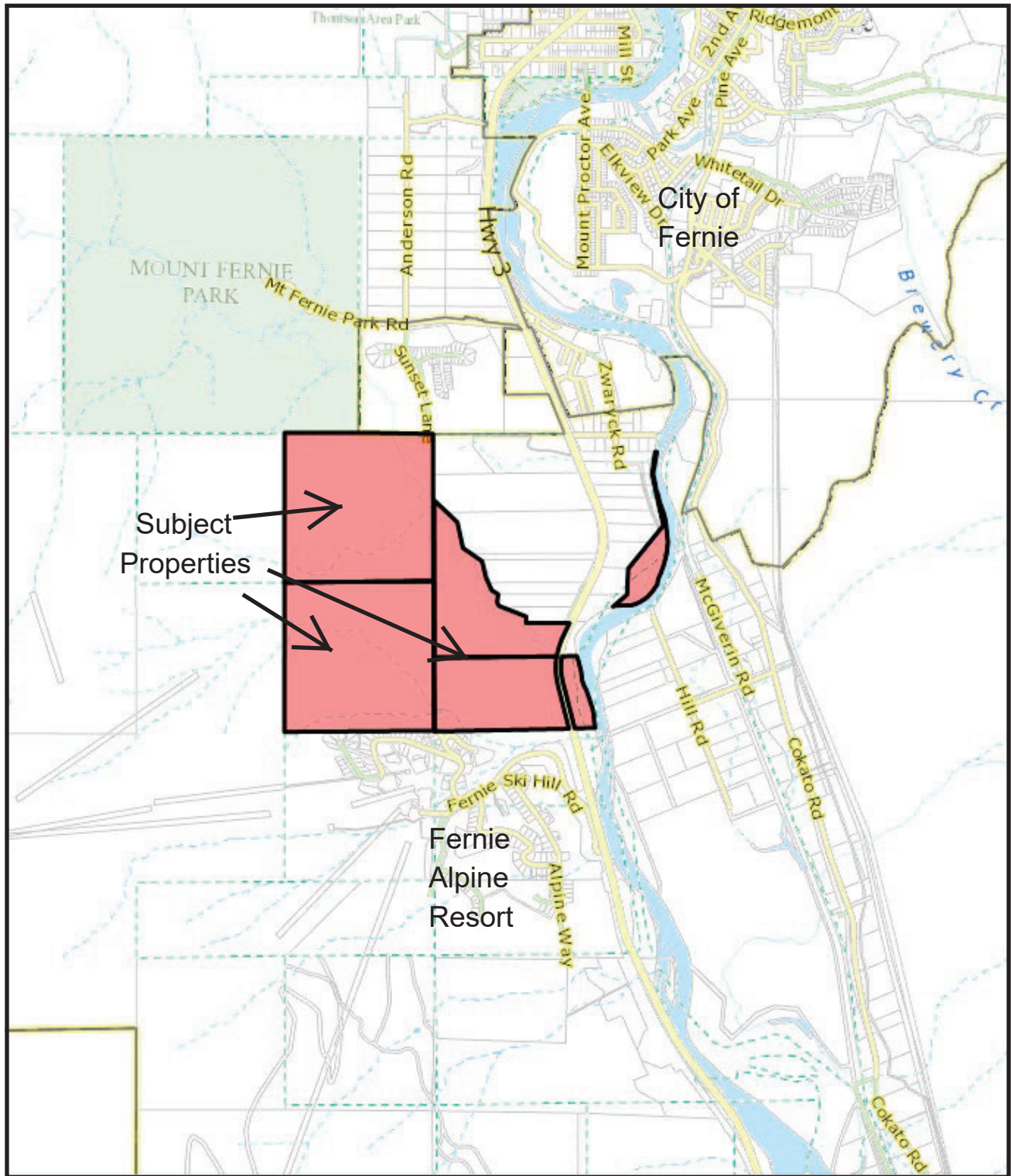
This is Schedule A referred to in Bylaw No. 3214 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 106, 2023 (Lizard Creek / CH Nelson Holdings Ltd – Galloway Lands)."

Chair

Corporate Officer

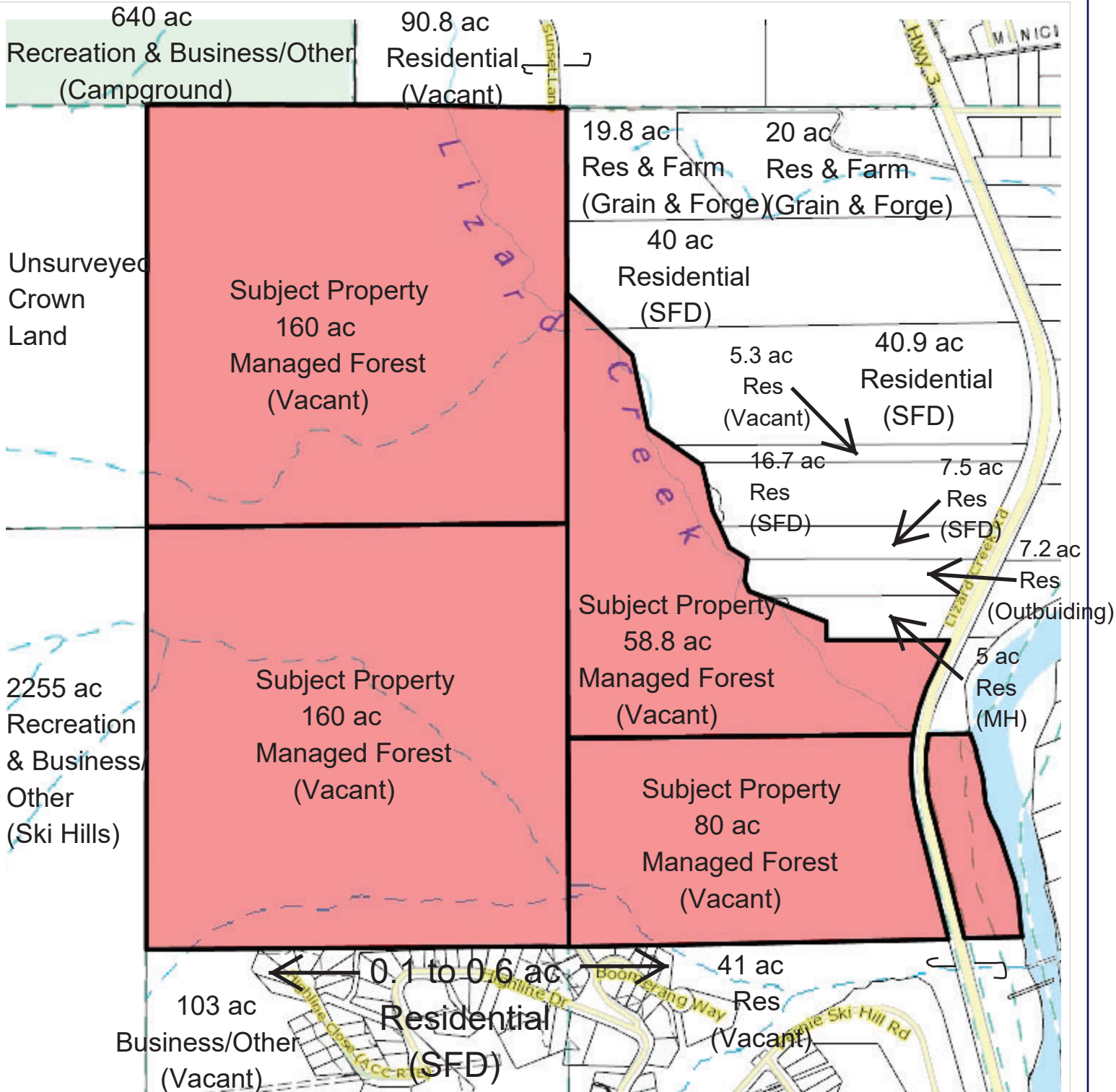
Date

# Location Map





# Land Use Map



Notes:



Scale = 1: 16,000

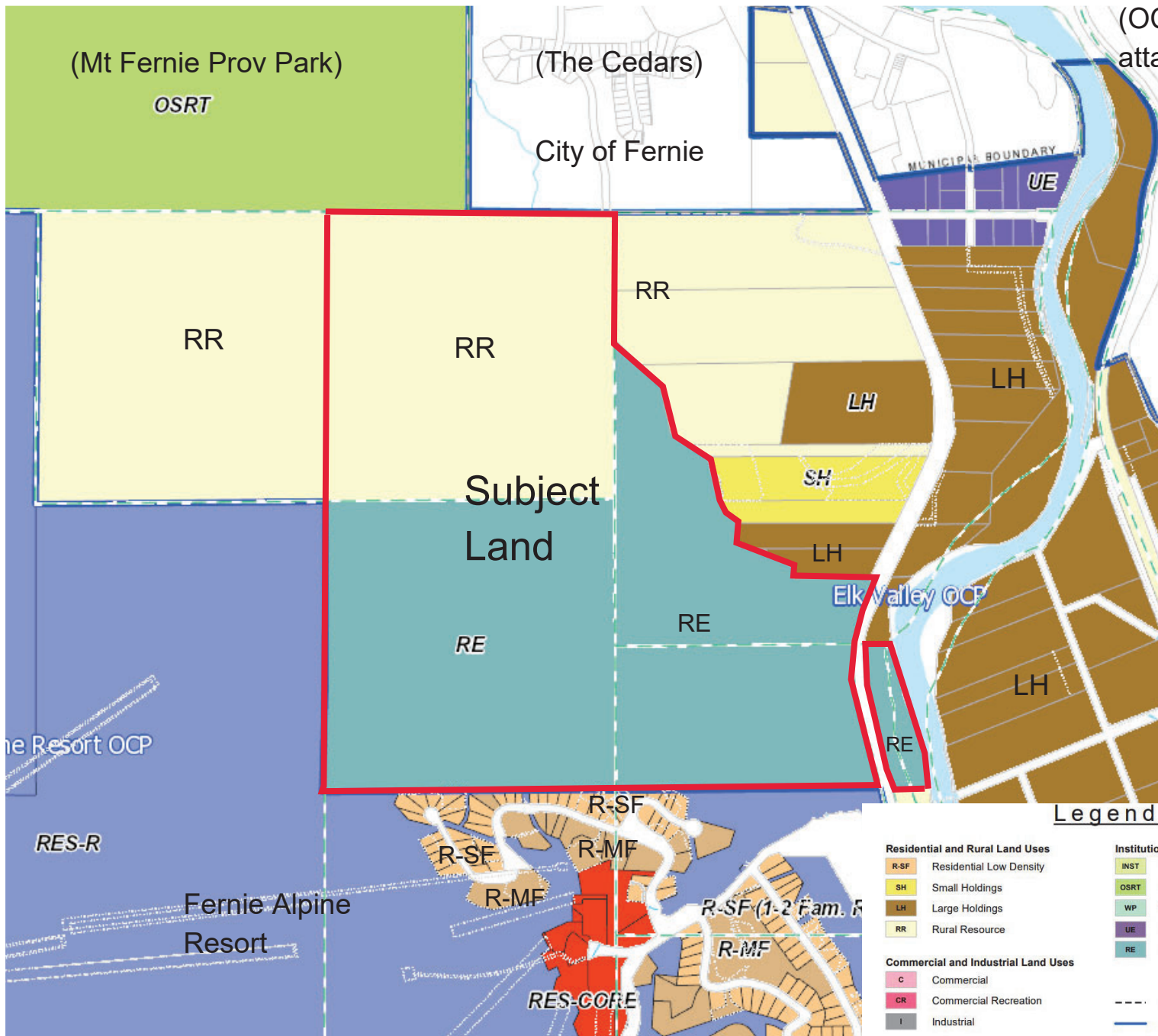


THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

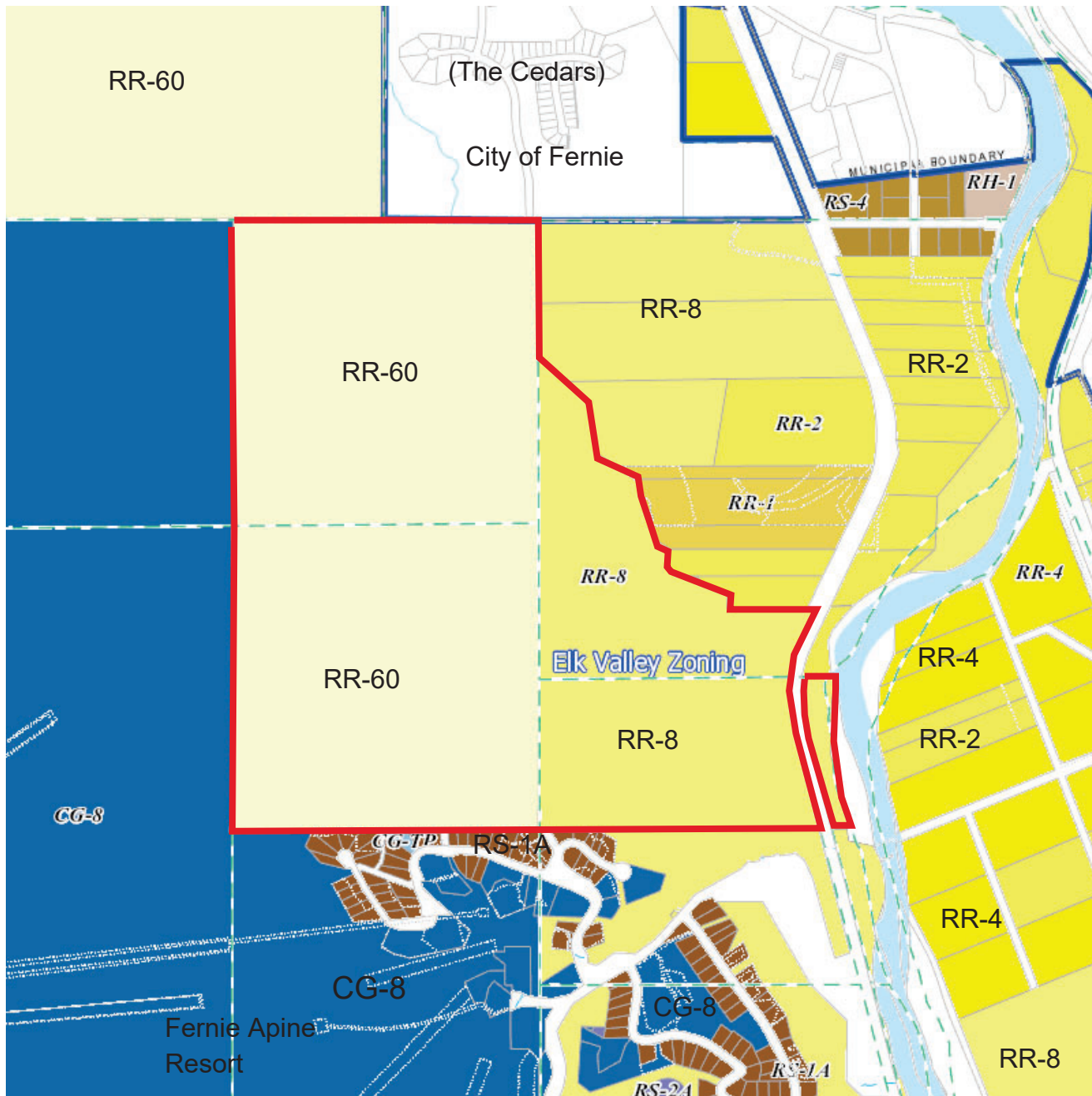
# OCP Map

(OCP Policies attached separately)

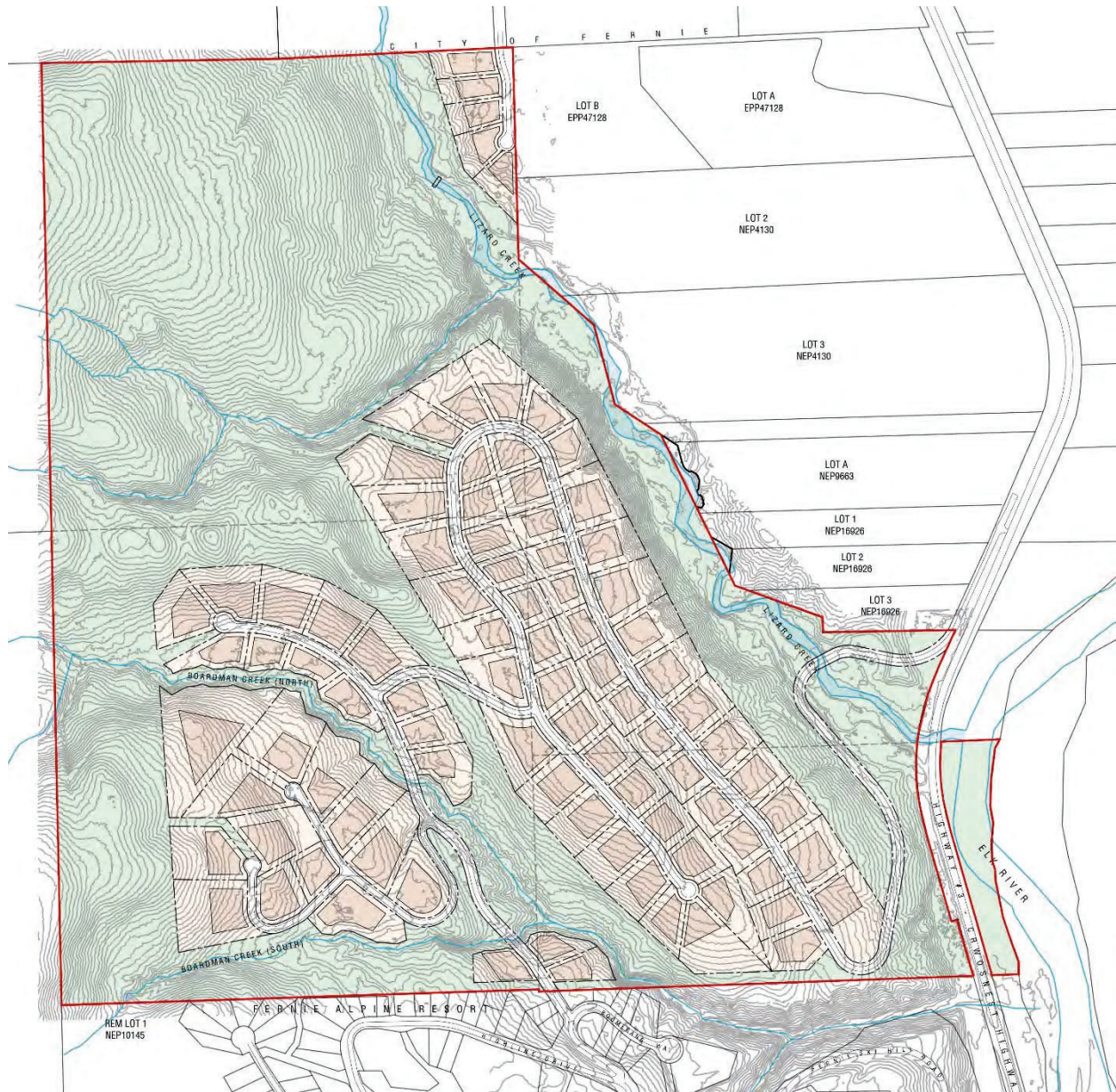


Residential and Rural Land Uses		Institutional Land Uses	
R-SF	Residential Low Density	INST	Institutional
SH	Small Holdings	OSRT	Open Space, Recreational & Trails
LH	Large Holdings	WP	Watershed Protection
RR	Rural Resource	UE	Urban Expansion
RE	Resort Expansion	RE	Resort Expansion
Commercial and Industrial Land Uses		--- Subarea Boundary	
C	Commercial	= Plan Area Boundary	
CR	Commercial Recreation		
I	Industrial		

# Zoning Map







LEGEND

-  GREENSPACE
-  PRIVATE HOMESITES
-  BUILDING ENVELOPE
-  ROAD RIGHT-OF-WAY

Figure 19 - Conceptual Building Envelope Plan

*PLAN IS CONCEPTUAL ONLY. While effort has been taken to prepare a plan that represents the vision for development of the lands, additional ground-truthing is required prior to final subdivision design. Modifications to road design, lot layout and boundaries of conservation areas / greenspace are to be expected.*



**SCHEDULE B  
CONSERVATION / RECREATION LANDS**

