



Akisqnuq Land Use Plan

*yaqał hankatłłki
łamak*

October 2018



yaqał hankatit itki ?amak

ACKNOWLEDGEMENTS



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aknumuctiʔiʔ | Natural Law

ʔakisq̓nuk First Nation is guided by the principles of *aknumuctiʔiʔ* Natural Law:

- Stewardship: we respect and take care of the land, water, animals and plants
- We harvest natural resources and take only what we need, leaving enough for generations yet to come
- We appreciate the sheer beauty of nature and life

ʔakisq̓nuk | Ktunaxa Rights & Title

ʔakisq̓nuk First Nation upholds Ktunaxa Rights and Title:

- We preserve and protect our rights and title for future generations
- We use the entire Traditional Territory
- We exercise our rights and title, as members of the Ktunaxa Nation
- We oppose extinguishment of our rights and title

How to Use This Plan?

This Land Use Plan document is composed of:

Part A: The Plan

Part B: Implementation

Part C: Plan Background

Part A: The Plan has been placed at the front of the document to ensure the most critical plan elements - vision, key principles and associated maps are easy to find during everyday use and implementation by administration, Council and band members.

Part B: Implementation outlines critical steps to ensuring that on-the-ground changes occur as a result of the Land Use Plan.

Part C: Plan Background provides a summary of the geographic and planning context of the Land Use Plan.

The Plan is also summarized on a two-sided 11x17 brochure that can be found in **Appendix A: Land Use Plan Summary**.



PART A: PLAN VISION



1 INTRODUCTION

1.1 LAND USE PLANNING HISTORY & LAND RIGHTS

?akisq̓nuk First Nation is situated in the Columbia Valley, southeast British Columbia. Members of ?akisq̓nuk First Nation are people of the Ktunaxa Nation. Since time immemorial, the Ktunaxa have lived in their traditional territory, which include the Kootenay areas of what is now British Columbia, into Alberta and the American States of Washington, Idaho and Montana. The total land area covers approximately 70,000 square kilometres.

HISTORIC FAMILY AREAS

Recognizing the historic and current connections to the land is important for ?akisq̓nuk First Nation. Map 1 identifies the historic family areas within the area. Information was provided by ?akisq̓nuk First Nation elders and members.

PRESERVATION OF ALL EXISTING RIGHTS

Recognizing that Ktunaxa traditional territory covers a vast area, this Land Use Plan, focused on the approximately 8,500 acres of land within Columbia Lake Indian Reserve No. 3 does not in any way forfeit the rights of ?akisq̓nuk First Nation Chief, Council, band members or the Ktunaxa Nation to exercise their Ktunaxa rights and title on traditional Ktunaxa territory.

1.2 WHAT IS A LAND USE PLAN?

Qapsin ki?in Yaqał hankatitłki ?amak?

A Land Use Plan (LUP) is a document that sets forth a future vision for how ?akisq̄nuk lands will be used. The future vision is set forth through a series of visual maps along with a set of principles to ensure the vision is fully understood.

Typically a Land Use Plan creates maps to show two main things: *What is currently happening on the land today* and a vision for *how land should be used and cared for in the future*.

A Land Use Plan can also create guiding principles for how the land should be used in different areas. These guiding principles can specify that certain activities or land uses are allowed in some areas, but not in other areas. For example, setting aside land for future housing.

This Land Use Plan will complement any future land code adopted by ?akisq̄nuk First Nation (AFN). However, even without a land code, the Land Use Plan can guide and direct decisions of Council and administration pertaining to land management, including housing, environmental management and economic development. The LUP can also identify economic and development opportunities for ?akisq̄nuknik, especially those with certificates of possession (CP) for land.

1.2.1 *How does the LUP respect the 2016 CCP?*

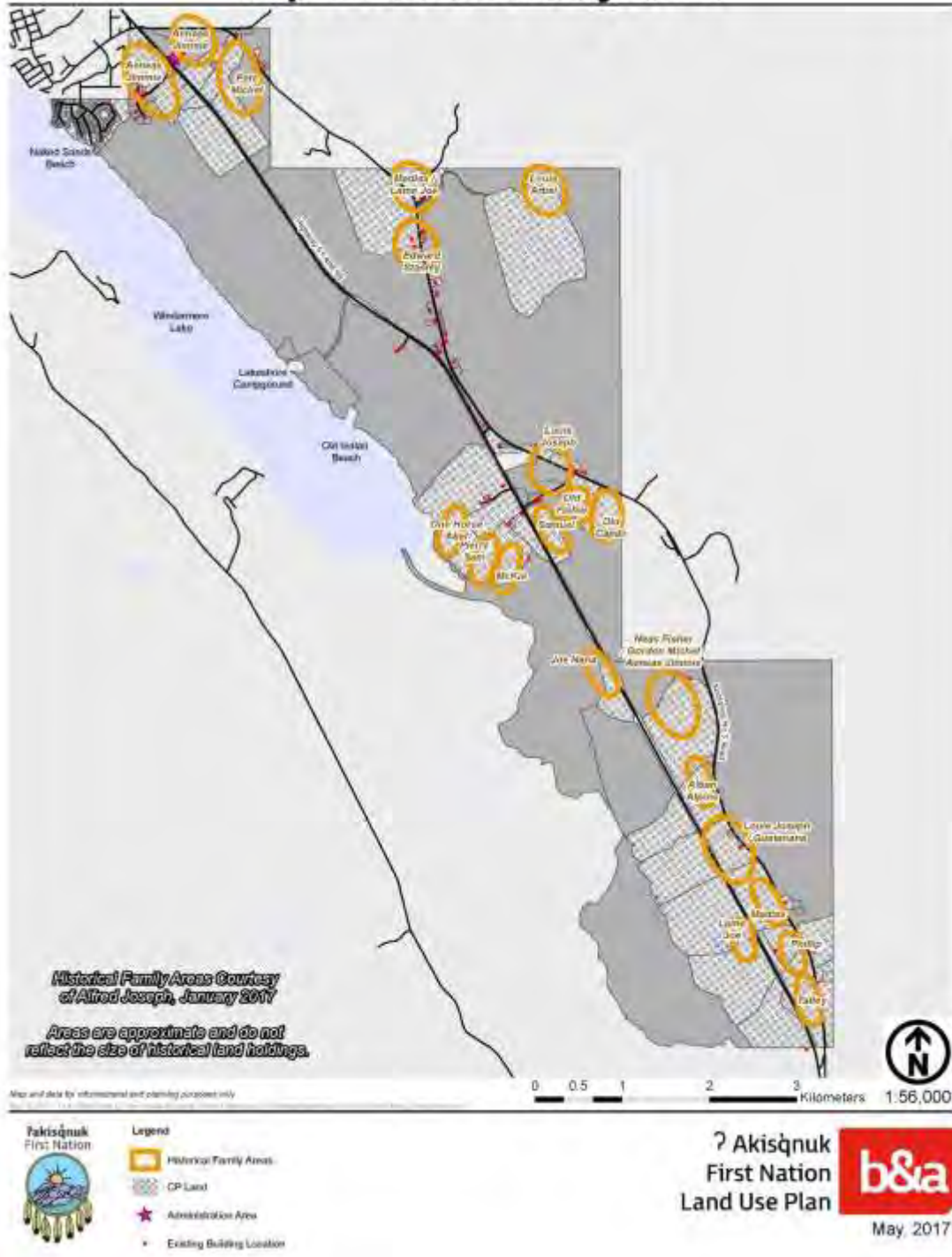
Developing a Land Use Plan is instrumental in providing AFN with guidance for land use activities on the ?akisq̄nuk lands. Creating a Land Use Plan is one of the recommendations from the 2016 ?akisq̄nuk Comprehensive Community Plan (CCP). Many of the key principles of the LUP are guided by the policies within the CCP pertaining to housing, land and economic development. For a full review of the CCP in relation to the LUP see Section 9.1.2.

1.3 INTERPRETATION

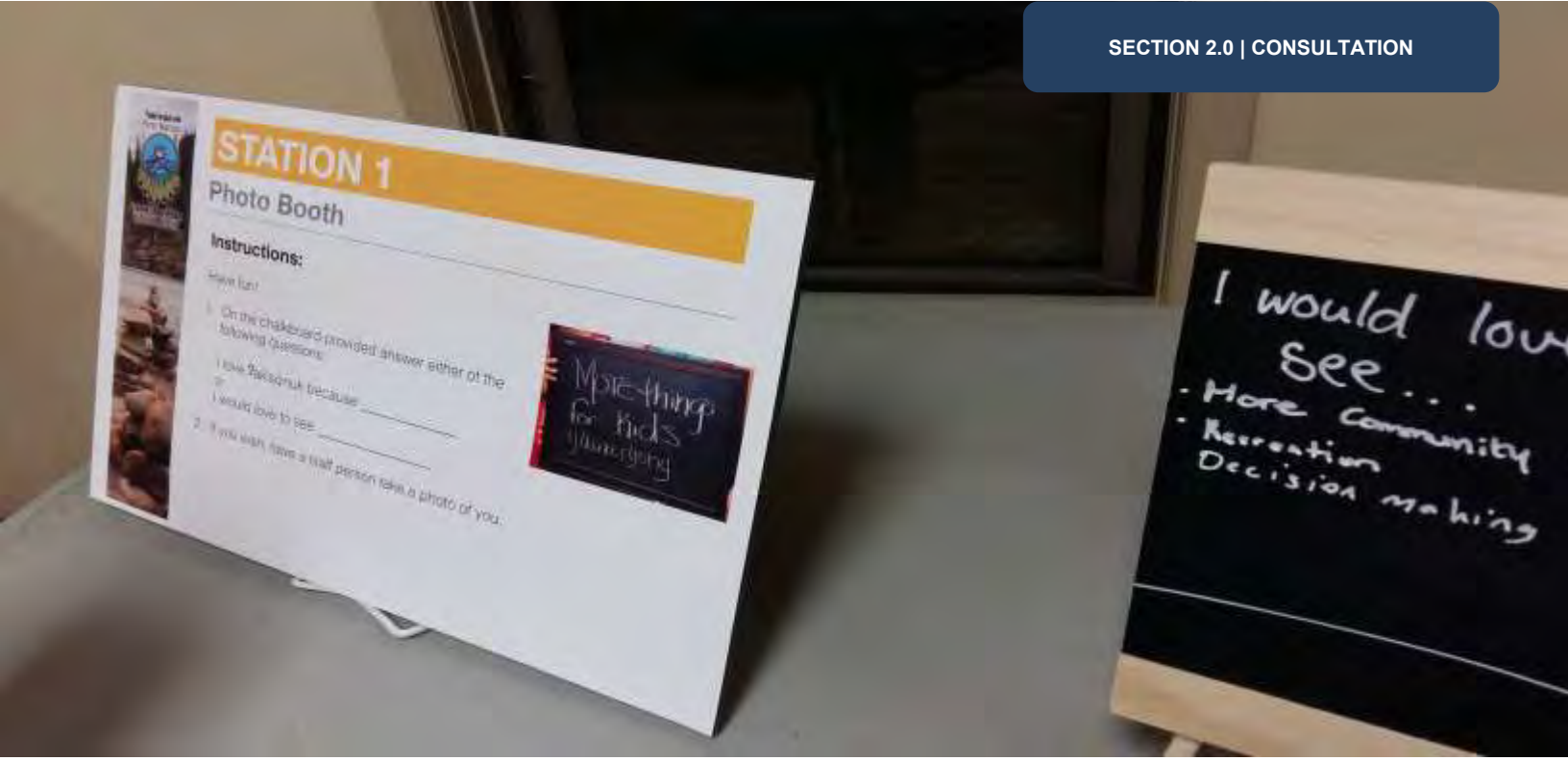
This Land Use Plan is a guiding document. The intent of the LUP is not to be exhaustive in restrictions, laws or regulations but rather to only selectively guide or limit where it is most critical, while permitting continued enjoyment of the land and exercise of traditional Ktunaxa rights. The LUP in this manner provides an overall vision and key guiding principles based on extensive community engagement. Thus the LUP should be interpreted as allowing continued use of the land unless specifically contrary to the vision and key principles of the LUP.

A Land Use Plan sets forth a future vision for how ?akisq̄nuk lands will be used.

Map 1: Historic Family Areas



Map 1: Historic Family Areas



2 COMMUNITY ENGAGEMENT

The development of the Land Use Plan was made possible through the tremendous participation of ʔakisq̓nuk community members, administration and Chief & Council.

The approach to community engagement was informed by the framework set forth in the ʔakisq̓nuk First Nation Comprehensive Community Plan adopted on March 30th 2016, and informed by the values for effective community-based workshops and meetings illustrated in the AFN Community Dialogue Report June 2014.

The LUP project team and consultants utilized these documents as a touchstone for tailoring their community engagement practices to become optimally effective. **Collaboration** and **inclusion** were identified as being critical principles for community consultation processes, and as such the project team placed emphasis on methods and outreach tactics that adhered to those principles.

Community members who have lived on this land for generations were called upon from far and wide to be involved in the land use planning process by volunteering their time, knowledge and experience to help identify where future development would be the most functional in the community.

An Engagement Strategy was created and implemented in a phased approach to facilitate community involvement, and creative tactics were employed to ensure that everyone in the community would have an opportunity to contribute to the drafting of this document.

Engagement events that were held on-reserve were designed to appeal to the broader community and generate interest in the Land Use Plan. AFN Administration and project consultants facilitated these events and used interactive methods to

demonstrate to participants how a Land Use Plan would be developed and implemented as a living document to guide the Band when making decisions about development.

- **Chief and Council ‘Touch Point’:** Held to provide Chief & Council the opportunity to share their vision and direction on the Land Use Plan, and to provide their insights on how the land should be developed through strong community consultation.
- **Community Visioning Workshop:** Introducing the project team to the wider community and to establish working relationships with community members interested in the Land Use Plan; to provide an opportunity to the greater community to ensure their knowledge about and vision for the land was incorporated into the next phase for the Land Use Plan
- **Community Directions Workshop:** Led by ?akisq̄nuk’s Land Department, this workshop was used as an additional opportunity to introduce the Land Use Plan process to band members and to generate interest ongoing community consultation work that was taking place, ie: Home Visits and Interviews.

2.1 HOME VISITS AND LAND USE AMBASSADOR

Community engagement is most effective when participants feel comfortable to share with a trusted person – someone who they hope will carry their message back to decision-makers. This desire to take engagement to the membership, rather than expect them to come to more meetings, resulted in ?akisq̄nuk First Nation hiring a land use ambassador to conduct home visits. Thus, from January 2017 to April 2017, land use ambassador, Amanda Armstrong, conducted “home visits” with ?akisq̄nuknik living on-reserve, and interviewed off-reserve ?akisq̄nuknik over the phone.

The primary goal of the home visits was to generate interest in the Land Use Plan and its process, and to get participants to identify specific geographic locations where they felt specific land uses would be most appropriate, for example housing, commercial areas, conservation, and recreational.

The Land Use Ambassador reached out to every band member with contact information on file, and coordinated, scheduled and facilitated home visits with ?akisq̄nuknik. As a supportive outreach tactic, the band administration also included informational notices and event invitations in the community’s monthly newsletter. The result of these engagement measures resulted in the successful completion of over 30 homevisits and interviews with band members

Participants undertook in mapping exercises where they identified the specific land uses, and they also contributed a significant amount of traditional knowledge and shared stories about how the land has been used for many generations. Participants advised on a number of very specific topics including housing, commercial and business opportunities, and creative ideas for ensuring cultural resurgence and generational knowledge sharing.



See Appendix for Homevisit and Interview Workbook

The information collected from the home visits and interviews was shared with the consultants (B&A Planning) and project team during an in-person session with the Land Use Ambassador. The data from the maps drawn on by participants to identify specific land uses was analyzed to create a series of Consultation Maps. The Consultation Map (Figure 1) effectively illustrates how the collective feedback of the participants has supported the drafting of the final Land Use Plan, and how traditional knowledge is a critical consideration for all future land planning in ʔakisqnuq.

Clear themes emerged during Home Visits regarding specific land uses, and traditional knowledge was incorporated throughout the development of the Consultation Maps. Innovative potential tourism and business opportunities were also documented and included to illustrate the possibility of community development based on the priorities and vision of band members. There was clear consistency between areas identified for “Conservation” and areas indicated as being traditional use areas, ie: Christmas tree farming, berry picking, hunting grounds, elk nesting areas, and medicine growing areas.



2.2 ONLINE FEEDBACK MAP

Over 40% of band members live off-reserve and in order to achieve the goals of comprehensive community engagement, the project team created an interactive feedback map where all band members could provide input regarding specific land uses and their geographical locations. The launching of an online participation tool was intended to provide an opportunity for off-reserve members to become involved in the Land Use Planning process in a way that offered the most flexibility for all akisq̓nuknik.

The online feedback map drew responses from akisq̓nuknik and their feedback was incorporated into the Consultation Maps. Low participation on the online feedback map indicated earlier on to the project team that home visits would be extremely important, likely due to the sensitive nature of the feedback the project was soliciting from band members. So, although this technique of engagement was not a major contributor to the project, it spurred the importance of the home visits and allowed the project team to focus on ensuring the effectiveness of the home visits.



2.3 SUPPORTING COMMUNICATIONS TOOLS

As part of the Engagement Strategy, ?akisq̄nuk Band Administration shared Land Use Plan updates and upcoming participation opportunities with the community through monthly newsletters and bulletin postings in the band office.

The Land Use Ambassador and ?akisq̄nuk's Land Department also supported communications efforts by sharing event postings with the greater community and inviting band members to attend.



2.4 SUMMARY OF FINDINGS

The active and ongoing participation of Akisqnuq band members, administration, and leadership ultimately lead to the successful identification of land use areas for future development and ongoing conservation. Home visits and collaborative workshops were able to draw interest from community members to have their voice and values included in this important document, and as such the result is a comprehensive representation of Akisqnuq First Nation’s vision for the land. **Figure 2- Consultation Summary** shows the collective feedback from the home visits, indicating areas of consensus and areas where there is a divergence of opinion.

Map 2: Consultation Summary



Map 2: Community Engagement Results



3 TOP FOUR PRIORITIES FOR ACTION

This Land Use Plan is first and foremost action-oriented. The Plan provides AFN with specific future development priorities. Based on recent and past community consultation, reports, plans, policies and feedback, the following top four (4) land use planning priorities have been identified.

1



Conservation Lands Management

3



Priority Housing Areas

2



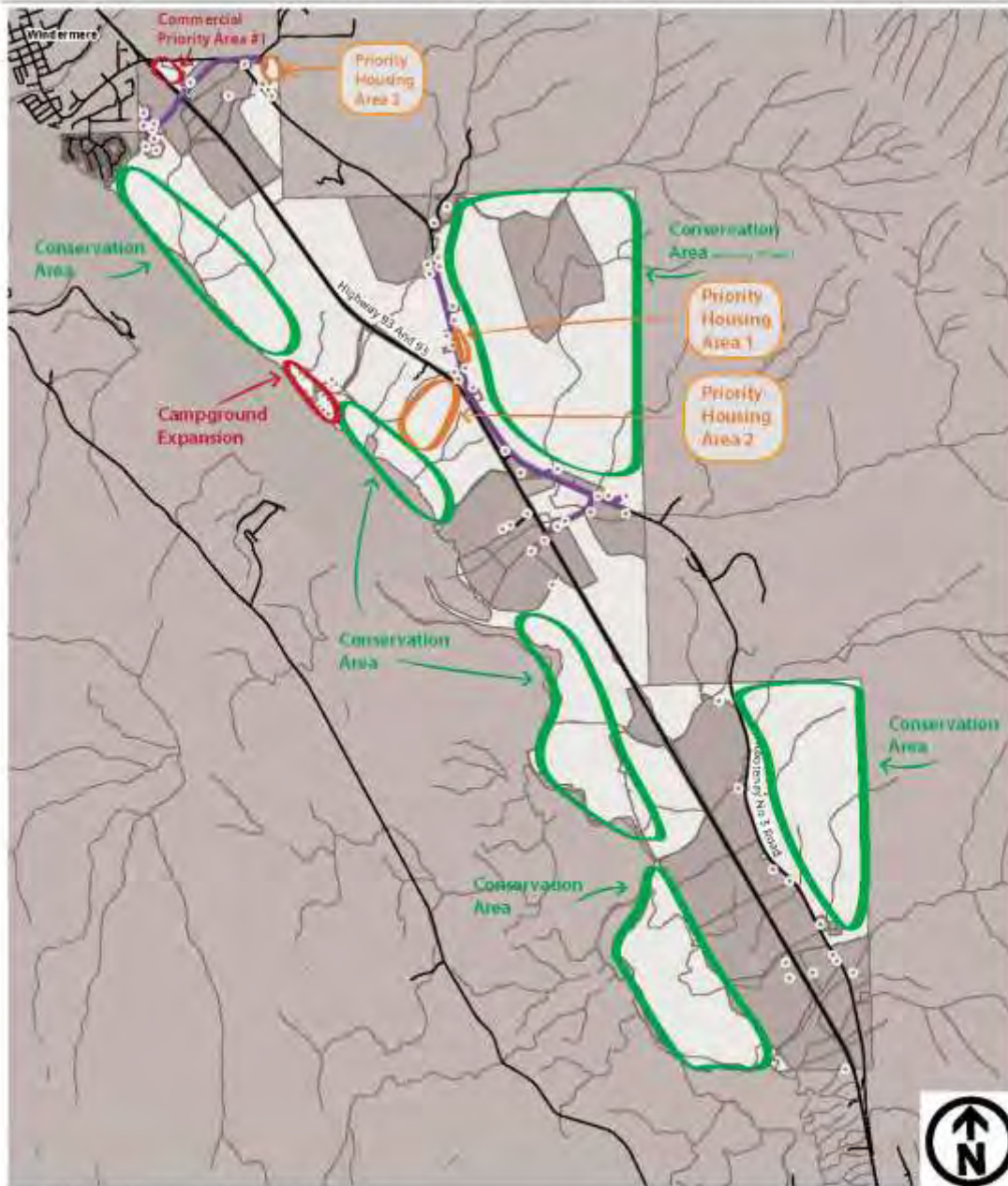
Lot 37-4 Commercial Development

4



Campground Expansion

Map 3: Priorities for Action



Map and data for informational and planning purposes only



Legend

- Existing Building
- CP Land
- Lakeshore Campground
- Conservation Area
- ⌘ Administration Area
- Band Land
- Waterbody
- Priority Housing Area
- Stream
- Parcel / Lot Line
- Existing Waterline
- Priority Commercial Area

Takisqnuk First Nation Land Use Plan **b&a**

Map 3: Top Priorities for Action

ACTION #1: CONSERVATION MANAGEMENT



Background

A central theme from previous and recent community feedback was the need to preserve/protect/conserve critical environmental, heritage and archaeological sites.

In response, the Land Use Plan identifies on **Map 4 Land Use Zones** and in more detail on **Map 5 – Conservation Areas**, critical places that are recommended for conservation. These lands are divided into three (3) categories: (i) a conservation buffer area from waterbodies, streams, lakes and rivers; (ii) general conservation areas due to ecological sensitivity and slopes; and (iii) heritage/archaeological sensitive areas.

ʔakisq̓nuk First Nation believes an active management role is important and AFN will actively manage designated conservation lands for values of wildlife habitat, forestry, wildfire protection and harvesting of plants and animals as needed. Management will be adaptive as conditions change and respect Ktunaxa Natural Law and the core values of AFN.

Key Principles

A key principle in this Land Use Plan is to use the term Conservation Lands rather than protected area to reflect the active management and care for land that Ktunaxa people have been doing for centuries. Further, Conservation Lands identified in the LUP do not limit Ktunaxa people from exercising traditional rights and title on these lands nor does it restrict undertaking management activities on these areas, including wildfire management, wildlife habitat management or other similar activities that care for the land. Specific key principles for the Conservation Lands have been detailed in Section 5.3.

A central theme from community feedback was the need to identify sensitive or critical lands

ACTION #2: LOT 37-4 COMMERCIAL DEVELOPMENT



Background

Development of Lot 37-4 has been emphasized as a priority in previous documents, including the 5-year Economic Development Plan, the 2016 Comprehensive Community Plan (CCP) and previous Physical Development Plans (PDPs). The Land Use Plan once again stresses the importance of finding a way and means to develop this 13 acre parcel of land. The CCP states the need for self-reliance, self-sufficiency, employment and economic growth. Finding a way to achieve a successful development on Lot 37-4 will assist with achieving these goals of the CCP. Furthermore, the Land Use Plan does not envision designating additional band-owned land for commercial/industrial development until Lot 37-4 is developed. Designating additional lands would simply detract from the importance of this action item.

Current Conditions

The lot is presently vacant and cleared with previous evidence of cropland. The site is available for future development. The lot configuration is irregular; however it has access to Highway 93/95, which is a significant strategic advantage as well as potential secondary access from Kootenay No. 3 Road.

Potential Designs

Previous work on the site has resulted in the existing design for a gas station, motel/hotel and small commercial outlet. A very important next step for Lot 37-4 is to find a partner or joint venture to achieve on-the-ground development. Once a development or financing partner has been arranged then potential designs can be further refined.

An important next step for Lot 37-4 is to find a development partner or joint venture.

ACTION #3: HOUSING



Background

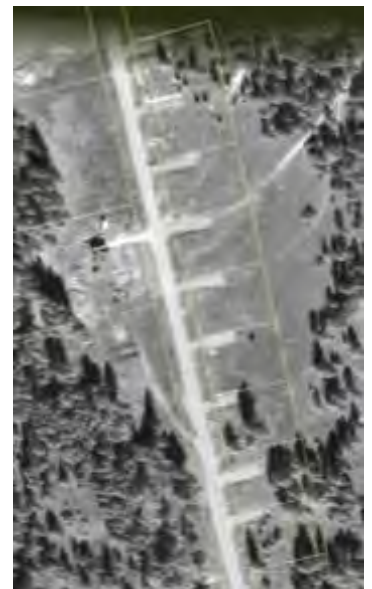
Housing has been stated as a top priority for action by community members and previous plans, policies and consultation. During community consultation three housing areas had the greatest level of support among band members.

Housing Priority Area #1 is the Central Subdivision area (see Map 3 & Map 4). Although there is a range of opinions about housing on this location, including the preferred type and size (e.g. attached, detached, large or small lots), a significant portion of the membership supported housing at this location.

Housing Priority Area #2 is known in previous documents as Development Area 7 (DA7). This large area is relatively flat, with a significant opportunity for a range of housing types, lot sizes, styles, privacy separations and proximity to amenities.

Housing Priority Area #3 is the north reservoir area, which is relatively close to the band administration area while still being private and removed from heavy traffic areas.

Housing priority areas one and two also reflect a Chief & Council commitment to build housing units along the central area waterline.



Community Values

As part of any future housing area designs, it is important to determine to ensure community values are fully integrated. Community values and needs about housing have been expressed during previous consultation efforts as well during this land use plan process. These expressed needs related to housing areas include the following desired amenities:

- Gardens
- Land/facilities for horses
- Area/facilities to tan hides
- Hunting areas
- Vegetable processing areas/facilities
- Playgrounds

ACTION #4: CAMPGROUND EXPANSION



Background

Lakeshore Campground and Resort is a successful economic, tourism and employment venture by ?akisq̓nuk First Nation. Partially due to its success, there have been discussions and plans to expand the campground. Previous plans and designs have been brought forward to the community and work on expansion options is on-going. When community members were asked about land use planning and economic development during the land use plan, campground expansion was identified by many of the members as a key location for development.

The location of the campground is aesthetically beautiful, with an excellent beach front and views of the surrounding mountains. However, development of permanent buildings and facilities can be problematic given the obvious flood and geotechnical risks. Proper engineering work and geotechnical inspections should be completed prior to construction of any permanent buildings. In addition, one of the elements that was not discussed during consultation was the appropriate scale and details of any campground expansion. It is recommended that further consultation be undertaken during the more detailed design phase of any expansion.

In addition, as conservation of waterfront and critical ecological areas is also a top priority of this land use plan, the band may wish to ensure that the campground expansion does lead to gradual incremental fragmentation of the waterfront.



4 LAND USE PLAN

4.1 GOALS

Council and community consultation identified the following goals for the Land Use Plan. The level of success of the Land Use Plan will be measured against achieving these primary goals, both now and through implementation of the LUP.

1. Determine important ecological and archaeological areas.
2. Designate suitable land for future housing.
3. Consult the community in a meaningful and authentic way.
4. Identify opportunities for economic development / industrial-commercial activity.
5. Enhance the sense of community.

4.2 LAND USE PLAN VISION

Following extensive community consultation, a land use vision has been created to geographically express the direction heard from community members on the land use plan. **Map 4 Land Use Zones** provides the guiding direction for all future land planning decisions for AFN lands. The Land Use Zones should be understood generally and clarifications regarding exact boundaries or dimensions should be determined through consultation with Chief and Council, community members, and AFN Administration, where required.

4.3 CERTIFICATE OF POSSESSION (CP) LANDS

Certificates of Possession (CP) are a form of 'lawful possession' of land allocated to band members through provisions of the Indian Act and authorized through the Minister of Indigenous and Northern Affairs Canada (INAC). This Land Use Plan respects that CP holders have distinguished legal rights to their land under the authority granted by the Government of Canada and the Minister of INAC. CP holders must comply with all relevant federal legislation and must register all leases.



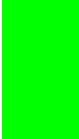







Guiding Principles for CP Lands

- 4.3.1 *CP holders are asked to voluntarily respect the vision, goals and principles set out in this Land Use Plan - out of respect for the community consultation which this plan represents and the need for respectful and compatible development in the area.*
- 4.3.2 *The Government of Canada and its representatives, including the Minister of Indigenous and Northern Affairs Canada (INAC) are asked to respect this Land Use Plan in decision-making pertaining to CP lands and other land matters that may impact AFN and its ability to fulfil the vision set forth in this document.*
- 4.3.3 *If a CP holder wishes to develop their lands they are requested to voluntarily undertake the following tasks to determine site suitability and to minimize any potential negative impacts to adjacent lands and natural systems:*
 - Describe to the community, Chief and Council how the proposed development fits with the overall vision of the Land Use Plan and will benefit ᑭᓴᓴᓴᓴᓴᓴᓴᓴ;
 - Complete technical studies to determine the potential ecological impact of the development (e.g. Biophysical Assessment);
 - Complete technical reports indicating the site is suitable for the proposed land use, which may include geotechnical/soils, water, waste water and storm water considerations where applicable;
 - Determine that no historic/archaeological sites will be negatively impacted through consultation with AFN Lands Department; and
 - Consult with immediate neighbours and the AFN community.

4.4 LAND USE ZONES

For planning and decision-making purposes AFN lands have been divided into land use planning zones that together reflects a long-term vision for AFN lands (see Map 4 – Land Use Zones). Table 1 below describes the recommended land use activities for the zones shown on Map 4. Additionally, each zone is further described in Section 5, including a list of key principles. The overall objective of the zones is to ensure a sufficient balance between retaining available land for future development and maintaining overall ecosystem health.

Table 1: Land Use Zones

LAND USE DESIGNATION	RECOMMENDED ACTIVITIES / LAND USES
NATURE / CONSERVATION ZONES	
 Conservation - Protection	<ul style="list-style-type: none"> Habitat management / wildlife management, cultural activities, hunting/gathering / horseback riding. No development.
 Conservation	<ul style="list-style-type: none"> Habitat management / wildlife management, cultural activities, hunting/gathering / horseback riding, eco-tourism, guiding.
 Conservation – Recreation	<ul style="list-style-type: none"> Outdoor recreational activities for ?akisq̄nuknik including beach access and associated facilities, walking/hiking trails and facilities, access roads and other related outdoor/nature activities and facilities.
 Agriculture & Natural Resources	<ul style="list-style-type: none"> Forestry and related habitat management, Cropland / pastureland / Animal Grazing, Farm-related buildings and facilities, Farmstead homes, Horticulture / Market-gardens & associated retail, Equestrian facilities, Home-businesses, Cultural Activities, Hunting / gathering / horseback riding / ATV / Snowmobile use, Ecotourism / guiding
 Archaeological / Heritage	<ul style="list-style-type: none"> Recreation, Cultural activities, wildfire management
DEVELOPMENT ZONES	
 Housing	<ul style="list-style-type: none"> All housing types, recreation, cultural activities, small-scale commercial (that complements housing), playgrounds,
 Industrial & Commercial	<ul style="list-style-type: none"> Commercial / retail / food services, hotel/motel/overnight accommodation, industrial, manufacturing
 Commercial - Recreation & Tourism	<ul style="list-style-type: none"> Recreation development & related activities and buildings, campground, RV resort, marina, boat dock, sports facilities (e.g. Lakeshore Campground & Resort)
 Community Services	<ul style="list-style-type: none"> Administration buildings, recreation centre, health centre, schools, gardens, play fields, sports facilities
 Remediation	<ul style="list-style-type: none"> No development prior to clean-up of identified contamination

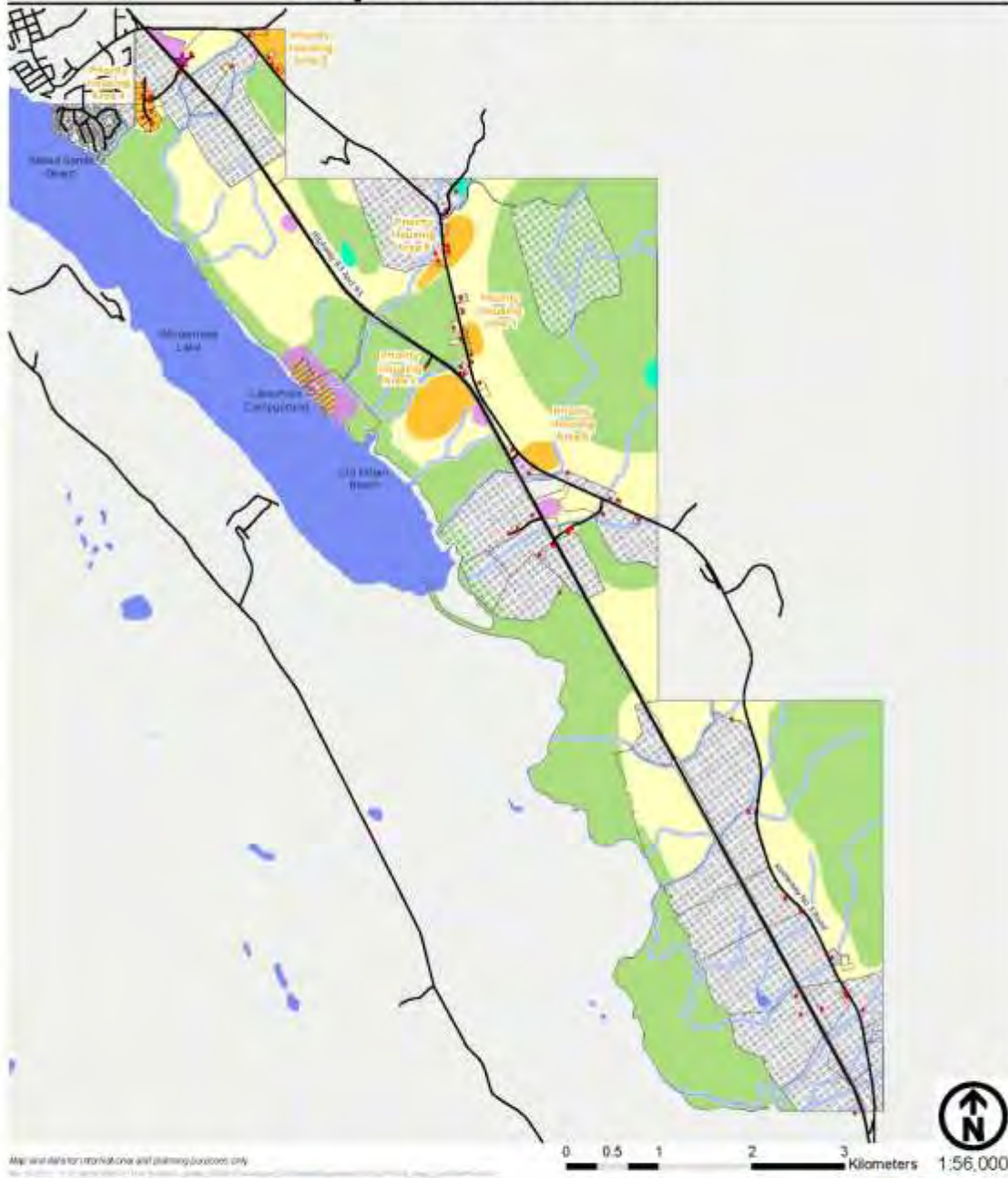
4.5 LAND USE ZONES STATISTICS

The following table shows a breakdown of the land use zones by area and percentage of the total land area.

Table 2: Land Use Zones

LAND USE DESIGNATION	Total Acres*	Percentage of Total Land Area
	<i>*rounded to the nearest 5 or 10 acres as zones are conceptual in nature.</i>	
Conservation - Protection	480	5.6%
Conservation	3,150	37.1%
Conservation – Recreation	140	1.6%
Agriculture & Natural Resources	4,340	51.1%
Housing	245	2.9%
Industrial & Commercial	30	0.4%
Commercial - Recreation & Tourism	50	0.6%
Community Services	45	0.5%
Remediation	20	0.2%
Total	8,500	100%

Map 4: Land Use Zones



Map 4: Land Use Zones for information only and planning purposes only.

<p>Akisqnuk First Nation</p>	Legend		
	<ul style="list-style-type: none"> IP Land Administration Area Existing Building Location Waste Management 	<ul style="list-style-type: none"> Priority Housing Area Priority Industrial / Commercial Area Conservation Area Agriculture / Natural Resources 	<ul style="list-style-type: none"> Stream Waterbody Stream Buffer Remediation Site

Akisqnuk First Nation Land Use Plan

 May, 2017

Map 4: Land Use Zones



5 LAND USE PRINCIPLES

The following land use principles apply to ʔakisq̓nuk First Nation (AFN) lands and implement the vision shown on **Map 4 - Land Use Zones**.

5.1 GENERAL PRINCIPLES

The following principles apply to all AFN lands regardless of any specific designated land use zone.

5.1.1 *ʔakisq̓nuk First Nation is guided by the principles of aknumuctiḱiḱ - Natural Law:*

- Stewardship: we respect and take care of the land, water, animals and plants
- We harvest natural resources and take only what we need, leaving enough for generations yet to come.
- We appreciate the sheer beauty of nature and life.

CONSERVATION

5.2 CONSERVATION – LANDS – KEY PRINCIPLES

- 5.2.1 **Purpose:** *The purpose of the Conservation lands are to set aside land from future development to ensure there is care of natural systems, plants, animals, waterways, riparian areas, and wildlife habitat.*
- 5.2.2 *The following activities and land uses are recommended within the Conservation Lands identified on **Map 4 Land Use Zones** and more specifically on **Map 5 Conservation Zone Detail**:*

Conservation lands are set aside to ensure the function of natural systems

LAND USE DESIGNATION	RECOMMENDED ACTIVITIES / LAND USES
Conservation – Lands	<ul style="list-style-type: none">• Wildlife habitat / Wildfire management (as outlined in a management plan)• Cultural / Traditional Activities• Hunting / gathering / horseback riding / harvesting / hiking and similar low impact activities• Ecotourism / guiding (as approved by Chief and Council if on Band land)• Riparian and river management and conservation activities

- 5.2.3 *The following activities are **not** recommended within the Conservation Lands:*

- Construction of dwellings / buildings / development
- Agricultural / horticulture and related activities
- Industrial/commercial, residential, and natural resource extraction activities

- 5.2.4 *At the discretion of Chief and Council, buildings may be constructed in a sensitive manner within the Conservation zone if they have an overall community benefit related to conservation or ecological preservation (e.g. storage building for wildfire management or an interpretive centre). Construction of access roads should be kept to a minimum, respecting ecologically sensitive areas, archaeological sites and wildlife habitat and movement areas.*

CONSERVATION

5.3 CONSERVATION – PROTECTION LANDS – KEY PRINCIPLES

5.3.1 **Purpose:** *The purpose of the Conservation - Protection lands is to set aside the most sensitive, sacred and critical places from any future development to ensure protection of sensitive habitats and rare or endangered plant or animal species and preservation of significant cultural and sacred sites.*

5.3.2 *The following activities and land uses are recommended within the Conservation Lands identified on **Map 4 Land Use Zones** and more specifically on **Map 5 Conservation Zone Detail**:*

LAND USE DESIGNATION	RECOMMENDED ACTIVITIES / LAND USES
Conservation – Protection Lands	<ul style="list-style-type: none"> • Wildlife habitat / Wildfire management (as outlined in a management plan) • Cultural / Traditional Activities • Hunting / gathering / horseback riding / harvesting / hiking and similar low impact activities • Riparian and river management and conservation activities

5.3.3 *The following activities are **not** permitted within the Conservation – Protection Lands:*

- Construction of dwellings / buildings / development
- Agricultural / horticulture and related activities
- Industrial/commercial, residential, and natural resource extraction activities

5.3.4 *Construction of access roads should be kept to a minimum, respecting ecologically and culturally sensitive areas, archaeological sites and wildlife habitat and movement areas.*

Conservation – Protection lands are set aside to ensure protection of the most sensitive, sacred and critical places.

CONSERVATION

5.4 CONSERVATION – RECREATION LANDS – KEY PRINCIPLES

- 5.4.1 **Purpose:** *The purpose of the Conservation - Recreation lands is to set aside land from future development to ensure outdoor recreational, cultural, and community gathering opportunities for community members that respects conservation of the natural environment.*
- 5.4.2 *The following activities and land uses are recommended within the Conservation Lands identified on **Map 4 Land Use Zones** and more specifically on **Map 5 Conservation Areas**:*

LAND USE DESIGNATION	RECOMMENDED ACTIVITIES / LAND USES
Conservation – Recreation Lands	<ul style="list-style-type: none"> Wildlife habitat / Wildfire management (as outlined in a management plan) Cultural / Traditional / Outdoor Recreation Activities Community-member outdoor recreation facilities Hunting / gathering / horseback riding / harvesting / hiking and similar low impact activities Ecotourism / guiding (as approved by Chief and Council if on Band land) Riparian / river management and conservation activities

- 5.4.3 *The following activities are **not** recommended within the Conservation – Recreation Lands:*

- Construction of dwellings / buildings / development
- Agricultural / horticulture and related activities
- Industrial/commercial, residential, and natural resource extraction activities

- 5.4.4 *At the discretion of Chief and Council, buildings may be constructed in a sensitive manner within the Conservation zone if they have an overall community benefit related to conservation or ecological preservation (e.g. storage building for wildfire management or an interpretive centre).*

- 5.4.5 *Construction of access roads should be kept to a minimum, respecting ecologically sensitive areas, archaeological sites and wildlife habitat and movement areas.*

Conservation – Recreation lands are set aside for band member outdoor activities that respect the environment.

Map 5: Conservation Zone Detail



Map 5: Conservation Zone Detail

AGRICULTURE & NATURAL RESOURCES

5.5 AGRICULTURE & NATURAL RESOURCES LANDS – KEY PRINCIPLES

5.5.1 **Purpose:** *The purpose of the Agriculture & Natural Resources lands are to set aside land from future development and ensure adequate provision of land for agriculture, horticulture, natural resources management, forestry and wildlife habitat.*

5.5.2 *The following activities and land uses are recommended within the Agriculture & Natural Resources lands identified on **Map 4 Land Use Zones**:*

LAND USE DESIGNATION	RECOMMENDED ACTIVITIES / LAND USES
Agriculture & Natural Resources Lands	<ul style="list-style-type: none"> • Forestry and related habitat management • Cropland / pastureland / animal grazing • Farm-related buildings and facilities including farmstead homes / Isolated homes • Agriculture / Horticulture / Market-gardens & associated retail • Equestrian facilities • Home-businesses • Cultural Activities • Hunting / gathering / horseback riding / harvesting and similar low impact activities • ATV / Snowmobile use (respecting sensitivity of land, waterways and wetlands) • Ecotourism / guiding (as approved by Chief and Council if on Band land)

5.5.3 *The following activities are **not** recommended within the Agriculture & Natural Resource Lands include:*

- Construction of community housing areas
- Large-scale commercial/retail, industrial or manufacturing activities

5.5.4 *Construction of access roads should be kept to a minimum, respecting ecologically sensitive areas, archaeological sites and wildlife habitat and movement areas.*

ARCHAEOLOGICAL / HERITAGE

5.6 ARCHAEOLOGICAL / HERITAGE SENSITIVE LANDS – KEY PRINCIPLES

The land base of AFN contains hundreds of identified and unidentified significant archaeological / heritage sites. **Map 5 Conservation Zone Detail** shows the general location of archaeological sites that have been identified by various sources. In general the identified sites are located along the west side of AFN, along the lake, river, wetlands and at the bottom of the slope leading to these lake features. In an effort to preserve and be sensitive to these historic or sacred places the following key principles apply:

5.6.1 **Purpose:** *The purpose of the Archaeological / Heritage Sensitive Lands are to protect from any development or disturbance identified archaeological / heritage areas.*

5.6.2 *The following activities and land uses are recommended within the Archaeological / Heritage Sensitive Lands identified on Map 4:*

LAND USE DESIGNATION	RECOMMENDED ACTIVITIES / LAND USES
Archaeological / Heritage Sensitive Lands	<ul style="list-style-type: none">• Community recreation• Cultural / traditional activities• Wildfire & Habitat Management (with mitigation strategies)

5.6.3 *The following activities are **not** recommended within the Archaeological / Heritage Sensitive areas include:*

- Construction of dwellings
- Construction of buildings / development
- Stripping and grading
- Agricultural / horticulture and related activities
- Industrial, commercial or residential activities
- Natural resource extraction activities

- 5.6.4 *Proposed development near the edge of an identified Archaeological / Heritage Area shall check with AFN Administration whether additional measures are required to ensure no disturbance of sensitive archaeological sites.*
- 5.6.5 *All new approved developments not within an identified Heritage Site shall halt all development activities if cultural/archaeological/heritage material is discovered during construction. Construction may re-start upon agreement from Chief and Council that any concerns regarding disturbance of heritage sites has been addressed.*
- 5.6.6 For verification of archaeological data and background the following report “*Archeological Survey of Columbia Lake I.R. 3, 1994 Archeological Training Program*” by *Wayne T. Choquette and Allan Hunter* should be referenced.

HOUSING

5.7 HOUSING LANDS – KEY PRINCIPLES

5.7.1 **Purpose:** *The purpose of the Housing lands is to set aside suitable developable land for residential development that will serve the immediate and long-term needs of the community, ensuring adequate supply and variety of good quality land for housing.*

5.7.2 **Housing Lands** are identified on **Map 4 Land Use Zones** and more specifically on **Map 6 Recommended Housing Areas Detail**. The following activities and land uses are recommended within these areas:

LAND USE DESIGNATION	RECOMMENDED ACTIVITIES / LAND USES
Housing - Residential	<ul style="list-style-type: none">• Housing & Community areas• Recreation facilities• Small-scale commercial• Home-businesses

5.7.3 *The following activities are **not** recommended within the Housing Lands:*

- Industrial / manufacturing activities
- Large-scale commercial activities
- Natural-resource extraction (except forestry)

5.7.4 *Housing development is generally recommended to be prioritized along the central area waterline to align with prior Chief & Council direction. Priority Housing areas are listed as follows:*

1. Housing Priority Area #1 – Central Subdivision
2. Housing Priority Area #2 – Comprehensively Planned Area

Although not along the central area waterline, there was strong community support during consultation for housing near the north reservoir along the north waterline, which is shown as Priority Housing Area #3 on **Map 3** and **Map 6**. Further discussion on this area may be required following build-out of housing priority areas one and two.










5.7.5 *Detailed plans for the priority Housing Areas, where completed, are outlined in Section 6 – Special Area Plans in this Land Use Plan.*

5.7.6 *Housing near the lake or lakefront housing is discouraged; however it may be considered under the following conditions:*

- i) proposed location is adjacent / contiguous to Lakeshore Campground;*
- ii) development concept and site plans are approved by Chief and Council;*
- iii) community consultation has occurred; and*
- iv) technical studies are completed that verify suitable land conditions exist or concerns can be mitigated (e.g. slope stability, flood mitigation).*

5.7.7 *A variety of housing styles and lot sizes will ensure sufficient provision of housing for ?akisq̓nuknik. The following Table 2 is recommended as general direction for allocation of housing, ensuring that individual needs are met in an appropriate way. Housing areas are shown on **Map 6 Housing Areas**.*

Table 3: Housing Plan Matrix

Housing & Lot Type		Area 1	Area 2	Area 3	Area 4	CP land
Detached Homes not in a planned area						
Large lot acreages (>1 acre)		X	X	? possible	? possible	? possible
Detached homes in planned areas						
Large Lot planned community (up to 1 acre)		X	✓	✓	✓	X
Small lot in a planned community		X	✓	✓	X	X
Attached homes						
Duplexes & Triplexes, 6-Plexes		✓	✓	X	X	If desired
Transition House, Apartments, Seniors Housing		✓	✓	X	X	X
Services						
Access to Water Line		✓	✓	✓	✓	? depends on location
Potential Amenities						
Playgrounds / community spaces		✓	✓	X	X	X
Active Wildfire Prevention / Protection		✓	✓	✓	✓	? depends on location
Snow clearing by Band		✓	✓	✓	?	X

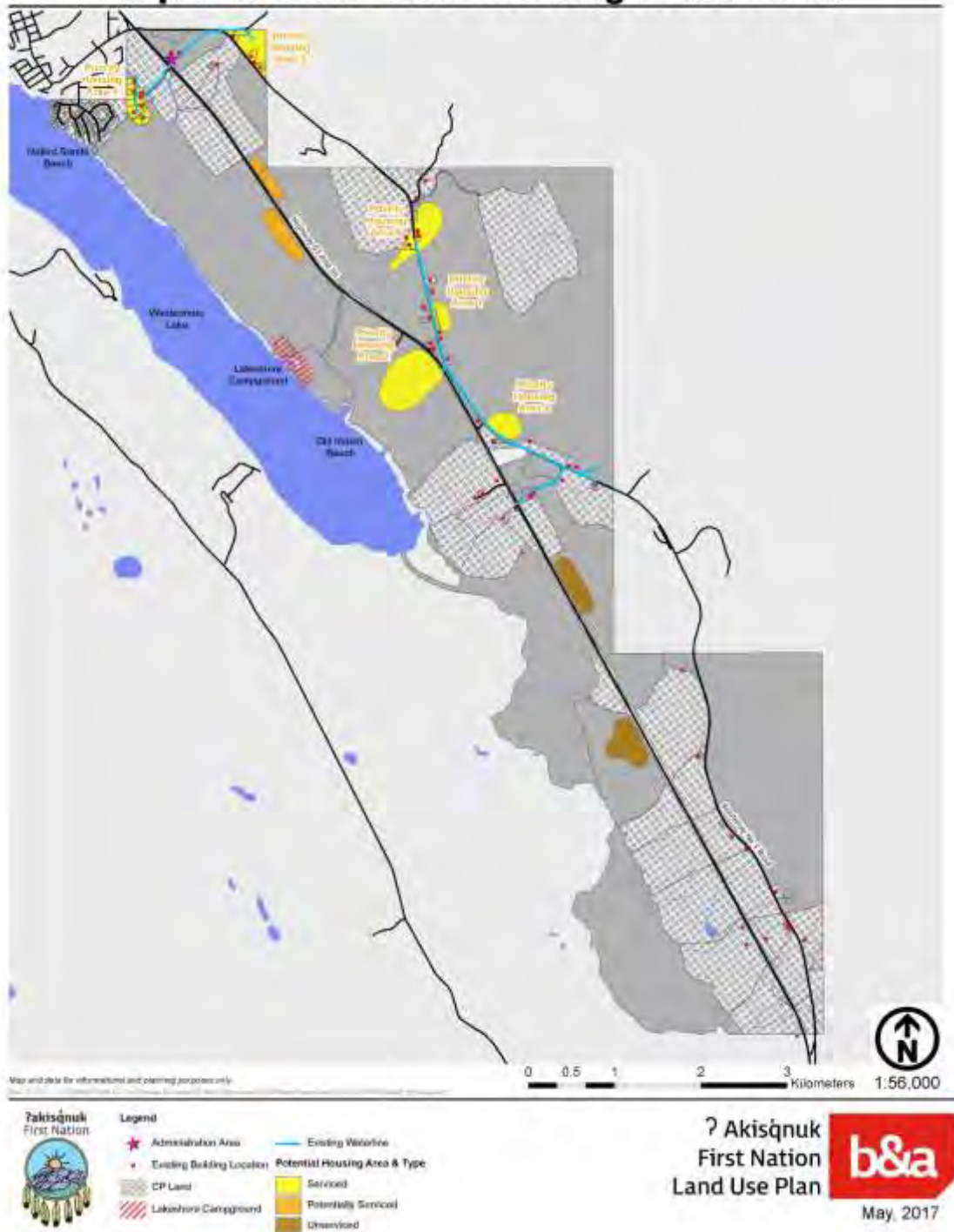
LEGEND:

✓ means option is available or likely available

? means option may be possible or may depend on location

X means option is not available

Map 6: Recommended Housing Areas Detail



Map 6: Housing Areas

5.7.8 Future community housing developments should ensure consideration of the following design principles:

 <p>1</p>	 <p>2</p>	 <p>3</p>
<p>Community-based design process (e.g. input into site planning and building design)</p>	<p>Community space for group gatherings</p>	<p>Playgrounds & outdoor recreation amenities (e.g. walking trails)</p>
 <p>4</p>	 <p>5</p>	 <p>6</p>
<p>Design for people of all ages (e.g. accessible design)</p>	<p>Sustainable building design (e.g. solar energy)</p>	<p>Respect of privacy</p>
 <p>7</p>	 <p>8</p>	 <p>9</p>
<p>Community safety through design</p>	<p>Community Gardens</p>	<p>Facilities for traditional activities</p>

INDUSTRIAL / COMMERCIAL

5.8 INDUSTRIAL / COMMERCIAL LANDS – KEY PRINCIPLES

5.8.1 **Purpose:** *The purpose of the Industrial / Commercial lands is to set aside suitable developable land for industrial or commercial development that will serve the needs of the community and promote economic development and self-sufficiency.*

5.8.2 **Industrial / Commercial areas are identified on Map 4 Land Use Zones and more specifically on Map 7. The following activities and land uses are recommended within these areas:**

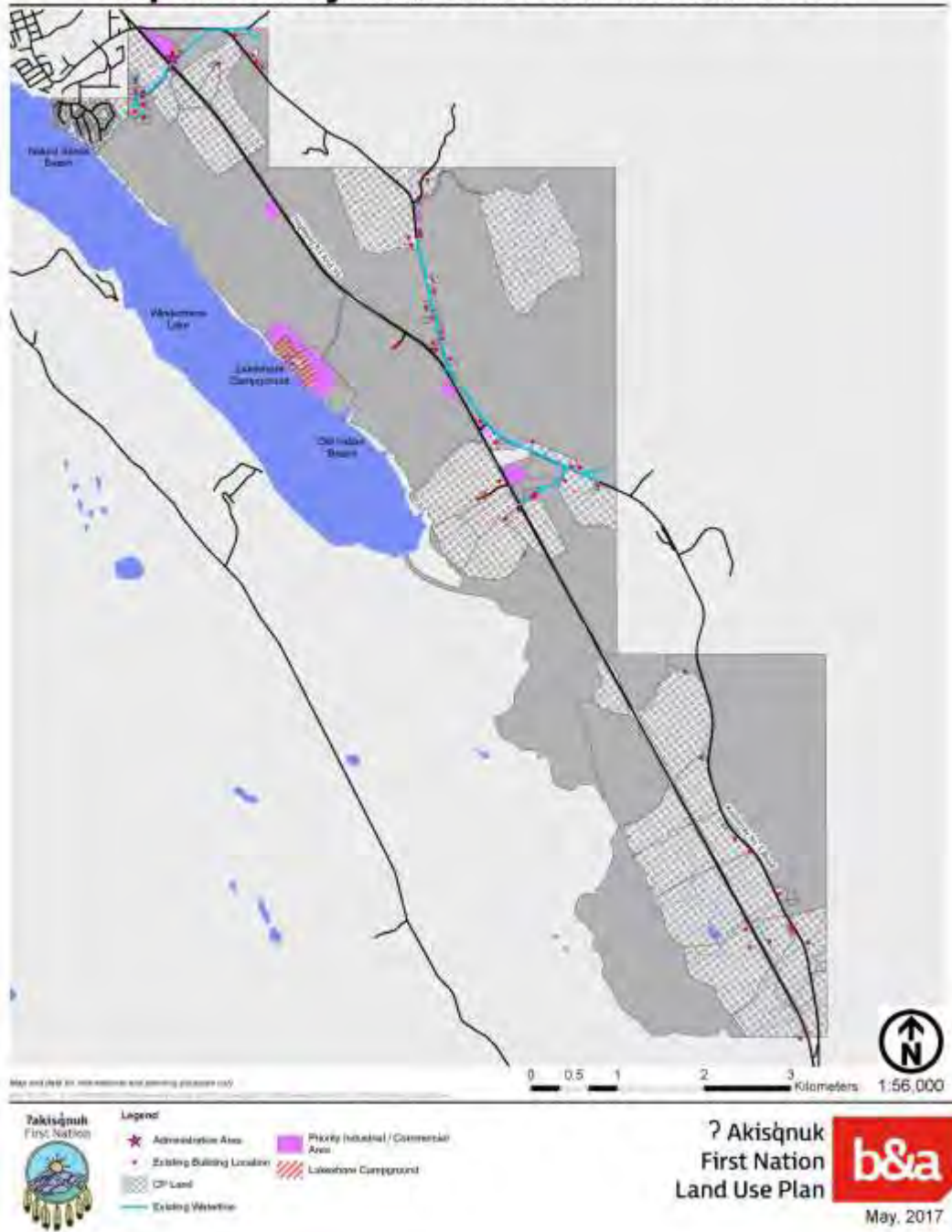
LAND USE DESIGNATION	RECOMMENDED ACTIVITIES / LAND USES
Industrial / Commercial	<ul style="list-style-type: none">• Commercial / retail / food services• Hotel / motel / overnight accommodations• Industrial / manufacturing

5.8.3 *The following activities are **not** recommended within the Industrial / Commercial Lands:*

- Natural-resource extraction
- Comprehensive community housing areas








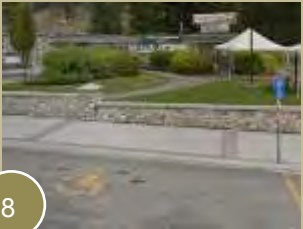

5.8.4 *Industrial / commercial developments should address the site considerations outlined in Table 4.*

Map 7: Priority Industrial / Commercial Areas

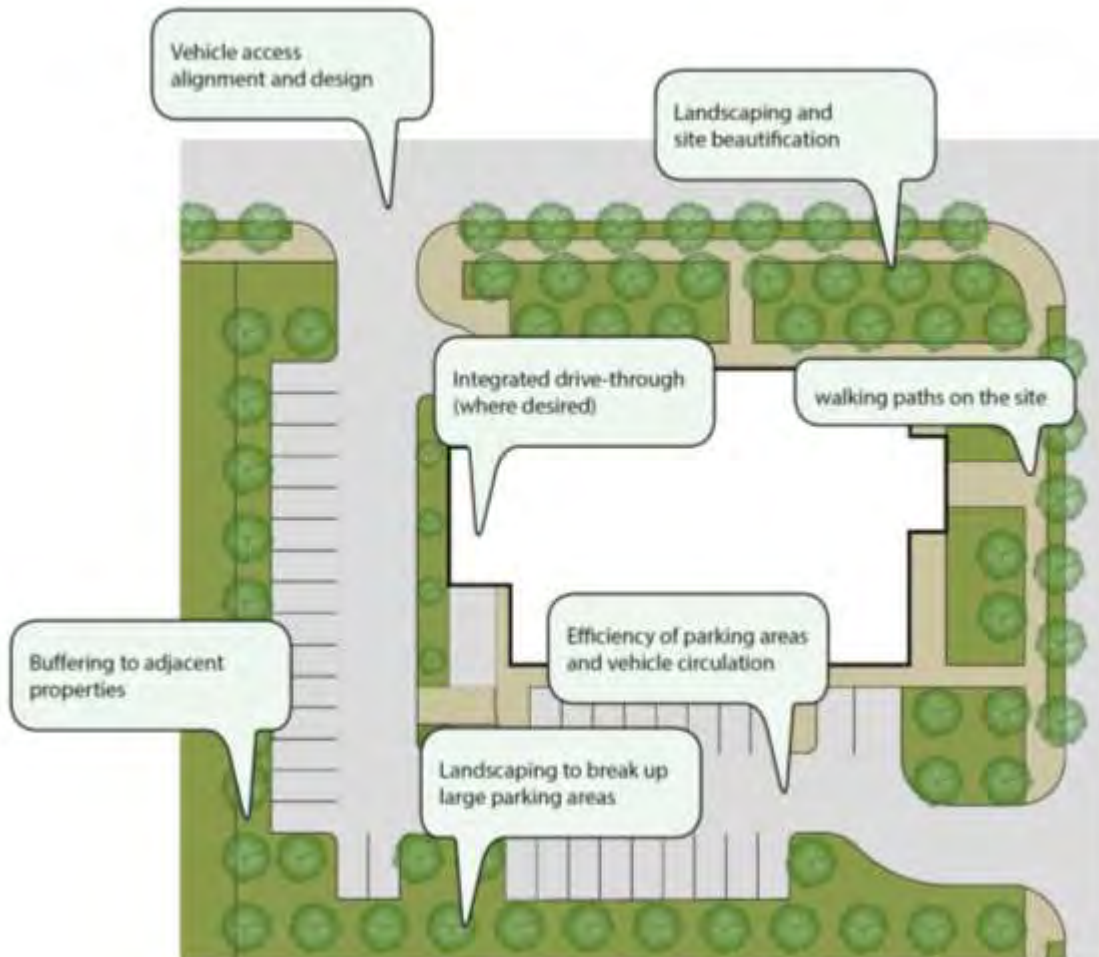


Map 7: Industrial / Commercial Areas

Table 4: Site Design Considerations for Commercial or Industrial Developments

 <p>1</p>	 <p>2</p>	 <p>3</p>
Vehicle access alignment & design	Efficiency of parking areas and internal site circulation	Landscaping with native vegetation
 <p>4</p>	 <p>5</p>	 <p>6</p>
Building architecture that fits with the area	Sustainable building design	Buffering / respect of adjacent properties
 <p>7</p>	 <p>8</p>	 <p>9</p>
Pedestrian facilities and safety	Accessible design (e.g. wheelchair ramps)	Suitable Signage

Commercial Site Design Considerations



Commercial Site Design Considerations

COMMERCIAL - RECREATION & TOURISM

5.9 COMMERCIAL - RECREATION & TOURISM LANDS – KEY PRINCIPLES

5.9.1 **Purpose:** *The purpose of the Commercial - Recreation and Tourism lands is to identify land that is appropriate for built commercial recreation and tourism facilities, including campgrounds, RV resorts, marinas, and other similar land uses. Construction of these areas must consider commercial viability, recreation, tourism and care for the land.*

5.9.2 **Commercial - Recreation and Tourism lands are identified on Map 4 Land Use Zones.** *The following activities and land uses are recommended within these areas:*

LAND USE DESIGNATION	RECOMMENDED ACTIVITIES / LAND USES
Commercial - Recreation & Tourism Lands	<ul style="list-style-type: none">• Recreation & tourism facilities / development• Campground / RV Resort• Marina / boat dock• Recreation centre / arena• Playground / Sports facilities (indoor or outdoor)• Retail-related to recreation (e.g. café, restaurant, store)

5.9.3 *The following activities are **not** recommended within the Commercial - Recreation & Tourism lands:*

- Construction of permanent dwellings (except for operator housing or tourism properties)
- Industrial activities/development
- Large-scale commercial activities
- Natural-resource extraction

5.9.4 *Chief and Council may wish to undertake more detailed land planning for any of the Commercial - Recreation and Tourism lands identified on Map 4. If more detailed plans are completed and adopted by Council, the detailed plans for the area(s) should be followed and incorporated into an update to this Land Use Plan.*

COMMUNITY SERVICES

5.10 COMMUNITY SERVICES LANDS – KEY PRINCIPLES

5.10.1 **Purpose:** *The purpose of the **Community Services** lands are to set aside suitable land to serve the overall community needs, including administration, health and wellness, critical infrastructure and recreation facilities.*

5.10.2 *Community Services lands are identified on Map 4 Land Use Zones. The following activities and land uses are permitted within these areas:*

LAND USE DESIGNATION	RECOMMENDED ACTIVITIES / LAND USES
Community Services	<ul style="list-style-type: none"> • Administration / offices • Health & wellness • Spiritual wellness • Ceremonial / cultural facilities • Utilities and infrastructure facilities • Recreation facilities • Seniors or Community Housing

5.10.3 *The following activities are **not** recommended within Community Services lands:*

- Natural-resource extraction

5.10.4 *Chief and Council may wish to undertake more detailed land planning for any of the **Community Services** areas identified on Map 4. If more detailed plans are completed and adopted by Council, the detailed plans for the area(s) should be incorporated into an update to this Land Use Plan.*



REMEDIATION SITES

5.11 REMEDIATION SITES – KEY PRINCIPLES

- 5.11.1 **Purpose:** *The purpose of the Remediation Site lands is to identify locations of existing contamination and identify an intention to remediate these areas back to a more natural state.*
- 5.11.2 **Remediation** *lands are identified on Map 4 Land Use Zones. These areas should be remediated in accordance with proper professional procedures for assessment and remediation of contaminated sites.*
- 5.11.3 *Following proper remediation of these sites AFN may wish to identify suitable land uses on these lands in accordance with this Land Use Plan.*



6 SPECIAL AREA PLANS

Special planning areas have been identified in this LUP to provide a greater level of detail for areas that are a high priority for future development. As required, special area plans may be created by AFN and amended to this Land Use Plan to ensure all detailed planning is completed within the context of the LUP as well as to provide a central repository for the physical plans that may be created now or in the future for AFN lands.

Presently the following Special Area Plans have been provided:

#	Land Area	Special Area Name	Purpose	Status
1	4-6 acres	Central Subdivision	Attached housing	Preliminary Conceptual Sketches

6.1 AREA 1: CENTRAL SUBDIVISION

What is this plan for?

The Central Subdivision has been identified for housing, with attached housing being the preferred type of buildings.

How does this fit into the overall Land Use Plan and other plans?

Housing is a high priority of the Land Use Plan and this site, which is serviced by the central waterline and is relatively flat, provides a suitable location for future housing. Further, the 2016 Housing Survey indicated a significant proportion of ?akisq̄nuknik were agreeable to attached housing. It is recognized that not all ?akisq̄nuknik would prefer to live in attached housing. However given there is a significant backlog in housing for AFN membership and that some ?akisq̄nuknik are agreeable to attached housing, it was deemed suitable to propose attached housing for this area.

What is in the concept designs?

The concept designs were based on the opportunity to create a strong sense of community while ensuring sufficient privacy and separation. The designs have incorporated community space where suitable, as well as the provision of an internal road and parking areas. During the Housing Survey respondents indicated a strong desire for more amenities, including areas for cultural/traditional activities. These designs work to incorporate these elements or at a minimum, provide common space where further design or construction could locate these amenities.

How were these designs created?

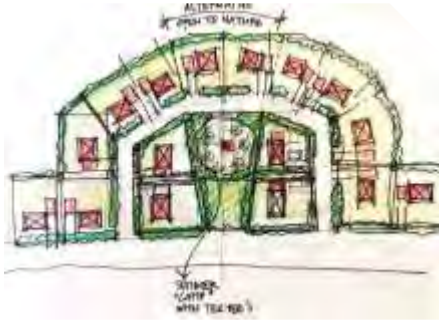
Through the Housing Survey, CCP process, Land Use Plan process and meetings with the community and housing manager there were numerous consultation efforts that collected feedback from ?akisq̄nuknik on housing and community design. This feedback was reviewed and incorporated where possible into the proposed designs.

How will this housing area get built?

AFN and the AFN Housing Department will need to secure the necessary funding for final design, engineering and construction of the housing. It is recommended that community consultation occur on the draft concept designs with the contracted architects, builders and engineers.

6.1.1 Central Housing Area - Design Concepts

Initial Design Concepts



Preferred Preliminary Conceptual Design



Preferred Design Elements

- 6-plexes, transition house
- Central common space / community garden / play area
- Internal road
- Community parking area



PART B: IMPLEMENTATION



7 IMPLEMENTATION

Kçinakinil

The Land Use Plan is intended to be a living document that can adapt and change as the community needs change. Also, the Land Use Plan will need some other policies and Band Council direction to ensure it is fully realized. The following next steps are recommended:

7.1 ADOPTION OF THE LAND USE PLAN

Council should begin by undertaking the standard procedures to adopt the Land Use Plan.

7.2 FUTURE AMENDMENTS

The intention of the Land Use Plan is that it is a 'living document'. Amendments to the Land Use Plan can be completed through the Council approval process. As conditions change and developments are completed it may be necessary to update the Land Use Plan.

7.3 REGULAR REVIEW AND UPDATE

A review of the Land Use Plan every 5 to 10 years is recommended to ensure it remains current and applicable to the needs of AFN. A review may be as simple as a staff report to Council re-affirming the original LUP vision or it could involve an extensive update including community engagement.

7.4 IMPLEMENTATION MATRIX

One of the first steps of implementation of the LUP should be the completion of an Implementation Matrix (see Appendix for example). The matrix/table could follow the below format.

Task	Description	Who's in Charge	Estimated Cost?	Timeframe	Status
Update Home Site Allocation Policy	Staff to review LUP for implications to Home Site Policy	Lands Department	Staff time	Immediate / Next 6 months	<i>Underway</i>
Build homes on central subdivision	Design and construct 6 triplexes on central subdivision	Housing Department	Staff time Approx.. \$6M	Next 2 years	<i>Underway</i>
Update AFN GIS	Update AFN GIS to include LUP zoning	Lands Department	Staff time	Immediate / Next 6 months	<i>Not yet started</i>

It is recommended that an updated LUP Implementation Matrix be provided yearly to Chief and Council to ensure progress and clear communication on the LUP priorities and direction.

7.5 HOME SITE LAND ALLOCATION POLICY

The LUP is a strong visioning document that has application for other AFN policies. One specific policy that requires updating to align with the LUP is the Home Site Land Allocation Policy (HSLAP). The HSLAP should be updated to specifically reference the LUP as well as the housing policies contained within the LUP. Furthermore, the HSLAP should clarify where new housing types will be allocated as set forth in the LUP.

7.6 LUP PROCEDURES MANUAL

Beyond the HSLAP mentioned above, AFN may wish to create a Procedures Manual from the LUP to ensure staff and Council clearly understand the day-to-day implications of the key principles within the LUP.

7.7 ZONING LAW / POLICY

As the community experiences more development, a more formal zoning law or policy may be required to ensure the development fits with the standards and quality expected in the community. If the need arises a zoning law may be beneficial to specify development regulations in more detail, such as building setbacks, heights,

and landscaping requirements. Caution should be exhibited with the institution of any zoning law as it can remove or reduce the benefits of a flexible and more *relational* approach to development.

7.8 BUILDING AND CONSTRUCTION OF HOUSING AREAS

The role of the LUP is to provide a cohesive overall vision for land uses on AFN lands. Building and construction of housing areas identified within the LUP must be implemented through additional AFN processes and budgets on Band land or by CP holders on CP land. Nonetheless, below are a few key considerations for the implementation and construction of future housing areas:

Band Housing - Key Considerations:

- Housing is a priority budget item and sufficient funds should be obtained to not simply construct basic housing, but to use housing as an opportunity to create a greater sense of community and support.
- Housing areas should:
 - Be comprehensively planned in alignment with AFN/Ktunaxa values;
 - Ensure high-quality access to water and waste water solutions;
 - include amenity areas such as playground, gardens, places to tan hides / process game; and
 - include community engagement during the design process.

CP Land Housing - Key Considerations:

- A large portion of relatively flat, developable land within AFN is located on CP land. If possible, AFN Council should encourage additional housing on CP land. Incentives could include:
 - assistance with mortgage paperwork and/or financing;
 - access to AFN resources for construction of access road(s);
 - assistance with wildfire mitigation/brush clearing;
 - CP mediation with land owners to overcome personal disagreements;
 - Assistance with access to professional services (e.g. surveyors, engineers, designers, builders).

7.9 BUILDING AND CONSTRUCTION OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT

Throughout consultation with the community it was mentioned frequently that band members wish to see on-the-ground results, rather than more planning. In regards to commercial and industrial development Lot 37-4 has been the subject of a lot of previous studies and investigations. What is lacking is a partnership or joint venture with a developer willing to build on the site.

A recommendation from this LUP is that further studies for any commercial or industrial site be put on hold until a willing partner or joint venture arrangement can be found. Once a partner/joint venture is established the builder or tenant will know

precisely the studies and investigations required prior to construction. In this way efforts are maximized and clearly directed at achieving the desired outcome of development on the subject site. It is hoped that this type of process could then be replicated for development of future commercial or industrial sites.

7.10 FIRE MANAGEMENT

7.10.1 AFN completed a **Community Wildfire Protection Plan** in 2010 to minimize risk to people and buildings within AFN. The Plan was recently updated in 2016.

7.10.2 The **Community Wildfire Protection Plan** and the Land Use Plan should align and complement each other.

7.11 ENVIRONMENTAL MANAGEMENT

7.11.1 AFN may wish to complete and implement an **Environmental Management Plan** to more specifically outline care for the natural environment on AFN lands and provide further detailed policy on the recommendations and direction of the Land Use Plan.



PART C: PLAN BACKGROUND



8 PEOPLE, LAND & INFRASTRUCTURE

8.1 WHO WE ARE

The ʔakisq̓nuk First Nation lands (“the lands”) consist of one reserve, legally known as Columbia Lake I.R. #3, totaling approximately 3,423 hectares (8,400 acres). The lands are located in the beautiful Columbia Valley region of southeast British Columbia ideally located between the Rocky Mountains ascending on its eastern borders and the Columbia River valley, including Lake Windermere to the west.

Since time immemorial, the Ktunaxa have lived in their traditional territory, which include the Kootenay area of what is now known as British Columbia and Alberta as well as into the United States including present-day Washington, Idaho and Montana. ʔakisq̓nuk First Nation is one of six Ktunaxa Reservations, four of which are in Canada, and the other two in the United States. The Ktunaxa language is unique among Native languages in North America; it cannot be linked to any other Native language. All efforts are being made to preserve the Ktunaxa language, including using Ktunaxa where possible in this Land Use Plan.

8.2 POPULATION

As of March 31, 2016 AFN had a total of 270 members, with 80 members on-reserve, 152 off-reserve and 38 on other reserves. The largest demographic group are those aged 20-29, composing 21% of the total population, although the vast majority (89%) are living off the reserve (see Table 5).

Table 5: ʔakisq̓nuk Demographic Distribution

Age Group (years)	On-reserve	Off-reserve	On other reserves	Row Total	% Distribution
0-6	6	6	3	15	6%
7-12	4	9	5	18	7%
13-19	9	23	3	35	13%
20-29	6	43	7	56	21%
30-39	10	13	7	30	11%
40-49	13	28	4	45	17%
50-59	13	16	6	35	13%
60 and over	19	14	3	36	13%
Total	80	152	38	270	100%

8.3 LAND USES

Yaqał hankatłilki ʔamak

Two major roadways bisect ʔakisq̓nuk First Nation from north to south. Highway 93/95 is a major high traffic volume provincial highway while Kootenay No. 3 Rd. is a local backroad (see Map 8: Context). The ʔakisq̓nuk lands are located between the unincorporated villages of Windermere to the north and Fairmont Hot Springs to the south.

Recent human developments on the lands include highways and roads, country residential lots and dwellings, administration and community buildings, former gravel pits and barite mine, campground and leasehold residential development known as Indian Beach Estates (see Map 9: Existing Conditions).

8.4 SLOPES

Geographically ʔakisq̓nuk FN is located between the Rocky Mountains to the east and the Columbia River Valley basin to the west. The result is a significant topographical difference across the land, from steep slopes in the east transitioning to benchlands and then the land recedes again towards the Columbia basin. A substantial portion of the land contains slopes greater than 10%, with only a few pockets of more easily developable land with minimal slopes. Map 10 identifies the slopes in the area.

8.5 WATER SERVICING

ʔakisq̓nuk has two potable water systems, referred to as the north and central area systems (see Map 9). The north water line serves the Band administration buildings and area as well as the north subdivision containing 14 lots, half of which are

occupied with a dwelling. A reservoir is located on Lot 44-2-2 north of the administration buildings. The central water line is approximately 6km long and services about 30 dwellings mainly along Kootenay No.3 Road, but also a few dwellings adjacent to Highway 93/95.

The remaining dwellings and buildings are on private water wells.

8.5.1 *Sewage/Waste Water disposal*

Dwellings and non-residential buildings presently use on-site private septic field systems for sewage disposal. No communal system for waste water has been proposed or implemented.

8.5.2 *Household heating*

Households generally receive their heating from electricity, or wood sources as natural gas is not available in the area.

8.5.3 *Electricity and other shallow utilities*

Electricity and other shallow utilities (e.g. phone) are available for the community.

8.6 TRANSPORTATION

Yaqał qa·ćamki

Highway 93/95 is a major north-south highway going through ʔakisćnuk First Nation. Kootenay #3 Road is a local backroad that provides a north-south alternative to Highway 93/95 for locals. Many of the dwellings in ʔakisćnuk First Nation are accessed from Kootenay #3.

8.7 EMERGENCY SERVICES

ʔusmukuxakinił yaqał qsamunałamki

Fire service for AFN is provided through a service contract with Windermere and Fairmont Fire Departments.

Map 8: Context



Map and data for informational and planning purposes only.
Map 18, 2017 - 18-00-00000000-10-00000000-00000000-00000000-00000000

0 2.5 5 10 15 Kilometers 1:240,000



- Legend**
- Municipality
 - National Park
 - Park
 - River
 - Waterbody
 - Highway

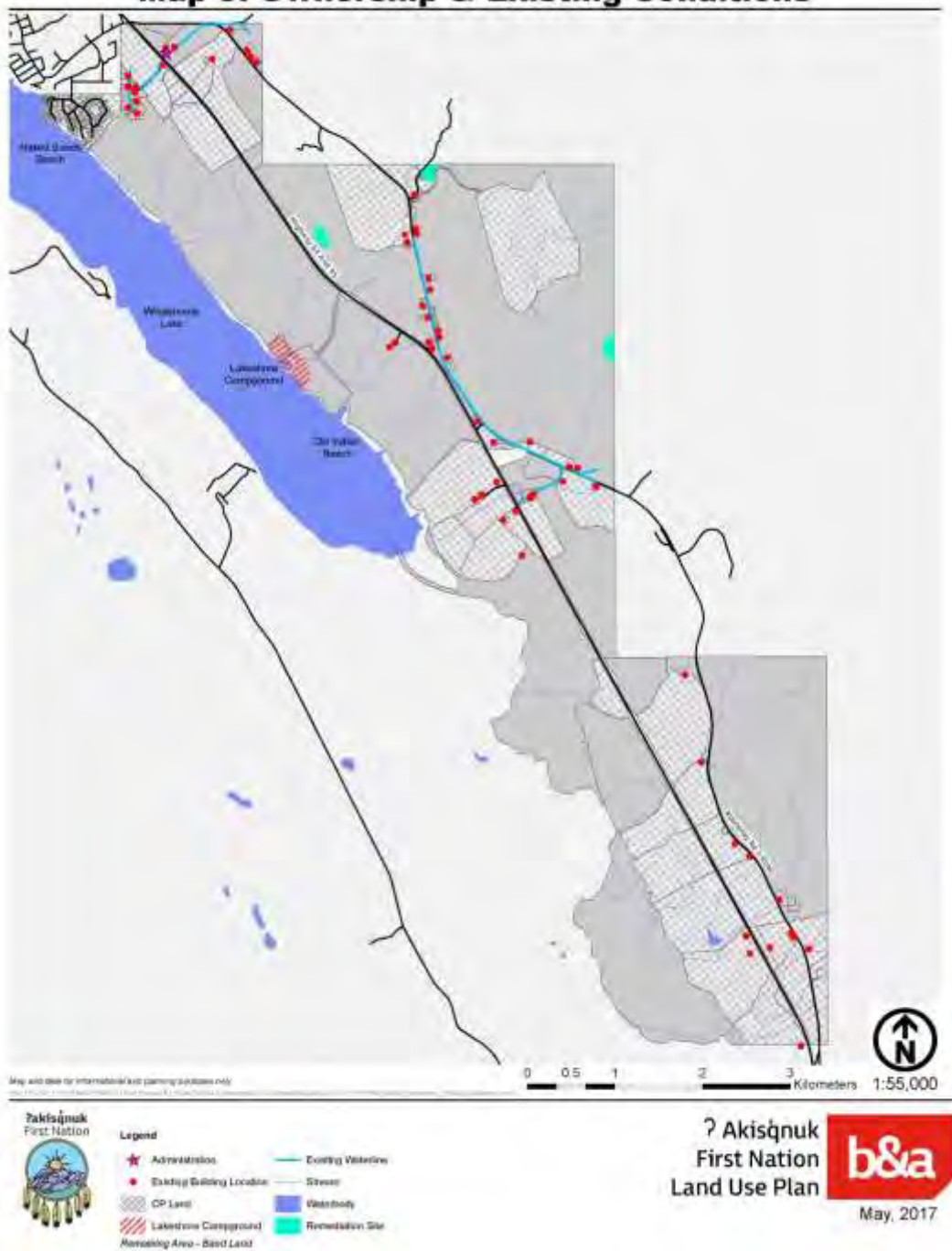
ʔ Akisqnuq
First Nation
Land Use Plan



May, 2017

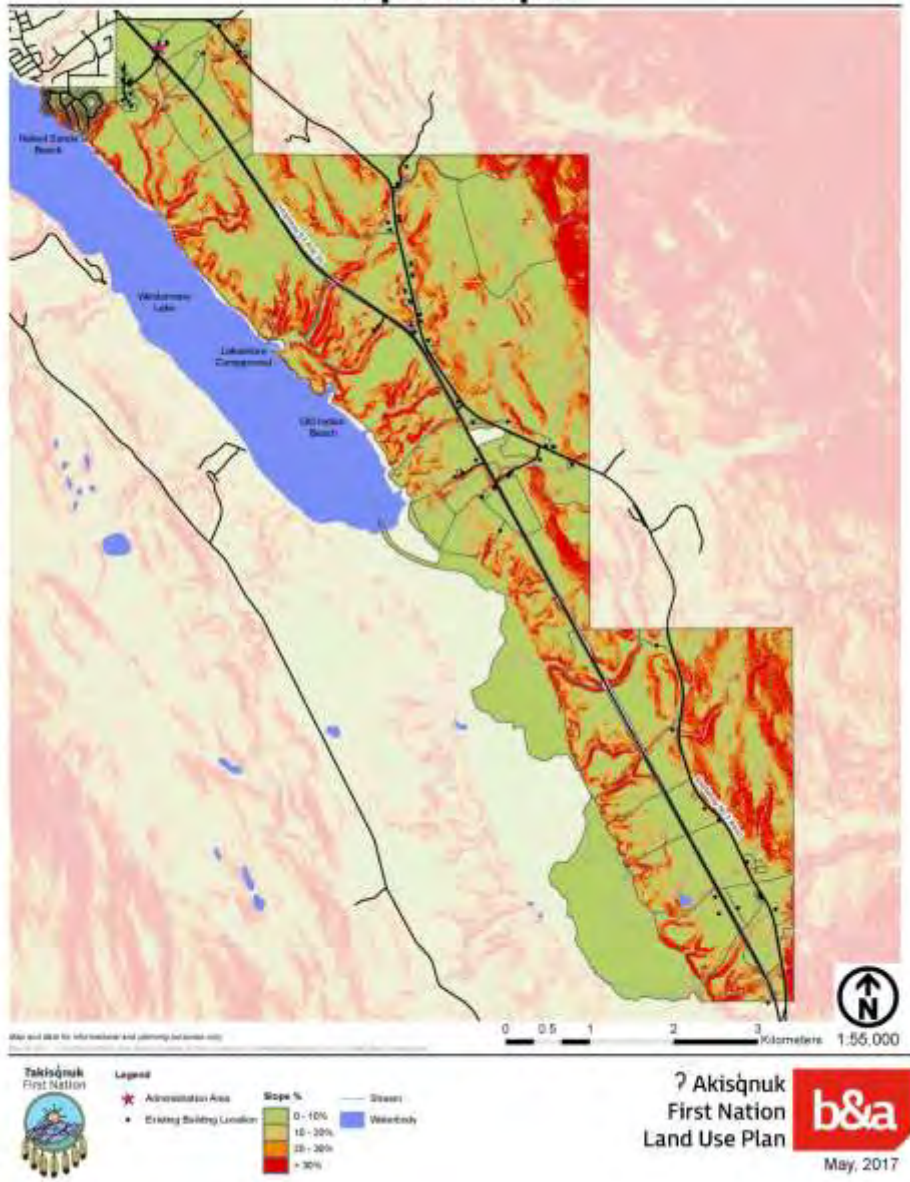
Map 8: Context

Map 9: Ownership & Existing Conditions



Map 9: Existing Conditions

Map 10: Slopes



Map 10: Slopes



9 PLANNING CONTEXT

?akisq̓nuk First Nation has completed numerous community engagement exercises over the past decade or so. Incorporation of these efforts and feedback into the Land Use Plan was viewed as a critical goal for the project so as to ensure continuity of the on-going community conversations that have been taking place. These previous engagement efforts have been documented below.

The 2016-2017 Land Use Plan process thus focused on areas of planning not previously discussed by the community. The main element of this was the discussion of land uses, land use areas/zones and associated regulations and policies pertaining to those areas. This type of geographic specific engagement, using maps had not occurred in over a decade, since the 2004 completion of a Strategic Land Plan.

The consultation approach is summarized in the below graphic/table:

Previous engagements that have been incorporated into the LUP are summarized in the following section and listed below:

- **2016 Housing Strategy**
- **2016 Comprehensive Community Plan (including engagements going back to 2008)**
- **2016-2021 - 5 year Economic Development Plan**
- **2014 Community Dialogue Report**
- **2004 Strategic Land Plan**
- **2002 Physical Development Plan**
- **1994 Physical Development Plan**



9.1 PREVIOUS REPORTS AND PLANS

The following is a summary of the most critical ?akisq̄nuk reports, plans and documents that were consulted during the creation of the ?akisq̄nuk Land Use Plan. These documents represent a significant amount of community effort and consultation from which the Land Use Plan was built upon.

9.1.1 2016 Housing Strategy



One of the latest community documents is the 2016 ?akisq̄nuk Housing Strategy authored by the Housing Committee. The report process included community engagement through a survey that received 53 responses (19% of the total 279 registered members). The Housing Strategy identified the following key housing issues:

- Major repairs needed in various homes
- Many homes overcrowded, which can lead to health, social and economic issues
- 13 families on the waiting list
- Several off-reserve members expressed desire to move back should homes be available
- Several members in need of accessible homes (ramps & railings)
- Certificate of Possession (CP) holders are hesitant to develop on their lands due to lack of information and support
- Membership is hesitant to purchase or build homes on-reserve as it holds no equity
- Large amount of arrears limits the Band's ability to perform repairs
- Several community members expressed not ever receiving housing agreements
- Overall distrust from community in the Band's ability to manage housing
- Over half of respondents were unemployed

Part of the report's conclusions state there are a large number of the membership living in homes that are "overcrowded and without the proper support or structure for persons with disabilities when such is needed." Recommendations include new housing programs that include alternative housing types (single-level homes & apartments) to support those with disabilities and an aging population. The report further states that rental and home ownership should both be provided as housing options. In addition, housing should include enough space for cultural activities including gardens, meat and vegetable preparation, preparing waq̄kna, horses and hunting.

One of the primary objectives from the 2016 Housing Strategy is to build 18 new housing units within the next 12-24 months. The preferred location and form for these units is 6 triplexes on vacant lots within the 9 lot 'central' subdivision.



Figure 1: 9 Lot Subdivision Proposed Location for 6 Triplex Units

Implications for the Land Use Plan:

The Land Use Plan will ensure sufficient land within the 9 lot subdivision is allocated

for the housing recommended in the 2016 Housing Strategy. However, the report does not provide specific comments on the total number of new units or new lots needed within ?akisq̓nuk First Nation. The report mentions there are 13 families on the waiting list for housing, but does not mention how much housing would fully relieve that backlog. In addition, the report does not comment directly on the 7 apparently vacant lots within the north subdivision. In short, it appears the housing lot vacancy may be summarized as follows:

Subdivision Lots	Size / Type	Housing Type / Comments
North Subdivision (14 lots / 7 vacant)	Approx. 1.25 – 1.5 acres in size.	<i>Most likely</i> single-detached housing
Central Subdivision (9 lots / 8 vacant)	Approx. 0.40 acres	Proposed for 6 triplexes (18 units) Potential for community amenities with the development (e.g. playground, common space)

The housing survey indicated that some band members wish to have enough land for cultural activities such as gardening, preparation of meat and vegetables, horses and hunting. While not enough land for hunting, the larger lots (1.25-1.5 acres) within the north subdivision appear to be more suitable for some families than the proposed triplexes. Additional housing could be considered in this area, if resources and services are available.

9.1.2 **2016 Comprehensive Community Plan**

The ?akisq̓nuk First Nation Comprehensive Community Plan (CCP) was adopted March 30, 2016 after years of hard work and community consultation. The initial process began in 2008 and included community surveys, home visits/interviews, newsletters and a total of 14 community meetings between June 2008 and January 2010. Given this extensive consultation, it is imperative that the vision and direction of the CCP inform the 2016 Land Use Plan.

Key vision and direction of the CCP includes:

- Vision statement of Ktunaxa Nation adopted by ?akisq̓nuk First Nation stating:

“As a Nation, we are striving to achieve strong, healthy citizens and communities, speaking our languages and celebrating who we are and our history in our ancestral homelands, working together, managing our lands and resources, as a self-sufficient, self-governing Nation.”

- Core Values are definitely important to the Land Use Plan and state:

- **The Natural Spirit of our Lands:** Our land is the most important gift that we borrow from the future. Therefore, we make all efforts to manage our lands in ways that preserve our spirits, the natural environment, and wildlife.
- **Our Language and Culture:** AFN cherishes a unique culture and a language that is at the heart of all community discussions. Therefore, we strive to preserve our language and culture to encourage future generations to not only learn, but preserve our history.
- **Family:** Family is the most important social unit within our community. Therefore, we stand together to support our families.
- **Responsible Self-governance:** We respect our Chief and Council. In return, we expect our Chief and Council to
 - Respect our views,
 - Include us in decision making, and
 - Manage our resources for the benefit of our members.
- Other notes and priorities in the CCP include:
 - Housing as a top priority
 - Need for adequate infrastructure to support community development services (e.g. communal water systems).
 - Lands and resources as the greatest assets of the community and priority to develop and update existing Land Use Plan, which will unlock economic development and employment opportunities.
 - Environmental protection a top priority for land use.
 - Designation of Lot 37-4 (13 acres) for commercial development along Hwy 93/95.
 - Goals and objectives under the headings of “Infrastructure”, “Housing” and “Land and Resource” are all relevant to the Land Use Plan update.

9.1.3 **5 Year Economic Plan 2016-2021**

Building on the direction and vision of the CCP, ʔakisq̓nuk has created a 5-year Economic Development Plan from 2016-2021. Additional community consultation occurred during the creation of this plan, including asking members to list their goals and priorities for economic development.

The top 5 economic goals identified are:

1. *Undertake Infrastructure Developments to Enable Land Use and Reuse.*
2. *Develop the Designated Commercial Lot.*
3. *Invest in Community Housing.*
4. *Support Entrepreneurship*
5. *Increase AFN's Own Source Revenue.*

Implications for the Land Use Plan:

The 5-year Economic Plan clearly emphasizes that development of the commercial lot (lot 37-4) is a high priority for ʔakisq̓nuk First Nation. This priority is reflected in the Land Use Plan and should also be in infrastructure priorities. Furthermore, the Economic Plan once again highlights the relationship between good land use planning and economic development. With self-sufficiency being a strong vision for AFN, the Land Use Plan and Economic Plan need to be tied together and focused on action.

9.1.4 **2014 Community Dialogue Report**

The 2014 Community Dialogue Report and the associated two days of community engagement appear to represent a significant milestone for ʔakisq̓nuk First Nation. The Report outlines clear direction on the form and direction for future community conversations, including meeting format, roles, responsibilities, and understanding perspectives from all parties.

The Report focuses on Systems Thinking from multiple perspectives, including 'view from the mountain top' (e.g. leadership); 'view from the treetops' (e.g. senior management); and 'view from the river's edge' (e.g. front line workers and membership). The Report concludes with two diverging visions for the community, 'All is Well' and 'Dark Clouds', with a challenge to move towards an outcome of 'All is Well'. As part of striving towards the 'All is Well' vision, members provided the following visionary comments:

- We are happy, shiny people
- We have people owning their own homes, and taking pride in ownership.
- People are looking after the land.
- Traditional values returning, sense of community strong.
- Own crews are building our own homes.
- We are learning our language.
- We have social services in place.



- We are self-reliant and self-sufficient.
- The band office is not the biggest employer of our people
- Education attainment is high with our youth.
- A strong sense of community returns; many gatherings are being held.
- We have many partnerships with others who share our vision.

In addition, the Report gives direction to future community meetings by outlining in Appendix 1 the ᖅakisᖅnuk Community Meeting Values Statement. This Values Statement can be used to direct all future community meetings and ensure continued member participation, fairness and respect throughout these meetings.

9.1.5 **2004 Strategic Land Use Plan**

The 2004 Strategic Land Use Plan (SLUP) represents ᖅakisᖅnuk's most recent and current land use plan. The SLUP was built on the previous 2002 and 1994 Physical Development Plans (PDP). Together these three documents represent the bulk of ᖅakisᖅnuk's formal contemporary land use planning. The SLUP took a deductive approach to determining potential development lands within ᖅakisᖅnuk. This included a GIS analysis in which lands deemed unsuitable for development (e.g. steep slopes, heritage sites, wetlands, etc.) were mapped and identified. The remaining lands were considered suitable for development, with subsequent site visits to verify conditions. In conclusion, five sites were identified as a priority for land development and seven sites for agricultural production.

Implications for the Land Use Plan:

While the SLUP represented the best information at the time, changes have occurred since 2004 that require the drafting of a new land use plan. One significant change is the construction of the central area water system, built in 2009. This large infrastructure investment creates new development opportunities. The SLUP will be used as baseline information for the 2016 LUP update.

9.1.6 **2002 Physical Development Plans**

In 2002 AFN conducted its most recent Physical Development Plan (PDP), including an inventory of all existing buildings and infrastructure within the community. While some of the information within the 2002 PDP has now been superseded by subsequent reports and plans, there are aspects of the PDP that remain relevant for this latest Land Use Plan.

Particularly relevant to this LUP are the identified priorities within the 2002 PDP. These include:

1. Need for a treated water system in the central area of AFN
2. New housing due to overcrowding
3. Seniors housing due to an aging population
4. Recreation centre, due to need for greater participation in indoor and outdoor sports

5. Playground facilities for young children within subdivision areas
6. Creation of a new subdivision area in the central part of AFN lands.

Furthermore, Appendix B of the 2002 PDP contains results from a community meeting. These comments may still resonate with many of the AFN members as comments pertain to certain community features that have yet to be built. For example: elders independent housing complex, gas station/convenience store, culture tours, casino/bingo hall, trail rides, mini mall, recreation facility, youth centre, and playgrounds.

Implications for the Land Use Plan:

As already has been stated, many of the community desires expressed during the 2002 PDP community consultation have yet to be realized and can be brought forward, where applicable, in this Land Use Plan. These include seniors and community housing, economic development opportunities, recreation centre location, protection of sensitive environmental areas, and a new subdivision in the central area. Figure 9.3 Future Land Use Plan specifically identifies lands in the central area as a 'new subdivision area'. These lands are once again mentioned in the 2004 Strategic Land Use Plan as DA7 and within this Land Use Plan as Housing Area 2.

However, it should also not be forgotten that some of the crucial recommendations of the 2002 PDP have been realized. This includes the construction of the central potable water system, a multi-million dollar infrastructure project that now sets forth new questions, such as 'Where along the water line should new developments be located?'

9.1.7 1994 Physical Development Plans

The 1994 PDP provides an in-depth analysis of the existing conditions of AFN lands and infrastructure at the time of the report. The physical and economic conditions detailed in 1994 largely remain the same in the sense that AFN is situated in a beautiful natural setting adjacent to a busy provincial highway in close proximity to resort destinations. Economic opportunities are available due to this strategic location and setting.

The 1994 PDP follows the analysis of existing conditions with a detailed list of concerns related to the mounting development pressure in the area. A few of these items include:

- Protection of wildlife habitat, traditional/culturally significant areas;
- Land uses that maximize economic return and protect land base;
- Proper management of social housing program;
- Development of retirement facility;
- Need to resolve sewage disposal at campground;
- Need to document important archaeological sites;

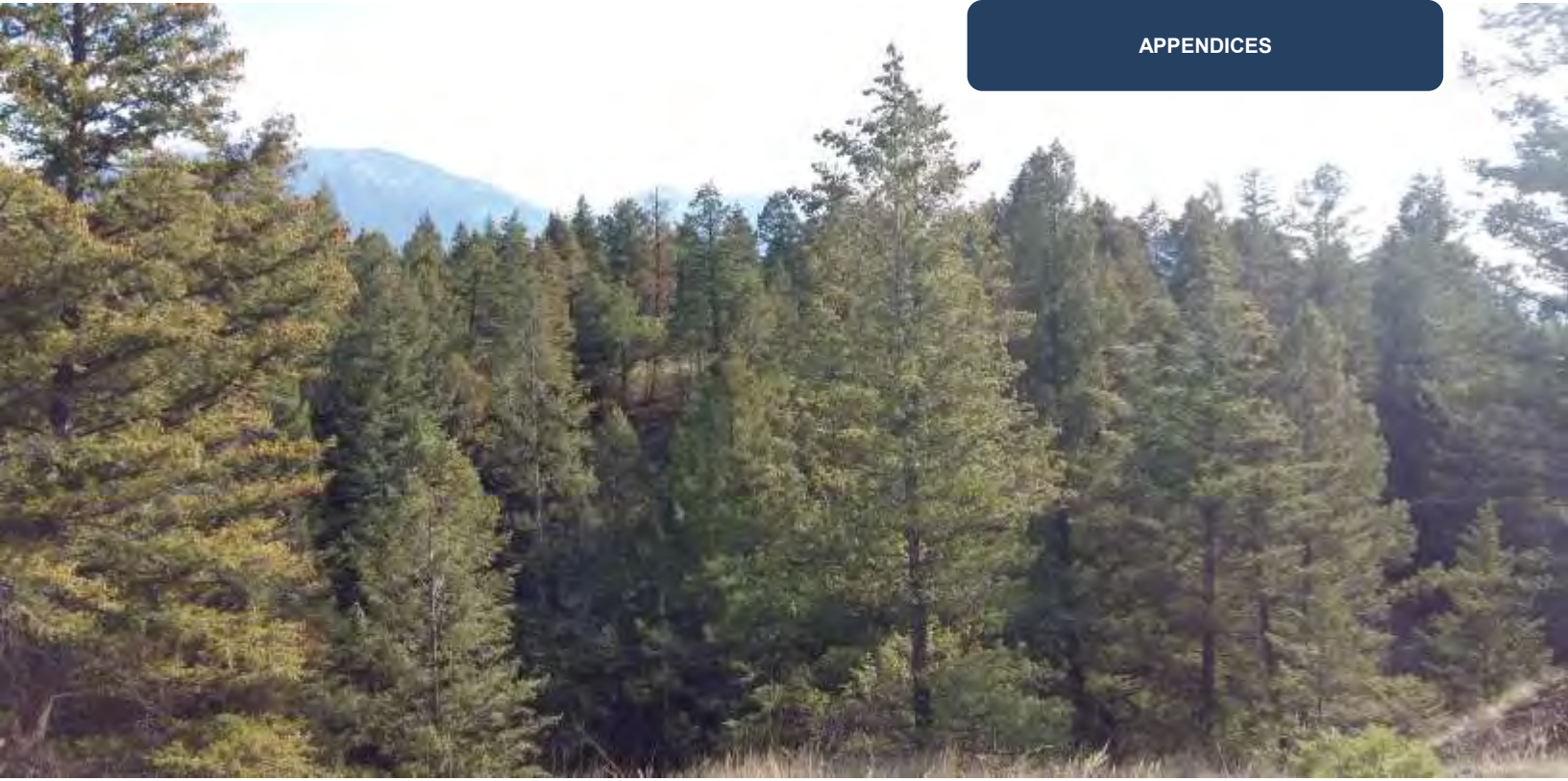
- Storm water management to maintain lake quality; and
- Take advantage of tourism potential.

Based on the existing conditions and stated concerns, the 1994 PDP sets forth a development strategy for the future of AFN lands. At a broad level the development strategy components include:

- Continued development of north subdivision;
- Establish commercial site north of band office (now Lot 37-4);
- Preserve large area between existing band subdivision and Windermere Lake as a recreation area (Naked Sands beach)
- Set aside large area between band office and old village site as a potential economic development area
- Set aside Elders Centre near south end of Windermere Lake;
- Preserve large area in vicinity of Little Mountain as a wildlife sanctuary;
- Retain existing agricultural areas for continued agricultural use; and
- Designate parts of the forested slope for forestry activities.

Implications for the Land Use Plan:

Many of the abovementioned components and concerns are still important factors to consider for this Land Use Plan in 2017. The establishment of a commercial site north of the band office (now known as Lot 37-4) has moved forward to the point of designation and conceptual design and now requires financing for construction. Other elements have not moved forward as far and have been brought forward through subsequent plans and still need to be completed. Specific to this LUP will be priority for preservation of Naked Sands beach as a community recreation area, land for an Elders/Seniors Centre, designation of agricultural, forestry and preservation of sensitive ecological areas.



APPENDICES

Appendix A: Implementation Matrix

Task	Description	Who's in Charge?	Estimated Cost?	Timeframe	Status
Update Home Site Allocation Policy	Staff to review LUP for implications to Home Site Policy	Adrian / Lands Department	Staff time	Immediate / Next 6 months	<i>Underway</i>
Build homes on central subdivision	Design and construct 6 triplexes on central subdivision	Stella / Housing Department	Staff time Approx.. \$6M	Next 2 years	<i>Underway</i>
Development Comprehensive Plan for Housing Area 2	Determine budget and funding sources to develop HA #2	Adrian / Lands Department	Unknown / TBD		
Update AFN GIS	Update AFN GIS to include LUP zoning	Adrian / Lands Department	Staff time	Immediate / Next 6 months	<i>Not yet started</i>
Develop Commercial / Industrial Lot 37-4	Secure joint venture/financing partner to ensure long-term viability of development on Lot 37-4	Heather / Adrian / Economic Development & Lands	Staff time Investment \$\$	Immediate / Next 6 months	<i>Investigations Underway</i>