

SALMO RIVER VALLEY

**ELECTORAL AREA G LAND USE
BYLAW NO. 2452, 2018**

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
ELECTORAL AREA 'G' LAND USE BYLAW NO. 2452, 2018**

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LIST OF AMENDMENTS TO RDCK ELECTORAL AREA 'G' LAND USE BYLAW NO. 2452, 2018 UP TO (see date at bottom of last page of amendments), WHICH ARE INCLUDED IN THIS CONSOLIDATED VERSION OF THE BYLAW

Bylaw No. File No.	Adopted	Amendment	Purpose
2643 5110-20- Cannabis_Act	2019 JAN 17	Text Amendments for the implementation of the Cannabis Act	Text Amendments to enable cannabis retail sales, cultivation, processing and nurseries throughout the RDCK.
2672 4600-20-2019-G- Block	2019 SEPT 19	Amendments to Schedule A.1 and B.1 as follows: Lot 2 District Lot 1237 Kootenay Land District Plan NEP16092 Manufactured Home Regulation #54687 (PID 009-219-021) from Country Residential (R2) to Rural Residential (R3); Lot A District Lot 273 and District Lot 1237 Kootenay Land District Plan NEP17516 (PID 007-725-094) from Country Residential (R2) to Agricultural (AG); and Lot 1 District Lot 1239 and District Lot 1241 Kootenay Land District Plan NEP79176 (PID 026-447-142) from Country Residential (R2) to Rural Residential (R3)	Land Use Amendments to enable cannabis micro cultivation licencing on subject properties.
2684 4600-20-2019-G- Block	2019 SEPT 19	Amendments to Schedule A.1 and B.1 as follows: eight (8) hectare portion of District Lot 9764 Kootenay Land District Plan NEP62347 (PID 008-291-128) from Rural Residential (R3) to Agricultural (AG)	Land Use Amendment to enable cannabis nursery and standard cultivation licencing on subject property.
2689 5110-20- Compliance-and- Enforcement	2020 APRIL 16	Text Amendments for Compliance and Enforcement	Text Amendments for the purposes of alignment with the RDCK Bylaw Enforcement and Dispute Adjudication System Bylaw and Municipal Ticketing Information Bylaw.
2722 4600-20-2020-G- Thomson	2021 APRIL 15	Amendments to Schedule A.1 and B.1 as follows: DISTRICT LOT 9524 KOOTENAY DISTRICT, EXCEPT PART INCLUDED IN PLAN 5919 (PID: 016-455-240) land use designation from Resource Area (RA) to Rural Residential (RR); and, zoning from Resource Area (RA) to Remote Residential (R4).	Land Use and Zoning Amendments to enable residential use of the subject property.

Bylaw No. File No.	Adopted	Amendment	Purpose
2785 Z2103G- 05852.000-Smith- BA000049	July 15, 2021	Amendments to Schedule A.1 and B.1 as follows: SUBLOT 1 DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN X58 EXCEPT PART INCLUDED IN PLAN NEP23657 (PID: 016-313-551) land use designation from General Commercial (GC) to Country Residential (RC) and, zoning from General Commercial (C1) to Country Residential (R2).	To facilitate construction of an accessory structure and allow for future development potential.
2753 5110-20-Accessory Buildings and TUP's	February 17, 2022	Multiple Text Amendments	Text Amendments to Parks (s. 17.0, 18.11 & 31.1), fence heights (s. 18.30), and Zoning Boundaries (s. 18.59 & 18.60).
2856 Z2207G- 05608.025- Anderson- BA000061	December 08, 2022	Amendments to Schedule A.1 and B.1 as follows: Changing the Land Use Designation of the portion of Lot 2 District Lot 1237 Kootenay District Plan 6791 (PID 017-579-015) shown on Schedule 'A' from Agriculture to Rural Residential and the zoning of the portion of Lot 2 District Lot 1237 Kootenay District Plan 6791 (PID 017-579-015) shown on Schedule 'B' from Agricultural to Rural Residential, as shown on the attached Maps.	To facilitate a subdivision.
2957 5110-20-Provincial Housing Changes	June 13, 2024	Multiple Text Amendments to Interpretation, General Use Regulations and multiple zones.	Small Scale Multi Unit Housing updates required by Bill 44 Housing Statutes (Residential Development) Amendment Act

June 2024

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

**Regional District of Central Kootenay
Electoral Area 'G' Land Use Bylaw No. 2452, 2018**

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**Regional District of Central Kootenay
Electoral Area 'G' Land Use Bylaw No. 2452, 2018**

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

TITLE

This Bylaw may be cited for all purposes as the 'Electoral Area 'G' Land Use Bylaw No. 2452, 2018'.

AUTHORITY

WHEREAS under the provisions of Section 472 of the *Local Government Act* the Regional Board may adopt an Official Community Plan for an area, including provisions for the designation of Development Permit Areas under Section 488 and Development Approval Information under Sections 484, 485, 486 and 487 of the *Local Government Act*;

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

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

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

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

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

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

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

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

APPLICATION

1. Schedule 'A' being the components of an Official Community Plan and as applicable to that portion of Electoral Area G as outlined in Schedules A.1, A.2, A.3, A.4 and A.5 being mapping forming part of the Official Community Plan; and
2. Schedule 'B' being the components of a Zoning Bylaw and as applicable to that portion of Electoral Area 'G' as outlined in Schedule 'B.1' being mapping forming part of the Zoning Bylaw

ADMINISTRATION AND ENFORCEMENT

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

VIOLATION AND PENALTY

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

VALIDITY

5. If any statement, section, sub-section, clause, sub-clause or phrase of this Bylaw and the provisions adopted by this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction; the decision shall not affect the validity of the remaining portions of this Bylaw.

REPEAL

6. The Electoral Area 'G' Rural Land Use Bylaw No. 1335, 1998, and all subsequent amendments thereto, are hereby repealed.

READINGS, APPROVALS AND ADOPTION

READ A FIRST TIME on this 15th day of June, 2017.

READ A SECOND TIME on this 15th day of June, 2017.

REGIONAL BOARD CONSIDERATION OF SECTION 477 OF THE *LOCAL GOVERNMENT ACT* this 15th day of June, 2017.

FIRST PUBLIC HEARING held this 4th day of July, 2017.

RE-READ A FIRST TIME on this 21st day of June, 2018.

RE-READ A SECOND TIME on this 21st day of June, 2018.

SECOND PUBLIC HEARING held this 11th day of July, 2018.

READ A THIRD TIME on this 16th day of August, 2018.

APPROVED by the Ministry of Transportation and Infrastructure Approving Officer this 19th day of September, 2018.



Approving Officer

Juliet Spalding, Approving Officer

ADOPTED this 20th day of September, 2018.

Karen Hamling, RDCK Board Chair

Mike Morrison, Corporate Officer

LIST OF SCHEDULES, MAPS, AND FIGURES

<u>Table 1</u>	<u>Land Use Consistency Table</u>
<u>Schedule 'A'</u>	<u>Official Community Plan</u>
Schedule A.1	Land Use Designation Maps
Schedule A.2	Hazard Maps and Critical Infrastructure
Schedule A.3	Parks, Trails, and Community Assets
Schedule A.4	Watercourse Development Permit Area
<u>Schedule 'B'</u>	<u>Zoning Bylaw</u>
Schedule B.1	Zoning Designation Maps

Note: Schedule 'A' and Schedule 'B' Map Series can be viewed either on the RDCK website at www.rdck.bc.ca or in hard copy at the RDCK office. Original mapping schedules are as adopted in hard copy as part of the Bylaw. Any subsequent amendments are maintained electronically.

Acronyms used in this document

Agricultural Land Commission	ALC
Agricultural Land Reserve	ALR
Land Use Bylaw	LUB
Regional District of Central Kootenay	RDCK
Watercourse Development Permit	WDP

TABLE 1: LAND USE CONSISTENCY TABLE

The development of land within portions of Electoral Area ‘G’ following adoption of this Bylaw should be consistent with the overall pattern of land use depicted on Schedules ‘A.1’ and Schedule ‘B.1’, and based on the following land use designations and zoning designations. For the purposes of Official Community Plan (Schedule ‘A’) interpretation, the Zones in column 3 of Table 1 are intended to be consistent with, and shall be deemed consistent with, the corresponding Land Use Designation from column 2 of Table 1.

<u>Residential Designations:</u>	<u>Land Use (OCP):</u>	<u>Zoning:</u>
Town-site Residential	RS	R1
Country Residential	RC	R2
Rural Residential	RR	R3
Remote Residential	RR	R4
Multi-Unit Residential	RMU	R5
<u>Commercial Designations:</u>	<u>Land Use (OCP):</u>	<u>Zoning:</u>
General Commercial	GC	C1
Tourist Commercial	TC	C2
<u>Industrial Designations:</u>	<u>Land Use (OCP):</u>	<u>Zoning:</u>
Industrial	M	M1
	M	M2
	M	M3
Quarry	Q	Q
<u>Community Services and Administrative Designations:</u>	<u>Land Use (OCP):</u>	<u>Zoning:</u>
Community Services	CS	CS
Public Utility	U	U
Parks and Recreation	PR	PR
Environmental Reserve	ER	ER
<u>Rural Designations:</u>	<u>Land Use (OCP):</u>	<u>Zoning:</u>
Agriculture	AG	AG
Resource Area	RA	RA
Forest Reserve	FR	FR

SCHEDULE 'A'
OFFICIAL COMMUNITY PLAN
Regional District of Central Kootenay
Electoral Area 'G' Land Use Bylaw No. 2452, 2018

1.0 COMMUNITY VISION AND GUIDING PRINCIPLES

In developing the Electoral Area 'G' Community Plan, the following principles were considered:	
Community Stewardship	<p>Support healthy, clean and resilient communities based on an ecosystem approach, by ensuring that environmental integrity and diversity are maintained in land use decisions.</p> <p>In support of a resilient community, the OCP should serve to preserve and enhance the local economy, the health and well-being of its residents and property owners, and the natural environment.</p>
Attractive, Liveable and Affordable	<p>Create attractive and liveable communities that offer a wide range of opportunities for residents and property owners.</p> <p>Strive toward enhancing the quality of life for residents by providing a range of housing, job and leisure opportunities.</p>
Public Involvement	<p>Public involvement is a cornerstone of land use decision making within the community area.</p> <p>Public involvement helps to ensure sound decision-making, enhances public education and provides opportunities for residents and property owners to contribute suggestions, knowledge and expertise.</p>
Support Existing and New Business	<p>Create a community development pattern that supports the existing business community and promotes new business development opportunities by protecting critical areas of economic enterprise and promoting a variety of locations for economic activity.</p> <p>A strong and diverse local economy is essential to enhance the quality of life enjoyed by area residents and property owners.</p>
Community Identity	<p>Foster unique, strong community identities.</p> <p>This community plan should contribute to the unique attributes of individual communities.</p>
Collaboration & Cooperation	<p>Promote collaboration, cooperation and partnerships between government agencies, non-governmental organizations, volunteers and private interests.</p> <p>These linkages enable the establishment of relationships between the public and private sectors and better connections between communities.</p>
Public Safety	<p>Support safe development.</p> <p>All development should be safe for the intended use wherever development occurs.</p>
Accountability	<p>The Regional District of Central Kootenay is accountable for the application and adherence to these principles and for implementation of developed policy.</p> <p>The RDCK should be seen to follow the principles identified.</p>

2.0 PURPOSE AND RELATED INITIATIVES

An Official Community Plan (OCP) sets out the long term vision for a community. It is intended to be a statement of objectives and policies to guide decisions on planning and land use management within the areas covered by the Plan.

While all bylaws enacted or works undertaken by the Regional District of Central Kootenay (RDCK) Board after the adoption of an OCP must be consistent with the Plan, amendments may be made to the OCP from time to time.

In circumstances in which matters are outside the jurisdiction of the RDCK, this OCP states broad community objectives. This OCP cannot, and does not, commit other government agencies or other organizations to act according to community objectives or policies.

The RDCK has undertaken the following related initiatives that have informed the development of this Official Community Plan. These include as follows:

- ✓ Regional District of Central Kootenay Salmo and Ymir Community Wildfire Protection Plans (2008)
- ✓ Regional District of Central Kootenay Regional Parks Strategy (2009)
- ✓ Regional District of Central Kootenay SustainABLE Central Kootenay (2010)
- ✓ Regional District of Central Kootenay Water Management Plan and Acquisition Strategy (2010)
- ✓ Regional District of Central Kootenay Agricultural Area Plan (2011)
- ✓ Regional District of Central Kootenay Resource Recovery Plan (2011)
- ✓ Regional District of Central Kootenay Parks Regulation Bylaw (2011)
- ✓ Regional District of Central Kootenay Waste Water Management Plan (2012)
- ✓ BC Transit West Kootenay – Transit Future Plan (2013)
- ✓ Regional District of Central Kootenay Agricultural Land Use Inventory (2016)
- ✓ Regional District of Central Kootenay Strategic Community Energy and Emissions Plan (SCEEP) (2016)

3.0 RESIDENTIAL

Background



This section outlines the objectives and policies for Town-site Residential, Country Residential, Rural Residential, Remote Residential and Multi-Unit Residential designations in the areas covered by this Plan (OCP).

Electoral Area 'G' has a population of 1,627 persons based on 2016 census data. The area has a total of 794 dwellings, most of which are single person or two person households. One family dwellings and modular homes are the predominant housing type.

Development activity with regard to subdivision in the area remains small scale with an average of 14 new lots being created per year. Similarly, building activity tends to be focused on renovations and additions to existing residential structures.

Electoral Area 'G' is expected to grow due to parallel growth in the proximate communities of City of Nelson and Castlegar. It is anticipated that there will be an increase in population of 80 new residents within five years and 160 new residents over a ten year period¹.

General Residential Objectives

1. Accommodate anticipated residential growth in a manner that protects the rural character, environmental integrity, and the social and cultural diversity of the Plan area.
2. Encourage a variety of residential locations, types, tenures, and densities, including mixed use buildings in commercial areas to accommodate expected growth in the community and to accommodate options for housing affordability.
3. Direct residential development of less than 1 hectare (2.47 acres) to established residential areas and municipalities to ensure efficient use of existing services, amenities, and infrastructure.
4. Direct residential development that is not related to agricultural production or farm use to lands outside of the Agricultural Land Reserve (ALR).
5. Encourage high quality design, building, development and landscaping standards that improve energy efficiency and maintain and enhance rural character.

¹ Columbia Basin Selkirk College Rural Development Institute (2012) and (2016) Census Data

6. Support accessibility in housing to ensure that seniors and those with mobility challenges are able to reside safely in their respective communities.
7. Continue to provide for the keeping of farm animals and market gardens on residential properties provided that the keeping of farm animals is conducted in a manner that minimizes negative impact to adjacent property owners.
8. Continue to enable income-generating accessory uses including home based business and tourist accommodation opportunities, provided that they are compatible with the residential character of Plan area communities.

General Residential Policies

The Regional Board:

9. Will accommodate anticipated residential growth in the areas designated as residential on Schedule A.1 mapping.
10. Will increase housing diversity and choice in the community through allowing for accessory dwellings such as: secondary suites, cottages, carriage houses and garage suites to increase the number of dwellings available for rental occupancy and to single occupancy households.
11. Will support initiatives to provide for special needs housing required for seniors and those with mobility issues or in need of support, within the Village of Salmo or Ymir where servicing needs can be met given the predominately rural nature of the Plan area.
12. Will assess and evaluate proposed residential development based on the following:
 - a. capability of accommodating on-site domestic water and waste water disposal;
 - b. capability of the natural environment to support the proposed development, and any impacts on habitat and riparian areas;
 - c. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
 - d. compatibility with adjacent land uses and designations, and how the form and character complements the surrounding rural area;
 - e. proximity and access to existing road networks and other community and essential services if they exist; and
 - f. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas.
13. Recognizes that existing lots smaller than the minimum lot size permitted by designation may be used for the purposes permitted in the designation provided all other regulations are met.

14. Encourages the clustering of residential development to create separation between neighbouring developments and to avoid continuous sprawl-like development where feasible.
15. Encourages the infill of vacant residential lots before development of new residential areas, in addition to the consolidation of small residential lots to address safe building and servicing requirements.
16. Recognizes the limitations for further residential development in specified areas of Ymir and Rosebud Lake where water supply may be limited or septic servicing at capacity.

Town-site Residential (RS) Policies

The Regional Board:

17. Directs that the principal use shall be one-family, two-family or multi-family dwellings.
18. Will allow for accessory buildings and structures, accessory dwellings, accessory tourist accommodation, home-based business, horticulture and the keeping of farm animals as accessory uses.
19. Supports residential development with lot sizes for subdivision determined by the level of available or proposed servicing. Density may increase with the provision of community water and waste water disposal.
20. Encourages directing higher density residential development to municipalities or existing residential nodes where infrastructure services are available or can be provided.
21. Encourages mixed use development that builds upon existing infrastructure.

Country Residential (RC) Policies

The Regional Board:

22. Directs that the principal use shall be one-family or two-family dwellings.
23. Will allow for accessory buildings and structures, accessory dwellings, accessory tourist accommodation, home-based business, horticulture and the keeping of farm animals as accessory uses.
24. Supports low density residential development with lot sizes for subdivision purposes determined by the capacity for on-site servicing, such as ground or surface water and Type 1 waste water disposal.

Rural Residential (RR) Policies

The Regional Board:

25. Directs that the principal use shall be one-family or two-family dwellings, horticulture or portable sawmills.
26. Will allow for accessory buildings and structures, accessory dwellings, accessory tourist accommodation, home-based business, horticulture, keeping of farm animals, kennels and small scale wood product manufacturing as accessory uses.
27. Supports rural residential development with lot sizes for subdivision that generally exceed 2.0 hectares.
28. Supports remote residential development with lot sizes for subdivision that generally exceed 4.0 hectares for properties that do not have access to a maintained public road or other servicing constraints.

Multi-Unit Residential (RMU) Policies

The Regional Board:

29. Directs that the principal use shall be multi-family dwellings or manufactured home parks.
30. Will allow for accessory buildings and structures, home-based business and horticulture as accessory uses in Multi-Unit Residential developments.
31. Will allow for accessory buildings and structures, and common facilities associated with a Manufactured Home Parks.
32. Supports that new Manufactured Home Parks will meet the standards for servicing and design as required under any applicable Regional District Manufactured Home Park Bylaw.
33. Supports residential development with lot sizes for subdivision determined by the level of available or proposed servicing. Density may increase with the provision of community water and waste water disposal.
34. Encourages directing higher density residential development to municipalities or existing residential nodes where infrastructure services are available or can be provided.
35. Encourages mixed use development that builds upon existing infrastructure.

4.0 COMMERCIAL AND INDUSTRIAL

Background

This section outlines the objectives and policies for General Commercial, Tourist Commercial and Industrial designations in Electoral Area 'G'

Most of the commercial and business needs within the Plan area are met within the Village of Salmo or Ymir. However, rural communities also support tourist accommodation and commercial facilities. There are many home-based businesses within the Plan area that are vital to the liveability and economic and social sustainability of rural communities.



Small and large scale industrial operations exist throughout the area, but are generally concentrated in and around the Highway 6 corridor. Principal industrial activities in the Plan area are orientated toward primary and secondary resource processing related to forestry, mining, machine and heavy equipment repair.

The need for additional commercial and industrial lands within the Plan area was not identified through community consultations or the Employment Lands Initiative undertaken by the Rural Development Institute at Selkirk College. There is renewed interest in potential production being initiated at several of the established mine sites due to new technologies in this industry. Over 600 mine sites are thought to have been operational in the Plan area at one time; many of which have resulted in contaminated lands and brownfields².

Commercial Objectives

1. Enhance the long term vitality and economic sustainability of the Plan area by supporting new and existing businesses and the creation of employment.
2. Provide for commercial activities servicing the needs of local residents and visitors.
3. Recognize the commercial and service center role of the City of Nelson and Village of Salmo and direct that commercial development in the rural communities will primarily be oriented toward serving local community needs and visitor needs.
4. Encourage home based businesses as a means of strengthening the economic base.
5. Expand employment opportunities associated with home based businesses and occupations.

² Salmo Watershed Stream-keepers (2010)

6. Accommodate temporary commercial uses in appropriate locations.

General Commercial (GC) Policies

The Regional Board:

7. Anticipates that general commercial needs will be accommodated within existing commercial nodes within the community of Ymir and Village of Salmo as designated on Schedule A.1 mapping.

Tourist Commercial (TC) Policies

The Regional Board:

8. Anticipates that tourist commercial needs will be accommodated throughout the Plan area on lands designated as such on Schedule A.1 mapping.
9. Encourages the development of a range of tourist accommodation types including campgrounds, lodges, resorts, and bed and breakfast establishments to diversify tourism opportunities in the community.
10. Enable commercial outdoor recreation, resort commercial, agri-tourism and eco-tourism opportunities such as trail rides, campgrounds and wilderness tours provided they do not have demonstrated detrimental impact on important habitat, riparian areas, or adjacent land uses.

Home-based Business and Accessory Tourist Accommodation Policies

The Regional Board:

11. Will promote home based businesses as a significant means of satisfying local employment needs provided they do not conflict with or negatively impact the natural environment and residential character of communities.
12. Will ensure that home based business opportunities remain flexible and accommodate expanded employment needs.
13. Will provide for accessory tourist accommodation, such as bed and breakfast operations and camping facilities, as a means of secondary income and to provide for diversity of choice for visitor accommodation. Tourist accommodation involving vacation rentals will be prohibited from residentially designated properties.

Industrial Objectives

14. Recognize and retain traditional resource-based livelihoods such as outdoor recreation, agriculture, wild harvesting, mining and forestry while ensuring sustainable management of their land base.

15. Ensure there is opportunity for light industrial uses in support of the local economy.
16. Support and enhance industrial uses within the Plan area while minimizing incompatibility with surrounding land uses through requirements for screening or landscaping.
17. Encourage value added resource manufacturing and production to enhance or maximize the value of raw materials within the local community.
18. Ensure good arterial access for existing and new industrial developments.

Industrial (M) Policies

The Regional Board:

19. Anticipates that industrial development needs will be accommodated within existing and proposed industrial areas as designated on Schedule A.1 mapping.
20. Ensure that proposals for new industrial operations have significant public input prior to development so that issues can be resolved to the satisfaction of the public and operator through the land use amendment or temporary use permit application process.
21. Recognizes the importance of industry to the local economy, and supports new light industry and value added manufacturing so that a broader employment base can be achieved and economic benefits retained in the local community.
22. Directs that requirements for screening or landscaping be incorporated into the design of new and expanded industrial developments.
23. Directs that new or expanded industrial developments take place on existing brownfield lots as to minimize further contamination of lands within the area.

5.0 COMMUNITY SERVICES

Background

The Community Services land use designation generally refers to land uses that serve a community's educational, health, social and cultural needs. Land uses may include schools, daycare facilities, public health facilities, group care facilities, libraries, museums, post offices, fire halls and government buildings. The Plan recognizes that many of the community services and administrative activities available to residents of the Plan area are centrally located in the Village of Salmo, City of Nelson, City of Trail or provided through regional partnerships.



The Area falls under Kootenay Lake School District No. 8 and educational facilities are provided for within the Village of Salmo and City of Nelson. There are presently no public health or group care facilities within the Plan area. Ymir has several community facilities, including: the community hall, old school house and gallery. Several community programs and events are hosted in these facilities throughout the year. A post office is also located in the communities of Ymir and Salmo.

Cemeteries are located in Ymir, Boulder Creek and rural Salmo.

Fire service is provided to portions of the Plan area through the Ymir Volunteer Fire Department and the Village of Salmo Volunteer Fire Department. Fire service is not presently available to the unincorporated communities of Rosebud Lake and Nelway.

Community Services Objectives

1. Direct community service and administrative developments to areas where services and amenities are more readily available and where they best serve the needs of the community.
2. Work with the Province and Kootenay Lake School District 8 to ensure public educational needs are being met through the provision of educational facilities and student transportation.
3. Support the establishment of daycare facilities and small group care facilities within residential areas or service areas such as Ymir and rural Salmo.
4. Recognize the importance of maintaining health service facilities and larger group care facilities centrally within the Village of Salmo, though consideration may be given to other areas where deemed appropriate and supported by the community.

5. Encourage the adoption of bylaws or other measures to create smoke free outdoor spaces where the public work, learn or recreate.
6. Recognize the variety of social and cultural activities important to residents of the unincorporated communities within Electoral Area G.
7. Collaborate with local First Nations, including: the Ktunaxa, Nq̓lispélišcn, Nsyilxcən and Secwepemctsin speaking peoples in identification and conservation of archaeological and cultural values within the Plan area.
8. Support the Province, senior governments, aboriginal communities, individuals and interest groups in identifying and protecting places of scenic, architectural, historical, spiritual, archaeological and cultural significance within the Plan area.
9. Coordinate with the Village of Salmo and cemetery societies for Ymir and Boulder Creek to improve record of burials through inventory and mapping and to ensure that future needs are considered.
10. Investigate and support the expansion of fire protection services to all communities within the Plan area.
11. Ensure that land use decisions accommodate emergency response through provision of adequate access to developments and facilities for fire protection services and emergency first response where such services are provided.

Community Services Policies

The Regional Board:

12. Anticipates that community services needs are accommodated within existing and proposed facilities within the community of Ymir and Village of Salmo as indicated on Schedule A.1 mapping.
13. Will work cooperatively with the Village of Salmo, City of Nelson and the Province to direct community service and administrative facilities to areas where they are central, accessible and meet the needs of the broader community.
14. Will work with Kootenay Lake School District 8 to improve student transportation to educational facilities within the Village of Salmo and City of Nelson.
15. Will collaborate with support service partners in the Village of Salmo and City of Nelson with regard to efforts to reduce poverty levels in the community. Effort will be made toward providing choice of housing, enhanced access to affordable childcare options, access to services and enabling the production of and access to local food.
16. Will allow for daycare facilities and small group care facilities as home-based occupations on lands designated residential.
17. Will support the use of public and private lands for local community events as important contributors to the social and cultural values of the Plan area, provided that such events are supported by and do not negatively impact neighbouring properties.

18. Will promote and support the establishment of smoke free public facilities and community events.
19. Encourages maintenance and enhancement of recreational and cultural amenities in the community of Ymir, including: Ymir Community Hall, Schoolhouse, Ymir Hotel, the Palace, Tiny Lights Festival, community ice rink, skate board park, campground and other community events and venues.
20. Encourages that public spaces and buildings are designed or re-designed to accommodate accessibility.
21. Encourages a strong sense of community through support to local volunteer organizations.
22. Supports the establishment of a heritage registry for properties with sufficient heritage value or heritage character as to justify its conservation, such as: the Schoolhouse, Fire Hall, Ymir Hotel and the Palace in the community of Ymir, the historic Doukhobor cemetery north of Salmo and Endersby Museum and historic agricultural buildings near Erie and Ross Spur.
23. Supports collaboration with local First Nations in the identification and protection of areas of archaeological and cultural value, including maintaining Aboriginal access for fishing and hunting, resource gathering and processing, burial sites, pictographs and places of other cultural significance.
24. Will continue to implement the RDCK Civic Addressing Bylaw to ensure that properties are appropriately addressed and that such addresses are posted in a manner as to facilitate emergency response.

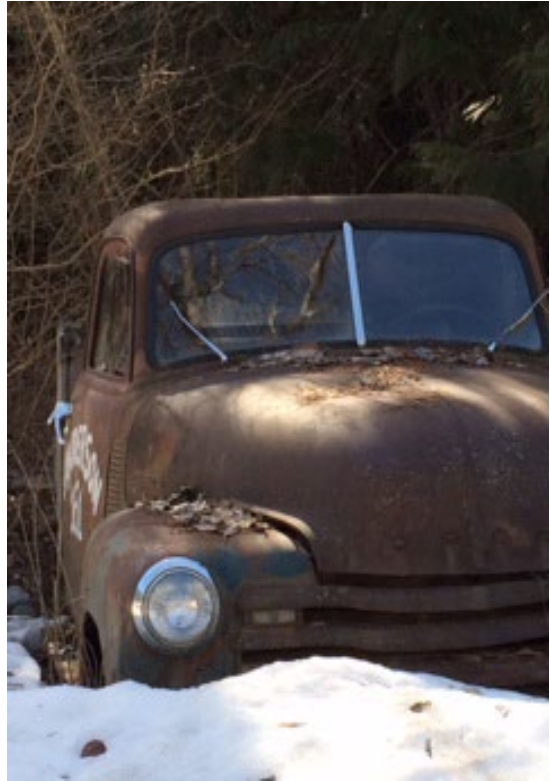
6.0 AGRICULTURE

Background

The amount of designated and undesignated land that is in agricultural production in the rural area is an important factor in developing a secure local food system. Lands within the Agricultural Land Reserve (ALR) can be found throughout the Plan area. Lands outside of the ALR are used for rural residential and country residential purposes and may contain hobby farms and small market gardens. These small scale agricultural uses can be an important contributor to local food production. Agricultural operations and activities, such as livestock grazing, are also dependent on rural lands outside of the agricultural designation.

Lands within the ALR comprise only 3 percent of the land base in Electoral Area G. In 2016, 340 hectares of lands within the ALR were being used actively for the purposes of agricultural production. This figure compares to 154 hectares of land being used for residential purposes and 1,709 hectares remaining in a natural or semi-natural state. It is important to note that there are

significant lands within the ALR within the Plan area that are not in active production due to Provincial ownership of such lands. The area has potential for agricultural expansion with focus on forage and meat production, as well as value added food processing. The short growing season and unpredictable frost cycles make the production of fruit and produce difficult³.



Agriculture Objectives

1. Preserve and promote the use of agricultural land for current and future agricultural production, and protect this land from uses which are inconsistent with agriculture or are incompatible with existing agricultural uses in the area.
2. Encourage the agricultural sector's viability by adopting supportive land use policies within and adjacent to farming areas and ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
3. Discourage agricultural land uses that adversely impact the surrounding environment or compromise the capability of the land for future food production.

³ RDCK Agricultural Area Plan (2011)

4. Minimize conflicts between agriculture and other land uses.
5. Encourage diversification and enhancing farm income by enabling uses secondary to and related to agricultural use consistent with the provisions of the *Agricultural Land Reserve Act*, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.
6. Encourage senior levels of government to enable and facilitate agricultural activity and industry.
7. Support the Province, other agencies, non-profit societies and the agricultural community with the development of tools for the management of invasive and nuisance plant species to conserve agricultural values in the area.

Agriculture Policies

The Regional Board:

8. Anticipates that agricultural production will be accommodated within existing lands contained within the Agricultural Land Reserve and as designated on Schedule A.1 mapping.
9. Existing and future agriculture will also be encouraged and accommodated where possible on lands outside of the Agricultural Land Reserve (ALR) to help meet local food demands.
10. Directs that the principal use of land designated Agriculture shall be farm use.
11. Discourages applications to the Agricultural Land Commission for subdivision and non-farm use in the ALR unless the proposal provides evidence that it does not negatively impact agriculture or agricultural potential on the subject lot and adjacent agricultural operations.
12. Supports the consolidation of legal lots that may support more efficient agricultural operations.
13. Should consider potential impacts on water resources in agricultural areas when considering land use amendment applications not related to agriculture or subdivision and non-farm use proposals in the Agricultural Land Reserve.
14. Directs residential and non-farm uses to lands where there is low agricultural capability.
15. May consider buffering of commercial, industrial and high density residential development adjacent to agricultural areas.
16. Directs intensive agricultural operations to larger lots with increased building setbacks and other possible mitigation measures to prevent potential conflict with adjacent land uses.
17. Will enable secondary agricultural uses including home based business, agri-tourism or accessory tourist accommodation opportunities that are consistent with the

provisions of the *Agricultural Land Reserve Act*, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.

18. May consider secondary dwelling applications within the ALR in accordance with the density provisions of the associated zoning regulations of this Bylaw and with Provincial approval where necessary.
19. Will encourage food processing activities and broadened market opportunities, such as: market gardens, craft wineries, breweries and meaderies, farmers' markets and farm gate sales.
20. Supports the efforts of non-profit and community organizations with regard to sustaining local food security by enabling access to healthy foods for all residents.

7.0 PARKS AND RECREATION

Background

Electoral Area G contains two RDCK Regional Parks: the Great Northern Rail Trail which extends through Electoral Area G from Apex to the Village of Salmo and the Rosebud Lake Wildlife Refuge. Provincial sites include Champion Lakes Provincial Park and the former Erie Lake Provincial Park. Provincial recreation sites in the area include Clearwater, Salmo Riverside, Barrett Lake, Huckleberry Hut and Erie Creek.



Ymir and the Village of Salmo also maintain community park space: including a campground, skateboard park and picnic areas in Ymir, and Knights of Pythias Park and Springboard Park in the Village of Salmo. A volunteer run ski hill and golf course operate just south and east of the Village of Salmo.

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

Parks and Recreation Objectives

1. Develop a comprehensive regional park and trail system that is consistent and complementary with other parks and trails in the RDCK.
2. Encourage the Province to provide on-going access to public recreation sites, trails and forest service roads for the purposes of outdoor recreation, foraging and wild harvesting.
3. Partner with the Village of Salmo to ensure that the long term recreational needs of the community are met.
4. Support the enhancement of opportunities for children, youth, and adult recreational and leisure activity and the creation of inter-generational programs to improve youth engagement and encourage social interaction for rural seniors.

Parks and Recreation Policies

The Regional Board:

5. Supports the existing network of public outdoor recreation lots and trails, as well as the creation and extension of a connected network of trails and public corridors to access community parks, recreation areas, public open space and amenities where feasible and as indicated on Schedules A.1 and A.3.
6. Recognizes the importance and significance of the Great Northern Rail Trail at a community and regional level.
7. Recognizes the importance and significance of the Fort Shepard to Salmo portion of the Dewdney Trail at a community and regional level.
8. Supports continued dialogue and investigation of options toward dedicated non-motorized use on portions of the Great Northern Rail Trail in collaboration with all users.
9. Encourages on-going dialogue between residents of Porto Rico and the operator of the Rifle Range to ensure that community impacts are mitigated.
10. Supports the establishment of public access points along the Salmo River for the purposes of swimming, fishing and other recreational pursuits.
11. Supports opportunities to re-establish and enhance recreational and visitor facilities at Erie Lake and Rosebud Lake.
12. Encourages investigation into options for the potential purchase or protection of conservation lands in the vicinity of Rosebud Lake.
13. Encourages investigation into options for the conservation and on-going access to recreational lands associated with rock climbing adjacent to Highway 6 in proximity to Hall Siding.
14. Recognizes and supports the establishment of an integrated trail network between the various unincorporated communities of the Plan area and the Village of Salmo; including on-going and proposed improvements at the Salmo Ski Hill and south slopes between Erie and the Village of Salmo.

8.0 PUBLIC UTILITIES, WATER AND SEWERAGE

Background

There is one RDCK owned and managed water system within the Plan area that provides service to Ymir. Domestic and irrigation water supply is generally provided through groundwater wells or surface water licensing (both individual and small water users groups). Small water systems and individual water sources are vulnerable to drinking water advisories or over subscription of water resources. Areas that require water for both domestic and irrigation purposes can be especially vulnerable. There are no new community water systems proposed within the Plan area.

There are no publicly owned waste water disposal services in the area. Septic and waste water treatment plants are the present forms of sewage treatment. Refuse disposal for the area is provided at regional transfer and recycling depots in Ymir, Salmo and Nelson.

Utility services are provided for by BC Hydro and Fortis BC with large transmission corridors running from facilities along the Pend O'Reille for energy transmission. Telephone and internet services are provided through the placement of cell towers at Cottonwood Lake and Kapak Road. The communities of Rosebud Lake and Nelway do not have access to high speed internet services at the time of community plan development.

Servicing Objectives

1. Encourage coordination of land use planning and service delivery among the Regional District, Village of Salmo and senior levels of government to ensure that costs are minimized and services provided in an effective and efficient manner.
2. Investigate options for enhanced service delivery through regional partnerships where services or activities can not be sustainably supported within the rural areas.
3. Support expanded utility services in the Plan area where there is community need and desire.
4. Work toward supporting community health and safety within existing and proposed water and sewer systems within the Plan area through appropriate and affordable standards of service.
5. Encourage water license holders to register any unrecorded domestic and irrigation surface water sources.
6. Support measures to ensure that long term quantity and quality of water supplies are maintained or improved.
7. Promote water resource conservation strategies and reduce water demand through educative materials and voluntary incentives, particularly in areas where the water resource has already been over-subscribed.

8. Support the protection of groundwater and surface water sources from degradation through improper disposal of liquid waste.
9. Encourage reduction of solid waste through consumer habits, recycling, re-use and composting within the community.
10. Investigate the feasibility and applicability of alternative construction techniques and servicing requirements that reflect the needs of rural communities.

Servicing Policies

The Regional Board:

11. Anticipates that public utility needs will be accommodated within existing facilities as designated on Schedule A.1 and A.2 mapping.
12. Will investigate options for improved or expanded utility services within the Plan area in cooperation with affected communities where it is deemed necessary or desirable, with consideration given to long term feasibility and availability of resources. Decisions on improved or expanded utility services shall be made by the authority having jurisdiction and the community on a case by case basis.
13. Requires that any extension or modification of local infrastructure or creation of new infrastructure necessitated by the approval of subdivision or issuance of a building permit, including all costs for upgrades and design, be the responsibility of the developer or those benefiting from such improvements.
14. Encourages all users and government agencies having jurisdiction over water sources for domestic and irrigation use within the Plan area to use best management practices for conservation.
15. Encourages all property owners to investigate domestic water supply quality through testing and monitoring programs.
16. Applies the precautionary principle⁴ to ensure that the density and intensity of land use is not increased beyond available servicing capacity in areas which are known to have concerns with domestic and irrigation water supply.
17. Supports investigation into alternative and innovative building design, construction, and servicing techniques for residential and commercial construction within the Plan area, reflective of the needs of rural communities and supportive of green infrastructure.

⁴ Precautionary Principle' is an approach to decision- making in risk management which justifies preventive measures or policies despite scientific uncertainty about whether detrimental effects will occur (precautionary principle). *Webster's New Millennium™ Dictionary of English, Preview Edition (v 0.9.7)*.

18. Encourages the cooperation and coordination with and among utility companies in utilizing existing and proposed utility corridors for multiple uses, where feasible and compatible, as determined by the relevant service provider.
19. Will investigate the costs associated with, and long term feasibility of enhancing waste management facilities to expand recycling and composting.

9.0 AGGREGATE AND MINERAL RESOURCES

Background

Aggregate is an essential resource, vital to the prosperity and well-being of British Columbians and RDCK residents. Aggregate consumption in BC was estimated at about 50 million tonnes per year⁵, which is approximately equivalent to one dump truck load for every person in the Province.

Control over the development of aggregate extraction sites is retained by the Province. While there is interest in ensuring that extraction is conducted in an environmentally and community-friendly manner, there is also interest in ensuring that local aggregate sources are available or maintained in relatively close proximity to the demand. Aggregate resources exist throughout the Plan area, but have been identified to be of limited quantity and quality with many deposits within existing locations being exhausted.

Aggregate and Mineral Resources Objectives

1. Protect land with recoverable deposits of sand and gravel from adjacent uses that would limit or prohibit extraction, and identify lands having recoverable deposits of sand and gravel.
2. Minimize conflict between sand and gravel processing operations and adjacent land uses.
3. Encourage the Province to refer mineral exploration proposals to the RDCK for comment and give due consideration to the impact of resource extraction activities on surrounding land uses, sources of domestic and irrigation water supply, and development activity.
4. Strongly encourage the Province to inform and communicate with affected communities before Crown land is utilized for aggregate or mineral processing and that such proposals comply with RDCK zoning.
5. Encourage the protection and maintenance of sources of domestic and irrigation water supply as an integral part of the extraction and processing process for aggregates and other resources.
6. Encourage the Province to include in their licensing the on-going rehabilitation of aggregate extraction and mineral processing lots.
7. Support Provincial requirements for rehabilitation and reclamation of resource extraction lots.

⁵ British Columbia Stone, Sand and Gravel Association. 2014. Retrieved April 29, 2014 from <http://www.gravelbc.ca/aggregate/faq.html>.

Aggregate and Mineral Resources Policies

The Regional Board:

8. Anticipates that recoverable deposits of sand and gravel will be accommodated within existing quarry or industrial designated properties as indicated on Schedule A.1 mapping and that any new proposals will be subject to application for a land use amendment or temporary use permit.
9. Will consider land use designation amendment applications for the processing of aggregate or mineral resources on the basis of a variety of criteria; including but not limited to the:
 - a. extent of visual screening, and other mitigation works proposed;
 - b. type of processing proposed;
 - c. potential for noise and dust nuisance for nearby properties;
 - d. compatibility with adjacent land uses;
 - e. potential for light pollution;
 - f. potential for vibration from blasting of materials;
 - g. environmental sensitivity of the lot and adjacent land;
 - h. accessibility;
 - i. and the characteristics of the aggregate deposit and groundwater resources.
10. Encourages full utilization of recoverable deposits prior to development in areas where recoverable deposits are located.
11. Recognizes that much of the aggregate managed by the Ministry of Transportation and Infrastructure has been exhausted, but that such properties still serve an important role for the staging of equipment and materials during highway improvement projects.
12. Recognizes that the terms or conditions of this Bylaw can not restrict or conflict with any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, coal or quarries that is classified as a *mineral* or a *mine* under Provincial Acts and Statutes, so long as the Province manages the activities and land for that purpose.

10.0 HAZARD LANDS AND FIRE MANAGEMENT

Background

Hazard lands include areas the RDCK has reason to believe are subject to natural hazards including: wildfire, flooding, mud flow, debris torrents, erosion, rock fall, landslip, and avalanche.

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

Hazard Lands Objectives

1. Prevent development in areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed.
2. Prevent injury and loss of life and prevent or minimize property damage as a result of natural hazards.
3. Support inventories and studies to further determine the nature, extent, and risk of development below, on and adjacent to identified natural hazard areas.
4. Support the potential development of Development Permit Area guidelines to address known hazards where deemed appropriate and feasible.

Hazard Lands Policies

The Regional Board:

5. Directs development away from those lands that may have a potential natural hazard or have been identified as hazardous by the RDCK or other agencies having jurisdiction.
6. Directs development away from lands identified as being susceptible to soil instability and potentially hazardous geotechnical conditions; such as steep slopes or erosion areas.
7. Requires that the construction and siting of buildings and structures to be used for habitation, business, industry, or the storage of goods damageable by flood waters to be flood proofed to geotechnical standards and certified by a registered professional as safe for the use intended, where land that may be prone to flooding is required for development and no alternative is available.
8. Will work with other jurisdictions and other agencies responsible for flood and hazard mitigation and planning to improve flood and hazard mapping and information management to better inform land use decisions.

Fire Management Objectives

9. Reduce wild fire hazards and risk, particularly in and around communities and other high value areas.

Fire Management Policies

The Regional Board:

10. Supports protection of accesses to water sources such as hydrants, standpipes, lakes, and streams to remain free of obstructions for fire protection purposes.
11. Encourages local volunteer fire departments to work with the RDCK to keep up to date with emergency preparedness and with the identification of increased risk as a result of natural or man-made events.
12. Encourages voluntary efforts to reduce fire risk to existing buildings and new developments through educational materials and appropriate Fire Smart programs.
13. Supports the development and implementation of Community Wildfire Protection Plans and associated adjacent forest management strategies in areas of high to moderate wildfire risk.
14. Will evaluate opportunities to assist in Interface Fire Fuel Reduction treatment.
15. Will evaluate land development proposals with consideration to hazard mitigation, need for and ability to provide for year round access and emergency and protective services.
16. Will undertake on-going efforts to identify areas for safe refuge from wildfire events, evacuation routes, supply of water for fire suppression activities and the location of critical infrastructure and community assets as identified on Schedule A.2.



11.0 NATURAL ENVIRONMENT

Background

The natural environment is of significant value to the economy and livelihood of the Plan area for both resident and non-resident property owners, recreation, education, tourism, forestry, hunting, fishing and spiritual well being. It is recognized for its inherent value to wildlife and the ecological functioning of the area.



There are significant wildlife corridors and habitat values that have been identified. Riparian areas in the community have been heavily modified by historic mining, forestry and settlement patterns. Significant effort has been made with regard to improving fish and wildlife habitat along the Salmo River and its tributaries where such values have been compromised.

Natural Environment Objectives

1. Maintain high water quality of groundwater and surface water sources of domestic and irrigation water supply.
2. Foster an awareness of the values associated with the natural environment and conserve sensitive and significant natural features and values from the negative impacts of development.
3. Encourage the maintenance of biodiversity, important to the biological functioning and ecological integrity of the area.
4. Protect, restore and enhance natural areas and establish an interconnected ecosystem network of protected areas and corridors, wherever feasible.
5. Support the Provincial requirement that developers apply for and obtain appropriate permits and authorization for “Changes In and About a Stream” pursuant to the *Water Sustainability Act*.
6. Support the protection, enhancement and management of sensitive habitat areas for endangered or threatened species in the Plan area.
7. Encourage the province to recognize environmentally sensitive areas, hazard areas, and areas upstream of alluvial fans, and uphold the strictest regulation for forest and mining or mineral development in these areas.

Natural Environment Policies

The Regional Board:

8. Supports best management practices for land developers as found in applicable provincial guidelines and regulations.
9. Encourages on-going efforts and a collaborative approach toward the remediation and restoration of riparian areas that have been modified or determined to be at risk.
10. Supports the establishment of environmental reserves in areas identified as containing old growth trees or rare or vulnerable eco-system values at Rosebud Lake, Stag Leap Ranch and along the Great Northern Trail corridor between Porto Rico and Hall Siding.
11. Will prioritize the protection of Federally and Provincially listed ecological communities and species at risk and their associated habitats through minimizing direct disturbance and development impacts.
12. Encourages private landowners and developers to protect environmental and heritage values through the registration of conservation covenants, land management agreements or through planned donation of lands.
13. Recognizes the importance of containing and controlling noxious weeds through the continued endorsement of weed prevention and control initiatives, with preference to biological and non-toxic methods.

12.0 TRANSPORTATION

Background

All major highways are provincially designated controlled access highways and are intended to function as regional transportation corridors. The road infrastructure connecting communities within the RDCK is largely managed by the province; however the RDCK influences the transportation system through its decisions with regard to development. Major transportation corridors include Highway 6 connecting communities between the Village of Salmo and City of Nelson and extending through to the Nelway Border Crossing and Highways 3 and 3A which provides access between the Plan area and Fruitvale and Creston.

The RDCK also works closely with the province to facilitate public transit. Transit service is available between the City of Nelson and Village of Salmo three times daily.

Transportation Objectives

1. Encourage the Province to plan for the provision of a road network capable of safely servicing existing and future development.
2. Ensure that future development patterns and land use decisions recognize and support highway safety and mobility objectives.
3. Encourage community consultation and discussion during any initiative that reviews the transportation capacity of local roads, pedestrian and recreational corridors, and commercial development strategies.
4. Support that the local road network is safe, effective and equally accessible and inviting for use by cyclists, pedestrians, equestrians, agricultural equipment and motorists.
5. Investigate options for the provision of expanded and enhanced public and shared transit throughout the Plan area.

Transportation Policies

The Regional Board:

6. Supports that all new developments and the redevelopment of lands provide adequate off-street parking.
7. Supports the enhancement of cycling and pedestrian systems in new and existing developments, and supports the development of a comprehensive network of pedestrian and bicycle routes on public and private lands and along existing and future road networks.
8. Advocates for improvement to and expansion of public transportation service opportunities, bus shelters, and cross walks in cooperation with BC Transit.

13.0 ENERGY AND ENVIRONMENT

Background

Beginning in 2007, the Province of BC has moved forward with a number of legislated and policy actions designed to encourage energy efficiency and reduce emissions of greenhouse gases (GHGs). These are driven by a legislated target to reduce the total GHG emissions in the Province by 33% from 2007 levels by 2020, and 80% by 2050.⁶ The Regional District of Central Kootenay developed a Greenhouse Gas Emissions Reduction Plan in 2010 that committed to working collaboratively toward a reduction of the combined greenhouse gas emissions of the rural areas by 15% from baseline levels (2007) by 2020 and by 25% from baseline levels (2007) by 2030.

Greenhouse Gas Emission Reduction Objectives

1. Work collaboratively with our partners and community members to reduce greenhouse gas emissions in the rural areas by 15% from baseline levels (2007) by 2020 and by 25% from baseline levels (2007) by 2030 as established by the RDCK Corporate Greenhouse Gas Emissions Reduction Plan (2010).
2. Demonstrate leadership in energy conservation, energy efficiency and greenhouse gas emission reductions and work toward carbon neutrality.
3. Foster the development of renewable energy supply options.
4. Reduce energy consumption and greenhouse gas emissions and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.
5. Work toward future settlement patterns that reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and transit, where realistic and achievable.

Greenhouse Gas Emission Reduction Policies

The Regional Board:

6. Encourages the reduction of landfill waste through the RDCK zero waste policy, and will investigate ways to increase waste diversion through strategies identified in the RDCK Resource Recovery Plan (2011).
7. Supports collaboration with and supports partners that raise awareness and provide education on energy and emissions to local businesses, residents, and other organizations in the community.
8. Encourages energy efficient retrofits of older buildings, including both residential and commercial buildings.

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

9. Encourages the use of local materials and green building techniques in new and retrofitted developments.
10. Supports the development of a sustainability checklist for the evaluation of land use and building applications and supports the investigation into the creation of associated incentives for developers that develop buildings to a high level of building performance.
11. Supports a voluntary reduction of personal vehicle transportation emissions by promoting use of public transit and shared transit, including the use of buses, car co-operatives and delivery services, more efficient vehicles, use of alternative fuels, providing sufficient pedestrian and cycling facilities and routes, encouraging home based businesses and encouraging changes in travel patterns.
12. Supports the expansion and enhancement of electric vehicle charging stations and infrastructure throughout the region through the *Accelerate Kootenays* program (2016).
13. Seeks partnerships with utility companies, independent power producers, NGOs, member municipalities, provincial and federal agencies and others to further local energy strategies and concurrent planning efforts.
14. Encourages the investigation and development of renewable energy supply options such as district energy, ground source heat pumps, solar and heat recovery systems where opportunities might be present.
15. Supports the exploration of renewable energy opportunities in the agricultural and forestry industries such as biomass energy production.
16. Supports the creation of a renewable energy service for the RDCK.
17. Encourages identification, establishment and maintenance of natural and managed carbon sinks for the purposes of conservation, maintenance of biodiversity, and enhanced community resilience with consideration to local ecosystem values and socio-economic drivers.

14.0 RESOURCE AREA

Background

Resource Areas (RA) are described as large lots of land and include both private and Crown land used for resource based activities. Typical uses include forest land, grazing or range land, public recreation areas, watersheds, and resource extraction areas. Although it is recognized that local land use designations do not apply to the Crown, the designation is intended to provide regulations upon alienation and to address Crown leases and licenses, as well as situations where the Crown is otherwise compelled or chooses to respect local government zoning. Forest Reserves (FR) may also be delineated within the Plan area and reflect both private and community owned and managed forest lands.

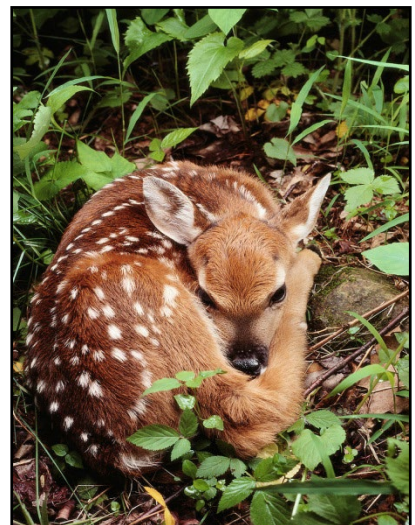
Resource Area Objectives

1. Retain and diversify resource-based land uses which contribute to the local economy and nature of communities in the Plan area.
2. Recognize the importance of Crown lands for recreational values and opportunity.
3. Work with the province and private land owners to ensure that resource based activities do not result in increased occurrence or magnitude of natural hazards in areas where there is risk to persons or property in the area and that such activities include safeguards for water supply.

Resource Area Policies

The Regional Board:

4. Recognizes the jurisdiction of the province over public Crown land.
5. Will work with the province and regional health authority to recognize and protect community watersheds and sources of domestic water supply.
6. Will support the development of community owned and managed woodlots in consultation and with the support of the community.
7. Supports appropriate small scale forest related activities, such as sustainable gathering of products, food crops, hiking, bird watching and wildlife viewing, education and value added resource industries.



15.0 COMMUNITY SPECIFIC POLICIES

Apex

1. Recognizes that development within the community of Apex will be primarily Country Residential based on the level of available servicing and infrastructure.
2. Recognizes that the community will be primarily oriented toward the provision of outdoor recreational facilities and visitor services associated with the Nelson Nordic Ski Club and Whitewater Ski Resort.
3. Supports the establishment of residential and tourist accommodation facilities to support the housing of staff and visitors associated with the recreational values of this community.

Hall Siding

4. Recognizes that development within the community of Hall Siding will be primarily Country Residential based on the level of available servicing and infrastructure.
5. Recognizes the ecological values associated with Hall Creek and encourages stewardship and conservation of this community resource.
6. Encourages protection of the black cottonwood ecological communities located along this portion of the Great Northern Rail Trail.
7. Supports the continued maintenance of non-motorized access and use of the Great Northern Rail Trail from Hall Creek to Apex
8. Supports investigation into the future use and enjoyment of recreational lands originally intended for cross country ski trail development within the community and the long term maintenance of lands used for the purposes of rock climbing adjacent to Highway 6.

Porto Rico

9. Recognizes that development within the community of Porto Rico will be primarily Country and Rural Residential based on the level of available servicing and infrastructure.
10. Supports expanded opportunities for home based business development, tourist accommodation and facilities and horticulture.
11. Encourages on-going dialogue between community members and the rifle range to ensure that issues with regard to noise and disturbance are managed accordingly.
12. Supports the recognition and protection of old-growth forest communities within the area.
13. Encourages protection of the black cottonwood ecological communities located along this portion of the Great Northern Rail Trail.

Ymir

14. Recognizes that Ymir will continue to be a mixed development community with both existing Town-site Residential, Commercial and Community Service developments contributing to its role as a service center for the area.

15. Supports the establishment of a community park at 2nd Street and Cedar Street.
16. Supports expanded opportunities for home based business development, tourist accommodation and facilities, horticulture and local food and drink production, such as craft breweries, wineries and farmer markets.
17. Encourages the identification and establishment of beach access areas along the Salmo River.
18. Recognizes the importance of Quartz Creek as a source of domestic and irrigation water supply and encourages the establishment of an environmental reserve to protect this resource.
19. Supports recognition of heritage assets within and surrounding the community, including the Oscar Bear Cemetery, The Palace, Ymir Hotel, Schoolhouse, Ymir Church and various artifacts related to the mining history in the community.
20. Recognizes the importance of local cultural venues and events as contributing to the social fabric of the community, such as: the ice rink, skate-board facilities, community campground, community hall and various community events.
21. Encourages that new construction and renovation to existing commercial and community service buildings within the commercial core area maintain the heritage values of the community.
22. Encourages investigation into a pedestrian bridge to the Yankee Girl flats as a valued community asset.
23. Supports the development of community based skill sharing and enhanced arts and cultural programs.
24. Supports the development of a community amenity audit and plan that identifies long term needs and guides future resource allocations.
25. Recognizes that further community development and in-fill is constrained by waste water servicing capabilities and that Crown land dispositions may impact the future ability of the community to expand or establish services in the future.

Wildhorse

26. Recognizes that development within the community of Wildhorse will be primarily Country and Rural Residential based on the level of available servicing and infrastructure.
27. Encourages that the siting of new developments within the community take into consideration the view-scape of adjacent property owners, and that landscape retention and design consider separation between neighbors.
28. Supports community education pertaining to living with wildlife in recognition of the high wildlife values within the community.

Porcupine/Boulder Creek

29. Recognizes that development within the community of Porcupine and Boulder Creek will be primarily Country and Rural Residential based on the level of available servicing and infrastructure.
30. Recognizes that the community has several medium to heavy industrial developments and that further expansion of industrially zoned properties not be supported without further community consultation.
31. Supports expanded opportunities for home based business development, commercial development, and tourist accommodation and facilities along the Highway 6 corridor.
32. Encourages the identification and establishment of beach access areas along the Salmo River.

Rural Salmo

33. Recognizes that development within Rural Salmo will be primarily Country and Rural Residential based on the level of available servicing and infrastructure.
34. Recognizes that properties to the north along the Highway 6 corridor and to the east and west along Highway 3 in proximity to the Village of Salmo are located within the Provincial Agricultural Land Reserve (ALR) and supports that these properties continue to be retained for current and potential agricultural use.
35. Supports expanded opportunities for home based business development, tourist accommodation and facilities, horticulture and local food and drink production, such as craft breweries, wineries and farmer's markets.
36. Directs higher density residential development to those areas proximate to the Village of Salmo where there is services and infrastructure available.
37. Recognizes that further community development and in-fill in those areas proximate to the Village of Salmo is constrained with the flood hazard and risk associated with the Salmo River and associated tributaries.
38. Recognizes the historic importance of the Japanese cemetery located on private lands to the northwest of the Village of Salmo and supports the protection of this valuable cultural asset.

Rosebud Lake/Nelway

39. Recognizes that development within Rosebud Lake and Nelway will be primarily Rural and Remote Residential based on the level of available servicing and infrastructure.
40. Recognizes that properties along the Pend D'Oreille and proximate to Rosebud Lake are located within the Provincial Agricultural Land Reserve (ALR) and supports that these properties continue to be retained for current and potential agricultural use.
41. Supports expanded opportunities for home based business development, tourist accommodation and facilities, horticulture and local food and drink production, such as craft breweries.

42. Supports expansion of conservation lands associated with Rosebud Lake and a prohibition on motorized use within the Wildlife Reserve in recognition of its wildlife and fisheries values.
43. Encourages investigation into the establishment of a community based fire department to support fire protection and first response within the area.

Erie-Ross Spur

44. Recognizes that development within Erie-Ross Spur will be primarily Country and Rural Residential based on the level of available servicing and infrastructure.
45. Recognizes that properties along Highway 3 to the east of Erie Lake are located within the Provincial Agricultural Land Reserve (ALR) and supports that these properties continue to be retained for current and potential agricultural use.
46. Supports expanded opportunities for home based business development, visitor accommodation and facilities, horticulture and local food and drink production, such as craft breweries, wineries and farmer's markets.
47. Encourages the Province to consider restoration of Erie Creek Provincial Park and enhancements to the junction of Highway 3 and 3B to include facilities for travellers.
48. Supports recognition and conservation of heritage values associated with the community and preservation of sites such as Endersby Museum and historic agricultural buildings near Erie and Ross Spur.

16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA

Purpose

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

Objectives

Riparian areas are highly valuable ecosystems providing ecological services that communities freely gain from a healthy functioning natural environment. These areas act as natural filtration systems for both surface water and groundwater while providing protection against flooding and erosion. Riparian areas provide movement corridors for many species, particularly in fragmented landscapes. Riparian areas function as essential habitats particularly for species at risk and are highly effective in moderating stream temperatures which is critical for fish and other wildlife.

The objectives of this Development Permit Area designation are:

1. To protect local watercourses, lakes and wetlands and their adjacent riparian areas from adverse impacts of land use.
2. To restore degraded watercourses and their riparian areas within the Plan area.
3. To protect the quality of local drinking water supplies.
4. To protect the biological diversity and habitat values of riparian and aquatic ecosystems and the species dependent on them.

Area

5. The Watercourse Development Permit Area (WDPA) includes all lands designated as such on Schedule A.4 and includes the following:
 - a. All areas within 30.0 metres of the high water mark of the Pend O'Reille River, Salmo River, Erie Lake, Rosebud Creek and Rosebud Lake.
 - b. All areas within 30.0 metres of the high water mark of Erie Creek, Hall Creek, Kelly Creek, Quartz Creek and Ymir Creek.
 - c. All areas within 15.0 metres of the high water mark of any other watercourse designated on Schedule A.4, including the natural boundary of a lake and wetland.

Where the boundaries of the WDPA will be verified and determined on the ground at the time of application.

Where the following definitions apply:

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

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

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) means an applied scientist or technologist who is registered and in good standing with an appropriate B.C. professional organization constituted under an Act. A qualified environmental professional could be a professional biologist, agrologist, forester, geoscientist, engineer or technologist.

STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA) means an area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the stream, the width of which is determined by assessment by a Qualified Environmental Practitioner (QEP).

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

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

Applicability

6. A Development Permit is required except where specified under the exemptions section for development or land alteration within the WDP Area. Where not exempt, development requiring a Development Permit includes any of the following associated with or resulting from residential, commercial, industrial or ancillary activities:
 - a. land within the area must not be subdivided;
 - b. construction of, addition to, or alteration of a building or other structure must not be started; and
 - c. land within the area designated must not be altered.

Exemptions

The WDP area does not apply to the following:

7. The subdivision of land, where the proposed subdivision of land does not fall within the WDPA, or where a newly proposed lot is greater than 1 ha (2.47 acres) in site area.
8. Addition to or alteration of farm buildings.
9. Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* where a minimum 3 meters from the natural boundary of a watercourse is maintained in native vegetation or agro-forestry crops.
10. Construction or alteration of a building or structure on an existing foundation or footprint; provided that the existing foundation or footprint is not extended within the WDP Area.
11. Construction of water works authorized under the *Water Sustainability Act* or *Fisheries Act*.
12. Construction of access authorized under the *Water Sustainability Act* or *Fisheries Act*.

13. Construction of a small accessory building *not more than* ten (10) square metres, if all of the following apply:
 - a. the building is intended as an accessory use and not used for occupancy or habitation;
 - b. the building is not located in an identified Streamside Protection and Enhancement Area (SPEA) where these boundaries have been delineated; and
 - c. where the removal of native trees or vegetation is minimized to the extent possible.
14. Land alterations involving emergency measures to prevent or reduce immediate threats to life or property including:
 - a. emergency flood or protection works conducted under direction of local or provincial government;
 - b. the removal of trees that have been examined by a qualified arborist and certified to pose an immediate threat to life or property;
 - c. the removal of trees, shrubs or landscaping that has been deemed necessary for the purposes of wildfire mitigation measures as identified through a professional wildfire risk assessment, where such trees, shrubs or landscaping is replaced or compensated for elsewhere within the WDPA;
 - d. clearing of an obstruction from a bridge, culvert or an obstruction to drainage flow; and
 - e. repairs to bridges and safety fences carried out in accordance with the *Water Sustainability Act* or *Fisheries Act*.
15. Land alterations a minimum distance of 5.0 metres of the high water mark of any watercourse designated on Schedule A.4, including the natural boundary of a lake and wetland involving gardening and yard maintenance activities, including: mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land and does not involve the cosmetic application of artificial fertilizers, pesticides or herbicides.
16. Land alteration activities to restore and enhance the natural features, functions and condition of riparian areas in accordance with provincial best management practices.

Guidelines

Development shall be in accordance with the following guidelines:

17. Development shall be in accordance with the recommendations of an assessment report prepared by a Qualified Environmental Practitioner (QEP) in accordance with the Provincial Riparian Areas Regulation Assessment Methods at the expense of the applicant and as required as Development Approval Information supporting an application under Section 491 of the *Local Government Act*.
18. No development activities should take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP. The applicant will be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the Development Permit.

19. Where a QEP report describes an area within the WDPA as suitable for development the development permit should only allow the development to occur in compliance with the measures described in the report.
20. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during the construction and development phases as specified in the Development Permit.
21. A QEP report should identify any invasive species and areas subject to prior degradation and should provide recommendations as to potential restoration or mitigation options.
22. Construction methods and timing must minimize environmental impacts. Clearing of land, grading, and other activities that expose soil should be completed during the dry months of the year usually between June and September. Timing of construction should follow the recommended timing windows for species based on provincially accepted best management practices.
23. The Regional District may impose permit conditions based on the Assessment Report including the following:
 - a. Require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit.
 - b. Require natural water courses to be dedicated.
 - c. Require works to be constructed to preserve, protect, restore or enhance natural watercourses or other specified natural features.
 - d. Require protection measures including that vegetation or trees be planted or retained in order to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion.

Development Approval Guidelines

24. The Board may consider variances to the subdivision or siting regulations of this Bylaw or other bylaws where the variance may result in enhanced protection of a SPEA in compliance with the recommendations of an assessment report.

Restoration Guidelines

Where development has occurred in violation of the WDPA, the following guidelines shall apply:

25. A QEP must be retained at the expense of the applicant for the purpose of preparing a report outlining how to mitigate the damage incurred by any clearing and site development activities and how to restore the area to its undisturbed condition.
26. Buildings and structures constructed in violation of this WDPA may be subject to removal at the applicant's expense in order to restore the integrity of the riparian area.

SCHEDULE B
ZONING BYLAW
Regional District of Central Kootenay
Electoral Area 'G' Land use Bylaw No. 2452, 2018

17.0 INTERPRETATION

In this Bylaw, unless the context otherwise requires:

ABATTOIR means a building or structure in which farm animals are slaughtered or butchered for the purposes of producing meat product(s);

ACCESSORY means a use or structure customarily incidental, subordinate or devoted to the principal use or structure and located on the same lot;

ACCESSORY BUILDING OR STRUCTURE means a detached building or structure located on the same lot as the principal building, the use of which is customarily incidental, subordinate or devoted to that of the principal building. Any building with accessory use is deemed to be an accessory building unless it is attached to and shares a foundation with the principal building for at least the full length of one side of either building, representing not less than 10% of the total perimeter of the other building;

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

ACCESSORY TOURIST ACCOMMODATION means accessory bed and breakfast operations or camping facilities providing temporary accommodation of the travelling public;

AGRICULTURE means the use of land, buildings or structures for a farm operation;

ARTISAN CRAFTS PRODUCTION AND SALES means the production or manufacturing of products by skilled craft workers, usually by hand, for retail sale;

ASPHALT AND CONCRETE MANUFACTURING means a plant used for the manufacturing of asphalt, black top or concrete;

AUTO WRECKING means the dismantling and storage of vehicles and their parts, usually in order to reclaim or resell the parts or for the collection of scrap metal;

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

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

BREWERIES AND DISTILLERIES means the use of land, buildings or structures for brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume. This production must be licensed by the *Liquor Control and Licensing Act*. The public tasting and retail sale of alcoholic product is limited to that which is produced on site.

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

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

CABIN means one (1) self-contained or non self-contained building or structure no larger than 90 square metres intended for the purposes of temporary or seasonal residential purposes or temporary lodging for tourists and visitors;

CAMPGROUND means a lot used or intended to be used for *temporary* accommodation of persons in recreational vehicles or tents, but excludes a manufactured home park (as defined by this Bylaw); campgrounds may offer central washrooms or full or partial hook ups, in addition to common amenity areas and facilities, such as: a sani-dump, showers, laundry facilities, playgrounds, picnic and day use areas, recreational trails, swimming pools, recreational facilities, boat launch, retail stores or other similar uses; where *temporary* means no more than 30 consecutive days not to exceed six (6) months in a calendar year;

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

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

CAR WASH means a structure with specialized equipment intended for the washing of vehicles;

CARETAKER SUITE means a dwelling unit within a building or portion of a building used to provide on-site accommodation by the employer for persons employed on the property, a residence for the site caretaker, operator of a commercial establishment, or on-duty security personnel. No more than one caretaker suite is permitted on a site;

COMMERCIAL BACK COUNTRY RECREATION means remote facilities for the purpose of providing temporary accommodation for backcountry recreation activities such as hiking, skiing, biking, kayaking and similar activities;

COMMUNITY CARE FACILITY means any facility licensed by the provincial government as a community care facility or social care facility;

COMMUNITY GARDEN means the use of land that is collectively developed, cultivated, gardened, and maintained by a group of people using either individual plots or shared plots for the production of fruit, vegetables or ornamentals, and may include associated retail sale of such products;

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

COMMUNITY MARKET means the use of land for the purposes of a group of stalls or booths intended to be used by farmers, artisans or other vendors to sell their products directly to customers on a permanent or temporary basis;

COMMUNITY WASTEWATER SYSTEM means a system for the collection, treatment and disposal of sanitary waste, which serves two (2) or more lots and is operated under the *Public Health Act* or the *Environmental Management Act*;

COMMUNITY WATER SYSTEM means a system of waterworks approved under the *Drinking Water Protection Act*, which operated under the jurisdiction of the Province;

CONCESSION means a snack kiosk, mobile food truck or snack bar where food and beverages are sold in conjunction with a community venue or event;

DAY CARE FACILITY means a building licensed as a community care facility in which care, supervision or any form of educational or social training not provided under the *School Act* is provided for any portion of the day to seven (7) or more children under six (6) years of age not forming part of the operator's household. Care of less than seven (7) children under six (6) years of age is considered under home based business regulations;

DECOMMISSION means the decommissioning of a dwelling where required and verified by the RDCK building authority and includes removal of the following: all kitchen facilities; including cabinets, counter tops, sinks and associated plumbing; all kitchen appliances, including stoves, fan hoods, microwaves and hot plates; all 220 volt electrical connections for the kitchen; all laundry facilities and associated plumbing; and all bathroom fixtures including toilets, bathtub/shower facilities and associated plumbing;

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

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

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

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

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

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

ENERGY FACILITIES, RENEWABLE means facilities and infrastructure designed to convert energy from renewable resources which are naturally replenished, such as sunlight, wind, rain, tides, waves and geothermal heat, including forestry and agricultural residuals, that provide for electricity generation, air and water heating and cooling, transportation and off grid energy services;

FARM means an area of land, which may include more than one lot, and its buildings used for farm products and which is classified as a "farm" under the *Assessment Act*;

FARM ANIMALS means any domesticated animal normally raised for food, milk or as a beast of burden and without limiting the generality of the foregoing, includes: horses, cattle, sheep, goats, swine, fur-bearing animals, poultry, rabbits and bees;

FARM BUILDINGS AND STRUCTURES means a building or part thereof that does not contain a residential occupancy and that is associated with and located on land devoted to the practice of farming, and is used essentially for the housing of equipment or livestock, or the production, storage and processing of agricultural and horticultural produce or feeds;

FARM BUSINESS means a business in which one (1) or more farm operations are conducted, and includes a farm education or farm research institution to the extent that the institution conducts one or more farm operations;

FARMER'S MARKET means a market whose vendors either make, bake or grow the products they produce, where farmer's or their families display and sell locally grown or processed foods with only a limited number of non-food crafts and no imported products;

FARM OPERATION means an activity in carrying out a farm business as defined in the *Farm Practices and Protection Act*;

FARM PRODUCT means a commodity that is produced from a farm operation;

FARM USE means those permitted uses as listed in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*;

FOOD AND BEVERAGE PROCESSING means the use of land, buildings or structures for the processing, warehousing, and distribution of food and beverage products, but excludes the processing of livestock, fish, poultry and other farm animals;

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

GOLF COURSE means an area operated for the purpose of playing golf and may include, but is not limited to, golf courses, club houses, and accessory driving ranges;

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

HEALTH SERVICES means the provision of physical and mental health services on an outpatient basis. Typical uses include, but are not limited to, medical and dental offices, chiropractic offices, health clinics and mental health counselling services;

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

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

HOME BASED BUSINESS means an occupation, business or professional practice which is accessory to the residential use of a property;

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

HOUSEHOLD means:

- a) a person; or
- b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using a common kitchen; or
- c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using a common kitchen; or
- d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using a common kitchen;

in addition, a household may also include up to one housekeeper or nanny;

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

INTERPRETIVE FACILITIES means the use of land for the purposes of providing interpretation of a place of interest through a variety of media, such as displays and exhibitions of material;

JUNK YARD means the collection or accumulation of rubbish, garbage, bottles, broken glass or other discarded materials or unwholesome materials or ashes on real property, except:

1. where the owner of the real property holds a valid permit respecting those items under the *Waste Management Act*; or
2. the outside storage or accumulation on real property of any building material, whether new or used, where there is no apparent or real construction occurring on the real property for which the materials are required; or
3. the outside storage or accumulation on real property of any goods or merchandise which is offered or intended to be offered for sale, unless that real property is used solely for the wholesale or retail sale of those goods or merchandise;

KENNEL means the use of land, buildings or structures where five (5) or more dogs over the age of six (6) months of age are housed, maintained and occasionally bred for commercial, hobby or not-for-profit purposes;

KITCHEN means facilities intended to be used for the preparation or cooking of food, and includes any room or portion of a room containing cooking appliances including: stoves, ovens, microwaves, hot plates and other cooking appliances. Plumbing, wiring or provision for a stove or oven constitutes the existence of such appliances;

LANDSCAPE SCREEN means a continuous fence, wall, compact evergreen hedge or combination thereof that screens the property that it encloses and is broken only by access driveways and walkways;

LAUNDROMAT means a commercial establishment with self service operated washing and drying machines;

LIGHT MANUFACTURING is intended to provide for processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside operations and storage;

LIVESTOCK means cattle, horses, swine, sheep, goats, bison, farmed game, mules, asses, musk oxen, llamas, alpacas, ostriches, rheas and emus;

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

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

MANUFACTURED HOME means a transportable, single or multiple section, one storey dwelling constructed to the *Canadian Standards Association (CSA) Z240 MH* construction standard, ready for completion of set up in accordance with the manufacturer's instructions;

MANUFACTURED HOME PARK means land used or occupied for the accommodation of three (3) or more manufactured homes and for imposing a charge or rental for the use of that space;

MICRO CULTIVATION, CANNABIS means the small scale growing of cannabis plants and harvesting material from those plants, and accessory activities as authorized under the *Cannabis Act (Canada)*;

MICRO PROCESSING, CANNABIS means the small scale manufacturing, packaging and labelling of cannabis products destined for sale to customers and intra-industry sales of those products, including to provincially authorized distributors, as well as accessory activities as authorized under the *Cannabis Act (Canada)*;

MINIMUM SITE AREA means the minimum area of a lot or part thereof sufficient to satisfy the provisions of each principal permitted use as set out in the applicable zone;

MIXED USE DEVELOPMENT means the use of a building or buildings on a lot involving more than one (1) permitted use as defined in the appropriate zone, subject to meeting the minimum lot size requirements as set out in the applicable zone;

MUSEUM means the use of land, buildings or structures in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited;

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

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

NURSERY, CANNABIS means the growing of cannabis plants to produce the starting material (seed and seedlings) and accessory activities as authorized under the *Cannabis Act* (Canada);

OFFICE means a place where a particular kind of business is transacted or a service is supplied, such as:

1. a place in which the functions of a public officer are performed;
2. the directing headquarters of a business or organization; or
3. the place in which a professional person conducts business

OUTDOOR RECREATIONAL ACTIVITIES means development that provides facilities for use by the public at large for sports and active recreation conducted outdoors;

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

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

PLACE OF WORSHIP OR CONGREGATION means land, buildings or structures used for religious worship, which is maintained and controlled by a religious body organized to sustain public worship;

PORTABLE SAWMILL means the use of land for the purposes of mobile equipment for the milling of lumber;

POULTRY means any domesticated birds kept for eggs, meat, feathers, hide or cosmetic or medicinal purposes and includes, but not limited to chickens, turkeys, geese, ducks, artificially raised grouse, partridge, quail, pheasant or ptarmigan;

PRINCIPAL DWELLING means a principal dwelling unit that consists of a self-contained set of rooms located in a building; is used or intended for use as a residential premises, and contains kitchen and bathroom facilities that are intended to be exclusive to the unit; and is not an accessory dwelling unit, or any vehicle;

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

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

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

RECREATIONAL VEHICLE means a vehicle, trailer, or constructed dwelling on a trailer, that is constructed or equipped to be used as temporary accommodation for recreational purposes; where *temporary* means no more than 30 consecutive days not to exceed six (6) months in a calendar year; not requiring a continuous connection to sanitary, water and electrical services; either designed to be towed behind a motor vehicle or self propelled, and includes such vehicles commonly known as travel trailers, fifth wheels, campers, motor homes, park models or other similar vehicles;

RECYCLING DEPOT means a facility designed for the purposes of collecting and temporarily storing recyclable materials;

REPAIR SHOP means a shop in which household items or other small motors or electronic devices may be repaired, but specifically excludes vehicle and equipment repair;

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

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

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

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

RETAIL STORE means a place of business in which merchandise or goods are sold directly to the public;

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

SERVICE STATION means the use of land, buildings or structures for the retail sale of motor fuels and lubricants and may include automobile diagnostic centres and the servicing or repair of motor vehicles;

SETBACK means the measured distance from a specified property line or specified natural feature in which building is prohibited;

SHIPPING CONTAINER means a non-combustible, portable unit designed and fabricated for the storage or intermodal transporting of goods, and includes cargo containers, but specifically excludes dumpsters and recycling receptacles intended for waste collection;

SIGN means a free standing or projecting structure designed to be used for the purposes of displaying information including the advertising for a business on-lot and includes a sign board;

SINGLE DETACHED HOUSING means a detached building containing only one dwelling unit, designed exclusively for occupancy by one household. Where a secondary suite is permitted, this use class may contain a secondary suite. This use includes manufactured homes;

SITE COVERAGE means the area of a lot expressed as a percentage covered by structures, buildings, driveways, parking areas and outdoor storage;

SLEEPING UNIT means either a unit in a residential care facility or a room without a kitchen used for the temporary accommodation of travellers;

SMALL SCALE WOOD PRODUCT MANUFACTURING means the processing and manufacturing of value added wood products; including but not limited to doors, mill work, cabinetry, veneers, furniture and specialty wood products;

STANDARD CULTIVATION, CANNABIS means the large scale growing of cannabis plants and harvesting material from those plants, as well as accessory activities as authorized under the *Cannabis Act* (Canada);

STANDARD PROCESSING, CANNABIS means the large scale manufacturing, packaging and labelling of cannabis products destined for sale to customers and intra-industry sales of those products, including to provincially authorized distributors as authorized under the *Cannabis Act* (Canada);

STORAGE YARD means an area outside an enclosed building where construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment or other new goods, materials, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed;

STRUCTURE means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures;

TOURIST ACCOMMODATION means land, buildings or structures containing sleeping units each with an exterior or interior entrance and designed to provide temporary accommodation for the travelling public. Tourist accommodation may include cabins, hotels, motels and lodges;

UTILITY BUILDING OR STRUCTURE means a building or structure containing unattended equipment necessary for the operation of community water, sewer or gas distribution systems, radio or television antennae, telecommunication relay stations, automatic telephone exchanges, navigational aids, electrical substations or generating stations, fire halls, or other similar facilities or utilities;

VACATION RENTAL means the use of a self contained dwelling unit for the purposes of providing temporary accommodation for the travelling public in which a proprietor does not reside;

VEHICLE means any motor vehicle as defined under the *Motor Vehicle Act*;

VEHICLE REPAIR SHOP means a use which provides for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. Typical uses include, but are not limited to, transmission shops, muffler shops, body shops, and tire shops;

VETERINARY CLINIC means the use of land, buildings or structures for the care, treatment or hospitalization of animals, birds and fish and may include grooming facilities and sales of accessory supplies, but does not include the keeping or boarding of healthy animals;

WAREHOUSING means a commercial building used for the storage of goods or materials;

WASTE MANAGEMENT FACILITIES means facilities used for the purposes of managing and disposition of waste, including the collection, recovery, transport, treatment and disposal of waste, refuse, compost and recycling;

WOOD PRODUCT MANUFACTURING means land, buildings or structures used for the purposes of a sawmill, planer mill, lumber remanufacturing, log storage yards, shake mills, particle board plants and hard board plants;

WRECKED VEHICLE means a vehicle that is dilapidated, physically wrecked or disabled so that it cannot be operated by its own mode of power; or a vehicle that is dilapidated or appears to be physically wrecked although it could be operated by its own mode of power but is not displaying thereon a lawful current licence for its operation on a highway.

18.0 GENERAL REGULATIONS

Non-Conforming Uses and Siting “Grandfathering”

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

General Compliance and Prohibitions

2. No person shall use, occupy or permit any person to use or occupy land, a building or a structure in contravention of this Bylaw.
3. Nothing contained in this Bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to that use, activity or other matters regulated under this Bylaw.
4. Use of land, buildings or structures permitted in each zone shall conform to all other applicable regulations under this Bylaw.
5. No building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged:
 - a. except in conformity with this Bylaw; or
 - b. that would cause any existing building or structure on the same lot to violate the provisions of this Bylaw.
6. No subdivision may be approved:
 - a. except in conformity with this Bylaw; or
 - b. that would cause any existing building or structure to violate the provisions of this Bylaw.

Permitted and Prohibited Uses

7. No land, building or structure may be used for a use not specifically listed under the heading ‘Principal Uses’ or ‘Accessory Uses’ in the zone in which the land, building or structure is located, and no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged for any use other than specifically permitted in the applicable zone.
8. A use listed under ‘Accessory Uses’ is only permitted if a use under ‘Principal Uses’ is lawfully established and on-going.
9. A use is only permitted if lawfully established and on-going in accordance with:
 - a. any applicable conditions identified in each zone or the definitions; and
 - b. any further general regulations applicable to the use as identified in this Bylaw.
10. No lot may be used as a junk yard, auto wrecking yard or for the outdoor storage of more than two (2) wrecked vehicles on any R1 or R2 zoned lot or more than six (6)

- wrecked vehicles on any R3, R4 and AG zoned lot. Storage of wrecked vehicles on PR and ER zoned properties is prohibited.
11. The following uses shall be permitted in all zones, in accordance with any conditions noted in this section or otherwise in the applicable zone:
 - a. ecological and archeological conservation areas retained in their natural state;
 - b. passive recreation for informal, low intensity recreation activities such as walking, hiking and biking trails and wildlife viewing platforms;
 - c. Park established by the Regional District of Central Kootenay, Provincial or Federal Government;
 - d. Park established by Section 510 of the *Local Government Act* where the land is dedicated as park by a plan deposited in the Land Title Office;
 - e. fire halls; and
 - f. unattended public utility buildings and structures.
 12. There shall be no minimum site area for parks, playgrounds and trails, fire halls, and unattended public utility buildings and structures.
 13. The minimum lot area for a lot subdivided under Section 514 of the Local Government Act shall be the minimum lot area of the zone in which the lot is located unless otherwise stated.
 14. Lots that are shown on a plan duly filed in the Land Title Office prior to the adoption of this Bylaw and any previous applicable land use bylaw which have less than the minimum site area required, may be used for any permitted use in the zone where the lot is located provided that the method by which sewage is to be disposed of complies with local health authority requirements and provided that all other requirements applicable to the zone can be met.
 15. No newly created lot shall be bisected by a legally dedicated road.

Density Regulations

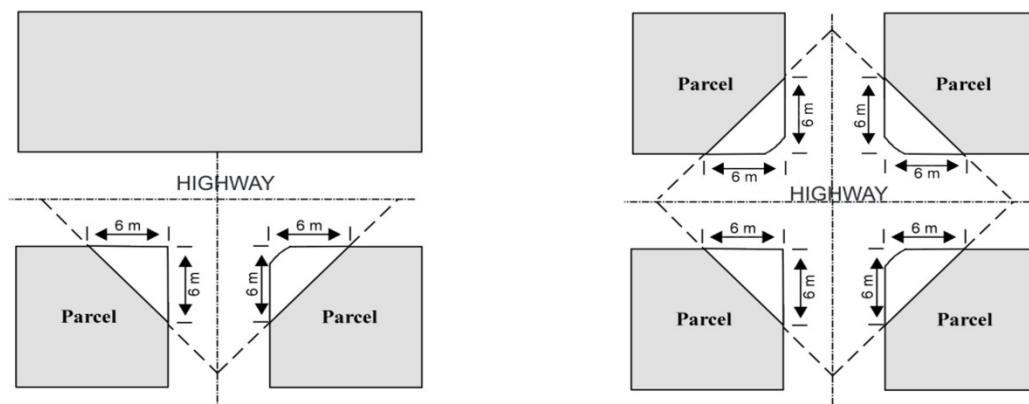
16. Where two or more contiguous lots registered prior to adoption of this Bylaw have less than the minimum lot area required by this Bylaw, the lots may be consolidated into fewer lots than existed at the time of application as long as no new lot created is smaller than any previously existing lot.
17. Where it is not possible to create a lot that has the minimum lot area required for a zone, the minimum lot area requirement will be reduced where the proposed subdivision involves any one of the following and meets regional health authority requirements:
 - a. a boundary adjustment that does not create, or make it possible to create additional lots to those that exist at the time of application;

- b. a lot that, at the time of adoption of this Bylaw, is divided by a highway or forest service road and where the boundaries of the highway or road will be the boundaries of the proposed lots; or
 - c. a lot where two or more single detached, duplex or combination of single detached and duplex dwellings existed prior to adoption of this Bylaw and any previous applicable land use bylaw.
18. The minimum lot area for a lot created under Section 16 shall be 0.2 hectares where serviced by a community water system and 0.4 hectares where not serviced by a community water system.
19. Where a dwelling has been constructed across a legal property line prior to the adoption of this Bylaw, lot lines may be adjusted so as to allow property owners to legitimize the structure as long as no lot is reduced in lot area.
20. Where a zone includes provisions for maximum floor area or gross floor area of all buildings, including accessory buildings, on the lot divided by the total area of the lot must not exceed the ratio identified for the zone in which the lot is located.
21. Where a zone includes provisions for minimum site area for each 'Principal Use', no lot may be used for more than one principal use unless the lot contains the applicable minimum site area specified within the zone times the number of 'Principal Uses'.
22. Where a zone includes provisions for maximum site coverage, the lot coverage of all buildings and structures on the lot must not exceed the percentage specified for the zone in which the lot is located.
23. Where more than one of the above density provisions applies to any given lot, the most restrictive governs but all remain applicable.

Setbacks and Siting

24. Where a zone includes provisions for minimum setbacks, no building or structure may be placed, constructed, sunk into, erected, sited, altered or enlarged closer to the lot line than the distance specified for the zone in which the building or structure is located, and further:
- a. setbacks may vary according to any combination of use, building, structure or location within a zone or adjacent zone; and
 - b. any portion of a building or structure located below finished grade is subject to all setbacks for the zone in which the building or structure is located.
25. Where the top surface of an underground structure projects no more than 0.6 metre above the average finished ground elevation, that structure may be sited in any portion of a lot.
26. Freestanding lighting poles, warning devices, antennae, masts, solar collectors, utility poles, wires, and flagpoles up to ten (10) metres in height, may be sited on any portion of a lot.

27. Where chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, or ornamental features project beyond the face of the building, the minimum distance to an abutting lot line as required elsewhere in this Bylaw may be reduced by not more than 0.6 metre providing such reduction shall apply only to the projecting feature.
28. Where steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distance to an abutting front lot line as permitted elsewhere in this Bylaw may be reduced by not more than 1.2 metres and the minimum distance to an abutting lot line or rear lot line as required elsewhere in this Bylaw may be reduced by not more than 0.6 metre provided such reduction shall apply only to the projecting feature.
29. No person who owns or occupies land at the intersection of two (2) or more highways may place or grow any tree, shrub, plant, fence or other structure within the sight triangle above an elevation such that an eye one (1) metre above the surface elevation on one highway cannot see an object one (1) metre above the surface elevation of the other highway as shown on the sight triangle on Figure 1. The Ministry of Transportation and Infrastructure is the final authority for sight distance on the roads under their jurisdiction and for the purpose of subdivision.



SIGHT TRIANGLE (Figure 1)

Landscape Screening

30. Subject to Section 18.29, no fence constructed on properties zoned R1, R2, R3, R4, C1, C2 and CS shall exceed 2.5 m. These height restrictions do not apply to fencing within property lines used for the purposes of restricting access to areas used for horticulture or keeping of farm animals provided all other provisions are met.
31. Any off-street parking area, exterior display area or loading area on a lot used for industrial purposes on lands designated as M1, M2, M3 and Q shall:
 - a. be provided with screening in the form of a fence not less than 1.5 metre in height or by a hedge not less than 1.5 metre in height at the time of planting where adjacent to a lot in any residential zone; and

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

Accessory Structures

- 35. Except where specifically permitted by this Bylaw, an accessory building or structure may not be used for residential or tourist accommodation.
- 36. Except where specifically permitted by this Bylaw, an accessory building or structure may not contain a shower enclosure, a bathtub, a kitchen or more than three separate rooms.

Accessory Dwelling

- 37. An accessory dwelling unit is subject to the following regulations:
 - a. The maximum number of accessory dwelling units per lot is one.
 - b. The minimum lot size for an accessory dwelling unit shall be 1.0 hectare.
 - c. Notwithstanding section 46(b) secondary suites are permitted on all lots.
 - d. The maximum gross floor area is 90.0 square metres.
 - e. The maximum height is 8.0 metres.
 - f. The maximum number of storeys is 2.
 - g. An accessory dwelling unit must be serviced by an on-site sewerage disposal system in accordance with the Sewerage System Regulations of the Public Health Act and it must be demonstrated that there is a suitable back up field area on the parcel unless a community sewer system is available in which case connection to the community sewer system is required.
 - h. An accessory dwelling unit is not permitted to be used as accessory tourist accommodation or a short term rental.
 - i. The accessory dwelling unit shall not be a recreational vehicle or other vehicle.
 - j. A secondary suite shall not be connected to a single detached house by a breezeway or carport.

38. *Removed by Bylaw 2957.*

Building New Residence While Occupying Existing Residence

39. In circumstances in which no further dwellings are permitted on a lot, an existing dwelling may be resided in during the construction of a new dwelling, provided that the following requirements are met:
- a. within a six (6) month period following construction of the new dwelling and the issuance of an occupancy permit for the new dwelling being issued, the existing dwelling is removed or decommissioned; and
 - b. a covenant under Section 219 of the Land Title Act must be registered in the Land Title Office in favor of the Regional District of Central Kootenay stipulating that the initial dwelling will not be used for residential purposes and that any other use must be in accordance with this Bylaw.

Home Based Businesses

40. A home based business, where permitted, must comply with all of the following provisions:
- a. the activity shall be conducted in a dwelling unit or accessory building;
 - b. the proprietor resides on the subject property;
 - c. the site area devoted to the home based business, inclusive of external storage of materials, equipment or finished products shall not exceed:
 - i. 100 square metres on any R1 and AG zoned lot; and
 - ii. 200 square metres on any R2, R3 and R4 zoned lot.
 - d. no more than four (4) persons who are not a resident of the dwelling may be employed in the home based business;
 - e. no change is made in the external appearance of the building which would indicate that a home based business is being conducted except for one un-illuminated sign not exceeding one (1) square metre in size;
 - f. external storage of materials, equipment or finished products shall be screened from view from adjacent properties and road right-of-ways;
 - g. no dwelling unit or accessory building used for a home based business involving automotive mechanical or body repairs, electronic repairs, wood working, or iron working may be located within 15 metres of a lot line; and
 - h. the maximum number of vehicles permitted for repair on any lot at any one time shall be limited to two (2) for lots zoned R1; and six (6) for lots zoned R2, R3, R4 and AG.

Accessory Tourist Accommodation

41. Accessory Tourist Accommodation operations, where permitted, must comply with all of the following provisions:
- a. operations shall be confined to the principal dwelling;
 - b. the proprietor must reside in the principal dwelling;
 - c. no more than four (4) persons who are not a resident of the dwelling may be employed in the accessory tourist accommodation;
 - d. no change is made in the external appearance of the building(s), which indicates an accessory tourist accommodation operation is being conducted on the premises, except for one un-illuminated sign not exceeding one (1) square metre in size; and
 - e. no more than four (4) sleeping rooms with a maximum of ten (10) lodgers may be used for the accessory tourist accommodation.

Accessory Camping Accommodation

42. Accessory Camping Accommodation operations, where permitted, must comply with all of the following provisions:
- a. accessory camping accommodation shall be permitted on any lots zoned R2, R3 or R4;
 - b. accessory camping accommodation on lands within an AG zone are restricted to lots with an agricultural tax assessment from the British Columbia Assessment Authority and where such operations are restricted to less than 5% of the total lot area, inclusive of buildings, landscaping and parking;
 - c. accessory camping accommodation shall be limited to a maximum of six (6) campsites;
 - d. accessory camping accommodation shall only be permitted on lots 1.0 hectares or larger;
 - e. subject to the requirements of the regional health authority, accessory camping accommodation shall be required to provide washroom facilities, and may offer full or partial hook-ups, laundry facilities, and other similar facilities; and
 - f. accessory camping accommodations shall not include recreation centres, marinas, boat launches, retail stores and other similar facilities.

Recreation Vehicles

43. A recreational vehicle may be parked or stored on a property to a maximum of two (2) vehicles.
44. A recreational vehicle may be used as temporary living or sleeping quarters but can not be connected to services associated with the principal or an accessory dwelling.

45. A recreational vehicle may be used to provide temporary accommodation on a property during construction of a principal or accessory dwelling on a lot, provided that:
 - a. a building permit has been issued for the principal or accessory dwelling and the dwelling is under construction; and
 - b. the occupancy of the recreational vehicle shall not continue beyond commencement of occupancy of the permanent dwelling.

Parking Space Requirements

46. Off-street parking spaces for each building and use shall be provided in accordance with the following:
 - a. provincial standards for required parking spaces will apply when dealing with matters that are within its jurisdiction, such as highway access permits; and
 - b. local government standards will apply with respect to the location, design and construction of the parking spaces.
47. Off-street parking and loading spaces must be located on the same lot as the use they serve unless a suitably zoned lot is located within 100 metres of the lot.
48. Where some or all of the off-street parking is provided on a lot other than that on which the use, building, or structure being served is located; a covenant under Section 219 of the Land Title Act must be registered in the Land Title Office in favor of the Regional District of Central Kootenay against the lot to be used for parking; reserving the off-street parking spaces that are not on the same lot as the use, building or structure that they are intended to serve, for as long as that use, building or structure exists.

Off-Street Parking Space Standards

49. Off-street parking spaces shall:
 - a. be a minimum of 17 square metres and shall have at all times convenient vehicular access to a public thoroughfare;
 - b. each parking space shall have a length of not less than 5.8 metres and a width of not less than 2.6 metres; and
 - c. where a parking space is adjacent to a wall along its side, the width of the parking space shall be increased by 0.6 metres from the minimum required.
50. Where off-street parking is required by this Bylaw and where access for a person with disabilities is required, parking space(s) will be provided in accordance with the British Columbia Building Code.
51. No more than one (1) vehicle with a gross vehicle weight in excess of 4000 kg will be permitted on lots zoned R1, R2, C1, C2, CS, PR and ER with the exception of:

- a. vehicles that are required for construction, repair, servicing or maintenance of a premises which may be on the lot during daylight hours; or
- b. farm vehicles.

Off-Street Parking and Loading Facilities

- 52. Off-street loading facilities shall be one (1) space for the first 1,200 m² of gross floor area or fraction thereof, plus an additional space for each additional 2,000 m² of gross floor area or fraction thereof.
- 53. Off-street loading facilities shall:
 - a. be provided entirely within the lot of the development being served and shall be subject to all setback requirements specified elsewhere in this Bylaw;
 - b. shall be oriented away from residential developments;
 - c. shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload;
 - d. each loading space shall have a minimum of three (3) metres in width, a minimum of nine (9) metres in length and maintain overhead clearance of four (4) metres, unless larger dimensions are required, having regard to the type of vehicle loading and unloading;
 - e. not project into any highway or laneway;
 - f. have unobstructed vehicular access to a highway or laneway; and
 - g. have a durable dust free surface.
- 54. Off-Street parking and loading space requirements will be calculated as follows:

Category	Type of Uses	Parking Spaces
Residential	Single Detached Housing	2 spaces
	Duplex Housing	4 spaces
	Accessory Dwelling Unit	1 space
	Multi-Unit Housing	1.5 spaces per dwelling unit
	Accessory Tourist Accommodation	1 space per guest room
	Accessory Camping Accommodation	1 space per campsite
	Home-based Business	2 spaces per home-based business
Commercial	All uses in a C1 and C2 zone (except as listed below)	4 spaces per 100 m ² of GFA
	Campground	2 spaces per campsite

Category	Type of Uses	Parking Spaces
	Eating and Drinking Establishment, Breweries and Distilleries	1 space per 4 seats or 10 spaces per 100 m ²
	Eating and Drinking Establishment (Drive-in only)	10 spaces
	Hotels/Motels/Lodges	1 space per guest room plus 1 space per 5 seats in any eating and drinking establishments associated with the facility
	Tourist Attraction	1 per 4 persons capacity
	Gasoline Station, Auto Repair Shop, Auto-body Shop, Car Wash	2 spaces per gasoline pump, 2 spaces per service bay and 2 spaces per 100 m ² or GFA. Minimum of five (5) spaces.
Industrial	All uses in an M or Q zone, except as listed below	1.5 spaces per 100 m ² of GFA, 1 space/employee plus one space for every commercially licensed vehicle for that address
	Truck Repair Shop, Bulk Fuel Depot, Gasoline Key Lock	1 space per 420 m ² of operation area and off street loading
	Truck Terminal, Freight Station	2 spaces and off street loading
Community Services	All uses in a CS zone	1 space per 5 seats of capacity or 10 per 100 m ² of floor area used for patrons, whichever is greater

Keeping of Farm Animals

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

<u>Sheep</u>	<u>A.U.</u>	<u>Swine</u>	<u>A.U.</u>
ewe	.14	sow	.33
yearling ewe	.10	boar-young (18-90 kg)	.20
lamb ewe	.07	boar-mature	.33
ram	.14	gilt	.33
yearling ram	.10	bred gilt	.33
lamb ram	.07	weaner (less than 18 kg)	.10
nursing lamb	.05	feeder (18-91 kg)	.20
feeder lamb	.10	suckling pig	.01
breeding lamb	.10		
<u>Cattle</u>	<u>A.U.</u>	<u>Poultry</u>	<u>A.U.</u>
cow & calf	1.00	chickens	.015
2 yr. old	1.00	turkeys, raised	.0125
yearling	.67	turkeys, breeding stock	.02

calf	.25	geese	.02
bull	1.00	ducks	.015
<u>Horses</u>	<u>A.U.</u>	<u>Other</u>	<u>A.U.</u>
horse	1.00	goats	.14
colts 1-2 years	.50	rabbit	.025
colts, under 1 yr.	.25	mink	.025

56. Where the keeping of farm animals are permitted, the following provisions are required to be complied with:
- On lots less than 0.4 hectares (1.0 acres), the total number of farm animals and poultry shall not exceed 0.5 animal units. For example, where a lot is smaller than 0.4 hectares (1 acre) in area, a maximum of 33 chickens could be kept (0.5 A.U. divided by 0.015 A.U. per chicken = 33.33 chickens). No roosters will be permitted on lots less than 0.4 hectares (1.0 acres).
 - On lots greater than 0.4 hectares (1.0 acre), the total number of farm animals and poultry shall not exceed two animal units per hectare. For example, where a two hectare lot exists, 6 yearling cattle could be housed (.67 A.U. times 2 hectares times 2 A.U. per hectare = 5.97 yearlings).
 - No building, structure or enclosure used for housing more than 0.5 animal units shall be located within 4.5 metres (15 feet) of a lot line.
 - No drinking or feeding troughs or manure piles may be located within 4.5 metres (15 feet) of a lot line.

Zone Boundaries

57. The extent of each zone is shown on Schedule 'B.1' – Zoning Map, which is incorporated in and forms part of this Bylaw.
58. Where the zone boundary is designated as following a road allowance, creek or other body of water, the property line adjacent to a road allowance or the natural boundary of the creek or body of water shall be considered the zone boundary.
59. Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning sheets referred to in Section 18 (57).
60. In circumstances where a single lot is located in more than one zone, the provisions of this Bylaw that regulate the use of land, buildings and structures; the density of the use of land, buildings, and structures; the siting, size, and dimension of buildings and structures, and uses permitted on the land; the location of uses on the land and within the building and structures; and the shape, dimension, and area of all parcels of land that may be created by subdivision; shall apply as if the zone boundary were a property line, and in the case of subdivision, be in compliance with the largest minimum area that applies to that lot or portion of the lot being created.

19.0 TOWN-SITE RESIDENTIAL (R1)

PERMITTED USES TABLE FOR R1 ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Single Detached Housing Duplex Housing Multi-Unit Housing <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures Accessory Dwelling Unit Accessory Tourist Accommodation Home-based Business Horticulture Keeping of Farm Animals

DEVELOPMENT REGULATIONS TABLE FOR R1 ZONE		
2	<p>Minimum site area for each Principal Use:</p> <p>Community Water System and Community Wastewater System</p> <ul style="list-style-type: none"> Single Detached Housing or Duplex Housing Multi-Unit Housing <p>Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System</p> <ul style="list-style-type: none"> Single Detached Housing or Duplex Housing Multi-Unit Housing <p>Individual Water Source and On-site Wastewater Disposal</p> <ul style="list-style-type: none"> Single Detached Housing or Duplex Housing Multi-Unit Housing 	<p>0.1 hectare 300 square metres per dwelling unit</p> <p>0.8 hectare 0.1 hectare per dwelling unit</p> <p>1.0 hectare 0.4 hectare per dwelling unit</p>
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	50 percent
8	<p>Maximum building height:</p> <ul style="list-style-type: none"> Principal buildings Accessory buildings and structures 	<p>10.0 metres</p> <p>6.0 metres</p>
9	Maximum gross floor area of any accessory building or structure	100 square metres
10	Cumulative gross floor area of all accessory buildings or structures	200 square metres

11	Minimum lot area for subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	0.1 hectares 0.2 hectares 1.0 hectares

20.0 COUNTRY RESIDENTIAL (R2)

PERMITTED USES TABLE FOR R2 ZONE	
1	Principal Uses Single Detached Housing Duplex Housing Accessory Uses Accessory Building or Structures Accessory Dwelling Unit Accessory Tourist Accommodation Accessory Camping Accommodation Home-based Business Horticulture Keeping of Farm Animals

DEVELOPMENT REGULATIONS TABLE FOR R2 ZONE		
2	Maximum density	2 Dwelling Units
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	35 percent
8	Maximum building height: Principal buildings Accessory buildings and structures	10.0 metres 8.0 metres
9	Maximum gross floor area of any accessory building or structure	200 square metres
10	Cumulative gross floor area of all accessory buildings or structures	400 square metres
11	Minimum lot area for subdivision	1.0 hectares

21.0 RURAL RESIDENTIAL (R3)

PERMITTED USES TABLE FOR R3 ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Cabin Single Detached Housing Duplex Housing Horticulture Portable Sawmill <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures Accessory Dwelling Unit Accessory Tourist Accommodation Accessory Camping Accommodation Home-based Business Horticulture Keeping of Farm Animals Kennels (maximum 10 dogs over 1 year of age) Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Small Scale Wood Product Manufacturing

DEVELOPMENT REGULATIONS TABLE FOR R3 ZONE		
2	Maximum Density	2 Dwelling Units
3	Minimum lot area for Accessory Kennel Operations	4.0 hectares
4	Minimum front setback	4.5 metres
5	Minimum exterior side setback	4.5 metres
6	Minimum interior side setback	2.5 metres
7	Minimum rear setback	2.5 metres
8	Maximum lot coverage	35 percent
9	Maximum building height:	
	Principal buildings	10.0 metres
	Accessory buildings and structures	8.0 metres
10	Maximum footprint of any accessory building or structure	250 square metres
11	Cumulative gross floor area of all accessory buildings or structures	500 square metres
12	Minimum setback for kennel operations (enclosures)	30.0 metres from any property line
13	Minimum setback for portable sawmills	30.0 metres from any property line
14	Minimum setback for unenclosed small scale wood product manufacturing	30.0 metres from any property line

	Minimum setback for enclosed small scale wood product manufacturing	15.0 metres from any property line
15	Minimum setback for any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries	15.0 metres from any property line with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
16	Cannabis micro-cultivation, cannabis micro-processing or cannabis nursery licenses shall not be permitted in a dwelling place.	
17	Minimum lot area for subdivision	2.0 hectares
18	Minimum lot area for subdivision (<i>site specific</i>) for portion of <i>Subsidy Lot 43 DL 1242 KD Plan NEPX59 Exc. Plans 16532 and 18785 (PID 012-953-385)</i>	1.0 hectares

22.0 REMOTE RESIDENTIAL (R4)

PERMITTED USES TABLE FOR R4 ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Cabin Single Detached Housing Duplex Housing Horticulture Portable Sawmill <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures Accessory Dwelling Unit Accessory Tourist Accommodation Accessory Camping Accommodation Home-based Business Horticulture Keeping of Farm Animals Kennels (maximum 10 dogs over 1 year of age) Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Small Scale Wood Product Manufacturing

DEVELOPMENT REGULATIONS TABLE FOR R4 ZONE		
2	Maximum Density	2 Dwelling Units
3	Minimum lot area for Accessory Kennel Operations	4.0 hectares
4	Minimum front setback	4.5 metres
5	Minimum exterior side setback	4.5 metres
6	Minimum interior side setback	2.5 metres
7	Minimum rear setback	2.5 metres
8	Maximum lot coverage	35 percent
9	Maximum building height:	
	Principal buildings	10.0 metres
	Accessory buildings and structures	8.0 metres
10	Maximum footprint of any accessory building or structure	250 square metres
11	Cumulative gross floor area of all accessory buildings or structures	500 square metres
12	Minimum setback for kennel operations (enclosures)	30.0 metres from any property line
13	Minimum setback for portable sawmills	30.0 metres from any property line
14	Minimum setback for unenclosed small scale wood product manufacturing	30.0 metres from any property line

	Minimum setback for enclosed small scale wood product manufacturing	15.0 metres from any property line
15	Minimum setback for any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries	15.0 metres from any property line with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
16	Cannabis micro-cultivation, cannabis micro-processing or cannabis nursery licenses shall not be permitted in a dwelling place.	
17	Minimum lot area for subdivision	4 hectares

23.0 MULTI UNIT RESIDENTIAL (R5)

PERMITTED USES TABLE FOR R5 ZONE	
1	Principal Uses Multi-Unit Housing Manufactured Home Park Accessory Uses Accessory Building or Structures Home-based Business Horticulture

DEVELOPMENT REGULATIONS TABLE FOR R5 ZONE		
2	Minimum site area for Multi-Unit Housing (per dwelling unit) Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal Minimum site area for Manufactured Home Park	300 square metres 0.1 hectare 0.4 hectare 0.8 hectare
DEVELOPMENT REGULATIONS FOR MULTI-UNIT HOUSING		
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	50 percent
8	Maximum building height: Principal buildings Accessory buildings and structures	10.0 metres 6.0 metres
DEVELOPMENT REGULATIONS FOR MANUFACTURED HOME PARK		
9	Manufactured Home Parks shall comply with all applicable regulations in any applicable Manufactured Home Park Bylaw adopted by the RDCK Board	
10	Minimum lot area for subdivision: Community Water System and Community Wastewater System	0.1 hectares

	Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System	0.2 hectares
	Individual Water Source and On-site Wastewater Disposal	1.0 hectares

24.0 GENERAL COMMERCIAL (C1)

PERMITTED USES TABLE FOR C1 ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Artisan Crafts Production and Sales Breweries and Distilleries Cannabis Retail Store Community Market Day Care Facility Eating and Drinking Establishment Farmer’s Market Food and Beverage Processing Golf Course Group Care Facilities Laundromat Liquor Store Mixed Use Development Offices Personal Service Establishment Repair Shop Retail Store Service Station Veterinary Clinic <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures

DEVELOPMENT REGULATIONS TABLE FOR C1 ZONE		
2	<p>Minimum lot area for each Principal Use:</p> <ul style="list-style-type: none"> Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and On-lot Wastewater Disposal Individual Water Source and On-site Wastewater Disposal 	<p>0.1 hectares</p> <p>0.4 hectares</p> <p>1.0 hectares</p>
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	50 percent
8	<p>Maximum building height:</p> <ul style="list-style-type: none"> Principal buildings Accessory buildings and structures 	<p>10.0 metres</p> <p>6.0 metres</p>

9	Minimum lot area for subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	0.1 hectares 0.2 hectares 1.0 hectares

25.0 TOURIST COMMERCIAL (C2)

PERMITTED USES TABLE FOR C2 ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Artisan Craft Production and Sales Breweries and Distilleries Campground Commercial Back Country Recreation Multi-Unit Housing Eating and Drinking Establishment Golf Course Tourist Accommodation Interpretive Facilities Mixed Use Development Museum Outdoor Recreational Activities Resort Vacation Rental <p>Accessory Uses to 'Tourist Accommodation' and 'Campgrounds'</p> <ul style="list-style-type: none"> Laundromat Liquor Store Personal Service Establishment Retail Store <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures Caretaker Suite

DEVELOPMENT REGULATIONS TABLE FOR C2 ZONE		
2	<p>Minimum lot area for each Principal Use:</p> <ul style="list-style-type: none"> Community Water System and Community Wastewater System <ul style="list-style-type: none"> Tourist Accommodation, Resort <ul style="list-style-type: none"> First sleeping room Each additional sleeping room Other permitted uses Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System <ul style="list-style-type: none"> Tourist Accommodation, Resort <ul style="list-style-type: none"> First sleeping room Each additional sleeping room Other permitted uses 	<p>0.2 hectares</p> <p>200 square metres</p> <p>0.2 hectares</p> <p>0.4 hectares</p> <p>400 square metres</p> <p>0.4 hectares</p>

	<p>On-site Water Source and On-site Wastewater Disposal</p> <p>Tourist Accommodation, Resort</p> <p>First sleeping room</p> <p>Each additional sleeping room</p> <p>Other permitted uses</p>	<p>1.0 hectares</p> <p>600 square metres</p> <p>1.0 hectares</p>
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	50 percent
8	<p>Maximum building height:</p> <p>Principal buildings</p> <p>Accessory buildings and structures</p>	<p>10.0 metres</p> <p>6.0 metres</p>
9	<p>Minimum lot area for subdivision:</p> <p>Community Water System and Community Wastewater System</p> <p>Community Water System and On-site Wastewater Disposal</p> <p>Individual Water Source and Community Wastewater System</p> <p>Individual Water Source and On-site Wastewater Disposal</p>	<p>0.1 hectares</p> <p>0.2 hectares</p> <p>0.2 hectares</p> <p>1.0 hectares</p>

26.0 LIGHT INDUSTRIAL (M1)

PERMITTED USES TABLE FOR M1 ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Breweries and Distilleries Car Wash Food and Beverage Processing Light Manufacturing Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Recycling Depot Repair Shop Service Station Small Scale Wood Product Manufacturing Standard Cultivation, Cannabis Standard Processing, Cannabis Storage Yard Vehicle and Equipment Repair Shop Warehousing <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures Caretaker Suite

DEVELOPMENT REGULATIONS TABLE FOR M1 ZONE		
2	Minimum lot area for each Principal Use	1.0 hectare
3	Minimum front setback	15.0 metres
4	Minimum exterior side setback	15.0 metres
5	Minimum interior side setback	4.5 metres
6	Minimum rear setback	4.5 metres
7	Minimum rear or interior lot line setback that abuts a property in the R1, R2, R3, R4, R5 or AG zone	25.0 metres
8	Maximum lot coverage	50 percent
9	Maximum building height:	
	Principal buildings	15.0 metres
	Accessory buildings and structures	6.0 metres
10	Minimum lot area for subdivision	1.0 hectare

27.0 MEDIUM INDUSTRIAL (M2)

PERMITTED USES TABLE FOR M2 ZONE	
1	Principal Uses All uses permitted in the Light Industrial (M1) zone Wood Product Manufacturing Standard Cultivation, Cannabis Standard Processing, Cannabis Accessory Uses Accessory Building or Structures Caretaker Suite

DEVELOPMENT REGULATIONS TABLE FOR M2 ZONE		
2	Minimum lot area for each Principal Use	2.0 hectare
3	Minimum front setback	15.0 metres
4	Minimum exterior side setback	15.0 metres
5	Minimum interior side setback	4.5 metres
6	Minimum rear setback	4.5 metres
7	Minimum rear or interior lot line setback that abuts a property in the R1, R2, R3, R4, R5 or AG zone	25.0 metres
8	Maximum lot coverage for building and structures Maximum lot coverage for outside storage of materials	50 percent 75 percent
9	Maximum building height: Principal buildings Accessory buildings and structures	15.0 metres 6.0 metres
10	Minimum lot area for subdivision	2.0 hectare

28.0 HEAVY INDUSTRIAL (M3)

PERMITTED USES TABLE FOR M3 ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> All uses permitted in the M1 and M2 zones Asphalt and Concrete Manufacturing Auto Wrecking Energy Facilities, Renewable Junk Yard Waste Management Facilities <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures Caretaker Suite

DEVELOPMENT REGULATIONS TABLE FOR M3 ZONE		
2	Minimum lot area for each Principal Use	2.0 hectares
3	Minimum front setback	15.0 metres
4	Minimum exterior side setback	15.0 metres
5	Minimum interior side setback	4.5 metres
6	Minimum rear setback	4.5 metres
7	Minimum rear or interior lot line setback that abuts a property in the R1, R2, R3, R4, R5 or AG zone	25.0 metres
8	Minimum setback from all property lines for equipment or machinery that grades, washes, or crushes primary mineral resources, concrete batch plants or asphalt processing	75.0 metres
9	Maximum lot coverage for building and structures Maximum lot coverage for outside storage of materials	50 percent 75 percent
10	Maximum building height: Principal buildings Accessory buildings and structures	15.0 metres 6.0 metres
11	Minimum lot area for subdivision	2.0 hectares

29.0 COMMUNITY SERVICE (CS)

PERMITTED USES TABLE FOR CS ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Community Care Facility Community Garden Community Hall Community Market Day Care Facility Educational Facilities Farmer’s Market Group Care Facilities Health Services Offices Place of Worship or Congregation <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures

DEVELOPMENT REGULATIONS TABLE FOR CS ZONE		
2	<p>Minimum lot area for each Principal Use:</p> <ul style="list-style-type: none"> Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal 	<p>0.1 hectares</p> <p>0.2 hectares</p> <p>1.0 hectares</p>
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	50 percent
8	<p>Maximum building height:</p> <ul style="list-style-type: none"> Principal buildings Accessory buildings and structures 	<p>10.0 metres</p> <p>6.0 metres</p>
9	<p>Minimum lot area for subdivision</p> <ul style="list-style-type: none"> Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater 	<p>0.1 hectares</p> <p>0.2 hectares</p>

30.0 AGRICULTURE (AG)

PERMITTED USES TABLE FOR AG ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Agriculture, Farm Buildings and Structures Abattoir Single Detached Housing Farm Use (as defined in the Agricultural Land Commission Act and Part 2 Section 2 of the Agricultural Land Reserve Use, Subdivision and Procedures Regulation) Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Standard Cultivation, Cannabis Standard Processing, Cannabis <p><i>Information Note: Non-Soil Based Cannabis Facilities may be subject to ALC Non-Farm Use approval where applicable.</i></p> <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures Accessory Dwelling Unit Tourist Accommodation Accessory Camping Accommodation Home Based Business Non-Farm Uses (as defined in the Agricultural Land Commission Act and the Agricultural Land Reserve Use, Subdivision and Procedures Regulation)

DEVELOPMENT REGULATIONS TABLE FOR AG ZONE		
2	Minimum lot area for each Non-Farm Use	4 hectares
2B	Maximum Density	2 Dwelling Units
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	35 percent 60 percent if area is covered in greenhouses only
8	Maximum building height: Principal buildings Accessory buildings and structures	15.0 metres 6.0 metres
9	Maximum building height for any building or structure for the purposes of cannabis standard cultivation, cannabis	15.0 metres

	standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries	
10	Minimum setback for kennel operations (enclosures)	30.0 metres from any property line
11	Minimum setback for portable saw mills	30.0 metres from any property line
12	Minimum setback for any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries	15.0 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line
13	Minimum setback for any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing	30.0 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line
14	Maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries	250 square metres
15	Maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries	600 square metres
16	Minimum lot area for subdivision	4 hectares

31.0 PARKS AND RECREATION (PR)

PERMITTED USES TABLE FOR PR ZONE	
1	Principal Uses Campground Community Garden Community Market Community Wharves and Boat Launches Farmer’s Market Nature Sanctuary Parks Accessory Uses Concessions Interpretative Facilities Washroom Facilities

DEVELOPMENT REGULATIONS TABLE FOR PR ZONE		
2	Minimum lot area for each Principal Use	1.0 hectares
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	35 percent
9	Minimum lot area for subdivision	1.0 hectares

32.0 PUBLIC UTILITY (U)

PERMITTED USES TABLE FOR U ZONE	
1	Principal Uses Community Water System Community Wastewater System Unattended Public Utilities Attended Public Utilities Accessory Uses Accessory Building or Structures

DEVELOPMENT REGULATIONS TABLE FOR U ZONE		
2	Minimum lot area for each Principal Use	1.0 hectares
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	35 percent
9	Minimum lot area for subdivision	1.0 hectares

33.0 QUARRY (Q)

PERMITTED USES TABLE FOR Q ZONE	
1	Principal Uses Asphalt and Concrete Manufacturing Resource Based Activities Resource Processing Storage Yard Accessory Uses Accessory Building or Structures Caretaker Suite

DEVELOPMENT REGULATIONS TABLE FOR Q ZONE		
2	Minimum lot area for each Principal Use	5.0 hectares
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Minimum setback from all property lines for resource processing	100.0 metres
8	Minimum lot area for subdivision	5.0 hectares

34.0 ENVIRONMENTAL RESERVE (ER)

PERMITTED USES TABLE FOR ER ZONE	
1	Principal Uses Nature Sanctuary Accessory Uses Accessory Buildings or Structures Interpretative Facilities Washroom Facilities

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

35.0 RESOURCE AREA (RA)

PERMITTED USES TABLE FOR RA ZONE	
1	Principal Uses Agriculture Commercial Back Country Recreation Nature Sanctuary Resource Based Activities Resource Processing Accessory Uses Accessory Buildings or Structures Interpretative Facilities Washroom Facilities

DEVELOPMENT REGULATIONS TABLE FOR RA ZONE		
2	Minimum lot area for each Principal Use	15.0 hectares
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Minimum lot area for subdivision	15.0 hectares

36.0 FOREST RESERVE (FR)

PERMITTED USES TABLE FOR FR ZONE	
1	Principal Uses Agriculture Commercial Back Country Recreation Nature Sanctuary Resource Based Activities Resource Processing Accessory Uses Accessory Buildings or Structures Interpretative Facilities Washroom Facilities

DEVELOPMENT REGULATIONS TABLE FOR FR ZONE		
2	Minimum lot area for each Principal Use	15.0 hectares
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Minimum lot area for subdivision	15.0 hectares

37.0 TEMPORARY USE PERMITS

Background

Temporary Use Permits (TUPs) may be issued by the RDCK under Section 492 of the *Local Government Act*. The intent is to accommodate temporary land uses as specified by the permit on lands that are not zoned for the proposed use. The temporary use may continue in accordance with the provisions of the permit until the permit expires, or three years after the permit was issued, whichever occurs first. Permits may be renewed only once, after which the use must be either permanently designated in the OCP Bylaw and Zoning Bylaw or cease. Permits are subject to approval by the Agricultural Land Commission (ALC) where land is classified as farm under the *Assessment Act*.

Temporary Use Permit Designation

1. Will consider issuing temporary use permits on lands that are not designated for the proposed land use as indicated on Schedule B.1.

The Regional Board:

2. Permits will consider the following general conditions:
 - a. must be clearly temporary or seasonal in nature;
 - b. should not create an unacceptable impact on the environment or on surrounding land uses;
 - c. should include appropriate remedial measures to mitigate any damage to the natural environment as a result of the temporary use; and
 - d. should be reviewed and supported by the province with respect to access and effect on public roads.
3. May specify conditions under which the temporary use may be carried out and may also set requirements with regard to any associated developments with respect to construction of buildings or structures related to the proposed temporary use.
4. May require as part of permit issuance that the permit holder restore lands described in the permit by a specified date.