

Voting Rules

Unless otherwise indicated on this agenda, all Directors have one vote and a simple majority is required for a motion to pass.

Who Votes Count

- 1. Call to Order**
- 2. Addition of Late Items**
- 3. Adoption of the Agenda**
- 4. Adoption of the Minutes**
 - 4.1 May 3, 2019 Meeting
- 5. Invited Presentations & Delegations**
 - 5.1 Corinna Robinson and Gail Brown, The Performing Arts BC Provincial Festival re: Letter of Support
 - 5.2 Dave Lampron, Chief Operating Officer, and Rob Gay, Kootenay Boundary Regional Broadband Committee Chair re: Kootenay Boundary Regional Broadband Committee Update
- 6. Correspondence**
 - 6.1 Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Building Local Government Capacity for Rural Economic Development
 - 6.2 Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Columbia Valley Community Economic Development – Phase 2
 - 6.3 Ministry of Municipal Affairs and Housing – Building BC Funds
 - 6.4 City of Burnaby – Expanding Investment Opportunities
 - 6.5 Taking Action on Radon in the Columbia Basin
 - 6.6 Columbia River Treaty – Update on Committee Activities
 - 6.7 Cranbrook and District 4-H Council – Letter of Thanks (DGIA)
 - 6.8 BC Hydro – Natal and Morrissey Ridge Telecommunication Project
 - 6.9 qathet Regional District – BC Recycling Regulation
 - 6.10 FortisBC – FortisBC Energy Inland Gas Upgrade Project – Pipeline Survey
 - 6.11 *City of Victoria – Restoration of Library Funding*
- 7. Unfinished Business**
- 8. New Business**
 - 8.1 Performing Arts BC Provincial Festival – Letter of Support
- 9. Committee Recommendations**
 - Electoral Area Services Committee – Open & Closed
 - Governance & Regional Services Committee
 - Elk Valley Services Committee
 - Planning & Development Services Committee
 - Columbia Valley Services Committee – Open & Closed

Addendum

10. Bylaws

11. Planning Bylaws

Section 11 Voting Rules: All Directors Majority (except Elkford) unless otherwise indicated

- 11.1 Bylaw No. 2906 – Lake Windermere Official Community Plan Amendment Bylaw (Windermere North / Bad Toro Properties Ltd) – *Two Readings*
- 11.2 Bylaw No. 2907 – Upper Columbia Valley Zoning Amendment Bylaw (Windermere North / Bad Toro Properties Ltd) – *Two Readings*
- 11.3 Bylaws No. 2906 & No. 2907 – Public Hearing and Delegation
- 11.4 Bylaws No. 2908 & No. 2909 – Public Hearing Report
- 11.5 Bylaw No. 2908 – Rockyview Official Community Plan Amendment Bylaw (Cranbrook West / Fountain Capital Corp.) – *Third Reading*
- 11.6 Bylaw No. 2909 – Cranbrook Rural Zoning Amendment Bylaw (Cranbrook West / Fountain Capital Corp.) – *Third Reading*
- 11.7 Bylaws No. 2910 & 2911 – Public Hearing Report
- 11.8 Bylaw No. 2910 – Baynes Lake Official Community Plan Amendment Bylaw (Baynes Lake / Abbott & Ernst) – *Third Reading and Adoption*
- 11.9 Bylaw No. 2911 – South Country Zoning and Floodplain Management Amendment Bylaw (Baynes Lake / Abbott & Ernst) – *Third Reading and Adoption*
- 11.10 Bylaws No. 2912 & No. 2913 – Public Hearing Report
- 11.11 Bylaw No. 2912 – Moyie & Area Official Community Plan Bylaw – *Third Reading*
- 11.12 Bylaw No. 2913 – Electoral Area C South Zoning & Floodplain Management Bylaw – *Third Reading*
- 11.13 Bylaw No. 2915 – Public Hearing Report
- 11.14 Bylaw No. 2915 – Electoral Area E Zoning and Floodplain Management Amendment Bylaw (Miscellaneous Amendments 2019 / RDEK) – *Third Reading*
- 11.15 Bylaw No. 2917 – Public Hearing Report
- 11.16 Bylaw No. 2917 – Electoral Area E Zoning & Floodplain Management Amendment Bylaw (Meadowbrook / Kelly) – *Third Reading*
- 11.17 Bylaws No. 2919 & 2920 – Public Hearing Report
- 11.18 Bylaw No. 2919 – Rockyview Official Community Plan Amendment Bylaw (Cranbrook West / 1009891 BC Ltd) – *Third Reading*
- 11.19 Bylaw No. 2920 – Cranbrook Rural Zoning Amendment Bylaw (Cranbrook West / 1009891 BC Ltd) – *Third Reading*
- 11.20 Bylaws No. 2921 & No. 2922 – Public Hearing Report
- 11.21 Bylaw No. 2921 – Lake Koocanusa Official Community Plan Amendment Bylaw (Sweetwater / KV Properties Inc.) – *Third Reading and Adoption*
- 11.22 Bylaw No. 2922 – SweetWater Zoning & Floodplain Management Amendment Bylaw (Sweetwater / KV Properties Inc.) – *Third Reading and Adoption*
- 11.23 Bylaw No. 2923 – Moyie & Area Land Use Amendment Bylaw (Lumberton / Lost Dog Forestry Ltd. & Columbia Recycle Ltd.) – *Two Readings*

11. Planning Bylaws (continued)

- 11.24 Bylaw No. 2923 – Public Hearing and Delegation
- 11.25 Bylaw No. 2924 – Baynes Lake Official Community Plan Amendment Bylaw (Baynes Lake / McArthur) – *Two Readings*
- 11.26 Bylaw No. 2925 – South Country Zoning and Floodplain Management Amendment Bylaw (Baynes Lake / McArthur) – *Two Readings*
- 11.27 Bylaws No. 2924 & No. 2925 – Public Hearing and Delegation
- 11.28 Bylaw No. 2926 – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Amendment Bylaw (Miscellaneous Amendments / RDEK) – *Two Readings*
- 11.29 Bylaw No. 2927 – South Country Zoning & Floodplain Management Amendment Bylaw (Miscellaneous Amendments / RDEK) – *Two Readings*
- 11.30 Bylaws No. 2926 & No. 2927 – Public Hearing and Delegation

12. Late Agenda Items

13. Reports from Directors

Director Walter

- Kootenay Booth Organizing Committee
- Municipal Insurance Association

Director Sosnowski

- Elk River Alliance Steering Committee
- Environmental Assessment Working Groups – Bingay Main Coal/Fernie/Michel Creek Coking Coal
- Fernie Tourism Master Plan Task Force
- Solid Waste Management Plan Review Advisory Committee – Elk Valley

Director Wilkie

- Kootenay Conservation Program Committee
- Solid Waste Management Plan Review Advisory Committee – Columbia Valley

Director Reinhardt

- AFN Recreation Facility Steering Committee
- Ktunaxa / Kinbasket Local Government Treaty Advisory Committee

Chair Gay

- *East Kootenay Regional Governance Forum*
- *Clean Energy BC Workshop*
- *ALC Regional Seminar*
- Highway 3 Mayors' and Chairs' Coalition
- Key City Theatre Upgrade Committee
- Municipal Finance Authority
- Regional Broadband Committee

Director Clovechok

- *FCM Annual Conference*
- Columbia Valley Visitor Services Committee
- Imagine Kootenay Steering Committee

13. Reports from Directors (continued)

Director McCormick

- Columbia Basin Rural Development Institute Advisory Committee
- Columbia Basin Trust

Director Qualizza

- Southern Interior Development Initiative Trust – Kootenay Columbia Regional Advisory Committee

Director Doehle

- *BC Broadband Conference*
- Canadian Columbia River Local Government Committee
- Columbia Basin Regional Advisory Committee
- Solid Waste Management Plan Review Advisory Committee – Central

Revised **14. Adjourn to Closed**

COMMITTEE MEETING SCHEDULE

Thursday, June 6, 2019

- 1:00 pm Electoral Area Services Committee – Open & Closed
2:00 pm Governance & Regional Services Committee
3:00 pm Elk Valley Services Committee
3:30 pm Planning & Development Services Committee
6:15 pm Columbia Valley Services Committee – Open & Closed

NEXT MEETINGS

Committee Meetings
Thursday, July 4, 2019
Time: TBA

RDEK Board of Directors
Friday, July 5, 2019
Time: 9:00 am

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE REGIONAL DISTRICT OF EAST KOOTENAY HELD AT THE REGIONAL DISTRICT OFFICE IN CRANBROOK BC ON MAY 3, 2019

PRESENT

Chair Rob Gay	Electoral Area C
Director Mike Sosnowski	Electoral Area A
Director Stan Doehle	Electoral Area B
Director Jane Walter	Electoral Area E
Director Susan Clovechok	Electoral Area F
Director Gerry Wilkie	Electoral Area G
Director Lee Pratt	City of Cranbrook
Director Wesly Graham	City of Cranbrook
Director Ange Qualizza	City of Fernie
Director Don McCormick	City of Kimberley
Director Dean McKerracher	District of Elkford
Director Allen Miller	District of Invermere
Director David Wilks	District of Sparwood
Director Clara Reinhardt	Village of Radium Hot Springs

ABSENT

Director Karl Sterzer	Village of Canal Flats
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STAFF

Shawn Tomlin	Chief Administrative Officer
Shannon Moskal	Corporate Officer
Connie Thom	Executive Assistant (Recording Secretary)

ADDITION OF LATE ITEM

48432
Late Item
UBCM Resolution

MOVED by Director Wilks
SECONDED by Director Reinhardt

THAT the following late item for the agenda be approved:

- UBCM Resolution – Agricultural Land Reserve Regulations
CARRIED

ADOPTION OF THE AGENDA

48433
Agenda

MOVED by Director Reinhardt
SECONDED by Director Sosnowski

THAT the agenda for the RDEK Board of Directors meeting be adopted as amended.

CARRIED

ADOPTION OF THE MINUTES

48434
Minutes

MOVED by Director Miller
SECONDED by Director McKerracher

THAT the Minutes of the RDEK Board of Directors meeting held on April 5, 2019 be adopted as circulated.

CARRIED

Director David Wilks declared a conflict of interest on the next item noting that he is employed with Teck Coal Ltd. and left the meeting at 9:03 am.

DELEGATION

Nic Milligan, Teck Coal Limited, provided an annual update on Teck's operations, stating the majority of employees and their families live in local communities and that the demand for steelmaking coal will continue to increase in 2019. Mr. Milligan reviewed the Elk Valley Water Quality Plan noting that significant progress has been made in developing measures to protect water quality in the Elk Valley and advised that monitoring and water quality research results are available on their website.

Director David Wilks returned to the meeting at 9:27 am.

**ELECTORAL AREA SERVICES COMMITTEE
RECOMMENDATIONS**

48435
DGIA
Approved

MOVED by Director Gay
SECONDED by Director Walter

THAT the following discretionary grants-in-aid be approved:

Recipient	Area A	Area B	Area C	Area E	Area F	Area G	Total
Columbia Basin Watershed Network Society – Columbia Basin Watershed Network Spring Meeting	\$175	\$175	\$175	\$175	\$175	\$175	\$1050
Ghostrider Adventure Camp Foundation – Ghostrider Adventure Camp	\$1,000	\$1,000					\$2,000
Wildsight Elk Valley – Fernie Fall Fair	\$1,500						\$1,500
Cranbrook & District 4H Council Association – Cranbrook & District Show & Sale	\$1,000	\$1,000	\$1,000				\$3,000
Western Canadian Blind Golf Association – Western Canadian & Canadian Blind Golf Championships			\$2,500				\$2,500
Friends of Fort Steele Society – Heritage Gardens at Fort Steele			\$500				\$500
Wasa Recreation Society – AED Powerheart G3 Plus Battery and Pad Replacement				\$1,000			\$1,000
Wasa Recreation Society – Food Safe Level 1				\$920			\$920
Shuswap Indian Band – Shuswap Band Youth					\$1,323.40		\$1,323.40

CARRIED

48436
DGIA
Denied

MOVED by Director Walter
SECONDED by Director Wilkie

THAT the following discretionary grants-in-aid be denied:

- CastleRock Estates Community Association – CastleRock Estates Community Association’s 3rd Annual FireSmart Event
- Fernie Heritage Cemetery Restoration Society – Digitizing The Fernie Free Press
- Fernie Heritage Cemetery Restoration Society – Repair Row Markers & Stones, Update Pictures on New Stones & Enter Data on Web Site
- Sparwood & District Chamber of Commerce – Quarter Press Machine

CARRIED

48437
CB Transboundary
Conference

MOVED by Director Walter
SECONDED by Director Doehle

THAT the following Directors be authorized to attend the Columbia Basin Transboundary Conference: One River, One Future held on September 12 – 14, 2019 in Kimberley with expenses paid from Electoral Area Administration.

- Director Mike Sosnowski
- Director Stan Doehle
- Director Rob Gay

**ELECTORAL AREA SERVICES COMMITTEE
RECOMMENDATIONS (continued)**

48437 continued

- Director Jane Walter
- Director Susan Clovechok
- Director Gerry Wilkie

CARRIED

48438
ILMA
Annual Conference

MOVED by Director Walter
SECONDED by Director Gay

THAT the following Directors be authorized to attend the Interior Lumber Manufacturers' Association Annual Convention held on June 16 – 18, 2019 in Osoyoos with expenses paid from Electoral Area Administration.

- Director Stan Doehle
- Director Rob Gay

CARRIED

48439
Lower Elk Valley Road
Notice on Title

MOVED by Director Walter
SECONDED by Director Doehle

THAT a Notice on Title be placed on the property legally described as Lot B, Plan NEP18422, District Lot 4134 Kootenay District, Except Plan NEP68690, #17 – 6272 Lower Elk Valley Road in the Elk Valley area, for contravention of RDEK bylaws resulting from failure to obtain required inspections and from occupying a structure without an approved occupancy inspection.

CARRIED

48440
34 Avenue South
Notice on Title

MOVED by Director Gay
SECONDED by Director Walter

THAT a Notice on Title be placed on the property legally described as Lot 9, Plan NEP1084, District Lot 9451 Kootenay District, 4330 34 Avenue South in the Gold Creek area, for contravention of RDEK bylaws resulting from failure to obtain required inspections and permit renewals.

CARRIED

48441
Thompson Road
Notice on Title

MOVED by Director Walter
SECONDED by Director Gay

THAT a Notice on Title be placed on the property legally described as Lot C, Plan NEP15707, District Lot 11077 Kootenay District, 7836 Thompson Road in the Meadowbrook area, for contravention of RDEK bylaws resulting from failure to obtain required inspections, building permit renewals and from occupying a home without an approved occupancy inspection if the contravention has not been rectified in 60 days.

CARRIED

48442
Baltac Road
Notice on Title

MOVED by Director Clovechok
SECONDED by Director Doehle

THAT a Notice on Title be placed on the property legally described as Lot 8, Block 6, Plan NEP4321, District Lot 704 Kootenay District, 1182 Baltac Road in the Windermere area, for contravention of RDEK bylaws resulting from failure to obtain a building permit and required inspections.

CARRIED

**ELECTORAL AREA SERVICES COMMITTEE
RECOMMENDATIONS (continued)**

48443
Elko-Grasmere Road
Notice on Title

MOVED by Director Doehle
SECONDED by Director Walter

THAT a Notice on Title be placed on the property legally described as Lot A, Plan NEP5916, District Lot 360 Kootenay District, 2330 Elko – Grasmere Road in the Grasmere area, for contravention of RDEK bylaws resulting from failure to obtain a building permit for an accessory structure.

CARRIED

48444
Peasley Road
Notice on Title

MOVED by Director Doehle
SECONDED by Director Gay

THAT a Notice on Title be placed on the property legally described as Lot 1, Plan NEP17888, District Lot 4590 Kootenay District, 2691 Peasley Road in the Rosen Lake area, for contravention of RDEK bylaws resulting from failure to obtain required inspections and permit renewals.

CARRIED

48445
Marvel Road
Notice on Title

MOVED by Director Walter
SECONDED by Director Doehle

THAT a Notice on Title be placed on the property legally described as Lot 12, Plan NEP6810, District Lot 10090 Kootenay District, 6507 Marvel Road in the Lazy Lake area, for contravention of RDEK bylaws resulting from failure to obtain required inspections, building permit renewals and from occupying a home without an approved occupancy inspection if the contravention has not been rectified in 90 days.

CARRIED

48446
Kikomun-Newgate Road
Notice on Title

MOVED by Director Doehle
SECONDED by Director Walter

THAT a Notice on Title be placed on the property legally described as Lot A, Plan NEP18776 Kootenay District, District Lot 2244 & 11491, 141 Kikomun – Newgate Road in the Newgate area, for contravention of RDEK bylaws resulting from failure to obtain a building permit if the contravention has not been rectified in 60 days.

CARRIED

Director Mike Sosnowski left the meeting at 9:36 am.

48447
Selkirk Avenue
Notice on Title

MOVED by Director Wilkie
SECONDED by Director Walter

THAT a Notice on Title be placed on the property legally described as Lot 36, Block 7, Plan NEP1185, District Lot 353 Kootenay District & DL 7569, 4785 Selkirk Avenue in the Edgewater area, for contravention of RDEK bylaws resulting from failure to obtain the required inspections, permit renewals, and from occupying a structure without an approved occupancy inspection.

CARRIED

48448
Hidden Valley Road
Notice on Title

MOVED by Director Gay
SECONDED by Director Clovechok

THAT a Notice on Title be placed on the property legally described as Lot 11, Plan NEP12334, District Lot 5590 Kootenay District, 5792 Hidden Valley Road in the Hidden Valley area, for contravention of RDEK bylaws resulting from failure to obtain a building permit for an accessory structure.

CARRIED

**ELECTORAL AREA SERVICES COMMITTEE
RECOMMENDATIONS (continued)**

48449
Highway 3
Notice on Title

MOVED by Director Walter
SECONDED by Director Wilkie

THAT a Notice on Title be placed on the property legally described as Lot 1, Plan NEP22661, District Lot 9466 Kootenay District, 4455 Highway 3 in the Fernie area, for contravention of RDEK bylaws resulting from failure to obtain required inspections, permit renewals, and from occupying a dwelling without an approved occupancy inspection.

CARRIED

48450
Estates Road
Notice on Title

MOVED by Director Gay
SECONDED by Director Clovechok

THAT a Notice on Title be placed on the property legally described as District Lot 10764 Kootenay District, 22 – 9481 Estates Road in the Moyie Lake area, for contravention of RDEK bylaws resulting from failure to obtain required inspections and occupying a home without an approved occupancy inspection if the contravention has not rectified in 30 days.

CARRIED

**PLANNING & DEVELOPMENT SERVICES COMMITTEE
RECOMMENDATIONS**

48451
Bylaws 2906 & 2907
Referred to Staff

MOVED by Director Clovechok
SECONDED by Director Gay

THAT Bylaws No. 2906 and No. 2907 be referred to staff for consultation with the applicant.

CARRIED

48452
DVP 15-19
Granted

MOVED by Director Qualizza
SECONDED by Director Wilkie

THAT Development Variance Permit No. 15-19 be granted.

CARRIED

48453
DVP 17-19
Granted

MOVED by Director Sosnowski
SECONDED by Director Qualizza

THAT Development Variance Permit No. 17-19 be granted subject to registration of a restrictive covenant prohibiting serviceable buildings until proof of potable water is provided.

CARRIED

48454
Bylaw 2908
Introduction

MOVED by Director Gay
SECONDED by Director Walter

THAT Bylaw No. 2908 cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 23, 2019 (Cranbrook West / Fountain Capital Corp.)” be introduced; and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.

CARRIED

OPPOSED: Director Pratt
Director Graham

**PLANNING & DEVELOPMENT SERVICES COMMITTEE
RECOMMENDATIONS (continued)**

48455
Bylaw 2909
Introduction

MOVED by Director Gay
SECONDED by Director Walter

THAT Bylaw No. 2909 cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 52, 2019 (Cranbrook West / Fountain Capital Corp.)” be introduced;

and further, that a development agreement containing the items identified in the staff report be registered on title prior to bylaw adoption.

CARRIED

OPPOSED: Director Pratt
Director Graham

48456
Bylaw 2912
Introduction

MOVED by Director Gay
SECONDED by Director Reinhardt

THAT Bylaw No. 2912 cited as “Regional District of East Kootenay – Moyie & Area Official Community Plan Bylaw No. 2912, 2019” be introduced;

and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.

CARRIED

48457
Bylaw 2913
Introduction

MOVED by Director Gay
SECONDED by Director Walter

THAT Bylaw No. 2913 cited as “Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019” be introduced.

CARRIED

48458
Bylaw 2917
Introduction

MOVED by Director Walter
SECONDED by Director Gay

THAT Bylaw No. 2917 cited as “Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 20, 2019 (Meadowbrook / Kelly)” be introduced.

CARRIED

48459
MacDonald
ALR Non-Adhering

MOVED by Director Wilks
SECONDED by Director Walter

THAT the Agricultural Land Commission be advised the RDEK supports the MacDonald ALR non-adhering residential use application for a farm hand dwelling on property located at 5874 Lower Elk Valley Road, north of Sparwood.

CARRIED

48460
DVP 19-19
Refused

MOVED by Director Clovechok
SECONDED by Director Miller

THAT Development Variance Permit No. 19-19 be refused.

CARRIED

48461
Freedom Mobile
Telecommunications

MOVED by Director Gay
SECONDED by Director Doehle

THAT Freedom Mobile be advised that:

- a) Freedom Mobile has satisfactorily completed its consultation with the Regional District of East Kootenay;
- b) The Regional District of East Kootenay is satisfied with Freedom Mobile’s public consultation process; and,

**PLANNING & DEVELOPMENT SERVICES COMMITTEE
RECOMMENDATIONS (continued)**

48461 continued

- c) The Regional District of East Kootenay concurs with Freedom Mobile's proposal to construct a wireless telecommunications facility on privately owned property located at 9776 Airport Access Road in Wycliffe near Cranbrook, provided it is constructed substantially in accordance with the plans submitted to the RDEK.

CARRIED

48462
Agriculture Land Reserve
Use Regulations

MOVED by Director Wilks
SECONDED by Director Doehle

THAT a letter be sent to Minister of Agriculture and Deputy Minister of Agriculture expressing the Board's concern on the detrimental effect the new Agricultural Land Reserve Use Regulations will have in the East Kootenay.

CARRIED

48463
Agriculture Land Reserve
Use Regulations

MOVED by Director Clovechok
SECONDED by Director Miller

THAT an application be submitted to be a delegate at the upcoming East Kootenay meeting of the Standing Committee on Finance & Government Services to express the Board's concern on the impact the new Agricultural Land Reserve Use Regulations will have on the East Kootenay economy.

CARRIED

48464
Bylaw 2910
Introduction

MOVED by Director Doehle
SECONDED by Director Gay

THAT Bylaw No. 2910 cited as "Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 10, 2019 (Baynes Lake / Abbott & Ernst)" be introduced;

and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.

CARRIED

48465
Bylaw 2911
Introduction

MOVED by Director Doehle
SECONDED by Director Gay

THAT Bylaw No. 2911 cited as "Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 18, 2019 (Baynes Lake / Abbott & Ernst)" be introduced.

CARRIED

48466
Bylaw 2915
Introduction

MOVED by Director Gay
SECONDED by Director Walter

THAT Bylaw No. 2915 cited as Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 19, 2019 (Miscellaneous Amendments 2019 / RDEK)" be introduced.

CARRIED

48467
Bylaw 2919
Introduction

MOVED by Director Gay
SECONDED by Director Walter

THAT Bylaw No. 2919 cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 24, 2019 (Cranbrook West / 1009891 BC Ltd)" be introduced;

**PLANNING & DEVELOPMENT SERVICES COMMITTEE
RECOMMENDATIONS (continued)**

48467 continued

and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.

CARRIED

OPPOSED: Director Pratt
Director Graham

48468
Bylaw 2920
Introduction

MOVED by Director Gay
SECONDED by Director Walter

THAT Bylaw No. 2920 cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 53, 2019 (Cranbrook West / 1009891 BC Ltd)” be introduced;

and further, that a development agreement containing the items identified in the staff report be registered on title prior to bylaw adoption.

CARRIED

OPPOSED: Director Pratt
Director Graham

48469
Bylaw 2921
Introduction

MOVED by Director Doehle
SECONDED by Director Clovechok

THAT Bylaw No. 2921 cited as “Regional District of East Kootenay – Lake Koochanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)” be introduced;

and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.

CARRIED

48470
Bylaw 2922
Introduction

MOVED by Director Doehle
SECONDED by Director Clovechok

THAT Bylaw No. 2922 cited as “Regional District of East Kootenay – Lake Koochanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)” be introduced.

CARRIED

48471
EV Floodplain
Management

MOVED by Director Qualizza
SECONDED by Director Gay

THAT a review of the Elk Valley floodplain management policies and regulations to incorporate the recommendations contained in the Elk River Floodplain Mapping Report (Jan. 2019) be referred to the list of 2019 Planning & Development Services priority projects for evaluation and ranking;

and further, that until the new floodplain management regulations are adopted, building permit applicants be required to do the following:

- i) adhere to the development standards identified in the Elk River Floodplain Mapping Final Report; or
- ii) in accordance with section 56 of the *Community Charter*, build according to the recommendations contained in a site specific hazard assessment completed by a Qualified Professional; or
- iii) register a covenant on the title acknowledging they are aware of the Elk River Floodplain Mapping Report, have chosen not to build to the recommended standards or obtain a site specific hazard assessment from a Qualified Professional, and indemnifying the Regional District for any damage to property due to flooding or debris flows.

CARRIED

**PLANNING & DEVELOPMENT SERVICES COMMITTEE
RECOMMENDATIONS (continued)**

48472
Royal Canadian Legion
Liquor Licence

MOVED by Director Wilkie
SECONDED by Director Wilks

THAT the application by the Legion Branch #199 to change the current 'Liquor Primary Club' licence to a 'Liquor Primary' licence for the Royal Canadian Legion located at 4858 Cordillera Ave in Edgewater be supported;

and further, be it resolved that, the Board recommends approval of the Liquor Primary Change because the use of the property is consistent with the zoning bylaw.

The Board's comments on the prescribed considerations are as follows:

- a. The Legion Branch #199 is located within the developed core area of Edgewater where commercial food and beverage services are anticipated.
- b. The proposal is consistent with the permitted uses in the site's C-1 zone designation.
- c. Notices of Intent were mailed to 114 property owners within 200 metres of the subject property on April 8, 2019. Three notices were returned as undeliverable and no responses from the public were received.

CARRIED

**COLUMBIA VALLEY SERVICES COMMITTEE
RECOMMENDATIONS**

48473
Bylaw 2928
Introduction

MOVED by Director Clovechok
SECONDED by Director Reinhardt

THAT Bylaw No. 2928 cited as "Regional District of East Kootenay – Eddie Mountain Memorial Arena Regulation and Fee Bylaw No. 2844, 2018 – Amendment Bylaw No. 1, 2019" be introduced.

CARRIED

Director Lee Pratt left the meeting at 9:53 am.

The meeting recessed at 9:53 am and reconvened at 10:06 am.

**GOVERNANCE & REGIONAL SERVICES COMMITTEE
RECOMMENDATIONS**

48474
Organics Resource
Recovery Program

MOVED by Director Qualizza
SECONDED by Director Clovechok

THAT an application be submitted for grant funding for a regionally collaborative Organics Resource Recovery program, encompassing up to three Composting Facilities, located in the Columbia Valley, Central and Elk Valley Subregions and that the RDEK supports the project and commits its share of up to \$1.0M to the project.

CARRIED

OPPOSED: Director McKerracher

Director Lee Pratt returned to the meeting at 10:07 am.

48475
Organics Resource
Recovery Program

MOVED by Director Wilkie
SECONDED by Director Miller

THAT a letter be sent to the Columbia Basin Trust requesting funding assistance towards the regionally collaborative compost facility project.

CARRIED

**GOVERNANCE & REGIONAL SERVICES COMMITTEE
RECOMMENDATIONS (continued)**

48476
2018 Financial Stmtns
and SOFI Report

MOVED by Director Miller
SECONDED by Director Reinhardt

THAT the 2018 RDEK Financial Statements and Statement of Financial Information be approved.

CARRIED

48477
Quarterly Financial
Statements

MOVED by Director Miller
SECONDED by Director Walter

THAT the RDEK financial statements for the period of January to March 2019 be accepted.

CARRIED

48478
Cheque Register

MOVED by Director Wilks
SECONDED by Director McKerracher

THAT the cheque register for the RDEK General Account for April 2019 in the amount of \$794,773.81 be approved as paid.

CARRIED

48479
Regional Broadband
MOU

MOVED by Director Miller
SECONDED by Director Doehle

THAT the Chair be authorized to sign the Memorandum of Understanding for participation on the Regional Broadband Committee for a three-year term ending April 30, 2023.

CARRIED

48480
CBT Community
Wildfire Program

MOVED by Director Wilkie
SECONDED by Director McKerracher

THAT an application be submitted to Columbia Basin Trust for \$25,000 under the Community Wildfire Program for FireSmart education activities within the RDEK;

and further, the RDEK will support the project and provide overall grant management if the application is successful.

CARRIED

BYLAWS

48481
Bylaw 2928
Three Readings

MOVED by Director Reinhardt
SECONDED by Director Wilkie

THAT Bylaw No. 2928 cited as “Regional District of East Kootenay – Eddie Mountain Memorial Arena Regulation and Fee Bylaw No. 2844, 2018 – Amendment Bylaw No. 1, 2019” be read a first, second and third time.

CARRIED

48482
Bylaw 2928
Adoption

MOVED by Director Reinhardt
SECONDED by Director Wilkie

THAT Bylaw No. 2928 cited as “Regional District of East Kootenay – Eddie Mountain Memorial Arena Regulation and Fee Bylaw No. 2844, 2018 – Amendment Bylaw No. 1, 2019” be adopted.

CARRIED

BYLAWS (continued)

48483
Bylaw 2899
PH Report

MOVED by Director Reinhardt
SECONDED by Director Pratt

THAT the Public Hearing Report for Bylaw No. 2899 as submitted by Director Rob Gay, be accepted.

CARRIED

48484
Bylaw 2899
Third Reading

MOVED by Director Pratt
SECONDED by Director Wilks

THAT Bylaw No. 2899 cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 51, 2018 (Cranbrook South / Bohan)” be read a third time.

CARRIED

48485
Bylaw 2899
Adoption

MOVED by Director Graham
SECONDED by Director Walter

THAT Bylaw No. 2899 cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 51, 2018 (Cranbrook South / Bohan)” be adopted.

CARRIED

48486
Bylaw 2900
Adoption

MOVED by Director Doehle
SECONDED by Director Reinhardt

THAT Bylaw No. 2900 cited as “Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 17, 2018 (Grasmere / Holmes)” be adopted.

CARRIED

48487
Bylaw 2908
Two Readings

MOVED by Director Walter
SECONDED by Director Wilks

THAT Bylaw No. 2908 cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 23, 2019 (Cranbrook West / Fountain Capital Corp.)” be read a first and second time.

CARRIED

OPPOSED: Director Pratt
Director Graham

48488
Bylaw 2909
Two Readings

MOVED by Director Wilks
SECONDED by Director Walter

THAT Bylaw No. 2909 cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 52, 2019 (Cranbrook West / Fountain Capital Corp.)” be read a first and second time.

CARRIED

OPPOSED: Director Pratt
Director Graham

48489
Bylaws 2908 & 2909
Public Hearing

MOVED by Director Reinhardt
SECONDED by Director Clovechok

THAT a public hearing be held regarding Bylaw No. 2908 and Bylaw No. 2909 and the hearing be delegated to:

Director Rob Gay, Director Area C
Director Lee Pratt, City of Cranbrook
Director Wesly Graham, City of Cranbrook

CARRIED

The date for the public hearing for Bylaws No. 2908 & No. 2909 is 4:00 pm on May 21, 2019 in the RDEK Board Room.

BYLAWS (continued)

48490
Bylaw 2910
Two Readings

MOVED by Director Doehle
SECONDED by Director Clovechok

THAT Bylaw No. 2910 cited as “Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 10, 2019 (Baynes Lake / Abbott & Ernst)” be read a first and second time.
CARRIED

48491
Bylaw 2911
Two Readings

MOVED by Director Doehle
SECONDED by Director Walter

THAT Bylaw No. 2911 cited as “Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 18, 2019 (Baynes Lake / Abbott & Ernst)” be read a first and second time.

CARRIED

48492
Bylaws 2910 & 2911
Public Hearing

MOVED by Director Doehle
SECONDED by Director Reinhardt

THAT a public hearing be held regarding Bylaw No. 2910 and Bylaw No. 2911 and the hearing be delegated to:

Director Stan Doehle, Electoral Area B
Director Rob Gay, Electoral Area C

CARRIED

The date for the public hearing for Bylaws No. 2910 & No. 2911 is 7:00 pm on May 22, 2019 at the Baynes Lake Community Hall.

48493
Bylaw 2912
Two Readings

MOVED by Director Walter
SECONDED by Director Clovechok

THAT Bylaw No. 2912 cited as “Regional District of East Kootenay – Moyie & Area Official Community Plan Bylaw No. 2912, 2019” be read a first and second time.

CARRIED

48494
Bylaw 2913
Two Readings

MOVED by Director Reinhardt
SECONDED by Director Wilks

THAT Bylaw No. 2913 cited as “Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019” be read a first and second time.

CARRIED

48495
Bylaws 2912 & 2913
Public Hearing

MOVED by Director Walter
SECONDED by Director Graham

THAT a public hearing be held regarding Bylaw No. 2912 and Bylaw No. 2913 and the hearing be delegated to:

Director Rob Gay, Electoral Area C
Director Lee Pratt, City of Cranbrook
Director Wesly Graham, City of Cranbrook

CARRIED

The date for the public hearing for Bylaws No. 2912 & No. 2913 is 7:00 pm on May 21, 2019 at the Moyie Community Hall.

BYLAWS (continued)

48496
Bylaw 2915
Two Readings

MOVED by Director Walter
SECONDED by Director Clovechok

THAT Bylaw No. 2915 cited as “Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 19, 2019 (Miscellaneous Amendments 2019 / RDEK)” be read a first and second time.

CARRIED

48497
Bylaw 2915
Public Hearing

MOVED by Director Wilks
SECONDED by Director Walter

THAT a public hearing be held regarding Bylaw No. 2915 and the hearing be delegated to:

Director Jane Walter, Electoral Area E
Director Don McCormick, City of Kimberley

CARRIED

The date for the public hearing for Bylaw No. 2915 is 4:00 pm on May 28, 2019 at the Centennial Hall.

48498
Bylaw 2917
Two Readings

MOVED by Director Walter
SECONDED by Director Wilks

THAT Bylaw No. 2917 cited as “Regional District of East Kootenay – Electoral Area E Zoning & Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 20, 2019 (Meadowbrook / Kelly)” be read a first and second time.

CARRIED

48499
Bylaw 2917
Public Hearing

MOVED by Director Walter
SECONDED by Director Reinhardt

THAT a public hearing be held regarding Bylaw No. 2917 and the hearing be delegated to:

Director Jane Walter, Electoral Area E
Director Don McCormick, City of Kimberley

CARRIED

The date for the public hearing for Bylaw No. 2917 is 4:00 pm on May 22, 2019 at the Centennial Hall.

48500
Bylaw 2919
Two Readings

MOVED by Director Clovechok
SECONDED by Director Wilks

THAT Bylaw No. 2919 cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 24, 2019 (Cranbrook West / 1009891 BC Ltd)” be read a first and second time.

CARRIED

48501
Bylaw 2920
Two Readings

MOVED by Director Wilks
SECONDED by Director Miller

THAT Bylaw No. 2920 cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 53, 2019 (Cranbrook West / 1009891 BC Ltd)” be read a first and second time.

CARRIED

BYLAWS (continued)

48502
Bylaws 2919 & 2920
Public Hearing

MOVED by Director Wilks
SECONDED by Director Clovechok

THAT a public hearing be held regarding Bylaw No. 2919 and Bylaw No. 2920 and the hearing be delegated to:

Director Rob Gay, Electoral Area C
Director Lee Pratt, City of Cranbrook
Director Wesly Graham, City of Cranbrook

CARRIED

The date for the public hearing for Bylaws No. 2919 & No. 2920 is 4:00 pm on May 28, 2019 in the RDEK Board Room.

48503
Bylaw 2921
Two Readings

MOVED by Director Doehle
SECONDED by Director Clovechok

THAT Bylaw No. 2921 cited as “Regional District of East Kootenay – Lake Kooacanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)” be read a first and second time.

CARRIED

48504
Bylaw 2922
Two Readings

MOVED by Director Doehle
SECONDED by Director McCormick

THAT Bylaw No. 2922 cited as “Regional District of East Kootenay – SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 6, 2019 (Sweetwater / KV Properties Inc.)” be read a first and second time.

CARRIED

48505
Bylaws 2921 & 2922
Public Hearing

MOVED by Director Doehle
SECONDED by Director Clovechok

THAT a public hearing be held regarding Bylaw No. 2921 and Bylaw No. 2922 and the hearing be delegated to:

Director Stan Doehle, Electoral Area B
Director Rob Gay, Electoral Area C

CARRIED

The date for the public hearing for Bylaws No. 2921 & No. 2922 is 7:00 pm on May 22, 2019 at the Baynes Lake Community Hall.

LATE ITEM

48506
UBCM Resolution
ALR Use Regulation

MOVED by Director Wilks
SECONDED by Director Walter

THAT the following resolution be submitted to the 2019 Union of BC Municipalities’ Annual Convention:

WHEREAS effective February 22, 2019 the Province of British Columbia amended the *Agricultural Land Commission Act* and created the *Agricultural Land Reserve Use Regulation* which implemented changes in relation to residences in the Agricultural Land Reserve;

AND WHEREAS the changes limiting the total floor area of a principal residence and restricting the construction of additional residences are detrimental to farming operations and make it difficult for farm operators to operate a sustainable business by impeding succession planning, housing for family, and farm workers thereby putting the food security of our region and province at risk;

LATE ITEM (continued)

48506 continued

NOW THEREFORE BE IT RESOLVED that the UBCM petition the Province of British Columbia to reinstate the previous provisions of the legislation which facilitated the construction of additional dwellings for farm help, manufactured homes for immediate family members, accommodation above an existing farm building, or a second single family dwelling.

CARRIED

ADJOURNMENT

48507
Adjourn to Closed

MOVED by Director Reinhardt
SECONDED by Director Clovechok

THAT the meeting adjourn to a Closed RDEK Board of Directors meeting to consider the following matters:

Notice on Title and Bylaw Enforcement – Section 90(1)(g) of the *Community Charter* – litigation or potential litigation affecting the RDEK.

CARRIED

The meeting adjourned to closed at 11:04 am.

CERTIFIED CORRECT

Chair Rob C. Gay

Shannon Moskal, Corporate Officer

Connie Thom

Subject: FW: delegation request

From: Rob Gay <director.gay@rdek.bc.ca>

Sent: May 7, 2019 11:07 AM

To: Shannon Moskal <smoskal@rdek.bc.ca>

Subject: delegation request

The Regional Board band Committee would like to present at the June 7 Board meeting.

Presentation will use power point.

Presenters will be Dave Lampron, CBBC and Rob Gay, Chair of RBB cttee

The Regional Broadband committee is comprised of members of Regional Districts of Central Kootenay, Kootenay Boundary, East Kootenay, Columbia Shuswap, Village of Valemount, and Ktunaxa Nation.

Our vision is 'Equitable, affordable high speed internet services throughout the region, ensuring rural economic development and sustainable, healthy communities'.

The topic of the presentation is to update Directors on the RBBC priority issues including funding opportunities

We are not asking directors for any decisions – our purpose is to create awareness and answer inquires.

Thanks

Rob C. Gay

Board Chair & Director Electoral Area C

Regional District of East Kootenay



Reference: Rural Dividend Program – Approval of Funding

March 22, 2019

Dear Stuart Horn,

On behalf of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), I am pleased to advise you that a grant of \$500,000 has been awarded from the Rural Dividend Program to Regional District of Central Kootenay for your project (Building Local Government Capacity for Rural Economic Development).

Please find attached the Grant Agreement for your project. Please review the Grant Agreement in full. If any changes need to be made, please contact the Program Office at 250-356-7950 or ruraldividend@gov.bc.ca.

The Province will be making public announcements about the successful projects in the near future. We require that you keep confidential the confirmation of your funding until it is announced publically by the Province.

Please note that FLNRORD Regional Economic Operations staff are available to provide support for the successful implementation of your project. The Regional Manager for your area is Gerri Brightwell and their contact information is 236.527.2021. Additionally, if you are completing a trail related project we ask that you engage with staff from the Recreation Sites and Trails BC (RSTBC) branch of FLNRORD. If you are not aware of the RSTBC staff for your region please contact the Program Office.

Please note that Grant funding provided by the Rural Dividend Program is project specific. Continued financial support for programs and/or staff positions created through this project should not be anticipated from the Program.

Direct Deposit will occur if you have previously received funding from the Province by direct deposit. Otherwise, the funding award will be administered by cheque.

We appreciate your application and wish you success in your efforts to strengthen your community's resiliency and economic viability. If you have any questions, please contact the Program Office at ruraldividend@gov.bc.ca or at 250-356-7950.

Congratulations, and I wish you every success with your project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Stagg".

Chris Stagg, Assistant Deputy Minister
Rural Development, Lands and Innovation Division
Ministry of Forests, Lands, Natural Resource Operations and Rural Development



Reference: Rural Dividend Program – Approval of Funding

March 22, 2019

Dear Ryan Watmough,

On behalf of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), I am pleased to advise you that a grant of \$281,869 has been awarded from the Rural Dividend Program to Regional District of East Kootenay for your project (Columbia Valley Community Economic Development – Phase 2).

Please find attached the Grant Agreement for your project. Please review the Grant Agreement in full. If any changes need to be made, please contact the Program Office at 250-356-7950 or ruraldividend@gov.bc.ca.

The Province will be making public announcements about the successful projects in the near future. We require that you keep confidential the confirmation of your funding until it is announced publicly by the Province.

Please note that FLNRORD Regional Economic Operations staff are available to provide support for the successful implementation of your project. The Regional Manager for your area is Gerri Brightwell and their contact information is 236.527.2021. Additionally, if you are completing a trail related project we ask that you engage with staff from the Recreation Sites and Trails BC (RSTBC) branch of FLNRORD. If you are not aware of the RSTBC staff for your region please contact the Program Office.

Please note that Grant funding provided by the Rural Dividend Program is project specific. Continued financial support for programs and/or staff positions created through this project should not be anticipated from the Program.

Direct Deposit will occur if you have previously received funding from the Province by direct deposit. Otherwise, the funding award will be administered by cheque.

We appreciate your application and wish you success in your efforts to strengthen your community's resiliency and economic viability. If you have any questions, please contact the Program Office at ruraldividend@gov.bc.ca or at 250-356-7950.

Congratulations, and I wish you every success with your project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Stagg".

Chris Stagg, Assistant Deputy Minister
Rural Development, Lands and Innovation Division
Ministry of Forests, Lands, Natural Resource Operations and Rural Development



May 7, 2019

Ref: 246050

Dear Local Governments:

As you are aware, housing availability and affordability are some of the biggest issues facing British Columbians today. That is why I am writing to let you know about exciting partnership opportunities that can be used to increase the supply of affordable housing in your community.

With the 30-point housing plan, the Government of British Columbia is making the largest investment in housing affordability in B.C.'s history—approximately \$7 billion over 10 years—through the **Building BC** funds. In the first year of this plan, we have already made significant investments in communities across British Columbia:

- **Building BC: Community Housing Fund (CHF)** will provide close to \$1.9 billion over 10 years to develop 14,350 units of mixed income, affordable rental housing for independent families and seniors. The new homes are designed to address the need for affordable housing across a range of income levels, in response to a housing crisis that has made housing unaffordable for even middle-class families. *Currently, more than 4,900 of these new homes have been approved in 42 communities. (See map: <https://www.bchousing.org/partner-services/Building-BC/community-housing-fund>)*
- **Building BC: Indigenous Housing Fund (IHF)** is a \$550 million investment over the next 10 years to build and operate 1,750 new social housing units for Indigenous families and seniors. *In Fall 2018, we announced 1,100 new affordable homes for indigenous peoples in 26 communities across B.C. (See news release for project list: <https://www.bchousing.org/news?newsId=1479152910395>)*
- **Building BC: Women's Transition Housing Fund (WTF)** is investing \$734 million over 10 years for 1,500 units of transition and second-stage housing to help women and children get out of violent and abusive situations and rebuild their lives. *More than 280 of these new spaces have been approved for 12 communities.*

.../2

- **Building BC: Supportive Housing Fund (SHF)**, an investment of \$1.2 billion over 10 years, will deliver 2,500 new homes with 24/7 support services for people who are experiencing homelessness or who are at risk of homelessness. This fund builds on the *Rapid Response to Homelessness initiative* (now fully subscribed) in which 2,000 homes with supports are currently being built in 22 communities across the province, with 1,285 units already opened.
- **Building BC: Capital Renewal Fund (CRF)** is a \$1.1 billion investment over the next 10 years to make existing B.C. social housing stock more livable, energy-efficient, and safer. This investment will make dramatic improvements to the existing social housing stock in the province and benefit thousands of British Columbians.

Many of these housing projects are underway, but I wanted to make sure you knew about upcoming opportunities to apply for future funding. BC Housing is interested in partnering with municipalities, non-profit housing providers, and community groups to create more innovative and sustainable housing solutions through the following:

- **Future RFP** - BC Housing will be issuing a second formal Request for Proposals for the *Community Housing Fund* and the *Indigenous Housing Fund* in 2020. We encourage groups interested in submitting proposals to start their planning early, to ensure their projects are ready when applications open. Interested organizations can visit bchousing.org/partner-services/funding-opportunities-for-housing-providers to learn more about these funding streams and their requirements.
- **Ongoing Opportunities** - BC Housing welcomes discussions with partners interested in developing new housing through the *Supportive Housing Fund* and/or the *Women's Transition Housing Fund*. Visit bchousing.org/partner-services/Building-BC to learn more or contact your local Director of Regional Development (contact list below).
- **Major Repairs for Existing Social Housing** - Funding is available for non-profit housing providers or housing co-operatives to support capital projects that maintain or benefit an existing social housing building's condition or improve the building's seismic or fire safety, as well as for projects focused on energy performance. Visit bchousing.org/partner-services/asset-management-redeveopment/capital-planning-repairs to learn more about eligibility criteria and how to apply, or speak with the local Regional Non-Profit Portfolio Manager.
- **The HousingHub** is a new division within BC Housing, and was established to seek innovative partnerships with local housing organizations, community land trusts, Indigenous groups, faith-based groups, charities, the development community, financial institutions and other industries to create affordable rental housing and homeownership options for middle-income British Columbians. As a centre for housing expertise and collaboration, affordable housing will be developed through the HousingHub either through new construction or through the redevelopment of existing sites. Partners bring suitable land, equity and/or the catalyst for development. The HousingHub can provide:
 - Expertise to provide advice on assisting the group in the planning and development process
 - Access to pre-development funding
 - Low-cost financing
 - Project coordination advice
 - A place for organizations to collaborate

Learn more: www.bchousing.org/partner-services/housinghub

There are many ways that municipalities can help to partner with BC Housing, such as providing city-owned land or waving Development Costs Charges, as a few examples. If you have an identified housing need in your community, we are hoping that you will help share some of these opportunities with interested community groups in your area. If you are interested in providing housing but are unsure of how to connect with a non-profit, BC Housing or the BC Non-Profit Housing Association can help you identify housing non-profits that operate in your region.

While BC Housing will be promoting these opportunities, we are hoping that you will also reach out to encourage key stakeholders in your community to apply. We have included a *Building BC* factsheet to help you promote these opportunities.

Please have interested key stakeholders in your community contact their local Director of Regional Development for more information:

Region	Director of Regional Development	Email
Interior Region	Danna Locke	dlocke@bchousing.org
Northern Region	Amy Wong	awong@bchousing.org
Vancouver Coastal & Fraser Region	Naomi Brunemeyer	nbrunemeyer@bchousing.org
	James Forsyth	jforsyth@bchousing.org
Vancouver Island	Malcolm McNaughton	mmcnaughton@bchousing.org
HousingHub	Raymond Kwong	rkwong@bchousing.org

Thank you in advance for your support in helping to bring more affordable housing to your community.

Sincerely,



Selina Robinson
Minister

Enclosure

Partnering with BC Housing to Build Affordable Housing

BC Housing welcomes the opportunity to work with individuals and organizations to create affordable housing solutions. We work in partnership with non-profit sectors and private sectors, community and Indigenous groups, provincial health authorities, ministries and other levels of government. As a partner, we build and facilitate community and business partnerships to find innovative solutions to housing.

Building BC Funds



Affordable Rental & Homeownership Program



▶▶▶ **How to apply**

Visit us online to learn more about how to partner with BC Housing.

▶▶▶ **Funding Opportunities for Housing partners**

Website: bchousing.org/partner-services/funding-opportunities-for-housing-providers

Provincial Director, HousingHub
Raymond Kwong: rkwong@bchousing.org

Vancouver Coastal & Fraser Regional Directors
Naomi Brunemeyer: nbrunemeyer@bchousing.org
James Forsyth: jforsyth@bchousing.org

Interior Regional Director
Danna Locke: dlocke@bchousing.org

Northern Regional Directors
Amy Wong: awong@bchousing.org




Vancouver Island Regional Director
Malcolm McNaughton:
mmcnaughton@bchousing.org

Building BC Funds

Supportive Housing Fund

\$1.2 billion

An investment of **\$1.2 billion over 10 years to deliver 2,500 new homes** with 24/7 support services for people who are experiencing homelessness or who are at risk of homelessness.




-  Adults over 19 who are homeless or at risk of homelessness.
-  Affordable rental housing with onsite support services.
-  Non-profit housing providers that are interested in providing property management and support services.

Ongoing opportunities

Community Housing Fund

\$1.9 billion

This investment will provide close to **\$1.9 billion over 10 years to develop 14,350 units** of mixed income, affordable rental housing for independent families and seniors.




-  Families and seniors capable of living independently, without on-site support.
-  Affordable rental housing that includes: 30% affordable housing (moderate income), 50% rent geared to income (housing income limit), and 20% deep subsidy.
-  Non-profit housing providers or for-profit firms that partner with non-profit societies who are interested in developing and operating new rental units.

Future Proposal Call

Women's Transition Housing Fund

\$734 million

The Province is investing **\$734 million over the next 10 years to build and operate 1,500 new units** to support women and children at risk of violence.




-  Women and their children who are at risk of violence and/or who have experienced violence.
-  There are four typical models: safe home, transition house, second stage housing, and permanent housing.
-  Non-profit service providers who are interested in developing and operating new rental housing.

Ongoing opportunities

Indigenous Housing Fund

\$550 million

The Province is investing **\$550 million over the next 10 years to build and operate 1,750 new social housing units** for indigenous families and seniors.

-  Indigenous families, seniors, individuals, and persons with a disability.
-  Affordable rental housing.
-  Indigenous non-profit housing providers, First Nations, Metis Nation BC, non-profits, and developers who want to partner with Indigenous organizations and First Nations.

Future Proposal Call



How to apply

Visit us online to learn more about how to partner with BC Housing.

Building BC Funds

Website: bchousing.org/partner-services/Building-BC
Email: Mike Lachocki at purchasing@bchousing.org

Building New Affordable Housing in BC

The *HousingHub* was developed to increase the supply of affordable housing for British Columbians, and is one of several new provincial initiatives introduced in **Homes for BC: A 30-Point Plan for Housing Affordability** in British Columbia.

The *HousingHub* is a division within BC Housing, and was established to seek innovative partnerships with local housing organizations, community land trusts, Indigenous groups, faith-based groups, charities, the development community, financial institutions and other industries to create affordable rental housing and homeownership options for middle-income British Columbians.

As a centre for housing expertise and collaboration, the *HousingHub* develops affordable housing through new construction, or through the redevelopment of existing sites.

Increasing the Housing Supply

The *HousingHub* seeks partnerships with levels of government to:

- Increase the supply of affordable rental housing
- Improve the ability of renters to move into homeownership, thus freeing up rental stock



HOUSING HUB

BUILDING PARTNERSHIPS. BUILDING HOMES.



Middle income British Columbians, households with **average incomes between \$70,000-\$150,000**, depending on the community.



Affordable rental housing at or below market rate, affordable homeownership.



Non-profits and private developers, faith groups, property owners, federal and local governments, and Indigenous partners.

BuildingBC

Homes for Today. Hope for Tomorrow.



▶▶▶ Visit website:
bchousing.org/partner-services/housinghub
 to learn more

▶▶▶ Phone: 604-439-4757
 Provincial Director, HousingHub
 Raymond Kwong: rkwong@bchousing.org



CITY OF BURNABY
OFFICE OF THE MAYOR
MIKE HURLEY
MAYOR

2019 May 02

Dear Chair and Directors:

Subject: Expanding Investment Opportunities
(Item No. 6(J), Reports, Council 2019 April 29)

Burnaby City Council, at the Open Council meeting held on 2019 April 29, received the above noted report and adopted the following recommendations, **AS AMENDED**:

1. THAT Council provide support for changes to the Community Charter to allow for expanded asset class investments under prudent investor rules.
2. THAT Council request support from other municipalities and regional districts for the requested changes to the Community Charter.
3. THAT Council submit a resolution, as outlined in Section 4.1 of this report, to the Union of British Columbia Municipalities, as outlined in this report.

In accordance with Recommendation No. 2, a copy of the report, containing text of the resolution, is *enclosed* for your information.

Burnaby City Council appreciates your support on this matter.

Yours truly,

A handwritten signature in black ink that reads "M Hurley".

Mike Hurley
MAYOR

FINANCIAL MANAGEMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: EXPANDING INVESTMENT OPPORTUNITIES

RECOMMENDATIONS:

1. THAT Council provide support for changes to the Community Charter to allow for expanded asset class investments under prudent investor rules.
2. THAT Council request support from other municipalities for the requested changes to the Community Charter.
3. THAT Council submit a resolution, as outlined in Section 4.1 of this report, to the Union of British Columbia Municipalities, as outlined in this report.

REPORT

The Financial Management Committee, at its meeting held on 2019 April 24, received and adopted the attached report requesting Council to support changes to the Community Charter to allow for prudent investor rules, thus expanding investment parameters and opportunities.

Respectfully submitted,

Mayor M. Hurley
Chair

Councillor S. Dhaliwal
Vice Chair

Copied to:	City Manager Director Finance
------------	----------------------------------

TO: CHAIR AND MEMBERS
FINANCIAL MANAGEMENT COMMITTEE

DATE: 2019 April 17

FROM: DIRECTOR FINANCE

FILE: 7500-01

SUBJECT: EXPANDING INVESTMENT OPPORTUNITIES

PURPOSE: To request Council to support changes to the Community Charter to allow for prudent investor rules, thus expanding investment parameters and opportunities.

RECOMMENDATIONS:

1. **THAT** the Committee recommend Council provide support for changes to the Community Charter to allow for expanded asset class investments under prudent investor rules.
2. **THAT** the Committee recommend Council request support from other municipalities for the requested changes to the Community Charter.
3. **THAT** the Committee recommend Council submit a resolution, as outlined in Section 4.1 of this report, to the Union of British Columbia Municipalities as outlined in this report.

REPORT

1.0 INTRODUCTION

Financial investments form a critical part of the activities of a municipality, providing a source of revenues for capital expenditures and to offset cash flow fluctuations. The allowable investment parameters as laid out in the Community Charter is considered a “prescribed” or a “closed” set of legislated guidelines designed to protect municipalities from taking unnecessary or undue risks. The concept being that the current regulations provide for a list of instruments that can be placed in the portfolio, instruments that are considered the most creditworthy and least risky, such as provincial debt obligations and investments in financial institutions in Canada. What occurs in a market such as Canada, which represents less than 3% of the global economy, is an over concentration of holdings and limited investment diversification due to the regulation limitations.

The parameters set and limitations for investment powers and opportunities has not changed for decades in British Columbia. The purpose of the proposed changes to Section 183 of the Community Charter is to provide municipalities with the ability to obtain improved returns

through asset class diversification, which in return can reduce tax implications and funding costs associated with capital funding; while also reducing investment risks. Analysis and discussion for structured governance will be critical to determine the scope of change and authority granted through legislated changes. However, the purpose of this report is to start the conversation with the Province.

2.0 POLICY SECTION

Goal

- A Connected Community
 - Partnership –
Work collaboratively with businesses, educational institutions, associations, other communities and governments
- A Dynamic Community
 - Economic opportunity –
Foster an environment that attracts new and supports existing jobs, businesses and industries
 - Community development –
Manage change by balancing economic development with environmental protection and maintaining a sense of belonging
- A Thriving Organization
 - Financial viability –
Maintain a financially sustainable City for the provision, renewal and enhancement of City services, facilities and assets

3.0 MUNICIPAL INVESTMENTS

3.1 Investment Funds

Part 6, Division 3, Section 183 of the Community Charter provides investment guidelines to British Columbia municipalities. These legislated guidelines state that municipalities may invest or reinvest money that is not immediately required for expenditures as follows:

183 Money held by a municipality that is not immediately required may only be invested or reinvested in one or more of the following:

- (a) securities of the Municipal Finance Authority;
- (b) pooled investment funds under section 16 of the *Municipal Finance Authority Act*;
- (c) securities of Canada or of a province;

- (d) securities guaranteed for principal and interest by Canada or by a province;
- (e) securities of a municipality, regional district or greater board;
- (f) investments guaranteed by a chartered bank;
- (g) deposits in a savings institution, or non-equity or membership shares of a credit union;
- (h) other investments specifically authorized under this or another Act.

The British Columbia provincial government is responsible for the laws and framework that provide governance across the province. The *Municipal Act* has provided this guidance since the 1880's. In 1991, UBCM proposed the idea for the creation of a Bill of Rights for municipalities for the purpose of providing broader powers and greater freedoms for BC municipalities. The *Local Government Act* was then created and received Parliamentary approval in 1996. Finally, with Royal Assent in August 2001 of the *Community Charter Council Act*, a Community Charter Council was created for the purpose of developing the *Community Charter*.

BC municipalities have managed investment portfolios under these guidelines as a matter of fiduciary responsibility and with due diligence. Internal investment guidelines support each municipality's investment activities within the constraints of the *Community Charter*. While protectionist in nature, the regulations actually place inadvertent restrictions on the ability to generate higher rates of return and increased revenues, as well as limiting asset class diversification which is paramount to financial sustainability and risk diversification. Currently, BC municipalities can invest in two of the four main asset classes - money market (including cash equivalents) and fixed income (bonds). The other two asset classes include equities and real estate (or other tangible assets). This limitation in turn affects the portfolio real rate of return once inflation is considered and it affects annual taxation rates and other capital costs for a municipality.

3.2 Prudent Investor Rules

The prudent investor rule (aka prudent investor standard) requires the investment manager of an organization to conduct investment activities with care, skill and due-diligence for that which a prudent person would do when managing their own investments, such as property, cash or securities. Such a person would therefore deploy investments through a diversification strategy that can potentially reduce risks while enhancing returns.

A prudent investor would therefore have flexibility and seek opportunities based on market and economic cycles, as well as utilize diversification opportunities both in and outside of Canada. For a municipality, benefits from increased returns can reduce taxation requirements and fees. Without a change to provincial legislation, BC municipalities will continue to invest in

prescribed investment products which under varying market conditions, like the historical low interest rates experienced over the last 10 years that has in turn translated into the lowest yields and lower income.

3.3 Prudent Investor Rules – Other Jurisdictions

Various municipalities and pensions maintain prudent investor rules such as the cities of Ottawa, Edmonton, Calgary, Medicine Hat and more recently the City of Toronto. In 2000, the Canada Pension Plan began investing in equities and other investment products (real estate, commodities and futures) with the main goal of seeking higher returns and to stabilize the Canada Pension Plan (CPP) program for future generations. This change meant a more diversified and global deployment of funds for capital appreciation, taking advantage of a much larger global market than just Canadian content.

When the Province of Ontario decided to make changes to the municipal legislation, it was for the purpose of providing municipalities more flexibility. Thus, allowing local governments more freedom to invest available funds in a larger pool of diversified investment products. Providing the added flexibility and freedom could potentially deliver higher returns while lowering or removing systemic risks, reinvestment risks and interest rate risks. The Ontario government put in place specific requirements that a local government must meet to permanently opt into the prudent investor program. The logic was to ensure appropriate governance and structure was in place with separate guidance from an independent board for the expanded portfolio.

The City of Toronto is currently preparing to place their initial investments into equities now that the legislated requirements for prudent standards have been met. The City of Ottawa however has been investing endowment funds of over \$200 million since 2007. Ottawa conducted an RFP and hired two fund managers to manage the investments of the endowment. Applying prudent investment standards to the endowment funds has allowed the City of Ottawa to generate much higher yields over the last decade when compared to the funds invested based on the prescribed legislation. Also, the City of Ottawa is watching Toronto’s activities closely and will contemplate the opt-in decision for the remaining portfolio funds as they have first-hand knowledge of the large differential in returns between their funds.

The City of Edmonton began investing in equities in 1995 with the creation of an endowment fund. A May 2014 staff white paper identified that through the use of asset class diversification, the endowment fund has contributed well over \$700 million to the City of Edmonton’s operating budget and the fund has grown from \$445 million to \$710 million. Staff reports indicate that the change to investment structure has allowed the city to achieve cost efficiencies and to better align the portfolios with specific risk profile needs and objectivity. This in turn allows for the creation of new asset class investing, such as global infrastructure and emerging market equities, while achieving the goals of increasing overall returns and long term financial sustainability.

Another report highlighted that Edmonton home owners have saved over 7% for the period 2005 – 2014 on property taxes paid. Not only have the funds increased returns resulted in a reduction of the tax burden on citizens, but has and will continue to the support the city’s financial position

and sustainability. The investment diversification through prudent investor rules has meant an expanded revenue base for operating and capital budgets.

3.4 Prudent Investor Rules – Capacity and Knowledge

While providing expanded investment options to municipalities through legislation can achieve many benefits, consideration must be made regarding municipal capacity and expertise. Any change in legislation will require municipal input in determining the governance structure that will work best for the province and each municipality. With examples from Ontario and Alberta now in place, this presents a tremendous opportunity to learn from the legislative process and experiences and to understand the need for improvements and the request to change.

Because of the vast range of assignments and work conducted in municipal treasury, the current staff compliments most likely will not have the expertise to branch out into a larger array of investment asset class products. Indeed, smaller municipalities have very few staff that manage varying professional disciplines such as budgets, banking, trades payable, accounting and investments. There are however significant differences amongst the municipalities in the lower mainland and across the province when it comes to portfolio management expertise and knowledge. So governance must consider inclusion for all without creating additional costs and risks.

Such risks can be mitigated through pooling investments or contracts with qualified funds managers through the set-up of simplified but effective reporting standards and clear guidelines. Under prudent investment standards the need for monitoring the decisions made, portfolio performance, policy and governance principles becomes even greater. Setting the criteria by thoughtful consideration will ensure a more comprehensive and general acceptance and adaptation by municipalities. The goal is not to make prudent investing an impossible challenge, but to ensure there is significant and meaningful impact when prudent investment standards are followed.

4.0 REQUIRED CHANGE IN LEGISLATION

The City of Burnaby has maintained a concentrated and focused effort on the investment portfolio for over three decades. This attention has provided for consistently improved yields and income generation. While the City of Burnaby has outperformed market benchmarks and municipal peers, there are still missed opportunities due to investment restrictions based on the current legislation.

While protectionist in nature, a “prescribed” or “closed” set of guidelines can introduce unintended risks by being extremely limited, thus introducing systemic and interest rate risks to a municipal portfolio. This can increase in magnitude for a large portfolio that seeks additional product and yield within the limited reach and size of the Canadian fixed income market. The *Community Charter* provides clarity but does not empower a municipality to obtain greater investment variation and seek to reduce risk further through asset diversification and allocation.

It is therefore proposed that by providing prudent investor standards within the *Community Charter* or other provincial legislation, risk versus reward through asset class diversification can culminate into various funding and cash flow opportunities as returns increase. If the City of Burnaby moved 30% of current holdings to other asset classes for example (Edmonton has 60% of the endowment fund in equities), with only a 2.5% increase in yield on that portion of the portfolio, the annual additional revenue would be \$12.75 million per year.

The evidence is very clear from municipal examples to pension plans and historical analysis that asset mix is a critical determinant of long term investment fund stability, yield and income. Maintaining a set of guidelines that limits municipal investing to a restricted list of products within limited asset classes will result in what is occurring in many municipal portfolios today – yields that range from 1.50% - 3.00% with significantly reduced income. The current standards limit municipal investments to the Canadian market only and to the fixed income asset class which is based on Canadian interest rates only.

The size and utilization of the City’s investment reserves, without debt payment obligations other than internally through annual depreciation, means we are well positioned for the longer term investment time horizon that is needed under other asset classes such as equities and real estate. Providing proficient and transparent oversight to the investment portfolio ensures the City of Burnaby is acting in the best interest of citizens. This also means identifying that as investment markets and economies have changed over the years, opportunities have been missed. The best starting point is to begin the conversation about making changes to the current investment legislation in British Columbia.

And while those opposed to change may suggest that introducing the prudent investor rules will bring with it needless risks, one must consider that risk is defined in many ways, including the long term financial sustainability of municipalities and the tax burden placed on residents. Risk diversification also means fund managers and fund management, not just guarantors and asset class diversification. Risk management means a governance structure that takes into consideration the varying investment strategies that can be deployed and empowering municipalities to diversify and grow for future generations of citizens. For these reasons, updating legislation to include prudent investment rules is practical and warranted.

4.1 Resolution: Expanded Asset Class Investments Under Prudent Investor Rules

Given the discussion above, and recognizing that the ability to properly manage and grow assets is an important role of local government, the following resolution has been prepared for the Committee and Council’s consideration.

WHEREAS financial investments form a critical part of the activities of a municipality, providing a source of revenues for capital expenditures and to offset cash flow fluctuations;

AND WHEREAS allowable investment parameters as laid out in the *Community Charter* is considered a “prescribed” set of legislated guidelines.

AND WHEREAS the Provinces of Alberta and Ontario have implemented a wider scope for local government investment, which responds to the needs of local governments of all sizes:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the Ministry of Finance to amend the *Community Charter* to provide municipalities with the ability to obtain improved returns through asset class diversification, which in return can reduce tax implications and funding costs associated with capital funding, while also reducing investment risk.

5.0 RECOMMENDATIONS

It is recommended that the Committee recommend Council provide support for changes to the Community Charter to allow for expanded asset class investments under prudent investor rules. It is also recommended that the Committee recommend Council request support from other municipalities for the requested changes to the Community Charter and that a resolution, as outlined in Section 4.1 of this report, be submitted to the Union of British Columbia Municipalities on this matter.



Noreen Kassam, CPA, CGA
DIRECTOR FINANCE

NK:DS /ml

Copied to: City Manager

April 11, 2019

Regional District of East Kootenay
19 24th Avenue South
Cranbrook, BC V1C 3H8

REIVED

MAY 16 2019

District of
Kootenay

ATTN: RDEK Elected and Municipal Board of Directors

RE: Acting on radon in the Columbia Basin

Dear Directors,

We are a group of individuals and organizations taking action on radon in the Columbia Basin.

Radon is a naturally-occurring radioactive gas that can accumulate unnoticed in our homes when uranium-rich rocks under buildings decays; it is second leading cause of lung cancer in Canada.

High indoor radon levels are a serious public health issue throughout the Columbia Basin:

- **Wildsight Invermere's 'Columbia Valley Radon Action & Awareness Program' found 1 in 3 residential properties they tested in the Columbia Valley had dangerous levels of radon; some homes had levels greater than five times what Health Canada says is acceptable. More than 60% of homes tested exceeded World Health Organization standards.**
- **Little Bear Engineering of Revelstoke has found 1/3 of the homes tested exceed Canadian guidelines and some properties are over the standard by more than 20 times. In a Global News report from January of this year, Revelstoke Mayor, Gary Sulz, reported having radon levels in his home that were 22 times over the standard.**
- **Dana Schmidt of the Donna Schmidt Lung Cancer Prevention Society has been collecting radon data from the East and West Kootenay area for almost a decade now. Some samples returned have radon values "so high the detectors couldn't get an accurate reading, they're the kinds of values associated with working in uranium mines."**

The good news: indoor radon is not difficult to mitigate. To manage risk effectively, residents need to know how much radon is in their home—radon levels can be drastically different from one neighbouring dwelling to the next—and they must also have access to remediation options.

We would like to see long-term radon tests readily available throughout the Columbia Basin, at little or no cost to residents, as well as grants, rebates or tax incentives established to ease the cost of mitigation services and/or supplies, especially for those who could otherwise not afford the necessary measures.

Thank you for your consideration. We look forward to learning how the RDEK plans to act on radon for the health of East Kootenay residents.

Warm Regards,

Mandi McRobbie
Wildsight Invermere
Box 2741, Invermere BC, V0A 1K0

Dana Schmidt
Donna Schmidt Lung Cancer Prevention Society
235 Fairview Dr., Castlegar BC, V1N 3S8

Chantal Wilson, P.Eng
Little Bear Engineering
1087 Nichol Rd., Revelstoke BC, V0E 2S1

Nate Sereda
C-NRPP Radon Professional at Energy Advise
9460 Westside Rd., Invermere BC, V0A 1K5

COLUMBIA River Treaty



To: Regional Districts, Boards of Directors
Valemount Town Council

Date: May 13, 2019

From: Linda Worley, Chair
Columbia River Treaty Local Governments Committee

Subject: Update on Committee Activities

Over the last month the Committee has been very busy with updating and revising our 2013 recommendations and holding education activities for Basin residents.

Current

- **Updating our recommendations** – On April 29 representatives from the office of the BC Water Rights Comptroller and BC Hydro provided the Committee a telecon briefing on the Water Use Plan process and upcoming Reviews to prepare the Committee to consider recommendations to government regarding these plans. We have now begun to consider specific revisions to our recommendations to government. Once our revisions are drafted we will invite feedback from all Basin elected officials, First Nations and members of the Columbia Basin Regional Advisory Committee members (CBRAC – see more information below). This task will continue to be our priority during June-July.
- **Negotiations** – The Committee received an update from the Negotiating Team after the 6th negotiating session held on April 10-11, in Victoria B.C. During negotiations, the teams continued working to find common ground on flood risk management and hydro power coordination. The negotiating teams decided to conduct intersessional technical work on flood risk management and hydro power to support the progress of negotiations. Canada delivered a detailed presentation on other benefits to the U.S. that are not considered in the current Treaty, such as navigation, recreation, irrigation and fisheries. It is important to Canada and B.C. that these other benefits are included in a modernized Treaty. Canada also presented on the topic of adaptive management, a process to ensure the Treaty has the ability to adapt to changing societal and indigenous values, new science and technology, and climate change.

On April 27 the federal government announced that the three regional Indigenous Nations – Ktunaxa, Secwepmec and Sylix – will participate as observers in the CRT negotiations. The Committee congratulates Indigenous Nations on gaining observer status as a further step in their nation-to-nation relationship with the Canadian government.

The next round of negotiations will take place in Washington D.C. on June 19-20, 2019.

- **Education activities** – At the AKBLG AGM, Stan Doehle, Vice Chair and I provided background information about the Committee and our priorities during the dam tours. Thank you to those who told us this was very helpful information. Committee members also hosted a booth at the trade show. On May 8 and 9 four Committee members attend the Regulated Rivers II conference in Nelson where we hosted an information table during the poster



session. The conference participants were very keen to know more about Committee activities to ensure the voices of Basin residents are heard during Treaty negotiations. We are now preparing for a presentation at the [One River-Ethics Matters](#) conference in Castlegar on May 30 and 31.

- **Committee continuity** – Stan Doehle, our Executive Director and I met with the AKBLG Executive before the AGM to clarify questions about the AKBLG appointment and budgeting for AKBLG related costs.

Ongoing

- **Columbia Basin Regional Advisory Committee (CBRAC)** – The April 15 and 16 CBRAC meeting in Invermere provided the Province with ideas about how to ‘acknowledge the losses’ from the Treaty dams, compensation/mitigation ideas for sub-regional areas of the Basin and priorities for the Committee.

CBRAC terms of reference, membership and meeting summaries as well as presentations and reports discussed at these meetings are available on the [CBRAC webpage](#).

Upcoming

- 2019-20 funding agreements to be completed with CBT and the BC CRT Team. (May)
- Update the LGC recommendations, invite input from local governments and meet with Minister Conroy. (July)
- Follow-up with the province on actions requested by community members at the 2018 CRT community meetings and ideas provided at the April CBRAC meeting. (May-ongoing)

I encourage you to stay informed about CRT negotiations by visiting the [CRT engagement website](#) and signing up for the CRT e-letter. This site will be the source of accurate, updated information as negotiations progress.

Committee Members

RDCK – Aimee Watson, Regional Director/RDCK Chair, Ramona Faust, Regional Director

RDKB - Linda Worley, Regional Director (LGC Chair) and Mayor Diane Langman, Village of Warfield

RDEK - Stan Doehle, Regional Director (LGC Vice Chair) and Jane Walter, Regional Director

CSRD – David Brooks-Hill, Regional Director and Mayor Ron Oszust, Town of Golden

Village of Valemount – Donnie MacLean, Councilor

AKBLG – Ange Qualizza, Mayor of Fernie

Financial Report- 2019 4-H Open Show

Shj 065 001

April 13-14, 2019**Expenses**

Rent	300.00
Meeting Room Rental/Camping	35.00
Printing	91.52
Kootenay Signs	250.99
Anywhere Garment-T shirts	1953.00
H2H Bucket Covers	287.84
BC 4-H Prizes	197.00
Prizes	2873.58
Headlamps	747.61*
Food	1227.08
Misc	34.63
Buckets	428.00
Photographer	300.00
Buckles	441.00*
Total	9167.25

Income

2018 Open Show	\$250.00	
Kemlee Equipment	2500.00	
TECK Coal	750.00	*donated the headlamps 747.61
South Country Cowboys Assoc	441.00	*donated buckles \$441.00
RDEK	3550.00	
Registration	<u>1800.00</u>	
Total	\$9041.00	

Total Expenses	\$9167.25
Total Income	<u>9041.00</u>
Balance	-\$ 126.25

**Thank you for your support!**

*4-H BC - Inspiring
Leaders and Strengthening
Communities - Since 1914*

www.bc4h.bc.ca

In Kind Donations

S Press 200 hrs x \$20.00=	\$4000.00
Mileage 2000 km x .50=	1000.00
H Serafini 50 hrs x \$20.00	1000.00
T Molle 10 hrs x \$20.00	200.00
T Blumhagen 10 hrs x \$20.00	200.00
Mileage 480 kms x .50	240.00
K Press 50 hrs x \$20.00	1000.00
Travel 500 kms x .50	250.00
Fernie Home Hardware	200.00
Dr. Ma/Dr Case 16 x \$20	360.00 (Doctors from Fernie)
Travel 480 kms	240.00

Plus we had the help of 4-H Alumni members and parents, leaders and volunteers that came out. Sarann's in-kind hours are low because she spent so much time on making this event happen and be such a success. Her passion to teach the youth and their parents about agriculture showed in the success of the show.

This was an amazing event that was well attended. We registered 90 people that included youth as well as adults that participated. It was a great weekend of learning hands on skills. Sunday was spent learning aspects of dealing with different animals and ultimately showing them in the show ring. There was so much learning going on from all levels. Everyone learned about tractor safety, knot tying, suturing, injections for animals and proper placement of injection sites, wrapping horse's legs and tubing a bloated beef animal. All of the stations required props needing to be created so everyone understood the procedures.

We really appreciate the support from the Regional District of the East Kootenay and Areas A, B, C, E, F, and G. Without your assistance we would not have been able to have such a successful event. We impacted people from Parsons, to Grasmere, to the Elk Valley, to the Cranbrook area as well as members from Creston, this included all areas in between as well. Every youth that was there went home with a prize, even the younger ones all got something. So, thank you very much for all of your assistance.

Cranbrook and District 4-H Council

Heather Serafini
Treasurer
250-887-3456
bhsera56@gmail.com



Thank you for your support!

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www.bc4h.bc.ca



Diane Tammen

Community Relations Manager
 East Kootenay
 Phone: 250 489-6862
 E-mail: diane.tammen@bchydro.com

May 29, 2019

Chair Rob Gay, Director Mike Sosnowski and CAO Shawn Tomlin
 Regional District of East Kootenay
 19 - 24th Avenue South
 Cranbrook, B.C., V1C 3H8

Dear Chair Gay, Director Sosnowski and Mr. Tomlin:

Subject: Natal and Morrissey Ridge telecommunication project

I am writing to let you know about a capital project that will soon begin at Natal Substation in Sparwood and nearby mountaintop sites.

BC Hydro is upgrading equipment at Natal, Morrissey Ridge and a mountaintop site northwest of Sparwood to meet Western Electricity Coordinating Council class requirements. The \$6.3 million project will improve BC Hydro's communications reliability by addressing deficiencies in the telecommunication equipment.

Construction at Natal Substation

At Natal, the project includes upgrading equipment inside the substation's control room and constructing a new 12-metre-high microwave tower within the footprint of the existing substation. The tower will be roughly the same height as the tallest equipment that is currently inside the substation.

Construction will begin in early June and continue throughout the summer. The project is expected to be in service by the end of August, and crews will demobilize from the substation in early September.

Safety is BC Hydro's number-one priority and BC Hydro will manage construction and site activities in order to minimize the impact to area residents and the environment. Crews will work on a daily schedule from 7 a.m. to 5 p.m. and construction will abide by the District of Sparwood's noise bylaw. We will work to avoid, minimize or otherwise mitigate environmental impacts.

Heavy equipment including excavators, cement trucks, crane and dump trucks will be present on Michel Creek Road during the construction period and we ask the community to please be aware of increased traffic. Heavy vehicles will access the substation along Michel Creek Road from the east, off Highway 3, to avoid traffic passing through residential areas.

Mountaintop location near Sparwood

The project also includes work at a remote mountaintop site about seven kilometres northwest of Sparwood. See the image on the second page of this letter for the approximate location. BC Hydro has purchased a passive reflector site from Telus and we will be upgrading the reflector to meet our requirements. Construction at the passive reflector site will be completed within a one-week work period and it will take place in August at a time dependent on weather and environmental requirements. There is no access road and crews will reach the site via helicopter.

Morrissey Ridge microwave station

The telecommunications project will also include upgrades at BC Hydro's Morrissey Ridge substation south of Fernie. An existing microwave tower at Morrissey Ridge will be increased in height from 12 metres to 14

metres and we'll add fencing around the tower. Construction will take place between the end of July and the middle of August. Crews and equipment will access the station along the ridge access road and posted signage will notify recreational users that they should be aware of increased traffic. Access to hiking and biking trails and the paragliding launch on Morrissey Ridge will remain available throughout this period. To protect public and worker safety, we ask recreational users to avoid the BC Hydro station at the end of the Morrissey Ridge access road.

Upcoming project at Natal Substation

A second project at Natal Substation is in the design stage. The Natal Switchyard Project will rebuild the switchyard at the substation to replace end-of-life equipment and improve voltage connections in the station. We are currently identifying design options for the project. You can expect to hear more from us as this project advances.

BC Hydro would like to thank the regional district, area residents and business owners for their patience and understanding while we make needed improvements at the Natal Substation and nearby mountaintop sites. Media advertising in June will provide the public with details about the project. In the meantime, please share this letter with anyone who may be interested.

My colleague Sally MacDonald, Public Affairs Officer, will be leading stakeholder engagement on this project. If you have any questions, please contact her at sally.macdonald@bchydro.com, or 250 489-6841.

Yours truly,



Diane Tammen

Cc: District of Sparwood Mayor David Wilks, Council, and CAO Michele Schalekamp

Cc: City of Fernie Mayor Ange Qualizza, Council and CAO Norm McInnis

Cc: Tom Shypitka, MLA Kootenay East





qathet
REGIONAL DISTRICT

#202 - 4675 Marine Avenue, Powell River, BC V8A 2L2
Telephone: 604-485-2260 Fax: 604-485-2216
Email: administration@qathet.ca
Website: www.qathet.ca

April 29, 2019

Bhk 802 001

The Honourable George Heyman
Minister of the Environment and Climate Change Strategy
Room 112 Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister:

BC is known across Canada and North America as a leader in Extended Producer Responsibility (EPR).

Most recently, in 2014, the BC Recycling Regulation was expanded to include Packaging and Paper Products (PPP) which changed the landscape of recycling in BC and has resulted in improved recycling for the residential sector.

However, there is a gap in service and the qathet Regional District is writing to ask that the Ministry of Environment and Climate Change Strategy (MOECCS) expand the scope of the Recycling Regulation for PPP to include the Industrial Commercial and Institutional (ICI) sector.

In 2014, many British Columbia local governments signed on to the Multi Materials BC (now Recycle BC) program. The program is only responsible for residential PPP, leaving the ICI sector, including schools, hospitals and entertainment events, dependent on the private sector or local governments for access to recycling and does not hold the producers of the ICI PPP accountable to fund the costs for recycling.

With recent changes in the global commodity market, as a result of the Chinese National Sword, local governments and the private sector are facing challenges that include reduced access or lack of access to recycling for the ICI sector.

Without being included in the Recycling Regulation, ICI recyclables such as cardboard, paper, metal, plastic and glass containers run a huge risk of being landfilled.

Additionally, Regional Districts, through their Solid Waste Management Plans, are required to set waste diversion targets which rely on restricting recyclable material from the garbage from both the residential and ICI sectors. This shortfall in ICI recycling services will delay local government's ability to meet diversion targets and implement key initiatives such as landfill bans. As well, in many cases the current PPP EPR programs have local government taxpayers

subsidizing the ICI sector. The qRD's Solid Waste Management Plan, approved by the MOECCS in 2018, outlines a Zero Waste Strategy for our region. This strategy outlines waste diversion targets, including increasing ICI recycling. Working with ICI to increase recycling is scheduled to start in 2019 and is supported by the qRD waste Bylaw 532 which restricts recyclable material from the garbage.

Being an isolated community (only accessible by ferry or plane), the only ICI materials accepted for free by the one private local recycler, Sunshine Disposal and Recycling, was paper, cardboard and #2 plastics. In response to small businesses expressing frustration by the lack of recycling options available to them in 2016, the qRD worked with Recycle BC and Green By Nature to conduct a 3 month audit at our central recycling depot to determine the percentage of ICI materials being collected. With the percentage of ICI materials weighing in at 8%, the qRD allowed small businesses to bring limited amounts of PPP materials to our central recycling depot at a cost to the qRD of \$266 per tonne. The tipping fee for municipal solid waste is currently at \$225 per tonne.

With commodity market prices in freefall, Sunshine Disposal is currently losing money requiring them to implement a tipping fee to clients for cardboard and paper. Sunshine Disposal advised that they anticipate 80% of their customers will opt out of this paid service, which, including bin rental, will be a similar fee to garbage. The qRD can only accept a small amount of ICI at our central depot, otherwise we will be over 8%, which will be cost prohibitive.

The qRD and the rest of the province need a solution to avoid valuable resources like cardboard ending up in the landfill.

We are not coming to you in exasperation expecting the province to give us the answer. No, quite the opposite, we want to be a part of the solution and have developed some options for you to consider which would require cooperation and collaboration with the province to make any of them a reality.

Immediate:

- Expand the Recycling Regulation to include PPP from the ICI sector

The Ministry may recall that back in 2014 our Regional District met with the then Minister and Ministerial staff during the annual UBCM Convention. Our meeting included a 'show and tell'. We demonstrated that the products taken from retail shelves by consumers were produced by the very same manufacturers who distribute their products to the various wholesalers, major sporting and entertainment events, restaurants, coffee shops, hotels, schools, universities, hospitals and the like. The irony of it all is that their shipping and consumer packaging enters every market sector, whether you are a residential, institutional, commercial or industrial consumer. This solution will ensure that ICI recyclables are recycled instead of landfilled. It will shift costs to

the producers of the PPP and will help local government jurisdictions province-wide meet waste diversion targets.

Short-term:

- Relax burning permits in places like Paper Excellence Canada - Powell River

Currently, Paper Excellence burns wood hog fuel in a biomass boiler to generate steam for heat and power production. They do this under Permit 3149. With the onslaught of excess cardboard not being able to go to foreign market, relax or modify the burning permits to allow cardboard to be incinerated as a fuel source. In places like ours, we will reduce the carbon footprint of shipping out cardboard by barge or ferry from our remote and isolated community. Other communities may also have compelling factors to minimize shipping costs and transport cardboard to regionally located biomass boilers at other paper mills or industry.

Mid-term:

- Provide seed funding to create an economically efficient re-purposing industry

After markets for expended recyclables must be resilient and insulated from off-shore market economies. This could be achieved with added-value industries. Cardboard for instance, could have alternate uses. If shredded, cardboard could be used in the agriculture industry as bedding. But for safety and protection to animals, contaminants such as staples should first be removed. Capital start-up for sophisticated equipment of this nature is required. If economies of scale could be driven down, eventually strategic locations throughout the province could be established to serve local economies in various regions. This again is an attempt at reducing the carbon footprint for transporting cardboard. Invariably, the product will re-enter the ecosystem as manure and be spread on farming fields. Or it may enter the system directly as a compost feedstock.

Long-term

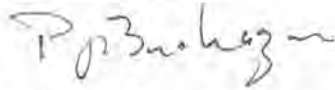
- Mandate recycling content in finished products

Stabilization is a responsibility of upper tier governments. Market systems are characterized by economies that can create extremes of prosperity and business cycles that produce great decline (University of Alberta/Dalhousie University, 2005). Such is the case with the policy of the Chinese National Sword. This is where upper tier governments need to step in and take measures to correct the market. Upper tier governments have the tools and the resources to do this. "Since capital and labour generally flow freely across governmental jurisdictions within a country, much of the impact of stabilization policies of one government unit will likely spill over into other jurisdictions" (Bird & Slack, 1993, p. 16). The proposed mid-term option above is also an upper tier government intervention for the good of the whole. This long-term option is to

mandate recyclable material as a percentage into feedstock for finished products such as writing paper, toilet paper, facial tissue, paper towels, packaging, etc. Some of these products are proven examples of including recyclable materials in production, but these and more products need to be expanded upon. Eliminating virgin feedstock will reduce the carbon footprint and revitalize the already consumed cardboard and packaging waste. Additionally, eliminating subsidies on virgin materials such as oil will create a more level playing field.

Thank you for your time. We respectfully ask that you move expediently on these solutions to assist in promoting a healthy and sustainable environment.

Yours sincerely,



Patrick Brabazon, Chair

cc Nicholas Simons, MLA - Powell River-Sunshine Coast

References

Local government finance. (Spring 2005). (2005). Edmonton, AB: University of Alberta.

Bird, R.M. & Slack, N.E. (1993). *Urban public finance in Canada*. Toronto, ON: John Wiley & Sons



RECEIVED

MAY 29 2019

FortisBC Inc.
1975 Springfield Road
Kelowna, BC V1Y 7V7
www.fortisbc.com

May 10, 2019

East Kootenay Regional District
19 24 Ave S
Cranbrook BC V1C 3H8

Regional District
East Kootenay

RE: FortisBC Energy Inland Gas Upgrade Project – Pipeline Survey.

As a follow up to notification letters you received in 2018 regarding our proposed Inland Gas Upgrades project, FortisBC Energy is planning to commence preliminary planning work in your area during the month of June. You may see our staff, contractor or Land Agent on, or in close proximity to your property starting on June 3, 2019.

As outlined in previous correspondence, FortisBC Energy is planning upgrades to 29 natural gas lines in communities across B.C. to enable us to complete inspections using up-to-date equipment to better plan and manage maintenance work.

The preliminary planning work could include identifying existing rights-of-way boundaries, property boundaries, underground utility locations and structures, and fences and trees within, or adjacent to, existing FortisBC Energy right-of-way area. This work may require access to your property and we want to make sure we have all of the necessary information to conduct the work safely, and with as little disruption to you as possible.

It is important to us that we work with you when we are planning to access or do work on your property and we appreciate your patience and cooperation during this process. Attempts will be made to contact you prior to entering your property when possible. If there is a phone number or contact information you wish to provide, please contact Colleen Bohun, Property Services, FortisBC Energy, at (604) 576-7121 or colleen.bohun@fortisbc.com prior to Monday, June 3, 2019. You may also wish to provide any specific access instructions or information about your property regarding pets, livestock or gates that we should be aware of prior to accessing your property, at this time.

Work on the pipeline will begin upon approval of our application by both the BC Utilities Commission (BCUC) and the BC Oil and Gas Commission (BCOGC). Once the project has been approved, FortisBC will finalize construction plans and will be in contact with you to provide an update on timing and any access requirements for construction.

In accordance with the British Columbia Consultation and Notification Regulation under the Oil & Gas Activities Act, FortisBC Energy has identified you as a participant in the proposed development. A landowner who receives a notice may make a written submission to the BCOGC regarding the proposed amendment within 15 days of receiving the notice. A form is available on the BCOGC's website: <http://www.bco.gc.ca/industry-zone/documentation/Consultation-and-Notification>.

If you would like to be kept up to date on the project or if you have any questions, we encourage you to visit talkingenergy.ca/inlandgasupgrades or to email us at InlandGasUpgrades@fortisbc.com.

Sincerely,

Blair Weston
Community & Indigenous Relations Manager

THE CITY OF VICTORIA



OFFICE OF THE MAYOR

May 29, 2019,

To The Union of British Columbia Municipalities,

I am writing on behalf of Victoria City Council, requesting favourable consideration and resolutions of support to restore Provincial support for libraries.

At the May 23, 2019 Council Meeting, Council approved the following resolution:

WHEREAS WHEREAS libraries are a social justice equalizer that provide universal access to information and learning materials irrespective of income levels;

WHEREAS libraries are now so much more than books, building community and a sense of inclusion;

WHEREAS restoring funding to libraries supports the BC Government's agenda to eliminate poverty, improve access to education, and address social justice in BC;

WHEREAS funding rates have been frozen since 2009 and inflationary costs have increasingly been put on municipal property tax payers which is a regressive approach to funding public libraries;

WHEREAS municipalities face downloading from upper levels of government and have few tools to raise funds,

THEREFORE BE IT RESOLVED that Council request the Mayor write to the Minister of Education, the Premier, and all local MLAs strongly advocating for the restoration of library funding to a level that reflects both inflationary cost increases since 2009 and the value of this system to the Province.

BE IT FURTHER RESOLVED that this resolution be forwarded to other municipalities in the Capital Regional District and across BC requesting their favourable consideration.

We eagerly look forward to your support on this matter.

Sincerely,

Lisa Helps
Victoria Mayor



Request for Decision

File No: lhh 525 002

Date May 17, 2019
Author Shannon Moskal, Corporate Officer
Subject Performing Arts BC Provincial Festival – Letter of Support

REQUEST

To provide a letter of support for the Performing Arts BC Provincial Festival.

OPTIONS

1. That a letter of support be provided to the East Kootenay Performing Arts Festival Society for the Performing Arts BC Provincial Festival taking place in Cranbrook on June 2-6, 2020.
2. That the request by the East Kootenay Performing Arts Festival Society for a letter of support for the Performing Arts BC Provincial Festival taking place in Cranbrook on June 2-6, 2020 be refused.

BACKGROUND/ANALYSIS

Corinna Robinson and Gail Brown, East Kootenay Performing Arts Festival Society, will be making a presentation to the Board on June 7, 2019 to provide information and awareness on the Performing Arts BC Provincial Festival taking place in Cranbrook on June 2-6, 2020. They will be asking the Board to provide a letter of support for the Festival.

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2906

A bylaw to amend Bylaw No. 2061 cited as "Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2061, 2008."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2061;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2061, 2008 - Amendment Bylaw No. 27, 2019 (Windermere North / Bad Toro Properties Ltd)."
2. The designation of part of Lot 79, District Lot 4347, Kootenay District, Plan 1072, Except Part included in Plan 4001, and Part of Lot 80, District Lot 4347, Kootenay District, Plan 1072, Except Parts included in Plans 4001 and 4404, and Part of Lot 81, District Lot 4347, Kootenay District, Plan 1072, Except Plans 4001, 4404 and NEP73994, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from R-RES, Residential Reserve to R-SF, Residential Low Density.

READ A FIRST TIME the day of , 2019.

READ A SECOND TIME the day of , 2019.

READ A THIRD TIME the day of , 2019.

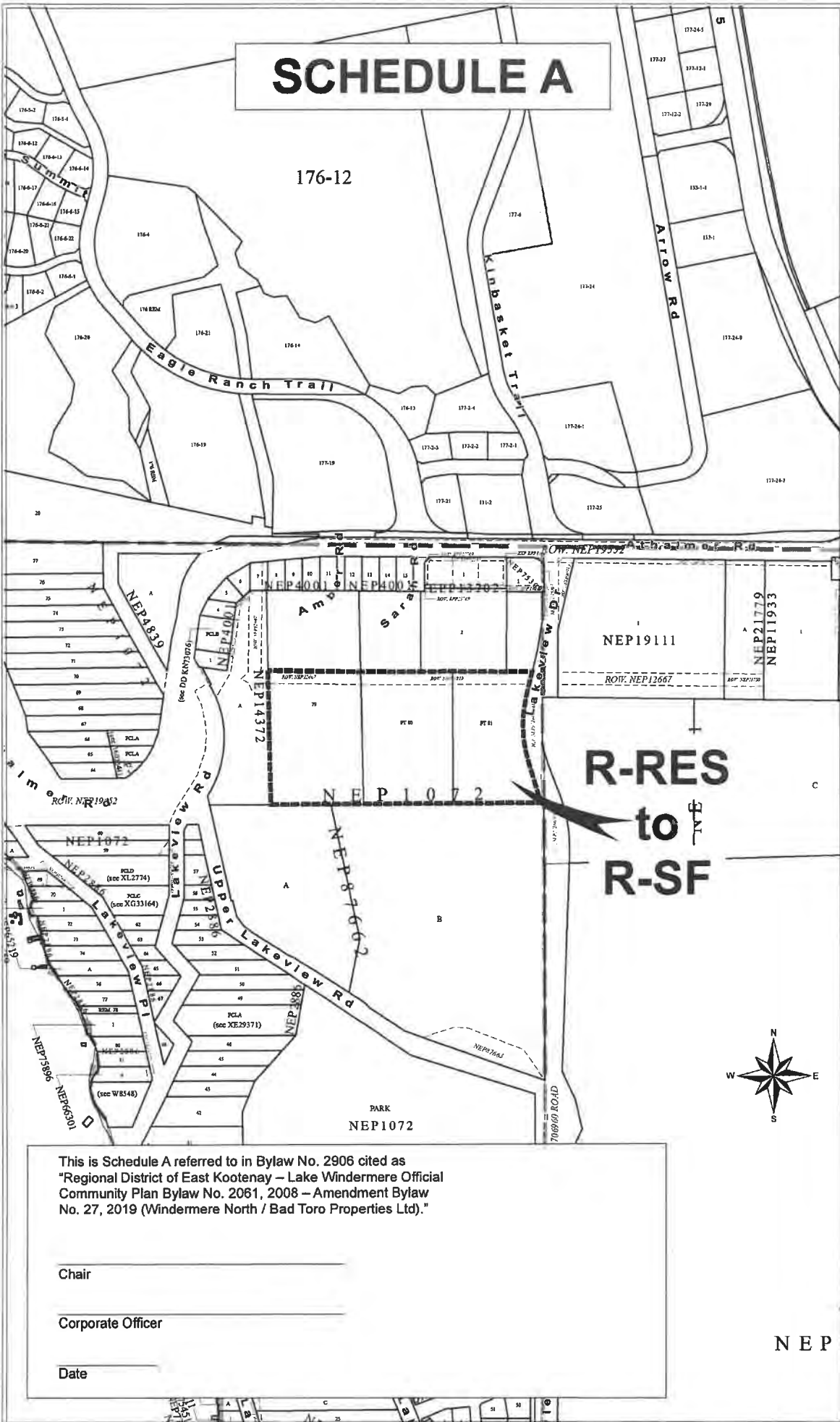
ADOPTED the day of , 2019.

CHAIR

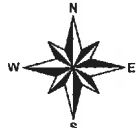
CORPORATE OFFICER

SCHEDULE A

176-12



**R-RES
to
R-SF**



This is Schedule A referred to in Bylaw No. 2906 cited as "Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2061, 2008 – Amendment Bylaw No. 27, 2019 (Windermere North / Bad Toro Properties Ltd)."

Chair	_____
Corporate Officer	_____
Date	_____

NEP

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2907

A bylaw to amend Bylaw No. 900 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992."

WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 900;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 348, 2019 (Windermere North / Bad Toro Properties Ltd)."
2. The designation of Lot 8, District Lot 4347, Kootenay District, Plan 4001 except Plan NEP19552, and Lot 9, District Lot 4347, Kootenay District, Plan 4001 Except Plan NEP19552, and Lot 10, District Lot 4347, Kootenay District, Plan 4001 Except Plan NEP19552, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from R-1, Single Family Residential Zone to C-2, Service Commercial Zone.
3. The designations of Lot 79, District Lot 4347, Kootenay District, Plan 1072, Except Part included in Plan 4001, and Lot 80, District Lot 4347, Kootenay District, Plan 1072, Except Parts included in Plans 4001 and 4404, and Lot 81, District Lot 4347, Kootenay District, Plan 1072, Except Plans 4001, 4404 and NEP73994, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, are amended from R-1(A), Single Family Residential (A) Zone, R-MP, Mobile Home Park Residential Zone, and I-1, Light Industrial Zone, to R-1(MH), Single Family Residential – Mobile Home Zone and C-2, Service Commercial Zone.
4. Section 3.04 is amended by adding the following definition:

DATA CENTRE means a building or group of buildings housing computer systems for which the principal purpose is to provide data processing, storage and distribution services.
5. Section 4.28 (1) is amended by adding the following:
 - (f) On Lot 81, District Lot 4347, Kootenay District, Plan 1072, Except Plans 4001, 4404 and NEP73994, Data Centre is permitted.
 - (g) On Lots 8, 9 & 10, District Lot 4347, Kootenay District, Plan 4001 except Plan NEP19552, storage of recreational vehicles and boats is permitted.

READ A FIRST TIME the day of , 2019.

READ A SECOND TIME the day of , 2019.

READ A THIRD TIME the day of , 2019.

APPROVED by the Ministry of Transportation and Infrastructure the day of , 2019.

Signature: _____

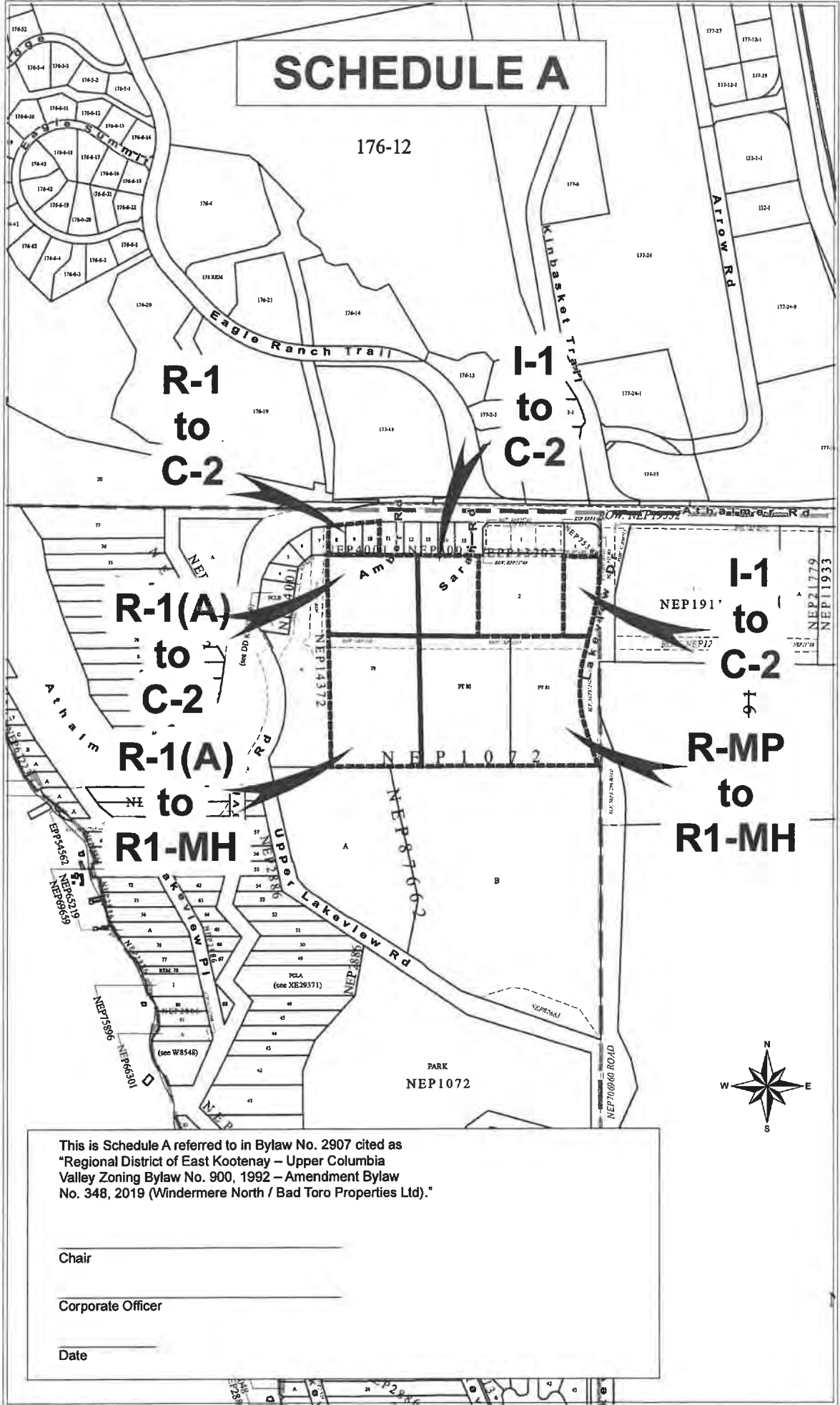
Print Name: _____

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

SCHEDULE A



**R-1
to
C-2**

**I-1
to
C-2**

**R-1(A)
to
C-2**

**R-1(A)
to
R1-MH**

**I-1
to
C-2**

**R-MP
to
R1-MH**



This is Schedule A referred to in Bylaw No. 2907 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 348, 2019 (Windermere North / Bad Toro Properties Ltd)."

Chair _____

Corporate Officer _____

Date _____

No. _____

MOVED by Director _____ SECONDED by Director _____

THAT a public hearing be held regarding Bylaw No. 2906 and Bylaw No. 2907 and the hearing be delegated to:

Director Susan Clovechok, Director Area F

Director Gerry Wilkie, Director Area G

Director Allen Miller, District of Invermere

For Information Only:

Public Hearing – Columbia Valley Chamber of Commerce

June 26, 2019 at 7:00 pm



Public Hearing Report – Bylaw Nos. 2908 & 2909 Cranbrook West / Fountain Capital Corp.

This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 2908 cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 23, 2019 (Cranbrook West / Fountain Capital Corp.)” and Bylaw No. 2909 cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 - Amendment Bylaw No. 52, 2019 (Cranbrook West / Fountain Capital Corp.)” was held on May 21, 2019 at 4:00 pm at the RDEK Board Room, Cranbrook office.

The following Regional District representatives attended the public hearing:

Director Rob Gay, Electoral Area C
 Director Lee Pratt, City of Cranbrook
 Krista Gilbert, Planning Technician
 Andrew McLeod, Planning & Development Services Manager

The notice for the hearing was published in the May 15 and May 16, 2019 issues of the Daily Townsman and in the May 16, 2019 issue of the East Kootenay Extra. Thirty-five (35) notices were sent to neighbouring property owners and occupiers on May 3, 2019 by regular mail with no notices returned as undeliverable.

Staff and the proponent gave an overview of the amending bylaws followed by a question and answer period before the hearing.

Chair Gay convened the hearing at 4:31 pm and Regional District representatives were introduced.

Chair Gay advised those in attendance:

- to identify themselves and the property they own that may be affected by the Bylaw;
- that only those written and/or verbal presentations made at the hearing will be considered as part of the hearing report;
- that no written or verbal submissions will be allowed subsequent to the close of this hearing.

Bylaw No. 2908 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 - Amendment Bylaw No. 23, 2019 (Cranbrook West / Fountain Capital Corp.)”
2. The designation of part of District Lot 4841, Kootenay District except parts included in Plans 11161 and NEP20680, is amended from R-RES, Residential Reserve to SH, Small Holdings.

Bylaw No. 2909 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw 1402, 2001 – Amendment Bylaw No. 52, 2019 (Cranbrook West / Fountain Capital Corp.)”

2. The designation of part of District Lot 4841, Kootenay District except parts included in Plans 11161 and NEP20680, is amended from RR-8, Rural Residential (Country) Zone to RR-2, Rural Residential (Small Holding) Zone.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its June 7, 2019 meeting. Staff stated that if the bylaw is given third reading, in anticipation of a new zoning bylaw, the Electoral Area C South Zoning & Floodplain Management Bylaw, in July, Bylaw 2909 will be amended prior to adoption to reflect the new zoning bylaw.

Two written submissions were received from the public prior to the hearing. Both are in opposition as they have concerns about how the proposal will affect the existing road network, the impact on existing wells and the habitat for wildlife the parcel currently provides. A late referral response was received from the Ktunaxa Nation Council. This letter identifies potential impacts from invasive plant species and impacts to wildlife values. (Letters attached)

Seventeen members of the public attended the meeting and the following people spoke:

Rob McLean, 691 New Lake Road – He requested Ron Thomson, the proponent, present his application information for the public record.

Ron Thomson (proponent), 270 Deer Lane – He outlined that rezoning of the property is anticipated by the OCP R-RES designation of the property and that small rural lots are in demand in the area. The initial proposal also included RR-1 zoned lots, but was scaled back after receiving feedback from referral agencies. As concerns regarding servicing of the lots were voiced, they hired a wastewater practitioner and hydrogeologist to conduct studies on the feasibility of servicing the lots. Ron also indicated that a building scheme is being discussed, limiting fencing heights to allow wildlife movement and limit unsightly debris storage on properties.

Erda Walsh, 720 Cross Road N – She is in opposition of the application. She stated that groundwater is a major concern of the neighbourhood as some wells have already gone dry and neighbouring City of Cranbrook properties that are also on wells could also go dry. She is concerned that recycled water (wastewater) may end up in well water. She also has concerns about how the proposal will affect the wildlife and ungulate population in the area. She stated that this proposal is not looking after the environment and that she hasn't heard of any discussions about how the environmentally sensitive areas on the property will be addressed. She has concerns about how the development will be impacted by flooding and how this will be managed, about wildfire hazard impacts and that no information has been shared on flood hazard ratings. She could not find the hydrogeologist report and questions how in depth it was and if it discussed how wastewater would affect the groundwater wells. She concluded by quoting the last paragraph of the Regional Sustainability Strategy which discusses regional quality of life survey and the public opinion and attitude and that a re-review should occur to meet the views of current residents.

Alan Howie, 907 New Lake Road – He stated that Hospital Creek and another drainage creek running through the area have pooled up for about a month a few years ago. He is concerned about what will be allowed on the property and if every property is permitted to keep horses, how that will affect the area and groundwater. He also has concerns that discussions on fence restrictions have not given definitive answers on what will be permitted. He said animals can only jump so high and this area has wildlife activity that the proposed development will impact.

Rod Hrehirchuk, 1673 Harris Road – He has concerns about how including more houses in the area will affect well water, wildfire hazards, the amount of traffic this development will bring as animals are already being hit and increased traffic will cause more conflict. He also expressed concerns about the short notice and procedures for the rezoning. He stated concerns about the wells and water. He also questioned why is development going in the New Lake area as other areas have property available, he does not see the need for another subdivision.

Hans Dekkers, 1670 Salem Road – He is concerned about the wells as he contacted well drillers and they stated that some existing wells already have a marginal yield and they are concerned about the impact these wells will have. He questions how the hydrogeologist report can say that wells will not impact each other. He also stated that these results depend on when and how long tests were conducted for and that results will vary as conditions vary.

Gerry Walsh, 720 Cross Road N – He is concerned about taxes going up because of the impact the development will have on roads.

Rob McLean, 691 New Lake Road (2nd time speaking) – He stated that domestic animals, especially horses and cougar hounds, can be problematic. He has concerns about where the 90 elk herd that frequents the area will go if this development is approved and results in fences going up and increased traffic in the area. He said logging in Booth Creek and Old Town area has resulted in wildlife such as cougars, wolves and coyotes moving towards this area and, that adding more development will increase the chances of human interaction and conflict.

Jim French, 785 New Lake Road – He is concerned about the road network and pointed out that there is only one way in and out of the neighbourhood. He said traffic has been increasing over the 15 years he has lived there. If forests fires continue to be a problem, they need more road infrastructure in the area.

Erda Walsh, 720 Cross Road N (2nd time speaking) – She stated that so many different issues have been raised today and they can't be looked at in isolation. The East Kootenays has a diverse, world class environment that is important to conserve and she stated that the directors should take notice as to how every decision they make impacts the environment, the air we breath and the water we drink. Again, she stated that she is concerned about how the development will impact the environmentally sensitive areas, the ungulate population, the wildfire hazard areas, interface fire hazard, well water, traffic and congestion, flood hazards and the unnamed seasonal drainage, and the proximity to people on wells within the City of Cranbrook. She stated that this development will impact the whole area and urges the directors who are present to carry their concerns forward to the rest of the Board.

Alan Howie, 907 New Lake Road (2nd time speaking) – He is concerned that thinning the trees in the area will allow for more wind to come through and endanger existing trees. This could be worse with climate change.

Reg Wojnar, 1584 Kirk Road – He stated that he is also concerned with all of the previously outlined concerns and does not want to see mobile homes within the proposed development.

Lorna Williams, 1930 Kirk Road – She also has the same concerns as Reg in regards to what can and can't be done on the properties, and would be comforted through a better building scheme.

Rob McLean, 691 New Lake Road (3rd time speaking) – He is opposed to the proposal, is against the procedures of the public hearing and stated that having the public hearing at 4 PM does not make it easy to attend.

Alan Howie, 907 New Lake Road (3rd time speaking) – He is against the application.

Gerry Walsh (2nd time speaking), 720 Cross Road N – He is opposed to the application.

Rod Hrehirchuk (2nd time speaking), 1673 Harris Road – He is opposed to the application.

Lydia Ridke, 664 Cross Road N – She is opposed to the application.

Ron Thomson, 270 Deer Lane (proponent) (2nd time speaking) – He stated that he believes this is a worthwhile and good project, that there is demand for it and believes the groundwater report addresses concerns and is a good report. This is a great area and he thinks other people should have the opportunity to live there.

Hans Dekkers, 1670 Salem Road (2nd time speaking) – He is opposed to the application and again states his concerns of the hydrogeologist report and he hopes the directors will take these comments into consideration. He also stated that anything the local drilling companies said in the report may be biased.

Chair Gay called three times for comments and hearing none adjourned the hearing at 5:15 pm.

Chair Rob Gay
Electoral Area C

Krista Gilbert
Planning Technician

Krista Gilbert

From: Kozicky, Ian [REDACTED]
Sent: May 20, 2019 10:12 PM
To: Krista Gilbert
Cc: Ruby Kozicky
Subject: Public Hearing Notice - Bylaw Amendment - Cranbrook West / Fountain Capital Corp. - Bylaw No. 2908 & Bylaw 2909

Hi Krista –

We recently received letter mail dated May 3, 2019 regarding the above subject.

We are writing to express our **opposition** to this bylaw amendment. As residents of Cross Road North (Cranbrook, BC) we will be directly impacted by this proposal. We neighbor a portion of the property in question.

Fundamentally, we do not believe any portion of the Lot in question should ever be transitioned from RR-8/R-RES (former Crown) to RR-2. We oppose this for the following reasons:

- This area provides important greenspace, tree preservation and habitat for wildlife in close proximity to the City of Cranbrook boundaries, which is increasing becoming threatened by development.
- This currently publically accessible area has been used responsibly by local residents for decades, this proposal would inhibit local resident's ability to access this property moving forward.
- Due to topography, public roads, private property and other developments, unimpeded access through the property would no longer be possible if the proposal were approved. Accessible areas (if any) would become 'land locked' or 'islanded'.
- The primary road network providing access to this area is insufficient in terms of condition & volume capacity. Further development will only worsen it's state.
- Safety barriers are already inadequate in controlling vehicle speeds in the area (especially when passing in very close proximity to residences), this development would further contribute to this problem.
- It is believed if this proposal were accepted, local residents would have little-no ability for input into any further development details, or have no voice in accessibility concerns. This is our one (and only) opportunity to have a meaningful say.
- We have fundamental concerns regarding any Residential Reserve property being converted to a Small Holdings property, regardless of the situation or location.
- There are potential negative impacts to the resources in the area such as increased septic systems and increased ground water well utilization and it's impact on the area's overall water table.
- This proposal is not thought to be within the overall spirit and intent of the original Rockyview Official Community Plan.
- Any development will have a very high probability of spoiling natural or existing contours. It will certainly create the loss of important trees & other vegetation and introduce unnatural features.
- Development in the area has a high likelihood of conflicting with the character of the overall area and visually damaging in the natural landscape.

If you require further clarification on any of our concerns we'd be happy to discuss them further. Thank you for the opportunity to provide input on how this proposal will affect myself and my family.

Respectfully,

Ian Kozicky & Family

776 Cross Road North
Cranbrook, BC



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> -----Original Message-----

> From: Norman Wesley [REDACTED]
> Sent: May 17, 2019 5:37 PM
> To: Krista Gilbert <kgilbert@rdek.bc.ca>
> Subject: Public hearing bylaw amendment Cranbrook west

Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.

> Hello,

>
> I have lived on New Lake Rd. for 28 years and received information about the proposed subdivision.
> I have a few questions:
> 1. When it was first brought to public's attention, the proposal was for over 50 residences requiring 50 wells. The latest plan shows 25 residences requiring 25 wells and septic systems. I do not want to be part of this experiment to discover if there is enough water for everyone's well. Will the developers guarantee that my well will not run dry and if it does, will they compensate everyone that it affects.
> 2. Is there going to be any type of building restriction concerning people buying a lot and parking a trailer on it.
> 3. In the proposed subdivision, parcel #5 does not show any development. What is the proposal for that lot?
> 4. There is a proposed road parallel to New Lake Rd. Has that road been given approval or is all the traffic access going to be off New Lake Rd.?
> 5. There is very limited access to this whole area as it is now. Do the developers plan on another access route to the area?
> 6. I cannot believe the city would even entertain a proposal bordering the city when there is lots available in the city.
>
> In closing, the whole area cannot stand hundreds of more vehicles coming in and out using city services and not contributing to the city of Cranbrook. This has got to be one of the worst ideas since the Mt. Baker subdivision proposal.
>
> Thank you
> Norman Wesley
> 893 New Lake Rd.

From: Norman Wesley [REDACTED]
Sent: May 21, 2019 11:47 AM
To: Krista Gilbert
Subject: Re: Public hearing bylaw amendment Cranbrook west

Dear Krista,

Thank you for your prompt response to my inquiries. I have some further comments:

1. It was stated that a ground water study was completed by a registered hydrogeologist that concluded that they do not expect additional wells to result in existing wells being unable to meet domestic demands. In this day and age of climate change this is not reassuring and I do not want to be part of this experiment when the developers are long gone and the wells in this area run dry.
2. I understand there will be no building type restrictions on these properties except what is currently regulated under the zoning bylaw. So in other words, the occupant could have two recreational type vehicles on the property before it would be considered a campground. Not very reassuring.
3. Parcel 5 is not included in the current proposal. When the developers first came out with their plan it showed over 50 lots being developed. I would think that is their intent all along and there again, it would be a massive draw of water with all of the wells.
4. Will the road parallel to New Lake Rd. be built? Probably not because of the cost and therefore all this traffic will be on New Lake Rd. adding to more congestion on Cross Rd. and Borden Rd.
5. As it is now the developers do not have any plans to add another access route to the area adding more strain to the whole area.

In conclusion, I think this whole idea is only in the interest of the developers and not of anyone living in this area or the city of Cranbrook.

Thank you
Norm Wesley
893 New Lake Rd.



Ktunaxa Lands and Resources
7825 Mission Road, Cranbrook, BC V1C 7E5
Tel: (250) 489-2464
Fax: (250) 489-2438
Email: referrals@ktunaxa.org
Web: www.ktunaxa.org

Ktunaxa Lands and Resources Referral Response

Attention

Krista Gilbert Planning Technician

BC, Canada

Date: March 22, 2019

Regarding

Project Name Bylaw Name Cranbrook West / Fountain Capital Corp.

Your file number File No: P719 305

Our file number 798

Year Received 2019

Proponent Regional District of Central Kootenay

Project Location Located at New Lake Road in the Cranbrook West area

The proposed land and resource development activity falls within the territory of the Ktunaxa Nation in south-eastern British Columbia. Ktunaxa Nation has Aboriginal Rights, including Title that are protected under Section 35 of the Constitution Act, 1982 of Canada. Further the Ktunaxa Nation filed a "Statement of Intent" to negotiate its outstanding Aboriginal Title and Treaty Rights in their traditional territory of December of 1993 and negotiations are ongoing.

Additional Comments

Ktunaxa Value Potential Impacts

Environmental Impacts land values – Unwanted invasive plant species directly impact Ktunaxa Nation citizen rights to subsistence resources and activities, including the right to traditional resources and medicines.

Invasive plant species can have large effects on ecosystems and traditional land and resource use, and can:

- degrade wildlife habitat
- reduce forage for ungulate species and range productivity
- outcompete, displace, or spread disease to resource and medicinal plants
- alter natural fire regimes, increasing the severity, area, and frequency of fires
- increase soil erosion with detrimental effects on water quality
- alter water provisioning in water-limiting ecosystems
- alter stream channel morphology, affecting flood frequency and severity
- decrease the abundance, diversity, and fitness of native plant and animal species.

To reduce the likelihood that invasive plants can colonize or spread due to surface mining activities, KNC recommends the following Invasive Plant Best Management Practices:

1. Using qualified personnel, conduct a thorough inventory of invasive plants within, and adjacent to, the subject property.
2. Using MFLNRO Invasive Alien Plant Program database, identify locations of known invasive plants either on the property, or nearby.
3. Field staff and other key field personnel should enter newly identified invasive plant infestations into the MFNRO Report-a-Weed database.
4. Prior to disturbance or earth-moving activities, ensure effective control measures for invasive plants have been taken. This may include (but is not limited to) careful removal and handling of seed-contaminated soils, and proper disposal of all plant parts including seeds, flowers, and/or roots. Document all treatments and control measures taken.
5. Prior to being transported to or from work sites, inspect all vehicles, mechanized equipment, for the presence of soil or plant material. Document inspections and if necessary, remove plant and soil materials PRIOR to arrival at the work site.

Impacts wildlife values – This large parcel of forested land occurs within ungulate winter range, and provides suitable year round habitat for elk and other ungulates. The KNC recommends that wildlife movement corridors, as identified by a qualified professional, be incorporated into the subdivision design, and tall exclusion fencing not be permitted on properties within the subdivision.

Migratory Nesting Birds BMPs

As signatory to the Migratory Birds Convention Act (1994), it is illegal in Canada to damage, destroy, or render ineffective the nests of bird species breeding in Canada. To prevent the incidental take of bird nests KNC requests that clearing of ground vegetation, shrubs, and trees take place outside of the nesting period for forest-dwelling migratory songbirds, which occurs from the middle of April to the middle of August for forest birds in Southeast BC. If clearing is being done during the greatest risk window (mid-April to mid-August) there is a high likelihood that breeding birds and their nests may be present in vegetation, on the ground, and within structures. Blasting should be conducted during the least risk period for breeding birds (August to April).

If you have any questions, or for more information regarding these comments, please contact:

Cathy Conroy, BSc.
Terrestrial Biologist
Ktunaxa Lands & Resources
ph: 250-489-2464 ext. 4033
cconroy@ktunaxa.org

Comments

In closing I request a response that outlines how the information we have provided and other information you may have gathered from your assessment of potential infringements on Aboriginal Rights and Title was used and considered in the decision-making process.

If you have any questions or concerns please contact the lead officer using the contact information below.

Regards,

Kerri Garner
Ktunaxa Lands and Resources
220 Cranbrook Street North, Cranbrook, V1C 3R2, BC, Canada
Tel: (250) 489-2464
Email: kgarner@ktunaxa.org

?akink'um#asnuq#i?it (Tobacco Plains), ?akisq'nuk First Nation (Columbia Lake), ?aq'am (St. Marys),
Yaqa Nu?kiy (Lower Kootenay)

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2908

A bylaw to amend Bylaw No. 2255 cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2255;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 23, 2019 (Cranbrook West / Fountain Capital Corp.)."
2. The designation of that part of District Lot 4841 Kootenay District except parts included in Plans 11161 and NEP20680, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from R-RES, Residential Reserve to SH, Small Holdings.

READ A FIRST TIME the 3rd day of May, 2019.

READ A SECOND TIME the 3rd day of May, 2019.

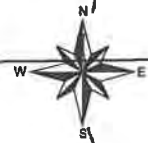
READ A THIRD TIME the day of , 2019.

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

SCHEDULE A



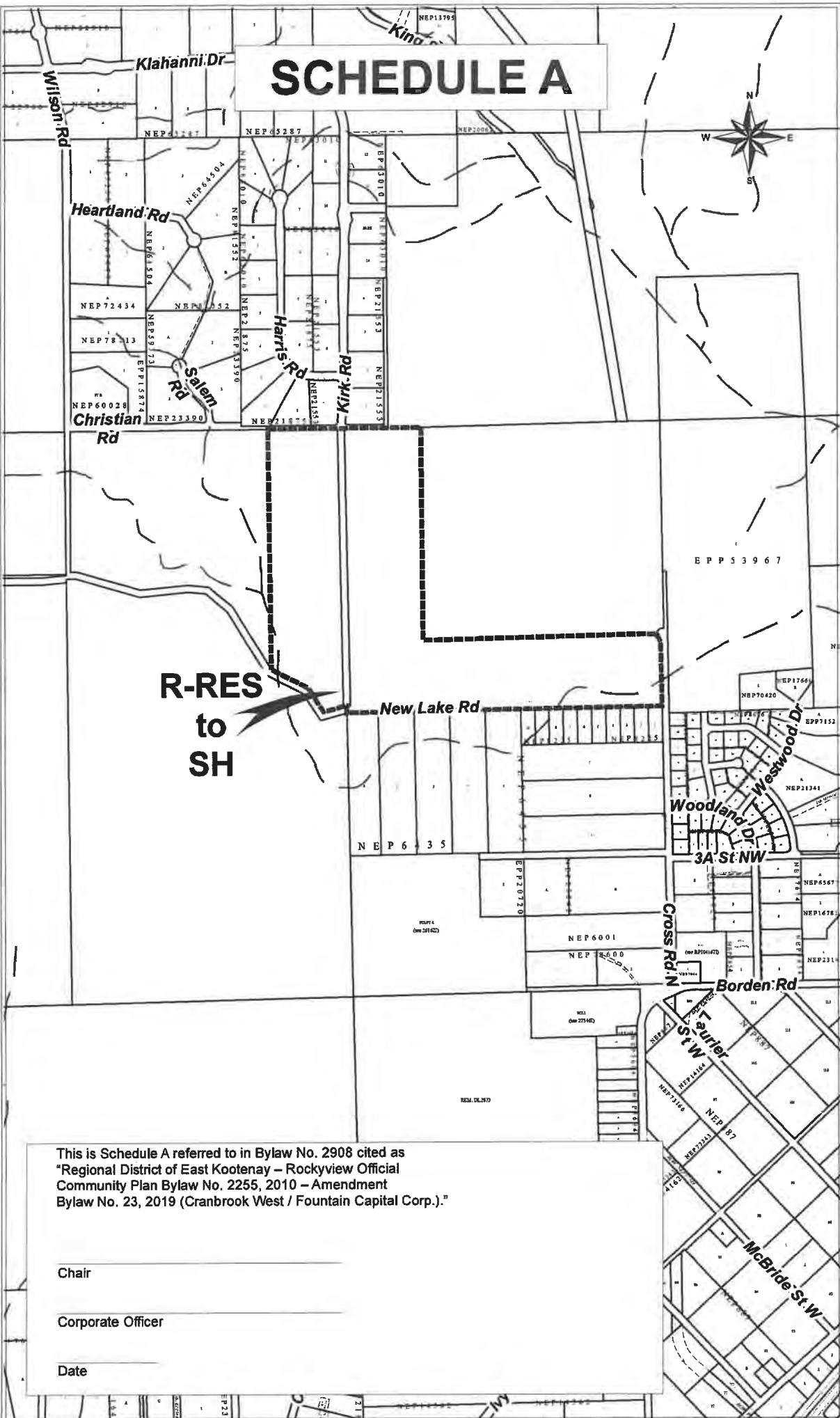
**R-RES
to
SH**

This is Schedule A referred to in Bylaw No. 2908 cited as
"Regional District of East Kootenay – Rockyview Official
Community Plan Bylaw No. 2255, 2010 – Amendment
Bylaw No. 23, 2019 (Cranbrook West / Fountain Capital Corp.)."

Chair

Corporate Officer

Date



REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2909

A bylaw to amend Bylaw No. 1402 cited as "Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 1402;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 52, 2019 (Cranbrook West / Fountain Capital Corp.)."
2. The designation of that part of District Lot 4841 Kootenay District except parts included in Plans 11161 and NEP20680, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from RR-8, Rural Residential (Country) Zone to RR-2, Rural Residential (Small Holding) Zone.

READ A FIRST TIME the 3rd day of May, 2019.

READ A SECOND TIME the 3rd day of May, 2019.

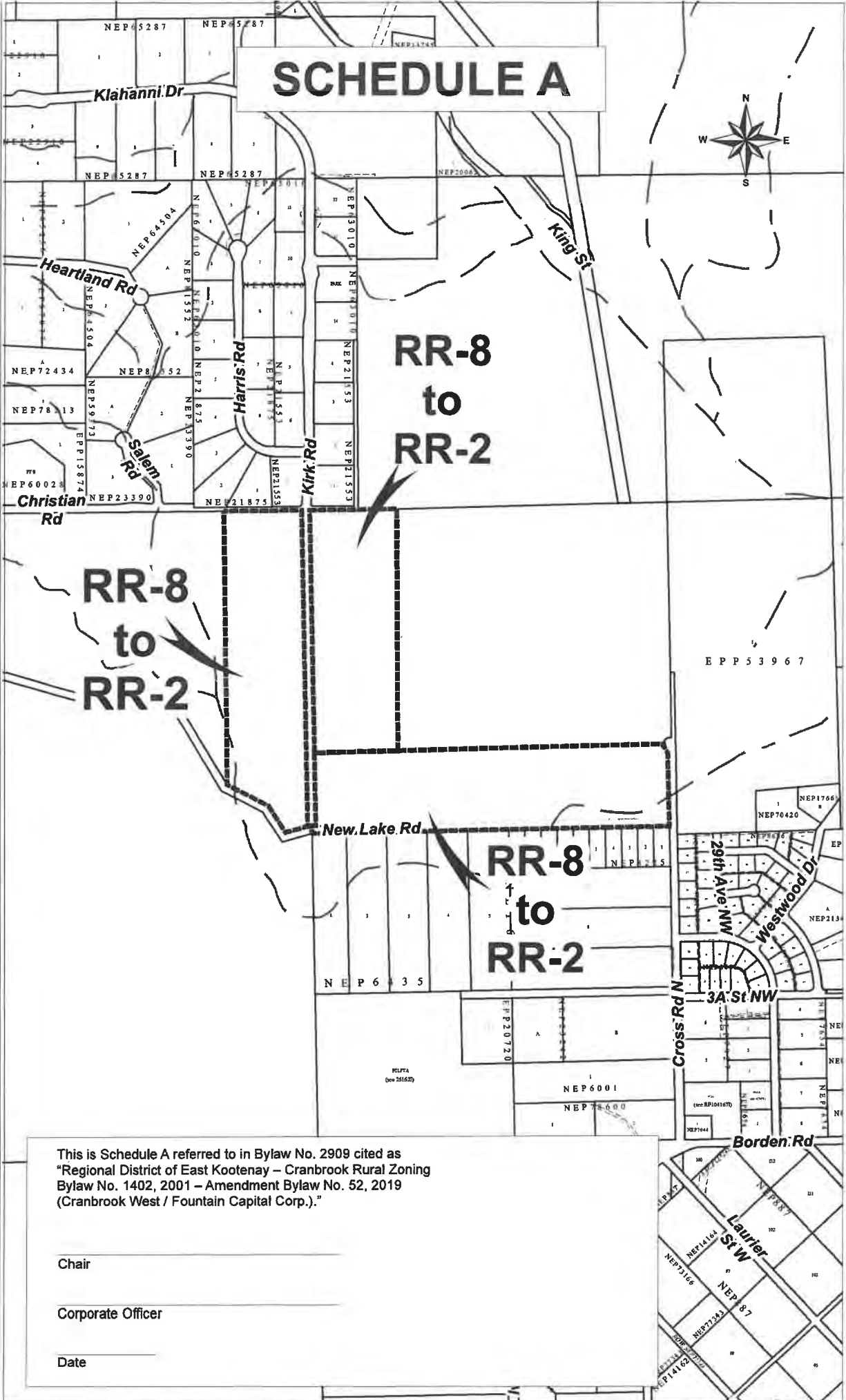
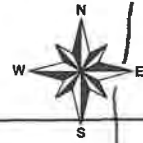
READ A THIRD TIME the day of , 2019.

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

SCHEDULE A



This is Schedule A referred to in Bylaw No. 2909 cited as "Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 52, 2019 (Cranbrook West / Fountain Capital Corp.)."

Chair

Corporate Officer

Date



Bylaw Amendment Application

Date: April 29, 2019
File: P 719 305
Bylaw No. 2908 & 2909

Applicants: Fountain Capital Corp.

Agent: Ron Thomson

Location: New Lake Road, west of Cranbrook

Legal: DL 4841, Kootenay District, except parts included in Plans 11161 and NEP20680

Proposal: To amend the OCP and zoning designation of part of the property to permit future subdivision. The proposed OCP designation change is from R-RES, Residential Reserve to SH, Small Holdings and the proposed zoning designation change is from RR-8, Rural Residential (Country) Zone to RR-2, Rural Residential (Small Holding).

Development Agreement: The applicants have offered development contributions in the amount of \$407 per lot to be paid to the RDEK for transfer to the City of Cranbrook to help mitigate impacts to the City's road infrastructure as a result of the development. They've also offered an additional \$1000 per lot to be paid to the RDEK for trail infrastructure and park development within Electoral Area C.

- Options:**
1. a) THAT Bylaw No. 2908 cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 23, 2019 (Cranbrook West / Fountain Capital Corp.)" be introduced;

and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
 - b) THAT Bylaw No. 2909 cited as "Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 52, 2019 (Cranbrook West / Fountain Capital Corp.)" be introduced.

and further, that a development agreement containing the items identified in the staff report be registered on title prior to bylaw adoption.
 2. a) THAT Bylaw No. 2908 cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 23, 2019 (Cranbrook West / Fountain Capital Corp.)" not proceed.
 - b) THAT Bylaw No. 2909 cited as "Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 52, 2019 (Cranbrook West / Fountain Capital Corp.)" not proceed.

Recommendation: Option #1

Applicants have taken comments received from referrals and the APC and revised their plans to address concerns. The proposal is within an area identified as having the potential for future subdivision and it adequately addresses the applicable OCP policies.

Property Information:

OCP Designation: R-Res, Residential Reserve

OCP Policies:

- Subdivision is generally not supported within the Cranbrook West subarea, with the exception of those parcels currently zoned for subdivision, parcels designated R-RES or subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act*.
- The integration of the R-RES, Residential Reserve land use designation applies to parcels currently zoned to accommodate subdivision. The designation does not commit the Regional District to a specific course of action but rather identifies those properties as having potential for rural infill development and establishes criteria against which applications to amend the zoning and land use designation will be reviewed. The R-RES designation may result in higher densities than can currently be accommodated in exchange for implementation of alternative development standards while still maintaining the rural character of the subareas.

Applications for bylaw amendments should address the following:

- compatibility of proposed development with surrounding land uses and parcel sizes;
- projections for estimated timelines for phasing and completion of development;
- compatibility of proposed development with the permanent home ownership objectives of this plan;
- access to the development and proposed road networks;
- integration of Conservation Subdivision Design principles by:
 - identifying and protecting conservation areas such as riparian areas, wetlands, steep slopes, woodlands, wildlife corridors and habitats and buffers;
 - compact neighbourhood design;
 - development contributions to assist in mitigating the impacts of the proposed development, including contributions to assist with road or transportation upgrades within the City of Cranbrook. Development Contributions are not in lieu of any Development Cost Charges or other fees that may be required as a result of future development within the RDEK or City of Cranbrook;
 - consideration of the establishment of a service to ensure the long term preservation and maintenance of the dedicated green space;
 - water and sewer servicing options;
 - identification of opportunities for trail connectivity within the area under application and adjacent developments;
 - consideration for water reduction measures for buildings and landscaping;
 - consideration of building envelopes to maximize viewsapes and passive solar orientation;

Property Information - cont'd:

- integration of FireSmart principles in the development;
- consideration to the potential impacts on groundwater.

Zone Designation: RR-8, Rural Residential (Country) Zone (minimum parcel size: 8 ha)

Parcel Size: 193.2 ha (477.5 ac)
Area under application: Approx. 86.5 ha (213.8 ac)

Density:
Existing: Vacant
Proposed: 20 residential lots

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Moderate to high, within the Cranbrook rural fire protection area

BC Assessment: Residential (vacant)

Water and Sewer Services: Onsite services proposed

Flood Hazard Rating: An unnamed seasonal drainage runs through the property. Flood regulations will apply to development.

Professional Studies:

None

Additional Information:

- To address concerns outlined by the APC and City of Cranbrook the applicant has revised the original proposal.
- The applicant has contacted a hydrogeologist to complete a groundwater resource assessment and assessment of the feasibility of developing groundwater supplies for the proposed subdivision. The applicant has indicated that the report will be completed by the beginning of May.
- If the proposed amending bylaws are approved the proposed development will occur in three phases. Phase one will create seven 5 acre lots to the west of Kirk Rd, phase two will create six 5 acre lots to the east of Kirk Rd and Phase 3 will create seven 5 acre lots to the north of New Lake Rd. Phasing will be market dependent, but it is anticipated that each phase will take 1.5 to 2 years.
- The subject property is designated as being within both the wildfire hazard development permit area and the environmentally sensitive areas (ESA) development permit area of the Rockyview OCP. Development permit applications will be required prior to subdivision approval.

Consultation:

Please note that the applicant has revised their plans following the APC review and since receiving the referral letters.

**Consultation -
cont'd:**

APC Area C:

Support subject to the following modifications:

- Minimum density of 2 ha lots
- Mapping of the aquifer to ensure adequate water is available
- Green space, which may provide access to crown land
- Undeveloped lots maintained for fire protection
- Detailed building plan, including topographic maps and restrictions on types of buildings
- \$400 per lot is inadequate in mitigating infrastructure costs

Referral Agencies:

- **Interior Health Authority:** Not support. See attached letter.
- **Transportation & Infrastructure:** Interests unaffected.
- **Environment:** The surrounding area provides ungulate winter range, and includes riparian areas. Any fencing must be wildlife friendly, maintain as many mature trees as possible, buffer of 15 m around riparian areas to protect water quality and quantity and utilize invasive plant management strategy throughout the development.
- **Ktunaxa Nation Council:** No comments to date.
- **School District No. 5:** No comments to date.
- **City of Cranbrook:** THAT Council indicate the City has concerns with proposed Bylaw Amendment No. 2908 and No. 2909 for the following reason:
 - City OCP policy does not generally support development of a significant scale and impact adjacent to the City.

The City's Municipal Engineer also notes concerns with the proposal due to the proposed subdivisions close proximity to the City's Well Protection Area for the City's deep well and unknown potential effects of 50 wells on the water supply.

- **Telus:** No comments to date.

**Documents
Attached:**

- Amending Bylaws
- Location Map
- Land Use Map
- OCP Map
- Zoning Map
- Proposal
- Letter from Applicant
- Letter from IHA
- Preliminary Onsite Wastewater Assessment

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca



Public Hearing Report – Bylaw Nos. 2910 & 2911 Baynes Lake / Abbott & Ernst

This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 2910 cited as “Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 10, 2019 (Baynes Lake / Abbott & Ernst)” and Bylaw No. 2911 cited as “Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 - Amendment Bylaw No. 18, 2019 (Baynes Lake / Abbott & Ernst)” was held on May 22, 2019 at 7:00 pm at the Baynes Lake Community Hall.

The following Regional District representatives attended the public hearing:

Director Stan Doehle, Electoral Area B
Director Rob Gay, Electoral Area C
Krista Gilbert, Planning Technician

The notice for the hearing was published in the May 9 and May 16, 2019 issues of the Free Press and in the May 16, 2019 issue of the East Kootenay Extra. Fourteen (14) notices were sent to neighbouring property owners and occupiers on May 3, 2019 by regular mail with no notices returned as undeliverable.

Staff gave an overview of the amending bylaws followed by a question and answer period before the hearing.

Chair Doehle convened the hearing at 7:03 pm and Regional District representatives were introduced.

Chair Doehle advised those in attendance:

- to identify themselves and the property they own that may be affected by the Bylaw;
- that only those written and/or verbal presentations made at the hearing will be considered as part of the hearing report;
- that no written or verbal submissions will be allowed subsequent to the close of this hearing.

Bylaw No. 2910 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 - Amendment Bylaw No. 10, 2019 (Baynes Lake / Abbott & Ernst).”
2. The designation of part of Lot A, District Lot 132, Kootenay District Plan 18136, is amended from MH, Medium Holdings to SH, Small Holdings.

Bylaw No. 2911 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw 2320, 2011 – Amendment Bylaw No. 18, 2019 (Baynes Lake / Abbott & Ernst).”

2. The designation of part of Lot A, District Lot 132, Kootenay District Plan 18136, is amended from RR-2, Rural Residential (Small Holding) Zone to RR-1, Rural Residential (Estate) Zone.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its June 7, 2019 meeting.

Staff advised that no written submissions had been received prior to the hearing. A late referral response was received from the Ktunaxa Nation Council. This letter identifies potential impacts from invasive plant species and impacts to wildlife values as well as identifying the subject area as being located in an area with perceived moderate to high archaeological potential. (Letter attached)

Director Doehle called three times for comments and since no one from the public attended and since the proponent chose not to speak, Chair Doehle closed the hearing at 4:05 pm.

Chair Stan Doehle
Electoral Area B

Krista Gilbert
Planning Technician



Ktunaxa Lands and Resources
7825 Mission Road, Cranbrook, BC V1C 7E5
Tel: (250) 489-2464
Fax: (250) 489-2438
Email: referrals@ktunaxa.org
Web: www.ktunaxa.org

Ktunaxa Lands and Resources Referral Response

Attention

Regional District of East Kootenay

BC, Canada

Date: March 7, 2019

Regarding

Project Name Bylaw Referral 2910 & 2911 Baynes

Your file number File No. P 719 201

Our file number 782

Year Received 2019

Proponent by Barry and Margaret Abbott and Bob and Toni Ernst.

Project Location 464 Springer Road in the Baynes Lake area

The proposed land and resource development activity falls within the territory of the Ktunaxa Nation in south-eastern British Columbia. Ktunaxa Nation has Aboriginal Rights, including Title that are protected under Section 35 of the Constitution Act, 1982 of Canada. Further the Ktunaxa Nation filed a "Statement of Intent" to negotiate its outstanding Aboriginal Title and Treaty Rights in their traditional territory of December of 1993 and negotiations are ongoing.

Additional Comments

Ktunaxa Value Potential Impacts

Archaeological Impacts archaeological values – The proposed development is located in an area with perceived moderate to high archaeological potential. For future development and/or any ground altering activities,

the following will apply:

Comments/Recommendations

- Under the provincial Heritage Conservation Act, archaeological sites that pre-date 1846 are automatically protected whether on public or private land. Protected sites may not be damaged, altered or moved in any way without a Section 12 or 14 Permit as issued through the HCA.
- Due to the existence of archaeological potential within this project area, the KNC recommends that an archaeological assessment be conducted by a professional consulting archaeologist to determine the potential impacts to any archaeological material prior to the commencement of any land altering activities associated with this project.

To discuss this matter further regarding our input to archaeology, please contact:

Nathalie Allard
Kakitwíꞩkit pikakniꞩs qapsinꞩis
Archaeology Technician
Lands and Resources Sector
Ktunaxa Nation Council
T: (250) 489-2464 Ex 4309
F: (250) 489-2438

Comments

In closing I request a response that outlines how the information we have provided and other information you may have gathered from your assessment of potential infringements on Aboriginal Rights and Title was used and considered in the decision-making process.

If you have any questions or concerns please contact the lead officer using the contact information below.

Regards,

Kerri Garner
Ktunaxa Lands and Resources
220 Cranbrook Street North, Cranbrook, V1C 3R2, BC, Canada
Tel: (250) 489-2464
Email: kgarner@ktunaxa.org

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2910

A bylaw to amend Bylaw No. 2319 cited as "Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2319;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 10, 2019 (Baynes Lake / Abbott & Ernst)."
2. The designation of that part of Lot A District Lot 132 Kootenay District Plan 18136, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from MH, Medium Holdings to SH, Small Holdings.

READ A FIRST TIME the 3rd day of May, 2019.

READ A SECOND TIME the 3rd day of May, 2019.

READ A THIRD TIME the day of , 2019.

ADOPTED the day of , 2019.

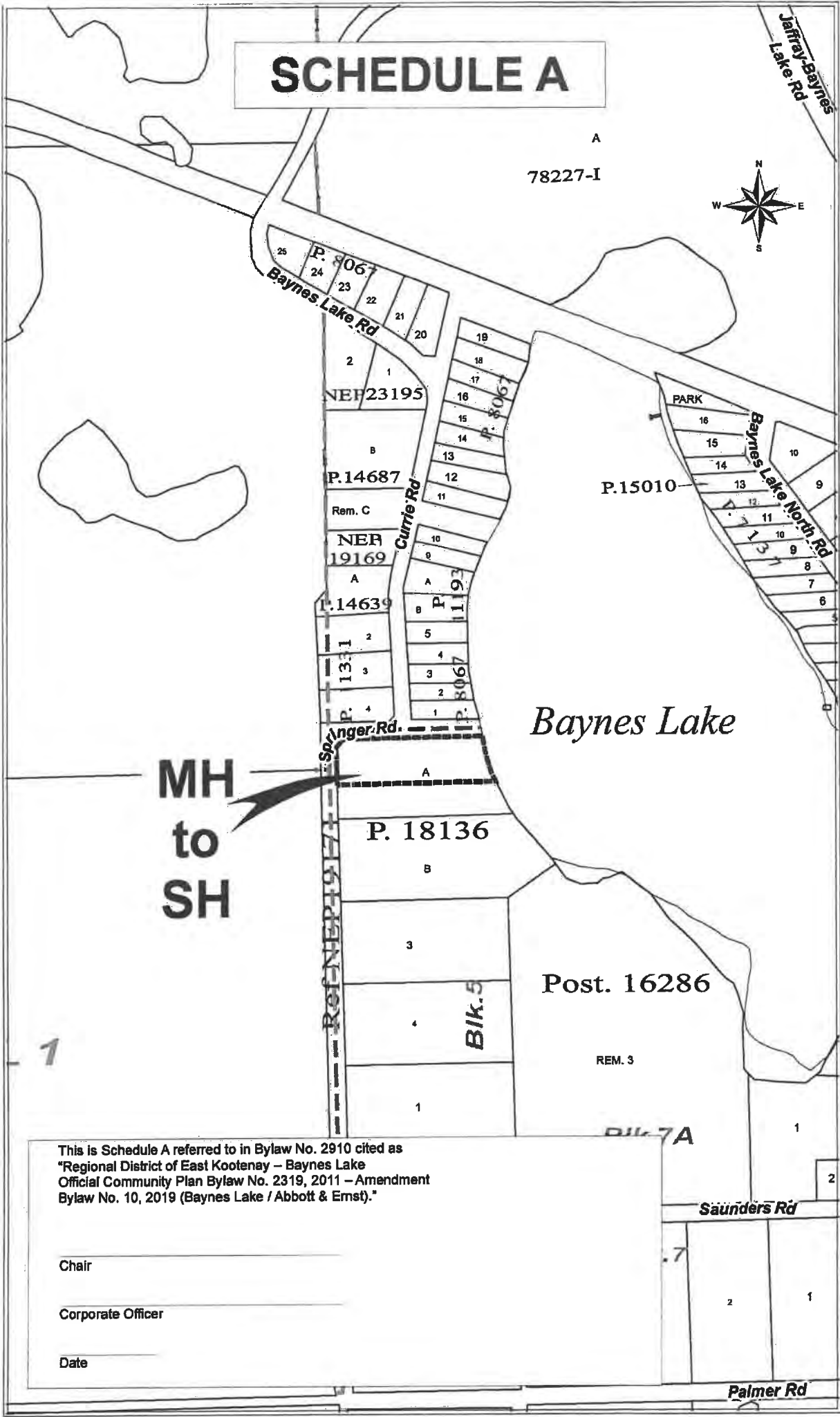
CHAIR

CORPORATE OFFICER

SCHEDULE A

Jafray-Baynes
Lake Rd

A
78227-I



This is Schedule A referred to in Bylaw No. 2910 cited as
 "Regional District of East Kootenay – Baynes Lake
 Official Community Plan Bylaw No. 2319, 2011 – Amendment
 Bylaw No. 10, 2019 (Baynes Lake / Abbott & Emst)."

Chair _____
 Corporate Officer _____
 Date _____

Saunders Rd

Palmer Rd

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2911

A bylaw to amend Bylaw No. 2320 cited as "Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2320;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 18, 2019 (Baynes Lake / Abbott & Ernst)."
2. The designation of that part of Lot A District Lot 132 Kootenay District Plan 18136, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from RR-2, Rural Residential (Small Holding) Zone to RR-1, Rural Residential (Estate) Zone.

READ A FIRST TIME the 3rd day of May, 2019.

READ A SECOND TIME the 3rd day of May, 2019.

READ A THIRD TIME the day of , 2019.

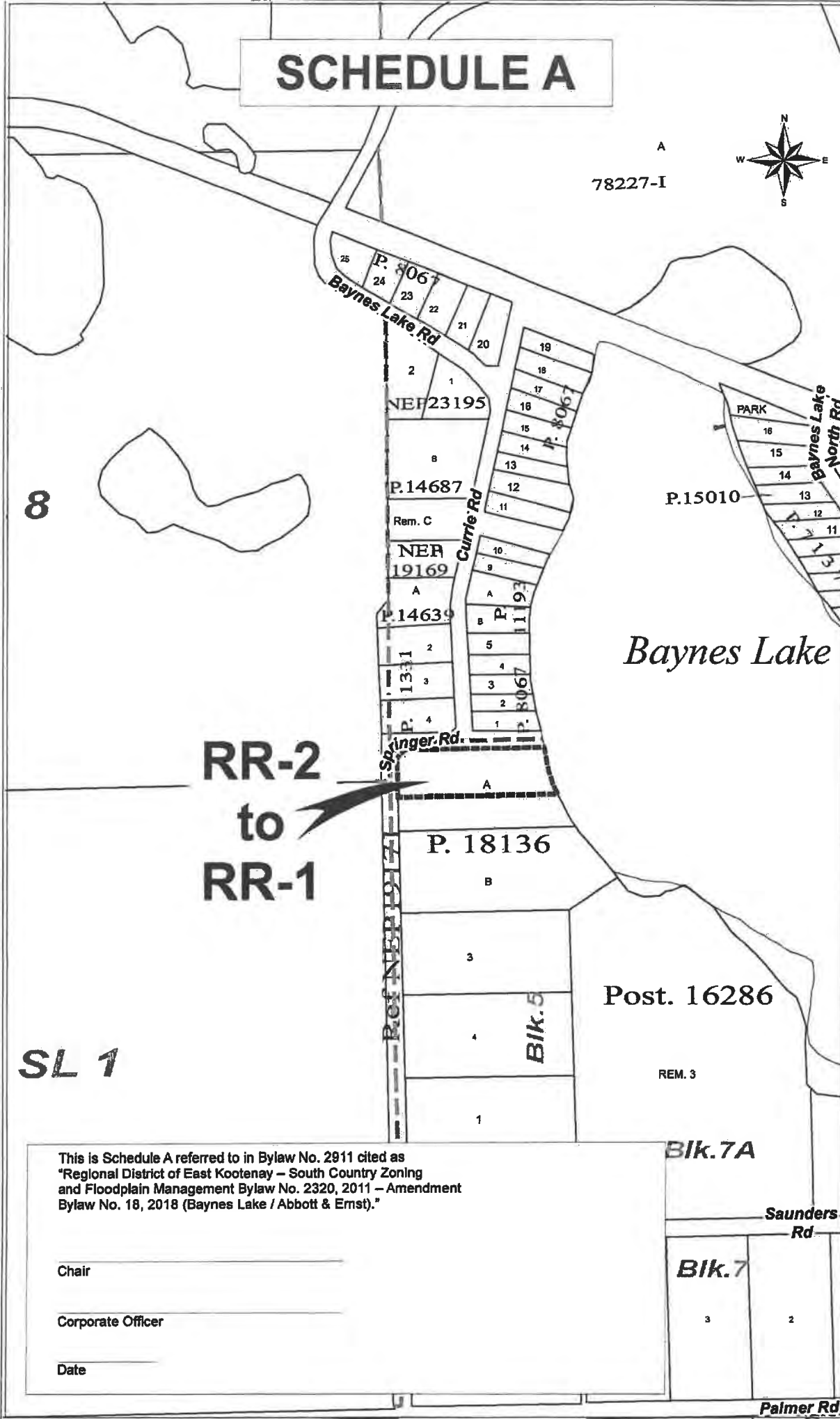
ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

SCHEDULE A

A
78227-I



This is Schedule A referred to in Bylaw No. 2911 cited as "Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 18, 2018 (Baynes Lake / Abbott & Ernst)."

Chair _____

Corporate Officer _____

Date _____

Palmer Rd



Bylaw Amendment Application

Date: April 23, 2019
File: P 719 201
Bylaw No. 2910 & 2911

Applicant: Barry and Margaret Abbott & Bob and Toni Ernst
Agent: Bob Ernst
Location: 464 Springer Road, Baynes Lake
Legal: Lot A, District Lot 132, Kootenay District, Plan 18136 (PID: 012-679-135)

Proposal: To amend the OCP and zoning designation of part of the property to permit a boundary adjustment subdivision. The proposed OCP designation change is from MH, Medium Holdings to SH, Small Holdings and the proposed zoning designation change is from RR-2, Rural Residential (Small Holding) Zone to RR-1, Rural Residential (Estate).

Development Agreement: None.

- Options:**
1. a) THAT Bylaw No. 2910 cited as "Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 10, 2019 (Baynes Lake / Abbott & Ernst)" be introduced;
and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
b) THAT Bylaw No. 2911 cited as "Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 18, 2019 (Baynes Lake / Abbott & Ernst)" be introduced.
 2. a) THAT Bylaw No. 2910 cited as "Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 10, 2019 (Baynes Lake / Abbott & Ernst)" not proceed.
b) THAT Bylaw No. 2911 cited as "Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 18, 2019 (Baynes Lake / Abbott & Ernst)" not proceed.

Recommendation: **Option # 1**
While subdivision of properties abutting Baynes Lake is not supported in the OCP, the proposal will not create any additional lots and the proposal is not likely to affect the ecological integrity of the lake as the boundary adjustment is minimal.

Property Information:

Current OCP Designation: MH, Medium Holdings

Proposed OCP Designation: SH, Small Holdings

Property Information – cont'd:	<p>OCP Policies:</p> <ul style="list-style-type: none">▪ In order to protect the ecological integrity of Baynes Lake, subdivision of properties abutting the lake is not supported.▪ Connection to an approved sewage disposal system under the Sewerage System Regulation of the Health Act is encouraged on any parcel on which a recreational vehicle is seasonally occupied or intended to be seasonally occupied, and where a recreational vehicle park is not a permitted use. <p>Current Zoning: RR-2, Rural Residential (Small Holding) Zone (minimum parcel size: 2 ha)</p> <p>Proposed Zoning: RR-1, Rural Residential (Estate) Zone (minimum parcel size: 1 ha)</p> <p>Parcel Size: Current: 1.7 ha (4.2 ac) Proposed: 1.0 ha (2.47 ac)</p> <p>Density: <u>Existing:</u> One lot <u>Proposed:</u> One lot, boundary adjustment only</p> <p>ALR Status: Not within the ALR</p> <p>Interface Fire Hazard Rating: Low to moderate, within the Baynes Lake fire protection area</p> <p>BC Assessment: Farm (vacant)</p> <p>Water and Sewer Services: Onsite proposed</p>
Professional Studies:	None
Additional Information:	<ul style="list-style-type: none">▪ The subject property is currently vacant, used for recreational purposes and is leased by a nearby farmer for pasture. The purpose of the application is to retain a portion of Lot A for summer recreational use and to continue to lease the new larger Lot B for agricultural purposes.
Consultation:	<p>Advisory Commissions:</p> <p>APC Area B: Support.</p> <p>Referral Agencies:</p> <ul style="list-style-type: none">▪ Interior Health Authority: Interior Health recommends:<ol style="list-style-type: none">1) The owners provide a report from an Authorized Person for the proposed 1 hectare parcel which identifies suitable primary and

**Consultation –
cont'd:**

reserve sewerage dispersal areas to protect the ecological integrity of Baynes Lake.

2) The agricultural lot is protected from future subdivision. We encourage protecting this parcel if created, to ensure it remains as an agricultural land use.

- **Transportation & Infrastructure:** Interests unaffected.
- **Environment:** No comments.
- **Ktunaxa Nation Council:** No comments to date
- **School District No. 5:** Interests unaffected.
- **Telus:** No comments to date.

**Documents
Attached:**

- Amending Bylaws
- Location Map
- Land Use Map
- Proposed Subdivision Plan

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca



Public Hearing Report – Bylaw Nos 2912 & 2913

Moyie & Area Official Community Plan Electoral Area C South Zoning & Floodplain Management Bylaw

This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 2912 cited as “Regional District of East Kootenay – Moyie & Area Official Community Plan Bylaw No. 2912, 2019” and Bylaw No. 2913 cited as “Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019” was held on May 21, 2019 at 7:00 pm at the Moyie Community Hall.

The following Regional District representatives attended the public hearing:

Director Rob Gay, Electoral Area C
Director Lee Pratt, City of Cranbrook
Michele Bates, Planner

The notice for the hearing was published in the May 16, 2019 issue of the Daily Townsman and in the May 5 and 16, 2019 issues of the East Kootenay Extra.

Bylaw No. 2912 is a long term strategic planning document that will establish policies for land use development and conservation within the plan area.

Bylaw No. 2913 will ensure that use and development in Moyie, Rural Cranbrook and surrounding areas takes place in an orderly, safe and efficient manner. The bylaw also establishes floodplain management regulations.

Chair Gay convened the hearing at 7:31 pm.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its June 7, 2019 meeting.

Thirty-one members of the public attended the hearing.

Murray & June Evenson, 9915 Braunagel Road – support the OCP.

Steve Rogers, 9754 Braunagel Road – supports the OCP.

Alec Rogers, 3094 Park Road – supports the OCP.

Wayne & Barbara Stone, 9336 Half Moon Avenue – support the OCP.

Ron & Faye Brown, 8865 Parr Road – support the OCP.

Valerie Ward, 9691 Braunagel Road – supports the OCP.

Jim Dezall, 7543 Green Bay Road – supports the OCP.

Bill & Marilyn Sanderman, 9387 Moyie Shore Estates Road – support the OCP.

Jim Renney, 8830 Loop Road – supports the OCP.

Paul & Darlene Jeffries, 9867 Esquire Road – support the OCP.

Wanda Cavelle, 3278 & 3288 Queens Avenue – supports the OCP.

Carol & Dave McGrath, 9660 Moyie Shores Estates – support the OCP.

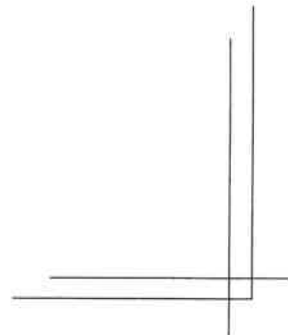
Director Gay called three times for comments and hearing no further comments adjourned the hearing at 7:37 pm.

Chair Rob Gay
Electoral Area C

Michele Bates
Planner



**MOYIE & AREA OFFICIAL
COMMUNITY PLAN
BYLAW No. 2912, 2019**



REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2912

A bylaw to adopt an Official Community Plan for Moyie & Area.

WHEREAS the Board of the Regional District of East Kootenay deems it necessary to adopt an official community plan in order to ensure orderly development within a portion of Electoral Area C;

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

1. Title

This Bylaw may be cited as the "Regional District of East Kootenay – Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

2. Application

This Bylaw is applicable to all land within the boundaries of the Moyie & Area Official Community Plan area as shown on **Schedule B**.

3. Organization

The following attached schedules are incorporated into and form part of this Bylaw:

- (a) Schedule A - Policies
- (b) Schedule B - Plan Area and Subareas
- (c) Schedule C - Agricultural Land Reserve
- (d) Schedule D - Land Use Overview
- (e) Schedule D2 - Land Use - Lumerton
- (f) Schedule D3 - Land Use - Green Bay Monroe Lake
- (g) Schedule D4 - Land Use - Moyie Narrows
- (h) Schedule D5 - Land Use - Moyie North
- (i) Schedule D6 - Land Use - Moyie Townsite
- (j) Schedule D7 - Land Use - Moyie South
- (k) Schedule E1 - Environmentally Sensitive Areas - Moyie North
- (l) Schedule E2 - Environmentally Sensitive Areas - Moyie South
- (m) Schedule F1 - Flood Hazard Overview - Moyie North
- (n) Schedule F2 - Flood Hazard Overview - Moyie South
- (o) Schedule G1 - Slope Analysis - Moyie North
- (p) Schedule G2 - Slope Analysis - Moyie South
- (q) Schedule H - Ungulate Winter Range
- (r) Schedule I - Badger Habitat
- (s) Schedule J1 - Development Permit #2 - Moyie Lake South
- (t) Schedule J2 - Development Permit #2 - Moyie Lake North
- (u) Schedule J3 - Development Permit #2 - Monroe Lake

4. Severability and Enactment

If any section, subsection, sentence, clause, phrase, map, or schedule of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remainder.

The Planning and Development Services Manager, Building and Protective Services Manager and Compliance Officer, and any other person authorized to assist the aforementioned persons are authorized to administer this Bylaw.

This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME the 3rd day of May, 2019.

READ A SECOND TIME the 3rd day of May, 2019.

READ A THIRD TIME the day of , 2019.

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

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SCHEDULE A – POLICIES

1. INTRODUCTION

1.1 Administration

The Moyie and Area Official Community Plan (OCP) is a long term strategic planning document intended to:

- reflect the collective vision of the plan area for the future;
- guide and direct land use decision making with respect to the change or conservation of land uses; and
- help create the conditions necessary for the orderly and efficient use of the plan area land base.

This OCP will be used and administered by the Board of Directors and Staff of the Regional District of East Kootenay (Regional District) to evaluate all future development proposals and changes in land use within the plan area. This OCP does not commit the Regional District to specific projects or courses of action, however, all decisions made by the Regional District must be consistent with this OCP.

This OCP is intended to provide guidance on land use and development issues within the plan area for a five to fifteen year period. During that time, however, this OCP may be amended to respond to a change in the needs of the community. Amendments may be initiated either by a property owner or the Regional District. All proposed amendments are subject to an application process, public hearing and approval by the Regional District Board.

Once this OCP is adopted it will provide the Board with a planning framework and guideline to promote certainty in land use decision making. In approving this OCP, the Regional District Board has considered the interests of the individual landowners and residents within the plan area and balanced those interests with the needs of the community and region as a whole.

1.2 Legal Framework

This OCP is adopted pursuant to the provisions of Part 14 of the *Local Government Act*, which states:

An official community plan is a statement of the objectives and policies to guide decisions on land use planning and land use management, within the area covered by the plan, respecting the purposes of local government.

In addition, an OCP must contain policy statements and map designations respecting the following:

- residential development and housing needs over a period of at least five years;
- commercial, industrial, institutional and other types of land uses;
- location and area of sand and gravel deposits suitable for future extraction;
- restrictions on the use of environmentally sensitive and hazardous lands;
- approximate location and phasing of any major road and infrastructure systems;
- location and type of present and proposed public facilities; and
- targets, policies and actions for the reduction of greenhouse gas emissions.

Land use and development within the plan area is also subject to all relevant local, provincial and federal legislation and regulations.

1.3 Plan Policies and Map Designations

This OCP contains goals, objectives and policies to provide direction for how the plan area should develop over time. The goals and objectives identify the land use issues and vision within the plan area. The policies are utilized to address the issues and implement the identified vision. Policy statements are developed based on the consideration of balancing

private and public interests. The policies contained within this OCP become the official position of the Regional District.

Schedules attached to this OCP contain the map designations. The map designations apply the goals and policies identified within the plan area to each parcel to depict the desired range and pattern of future land use.

1.4 Plan Process

The goal of the planning process is to replace the current Moyie & Area Land Use Bylaw with a Moyie and Area Official Community Plan (OCP). The planning process will also consolidate the land use bylaw with the existing Cranbrook Rural Zoning Bylaw to create one zoning bylaw for the southern portion of Electoral Area C. The Regional District Board authorized the planning process in April 2017.

An information newsletter and questionnaire were mailed to area property owners in May 2017. An introductory meeting was held on June 15th. The introductory meeting provided an overview of the planning process for residents and property owners. Those in attendance were asked to highlight the important features and assets within their communities and to voice their land use concerns and vision for their community in the next five to ten years.

A volunteer Advisory Group consisting of seven residents of the plan area was appointed by the Board in August. The role of the Advisory Group was to provide feedback to Regional District staff and the Area Director and act as a liaison with the public throughout the development of the Moyie and Area OCP.

A second newsletter was mailed in November 2017. The newsletter provided a summary of the survey and introductory meeting results. A community planning workshop was also held in November. Residents were asked to work together on mapping activities related to development and conservation of residential, commercial, agriculture, environmental, and recreational areas. Residents also participated in exercises that allowed them to agree or disagree with proposed policy direction and map the future vision of their communities. Between January and March, consultations with Provincial Ministries, Ktunaxa Nation Council, public and private interests occurred and OCP drafting commenced.

A third newsletter was mailed in April to update residents on the planning process and to provide a summary of the results of the community planning workshop. As preservation of the Moyie Lake Narrows (Narrows) was a high priority for residents, a public information meeting was held in May. Representatives from Transport Canada, Ministry of Forests, Lands, Natural Resource Operations and Rural Development and the RCMP provided information.

In January 2019, a fourth newsletter was mailed to property owners to provide an update on the planning process and information regarding the Open House. The draft OCP was presented at a public Open House in January 2019, followed by a public comment period ending in March 2019.

1.5 Relationship to the Zoning Bylaw

The land use designations contained within the OCP were assigned based on the goals, objectives and policies outlined within the OCP and in consideration of the current land uses. However, the land use designations may not match a parcel's zoning within the Electoral Area C South Zoning & Floodplain Management Bylaw. This is because the OCP is a long range strategic planning document that identifies the preferred future land use, while the zoning bylaw usually recognizes the current land use. Development of the parcel may continue in accordance with the zoning of the property, however, any amendment to the zoning must be in conformity with the land use designation in the OCP.

1.6 Plan Area

The plan area is located approximately 10km south of the City of Cranbrook and contains approximately 500 permanent residents. The boundary of the plan area is shown on **Schedule B**. A brief description of each subarea is provided.

(1) Westview Road

This subarea consists of residential parcels ranging in size from 1 ha to 26 ha. One commercial parcel exists in the subarea housing a paint ball recreational facility and one parcel partially zoned Industrial for a sawmill.

(2) Lumberton

The Lumberton area consists mainly of industrially designated properties housing sawmills and sand and gravel pits. The area also contains a sixteen-unit mobile home park, one 2 ha residential property with the remaining residential properties ranging in size from 24 ha to 132 ha.

(3) Green Bay / Monroe Lake

This subarea is located at the north end of Moyie Lake and contains residential, recreational and agricultural property. Adjacent to the Hiawatha Campground, south of Hiawatha Lake, is a Crown land sand and gravel pit. Moyie Vista RV Resort is located south across Highway 3/95 and is surrounded by large residential properties. This subarea contains Moyie Lake Provincial Park, Green Bay Resort, Green Bay Transfer Station and the Green Bay residential area consisting of parcels ranging in size from 0.2 ha to 2 ha.

Monroe Lake and Monroe Lake Recreation Site are located west of Moyie Lake and are home to approximately thirty-five residential lots ranging in size from 0.4 ha to 0.6 ha.

The only land with the Agricultural Land Reserve in the plan area is located in this subarea and consists of six properties on Hidden Valley Road and a portion of Moyie Provincial Park.

(4) Moyie Lake - North & the Narrows

Mineral Lake and Mineral Lake Recreation Site are located west of Moyie Lake. The east side of the Narrows consists of residential parcels ranging in size from 1 ha to 8 ha. A privately owned campground is also located in this subarea but was not in operation at the time this bylaw was drafted.

The west side of the Narrows is primarily large privately owned parcels. Access to these lots is obtained through forestry service roads or water.

(5) Moyie Lake - South

The first development south of the Narrows is Aurora Estates. This 12 ha parcel is located on the west side of Moyie Lake and is a shared ownership containing thirty-two parcels approximately 0.08 ha in size with the remainder as common property.

Moyie Shores Estates is south of Aurora Estates. This is a strata development consisting of approximately seventy-five parcels ranging in size from 0.2 ha to 0.8 ha. This property is serviced by a strata-owned community water system.

The east side of Highway 3/95 consists of large parcels owned by Teck Metals Ltd. The south end of Moyie Lake at the mouth of the Moyie River consists of numerous residential parcels and a 277-unit private campground.

(6) Moyie Townsite

There are still remnants of St. Eugene's mining history including the mine buildings, fire hall, church and cemetery. The townsite is also home to a general store, community hall, museum and playground.

The Regional District owns the Moyie Water System which provides water to the townsite of Moyie.

2. AREA HISTORY AND BACKGROUND

2.1 History

The Ktunaxa Nation has lived in the area covered by the plan for more than 10,000 years. Historically, the Ktunaxa people migrated throughout their territory. European settlement in the late 1800s led to the establishment of the current Indian Bands.

In 1873, the first mission was founded near the site of the current St. Eugene Mission located on Kootenay Indian Reserve #1. In 1893, Pierre, a Ktunaxa citizen brought a sample of galena ore to Father Coccola, head of the St. Eugene Mission. The two staked claims above the town of Moyie. Father Coccola constructed the St. Eugene Church from his proceeds and in 1904 build a similar church in Moyie. In 1904, a new church, St. Peter's was built on the corner of Tavistock Street and Moyie Avenue.

The first recorded funeral was in 1898. The cemetery is located south of Moyie townsite and contains grave markings with dates ranging from 1900 to 1983.

In 1898, the Crow's Nest Pass Railway (later becoming Canadian Pacific Railway) arrived in Moyie and by 1900, the concentrator was operating.

The first school term in Moyie was September 1898. The school remained open until 1985. The school building is now the community hall.

The townsite of Moyie dates from 1896 and had a population of approximately one thousand residents by 1901. With the increase in population, the business sector grew as well. Moyie townsite was home to multiple hotels, general stores, barber shops, butcher shops, bakeries, pharmacies, laundries, clothing shops and breweries. In 1898, the post office was established.

From 1900 to 1928, the community of Moyie had an organized fire brigade. In 1907, the community built a new fire hall which continues to stand today.

During the 1930's with minimal work available, company houses were moved to various other locations, other buildings were torn down or abandoned. It wasn't until the 1950's with reconstruction of the highway, renewed logging activity and the realization of the recreational potential of the area that revitalization began.

2.2 Previous Plans

Moyie & Area Land Use Bylaw

In November 2008, the Regional District adopted the Moyie & Area Land Use Bylaw. Prior to 2008, the plan area was unzoned. In 2007, in response to interest from residents, to promote the community vision and provide certainty to land use and development, the Regional District Board authorized staff to proceed with a planning process. In addition to public and Provincial agency consultation, a volunteer Advisory Group was created to assist with the development of the bylaw and act as a liaison between Regional District staff, the Area Director and the community.

Regional Sustainability Strategy

The Regional Sustainability Strategy (RSS) was adopted in October 2014. The strategy provides the Regional District with a wide ranging, long term planning tool. It equips the region with a "sustainability lens" to guide and evaluate operations and decision-making. It also provides the Regional District with a single overarching reference point for its activities, including future planning and priority setting processes.

RDEK Agricultural Plan

In 2014, the East Kootenay Agricultural Plan was developed as a collaborative process involving consultation with local residents, government agencies and local stakeholders.

The initial phase involved a comprehensive Agricultural Land Use Inventory of land use and land cover within the ALR utilizing the Ministry of Agriculture, Strengthening Farming Program protocol. The second phase included consultation and engagement activities, development of the Regional District Agricultural Plan Background Report and creation of the Agricultural Plan. The Agricultural Plan contains strategies to foster, adapt and sustain the long term viability of farming in the region.

Community Wildfire Protection Plan

In 2012 the Regional District hired B.A. Blackwell & Associates to develop a region-wide Community Wildfire Protection Plan (CWPP). The intent of the CWPP was to provide the Regional District with a high-level overview of wildfire risk in the region, which would also be used as a guiding document for any proposed wildfire risk mitigation or prevention efforts. The CWPP is comprised of a Regional Summary and Implementation Plan, supplemented with more specific plans for each Electoral Area in the regional district.

2.3 Recent Development

The Moyie & Area Land Use Bylaw has been amended fourteen times since its adoption in 2008. Between 2008 and 2011, thirteen new lots were created in the plan area. Since 2011, one new lot has been created.

Sixty-one new dwelling units have been constructed in the plan area since 2008, with 27 of those in the Westview Road area.

3. GOALS OF THE OFFICIAL COMMUNITY PLAN

This OCP is a comprehensive land use document that establishes land use policies for future development in the Moyie area. The goals and policies of this OCP have been developed in consultation with area residents, provincial government agencies and First Nations. The goals of this OCP are:

1. Promote development that maintains the rural character of the plan area and that reflects a diversity of lifestyles, economic and recreational activities while recognizing the unique characteristics of the plan area and the desire to mitigate incompatible forms of development.
2. Support the agricultural base in the plan area through protection of agricultural resources and the promotion of opportunities for local food production, diversification and value added agricultural activities.
3. Recognize the existing commercial and institutional uses within the area and establish criteria where new applications may be supported by the Regional District.
4. Recognize the existing light industrial uses in the plan area and establish criteria where new applications may be supported by the Regional District.
5. Protect the integrity and quality of Moyie Lake, Monroe Lake and all other groundwater and surface water resources.
6. Promote Provincial management of Crown land that respects social, environmental and economic sustainability principles.
7. Recognize and conserve cultural resources and archaeological sites located within the plan area, both recorded and unrecorded. Development activities will comply with heritage conservation legislation.
8. Recognize and support the protection of environmentally sensitive areas and sensitive plant and animal species.
9. Encourage the reduction of greenhouse gas emissions created within the plan area.
10. Recognize the risk of interface fire hazards within the rural area and establish Development Permit guidelines to mitigate the risk.
11. Recognize the risk of natural hazards such as flooding and debris flows within the plan area and establish criteria where new applications may be supported by the Regional District.

4. RESIDENTIAL LAND USE

4.1 Background

Single family housing options within the plan area range in size from urban sized residential lots within the townsite of Moyie to larger acreages in the Westview area.

North of the townsite of Moyie development potential is limited due to steep slopes and flood hazards. Residential development is also challenging in the vicinity of the railway right of way as safety, noise and vibration all become issues.

There is potential for development of some of the larger lots along the east side of the Narrows at Parr and Porto Rico Road; however, at the time of drafting this plan the community did not support development adjacent to the Narrows.

There are large privately owned parcels on the west side of the Narrows. Residential development of these parcels is limited due to road access issues and flood hazard areas.

The plan area contains approximately six parcels of private land that are within the ALR. These lands support agricultural uses such as forage and livestock production and contribute to the rural character of the area.

Policies stating support for subdivision of land within the ALR are the policy of the Regional District only.

4.2 Objectives

- (1) Maintain parcel sizes that reflect the rural and recreational lifestyle and character of the area.
- (2) Maintain the rural and agricultural nature of the plan area by only considering new residential proposals if they are appropriately located and compatible with adjacent land uses so as not to compromise environmental and agricultural values.
- (3) Identify development nodes for future residential development and direct development to these areas.

4.3 Policies

(1) General

- (a) Higher density residential and multi-family development is directed to nearby municipalities.
- (b) Multi-family development (triplexes and larger) is not supported within the plan area.
- (c) The sale or other alienation of Crown land for residential purposes is generally not supported.
- (d) RR, Rural Resource designated lands are intended to be retained for low density land uses such as recreation, resource extraction, and agriculture.
- (e) Bylaw amendment applications for residential development should address the following:
 - (i) compatibility of proposed development with surrounding land uses and parcel sizes;
 - (ii) access to the development and proposed road networks;
 - (iii) integration of Conservation Subdivision Design principles by utilizing a compact neighbourhood design and identifying and protecting wetlands, steep slopes, woodlands and wildlife corridors;
 - (iv) capability of the natural environment to support the proposed development, and its impact on important habitat areas;
 - (v) identification of trail connectivity within the area under application and adjacent developments;
 - (vi) consideration of water use reduction measures for buildings and landscapes;

- (vii) consideration of building envelopes to maximize viewscales and passive solar orientation;
 - (viii) mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
 - (ix) integration of FireSmart principles;
 - (x) consideration of the potential impacts on groundwater;
 - (xi) susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
 - (xii) suitability of the parcels for groundwater wells and septic systems if on-site services are proposed; and
 - (xiii) consideration of vegetated buffers or setbacks where the proposed development is adjacent to agricultural land.
- (f) If a rezoning application is proposed adjacent to a railway right of way, the rezoning application should address the "Guidelines for New Development in Proximity to Railway Operations".
- (g) If a rezoning application for development of properties with on-site services is proposed, parcels smaller than 1 ha will generally not be supported.

(2) Moyie Townsite Subarea

- (a) Infill residential development within Moyie townsite is generally supported.

(3) Moyie Lake – North & the Narrows

- (a) Subdivision of parcels in the Parr and Porto Rico Road area may be supported if development is sufficiently setback from the Narrows and the requirements listed in section 4.3 (1) (e) are addressed.

5. COMMERCIAL LAND USE

5.1 Background

Commercial development in the plan area is limited, consisting of the Owl's Nest RV Resort, Moyie General Store and Moyie Marine. The site of the former Moyie Pub is zoned commercial; however, at the time of writing this bylaw the pub was not in operation and had not been for some time. During public consultation, residents voiced support for the continued operation of the Moyie General Store and for re-establishment of a restaurant or pub in the pub's current location. Residents also indicated support for small local retail and commercial businesses. The preference for future commercial development was to be located in Moyie townsite.

This OCP does not identify specific parcels for new commercial development. Amendments to the OCP land use designations and zoning bylaw will be necessary in order to facilitate such development.

5.2 Objectives

- (1) Direct large commercial development to the City of Kimberley and City of Cranbrook.
- (2) Support a range of opportunities for economic diversification through home based businesses.
- (3) Promote economic development that supports the unique character of the plan area.
- (4) Support land uses for commercial recreation and tourism, ecotourism and cultural tourism where compatible with adjacent land uses.

5.3 Policies

(1) General

- (a) Home based businesses which are accessory to the residential use, conform with home based business regulations in the zoning bylaw, and do not disrupt the residential nature of the surrounding area are supported in order to facilitate diversified economic development.
- (b) New small scale commercial development that provides local services is generally supported in Moyie townsite provided there will be no significant adverse impact on adjacent uses.
- (c) Existing local commercial land uses are recognized and their continued use for the provision of services oriented to local use is generally supported. New or large scale commercial development is encouraged to locate within nearby municipalities where supporting infrastructure already exists.
- (d) Ecotourism and cultural tourism activities within the plan area that provide economic diversification and have limited impact on the environment, agriculture and heritage resources are generally supported.
- (e) Rezoning applications to enable new campground development are generally not supported. However, if an application is received by the Regional District, it must comply with the Regional District Campground Bylaw and will be subject to issuance of a Campground Permit by the Regional District. Rezoning applications will be considered in relation to the following considerations, which should be addressed as part of a comprehensive campground development plan submitted with the application:
 - (i) compatibility of the proposed development with surrounding land uses;

- (ii) suitability of access to the development, proposed internal road networks and impacts on the external road network;
 - (iii) confirmation of capability to provide sewer and water servicing;
 - (iv) proposed density;
 - (v) provision and dedication of open and green space, buffers and screening;
 - (vi) provision of overnight and short-term camping opportunities;
 - (vii) provisions to support solid waste management associated with the campground development;
 - (viii) identification and mitigation of development impacts on environmentally sensitive areas including grasslands, connectivity corridors, wetlands and riparian areas and old growth forests, in accordance with section 10 of this OCP concerning environmental considerations; and
 - (ix) susceptibility to natural and geotechnical hazards and integration of hazard mitigation strategies, in accordance with section 11 of this OCP concerning development constraints.
- (f) At the request of the property owner, in order to facilitate redevelopment of commercial properties along Highway 3/95, support for variances for property lines setbacks will generally be supported upon demonstration of sufficient rational and the ability to obtain commercial access permits as required by the Ministry of Transportation and Infrastructure.

6 AGRICULTURAL LAND USE

6.1 Background

The plan area contains four private properties and two Crown land parcels located in the ALR, as well as a portion of the Moyie Lake Provincial Park. The ALR is a provincial land use designation intended to protect farming and agriculture as the primary land use. Subdivision and non-farm uses within the ALR must meet provincial regulations and be approved by the ALC. Land included in the ALR is shown on **Schedule C**.

Applicants wishing to subdivide land within the ALR should be aware that the ALC is not subject to the subdivision for a relative provision contained in Section 514 of the *Local Government Act*, nor does the ALC believe that encouraging small lot subdivision is supportive of agriculture and consistent with the ALC mandate to preserve agriculture and encourage farming. Policies stating support for subdivision of land within the ALR, with the exception of those applications that qualify under the ALC's Homesite Severance Policy, are the policy of the Regional District only.

6.2 Objectives

- (1) Support agricultural activity within the plan area.
- (2) Outline conditions under which subdivision within the ALR will generally be supported and discourage ALR subdivision that does not meet these conditions.
- (3) Minimize conflicts between agriculture and other potentially incompatible land uses on adjacent lands.
- (4) Support local food production, local distribution of food products, and diversification of agricultural uses.
- (5) Preserve and encourage the use of agricultural land for present and future production of food and fibre.

6.3 Policies

(1) General

- (a) Land in the ALR is generally designated and supported for agricultural use.
- (b) Preservation and continued use of agricultural land for present and future food production is encouraged.
- (c) Buffers between properties on which farming is taking place and adjacent non-agricultural properties will be established through setbacks within the zoning bylaw. Measures such as fencing and screening located on adjacent non-agricultural properties should be utilized to ensure that farm operations are adequately protected and buffered.
- (d) The implementation of applicable recommendations from the Regional District Agricultural Plan is supported.
- (e) Home occupations that are complimentary to agricultural operations are encouraged and supported within the ALR.
- (f) The primary commercial uses for land within the ALR should be agricultural production and the processing and marketing of on-farm produce. However, accessory uses that complement agriculture, including, but not limited to agri-tourism and farm gate sales will generally be supported in the ALR.

(2) Agricultural Land Reserve Applications

- (a) The plan recognizes the opportunity for limited residential subdivision that is compatible with agricultural operations and on land that is not suitable for agricultural use due to topography and other limitations. The intent is to cluster residential growth on land of low agricultural capability and suitability in order to reduce rural sprawl and preserve the agricultural value of larger

parcels in the area. ALR subdivision applications will be considered in relation to the following criteria:

- (i) current agricultural capability and suitability of the parcel;
 - (ii) potential impacts of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels; and
 - (iii) where applicable, information in the report from a qualified professional as required in section 6.3(2)(f).
- (b) ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capacity, protect productive soils and provide a net benefit to agriculture for the lands that remain within the ALR.
- (c) Applications for subdivision for a relative pursuant to section 514 of the *Local Government Act* will generally be supported when all of the following conditions have been met, subject to compliance with the zoning bylaw:
- (i) there is no negative impact on the agricultural potential of the parent parcel;
 - (ii) the subdivision for the relative is kept as small as possible, having regard to servicing requirements, and is located in an area which has the least impact on agriculture;
 - (iii) the subdivision complies with the requirements of the zoning bylaw, other than with respect to the provisions relating to minimum lot sizes; and
 - (iv) a statutory declaration will be provided to the Ministry of Transportation and Infrastructure at the time of subdivision to confirm the parcel is for a relative and that the parcel will not be sold or transferred for a period of five years unless required as part of an estate settlement or as required by a lending institution.
- (d) Subject to compliance with the zoning bylaw, applications for homesite severance subdivision for a retiring farmer in the ALR will generally be supported when the minimum parcel size is 0.4 ha and the proposal is in compliance with the ALC Homesite Severance Policy.
- (e) New residential development is encouraged to be directed to established development nodes such as Moyie, land within municipal boundaries and areas outside the ALR.
- (f) ALR applications for exclusion, non-farm use, or subdivision of parcels 4.0 ha in size or larger must be accompanied by a report from a qualified professional unless an exemption from the requirement has been approved by the Regional District Board. The report must include the following:
- (i) determination of the level of capability and suitability for both soil bound and non-soil bound agricultural production on the parcel including investigation of the terrain, soil, size, configuration and context of the agricultural lands; and
 - (ii) identification of the impact the proposal will have on the agricultural suitability and capability of the parcel, and agricultural operations in the surrounding area.

Applications will not be processed by Regional District staff until such time as the report has been submitted or an exemption has been granted. Requests for exemption must be provided in writing to the Regional District prior to making an application and should provide rationale for granting the exemption.

- (g) ALR applications for non-farm use, subdivision, or exclusion that meet one or more of the following criteria are exempt from the requirement to submit a

report by a qualified professional identified in 6.3(2)(f) as part of their application to the Regional District:

- (i) the application is for subdivision for a relative as per the provisions in the zoning bylaw and the *Local Government Act* and the parcel proposed is equal to or less than 2.0 ha in size; or
- (ii) the application is for a reconsideration or alteration of a prior approval by the ALC; or
- (iii) the original parcel size is equal to or less than 4.0 ha in size.

The exemption is a condition of the Regional District review process only and does not exempt the applicant from any conditions imposed by the ALC as a condition of their consideration of the application or approval. All applications reviewed by the Commission are on an individual basis in regard to the ALC's mandate and may or may not be approved.

- (h) Applications for subdivision that will negatively impact present or future agricultural opportunities, or that involve the fragmentation or parcelization of land suitable for agriculture, are generally not supported.

7. LIGHT INDUSTRIAL

7.1 Background

Industrial development within the plan area is located mainly within the Lumerton area and consists of sawmills and sand and gravel operations. One property in the Twin Lakes Road area is also zoned Industrial as it contains a sawmill. During the public consultation process, residents indicated a preference to continue to direct light industrial development to the Lumerton area with mitigation requirements for safety and the aesthetic impacts additional light industrial development could create.

7.2 Objectives

- (1) Ensure that aggregate extraction activities are conducted in a manner that is compatible with adjacent land uses and the rural character of the plan area.
- (2) Encourage new industrial land uses to be accommodated within the Lumerton area or nearby municipalities such as Cranbrook and Kimberley.
- (3) Outline conditions under which light industrial uses may be supported.

7.3 Policies

- (1) In order to minimize the impacts of sand and gravel extraction activities, the optimization of current sites is encouraged.
- (2) Proposed new sand and gravel extraction sites should be located in areas that are compatible with adjacent land uses.
- (3) Sand and gravel operations are discouraged from locating extraction sites or transportation routes in close proximity to residential areas.
- (4) The rehabilitation and reclamation of industrial and resource extraction sites upon cessation of activity is encouraged.
- (5) Light industrial land uses that will generally be supported are limited to those which occur on a scale that does not disrupt the rural residential nature of the plan area. Applications for light industrial use should also address the following:
 - (a) compatibility of the proposed development with surrounding land uses;
 - (b) water and sewer servicing options;
 - (c) road access;
 - (d) potential impacts to road infrastructure;
 - (e) aesthetic mitigation measures such as screening, fencing, buffers and responsible outdoor lighting;
 - (f) safety considerations such as wildfire hazards.

8. INSTITUTIONAL AND COMMUNITY LAND USE

8.1 Background

The plan area currently contains a small number of institutional and community uses such as the Moyie Community Hall, St. Peter's Catholic Church and the Moyie Cemetery.

At the time this bylaw was prepared, Moyie Fire Hall was privately owned and not used for fire services. The Moyie Community Association was maintaining the building.

8.2 Objectives

- (1) Support existing institutional and community land uses.
- (2) Facilitate the identification of lands for required community and institutional land uses such as fire halls, community centers, public utilities and other similar uses.

8.3 Policies

(1) General

- (a) Institutional uses of a local nature that are compatible with adjacent land uses are generally supported within the plan area.
- (b) Fire protection areas currently do not exist within the plan area. If in the future a fire protection area is established within the plan area the Regional District will work with the community to identify an appropriate site for a new fire hall, if required.
- (c) School facilities are not anticipated within the projected 5 to 15 year time line considered within this OCP; therefore, no school sites have been identified.

9. OPEN SPACE AND RECREATION

9.1 Background

Preservation of open spaces and recreational opportunities were common themes during the consultation process. The plan area contains numerous recreational opportunities such as Moyie Lake Provincial Park, Ellis Park, Monroe Lake Recreational Site, Mineral Lake Recreational Site and Aldridge Regional Park. These recreational opportunities are an integral part of many residents' and visitors' lifestyles and also add to the local economy.

Moyie Lake Provincial Park is 90.5 ha in size and is a popular recreation site with a boat launch, and one hundred and eleven campground sites.

Aldridge Regional Park located on Braunagel Road is approximately 0.28 ha. The park infrastructure includes a parking area, two public lake accesses and one watercraft/trailer access to Moyie Lake. The park is primarily a recreational spot for the local community to enjoy boating and swimming.

Monroe Lake and Mineral Lake Recreational Sites contain campsites, boat launches and picnic tables.

During the consultation process, the community voiced their concern that access to the Dewdney Trail through Teck Resources property was no longer available. Residents would like to pursue options to allow use of the trail again for hiking and access to the cemetery.

One of the Regional District's 2018 Strategic Priorities was to investigate the establishment of a Regional District park on the 0.6 ha parcel of Crown land at the intersection of Braunagel and Park Road. The "Moyie Lake Access Park" was supported by residents during the OCP consultation.

9.2 Objectives

- (1) Provide local parks, trails, and other outdoor recreational opportunities in locations and in sufficient quantity to be available and accessible, where possible, to all members of the community.
- (2) Ensure recreational activities are compatible with the rural character of the plan area.
- (3) Recognize and protect recreational features with tourism potential.
- (4) Promote a natural environment where clean water and air are the pillars of the community.
- (5) Promote development of trails in the plan area consistent with Provincial guidelines.

9.3 Policies

(1) General

- (a) Future consideration of regional parks and trails must be in compliance with the goals and policies of the RDEK Regional Parks Plan. The expansion of existing parks or creation of new park services may require an amendment to the Parks Plan.
- (b) The protection of existing green space is encouraged in order to contribute to a vibrant and healthy community.
- (c) The provision of a broad spectrum of outdoor recreation opportunities that are compatible with the adjacent residential development, suitable for both residents and tourists and that respects the need to protect resource values is supported.
- (d) The development of intercommunity non-motorized trail connections linking the rural area to municipalities for foot and cycle commuting is supported.

- (e) Residents and visitors to the area must comply with the *Off-Road Vehicle Act* which provides specific rules governing the off-road sector and helps ensure these vehicles are driven in a safe and environmentally responsible manner.
- (f) Community gardens on both public and private lands are encouraged where appropriate and feasible.
- (g) When planning outdoor greenspaces such as parks, the development of areas for the public to sit, eat or rest is encouraged.
- (h) Adoption of bylaws to regulate smoking in parks owned by the Regional District is supported.
- (i) At the request of residents and as resources allow, the Regional District will investigate the possibility of a Regional District trail at the existing Dewdney Trail to provide hiking opportunities and access to the existing cemetery.
- (j) As resources allow, the Regional District will pursue creating the “Moyie Lake Access Park” as an Electoral Area C Regional Park.

10. ENVIRONMENTAL CONSIDERATIONS

10.1 General

(1) Background

The plan area is characteristic of the valley bottoms within the southern Rocky Mountain trench and contains Interior Douglas Fir, Interior Cedar Hemlock and riparian areas. Historical resource and agricultural management practices, fire suppression, the introduction of exotic species and development have all had a significant impact on the natural environment within the plan area.

Connectivity corridors act as linkages between habitats. Wildlife populations, communities and ecological processes are more likely to be maintained in landscapes that include an interconnected system of habitats than in landscapes where natural habitats are ecologically-isolated fragments. Connectivity corridors within the plan area provide important linkages between fragmented habitat for many species.

A number of red and blue listed species can be found within the plan area. Red listed species are extirpated, endangered or threatened. Extirpated species no longer exist in the wild in BC but do occur elsewhere. Endangered species are facing imminent extinction. Threatened species are likely to become endangered if the causes leading to their population decrease are not reversed. Blue listed species are considered to be of special concern and are at risk because of characteristics that make them sensitive to human activities or natural events.

The corridor is home to several red and blue listed plants, as well as the red listed American Badger and Mountain Caribou and the blue listed Williamson's Sapsucker, Painted Turtle, Great Blue Heron and Grizzly Bear. Grassland habitat provides forage for ungulate populations, nesting areas for grassland birds and hunting areas for birds of prey.

The American Badger is at risk in BC because the amount of suitable habitat is small and has been adversely affected by human activity. Key areas of low elevation grasslands and open pine or fir forests have been lost. Fire suppression causes forest encroachment on grasslands and development creates a loss or alteration of low elevation grasslands and open coniferous forests. Reduced food supply and secondary poisoning from rodenticides are also contributing factors to the badger decline.

Approximately 98% of the world's Mountain Caribou live in BC. Mountain Caribou inhabit landscape dominated by large tracts of old growth forest which offers heavier lichen loads, better selection of food plants, more effective interception of snow and less frequent use by other ungulates and their predators. This habitat has become less abundant due to timber harvesting, fires and residential development. Reducing recreational activities in key habitats may also reduce the level of disturbance and prevent the Caribou from being displaced into a poorer quality habitat.

The blue listed Williamson's Sapsucker habitat is usually associated with mixed coniferous forests with stands of mature larch. The primary threat to this species' habitat is logging of mature western larch and Douglas fir stands. Clear cuts usually remove habitat while selection logging often removes the large trees that are needed for future nest trees.

The blue listed Painted Turtle faces many threats within its limited range in southern BC. Alteration or destruction of its habitat is its main threat; many wetlands, ponds and channels have been modified to meet development needs, leaving little or no nesting habitat. Living in areas of human development also poses other threats including traffic mortality, disturbance of basking and nesting turtles by the public, trampling of nests and the illegal capture of turtles for pets. Painted Turtles have numerous natural enemies as well, however under natural conditions the population is maintained as adult turtles have low death rates and

may live 20 or 30 years. It is only when habitat destruction and human caused mortalities are factored in that the populations usually decline.

The Great Blue Heron is the largest wading bird in North America and measures over 1 m in height. Great Blue Herons are found near lakes and coastal areas. They may nest individually or in colonies. They are a Blue Listed species, considered vulnerable to disturbance by Bald Eagles and humans. Urban and rural development results in the loss of suitable nesting areas and disturbance to birds during their breeding season. During the early stages of nesting, loud noises such as vehicle traffic may cause the Herons to abandon their nests. It is an offence under the *BC Wildlife Act* to possess, injure or destroy a Heron, its eggs, or its nests. The nests and nest trees of Herons are protected year round, whether or not the nest is currently active.

Ungulate Winter Range for the plan area is identified on **Schedule H**.

(2) Objectives

- (a) Ensure that development causes minimal degradation of soil, air and water systems, and is compatible with maintaining and enhancing wildlife habitat.
- (b) Ensure that wildlife corridors and habitat connectivity are not impaired by future development.
- (c) Recognize the importance of containing and controlling noxious / invasive plants and preventing their establishment.
- (d) Foster an awareness of the natural environment and protect environmentally sensitive areas.
- (e) Support rehabilitation, restoration and enhancement of environmentally sensitive areas.

(3) Policies

- (a) Ecosystem restoration and reclamation initiatives by environmental organizations, local citizens or the responsible Provincial Ministry that restore and enhance disturbed environmentally sensitive areas to a natural condition are supported.
- (b) Property owners are encouraged to maintain and upgrade onsite septic systems in order to decrease potential nutrient loading and bacteriological inputs to both groundwater and surface water in the plan area.
- (c) In order to ensure that private land in environmentally sensitive areas is conserved and protected, designation of land as OSRT, Open Space, Recreation and Trails within comprehensive developments is encouraged. Opportunities within an area designated OSRT would include passive uses with minimal impact such as non-motorized recreation trails and non-land altering recreation activities.
- (d) The Regional District encourages management of Crown land in an environmentally responsible manner which:
 - (i) protects surface and groundwater sources;
 - (ii) manages forest ingrowth;
 - (iii) minimizes risk of interface fire and wildfire;
 - (iv) enhances wildlife habitat;
 - (v) protects viewscales and scenery;
 - (vi) protects watershed ecological values, including waterfowl and fish and their corresponding habitat; and
 - (vii) maintains diverse plant communities by managing invasive plants.

10.2 Fish and Wildlife Habitat

(1) Objectives

- (a) Maintain habitat connectivity through undisturbed open space and corridors to support the movement of various wildlife species and access to foraging and nesting areas.
- (b) Encourage the protection of natural ecosystems unique to the plan area.

(2) Policies

- (a) Conservation and/or enhancement of fish and wildlife habitat values within the plan area by local citizens, environmental organizations, and Provincial and Federal jurisdictions is encouraged.
- (b) Future land uses should not compromise the integrity of badger habitat. Badger habitat is shown on **Schedule I**.
- (c) Residents are encouraged to minimize the potential disturbance of wildlife by pets and domestic animals.
- (d) Education programs such as WildSafe BC and Wildlife Collision Awareness Program to reduce wildlife mortality are encouraged.
- (e) Area residents and visitors should be aware of Provincial regulations that prohibit the introduction of non-native fish species to lakes and rivers.
- (f) Habitat connectivity, sensitive ecosystems, vulnerable plant communities and movement of endangered animal species shall be considered at the time of rezoning or OCP amendment applications. Additional development approval information may be required by the Regional District as part of the development approval process. For example, submission of a report by a qualified professional that includes, but is not limited to the following:
 - (i) identification of any endangered or vulnerable species that utilize the area under consideration;
 - (ii) identification of opportunities for mitigation of the proposed development on wildlife movement corridors through development design or other compensation;
 - (iii) identification of areas, as appropriate, to be dedicated as conservation areas;
 - (iv) site specific additional requirements identified by the Regional District at the time of application.
- (g) Preservation and restoration of wildlife connectivity corridors is encouraged and supported by the following:
 - (i) Contiguous habitat areas should be preserved.
 - (ii) Structures and barriers that impede wildlife movement, such as exclusion fencing should be avoided within connectivity corridors. For example, solid walls or fences erected to control wildlife capable of jumping over a fence 2.0 m in height should not be used.
 - (iii) Extensive development within connectivity corridors that restricts the opportunity for wildlife movement should be avoided.
 - (iv) Extensive pruning of underbrush within connectivity corridors should be avoided.
 - (v) Forest cover should be maintained to encourage the use of connectivity corridors by wildlife.
 - (vi) Native vegetation within connectivity corridors should be maintained. Conversion of vegetation within corridors to non-native species should be avoided.
 - (vii) Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.

10.3 Water Resources

(1) Background

Ground and surface water protection were highly ranked environmental concerns during the consultation process. Residents expressed concern for protection of Moyie Lake, with the priority being the preservation of the Narrows. Protection of smaller water bodies such as Mineral and Monroe Lake were also noted.

Residents should be aware of the variety of regulations that govern water use, protection, conservation and sustainability. Provincial authorities, local governments and federal agencies work toward ensuring that water is managed and the supply is protected for use by people and the environment. When conducting projects near water, residents are responsible to ensure they are complying with applicable legislation.

(2) Objectives

- (a) Encourage the responsible use of water resources and protect the water quality within the plan area.
- (b) Support the protection, rehabilitation and enhancement of wetland and riparian areas.
- (c) Protect ground water, surface water sources and community watersheds for domestic water and irrigation use in order to ensure sustainable water supplies.

(3) Policies

(a) General

- (i) Development is encouraged to avoid streams, wetlands and riparian areas and to provide appropriate development setbacks and buffer areas.
- (ii) Approved development and associated management activities such as dredging within or adjacent to water bodies, wetlands, or riparian areas should be conducted following appropriate best management practices and in accordance with the required approvals.
- (iii) Within riparian areas use of established access points and trails is encouraged to minimize the level of impact within these sensitive ecological areas.
- (iv) Ecosystem restoration of wetlands and riparian areas is encouraged, subject to appropriate approvals by Provincial and Federal authorities.
- (v) Water conservation is encouraged through the use of low volume fixtures, the use of commonly accepted lawn watering practices and the utilization of native vegetation in landscaping.
- (vi) The community has voiced supporting a motorized traffic speed restriction in the Narrows. If requested by residents and as resources allow, the Regional District would support acting as a sponsor for the Moyie Community Association in their application to Transport Canada.
- (vii) At the request of residents and as resources allow, the Regional District will consider water zoning on Moyie Lake.
- (viii) Encourage the relevant Provincial agencies to ensure that forest practices within community watersheds are conducted in accordance with the *BC Forest and Ranges Practices Act* and relevant provincial guidelines.
- (ix) Encourage the relevant Provincial agencies to consider the importance of protecting water resources when considering tenures and licences of occupation within lands designated WP, Watershed Protection.

10.4 Environmentally Sensitive Areas

(1) Policies

- (a) Future development should minimize disturbance to the integrity of ESAs. ESAs within the plan area include, but are not limited to, habitat of red and blue listed species and areas identified on **Schedules E1** and **E2** such as wetlands and riparian areas, grassland ecosystems, old growth forests, and wildlife habitat areas.

10.5 Invasive Species

(1) Policies

- (a) Property owners and occupiers are required to control and manage invasive plants in accordance with applicable Regional District bylaws and Provincial acts and regulations.
- (b) Recreation users within the plan area are encouraged to inspect their ORVs, mountain bikes, boats and vehicles for invasive plants and animals to assist in the prevention of the spread and establishment of these species.
- (c) Installation of interpretive signage at public and private boat launches and lake access points to educate the public about the impact of invasive aquatic species is supported.
- (d) Boat inspections and cleaning stations aimed at reducing or eliminating the spread of invasive species are supported. These stations should not slow or disrupt highway travel.

10.6 Air Quality

(1) Policies

- (a) Initiatives to protect air quality in the plan area such as the conversion of inefficient wood burning appliances to high efficiency models and the implementation of smart burning practices are supported.

11. DEVELOPMENT CONSTRAINTS

11.1 Floodplains, Alluvial and Debris Flow Fans, and Geotechnical Hazards

(1) Background

Development in proximity to the many water bodies and watercourses within the plan area requires careful consideration. An abundance of creeks and watercourses are found throughout the plan area and may be subject to flooding or terrain stability issues. Development in areas that may be subject to flooding should be avoided.

The plan area contains a number of topographic features with potential for geotechnical hazards as well as areas within alluvial fans subject to debris torrent hazards. Development in areas that may be subject to these hazards should be avoided. If development is proposed in these hazard areas it should be undertaken in a safe manner under the direction of a qualified professional.

The plan area is comprised of parcels that encompass varied topographical features. Slopes can lead to geotechnical hazards and should be considered as part of the development approval process. Steep slope areas are identified on **Schedules G1 and G2**.

(2) Objectives

- (a) Ensure public safety by discouraging development in unsuitable areas such as floodplains, alluvial fans, debris flow fans and areas subject to geotechnical hazards such as steep slope, erosion and landslide.
- (b) Prevent or minimize the expenditure of public money in damage compensation or mitigation resulting from development of lands subject to hazardous events or situations.

(3) Policies

- (a) Minimum setbacks and flood construction levels for development near the ordinary high water mark of water bodies and watercourses are established within the Electoral Area C South Zoning and Floodplain Management Bylaw. All floodplain requirements must be met unless a site specific exemption has been granted by the Regional District.
- (b) All development within a floodplain or along a watercourse or water body, or potentially impacted by site specific hydrologic hazard, such as flooding or channel avulsion, must ensure that adequate protection measures are incorporated into development designs. Specific geotechnical studies prepared by a qualified professional may be required as per section 56 of the *Community Charter* and section 19.5 Development Approval Information.
- (c) The development of land susceptible to flooding is discouraged. Lands susceptible to flooding should not contain structures used for habitation. Suitable uses for land susceptible to flooding include but are not limited to parks, open space, recreation or agricultural uses.
- (d) Applications to vary the minimum usable site area requirements contained within the zoning bylaw will generally not be supported.
- (e) Rezoning applications for any parcels containing an alluvial or debris flow fan identified in **Schedules F1 and F2** must incorporate strategies that ensure the development will not be impacted by the hazards. Examples of suitable strategies include:
 - (i) completion of a qualified professional engineer's report identifying potential hazards and appropriate hazard mitigation measures;

- (ii) registration of a covenant which establishes the entire alluvial or debris flow fan identified in **Schedules F1 and F2** as a “no-build” area which may be removed or modified following the implementation of recommendations in a report by a qualified professional engineer; and
- (ii) registration of a covenant which designates building envelopes outside of the entire alluvial or debris flow fan identified in **Schedules F1 and F2**.
- (f) The development of land greater than 15% slope, susceptible to erosion and landslip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.
- (g) Development activity that occurs on a slope that is equal to or greater than 15%, susceptible to surface erosion, gullying, landslides or landslip must ensure that adequate protection measures are incorporated into development designs. Development of lands with slopes equal to or greater than 30% is discouraged. Specific geotechnical studies prepared by a qualified professional may be required prior to issuance of a building permit or other development approval.
- (h) Removal or deposition of soil within the plan area must be carefully reviewed for erosion, drainage or sedimentation concerns.

11.2 Interface Fire Hazard & Public Safety

(1) Background

Decades of forest fire suppression in the East Kootenay have contributed to an altered ecosystem characterized by forest in-growth and the accumulation of forest fire fuels. The result is a change in tree stand structure, a decline in forest health and increased fire severity. Community development and other human activity also continue to push into areas most susceptible to forest fires.

A wildfire’s progress is determined by three components: weather, topography and fuels. Fuel is the one component where a community can make a difference.

The Regional District Emergency Management Plan covers the entire plan area. The Central Subregion Emergency Management Procedures guide mitigation, response and recovery actions in the event of a disaster.

(2) Objectives

- (a) Mitigate the risk associated with interface fire hazard to residents and visitors.
- (b) Encourage the adoption and implementation of FireSmart principles and wildfire mitigation measures by property owners, occupiers and developers.

(3) Policies

- (a) Applications for rezoning of parcels will be considered with respect to the following FireSmart principles, as appropriate to the nature of the application:
 - (i) ability to integrate fire fuel modified areas including an area of a minimum of 10 m in radius to be maintained clear of combustible material surrounding buildings and structures;
 - (ii) integration of building materials that minimize the risk of fires starting or spreading;
 - (iii) provision of a minimum of two vehicular access/egress routes to allow simultaneous access for emergency equipment and evacuation of people;
 - (iv) availability of sufficient water capacity for firefighting activities;

- (v) implementation of phasing or staging of development to minimize the interface fire risk; and
- (vi) availability of firefighting equipment and trained personnel as appropriate for the proposed development.
- (b) Ecosystem restoration initiatives on Crown and private land to mitigate the risk of interface fire hazard are supported.
- (c) Residents are encouraged to ensure that their civic address is clearly posted, in good repair, and visible to assist emergency response personnel in locating the property.
- (d) The implementation of applicable wildfire risk mitigation or prevention efforts as per the CWPP is supported.

12. ARCHAEOLOGICAL AND HERITAGE RESOURCES

12.1 Background

The plan area includes archaeological sites—the physical evidence of how and where people lived in the past. This archaeological history extends back thousands of years through habitation and utilization of the land and its resources by the Ktunaxa people. For most of the time people have lived in this area, no written records were made. Cultural heritage sites and oral tradition are the only evidence of this rich history. The term “cultural heritage sites” includes, but is not limited to, archaeological/heritage sites and objects, cultural/heritage landscapes, sacred/spiritual sites and sites with cultural value. It encompasses sites and objects regardless of age.

The plan area contains recorded archaeological sites and is also likely to contain many unrecorded archaeological and cultural heritage sites. The Provincial Government protects both recorded and unrecorded archaeological sites through the *Heritage Conservation Act*. Archaeological sites dating before 1846 are protected under the *Heritage Conservation Act* and must not be disturbed or altered without a permit from the Archaeology Branch. This protection applies to both private and Crown land and means that the land owner must have a provincial heritage permit to alter or develop land within an archaeological site.

Knowledge of cultural heritage sites is gained through the Provincial database of recorded archaeological sites and consultation with the Ktunaxa Lands & Resources Agency. An Archaeological Overview Assessment (AOA) has not been conducted for the plan area but the completion of such an overview is supported. The archaeological assessment process is comprised of two principal components: assessment and impact management. Assessment is primarily concerned with the location and evaluation of archaeological resources, and the assessment of impacts during the initial stages of project planning. Impact management should be discussed with the Ktunaxa Nation Council as per the Ktunaxa Nation Archaeological Engagement Guidelines.

The first mineral claims were staked near the town of Moyie in 1893. The cemetery has grave markings as early as 1900. St. Peter’s Church was built in 1904 followed by the firehall in 1907. At that time, Moyie had a population of over one thousand and was considered to be the most important silver-lead mining centre in the country. Just south of the town of Moyie concrete foundations from that era are still visible.

The Regional District will notify building permit and rezoning applicants if the subject property overlaps with a recorded protected archaeological site or an area of archaeological potential. The property owner should then contact the Archaeology Branch for further information.

12.2 Objectives

- (1) Ensure that heritage values are protected and not impaired by future development.
- (2) Ensure that property owners are aware of their responsibilities under the *Heritage Conservation Act* when conducting land-altering activities.
- (3) Recognize and communicate the potential for discovery of cultural heritage sites and artifacts during the development process.
- (4) Avoid unauthorized damage and minimize authorized damage to protected archaeological sites on private land in accordance with the *Heritage Conservation Act*.
- (5) Recognize and support the need for an AOA for private land located within the plan area.

12.3 Policies

- (1) The preservation of historically significant sites and features such as the historic buildings located in Moyie and the cemetery and mine remnants located outside the town of Moyie is supported.

- (2) At the request of area residents and as resources allow, the Regional District will investigate and develop heritage designations as per the *Local Government Act* to regulate and protect various heritage properties within the plan area.
- (3) Undertaking an AOA for the plan area is supported. The intent of the AOA is to identify areas with potential to contain archaeological sites and recognize known archaeological sites. Upon completion of the AOA the plan should be amended to integrate a schedule depicting the areas of archaeological potential. This schedule should then be incorporated into the Regional District development application process in order to alert applicants to their obligations under Provincial heritage legislation.
- (4) Developers are encouraged to engage professional archaeological consultants prior to proceeding with land clearing and site grading to determine if an Archaeological Impact Assessment (AIA) is required to manage and mitigate the impact of the development on any known or unrecorded archaeological sites protected under the *Heritage Conservation Act*.

13. SOLID WASTE AND UTILITIES

13.1 Background

Solid waste in the plan area is managed in accordance with the Regional District's Solid Waste Management Plan. The Solid Waste Management Plan outlines strategies for reducing the amount of waste generated, reuse of items and recycling of as much material as possible. All the waste collected at the rural transfer stations around Moyie is hauled to the Central Subregion Landfill which is located north of Cranbrook on Highway 93/95. The Regional District recycling program allows for recycling of cardboard, paper, tin, aluminum cans, numbered plastics, shopping bags and food-grade glass through the yellow bin program.

Sewer and water service within the rural residential areas is generally provided through onsite wells and septic systems; however there are developments serviced by community water systems such as Aurora Estates.

The Moyie Water System is owned and operated by the Regional District and services one hundred and thirty four properties within Moyie townsite. The water system receives its groundwater from a well 57 m deep. Water is pumped from the well using a fifteen horsepower well pump up to a 71 m³ reservoir which maintains the pressure in the distribution system. The water is not chlorinated. RDEK operators are on site to ensure proper operation and perform monthly bacteriological sampling. The pump house is outfitted with automatic alarm dialers to alert staff when regular functions are compromised. Watermains were replaced along Madora Lane in 2016 and along Lake Street and Moyie Avenue in 2017.

As part of its Water Conservation Strategy, the Regional District devotes resources to system monitoring and leak detection, as well as adopting a Watering Hours Schedule and metering for all of its water systems.

It is not anticipated that alternative servicing methods will be introduced within the plan area, as the densities that are generally required to support the introduction of new community utilities are not supported by the plan.

13.2 Objectives

- (1) Promote recycling and responsible solid waste management practices.
- (2) Promote responsible on-site water and sewer management.
- (3) Promote cooperation and co-location between utility and telecommunication companies when locating new services or towers.

13.3 Policies

- (1) To promote and encourage responsible solid waste management practices, the Regional District will continue to provide on-going public education campaigns to increase public knowledge on solid waste reduction.
- (2) Residents and visitors are encouraged to follow the principles contained in the Regional District Solid Waste Management Plan to reduce the amount of solid waste produced by following the 5 R's: reduce, reuse, recycle, recover and residual management.
- (3) Recycling is encouraged and coordinated through the Regional District recycling program and Provincial product stewardship programs.
- (4) Property owners and occupiers are encouraged to ensure that maintenance programs for onsite septic systems are followed in accordance with the appropriate Provincial regulations.

- (5) Requests for the Regional District to take over the operation and maintenance of existing or proposed community water or sewer systems will only be considered in relation to the requirements of the Regional District Subdivision Servicing Bylaw and the necessary service establishment approvals.
- (6) Where onsite sewage disposal is utilized for new or redesigned septic systems the use of Type 1 septic systems as defined by the Sewerage System Regulation under the *Public Health Act* is preferred where site conditions permit their installation. Type 1 systems are generally preferred as they are more reliable over time if the maintenance program is followed.
- (7) The cooperation and coordination of utility and telecommunication companies in utilizing existing corridors and sites for multiple uses is encouraged and supported.

14. ROAD NETWORK AND TRANSPORTATION

14.1 Background

The main transportation corridor within the plan area is Highway 3/95, which travels through the City of Cranbrook and connects with Highway 93/95 north to Fort Steele and Highway 3/93 south to the Mayook/Wardner area. The management of the highway, other roads, and undeveloped road right-of-ways is the responsibility of the Ministry of Transportation and Infrastructure.

This section establishes the position of the Regional District with respect to issues related to the Ministry's area of responsibility.

14.2 Objective

- (1) Consider and maintain road network safety and efficiency for all new development.

14.3 Policies

- (1) To establish safe and attainable active transportation networks (ie. trails), stakeholders are encouraged to communicate and work with the Ministry of Transportation and Infrastructure.
- (2) Highway mitigation measures to reduce wildlife mortality and the barrier effect, including crossing structures, highway design and education, are supported.
- (3) Developments requiring a Commercial Highway Access Permit from the Ministry of Transportation and Infrastructure will not be authorized by the Regional District until such approval can be obtained.

15. CROWN LAND MANAGEMENT

15.1 Background

The primary purpose of the plan is to provide policy direction for the development of private land; however, the plan area contains a significant amount of Crown land. While the activities on these lands are not the jurisdiction of the Regional District and the enforcement of unauthorized land uses on Crown land is the responsibility of the appropriate Provincial Ministry it is recognized that these activities can have a significant impact on residents of the plan area.

Tenured occupants of Crown land must comply with Regional District zoning and land use regulations.

15.2 Objectives

- (1) Support the management of Crown land in a manner that considers the social, environmental and economic needs of the plan area.

15.3 Policies

- (1) The Regional District encourages management of Crown land in an environmentally responsible manner that:
 - (a) protects surface water and groundwater sources;
 - (b) manages forest ingrowth;
 - (c) minimizes risk of interface fire and wildfire;
 - (d) enhances wildlife habitat;
 - (e) protects viewscales and scenery;
 - (f) protects ecological values, including waterfowl and fish and their corresponding habitat; and
 - (g) maintains diverse plant communities by managing invasive and noxious plants.
- (2) Efforts by the Province to minimize conflicts between motorized and non-motorized recreation users of Crown land within the plan area are supported.

16. GREENHOUSE GAS (GHG) EMISSIONS REDUCTION AND CLIMATE CHANGE

16.1 Background

Local governments are required to establish targets and identify specific policies and actions for the reduction of greenhouse gas emissions. Consequently, the Regional District has established a greenhouse gas reduction target of 17% below 2007 levels by 2020. Policies that address this target promote reductions in the consumption of energy and emission of greenhouse gases through proactive land use, solid waste management and transportation planning.

16.2 Greenhouse Gas Reduction Target

- (1) Recognize the need to reduce greenhouse gas emissions and plan for climate change.
- (2) Support policies and actions that will contribute to the Regional District's commitment for a 17% reduction in greenhouse gas emissions.

16.3 Policies

- (1) Green building standards, such as consideration of opportunities to minimize the energy and resource requirements of buildings and structures, are encouraged for all development.
- (2) The integration of energy efficient and renewable energy infrastructure and utilities is encouraged.
- (3) The utilization of passive solar energy through solar orientation is encouraged.
- (4) The location of future development within existing development nodes is encouraged.
- (5) The use of compact development footprints is encouraged within the plan area.
- (6) The reduction of greenhouse gas emissions generated from solid waste landfills through the diversion and reduction of solid waste is encouraged.
- (7) The integration of water efficient landscape features such as xeriscaping and the use of native vegetation is encouraged.
- (8) The development of intercommunity trail linkages and open spaces is supported.
- (9) The protection of existing forested areas, green spaces and grasslands is supported.
- (10) New residential dwellings are encouraged to incorporate electrical service suitable for the installation of an electric vehicle charging station.

17. TEMPORARY USE

17.1 Background

The *Local Government Act* allows for the issuance of temporary use permits in areas designated within an OCP. A temporary use permit may allow a use not permitted by a zoning bylaw. In general, a temporary use permit may be issued for a period of up to three (3) years and renewed, at the discretion of the Regional Board, only once. The Regional Board may impose special conditions under which the temporary use may be carried on and regulate the construction of buildings or structures related to the temporary use.

17.2 Objectives

- (1) Provide an opportunity for temporary use applications to be considered within the plan area.
- (2) Ensure that temporary uses are compatible with adjacent land uses.

17.3 Policies

- (1) Temporary use permits will be considered throughout the plan area.
- (2) An application for a temporary use permit will be considered in relation to:
 - (a) demonstration that the use is temporary or seasonal in nature;
 - (b) compatibility with the existing land use;
 - (c) compatibility with surrounding land use;
 - (d) potential conflict with agricultural or resource based activities;
 - (e) potential conflict with adjacent land uses;
 - (f) potential impact on fish or wildlife habitat;
 - (g) provision of adequate servicing for water and sewage disposal;
 - (h) duration of the proposed temporary use; and
 - (i) relevant policies within other sections of this OCP.
- (3) The permit may be issued subject to conditions such as, but not limited to:
 - (a) the buildings, structures, or area of land that may be used for the temporary use;
 - (b) the period of applicability of the permit;
 - (c) required site rehabilitation upon cessation of the use; and
 - (d) other business or operating conditions to mitigate the impacts of the temporary use.

18. DEVELOPMENT PERMIT AREAS

18.1 Background

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

18.2 Development Permit Area #1 – Wildfire Hazard

(1) Area

Development Permit Area #1 applies to all properties with all or a portion of the property within the boundary of the plan area as shown on **Schedule B**.

(2) Purpose

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

(3) Requirements

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

- (a) placement or construction of a dwelling unit; additions to a dwelling unit which increase the floor area by an amount greater than 25% of the area existing at the time the Moyie and Area Official Community Bylaw No. 2912, 2019 was adopted.

(4) Exemptions

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

- (a) The proposed activity is limited to internal alterations to buildings or structures.
- (b) The land is already subject to a Wildfire Hazard Development Permit or wildfire hazard restrictive covenant.

(5) Justification

In an effort to minimize the risk of damage to property by wildfire, placement or construction of a dwelling unit will be subject to FireSmart construction standards.

(6) Guidelines

Development Permits issued shall be in accordance with the following guidelines:

(a) Dwelling Unit Guidelines

The intention of the guidelines is to ensure the long term maintenance of Priority Zone 1. This zone is the area within 10 m of a dwelling unit including, but not limited to, decks, additions and balconies. The Development Permit will state that future development will comply with the guidelines contained in this section.

(b) Occupancy Permit Guidelines

An Occupancy Permit will not be issued by the Regional District until an inspection has been completed and it has been confirmed that the conditions under section 18.2 (6)(c), 18.2 (6)(d) and 18.2 (6)(e) have been met.

(c) Occupancy Permit requirements for dwelling units:

- (i) All roofing materials of new dwelling units must conform to Class A, B or C fire resistance as defined in the BC Building Code.

- (ii) Buildings and structures used to store wood or other combustible materials must be located a minimum of 10 m away from the dwelling unit.
- (d) Property owners must post their civic address in accordance with the Regional District of East Kootenay House Numbering Regulation and Fee Bylaw No. 2010, 2007 as may be amended or replaced from time to time.
- (e) Occupancy Permit landscaping requirements within the Priority 1 Zone:
 - (i) Combustible fuel removal shall take place. Fuel removal includes the removal of ground-level fuels, piled debris, and other combustible debris.
 - (ii) Planting of new coniferous species including, but not limited to, juniper, pine and spruce is not permitted.
 - (iii) It is not advisable to retain previously existing mature coniferous trees within the Priority 1 zone. If retained, coniferous trees must:
 - have limbs pruned such that they are at least two metres above the ground; and
 - be spaced so that there are three metres between crowns, thereby ensuring the tips of the branches of a coniferous tree are no closer than three metres to the tips of the branches of neighbouring coniferous trees; and
 - have no limbs within three metres of the dwelling unit or attachments such as balconies; OR
 - be managed as recommended in a Wildfire Hazard Assessment Report, in consideration of FireSmart Principles, prepared by an RPF who is a member of the Association of BC Forest Professionals.

18.3 Development Permit Area #2 – Moyie Lake & Monroe Lake Shoreline

(1) Area

Development Permit Area #2 applies to those portions of Moyie Lake and Monroe Lake shorelines designated as red and orange shoreline zones on **Schedules J1 – J3**. Where the shoreline is designated as a red or orange shoreline zone the Development Permit Area extends 30 m into the lake and 15 m upland from the natural boundary.

(2) Purpose

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

(3) Requirements

- (a) For land located within Development Permit Area #2, an owner shall obtain a Development Permit prior to proceeding with any of the following:
 - (i) Construction, addition or alteration of a building or other structure; or
 - (ii) Alteration of land, including the removal of riparian or aquatic vegetation, site grading, deposition of fill, beach creation, or dredging.

(4) Exemptions

- (a) A Development Permit is not required within Development Permit Area #2 under the following conditions:

- (i) The proposed activity is limited to internal alterations to buildings or structures.
- (ii) The proposed activity is limited to the reconstruction, renovation, repair of existing buildings or structures upland of the natural boundary, or addition to existing buildings or structures which increase the development footprint by an amount less than 25% of the area existing at the time the Moyie and Area Official Community Plan Bylaw No. 2912, 2019 was adopted.
- (iii) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within the highway right of way.
- (iv) The proposed activity is limited to general road or railway construction or maintenance within the right of way.
- (v) The proposed activity is limited to the removal or pruning of hazardous trees as identified by a qualified hazard tree assessor, an ecosystem restoration project approved by a QEP, supplementing native vegetation or maintaining existing vegetation.
- (vi) The proposed activity is limited to emergency repairs to buildings or structures where there is a demonstrable and immediate risk to public safety and property.
- (vii) The proposed activity is conducted under the direction of the Provincial Emergency Program, and is intended to resolve emergency situations that present an immediate danger to life or property including procedures related to flooding and erosion.

(5) Justification

- (a) The plan area includes natural ecosystems that are unique to the Moyie Lake and Monroe Lake foreshore. The East Kootenay Integrated Lake Management Partnership (EKILMP) undertook a Sensitive Habitat Inventory Mapping (SHIM) project for these lakes to identify the natural ecosystems and explore the alteration of the shoreline. The SHIM process has been developed in British Columbia as a tool to assist in conserving and protecting sensitive ecosystems and critical habitats. The SHIM methodology was originally utilized for mapping fish and wildlife habitat associated with watercourses and has been developed and refined for application on lake shorelines.

An Aquatic Habitat Index (AHI) analysis was used to score and rank the shoreline. The AHI used numerical data from four categories of parameters: biophysical, Zones of Sensitivity, riparian and modifications. Zones of Sensitivity for the project area were determined to be native fish spawning area, biologically productive area, sensitive plant species and bird staging areas.

The Shoreline Management Guidelines were prepared using templates from other lake studies completed in the region. Segments were color coded and mapped using the AHI rankings. Appropriate activities for each color zone were identified. Although a greater number of activities are permissible in areas with lower ecological value, proper planning is still required to protect environmental values.

With the methods utilized, fish and wildlife values and associated levels of sensitivity to development are highest in red and orange zones, lower in yellow and lowest in a grey zone.

- (b) Development Permit Area #2 is applicable to the red and orange shoreline color zones only. These zones have been identified as being sensitive to development pressure and essential to the long term maintenance of key habitat and fish and wildlife values. Approximately 55% of Moyie Lake shoreline and 80% of Monroe Lake shoreline is either designated as a red or orange shoreline zone. Generally speaking, the red and orange zones are represented by stream mouths (lake inlet and outlet), wetland areas, and high value fish staging, rearing and migrating areas.

Red Shoreline Zone – is identified as essential in the long term maintenance of fish and/or wildlife values through the AHI Analysis. These areas are essential for fish and/or wildlife populations. EKILMP recommends that these areas be designated for conservation use, and that no development that can impact these sensitive communities occur within them. Low impact water access, recreation and traditional First Nation uses are permissible in these areas, but permanent structures or alteration of existing habitats is not considered to be acceptable.

Orange Shoreline Zone – is identified as High Value Habitat Areas for fish and/or wildlife through the AHI Analysis. These are made up of areas that are relatively natural; possessing high value areas for fish and/or wildlife. These areas are sensitive to development, continue to provide important habitat functions, but may be at risk from adjacent development pressures.

- (c) The objective of Development Permit Area #2 is the protection, preservation, restoration and enhancement of the natural ecosystem along the shorelines of Moyie and Monroe Lakes. Activities within and along the shoreline must be undertaken in a manner that minimizes the disruption or alteration of the natural ecosystems that create fish and wildlife habitat and maximizes the opportunity for restoration and enhancement. The intent is not to preclude all development in these areas, but to provide notice that these portions of the shoreline provide unique characteristics that warrant special review and consideration, and to ensure appropriate mitigation or protection measures are prescribed where identified by a QEP.

(6) Guidelines

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

(a) General

The following guidelines apply to all areas identified as red and orange shoreline zones on **Schedules J1 – J3**.

- (i) All development proposals are subject to the applicable federal and provincial requirements and approval processes. The identification of the permits and approvals required must be submitted with the Development Permit application. The submission of proof of acquiring all required permits and approvals from the responsible jurisdictions may be a condition of the issuance of the Development Permit.
- (ii) The Regional District may require an Environmental Impact Assessment report prepared by a QEP in accordance with “Regional District of East Kootenay – Development Approval Information Bylaw No. 2122, 2008”.
- (iii) Proposals that offer to register a conservation covenant on the title of the lands in order to permanently protect shoreline ecosystems are encouraged. The covenant should be registered before any development occurs. The covenant should be registered in favor of

the Regional District, and may include another public agency, including the province.

- (iv) All structures must be constructed with materials that do not have the potential to negatively impact water quality, fish, aquatic organisms or aquatic vegetation. Applicants are encouraged to utilize western red cedar, redwood, cypress, eastern white cedar, or plastic lumber. Use of real wood for the in-water portion of the dock is encouraged. Appropriate materials should be selected in consideration of Fisheries and Oceans Canada's *The Dock Primer*.
- (v) In order to facilitate implementation of a recommendation contained within a report by a QEP, the applicable zoning regulations may be varied as part of the Development Permit approval.
- (vi) To soften the shoreline and create fish habitat, bioengineered features are required to be integrated into the design of new or replacement of existing retaining walls. A report by a QEP must be provided to identify the appropriate bioengineered features for the proposed development site. Applicants will be exempt from this guideline when it can be demonstrated that a vertical retaining wall structure is required for stabilization of the shoreline for the protection of upland structures. The need for a vertical structure or retaining wall must be documented in a report by a Qualified Geotechnical Professional or Engineer.
- (vii) When stabilization of the shoreline is required due to natural erosion processes, the use of rock or rip-rap above the ordinary high water mark for shoreline stabilization is encouraged. The placement of the rock should be done in such a manner as to not require the placement of fill, where feasible. The planting of deeply rooted native vegetation above and immediately behind the rock is encouraged to increase the life span of the wall.
- (viii) All approved development should follow the applicable best management practices of the province and the Regional Operating Statement of Fisheries and Oceans Canada, unless a letter of advice or *Fisheries Act* authorization under section 35(2) has been issued.
- (ix) Riparian and emergent vegetation should be maintained where intact, and restored where disturbed or invasive weeds have intruded. Habitat restoration, including the removal of invasive weeds, should be completed under the direction of a QEP and in accordance with the required federal and provincial approvals under the *Fisheries Act* and *Environmental Management Act*.

(b) Red Shoreline Zone Guidelines

The following guidelines apply to portions of shoreline identified as red shoreline zone on **Schedules J1 – J3**:

- (i) In consideration of the impact resulting from the alteration of land, removal of vegetation, placement or construction of in-water structures on aquatic organisms, fish, fish habitat, aquatic vegetation and emergent vegetation the area **below** the natural boundary must remain free from development unless an assessment report from a QEP concludes that the site under application no longer possesses the characteristics that would warrant the red color zone designation due to previously **approved** development.

- (ii) All applications for development **above** the natural boundary within the red shoreline zone must be accompanied by a report from a QEP. The assessment report must identify the extent of the proposed development, any constraints on the timing of the development to minimize impacts on riparian vegetation, upland vegetation and wildlife habitat and demonstrate that the proposed development has been designed to mitigate impact on the adjacent fish and riparian habitat. Opportunities to restore or enhance habitat should also be identified, where appropriate. All approved development must be completed in accordance with the recommendations of the report.
- (iii) Despite section 18.3(6)(b)(i) activities that include the following are permissible in the red shoreline zone:
 - (A) habitat restoration or removal of aquatic invasive species as identified within a report by a QEP and completed under the direction of trained persons; and
 - (B) traditional First Nation uses.
- (c) Orange Shoreline Guidelines

The following guidelines apply to portions of shoreline identified as orange shoreline zone on **Schedules J1 – J3**:

- (i) In consideration of the impact resulting from the alteration of land, removal of vegetation and placement or construction of in-water structures on aquatic organisms, fish, fish habitat, riparian, aquatic and emergent vegetation the following types of activities or structures are generally not permitted:
 - (A) beach creation (above or below the natural boundary);
 - (B) boathouses;
 - (C) dredging, in areas not previously authorized by the province or Fisheries and Oceans Canada; and
 - (D) deposition of fill;

unless an assessment report from a QEP concludes that the site under application no longer possesses the characteristics that would warrant the orange color zone designation due to previously **approved** development.
- (ii) All applications for development must be accompanied by a report from a QEP. The assessment report must identify the extent of the proposed development, any constraints on the timing of the development to minimize impacts on riparian vegetation, upland vegetation, and wildlife habitat, and demonstrate that the proposed development has been designed to mitigate impact on the adjacent fish and riparian habitat. Opportunities to restore or enhance habitat should also be identified, where appropriate. All approved development must be completed in accordance with the recommendations of the report.
- (iii) Maintenance dredging for docks or marinas that have prior approval under the federal *Fisheries Act* or provincial *Water Users' Communities Act* or *Environmental Management Act* must be done in accordance with the recommendations made by a QEP and any requirements of the Province or Fisheries and Oceans Canada.

19. IMPLEMENTATION

19.1 Background

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

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

19.2 Implementation Strategy

The implementation strategy is not meant to commit the RDEK or any other organization to any particular action, rather it is a high level road map to facilitate implementation, inform the Board of Directors annual priority project setting exercise and create a foundation for tracking plan implementation.

(1) Strategic Policies

OCP Section	Policy Action	Lead Organization	Partners
6.3(1)(d)	The implementation of applicable recommendations from the Regional District Agricultural Plan is supported.	RDEK	
9.3(1)(h)	Adoption of bylaws to regulate smoking in parks owned by the Regional District is supported.	RDEK	
9.3(1)(i)	At the request of residents and as resources allow, the Regional District will investigate the possibility of a Regional District trail at the existing Dewdney Trail to provide hiking opportunities and access to the existing cemetery.	RDEK	TECK, Moyie Community Association
9.3(1)(j)	As resources allow, the Regional District will pursue creating the "Moyie Lake Access Park" as an Electoral Area C Park.	RDEK	
10.3(3)(vi)	If requested by residents and as resources allow, the Regional District would support acting as a sponsor for the Moyie Community Association in their application to Transport Canada.	RDEK	Moyie Community Association
10.3(3)(vii)	At the request of residents and as resources allow, the Regional District will consider water zoning on Moyie Lake.	RDEK	
12.3(2)	At the request of residents and as resources allow, the Regional District will investigate and develop heritage designations.	RDEK	Moyie Community Association
12.3(3)	Undertaking an AOA for the plan area is supported.	RDEK	MFLNRORD Ktunaxa Nation Council

(2) Advocacy Policies

OCP Section	Policy Action	Lead Organization	Partners
10.3(3)(viii)	Encourage the relevant Provincial agencies to ensure that forest practices within community watersheds are conducted in accordance with the BC Forest and Ranges Practices Act and relevant provincial guidelines.	MFLNRORD	RDEK

10.3(3)(ix)	Encourage the relevant Provincial agencies to consider the importance of protecting water resources when considering tenures and licences of occupation within lands designated WP, Watershed Protection.	MFLNRORD	Ministry of Energy and Mines, RDEK
15.3(2)	Efforts to minimize conflicts between motorized and non-motorized recreation users of Crown land within the plan area are supported.	MFLNRORD	RDEK

19.3 OCP Amendments

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

19.4 Zoning Bylaw Amendments

Parcels may be rezoned in conformity with the land use designations contained in **Schedules D to D7**. The proposed zoning must also conform to the objectives and policies contained in this OCP.

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

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

19.5 Development Approval Information

- (1) Pursuant to the *Local Government Act* the Regional District may require the submission of development approval information to ensure that sufficient supporting documentation is provided, prior to approval, to assess the potential impact of a development or activity.

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

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

(a) *Flood Hazard*

Criteria: Applications for amendments to the zoning bylaw, floodplain management provisions or Temporary Use Permits where the subject property is in an area of torrent or flood hazard identified on **Schedules F1 and F2** of this plan.

Rationale: To assess the impact of the proposed development or activity on minimum usable site area requirements, flood protection works and flood prone areas.

(b) *Agriculture*

Criteria: Applications for amendments to the zoning bylaw or a Temporary Use Permit for land that has not previously been subject to an *Agricultural Land Commission Act* application for which a report under section 6.3(2)(f) of this plan has been provided to the Regional District.

Rationale: To minimize conflict between agriculture and other land uses and meet the objectives and policies identified within section 6, Agricultural Land Use, of this OCP.

(c) *Natural Environment*

Criteria: Applications for amendments to the zoning bylaw, Temporary Use Permits or Development Permits under section 18.3, Development Permit Area #2 – Moyie Lake and Monroe Lake Shoreline.

Rationale: To consider the impact of the proposed activity or development on endangered and threatened species, fish habitat, wildlife habitat and water resources in order to meet the objectives and policies identified within the following sections of this plan:

- 4. - Residential Land Use;
- 10.1 - Environmental Considerations – General;
- 10.2 - Fish and Wildlife Habitat;
- 10.3 - Water Resources;
- 10.4 - Environmentally Sensitive Areas;
- 18.3 - Development Permit Area #2 – Moyie Lake and Monroe Lake Shoreline

(d) *Wildfire Hazard*

Criteria: Applications for amendments to the zoning bylaw or Development Permits under section 18.2, Development Permit Area #1 – Wildfire Hazard of this OCP.

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

20. LAND USE DESIGNATIONS

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

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

The land use designations are shown on **Schedules D to D7**. Where a land use designation boundary is shown as following a highway or creek, the center line of such highway or creek shall be the land use designation boundary.

20.1 Residential and Rural Land Uses

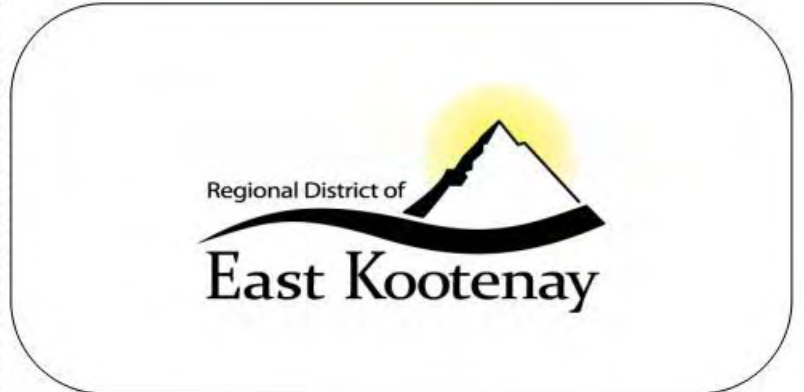
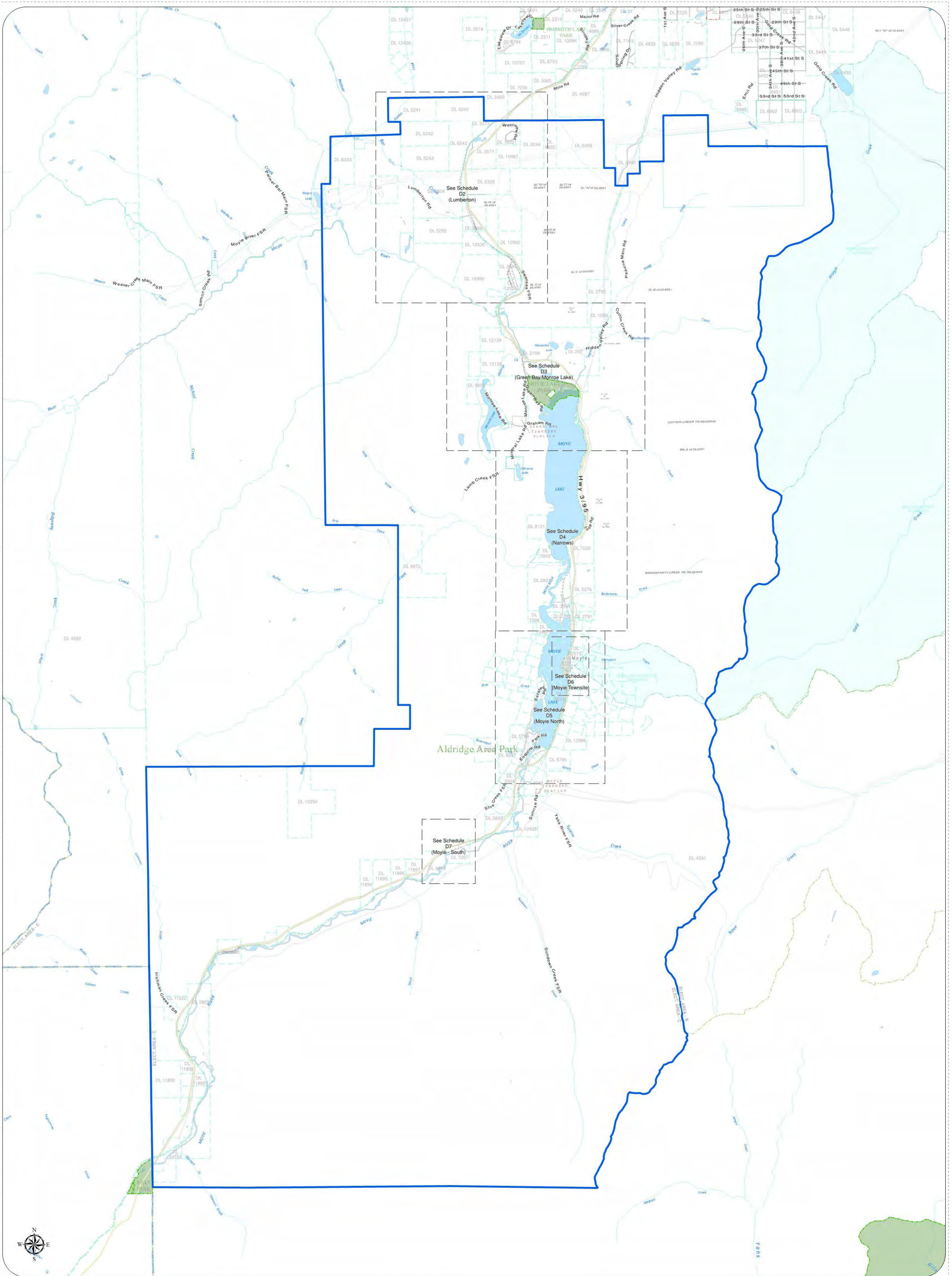
- (1) **R-SF, Residential Low Density** includes single family residential subdivisions and manufactured home parks.
- (2) **SH, Small Holdings** supports low density residential development with minimum parcel sizes in the range of 0.4 to 2.0 ha.
- (3) **LH, Large Holdings** supports agriculture, rural residential development and rural resource land uses with parcel sizes in the range of 2.0 ha to 8.0 ha.
- (4) **RR, Rural Resource** includes agriculture, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, greenspace and recreation.
- (5) **REC, Residential Recreation** recognizes existing development suitable for seasonal or permanent dwellings and utilized as residential recreation properties.

20.2 Commercial and Industrial Land Uses

- (1) **C, Commercial** supports the limited range of local, service and commercial land uses identified in the zoning bylaw.
- (2) **CR, Commercial – Recreation** supports commercial recreation land uses, including campgrounds.
- (3) **I, Industrial** supports light industrial land uses.

20.3 Institutional Land Uses

- (1) **INST, Institutional** supports such land uses as utilities, parks and playing fields, community centers, educational facilities, churches or places of assembly, and similar developments.
- (2) **OSRT, Open Space, Recreation and Trails** supports greenspaces, recreational amenities, agricultural uses, local, regional and provincial parks and other protected areas, such as wildlife corridors.
- (3) **WP, Watershed Protection** identifies lands that are part of an existing or potential community watershed and that require protection from development that could impair the quality of the domestic water supply obtainable from the watershed.



**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**

Legend

- Plan Subarea
- Plan Area Boundary



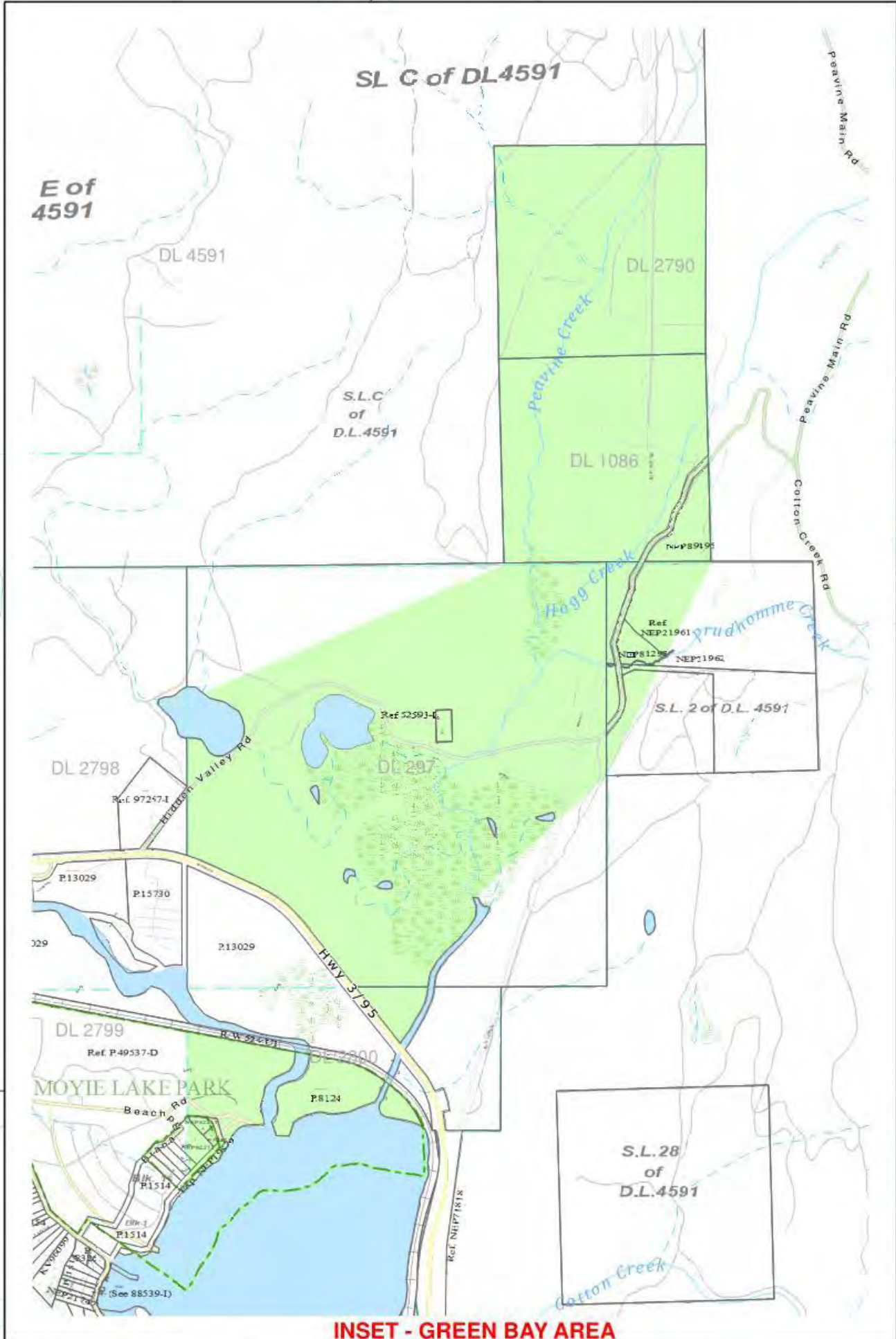
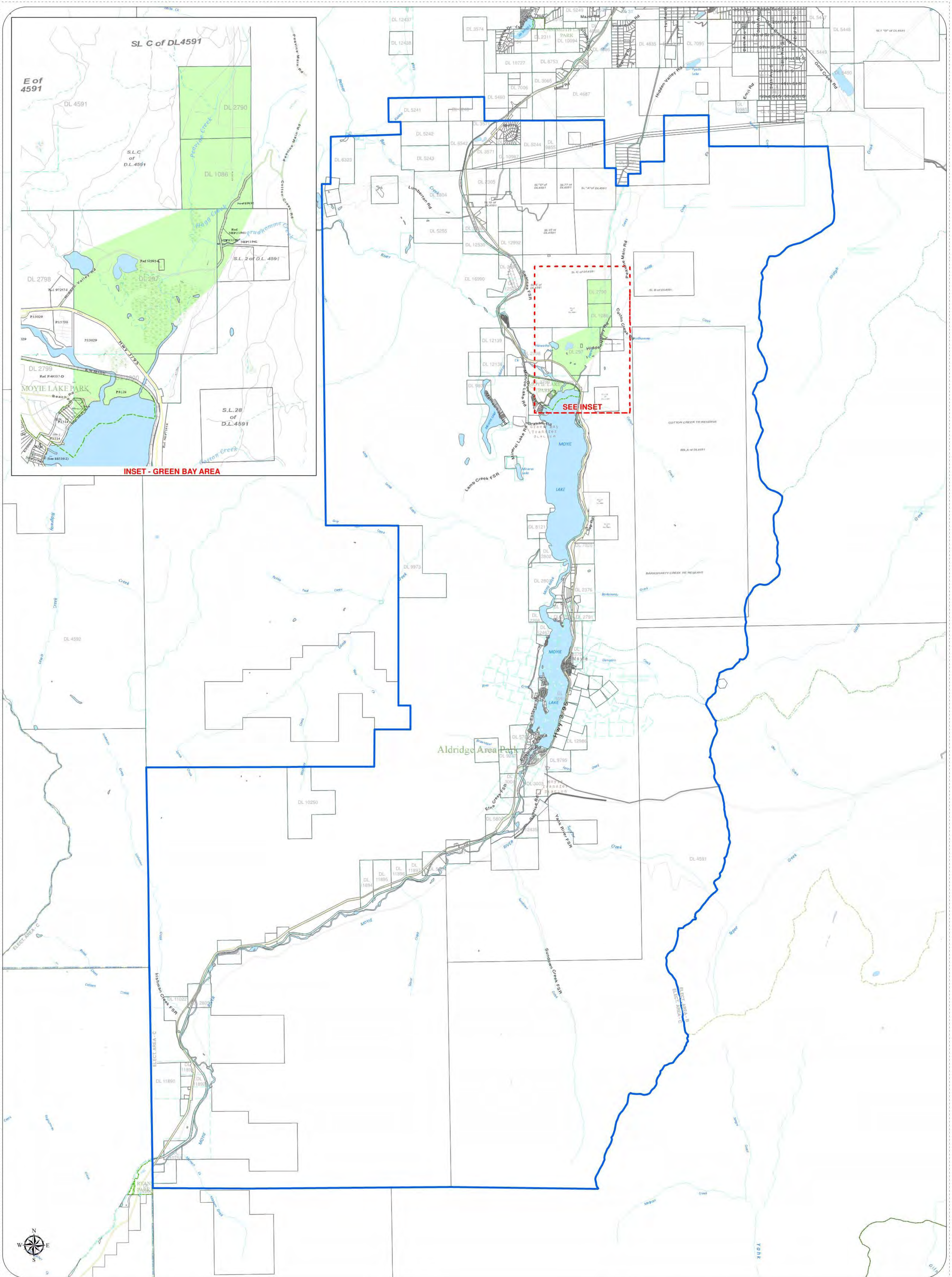
This is Schedule B of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

B

Plan Area and Subareas

SCALE IN METERS
0 500 1,000 2,000 3,000



Legend

 Agricultural Land Reserve

 Plan Area Boundary



Current to Amending Bylaw N/A
Schedule creation date: 2019-03-01

This is Schedule C of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

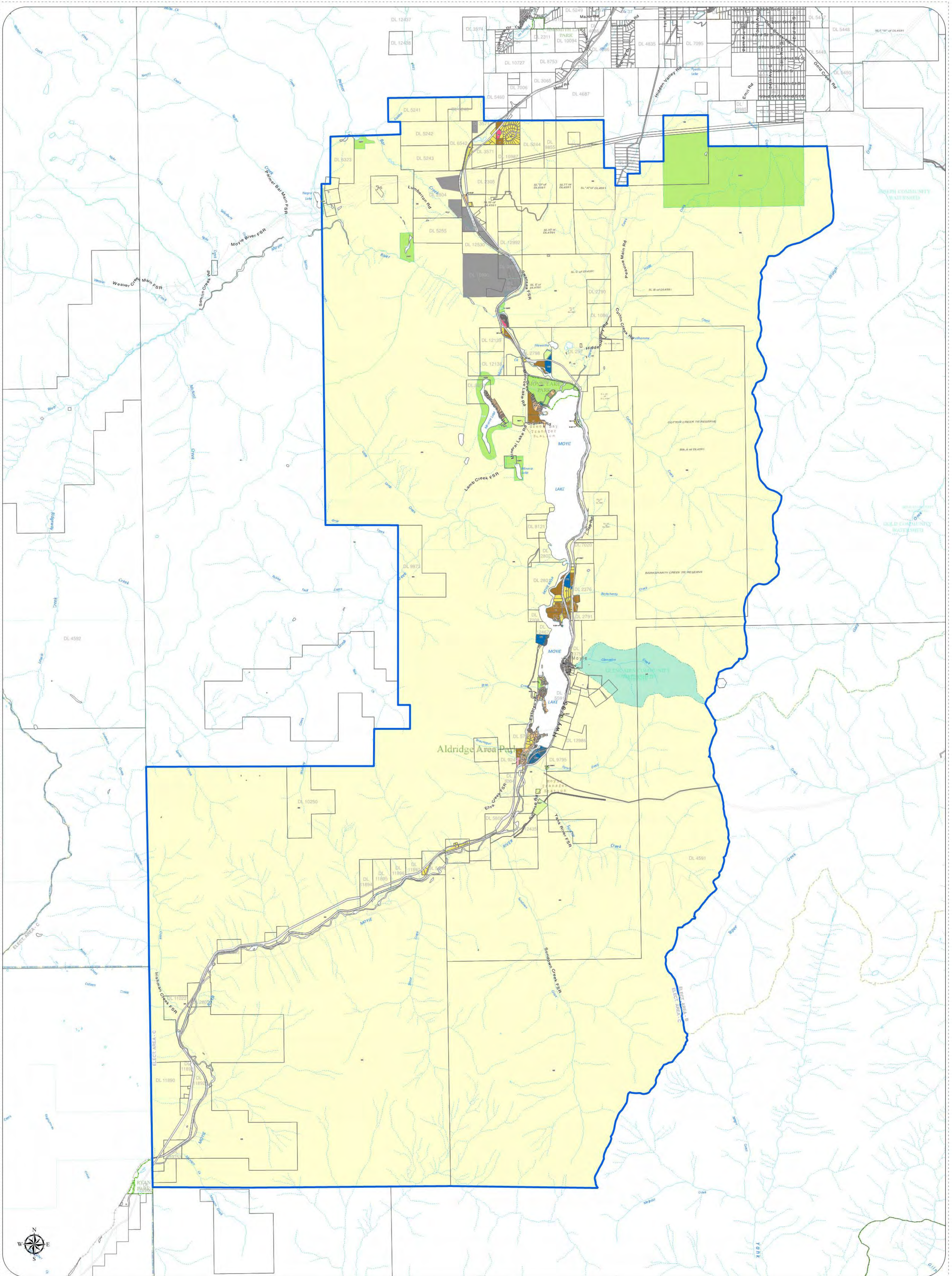
Chair _____
Corporate Officer _____ Date _____

C
Agricultural Land Reserve

SCALE IN METERS
0 500 1,000 2,000 3,000



**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**



Legend

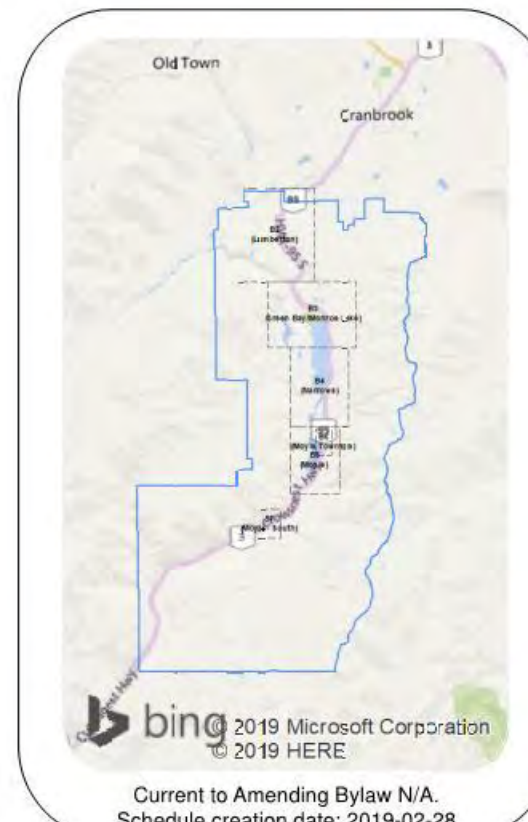
Residential and Rural Land Uses

- R-SF Residential Low Density
- SH Small Holdings
- LH Large Holdings
- RR Rural Resource
- REC Residential Recreation

Industrial and Commercial Land Uses

- C Commercial
- CR Commercial Recreation
- I Industrial
- INST Institutional
- OSRT Open Space, Recreation and Trails
- WP Watershed Protection

— Plan Area Boundary



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2019 HERE
Current to Amending Bylaw N/A
Schedule creation date: 2019-02-28

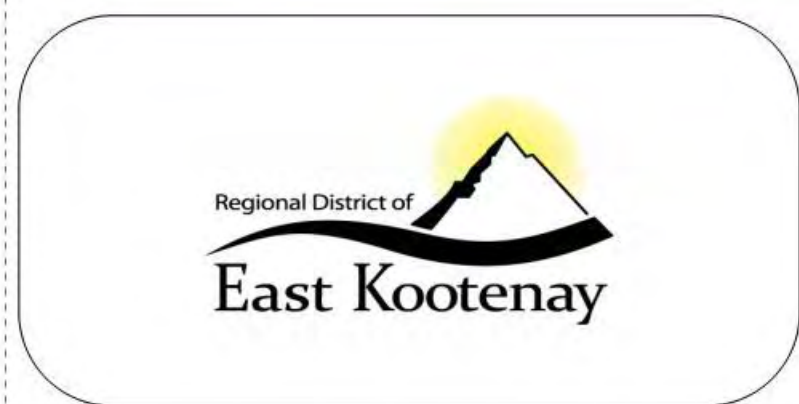
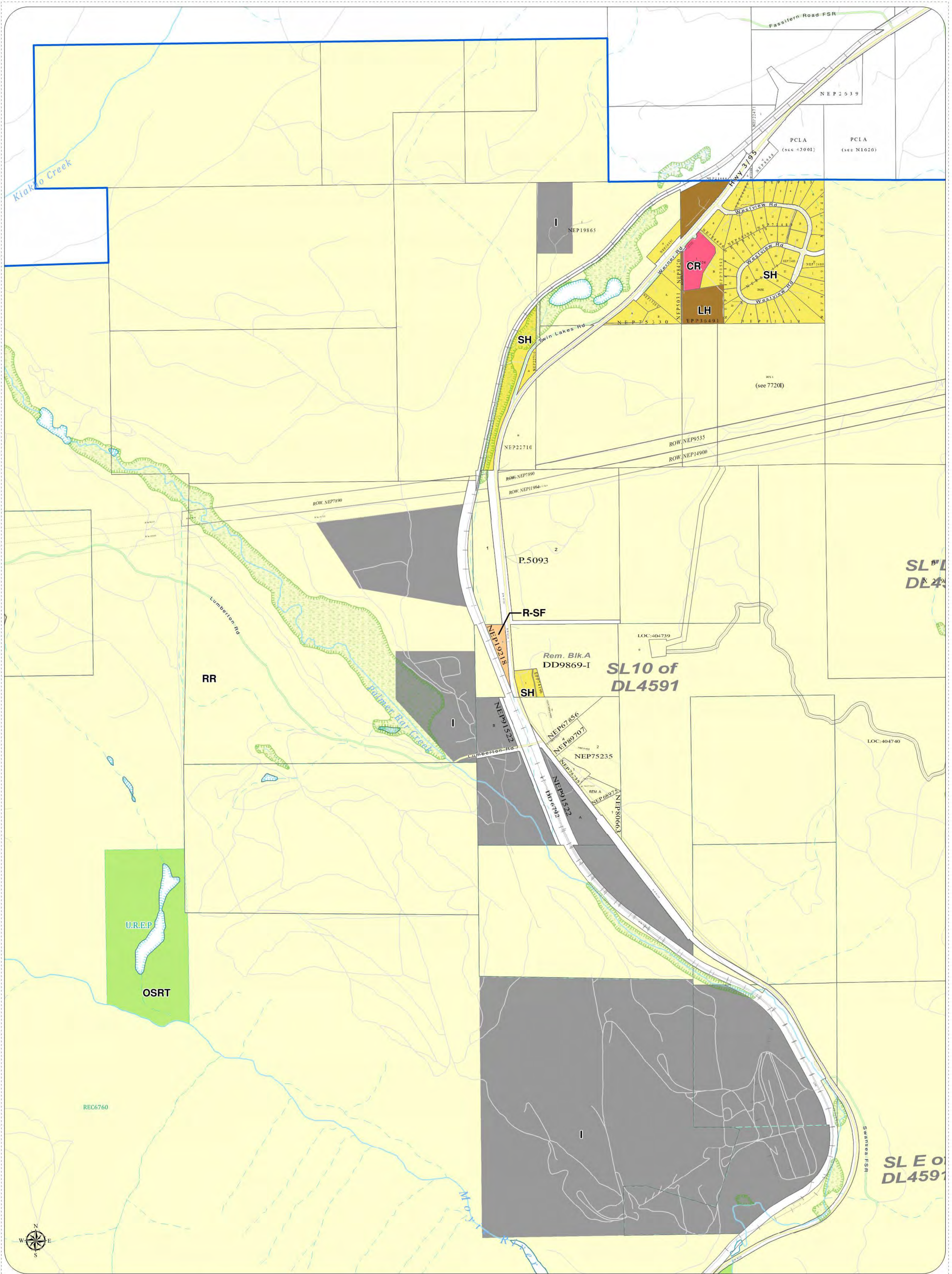
This is Schedule C of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

D

Land Use Overview

SCALE IN METERS
0 500 1,000 2,000 3,000



**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**

Legend

Residential and Rural Land Uses

- R-SF Residential Low Density
- SH Small Holdings
- LH Large Holdings
- RR Rural Resource
- REC Residential Recreation

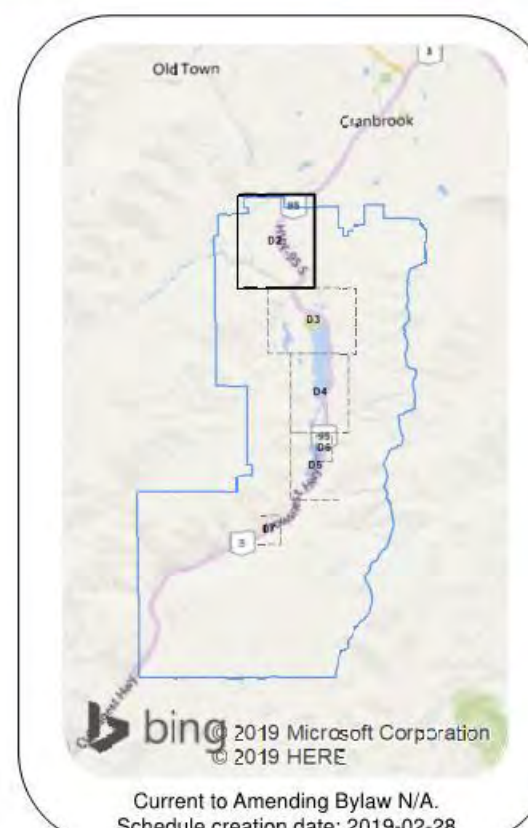
Industrial and Commercial Land Uses

- C Commercial
- CR Commercial Recreation
- I Industrial

Institutional Land Uses

- INST Institutional
- OSRT Open Space, Recreation and Trails
- WP Watershed Protection

— Plan Area Boundary

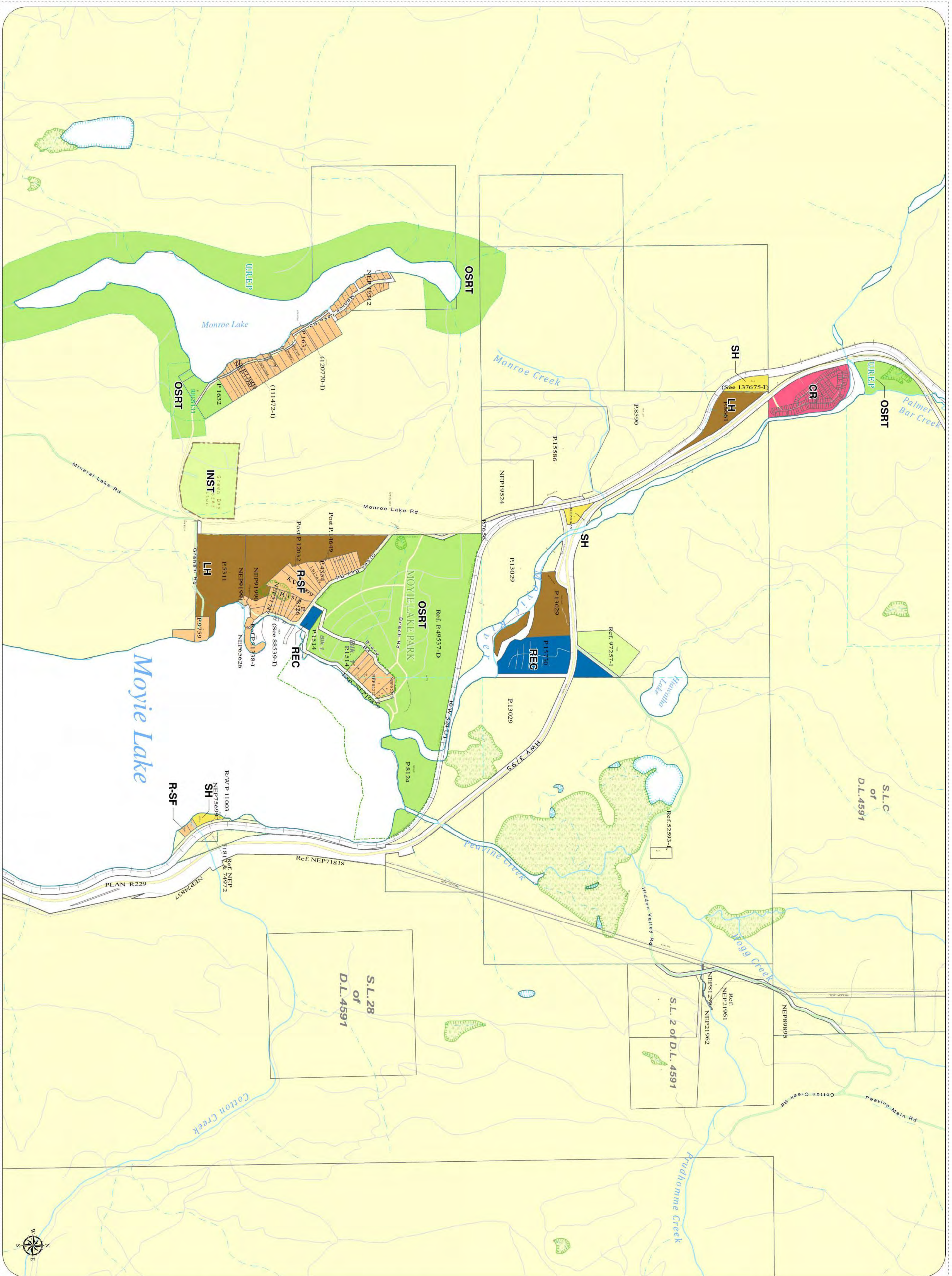


This is Schedule D2 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

**D2
Land Use
Lumberton**

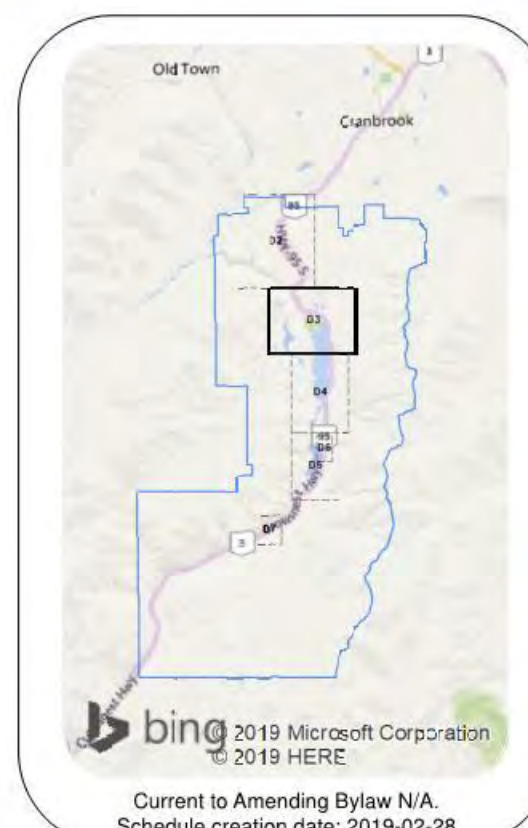
SCALE IN METERS
0 100 200 400



Legend

- | | | | |
|--|------------------------------|--|--|
| Residential and Rural Land Uses | | Industrial and Commercial Land Uses | |
| | R-SF Residential Low Density | | C Commercial |
| | SH Small Holdings | | CR Commercial Recreation |
| | LH Large Holdings | | I Industrial |
| | RR Rural Resource | Institutional Land Uses | |
| | REC Residential Recreation | | INST Institutional |
| | | | OSRT Open Space, Recreation and Trails |
| | | | WP Watershed Protection |

— Plan Area Boundary

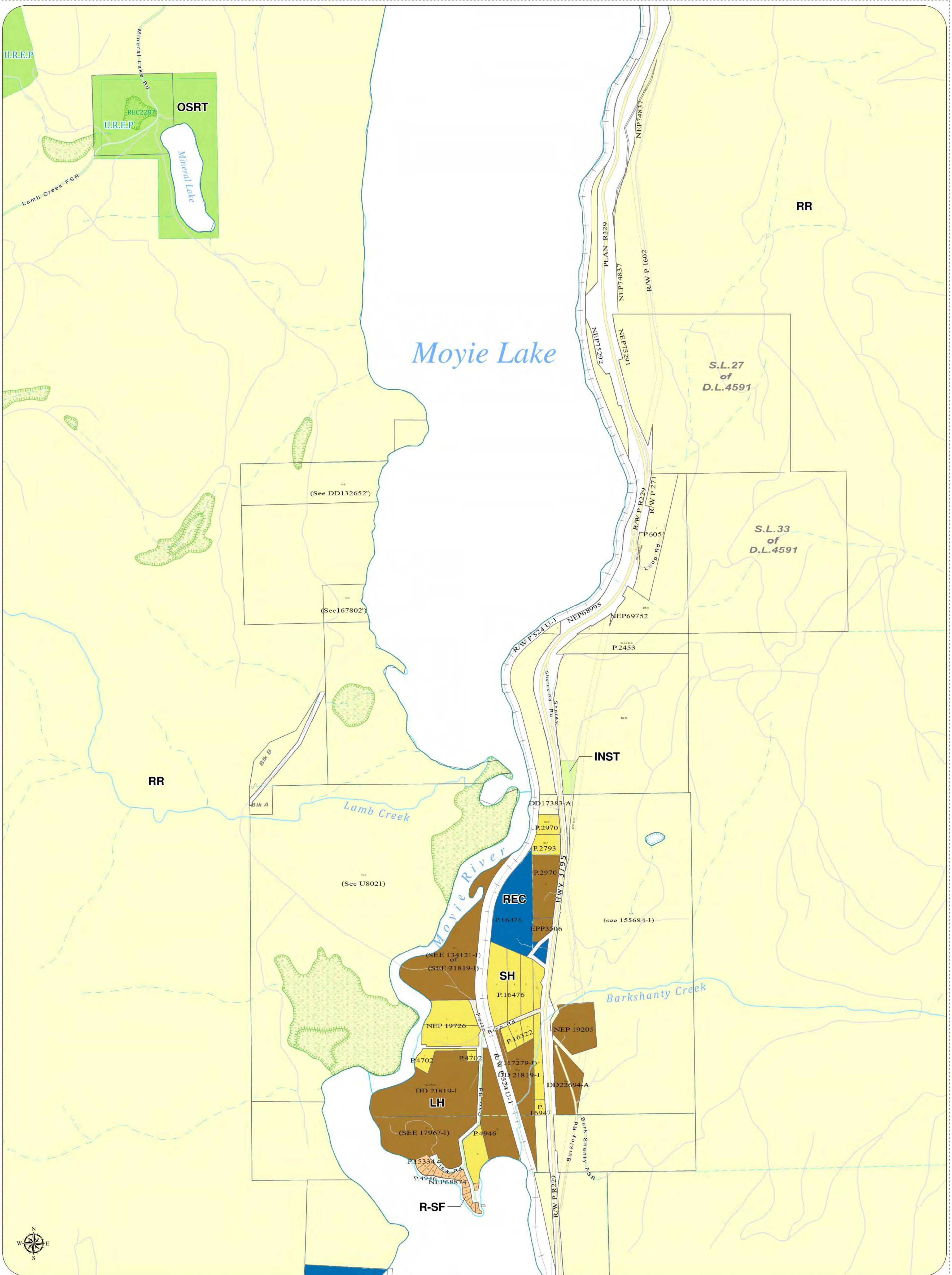


This is Schedule D3 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**

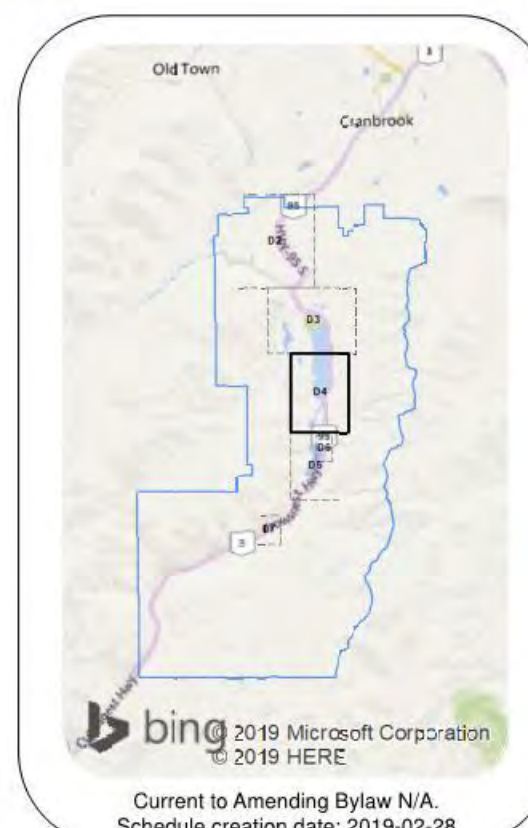
**D3
Land Use
Green Bay/Monroe Lake**



Legend

Residential and Rural Land Uses		Industrial and Commercial Land Uses	
 R-SF	Residential Low Density	 C	Commercial
 SH	Small Holdings	 CR	Commercial Recreation
 LH	Large Holdings	 I	Industrial
 RR	Rural Resource	 INST	Institutional
 REC	Residential Recreation	 OSRT	Open Space, Recreation and Trails
		 WP	Watershed Protection

— Plan Area Boundary



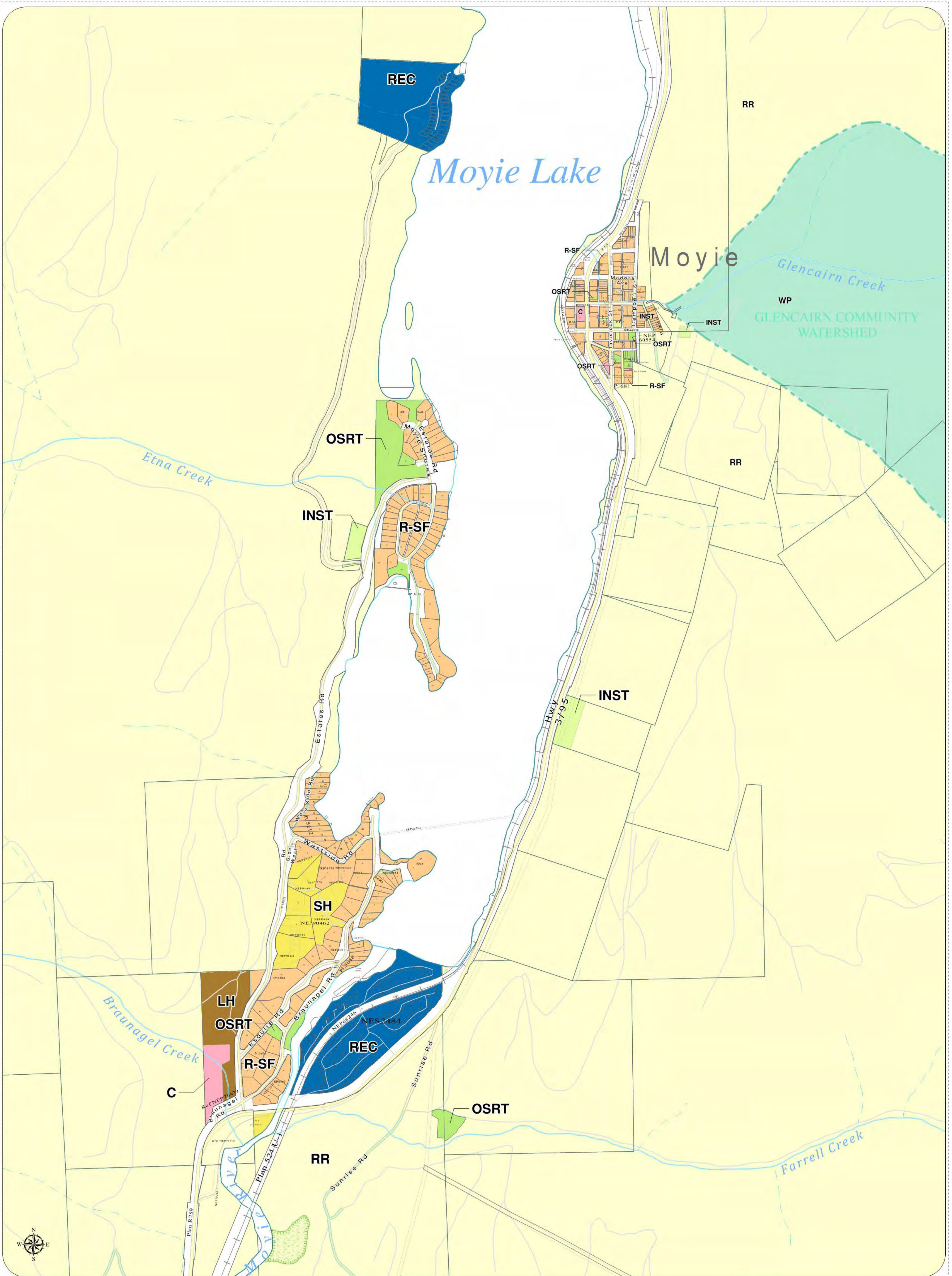
This is Schedule D4 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

D4

Land Use Narrows

SCALE IN METERS
0 100 200 300



Legend

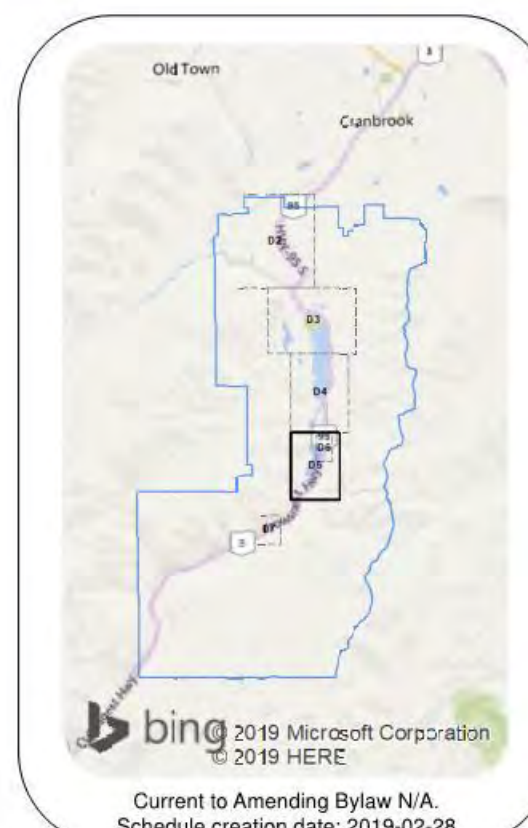
Residential and Rural Land Uses

- R-SF Residential Low Density
- SH Small Holdings
- LH Large Holdings
- RR Rural Resource
- REC Residential Recreation

Industrial and Commercial Land Uses

- C Commercial
 - CR Commercial Recreation
 - I Industrial
- #### Institutional Land Uses
- INST Institutional
 - OSRT Open Space, Recreation and Trails
 - WP Watershed Protection

— Plan Area Boundary



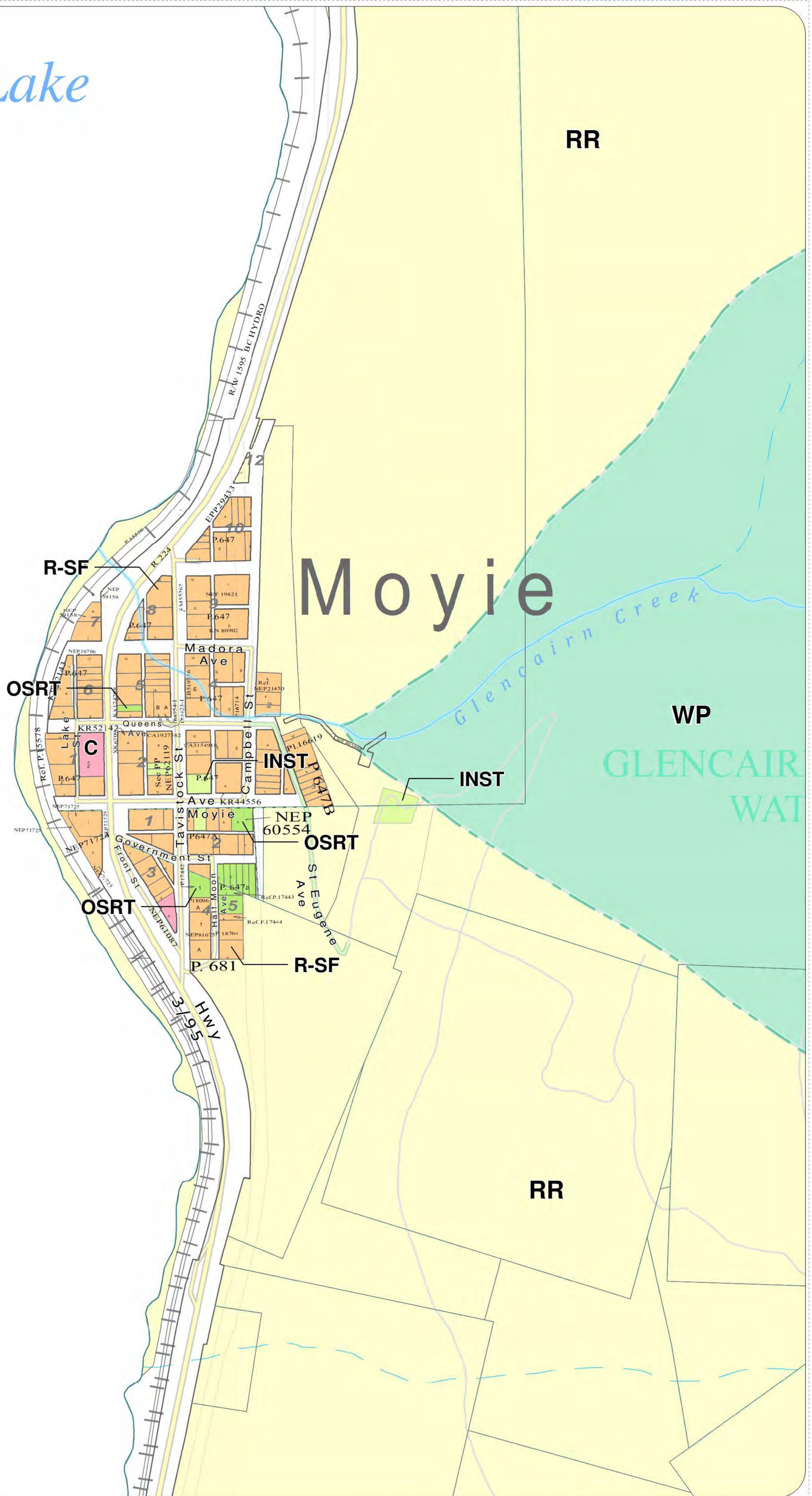
This is Schedule D5 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

D5 Land Use Moyie North

SCALE IN METERS
0 50 100 150 200

Moyie Lake



Legend

Residential and Rural Land Uses		Industrial and Commercial Land Uses	
 R-SF	Residential Low Density	 C	Commercial
 SH	Small Holdings	 CR	Commercial Recreation
 LH	Large Holdings	 I	Industrial
 RR	Rural Resource	 INST	Institutional
 REC	Residential Recreation	 OSRT	Open Space, Recreation and Trails
		 WP	Watershed Protection

— Plan Area Boundary



This is Schedule D6 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

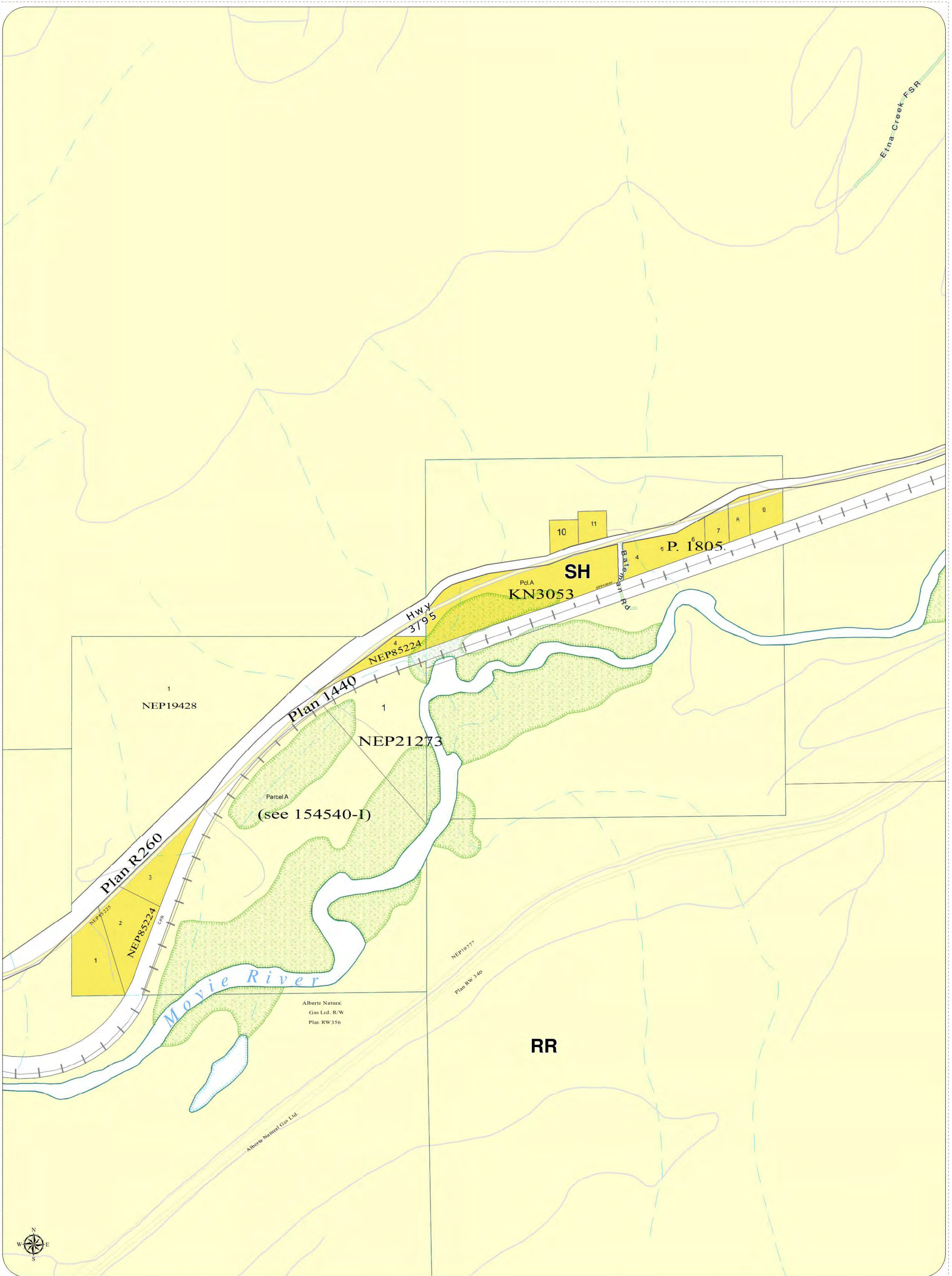
Chair _____
Corporate Officer _____ Date _____

D6
Land Use
Moyie Townsite

SCALE IN METERS
0 25 50 100



Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019



Legend

Residential and Rural Land Uses

- R-SF Residential Low Density
- SH Small Holdings
- LH Large Holdings
- RR Rural Resource
- REC Residential Recreation

Industrial and Commercial Land Uses

- C Commercial
- CR Commercial Recreation
- I Industrial

Institutional Land Uses

- INST Institutional
- OSRT Open Space, Recreation and Trails
- WP Watershed Protection

— Plan Area Boundary



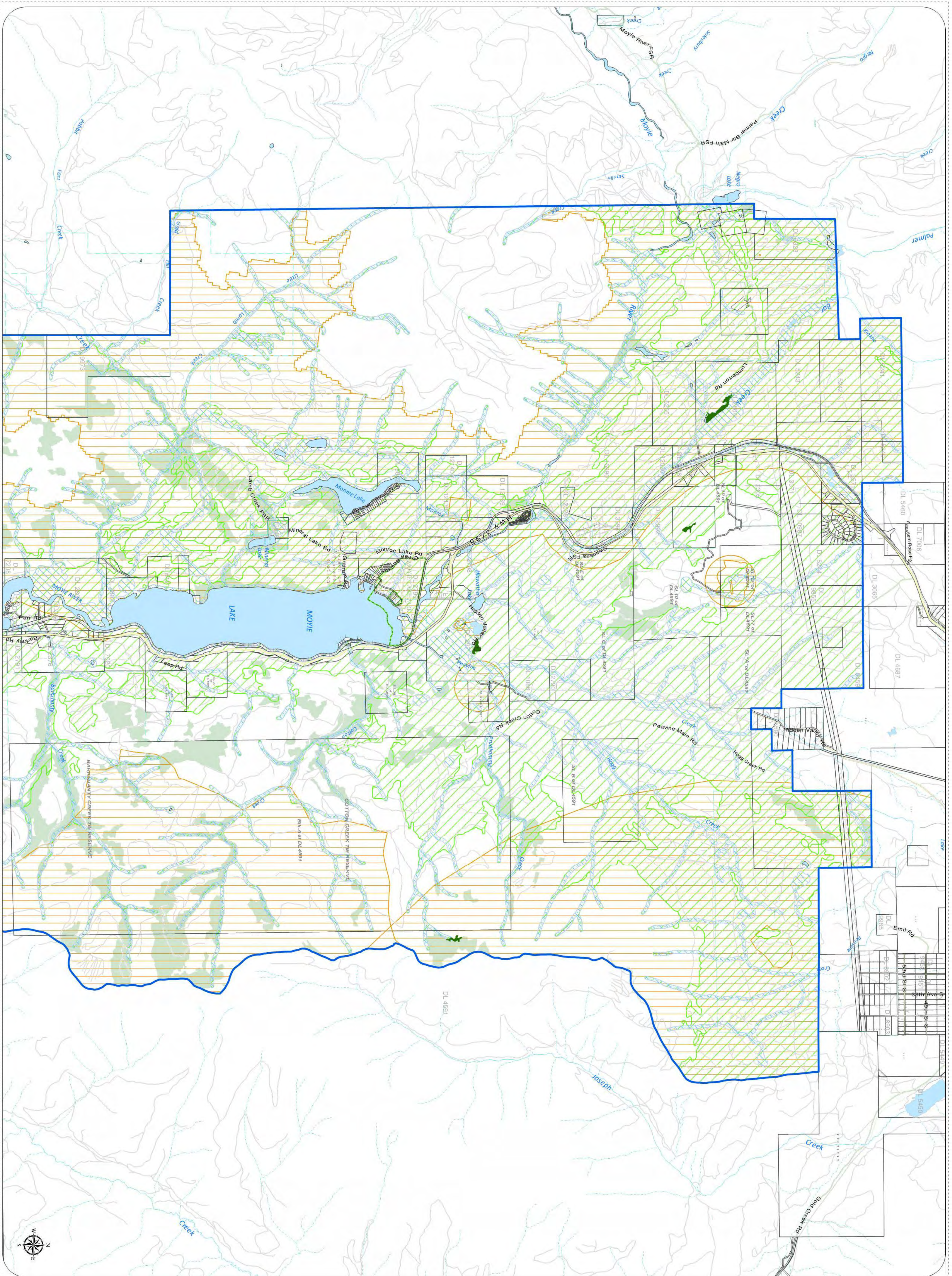
This is Schedule D7 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

D7

Land Use

Moyie - South



Legend

-  Connectivity Corridor
-  Grassland Ecosystem
-  Habitat for Species at Risk
-  Old Growth Forest
-  Wetland and Riparian Ecosystem

 Plan Area Boundary



**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**



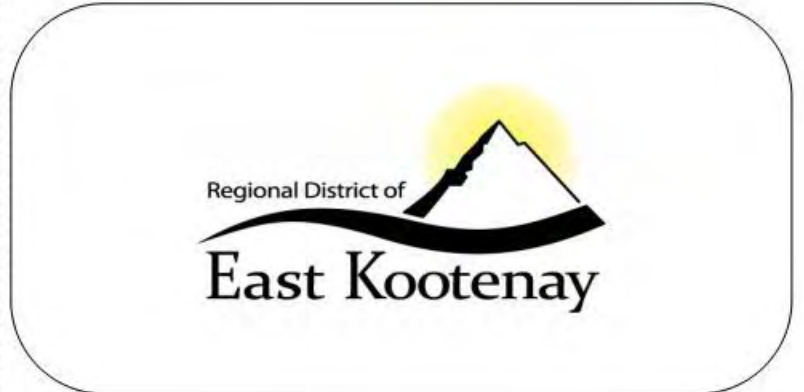
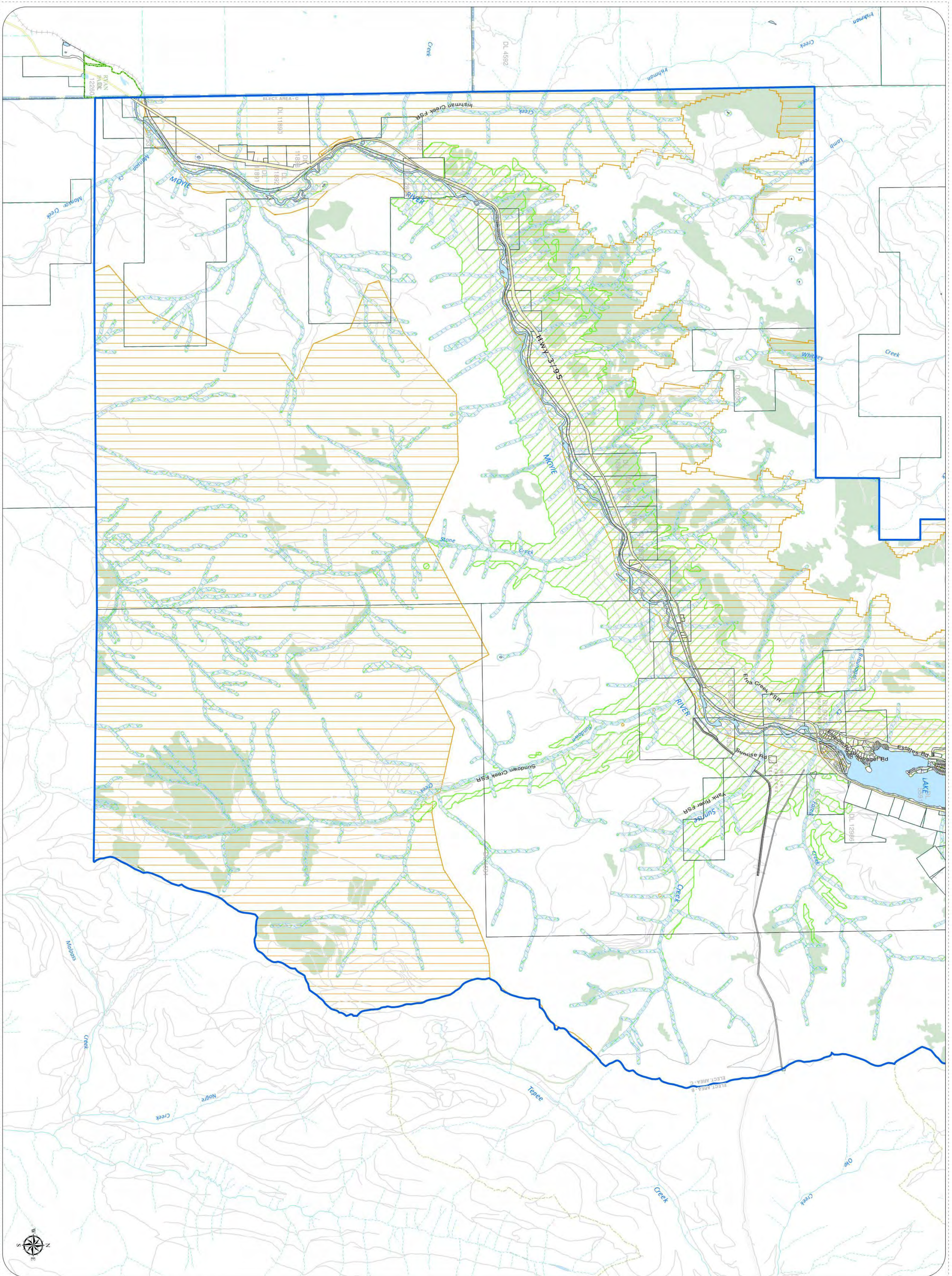
Current to Amending Bylaw N/A.
Schedule creation date: 2019-02-28

This is Schedule E1 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

E1
Environmentally Sensitive Areas
Moyie - North

SCALE IN METERS
0 100 200 300



**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**

Legend

- Connectivity Corridor
- Grassland Ecosystem
- Habitat for Species at Risk
- Old Growth Forest
- Wetland and Riparian Ecosystem

Plan Area Boundary



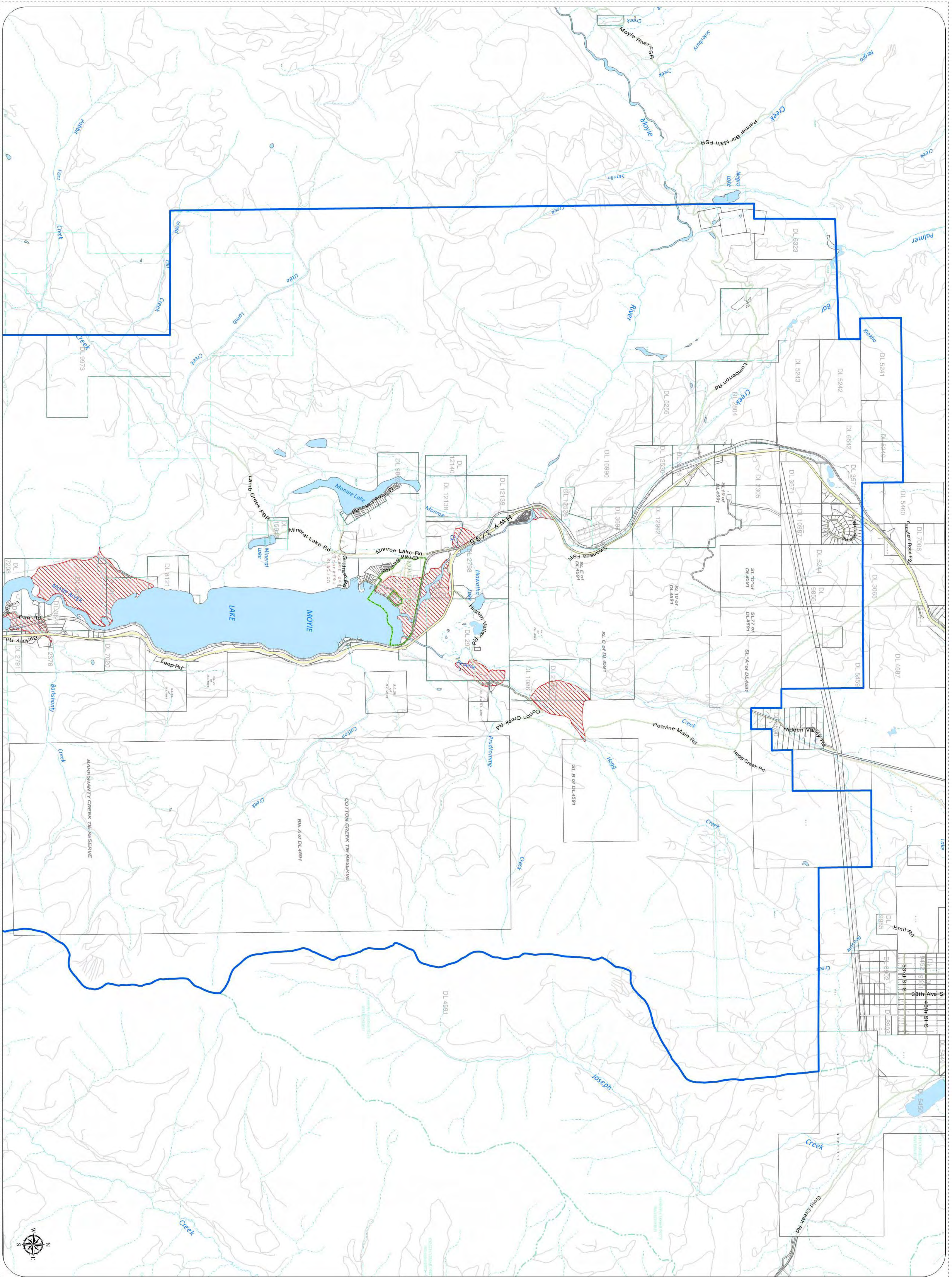
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Chair _____

Corporate Officer _____ Date _____

E2
Environmentally Sensitive Areas
Moyie - South

SCALE IN METERS
0 400 800 1200 2000



Legend

 High Hazard Area

 Plan Area Boundary



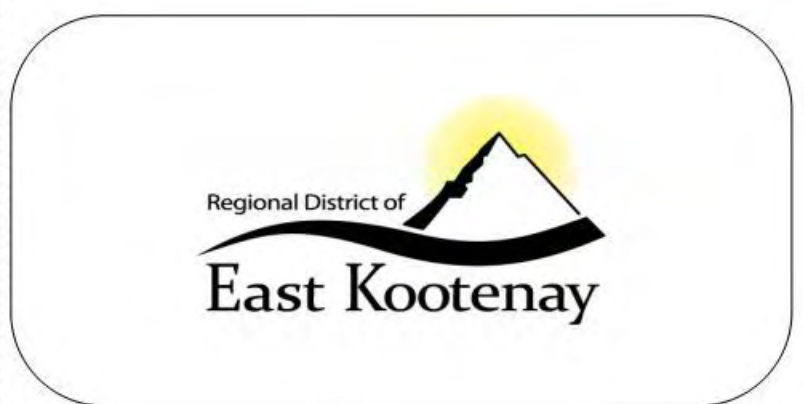
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Schedule creation date: 2019-03-01

This is Schedule F1 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

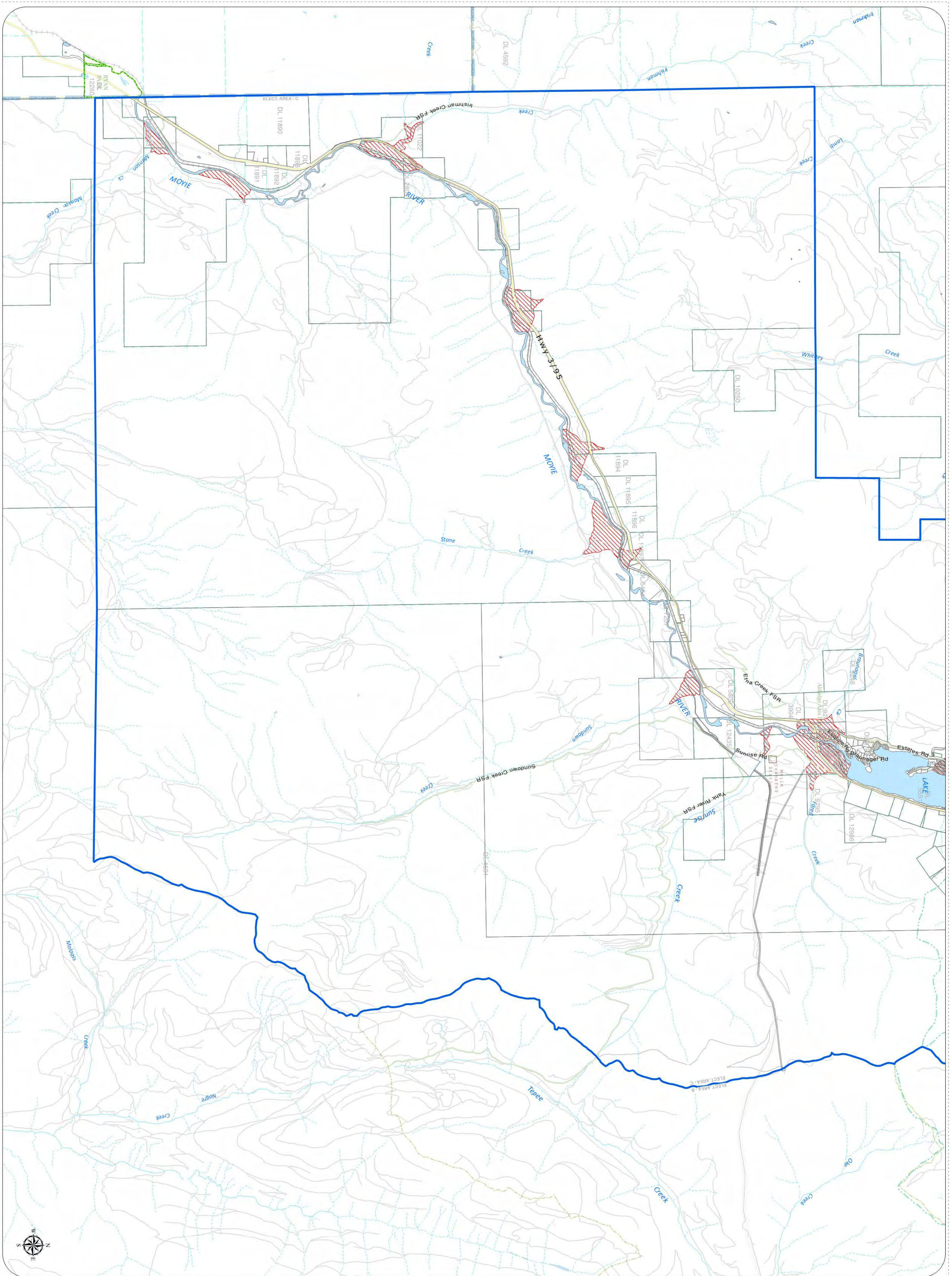
Chair _____
Corporate Officer _____ Date _____

F1
Flood Hazard
Moyie - North

SCALE IN METERS
0 100 200 300



Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019



Legend

High Hazard Area

Plan Area Boundary



This is Schedule F2 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

F2

Flood Hazard

Moyie - South

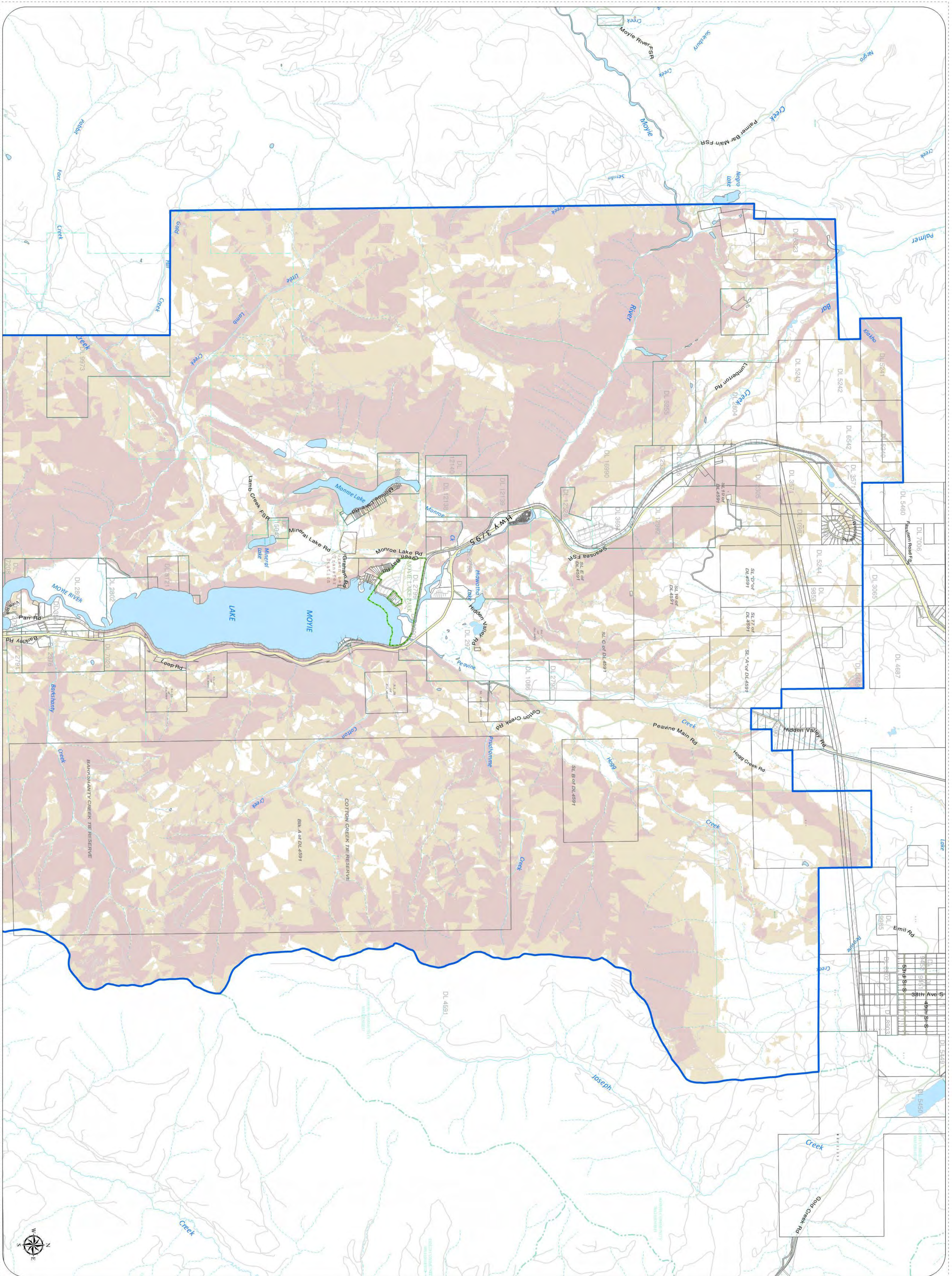
SCALE IN METERS
0 500 1000 2000



Moyie & Area

Official Community Plan

Bylaw No. 2912, 2019

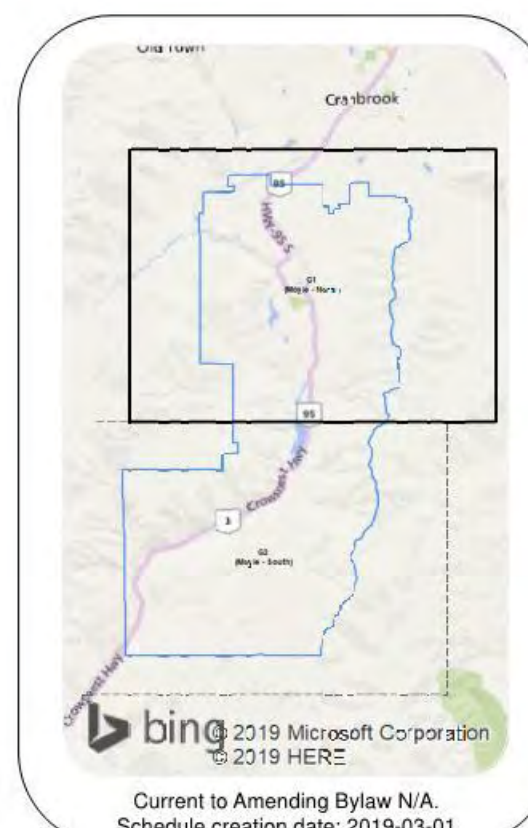


Legend

Slope Classification

- Slope 15-29.9%
- Slope >30%

Plan Area Boundary



This is Schedule G1 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

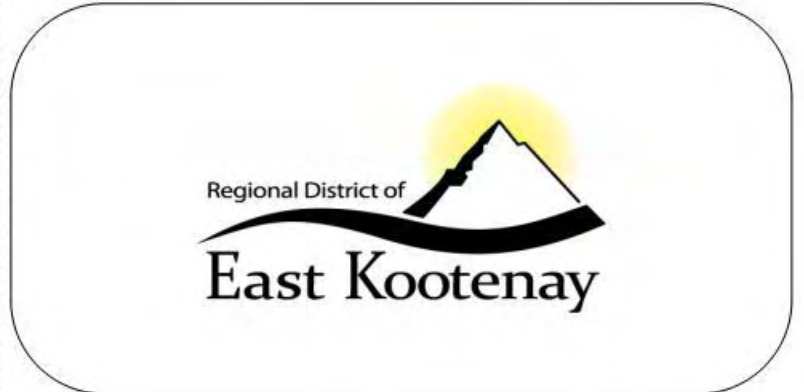
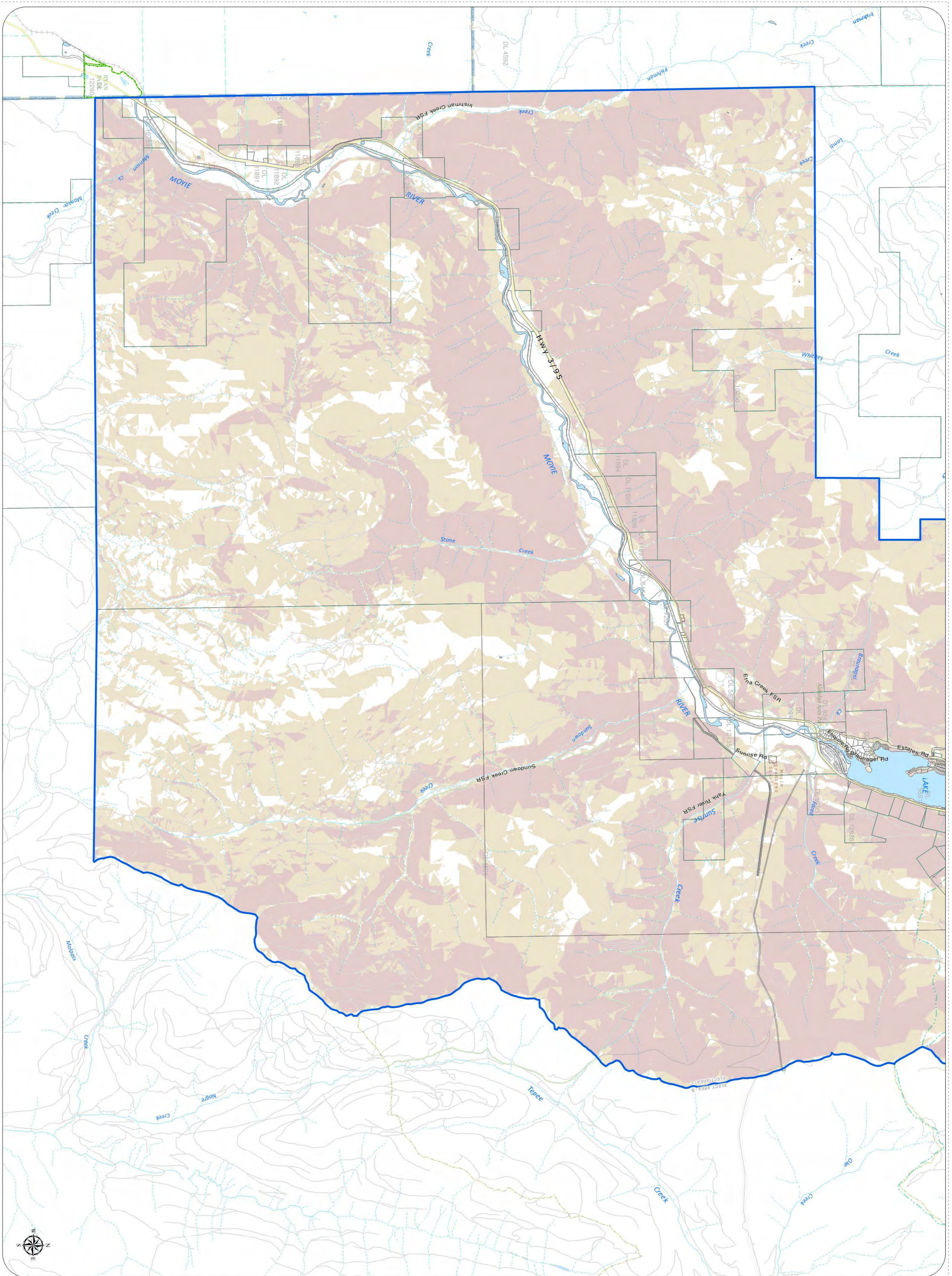
Chair _____
Corporate Officer _____ Date _____

G1

Slope Analysis Moyie - North



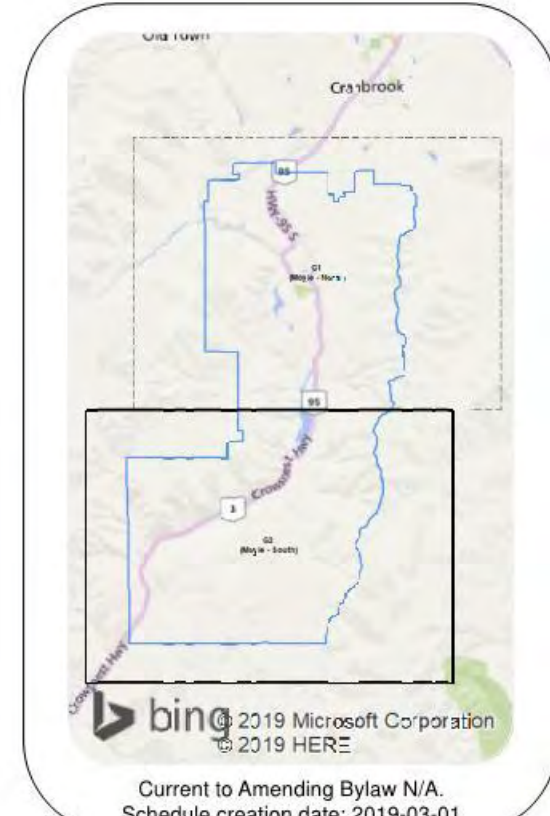
**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**



**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**

Legend

- Slope Classification**
- Slope 15-29.9%
 - Slope >30%
- Plan Area Boundary



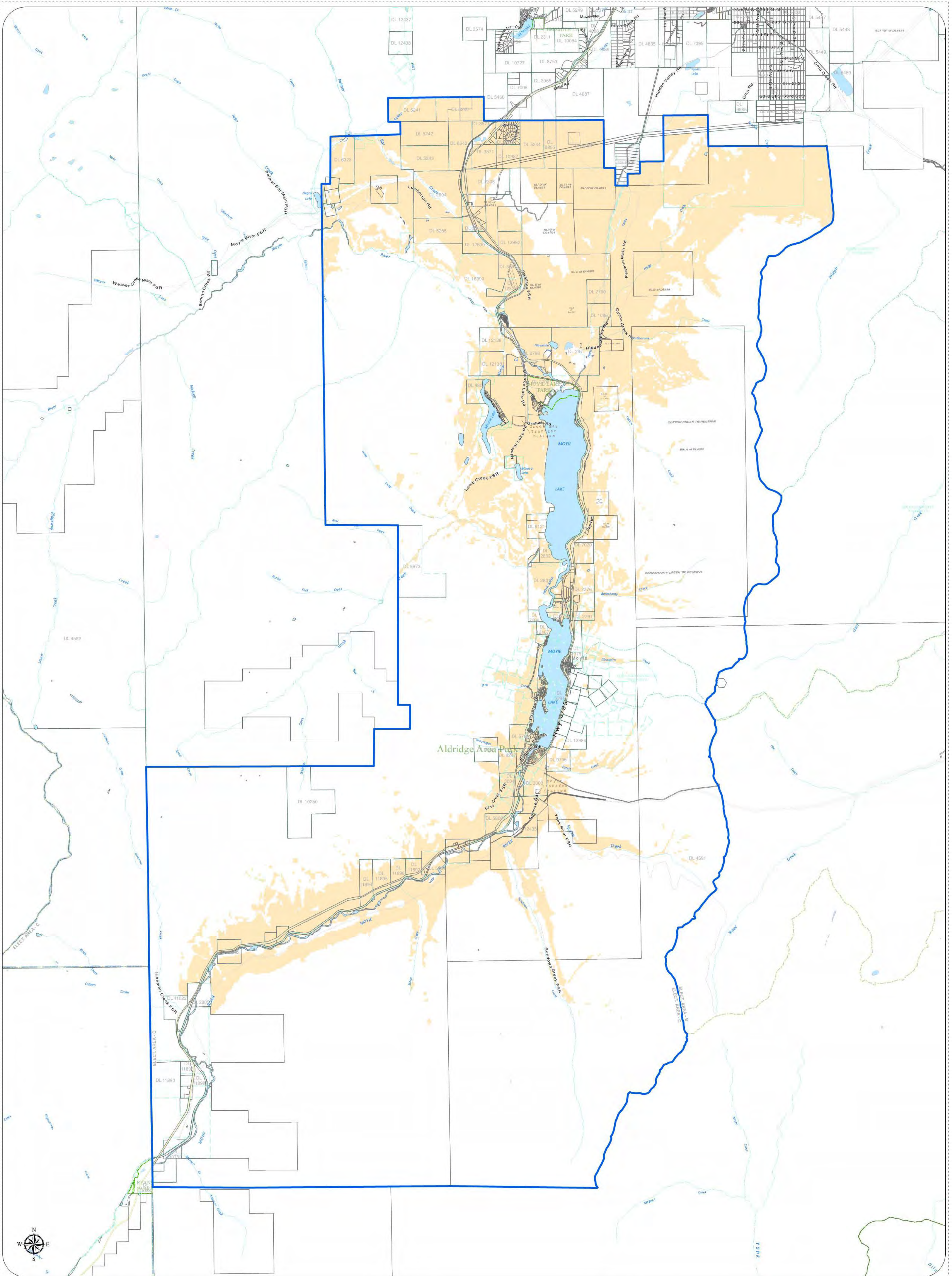
This is Schedule G2 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____


Corporate Officer _____ Date _____


G2
Slope Analysis
Moyie - South

SCALE IN METERS
0 400 800 1,200



Legend

 Ungulate Winter Range (U-4-006)

 Plan Area Boundary



**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**



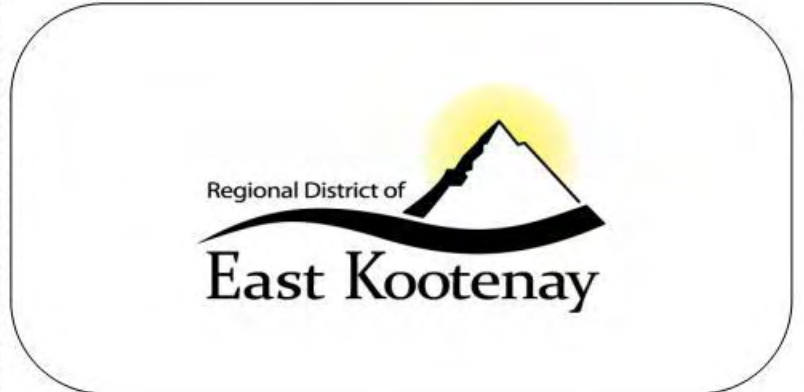
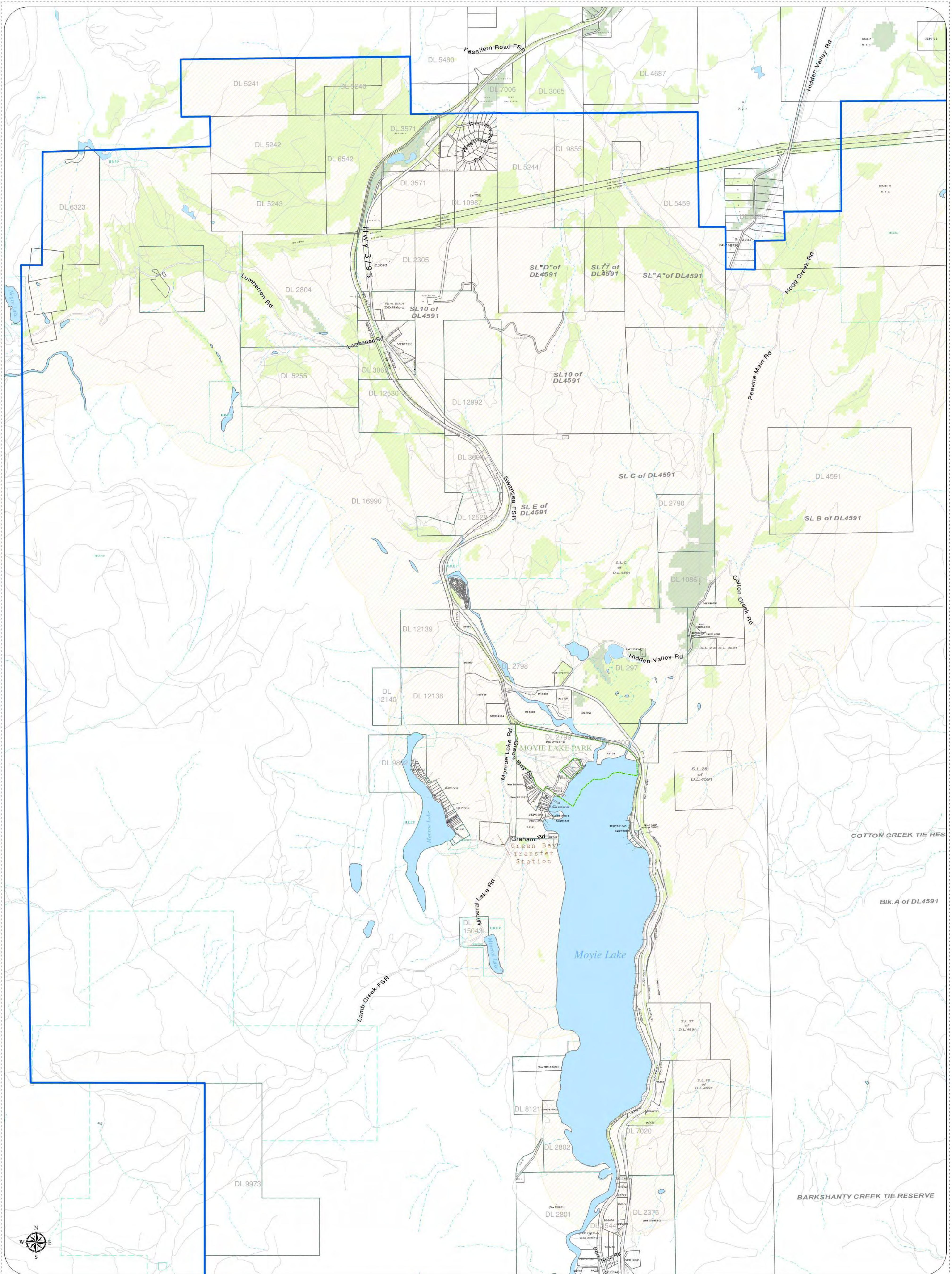
Current to Amending Bylaw N/A
Schedule creation date: 2019-03-01

This is Schedule H of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

H
Ungulate Winter Range

SCALE IN METERS
0 500 1,000 2,000 3,000



**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**

Legend

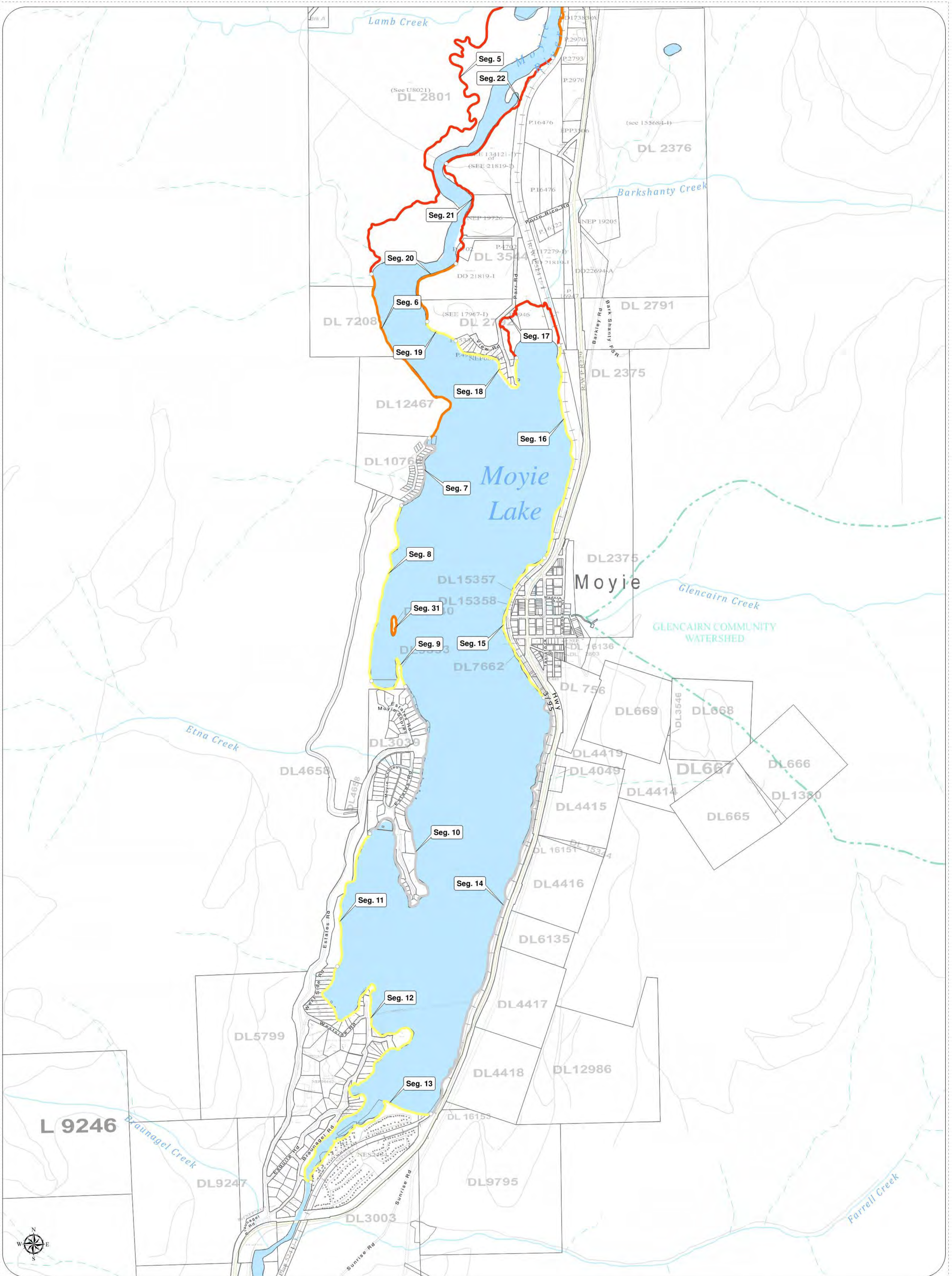
- Badger Habitat Quality***
 - High
 - Very High
- Species and Ecosystems at Risk****
 - Badger
- Plan Area Boundary



This is Schedule I of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

I
Badger Habitat



Legend

* Vulnerability Zone

- Red
- Orange
- Yellow
- Gray

— Plan Area Boundary



Current to Amending Bylaw N/A
Schedule creation date: 2019-02-28

This is Schedule J1 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

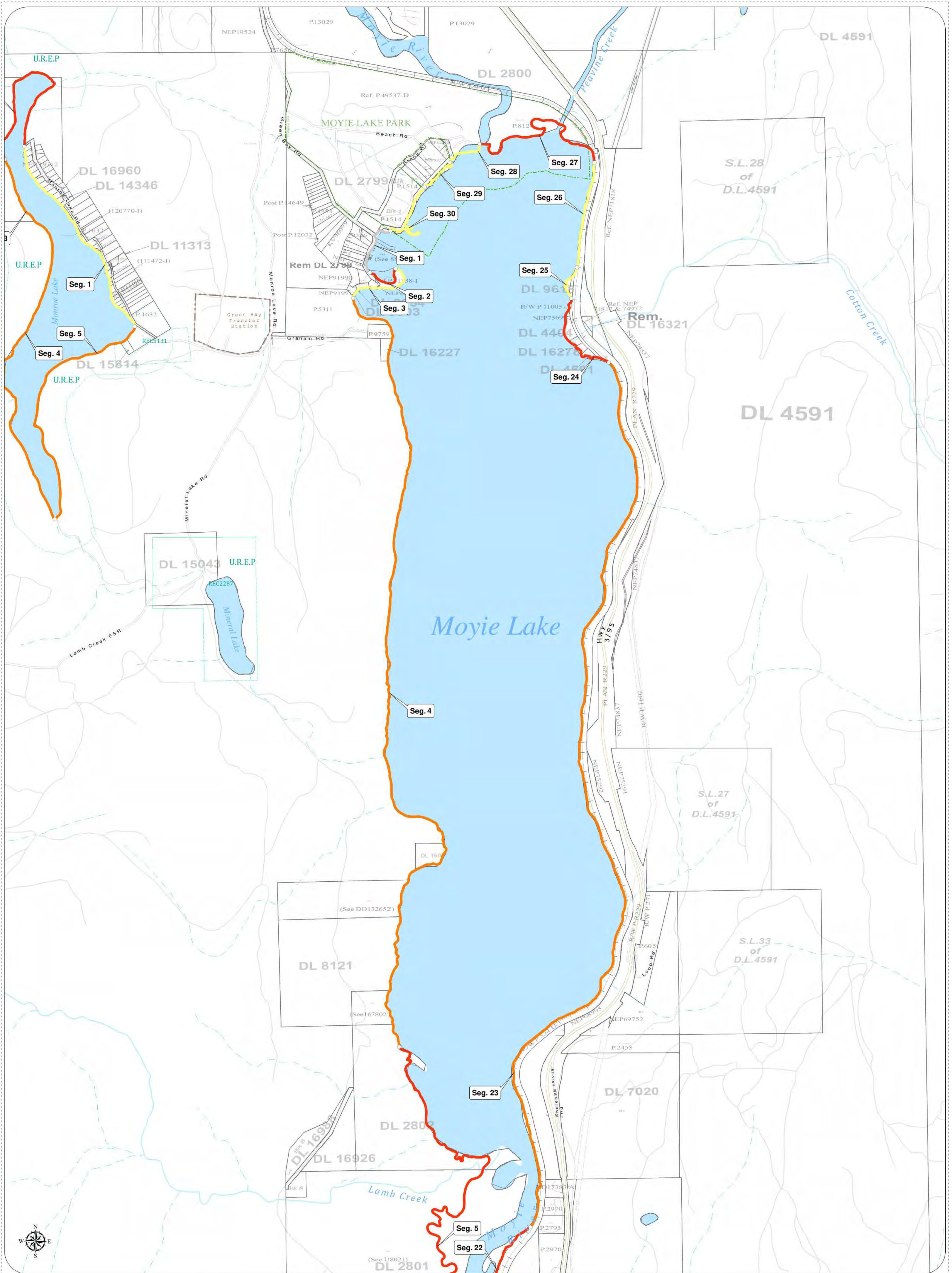


**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**

**J1
Development Permit #2
Moyie Lake - South**

SCALE IN METERS
0 100 200 400

* Data Source: 2009 Foreshore Inventory and Mapping - Moyie and Monroe Lake (File No. 09-371)



Legend

* Vulnerability Zone

- Red
- Orange
- Yellow
- Gray

— Plan Area Boundary



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Current to Amending Bylaw N/A
Schedule creation date: 2019-02-28

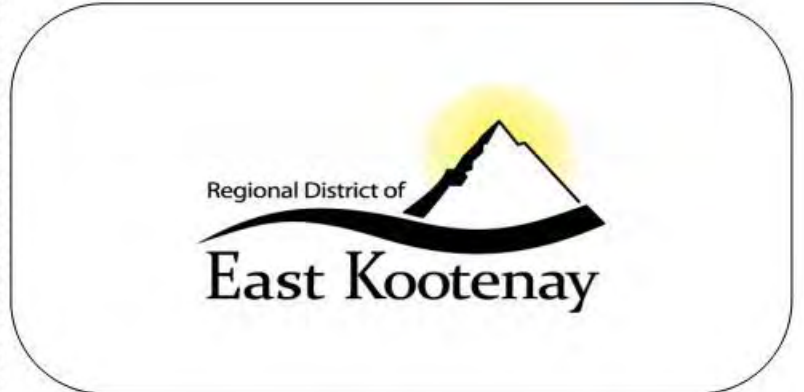
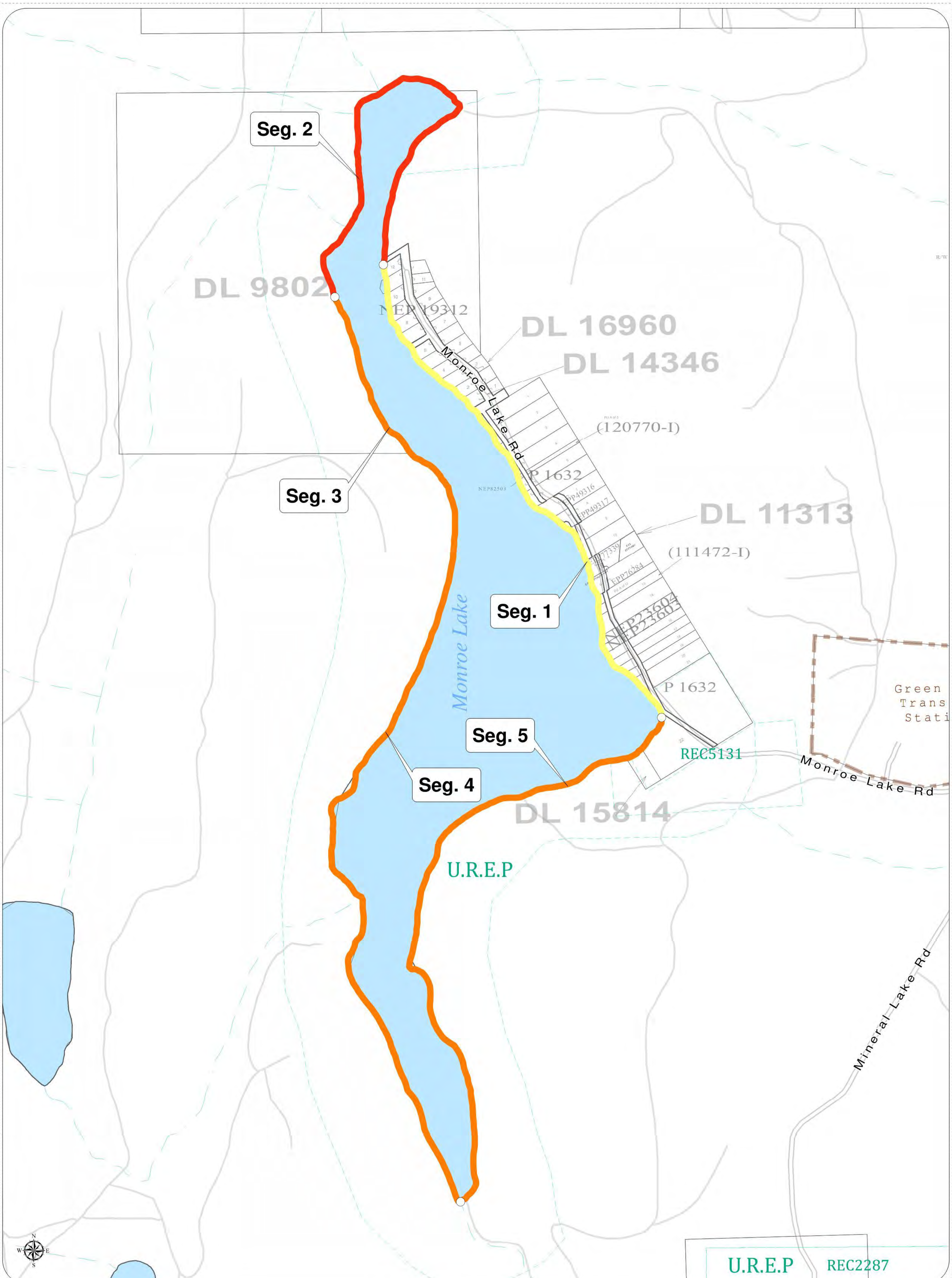
This is Schedule J2 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____
Corporate Officer _____ Date _____

**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**

**J2
Development Permit #2
Moyie Lake - North**

* Data Source: 2009 Foreshore Inventory and Mapping - Moyie and Monroe Lake (File No. 09-371)



**Moyie & Area
Official Community Plan
Bylaw No. 2912, 2019**

Legend

* Vulnerability Zone

- Red
- Orange
- Yellow
- Gray

— Plan Area Boundary

* Data Source: 2009 Foreshore Inventory and Mapping - Moyie and Monroe Lake (File No. 09-371)



This is Schedule J3 of Bylaw No. 2912 cited as "Regional District of East Kootenay - Moyie & Area Official Community Plan Bylaw No. 2912, 2019."

Chair _____

Corporate Officer _____ Date _____

J3
Development Permit #2
Monroe Lake

SCALE IN METERS



**ELECTORAL AREA C SOUTH
ZONING & FLOODPLAIN
MANAGEMENT BYLAW
NO. 2913, 2019**

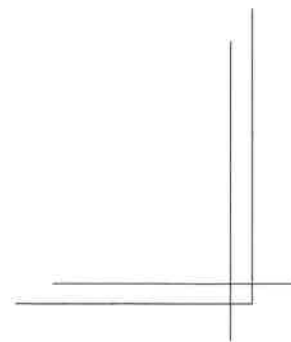


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REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2913

A bylaw to regulate development within a portion of Electoral Area C of the Regional District of East Kootenay.

WHEREAS the Board of the Regional District of East Kootenay wishes to update, consolidate and combine an existing zoning bylaw and land use bylaw cited as "Regional District of East Kootenay Cranbrook Rural Zoning Bylaw No. 1402, 2001" and "Regional District of East Kootenay – Moyie and Area Land Use Bylaw No. 2017".

AND WHEREAS the Board of the Regional District of East Kootenay considers that a floodplain management bylaw will help to reduce further exposure to risk and to reduce the amount of damage to structures and property due to flooding;

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

1. TITLE

This Bylaw may be cited for all purposes as "Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019".

2. ADMINISTRATION AND ENFORCEMENT

- 2.1 The Manager of Planning and Development Services, Manager of Building and Protective Services, and Compliance Officer, and any other person authorized to assist the aforementioned persons are authorized to administer this Bylaw.
- 2.2 Any person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and is liable to a fine not exceeding \$10,000 and the costs of prosecution.
- 2.3 If a portion of this bylaw is found invalid by a court, then it will be severed and the remainder of the bylaw will remain in effect.
- 2.4 Bylaw No. 1402 cited as "Regional District of East Kootenay - Cranbrook Rural Zoning Bylaw No. 1402, 2001", Bylaw No. 2070 cited as "Regional District of East Kootenay – Moyie and Area Land Use Bylaw No. 2070, 2008" and "Regional District of East Kootenay – Cranbrook Rural Floodplain Management Bylaw No. 1557, 2001" are repealed.

3. INTERPRETATION

- 3.1 The following schedules are attached to and form part of this Bylaw:

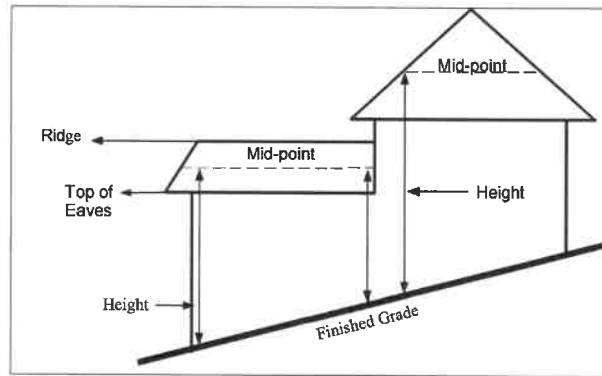
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- 3.2 Measurements and Calculations

- (1) Numerical quantities are written in the International System of Units (metric).
- (2) Where a parcel contains more than one zone:
 - (a) Each different zone will be treated as a separate parcel for the purpose of calculating minimum parcel area, maximum parcel coverage and setbacks.
 - (b) All principal and accessory buildings, structures and uses must be located within the zone for the building, structure or use.
- (3) Side setback requirements do not apply to the parcel line along which a *common wall* is located.
- (4) All requirements that involve measurements and calculations apply to a bare land strata parcel in the same way as to any other parcel.
- (5) Where access to a parcel is provided by a an *access route* or fee simple common lot, all measurements and calculations relating to parcels gaining access from the

access route or common lot apply in the same way as though access were provided from a *highway*.

- (6) The maximum permitted height of *buildings* and *structures* is calculated by measuring the vertical distance from the *finished grade* of the *building* or *structure* to the mid-point between the eaves and ridge of the primary roof or roofs. Height is shown on the diagram below:



When the architectural design of the primary roof or roofs does not include a roof ridge. The maximum permitted height of the *building* or *structure* shall be calculated in accordance with section 1.11 (6) of Schedule A to this Bylaw.

3.3

Definitions

In this Bylaw:

Access route means those portions of the common property in a bare land strata plan intended to provide vehicular access to the strata lots in the bare land strata plan.

Accessory means customarily incidental and subordinate.

Accessory building means:

- (a) a *building*, the use or intended use of which is *accessory* to that of the *principal building* situated on the same parcel, which may be detached or connected to other *buildings* by a *breezeway*; or
- (b) a *building* which is *accessory* to a *principal use* being made of the parcel upon which such *building* is located.

Accessory use means:

- (a) a use which is *accessory* to the *principal building* or the use of the *principal building* on the same parcel; or
- (b) a use which is *accessory* to the *principal use* made of the parcel upon which such *accessory use* is carried on.

Agricultural Land Reserve means a reserve of land established under the *Agricultural Land Reserve Act*.

Alluvial fan means an alluvial deposit of a *watercourse* where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary *watercourse* with the main *watercourse*.

Animal unit means any of the following groups:

- 1 beef or dairy cow plus calf or one bull
- 1 horse (stallion, gelding, or mare and foal) donkey, mule or hinny
- 7 sheep plus lambs
- 7 goats plus kids
- 40 rabbits
- 125 chickens, turkeys, geese, ducks, game birds or combination
- 25 ratites
- 3 swine plus progeny to weaning;

or 455 kg live weight, whichever is less. The calculation of animal units may include a combination of the above groups provided that the maximum number of animal units does not exceed the permitted number of animal units identified within this Bylaw.

Assembly means a use providing for the *assembly* of persons for religious, charitable, philanthropic, cultural, recreational or educational purposes and includes churches, auditoriums, youth centres, seniors' centres, social halls, community halls, but excludes conference and convention facilities.

Boathouse means an *accessory building or structure* which is used for storage of boats, personal watercraft, tools and equipment *accessory* to the residential use located on the same parcel of land and is accessible directly from the water.

Breezeway means a roofed open passage connecting two or more *buildings*.

Building means a *structure* used or intended for supporting or sheltering any use or occupancy.

Cabin means a *building* used for seasonal recreation or temporary accommodation. A cabin does not contain a *kitchen*.

Campground means an area of land designated and intended for the placement of tents, *recreational vehicles, park model trailers, or cottages*. A *campground* includes any parcel of land with any combination of 3 or more tents, *recreational vehicles, park model trailers or cottages* placed on it, occupied seasonally. A *campground* does not include a *manufactured home park, a motel, or a hotel*.

Campsite means an area in a *campground* used or intended to be used, leased or rented for tents, *recreational vehicles, park model trailers or cottages*.

Cannabis means the substance set out in item 1 of Schedule II of the *Controlled Drugs and Substances Act*.

Cannabis production facility means a facility for the cultivation, destruction, shipping and direct marketing of *cannabis*. A facility may also conduct research or testing of *cannabis*.

Care and assistance means necessary health care and assistance as certified in writing by a physician.

Child care facility means a facility for the temporary care of children licensed as Occasional Child Care or Family Child Care under the *Community Care and Assisted Living Act* and the Child Care Licensing Regulation.

Common storage area means a portion of a *manufactured home park or campground* used or intended to be used by the occupants of the *manufactured home park or campground* for storage of automobiles, *recreational vehicles, boats* and other equipment and materials.

Common wall means a continuous, unbroken vertical or horizontal *structure with habitable room* adjoining either side, used to separate *dwelling units, cottages, cabins* or building strata lots. A *common wall* is not a *breezeway*.

Community water system means a system of waterworks serving more than one parcel which is approved under the *Drinking Water Protection Act* and any other provincial regulations that apply provided that it is owned, operated and maintained by:

- 1) a local government or improvement district as defined by the *Local Government Act*, or
- 2) a Strata corporation as defined by the *Strata Property Act*, or a water utility, as defined by the *Water Utility Act* where a Certificate of Public Convenience and Necessity (CPCN) has been issued by the Comptroller of Water Rights for the Ministry of Environment.

Concession stand means a *building or structure* for the sale of souvenirs, takeout foods, and related sundries.

Confined livestock area means a fenced area, including paddocks, corrals, exercise yards and holding pens, where *livestock, poultry, or farmed game* is confined solely for the purposes of growing or finishing and is sustained by means other than grazing.

Corner parcel means a parcel at the intersection of two or more *highways*.

Cottage means a *building* on a *campsite* within a *campground* used for seasonal temporary or temporary accommodation. A *cottage* is not a *dwelling unit*.

Dairying means raising cows, goats and any other animal species for the production of milk or milk products.

Derelict vehicle means any *vehicle* no longer in roadworthy condition, in a state of disrepair, wrecked or being dismantled or which is not licensed and insured in the current calendar year, but does not include *vehicles* stored in enclosed *buildings*.

Designated flood means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available. Where the flow of a large *watercourse* is controlled by a major dam, the *designated flood* shall be set on a site specific basis.

Designated flood level means the observed or calculated elevation for the *designated flood*, which is used in the calculation of *flood construction level*.

Drive-in restaurant means a *building* wherein meals, refreshments or both intended for immediate consumption are sold where all, or most of the consumption takes place outside the *building*.

Duplex means one *building* containing two *dwelling units* that:

- (a) share a common roof and foundation;
- (b) are separated by a *common wall*; and
- (c) where neither *dwelling unit* is a *manufactured home*.

A *building* containing a *secondary suite* is not a *duplex*.

Dwelling unit means a *habitable room* or group of *habitable rooms* occupied or designed to be occupied by one or more persons with a kitchen and facilities for living and sleeping.

Equestrian centre means a facility or group of facilities intended for the accommodation, showing and competitive use of horses and may include a stable, gymkhana course, race track, and other related facilities.

Farm operation means 'farm operation' as defined in the *Farm Practices Protection (Right to Farm) Act*, but does not include growing, producing, cultivating, processing or direct marketing of *cannabis*.

Farmed game means any animal held under the authority of a licence under the *Game Farm Act* and includes fallow deer, bison and reindeer.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose, separate or screen areas of land.

Finished grade means the finished ground level at the perimeter of the *building* or *structure*; except localized depressions such as for vehicle or pedestrian entrances. Artificial embankments shall not be considered *finished grade*.

First storey means the uppermost *storey* having its floor level no more than 2 m above finished grades.

Fish pond means a body of water where people pay the operator a fee to fish.

Flat roof means the roof of a building or structure for which the slope of the roof is equal to or less than 9 degrees.

Flood construction level or flood level means a *designated flood level* plus an allowance for *freeboard*, or where a *designated flood level* cannot be determined, a specified height above an *ordinary high water mark*, natural ground elevation, or any obstruction that could cause ponding.

Floodplain means an area, which is susceptible to flooding from a *watercourse*, lake or other body of water and that which is designated in Schedule B of this Bylaw.

Floodplain setback means the required minimum distance from the *ordinary high water mark* of a *watercourse*, lake, or other body of water to any landfill or structural support required to elevate a floor system or *pad* above the *flood construction level*, so as to maintain a floodway and allow for potential land erosion.

Forest management means raising, tending and harvesting of trees for firewood, pulp, lumber, and Christmas trees.

Freeboard means a vertical distance added to a *designated flood level*, used to establish a *flood construction level*.

Frontage road means that length of a *highway* which runs parallel to and abuts a controlled access *highway* on one side, and provides access to parcels on the other side of the frontage road.

Fur bearing animal means an animal wild by nature, kept in captivity, and whose pelt is commonly used for commercial purposes.

Fur farming means an establishment where 2 or more fur bearing animals are kept in captivity.

Game bird means guinea fowl, pheasant, partridge, pigeon, quail, silkies, squab, tinamou.

Garage means an *accessory building*, or part of a *principal building* designed and used primarily for the parking and storage of *vehicles*.

Golf course means a parcel or group of contiguous parcels used for playing golf, consisting of at least nine holes each with a tee, fairway and green, and may contain practice areas *accessory* to the *golf course*, but a *golf course* is not a driving range, pitch-and-putt or miniature golf establishment. It may include a pro-shop, clubhouse and lounge or dining facilities.

Government services means local, provincial or other *government services* including office uses for the purpose of local or other government administration.

Gross floor area means the space on all *storeys* of a *building* between exterior walls and required firewalls, excluding basement floor areas used exclusively for storage, heating or laundry facilities, any portion used for parking, swimming pools, open *sundecks*, balconies, exits and vertical service spaces.

Group day care means a facility for the temporary care of children licensed as Group Child Care (various ages) or Multi-age Child Care under the *Community Care and Assisted Living Act* and the Child Care Licensing Regulation.

Group home means a facility for persons who by reason of their emotional, mental, social or physical condition or legal status require a supervised group living arrangement for their well-being.

Guest ranch means a *working farm* or *ranch* that includes a principal residence, agricultural *buildings* or *structures* and temporary guest accommodation in the form of *guest ranch cabins* and *lodges*.

Habitable area means any space or room, including a *manufactured home*, that is or can be used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater.

Habitable room means a portion of a *building* designed for living or sleeping, but does not include a bathroom, *kitchen*, storage room, laundry room, utility room or closet.

Highway means a *highway* as defined in the *Land Title Act*, but excludes a walkway, *access route* or fee simple common lot access parcel.

Home based business means an occupation, service or craft which is clearly *accessory* to the residential use of a parcel on which a *dwelling unit* is located. A *home based business* may include a preschool, *child care facility*, *group daycare* and bed and breakfast use. A *home based business* does not include sawmill, *campground*, recreational vehicle park, *salvage yard*, *mini-storage facility*, or storage of *recreational vehicles* or boats.

Horticulture means the growing of flowers, fruits, vegetables, forages and grains, and includes nurseries and greenhouses but does not include commercial mushroom growing.

Hotel means a *building* or part wherein where temporary accommodation is provided for transient paying guests. Entrance and exit ways are shared and the *building* may include public areas and accessory uses such as a lobby, restaurant, meeting, entertainment and recreation facilities.

Interpretative forest site means an *interpretative forest site* designated under the *Forest Practices Code of British Columbia Act*.

Keeping of farm animals means the keeping or rearing of *poultry* and *livestock*, other than swine or mink.

Keeping of small farm animals means the keeping or rearing of *small farm animals* excluding geese and turkeys.

Kennel means any *building*, *structure*, compound, group of pens or cages or property where four or more dogs or cats are kept for any purpose. A dog or cat means a member of the canine or feline species which is two or more months in age.

Kitchen means a room or portion of a room which contains one or more of the following: wiring for a stove, 220 volt stove, gas stove, countertop stove or wall oven.

Lane means a *highway* not less than 3 metres nor more than 10 metres in width, providing secondary access to any abutting parcel so that the parcel may be serviced or reached by vehicles using that *highway*.

Livestock means cattle, horse, donkey, mule, hinny, sheep, goat, swine, llama, alpaca, and rabbit.

Livestock shelter means a *building* or *structure* used for the rearing or sheltering of *livestock*, or for mushroom growing, including *buildings* or *structures* for the storage or handling of manure.

Lodge means a *building* that provides temporary accommodations for the exclusive use of operators and transient paying guests of a *guest ranch*, *rural retreat*, or *wildland use*. A lodge may include facilities for sleeping, meeting, recreation and sanitation.

Manufactured home means any *structure* as defined by the *Manufactured Home Act*.

Manufactured home area means that part of a *manufactured home park* used primarily for installed *manufactured homes* and which is not used for buffer area, roadways, owner's residential plot, the procuring and treatment of water, collective sewage treatment, effluent disposal from a collective sewage treatment plant, garbage disposal, or *accessory buildings* or *structures*.

Manufactured home park means land used or occupied by any person for the purpose of providing space for the accommodation of 2 or more *manufactured homes* and for imposing a charge or rental for the use of such spaces, except where 2 or more *manufactured homes* are permitted on a parcel in a zone other than a zone which permits *manufactured home parks*.

Manufactured home space means an area of land for the installation of one *manufactured home*, with permissible additions, and situated within a *manufactured home area*.

Mini storage facility means the commercial use of a *building* or *structure* for self contained storage units that provide space for personal goods, materials and

equipment that is accessible from an independent entrance and the office space associated with the facility.

Motel means a *building* divided into five or more self-contained temporary accommodations for the use of transient paying guests.

Off premise sign means any *sign* which contains *third party advertising*.

Off-street loading space means an area of land other than a *highway* used to provide access to a loading door, platform or bay serving a *building* or *structure* for the purpose of loading and unloading materials and goods from *vehicles*.

Off-street parking space means an area of land other than a *highway* used for the temporary parking of *vehicles*.

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

Outdoor storage means storage outside a *building* or *structure* where material and equipment used by or associated with the *principal use* of the same or an adjoining parcel are kept.

Pad means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a *manufactured home*, or a concrete pad for supporting a *habitable area*.

Panhandle parcel means any parcel, the *building* area of which is serviced and gains frontage through the use of a strip of land not less than 6 metres in width, which is part of the parcel.

Parcel area means the total amount of land registered under a legal land title.

Parcel coverage means the total horizontal area within the outermost walls of all *buildings* and *structures* on a parcel including attached porches, carports, *sundecks* or verandas expressed as a percentage of *parcel area*. Open and enclosed terraces at grade, swimming pools, steps, cornices, eaves and similar projections, and *solar energy collectors* are excluded from *parcel coverage* calculations.

Parcel line means a legal boundary of a parcel as shown or described on the records of the Land Title Office.

Parcel line, exterior side means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to a *highway*.

Parcel line, front means one of the following:

- (a) the line or cumulative lines common to a *parcel* and an abutting *highway* other than a lane;
- (b) for a corner lot, the *parcel line* or *parcel lines* having the shortest cumulative length abutting a *highway*;
- (c) for a through lot, the line or cumulative lines to which the majority of adjacent *buildings* face when opposite *parcel lines* both adjoin a *highway*;
- (d) for a *panhandle parcel*, the *parcel line* closest to the *highway* from which access is obtained, excluding the access strip.

Parcel line, interior side means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to another parcel or parcels.

Parcel line, rear means the *parcel line* or *parcel lines* opposite to and most distant from the *front parcel line*; or where the rear portion of the parcel is bounded by intersecting *side parcel lines*, it is the point of such intersection.

Parcel line, side means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to another parcel or parcels or to a *highway*.

Park means open space set aside for recreational purposes or maintained for the use and enjoyment of the public. A *park* may include land owned or leased by a club, society, or organized group for recreational use by its members, but does not

include a commercial amusement park. A *park* may also include land owned and managed by a community association or other registered non-profit association.

Park model trailer means either a recreational unit designed to meet CSA Z-240 RV standards and which is not connected to wheels that can be used for conveyance on or off the *highway*, or a recreational unit designed to meet CSA Z-241 standards.

Portable sawmill means equipment for the processing of harvested timber into lumber, shakes or other wood construction material, where such equipment is readily transported by *vehicle* or aircraft, and is not permanently affixed to the parcel.

Poultry means domesticated birds kept for breeding, eggs, meat, feathers, hide, cosmetic or medicinal purposes.

Primary attack base means a facility or group of facilities used or intended to be used for the dispatch of emergency fire personnel and equipment for wildfire suppression purposes.

Principal building means an existing or proposed *building* in which or in relation to which the permitted *principal uses* are concentrated.

Principal use means the main purpose for which land, *buildings* or *structures* are ordinarily used or intended to be used.

Public utility means a use, including *buildings* and *structures*, providing water supply, sewage collection and disposal, electricity and natural gas distribution facilities, telephone and similar services. *Public utilities* do not include *wireless communication facilities*.

Ratites mean birds that have small or rudimentary wings and no keel to the breastbone and include ostriches, rheas and emus.

Recreational vehicle means a *vehicle* which is or was originally designed to travel or to be transported on a *highway* and constructed or equipped to be used as temporary accommodations or seasonal occupancy, or a *vehicle* which is designed as a recreational conveyance on or off the *highway* and, without limiting the generality of the foregoing, includes a trailer, travel trailer, tent trailer, coach, camper, motor home, but not a *manufactured home* or *park model trailer*. *Recreational vehicles* must be connected to wheels that can be used for conveyance on or off the *highway*.

Recycling depot means a facility involved in the recycling of post consumer refuse such as glass, paper, cardboard and containers excluding vehicles and vehicle parts, with most activities carried out in a *building* but also including outdoor processing and outdoor storage. A *salvage yard* is not a *recycling depot*.

Relative requiring care means a father, mother, father-in-law, mother-in-law, son, daughter, sister, brother, grandchild, grandparent, or great grandparent requiring *care and assistance*. The relatives listed include those associations through a common-law or same-sex relationship.

Rest home means a *building* or *buildings* where care and assistance is provided for three or more persons who, on account of age, infirmity, or mental or physical disability require personal care and assistance; this includes nursing homes, convalescent homes, senior citizen homes, intermediate care facilities and extended care facilities.

Rural retreat means a facility which is owned and operated by a non-profit society incorporated under the *Society Act* and is intended for recreational, educational, or religious purposes. A boarding school is not a *rural retreat*.

Salvage yard means an area where waste or scrap material, primarily metals, are stored, processed, exchanged or sold.

School means a place of instruction as defined by the *School Act*.

Screening means a *fence* or an evergreen hedge or combination thereof that obstructs certain views of the property, which it encloses and is broken only by access drives, *lanes* and walkways. This term excludes open mesh or chain link style *fences* and vegetation used as a wind break.

Secondary dwelling unit for farm hand means an *accessory dwelling unit* on land classified as "farm" under the *Assessment Act* for the accommodation of an employee or employees working on the same parcel or *farm operation*.

Secondary spill containment means a double walled container (tank within a tank), with provision for tank overfills;

or

An impermeable containment dyke system constructed with a capacity of 1.5 times the capacity of the storage tank(s).

Secondary suite means one additional *dwelling unit* located in a *single family dwelling* or detached *garage*.

Setback means the horizontal distance to a *parcel line*, *access route*, *watercourse*, body of water, or zone boundary.

Sign means any *structure* or device which is used or intended to be used to identify or advertise any object, product, place, activity, person, institution, organization or business and which is placed so as to be seen by the public.

Single family dwelling means a *building* containing one principal *dwelling unit* and may contain one *secondary suite* where permitted.

Small farm animals mean bees, rabbits, ducks and similar *poultry*, exclusive of geese, turkeys and *ratites*.

Solar energy collector means a device or *structure*, part of a device or *structure*, or a combination of the foregoing that converts direct or indirect solar energy into thermal, chemical or electrical energy.

Solar energy facility means a facility which is designed, constructed, installed and operated for the collection and conversion of solar energy to generate, store, distribute and supply electricity. The facility may include solar collector panels, film, shingles or other collector devices as well as buildings and structures accessory to collection and conversion of solar energy into electricity including substations, electrical infrastructure and transmission lines.

Solid waste transfer facility means a facility designed, constructed and operated for the collection, processing, and transferring or disposal of municipal solid waste or components thereof and material recycling facilities. A *solid waste transfer facility* is not a *sanitary landfill site*.

Standard dyke means a dyke built to a minimum crest elevation equal to the *flood construction level* and meeting standards of design and construction approved by the Ministry of Environment and maintained by an ongoing authority such as a local government body.

Storey means that portion of a *building* which is between the top of any floor and the top of the next floor above it, or if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Structure means anything built, placed or constructed that is fixed to, sunk into or supported by the soil or another *structure*, excluding *fences*, concrete footings, paved surfaces and retaining walls less than 1.5 metres in height.

Sundeck means a *structure* without walls attached to a *building*, the floor of which is greater than 0.6 metres above *finished grade*.

Third party advertising means *sign* content which directs attention to products sold or services provided which are not the principal products or services provided on the premises at which the *sign* is located.

Total floor space means the total floor area of all floors of a *secondary suite* measured from the interior wall dimensions.

Usable site area means a contiguous area of land with an average slope not exceeding 15%, no portion of which is subject to land slip, avalanche, rock fall, flooding or high water table hazard.

Vehicle means a mechanical device which is designed to transport people or things across the surface of land or upon a *highway*, but excludes a device

designed to be moved by human power or used exclusively on stationary rails or tracks.

Veterinary clinic means a facility offering and designed for the care and treatment of animals under the supervision of a Doctor of Veterinary Medicine.

Watercourse means any natural or man made depression with well defined banks and a bed 0.6 m 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 5 km² or more, or as designated by the Minister responsible for Environment, or his designated official.

Wildland use means activities such as non-commercial public outdoor recreational uses or commercial tenured outdoor activities such as trapping by holders of registered trap lines, guide-outfitting, heli-skiing, and cat skiing.

Wireless communication facility means the components required for the operation of a wireless communication network, including, but not limited to, antennas, cell sites, radio towers, television broadcasting, transmitters, receivers and accessory unoccupied equipment shelters.

Wrecking and repair of vehicles means the disassembly of *vehicles*, derelict or otherwise, into component parts and the construction, care and maintenance of ordinary or special status *vehicles*, other than in an enclosed *building*. This definition does not include the repair and maintenance of *vehicles* regularly used by the permanent residents residing on the parcel, nor does it include a commercial activity which is in compliance with the definition of and regulations for a *home based business*.

Yard means the outdoor area of a parcel adjacent to a *building* or *structure* extending from an exterior wall of the *building* or *structure* to a *parcel line*.

Yard, front means a *yard* extending across the full width of the parcel from the *front parcel line* to the exterior wall of a *building* or *structure*, measured at right angles to the *front parcel line*.

Yard, rear means a *yard* extending across the full width of the parcel from the *rear parcel line* to the exterior wall of a *building* or *structure*, measured at right angles to the *rear parcel line*.

Yard, side means a *yard* extending from the *front yard* to the *rear yard* and lying between the *side parcel line* and the exterior wall of a *building* or *structure* measured at right angles to the *side parcel line*.

4. ADOPTION

This Bylaw is in force from date of adoption.

READ a first time the 3rd day of May, 2019.

READ a second time the 3rd day of May, 2019.

READ a third time the day of , 2019.

APPROVED by the Ministry of Transportation and Infrastructure the day of , 2019.

Print Name: _____

Signature: _____

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

SCHEDULE A
LAND USE REGULATIONS

1. GENERAL REGULATIONS

1.01 Conformity of Uses, Buildings and Structures

Within the area to which this Bylaw applies, no person may permit any *building*, *structure* or land to be used or occupied or any *building* or *structure* or part thereof to be erected, moved, altered or enlarged unless in conformity with all relevant provisions this Bylaw and provisions of the *Local Government Act*.

1.02 Use of Existing Parcels

- (1) Subject to subsection (2) of this section, parcels existing at the time of the effective date of this Bylaw which do not conform with the parcel area requirements of this Bylaw may be used for any of the uses permitted in the zone in which they are located unless otherwise provided for in Part 4 of Schedule A to this Bylaw, provided all other regulations of this Bylaw are complied with.
- (2) In the case of parcels less than 1670 m², an applicant for a building permit for a *dwelling unit* on such a parcel must, prior to such permit being granted, submit a copy of a permit to construct a sewage disposal system under the *Sewerage System Regulation* of the *Public Health Act*.

1.03 Permitted Uses in all Zones

The following uses are permitted in all zones:

- (1) the use of a *building* or part thereof as a polling station for a government election, referendum or census;
- (2) the use of a *building* or part thereof as campaign headquarters for political candidates;
- (3) *highway* lighting fixture;
- (4) *highway*, railroad;
- (5) *park*;
- (6) heritage site and heritage display sites;
- (7) conservation areas, recreation reserves and ecological reserves;
- (8) *public utility use*.

1.04 Prohibited Uses

- (1) Intensive agriculture is prohibited on all parcels less than 4 ha in area on land not within the *Agricultural Land Reserve*.
- (2) The use of a *recreational vehicle* or *park model trailer* as a residence is prohibited.

1.05 Occupancy During Construction

- (1) Despite the requirements of section 1.18 of Schedule A to this Bylaw concerning the number of *dwelling units* permitted on a parcel, during construction of a new *dwelling unit* or reconstruction of an existing *dwelling unit* on a parcel in the RS-1, RS-1(A), RES-1(A), RS-4, RR-1, RR-2, RR-4, RR-8, RR-16, RR-60, WP-1, P-1 or P-2 zone, one additional *dwelling unit* or one *recreational vehicle* may be temporarily located on the parcel and occupied, provided:
 - (a) the owner holds a building permit for construction of a new *dwelling unit* or reconstruction of the existing *dwelling unit*;
 - (b) the additional *dwelling unit* conforms with all the requirements of the zone in which it is situated, other than requirements concerning the number of *dwelling units* permitted on a parcel;
 - (c) the *recreational vehicle* is sited in conformity with the regulations of the zone in which it is located;

- (d) the owner submits proof of the ability to construct a sewage disposal system under the *Sewerage System Regulation* of the *Public Health Act* for the additional *dwelling unit* or *recreational vehicle*.
- (2) Upon occupancy of the new *dwelling unit* or reconstructed *dwelling unit*, the additional *dwelling unit* must be:
 - (a) removed and the site thereof restored as nearly as possible to its condition prior to the construction or placement of the *dwelling unit*, or
 - (b) must be converted to an *accessory building* or *structure* subject to compliance with the applicable regulations of this Bylaw and disconnected from water and sewer systems.
- (3) A *recreational vehicle* permitted under subsection (1) must be disconnected from water and sewer systems and no longer occupied:
 - (a) upon occupancy of a new or reconstructed *dwelling unit*; or
 - (b) upon expiry of the original *building* permit for the new *dwelling unit*, whichever occurs first.

1.06 Setback from Controlled Access Highway

- (1) Despite the *setback* requirements contained elsewhere in this Bylaw, the minimum *setback* from a *parcel line* abutting a controlled access *highway* is 22.0 m.
- (2) The *setback* from a controlled access *highway* does not apply to parcels served by a *frontage road* or parcels fronting the controlled access *highway* in Moyie townsite.

1.07 Developments Crossing Parcel Lines

Where a person proposes to site a *building* or *structure*, and where more than one parcel of land is required to accommodate the *building* or *structure* or the services for that *building* or *structure*, the *building* or *structure* is not permitted until:

- (1) the parcels are consolidated by plan of subdivision or by cancellation of interior *parcel lines*; or
- (2) a covenant under Section 219 of the *Land Title Act* between the Regional District and the owner is registered in the Land Title Office against the titles of the parcels required for development, which would prevent the parcels from being sold or transferred separately.

The Regional District may refuse to issue a *building* permit prior to such consolidation or covenant. The issuance of a *building* permit does not permit the use or relieve this requirement.

1.08 Home Based Businesses

- (1) On all parcels where a *home based business* is a permitted use, the *home based business* must:
 - (a) be conducted by permanent residents residing in the *dwelling unit* to which the *home based business* is *accessory*.
 - (b) be operated with the assistance of not more than two on-site employees who do not reside in the *dwelling unit*.
 - (c) restrict retail sales of products to those produced, processed, grown, or assembled on the parcel or products customarily incidental and *accessory* to the service being provided on the parcel.
 - (d) not utilize an area more than 10m² for retail display.
- (2) On parcels less than 2.0 ha, where *home based business* is a permitted use, the *home based business* must:

- (a) be conducted wholly within a *dwelling unit* or *accessory building*, with no external storage of materials, containers or finished product, and no exterior evidence of the *home based business*, except for:
 - (i) the permitted signage;
 - (ii) a maximum of two personal *vehicles* necessary for operating the *home based business*; and
 - (iii) one commercial *vehicle* exceeding Class 4 gross *vehicle* weight rating (GVWR) which may be parked or stored on the parcel;
 - (b) not utilize more than 150.0 m² (1614.6 ft²) of maximum *gross floor area* within all *buildings* and *structures* on the parcel for the *home based business*; and
 - (c) not exceed more than five on-site customers, clients or students for a *home based business* at a time.
- (3) On parcels 2.0 ha or greater, where a *home based business* is a permitted use, the *home based business* must:
- (a) not store materials, containers or finished product or park *vehicles* necessary for operating the *home based business* in the *front yard* or exterior *side yard*;
 - (b) not exceed a maximum of one commercial *vehicle* exceeding Class 4 gross vehicle weight rating (GVWR) parked or stored on the parcel; and
 - (c) site *accessory buildings* and *structures* and external storage areas utilized by the *home based business* a minimum of 10.0 m from a *parcel line*.
- (4) On parcels 2.0 ha or greater, the maximum area utilized for the *home based business* for parcels outside the *Agricultural Land Reserve*, including the *gross floor area* of the portion of all *buildings* and *structures* used for the *home based business* and the area used for the external storage of materials, containers or finished product must not exceed 1% of the area of the parcel or 400.0 m² whichever is less.
- (5) On parcels 2.0 ha or greater, the maximum area utilized for *home based business* for parcels within the *Agricultural Land Reserve*, including the *gross floor area* of the portion of all *buildings* and *structures* used for the *home based business* and the area used for the external storage of materials, containers or finished product must not exceed 150.0 m².
- (6) Children's play *structures* associated with the *home based business* are permitted on the parcel.
- (7) The operation of a preschool, *child care facility* or *group day care* may be operated for no more than seven children at a time.
- (8) Bed and Breakfast use must:
- (a) be carried out in a *single family dwelling*;
 - (b) not use more than four rooms for accommodation of transient paying guests for sleeping purposes; and
 - (c) serve breakfast only to those transient paying guests.
- (9) Section 1.08 (2)(c) of Schedule A to this Bylaw does not apply to Bed and Breakfast operations.
- (10) Erection of *signs* must be in accordance with section 1.13 of Schedule A to this Bylaw.
- (11) Off-street parking requirements with respect to every parcel used for a *home based business* must be in accordance with Part 3 of Schedule A to this Bylaw.

1.09 Accessory Buildings and Structures

- (1) No person may erect an *accessory building* or *structure* on any parcel in the RS-1, RS-1(A) and RES-1(A) zones unless the associated *principal building* has been erected or will be erected simultaneously with the *accessory building*.
- (2) Subsection (1) does not apply to *livestock shelters* or other *buildings* or *structures* *accessory* to a *farm operation*.
- (3) Where an *accessory building* or *structure* is attached to the *principal building*, it will be considered part of the *principal building*.
- (4) *Accessory buildings* or *structures* used or intended to be used as a *boathouse* must not:
 - (a) exceed one *storey* in *height*; or
 - (b) contain sleeping, cooking or sanitary facilities.

1.10 Siting of Buildings and Structures

- (1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* must be in conformity with the regulations for siting of *buildings* and *structures* specified in this Bylaw.
- (2) All enclosed runs and *buildings* used for *kennel* purposes must be sited not less than 60.0 m from a *parcel line*.
- (3) The following features may project into *setback* requirements as specified in the regulations of Part 4 of Schedule A to this Bylaw:

(a)

FEATURE	SITING REQUIREMENT
Steps (other than fire escapes)	1.2 m
Eaves, gutters, cornices, sills, bay windows, chimneys	50% of the required <i>setback</i> to a maximum of 1.0 m in the case of a <i>setback</i> from a <i>front parcel line</i> or <i>rear parcel line</i>
<i>Sundecks</i> , balconies, marquees, canopies	50% of the required <i>setback</i> to a maximum of 1.8 m in the case of a <i>setback</i> from a <i>front parcel line</i> or a <i>rear parcel line</i>
Gasoline service pumps and pump islands	Minimum 4.5 m from all <i>parcel lines</i>
Swimming pool	Minimum 3.0 m from a <i>front parcel line</i> or <i>rear parcel line</i>
<i>Boathouse</i>	No minimum requirement from a <i>rear parcel line</i>

- (b) A patio or terrace, which may be open or fenced, and which is covered only by a temporary covering such as an awning.
- (c) Arbors, trellises, fish ponds, ornaments, flag poles, vegetation and similar landscape features.
- (d) *Manufactured home* hitches.
- (e) Free standing light poles, warning devices, antennae, satellite dishes, masts, utility poles, wires, *public utilities*, flag poles, *signs* and *sign structures*.
- (f) Underground *structures* provided that the top surface of such *structure* must at no point extend above the finished ground elevation except for vent and fill pipes for underground storage tanks.

- (g) Apparatus needed for the operation of active and passive solar energy systems including but not limited to overhangs, movable insulating walls, shutters and roof detached *solar energy collectors*, reflectors and piping.
- (4) Regulations concerning siting of *buildings* or *structures* in Part 4 of Schedule A to this Bylaw do not apply to *fences*, *screening*, paved surfaces, retaining walls and *signs*, except that the provisions of section 1.13 of Schedule A to this Bylaw apply.
- (5) Despite the *setback* requirements in Part 4 of Schedule A to this Bylaw, the *setback* requirements for a *dwelling unit accessory* to a permitted use are the same as that for the *principal use* located on the parcel.
- (6) *Buildings* and *structures* for a *cannabis production facility* must be sited not less than:
 - (a) 15.0 m from a *front parcel line*;
 - (b) 15.0 m from an *interior side parcel line*;
 - (c) 30.0 m from an *exterior side parcel line*;
 - (d) 30.0 m from a *rear parcel line*.

1.11 Height of Buildings and Structures

- (1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* must be in conformity with the regulations for height, size and dimensions of *buildings* and *structures* specified in Schedule A to this Bylaw.
- (2) The *height* regulations of Schedule A to this Bylaw do not apply to church spires, belfries, domes, monuments, fire and hose towers, clock towers, transmission towers, water tanks, broadcasting and receiving antennae, chimneys, smoke stacks, ventilators, flag poles, stadium bleachers, lighting poles, silos, industrial cranes, observation towers, *solar energy collectors*, and windmills and wind machines.
- (3) Despite the *height* requirements in Part 4 of Schedule A to this Bylaw, the maximum *height* of a *dwelling unit accessory* to a permitted use is:
 - (a) 5.0 m where the *dwelling unit* is a *manufactured home*;
 - (b) 9.0 m where the *dwelling unit* is a detached *dwelling unit* other than a *manufactured home*;
 - (c) the same as the maximum *height* for the *principal use*, where the *dwelling unit* is part of the *principal structure*.
- (4) *Buildings* and *structures* used for a *farm operation* where a *farm operation* is a permitted use in the zone are exempt from the *height* regulations in this Bylaw.
- (5) *Buildings* and *structures* used for a *cannabis production facility* where a *cannabis production facility* is a permitted use are exempt from the *height* requirements of this Bylaw.
- (6) The maximum permitted height of *buildings* and *structures* that are not exempt from the height regulations of Schedule A to this Bylaw and for which the architectural design includes a roof or roofs that does not include a roof ridge must be in accordance with the following:
 - (a) Single pitch roof *buildings* and *structures* must not exceed 1.5 m above the permitted maximum height in the applicable zone for the *building* or *structure* measured from *finished grade* to the top of each wall that abuts the underside of the roof structure.
 - (b) *Flat roof buildings* and *structures* must not exceed the permitted maximum height in the applicable zone measured from *finished grade* to the top of the roof structure.

For *buildings* and *structures* that include additional primary roof types not identified above, the maximum height of any primary roof(s) that includes a roof ridge shall be calculated in accordance with section 3.3 of this Bylaw.

1.12 Visibility at Intersections

No person may obstruct vision at an intersection on *corner parcels* by any means, including *buildings, structures, fences* and *screening*, within a triangular area bounded by the two *parcel lines* adjacent to the *highway* right-of-way and a straight line joining each *parcel line* at a distance of 6.0 m from their point of intersection, as shown in **Figure 1**.

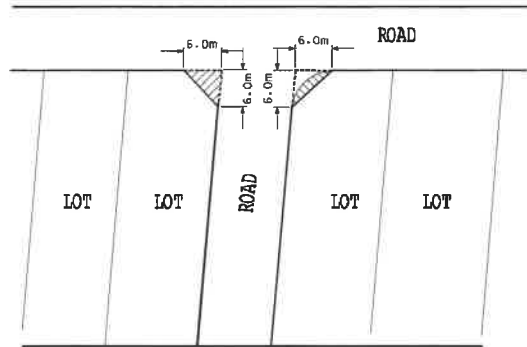


FIGURE 1: Visibility at Intersections

1.13 Signs

- (1) On parcels that permit the use of *signs*, *signs* must not:
 - (a) project above the highest point of the roof, if roof-mounted;
 - (b) exceed the *height* permitted for the *principal building* on the parcel, if the *sign* is freestanding;
 - (c) display material of a general advertising nature which exceeds 8.9m² on any exterior *structure*;
 - (d) flash or move;
 - (e) project beyond *parcel lines*; and
 - (f) be an *off-premise sign*.
- (2) In the R-MP zone, only identification *signs* to a maximum *height* of 1.8 m above *finished grade* and to a maximum area of 3.0 m² located at the principal entrance to the *manufactured home park* are permitted.
- (3) In the RS-1, RS-4 and R-MP zones, identification *signs* for a *home based business* must not be illuminated and not exceed an area of 0.5 m².
- (4) In RR zones, identification *signs* for a *home based business* must not be illuminated and not exceed an area of 1.0 m².

1.14 Dwelling for a Relative Requiring Care

- (1) One *accessory dwelling unit* for a *relative requiring care* will be permitted:
 - (a) in the RS-4, RR-1, RR-2, RR-4, RR-8, RR-16 and RR-60 zones;
 - (b) where the present number of *dwelling units* on the parcel is not greater than the maximum number permitted in the Bylaw;
 - (c) where the *dwelling unit* for a *relative requiring care* is limited to one *manufactured home*, up to 9.0 m in width including additions, placed on a non-permanent foundation;
 - (d) where the owner of the parcel enters into a housing agreement with the Regional District under section 483 of the *Local Government Act* on terms acceptable to the Regional District including agreeing to remove the *dwelling unit* approved under this section once it is no longer required by the approved occupant;

- (e) where a letter from a physician stating that the relative requires care is deposited upon request by the Regional District;
 - (f) where a statutory declaration attesting to the conditions of consent is deposited annually with the Regional District upon request by the Regional District; and
 - (g) where the sum of \$3,000 in the form of cash or an irrevocable letter of credit is deposited with the Regional District as security for the removal of the *dwelling unit* for a *relative requiring care*.
- (2) Where a *dwelling for a relative requiring care* is permitted, it may be occupied by either the person(s) requiring care or the owners(s) of the parcel on which the *dwelling for a relative requiring care* is to be located.

1.15 Fences and Screening

- (1) The use of barbed wire or electric fencing is prohibited within the RS-1 and R-MP zones and along parcel lines abutting land in the RS-1 and R-MP zones.
- (2) *Height of fences and screening* must be in accordance with the following:

ZONE	HEIGHT REGULATIONS
	Maximum Height
RS-1	1.0 m in required <i>front yard</i> 2.0 m in all other <i>yards</i>
RS-1(A)	1.0 m in required <i>front yard</i> 2.0 m in all other <i>yards</i>
RES-1(A)	2.0 m
R-MP	2.0 m
RS-4	2.0 m
RR-1	2.0 m
RR-2	2.0 m
RR-4	2.0 m
RR-8	2.0 m
RR-16	2.0 m
RR-60	2.0 m
WP-1	2.0 m
P-1	2.0 m
P-2	2.0 m
	Minimum Height
C-1 to C-5	2.0 m where <i>parcel line</i> abuts a residential or institutional zone or a parcel on which a residential use is located
RES-1	
	Maximum Height
I-1	2.0 m where <i>parcel line</i> abuts a residential or institutional zone or a parcel on which a residential use is located
I-2	
	Minimum Height
P-3	2.0 m

- (3) Maximum *heights* do not apply to fencing in the Rural Residential, Rural Resource and Watershed Protection zones where *fences* are erected to control *livestock* and wildlife capable of jumping over a *fence* 2.0 m in *height*.
- (4) All *outdoor storage* in Commercial and Industrial zones must be screened by a tight board *fence* or compact evergreen hedge or a combination thereof of a uniform *height* not less than 2.0 m in *height* on any side not facing directly onto *buildings* on the parcel.

- (5) Where a *rear parcel line* abuts the *side parcel line* of another parcel, *screening* along the *rear parcel line* must be no higher than that permitted on the abutting *side parcel line*.

1.16 Campgrounds

On parcels where *campgrounds* are a permitted use, the establishment, construction, extension, expansion, and operation of *campgrounds* shall comply with the requirements of the "Regional District of East Kootenay – Campground Bylaw No. 2403, 2012", as amended from time to time.

1.17 Storage of Derelict Vehicles

The *wrecking and repair of vehicles* and storage of *derelict vehicles* is prohibited, except for the storage of not more than one *derelict vehicle* in other than the *front yard*, in all Residential, Rural Residential, Rural Resource, Institutional, P-1 and P-2 zones.

1.18 Maximum Number of Dwelling Units

Subject to section 1.14 and Part 4 of Schedule A to this Bylaw, on all parcels:

- (1) The maximum number of *principal dwelling units* permitted is:
 - (a) one *single family dwelling*; or
 - (b) one *single family dwelling* plus a *secondary suite* where permitted; or
 - (c) one *duplex*.
- (2) In zones permitting a residence for a *relative requiring care*, only one such *dwelling unit* is permitted.
- (3) In zones permitting a *secondary dwelling unit for farm hand*, only two such *dwelling units* are permitted.
- (4) Where permitted as an *accessory use* in Commercial, Industrial and Institutional Zones, only one such *dwelling unit* is permitted.
- (5) A *building* must not be subdivided into strata lots if the number of strata lots created will exceed the maximum number of *dwelling units* permitted.

1.19 Placement and Storage of Recreational Vehicles

- (1) On vacant parcels 1670 m² in area or larger and located in a zone where a *campground* is not a permitted use no more than two *recreational vehicles* may be stored, placed or seasonally occupied.
- (2) Where *parcels* are 1670 m² or larger and contain one or more *dwelling units*, only one *recreational vehicle* is permitted to be stored, placed or seasonally occupied.
- (3) On *parcels* less than 1670 m² in area and located in a zone where a *campground* is not a permitted use no more than one *recreational vehicle* can be stored, placed or seasonally occupied.
- (4) *Recreational vehicles* occupied or intended to be occupied must be connected to a sewage disposal system approved under the *Sewerage System Regulation of the Public Health Act*.
- (5) *Recreational vehicles* occupied or intended to be occupied must be sited in accordance with the applicable *setback* requirements of the zone in which they are located.
- (6) Despite the requirements of section 1.19 (1) to (5), *recreational vehicles* may not be occupied or intended to be occupied within the boundaries of the Rockyview Official Community Plan.

1.20 Farm Use

- (1) Where all or part of a parcel is in the *Agricultural Land Reserve*, uses approved by the Provincial Agricultural Land Commission as *accessory* to the farm use for that parcel are permitted in addition to activities designated farm use in the Agricultural Land Reserve Use Regulation.
- (2) Where a parcel is not in the *Agricultural Land Reserve*, is located in a zone that permits *farm operation* and the parcel is assessed as farm under the *Assessment Act*, activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted in conjunction with the *farm operation*.
- (3) *Buildings or structures* utilized for *farm operations* shall be sited in accordance with the following:
 - (a) Mushroom barns must be sited a minimum of 7.5 m from all *parcel lines*.
 - (b) *Buildings or structures* utilized as principal farm *buildings or structures*, or animal containment for the following types of *farm operations* must be sited as identified in the table below:
 - Dairying
 - Livestock, including farmed game
 - Fur farming
 - Poultry

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK	
	From all <i>parcel lines</i>	From domestic water intake (well or spring)
<i>Confined livestock area</i>	30.0 m	30.0 m
All other uses	15.0 m	30.0 m

- (c) Farm *buildings and structures* for the following agricultural uses must be sited as identified in the table below:

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK From <i>ordinary high watermark</i> of lake or <i>watercourse</i>
<i>Confined livestock area</i> - less than 10 <i>animal units</i>	15.0 m
<i>Confined livestock area</i> - more than 10 <i>animal units</i>	30.0 m
Mushroom barn	15.0 m
Livestock barn or <i>livestock shelter</i>	15.0 m
Milking facility	15.0 m
Stable	15.0 m
<i>Poultry barn</i>	15.0 m

- (d) All *farm operation buildings or structures* that contain boilers or walls with fans must be sited a minimum of 15.0 m from all *parcel lines*.
 - (e) *Buildings or structures* for a *farm operation* for types of agricultural use not identified in section 1.20 (3) (a), (b) or (c) must be sited a minimum of 7.5 m from all *parcel lines*.
 - (f) *Buildings or structures* that are used for the storage of agricultural liquid or solid waste, such as manure, must be located:
 - (i) a minimum of 30.0 m from domestic water supply intakes, such as a well or spring; and
 - (ii) a minimum of 15.0 m from the *ordinary high watermark* of lakes and *watercourses*.
- (4) Uses permitted in sections 1.20 (1) and (2) are subject to all applicable *farm operation* regulations contained elsewhere in this Bylaw.

1.21 Cannabis Production Facility

Subject to all applicable regulations contained elsewhere in this Bylaw, *cannabis production facility* is a permitted use on parcels within the *Agricultural Land Reserve* subject to the *Agricultural Land Reserve Use Regulation* and on those parcels that are located within a zone where it is identified as a permitted use.

1.22 Secondary Suites

- (1) On parcels where a *secondary suite* is a permitted use:
 - (a) No more than one *secondary suite* shall be permitted.
 - (b) The *secondary suite* must be constructed in accordance with the BC Building Code.
 - (c) The *secondary suite* must be connected to an approved sewage disposal system.
 - (d) No *secondary suite* shall be subdivided from the principal *dwelling unit* by a strata plan pursuant to the *Strata Property Act*
 - (e) The *total floor space* of the *secondary suite* must not exceed:
 - (i) 90 m² or 40% of the habitable floor space of the *building* when located within a *single family dwelling*, whichever is less.
- (2) On parcels where a *secondary suite* within a detached *garage* is a permitted use:
 - (a) The parcel must not contain a *duplex*, *secondary dwelling for farm hands*, *dwelling for a relative requiring care* or an *accessory dwelling unit*.
 - (b) The *secondary suite* must be located above the *first storey* of the *garage* and have a separate external entrance from the *vehicle* entrance.
 - (c) Despite the maximum allowable height for *buildings* and *structures* in Part 4 of Schedule A to this Bylaw, the maximum allowable *height* for the detached *garage* with a *secondary suite* must not exceed 7.5 m.
 - (d) Despite the siting requirements for an *accessory building* or *structure* of Part 4 to this Bylaw, no person shall site a detached *garage* containing a *secondary suite* with:
 - (i) a *front yard* less than 7.5 m;
 - (ii) a *rear yard* less than 3.0 m, nor less than 4.5 m where adjacent to a *highway* right-of-way other than a *lane*.
 - (iii) a *side yard* less than 3.0 m, nor less than 4.5 m where adjacent to a *highway* right-of-way other than a *lane*.
 - (e) The *total floor space* of the *secondary suite* within a detached *garage* must not exceed:
 - (i) 70 m² when located within a detached *garage* on parcels less than 0.4 ha in size; or
 - (ii) 90 m² when located within a detached *garage* on parcels 0.4 ha in size or larger.
- (3) Within the *Agricultural Land Reserve* *secondary suites* are subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

1.23 Maximum Number of Kitchens per Dwelling Unit

- (1) A maximum of one *kitchen* is permitted in a *dwelling unit*.

1.24 Guest Ranches

- (1) On parcels where a *guest ranch* is a permitted use, *guest ranches* must:
 - (a) be conducted on a parcel not less than 16 ha in area;

- (b) be conducted on a parcel assessed as farm under the *Assessment Act*; and
- (c) not exceed 12.0 m² of *gross floor area of guest ranch* accommodation per ha to a maximum of 720.0 m².

1.25 Rural Retreats

- (1) On parcels where a *rural retreat* is a permitted use, *rural retreats* must:
 - (a) be conducted on a parcel not less than 16.0 ha in area.

1.26 Wildland Use

- (1) On parcels where *wildland use* is a permitted use, the *wildland use* must:
 - (a) be conducted on a parcel not less than 120.0 ha in area.

1.27 Lodges

- (1) On parcels where *lodges* are a permitted use, *lodges* must:
 - (a) not exceed one *kitchen* per *lodge*;
 - (b) not exceed one communal dining facilities per *lodge*; and
 - (c) must not exceed one *lodge* per parcel.

1.28 Cabins

- (1) On parcels where *cabins* are a permitted use, *cabins* must:
 - (a) not exceed 5.0 m in *height*; and
 - (b) not exceed a maximum *gross floor area* of 74.0 m².

1.29 Group Homes

- (1) On parcels where *group home* is a permitted use, *group homes* must:
 - (a) not exceed the maximum accommodation of ten people, exclusive of staff;
 - (b) be licenced or approved under Provincial statute; and
 - (c) not include any use otherwise classified or defined in this Bylaw.

1.30 Keeping of Animals

- 1) On parcels where the *keeping of farm animals* is a permitted use:
 - (a) the number of *animal units of livestock* must not exceed one *animal unit* per ha; and
 - (b) the number of *animal units of poultry* must not exceed one-half *animal unit* per ha.

In all cases, the total number of *livestock* or *poultry* permitted will be rounded down to the nearest whole number.

- (2) On parcels where the *keeping of small farm animals* is a permitted use:
 - (a) the number of rabbits must not exceed forty; and
 - (b) the cumulative number of *poultry*, exclusive of geese, turkeys, and *ratites*, must not exceed fifteen.

1.31 Secondary Dwelling for Farm Hand

- (1) On parcels where *secondary dwelling for a farm hand* is a permitted use, the *secondary dwelling for farm hand* must:
 - (a) be limited to a *manufactured home*, up to 9.0 m in width including additions;
 - (b) be placed on a non-permanent foundation or pier type foundation only;
 - (c) not exceed one *secondary dwelling for a farm hand* where the combined holdings of the *farm operation* are 8.0 ha in area or less; and
 - (d) not exceed two *secondary dwellings for a farm hand* where the combined holdings of the *farm operation* are greater than 8.0 ha in area.
- (2) *Secondary dwelling for farm hand* is not permitted *accessory* to a *cannabis production facility*.
- (3) Within the *Agricultural Land Reserve* a *secondary dwelling unit for farm hand* necessary for farm use is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

1.32 Property Specific Regulations

- (1) Despite the use and density regulations contained elsewhere in this Bylaw:
 - (a) On Lot 30, District Lot 3558, Kootenay District, Plan 1261, Except Part Included in Plan 4771 only, 375.0 m² of indoor storage, 465.0 m² of covered storage and 235.0 m² of outdoor storage is permitted. All permitted storage is limited to *vehicles*, equipment and mineral samples accessory to mineral exploration.
 - (b) On Sublot I, District Lot 4591, Plan X29, Except Part Included in Plan NEP21252 only, a *Solar Energy Facility* is permitted.

2. PARCEL AREA REQUIREMENTS

2.01 Parcel Area

- (1) No parcel may be created unless it is of sufficient area to provide a site which may be used for one of the uses permitted in the zone in which it is located, having due regard for the regulations of this Bylaw concerning *parcel area* and *setback* requirements.
- (2) Subject to subsection (3) of this section and sections 2.03, 2.04, 2.05, and 2.06, the *parcel area* requirements in Part 4 of Schedule A to this Bylaw will be the minimum area of parcels of land that may be created by subdivision under the *Land Title Act* or the *Strata Property Act*, except for strata lots sharing *common walls* in a *building*.
- (3) The *parcel area* requirements in Part 4 of Schedule A to this Bylaw and the minimum *usable site area* requirements of section 2.03 of Schedule A to this Bylaw do not apply to:
 - (a) *public utility use*;
 - (b) navigational aids;
 - (c) *parks*;
 - (d) surface parking lots;
 - (e) *access routes*;
 - (f) *solid waste transfer facility*.

2.02 Minimum Average Parcel Area for Bare Land Strata Subdivision

- (1) The minimum average *parcel area* is equal to the minimum *parcel area* found in Part 4 of Schedule A to this Bylaw.

2.03 Minimum Usable Site Area

- (1) Subject to section 2.01 (3), all parcels must have a minimum *usable site area* of not less than:
 - (a) 1670 m² where the proposed parcel is not served by a *community water system*; and
 - (b) 695.0 m² where the proposed parcel is served by a *community water system*.
- (2) In cases where the minimum *parcel area* requirement is less than the minimum *usable site area* specified in subsection (1), the minimum *usable site area* shall be the same as the *parcel area* required.

2.04 Reduction of Parcel Area Requirements

- (1) The *parcel area* required in Part 4 of Schedule A to this Bylaw may be reduced where the proposed subdivision:
 - (a) consolidates two or more parcels into a single parcel, provided:
 - (i) it is impossible to meet the parcel requirements;
 - (ii) all parts of the new parcel are contiguous;
 - (iii) the proposed parcel has the minimum *usable site area* specified in section 2.03.
 - (b) involves *parcel line* adjustments provided:
 - (i) it is impossible to meet the *parcel area* requirements;
 - (ii) the proposed subdivision creates no more parcels for the *land* being subdivided than exist at the time of application;
 - (iii) all parcels meet the minimum *usable site area* specified in section 2.03;
 - (iv) all parcels that meet the *parcel area* requirements prior to the *parcel line* adjustment are not reduced in area below the minimum *parcel area* for the zone in which they are located.

- (c) involves a parcel of *land* that is divided by an existing parcel or an existing constructed and registered *highway* or railway right-of-way, where the boundaries of that parcel or right-of-way will be boundaries of the proposed parcel provided:
 - (i) it is impossible to create a parcel on each side of the existing *highway* or right-of-way that meets the *parcel area* requirements;
 - (ii) the proposed parcels have the minimum *usable site area* specified in section 2.03;
 - (iii) the *highway* is not less than 20.0 m in width;
 - (iv) the *highway* is not a BC Forest Service Road.
- (d) involves a parcel of *land* that is not large enough to accommodate the proposed parcels and *highway* right-of-way provided:
 - (i) it is impossible to meet the *parcel area* requirements;
 - (ii) only one of the proposed parcels is smaller than the parcel area requirement;
 - (iii) the proposed smaller parcel is no more than 10% smaller than the *parcel area* requirement;
 - (iv) the proposed smaller parcel is not smaller than the minimum *usable site area* specified in section 2.03.
- (e) divides a parcel along a boundary line of a zone, provided the proposed parcels have the *minimum useable site area* as specified in section 2.03.
- (f) divides a parcel along a boundary line of the *Agricultural Land Reserve*, provided the proposed parcels have the minimum *usable site area* as specified in section 2.03.
- (g) involves a parcel which is divided by a topographic feature so severe that the divided portions of the parcel are not contiguous, provided:
 - (i) it is impossible to create a parcel on each side of the topographic feature that meets the *parcel area* requirements;
 - (ii) the proposed parcels have the minimum *usable site area* requirement as specified in section 2.03.
- (h) involves the creation of a parcel to be utilized as a common lot for access in a fee simple subdivision provided the parcel will be registered as a common lot pursuant to section 12 of the *Land Title Act Regulation 334/79*.

2.05 Panhandle Parcels

The access strip of a *panhandle parcel* will not be calculated as part of the required *parcel area*.

2.06 Subdivision Pursuant to Section 514 of the *Local Government Act*

Where land is proposed for subdivision under Section 514 of the *Local Government Act*, and where such land is not included within the *Agricultural Land Reserve*, the Approving Officer may permit the subdivision of one parcel into two parcels only, each having an area smaller than the minimum parcel area for the zone in which they are located, provided that a parcel that may be subdivided under section 514 of the *Local Government Act* is not less than 4.0 ha in area.

3. PARKING AND LOADING REQUIREMENTS

3.01 General Requirements

- (1) Owners and occupiers of *buildings* and *structures* must provide *off-street parking spaces* and *off-street loading spaces* in accordance with the provisions of this Bylaw except where the *buildings* and *structures* are intended to be accessed exclusively by hiking, skiing, snowmobiling, horseback, boat or aircraft.
- (2) Vehicular access to a *highway* is required for all *off-street parking spaces* and *off-street loading spaces*.
- (3) All parking areas, *off-street parking spaces*, and *off-street loading spaces*, for other than *single family dwellings* and *duplexes* must not have a slope of more than 8.0%.
- (4) *Off-street parking spaces* and *off-street loading spaces* must not be used for driveways or display, sales or storage of goods.
- (5) When the calculation of the required number of *off-street parking* or *off-street loading spaces* results in a fractional number, one *off-street parking* or *off-street loading space* must be provided to meet the fractional requirement.
- (6) In cases of mixed uses, the total requirements for *off-street parking* and *off-street loading* will be the sum of the requirements for the various uses calculated separately unless otherwise permitted. Required *off-street parking spaces* for one use will not be considered as required *off-street parking spaces* for any other use.
- (7) *Off-street loading spaces* will not be credited as *off-street parking spaces*.
- (8) *Off-street parking spaces* will not be credited as *off-street loading spaces*.
- (9) A maximum of two *off-street parking spaces* must be provided for customers and clients of *home based businesses*, in addition to *off-street parking spaces* required for residential use in section 3.03(4) of Schedule A to this Bylaw. *Off-street parking spaces* must also be provided for all *vehicles* associated with *home based businesses*.
- (10) In addition to the requirements of the BC Building Code, all *off-street parking* areas containing more than ten but fewer than fifty-one *off-street parking spaces* must include a minimum of one of the *off-street parking spaces* for persons with disabilities. *Off-street parking spaces* for persons with disabilities must be located as close to the main entrance(s) of the *principal building* as possible.

3.02 Disabled Parking Spaces

- (1) All *off-street parking* areas containing more than 10 but fewer than 51 *off-street parking spaces* must include a minimum of one *off-street parking space* for persons with disabilities. One additional *off-street parking space* for persons with disabilities is required for each additional 50 parking spaces of portions there-of up to a maximum of 5 dedicated *off-street parking spaces* for disabled persons.
- (2) *Off-street parking spaces* for persons with disabilities must be located as close to a disabled accessible main entrance of the *principal building* as possible.
- (3) *Off-street parking spaces* for persons with disabilities must be clearly marked with stall parking signage mounted 1.0 to 1.5 m above ground level to indicated exclusive use for disabled persons.
- (4) Each *off-street parking space* for persons with disabilities must have a firm, slip-resistant and level surface.

3.03 Required Off-Street Parking Spaces

- (1) Commercial and Industrial Uses
 - (a) Forest service industries, mining and milling, quarrying, - 1 per 30 m² of office use plus 1 per 185 m² of *gross floor area*

- | | | |
|-----|---|--|
| | oil well industries | for all uses enclosed within a <i>building</i> , plus 1 for every commercially licenced <i>vehicle</i> for that address |
| (b) | Transportation and storage, and wholesale industries | - 1 per 30 m ² of office use plus 1 per 100 m ² of <i>gross floor area</i> open to the public plus 1 per 185 m ² of <i>gross floor area</i> for all other uses enclosed within a <i>building</i> , plus 1 for every commercially licenced <i>vehicle</i> for that address |
| (c) | Manufacturing industries | - 1 per 30 m ² of office use, plus 1 per 50 m ² of retail sales floor area plus 1 per 185 m ² of <i>gross floor area</i> for all other uses enclosed within a <i>building</i> |
| (d) | Communication and other utility industry | - 1 per 30 m ² of office use, plus 1 per 185 m ² of <i>gross floor area</i> for all other uses enclosed within a <i>building</i> , plus one for every commercially licenced <i>vehicle</i> for that address |
| (e) | Commercial office | - 1 per 30 m ² of <i>gross floor area</i> |
| (f) | Marinas and moorage facilities | - 1 per 5 berths |
| (g) | <i>Cannabis production facility</i> | - 1 per 30 m ² of office use, plus 1 per 185 m ² of <i>gross floor area</i> for all other uses enclosed within a <i>building</i> |
| (2) | <u>Personal and Household Services</u> | |
| (a) | Barber and beauty shops | - 1 per 15 m ² of <i>gross floor area</i> |
| (b) | Funeral Services | - 1 per 4 seats in chapel |
| (c) | Laundries and cleaners | - 1 per 30 m ² of <i>gross floor area</i> not open to the public, plus 1 per 3 washing / cleaning machines for self-serve facilities |
| (d) | Membership organizations | - 1 per 4 seat capacity plus 1 per 35 m ² of <i>gross floor area</i> not used for seating |
| (e) | Repair services, services to <i>buildings</i> and <i>dwelling units</i> , travel services, photographers and other services | - 1 per 35 m ² of <i>gross floor area</i> |
| (f) | Rental and leasing of machinery, equipment and <i>vehicles</i> | - 1 per 70 m ² of <i>gross floor area</i> plus 1 per 30 m ² of office use |
| (g) | Other personal and household services | - 1 per 10 m ² of <i>gross floor area</i> |
| (3) | <u>Recreational Services</u> | |
| (a) | Golf | |
| | (i) Nine hole | - 100 spaces |
| | (ii) Regulation 18 hole | - 150 spaces |
| | (iii) Par 3 and executive | - 120 spaces |
| | (iv) Driving range | - 1 per tee plus 1 per 10 m ² of <i>gross floor area</i> not open to the public |

- (v) Miniature *golf course* - 2 per hole plus 1 per 10 m² *gross floor area* not open to the public; where *accessory* to another use, 3 spaces in total
 - (b) Baseball diamonds - 18 per baseball diamond
 - (c) Other sport and recreation clubs not listed elsewhere - 1 per 10 m² of *gross floor area* or ice area plus 4 spaces per court plus 1 per 4 player / person capacity for other sports or amusements
- (4) Residential Uses
- (a) *Single family and duplex* - 2 per *dwelling unit*
 - (b) *Secondary suite* - 1 space
 - (c) Bed and breakfast - 1 per room used by guests for sleeping accommodation
 - (d) *Manufactured home park* - 2 per *dwelling unit*
- (5) Retail
- (a) Automotive related (auto and *recreational vehicle* dealers, service stations, repair shops and other MV services) - 2 per service bay plus 1 per 60 m² of *gross floor area*
 - (b) Parts and accessories - 1 per 15 m² of *gross floor area*
 - (c) General retail - 1 per 15 m² of *gross floor area*
 - (d) Direct farm marketing - 1 per 20 m² of *gross floor area*
- (6) Service Industries
- (a) Accommodation services per *campsite*, plus 1 per *hotel* or *motel* room - 2 plus 1 per *dwelling unit* plus 1
 - (b) Food and beverage services
 - (i) Drive-in/takeout only - 1 per 3 seat capacity
- 10 spaces
 - (c) *Farm operation*
 - (i) Incidental services - 2 spaces
- 1 per 30 m² of *gross floor area*
 - (ii) Veterinary - 1 per 10 m² of *gross floor area*
 - (d) Education service industries
 - (i) Child care, preschools and elementary schools - 1 per 50 m² of *gross floor area*
 - (ii) Senior secondary, post secondary, or commercial schools - 3 per classroom plus 1 per 30 m² of *gross floor area* exclusive of classrooms
 - (iii) Library services, museums and archives - 1 per 40 m² of *gross floor area*
 - (e) Government Services - 1 per 35 m² of *gross floor area*
 - (f) Health and social service industries
 - (i) Hospitals and other institutional social services - 1 per 5 beds plus 1 per 30 m² of office use
 - (ii) Private health and social service practitioners - 1 per 10 m² of *gross floor area*

3.04 Size and Location of Off-Street Parking Spaces

- (1) Each required *off-street parking space* must be a minimum of 2.0 m in height, 2.7 m in width and 6.0 m in length exclusive of aisle access. For parallel parking, the required length of each *off-street parking space* is 7.2 m except for end spaces which may be a minimum length of 6.0 m.
- (2) Length of *off-street parking spaces* may be reduced to 4.6 m for not more than 5.0% of the number of required *off-street parking spaces*, provided these spaces are clearly marked "small car only".
- (3) Minimum aisle widths must conform to the provisions of the following table:

<u>Angle of Parking Space to Aisle in Degrees</u>	<u>Minimum Width of Aisle</u>
up to 55	3.7 m
56 to 75	5.7 m
76 to 90	7.5 m

- (4) An aisle less than 6.0 m in width must be designed for and clearly marked as suitable for one-way traffic flow only.
- (5) All required *off-street parking spaces* for residential uses must be located on the same parcel as the residential use being served.
- (6)
 - (a) All required *off-street parking* for other than residential uses must be located not more than 120.0 m from the parcel, *building* or *structure* being served. Required *off-street parking* must be located on a parcel in the same zone as the parcel being served.
 - (b) Where some or all of the *off-street parking* is provided on a parcel other than that on which the use, *building* or *structure* being served is located, a covenant under Section 219 of the *Land Title Act* must be registered in the Land Title Office in favour of the Regional District of East Kootenay against the parcel to be used for parking, reserving the *off-street parking spaces* that are not on the same parcel as the use, *building* or *structure* that they are intended to serve, for as long as that use, *building* or *structure* exists.
- (7) Each required *off-street parking space* for persons with disabilities must be a minimum of 4.0 m in width and 6.0 m in length exclusive of aisle access.

3.05 Required Off-Street Loading Spaces

For all commercial, industrial - and institutional uses	1 for the first 2000 m ² of <i>gross floor area</i> plus 1 for remaining <i>gross floor area</i> over 2000 m ² .
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3.06 Size and Location of Off-Street Loading Spaces

- (1) Each *off-street loading space* must be not less than 9.0 m in length, 3.5 m in width, and 4.0 m in height.
- (2) *Off-street loading spaces* must be located on the same parcel as the *building* or *structure* being served, but no part of an *off-street loading space* may be less than 7.5 m from the nearest point of intersection of any two *highways*.

4. ZONES

4.01 Establishment of Zones

That portion of the Regional District of East Kootenay lying within the boundary of the area defined on Schedule A is divided into the following zones:

CATEGORY	ZONE TITLE	SHORT TITLE
Residential	Residential (Urban)	RS-1
	Residential (Semi-Rural Single Family)	RS-1(A)
	Residential (Semi-Rural)	RS-4
	Manufactured Home Park Residential	R-MP
	Recreation Accommodation	RES-1
	Recreation Residential	RES-1(A)
Rural Residential	Rural Residential (Estate)	RR-1
	Rural Residential (Small Holding)	RR-2
	Rural Residential (Hobby Farm)	RR-4
	Rural Residential (Country)	RR-8
	Rural Residential (Extensive)	RR-16
Rural Resource	Rural Resource	RR-60
Watershed Protection	Watershed Protection	WP-1
Commercial	Local Commercial	C-1
	General Commercial	C-2
	Service Commercial	C-3
	Recreation Commercial	C-4
	Highway Commercial	C-5
Industrial	Light Industrial	I-1
	Gravel Extraction	I-2
Institutional	Public Institutional	P-1
	Park and Open Space	P-2
	Public Works and Utility	P-3

4.02 Zone Boundaries and Maps

- (1) The location and spatial extent of zones established by this Bylaw are as shown on the following schedules, which are incorporated into and form part of this Bylaw:
A and A-1 to A-12 inclusive.
- (2) Where a zone boundary is shown as following a *highway* or creek, the centre line of such *highway* or creek will be the zone boundary.
- (3) If a *highway* is closed, the land formerly comprising the *highway* will be included within the zone of the adjoining land on either side of the *highway*. If the *highway* was a zone boundary, the new zone boundary will be the centre line of the former *highway*.

4.03 Residential (Semi-Rural): RS-1**(1) Permitted uses**

Within the RS-1 zone, the following uses only are permitted:

- (a) *Single family dwelling;*
- (b) *Duplex.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Apiculture, horticulture;*
- (c) *Keeping of small farm animals;*
- (d) *Secondary suite;*
- (e) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	555 m ²
(b) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	6.0 m
▪ <i>rear parcel line</i>	1.5 m
▪ <i>rear parcel line</i> when adjacent to a <i>lane</i> or alley	3.0 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	6.0 m
▪ <i>front parcel line</i> for detached garage or carport where topographic constraints do not permit construction in other than the <i>front yard</i>	2.5 m
▪ <i>rear parcel line</i>	1.0 m
▪ <i>rear parcel line</i> when adjacent to a <i>lane</i> or alley	3.0 m
▪ <i>interior side parcel line</i>	1.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum height for:	
<i>Principal buildings and structures</i>	9.0 m
<i>Accessory buildings and structures</i>	5.0 m
(d) Maximum <i>parcel coverage</i> for parcels with a:	
<i>Single family dwelling</i>	30%
<i>Duplex</i>	35%

4.04 Residential (Semi-Rural Single Family): RS-1(A) Zone**(1) Permitted uses**

Within the RS-1(A) zone, the following uses and no others are permitted:

(a) *Single family dwelling.*

(2) Accessory uses

(a) *Home based business;*

(b) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel area</i>	1670 m ²
(b) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	6.0 m
▪ <i>rear parcel line</i>	1.5 m
▪ <i>interior side parcel line</i>	1.5 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	6.0 m
▪ <i>front parcel line</i> for detached garage or carport where topographic constraints do not permit construction in other than the <i>front yard</i>	4.5 m
▪ <i>rear parcel line</i>	1.0 m
▪ <i>interior side parcel line</i>	1.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum height for:	
<i>Principal buildings and structures</i>	9.0 m
<i>Accessory buildings and structures</i>	5.0 m
(d) Maximum <i>parcel coverage</i> :	30%

4.05 Residential (Semi-Rural): RS-4 Zone**(1) Permitted uses**

Within the RS-4 zone, the following uses and no others are permitted:

- (a) *Single family dwelling;*
- (b) *Duplex.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Apiculture, horticulture;*
- (c) *Keeping of small farm animals;*
- (d) *Secondary suite;*
- (e) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	0.4 ha
(b) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	2.0 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum height for:	
<i>Principal buildings and structures</i>	9.0 m
<i>Accessory buildings and structures</i>	5.0 m
(d) Maximum parcel coverage for parcels with a:	
<i>Single family dwelling</i>	30%
<i>Duplex</i>	35%

4.06 Manufactured Home Park Residential: R-MP Zone**(1) Permitted uses**

Within the R-MP zone, the following uses and no others are permitted:

- (a) *Manufactured home park;*
- (b) *Single family dwelling.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Common storage area;*
- (c) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	2.0 ha
(b) Size of <i>manufactured home space</i>	370 m ²
(c) Size of space for <i>single family dwelling</i> other than a <i>manufactured home</i>	700 m ²
(d) Density: <ul style="list-style-type: none"> ▪ <i>gross</i> ▪ <i>manufactured homes per manufactured home space</i> ▪ <i>clusters</i> 	18 <i>manufactured homes</i> per hectare of <i>usable site area</i> one subject to section 4.11 of the RDEK Mobile Home Park By-law No. 1, 1978
(e) Minimum <i>setbacks</i> : <i>Manufactured homes and single family dwellings</i> from: <ul style="list-style-type: none"> ▪ <i>internal access road or common storage area</i> ▪ <i>rear and side lines of manufactured home space or dwelling unit space</i> ▪ <i>parcel line abutting a highway</i> ▪ <i>all other parcel lines</i> <i>Accessory buildings and structures</i> to the <i>manufactured home park</i> from: <ul style="list-style-type: none"> ▪ <i>manufactured home space</i> ▪ <i>rear parcel line</i> ▪ <i>all other parcel lines</i> 	1.8 m 3.0 m 7.6 m 4.6 m 4.6 m 7.6 m 4.6 m
(f) Maximum height for: <ul style="list-style-type: none"> <i>Manufactured home</i> <i>Principal buildings and structures</i> <i>Accessory buildings and structures</i> 	5.0 m 9.0 m 4.5 m

(4) Other Regulations

The establishment, extension, design, servicing, and facilities of *manufactured home parks* must comply with the requirements of the Regional District of East Kootenay Mobile Home Park By-law No. 1, 1978.

4.07 Recreation Accommodation: RES-1 Zone**(1) Permitted Uses**

Within the RES-1 zone, the following uses and no others are permitted:

- (a) *Campground*;
- (b) *Community hall*.

(2) Accessory uses

- (a) *Dwelling unit accessory to section 4.07 (1) (a)*;
- (b) *Concession stand*;
- (c) *Common storage area*;
- (d) *Uses, buildings and structures accessory to a permitted use*.

(3) Regulations

In the RES-1 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Number of <i>accessory dwelling units</i>	one
(b) Minimum <i>parcel area</i>	4.0 ha
(c) Minimum setbacks:	
All buildings and structures from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	4.5 m
▪ <i>interior side parcel line</i>	4.5 m
▪ <i>exterior side parcel line</i>	4.5 m
(d) Maximum height for all <i>buildings and structures</i>	9.0 m
(e) Maximum <i>parcel coverage</i>	70%

4.08 Recreation Residential: RES-1(A) Zone**(1) Permitted uses**

Within the RES-1(A) zone, the following uses and no others are permitted:

- (a) *Single family dwelling;*

(2) Accessory uses

- (a) *Home based business;*
 (b) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel</i> area	12 ha
(b) Density:	
▪ <i>Single family dwellings</i> per hectare	2.8
(c) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i>	10.0 m
▪ <i>rear parcel line</i>	10.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
(d) Maximum height for:	
<i>Principal buildings and structures</i>	9.0 m
<i>Accessory buildings and structures</i>	6.0 m

4.09 Rural Residential (Estate): RR-1 Zone**(1) Permitted uses**

Within the RR-1 zone, the following uses and no others are permitted:

- (a) *Single family dwelling;*
- (b) *Duplex;*
- (c) *Apiculture, horticulture;*
- (d) *Keeping of farm animals.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary suite;*
- (c) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	1.0 ha
(b) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	3.0 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum height for:	
<i>Principal buildings and structures</i>	9.0 m
<i>Accessory buildings and structures</i>	9.0 m
(d) Maximum parcel coverage	35%
(e) Maximum parcel coverage for greenhouses with closed waste and storm water systems	75%

4.10 Rural Residential (Small Holding): RR-2 Zone**(1) Permitted uses**

Within the RR-2 zone, the following uses and no others are permitted:

- (a) *Single family dwelling;*
- (b) *Duplex;*
- (c) *Farm operation, excluding mink farm and feedlot.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary dwelling unit for farm hand;*
- (c) *Veterinary clinic;*
- (d) *Kennel;*
- (e) *Secondary suite;*
- (f) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	2.0 ha
(b) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	10.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum height for:	
<i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings and structures</i>	12.0 m
(d) Maximum parcel coverage	35%
(e) Maximum parcel coverage for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

All *dwelling units* must be located on a contiguous area of the parcel not larger than 1.0 ha in area.

4.11 Rural Residential (Hobby Farm): RR-4 Zone**(1) Permitted uses**

Within the RR-4 zone, the following uses and no others are permitted:

- (a) *Single family dwelling;*
- (b) *Duplex;*
- (c) *Farm operation, excluding confined livestock areas.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary dwelling unit for farm hand;*
- (c) *Veterinary clinic;*
- (d) *Kennel;*
- (e) *Secondary suite;*
- (f) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	4.0 ha
(b) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	10.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
(c) Maximum height for:	
<i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings and structures</i>	12.0 m
(d) Maximum parcel coverage	35%
(e) Maximum parcel coverage for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

All *dwelling units* must be located on a contiguous area of the parcel not larger than 2.0 ha in area.

4.12 Rural Residential (Country): RR-8 Zone**(1) Permitted uses**

Within the RR-8 zone, the following uses and no others are permitted:

- (a) *Single family dwelling;*
- (b) *Duplex;*
- (c) *Farm operation;*
- (d) *Grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel;*
- (e) *Forest management;*
- (f) *Portable sawmill;*
- (g) *Equestrian centre;*
- (h) *Archery, trap and skeet range;*
- (i) *Fish pond.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary dwelling unit for farm hand;*
- (c) *Concession stand accessory to fish pond;*
- (d) *Veterinary clinic;*
- (e) *Kennel;*
- (f) *Secondary suite;*
- (g) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	8.0 ha
(b) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	20.0 m
▪ <i>interior side parcel line</i>	15.0 m
▪ <i>exterior side parcel line</i>	15.0 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
Additional setback requirements from	
▪ <i>all parcel lines for portable sawmills</i>	15.0 m
▪ <i>an existing dwelling unit not on the same parcel for portable sawmills</i>	100.0 m
(c) Maximum height for:	
<i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings and structures</i>	12.0 m
(d) Maximum size for <i>concession stand</i>	35 m ²
(e) Maximum <i>parcel coverage</i>	35%
(f) Maximum <i>parcel coverage</i> for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

- (a) All *dwelling units* must be located on a contiguous area of the parcel not larger than 2.0 ha in area.
- (b) All *portable sawmills* must meet the following requirements:
 - (i) minimum parcel area of 8.0 ha;
 - (ii) maximum capacity of 50.0 m³ (21,180 board feet) per day;
 - (iii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
 - (iv) a clear fire guard a minimum of 15.0 m wide must be established around the mill, logs or debris;
 - (v) all slash must be removed from the parcel and disposed of in advance of operation of the *portable sawmill*;
 - (vi) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.13 Rural Residential (Extensive): RR-16 Zone**(1) Permitted uses**

Within the RR-16 zone, the following uses and no others are permitted:

- (a) *Single family dwelling;*
- (b) *Duplex;*
- (c) *Farm operation;*
- (d) *Grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel;*
- (e) *Forest management;*
- (f) *Portable sawmill;*
- (g) *Equestrian centre;*
- (h) *Archery, trap and skeet range;*
- (i) *Fish pond;*
- (j) *Private airstrip;*
- (k) *Wildland use;*
- (l) *Guest ranch.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary dwelling unit for farm hand;*
- (c) *Veterinary clinic;*
- (d) *Kennel;*
- (e) *Concession stand accessory to fish pond;*
- (f) *Cabin accessory to guest ranch or wildland use.*
- (g) *Secondary suite;*
- (h) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	16.0 ha
(b) Minimum setbacks: <i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	20.0 m
▪ <i>interior side parcel line</i>	15.0 m
▪ <i>exterior side parcel line</i>	7.5 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
<i>Additional setback requirements from:</i>	
▪ <i>all parcel lines for portable sawmills</i>	15.0 m
▪ <i>an existing dwelling unit not on the same parcel for portable sawmills</i>	100.0 m
▪ <i>all parcel lines for rifle, archery, trap and skeet ranges</i>	200.0 m
(c) Maximum height for: <i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings and structures</i>	12.0 m
(d) Maximum <i>parcel coverage</i>	35%
(e) Maximum <i>parcel coverage</i> for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

- (a) All *dwelling units* must be located on a contiguous area of the parcel not larger than 2.0 ha in area.

- (b) All *portable sawmills* must meet the following requirements:
 - (i) minimum parcel area of 8.0 ha;
 - (ii) maximum capacity of 50.0 m³ (21,180 board feet) per day;
 - (iii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
 - (iv) a clear fire guard a minimum of 15.0 m wide must be established around the mill, logs or debris;
 - (v) all slash must be removed from the parcel and disposed of in advance of operation of the *portable sawmill*;
 - (vi) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.14 Rural Resource: RR-60 Zone**(1) Permitted uses**

Within the RR-60 zone, the following uses and no others are permitted:

- (a) *Single family dwelling;*
- (b) *Duplex;*
- (c) *Kenel;*
- (d) *Grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel;*
- (e) *Forest management;*
- (f) *Farm operation;*
- (g) *Portable sawmill;*
- (h) *Equestrian centre;*
- (i) *Rifle, archery, trap and skeet range;*
- (j) *Fish pond;*
- (k) *Airport, heliport;*
- (l) *Wildland use;*
- (m) *Guest ranch;*
- (n) *Youth camp;*
- (o) *Rural Retreat;*
- (p) *Wireless communication facility;*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary dwelling unit for farm hand;*
- (c) *Veterinary clinic;*
- (d) *Concession stand accessory to fish pond;*
- (e) *Lodge;*
- (f) *Cabin;*
- (g) *Secondary suite;*
- (h) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	60.0 ha
(b) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	20.0 m
▪ <i>interior side parcel line</i>	15.0 m
▪ <i>exterior side parcel line</i>	7.5 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
<i>Additional setback requirements from:</i>	
▪ <i>all parcel lines for portable sawmills</i>	15.0 m
▪ <i>an existing dwelling unit not on the same parcel for portable sawmills</i>	100.0 m
▪ <i>all parcels lines for rifle, trap and skeet ranges</i>	100.0 m
(c) Maximum height for:	
<i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings and structures</i>	12.0 m
(d) Maximum parcel coverage	10%
(e) Maximum parcel coverage for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

- (a) All dwelling units must be located on a contiguous area of the parcel not larger than 2.0 ha in area.
- (b) All *portable sawmills* must meet the following requirements:
 - (i) minimum parcel area of 8.0 ha;
 - (ii) maximum capacity of 50.0 m³ (21,180 board feet) per day;
 - (iii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
 - (iv) a clear fire guard a minimum of 15.0 m wide must be established around the mill, logs or debris;
 - (v) all slash must be removed from the parcel and disposed of in advance of operation of the *portable sawmill*;
 - (vi) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.15 Watershed Protection: WP-1 Zone**(1) Permitted uses**

Within the WP-1 zone, the following uses and no others are permitted:

- (a) *Farm operation* only on that portion of the parcel in the *Agricultural Land Reserve*, and excluding *confined livestock areas*;
- (b) *Forest management*.

(2) Accessory uses

- (a) *Dwelling unit*;
- (b) *Uses, buildings and structures accessory* to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	125.0 ha
(b) Minimum <i>setbacks</i> for <i>buildings and structures</i>	30.0 m
(c) Minimum <i>setbacks</i> from the <i>ordinary high water mark</i> of a lake or <i>watercourse</i> for:	
▪ <i>buildings and structures</i>	100.0 m
▪ storage of pesticides and herbicides	200.0 m
▪ storage of petroleum products	200.0 m
(d) Maximum height	12.0 m
(e) Maximum <i>parcel coverage</i>	10%

(4) Other Regulations

- (a) All *dwelling units* must be located on a contiguous area of the parcel not larger than 2.0 ha.
- (b) All use and storage of petroleum products *accessory* to a permitted use must meet the following requirements:
 - (i) All fuel storage, whether permanent or mobile, must be provided with *secondary spill containment*.
 - (ii) All fueling hoses must have automatic shut-off valves.
 - (iii) All waste petroleum products must be removed from the watershed for disposal.
 - (iv) No fuel storage below ground is permitted.
 - (v) Valves leaving the main body of the storage tanks must be shear valves.
 - (vi) Valves must be closed and locked when tanks are unattended.
- (c) Installation of all transmission lines including, but not limited to, hydro lines and natural gas pipelines must be confined to existing utility corridors except where such utilities are required for servicing a subdivision within this zone and must be placed in such a manner as to not disturb the quality of water.

4.16 Local Commercial: C-1 Zone**(1) Permitted uses**

Within the C-1 zone, the following uses and no others are permitted:

- (a) General store;
- (b) Convenience store;
- (c) Liquor store or agency;
- (d) *Personal service* establishment;
- (e) *Professional office*;
- (f) Gasoline service station, automobile repair and autobody shop;
- (g) Food and beverage services, including neighbourhood pub;
- (h) Gift, novelty and souvenir shop;
- (i) Bus depot;
- (j) Postal outlet;
- (k) Tourist and business information centre;
- (l) *Motel, hotel*.

(2) Accessory uses

- (a) *Dwelling unit* accessory to a permitted use;
- (b) Uses, *buildings* and *structures* accessory to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Number of <i>accessory dwelling units</i>	one
(b) Minimum <i>parcel</i> area	0.3 ha
(c) Minimum <i>setbacks</i> :	
All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional zone	6.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional zone	4.5 m
▪ <i>interior side parcel line</i>	4.5 m
▪ <i>exterior side parcel line</i>	4.5 m
(d) Maximum height for all <i>buildings</i> and <i>structures</i>	10.0 m
(e) Maximum <i>parcel coverage</i>	60%
(f) Maximum exterior area used for display, rental and sales	300 m ²

(4) Other Regulations

- (a) All businesses and undertakings must be conducted within an enclosed *building* except for:
 - (i) *off-street parking* and *loading spaces* and driveways;
 - (ii) storage yards;
 - (iii) display, rental and sales areas.
- (b) All display, rental and sales areas must be finished with a durable dust free surface.

- (c) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (d) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
 - (i) be designed and constructed as an integral part of the *principal building*;
 - (ii) be self-contained;
 - (iii) have an entrance provided from outside the *building*, separate from that of the *principal use*; and
 - (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.
- (e) All persons carrying out a use in the C-1 zone shall comply with the relevant provisions of section 1.15 of this Bylaw with respect to *fences* and *screening*.

4.17 General Commercial: C-2 Zone**(1) Permitted Uses**

Within the C-2 zone, the following uses and no others are permitted:

- (a) Uses permitted under section 4.16 (1) of this Bylaw;
- (b) The following light industrial industries:
 - (i) *sign* and display manufacturing;
 - (ii) secondary processing of wood products;
 - (iii) contracting industry;
 - (iv) machinery and equipment repair and rental;
 - (v) machine / welding shop;
 - (vi) storage and warehousing, including mini-warehouse and storage of *recreational vehicles*;
 - (vii) lawn mower, electric motor and small engine repair, sharpening service;
 - (viii) printing, publishing, and allied industries;
 - (ix) lawn, gardening, and landscaping.
- (c) Sporting goods store;
- (d) *Recreational vehicle* dealer and manufacturing;
- (e) *Campground*.

(2) Accessory uses

- (a) *Dwelling unit* accessory to a permitted use;
- (b) Uses, *buildings* and *structures* accessory to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Number of <i>accessory dwelling units</i>	one
(b) Minimum <i>parcel</i> area	0.6 ha
(c) Minimum <i>setbacks</i> :	
All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional zone or a parcel on which a <i>dwelling unit</i> is located	15.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional zone	4.5 m
▪ <i>interior side parcel line</i>	4.5 m
▪ <i>exterior side parcel line</i>	4.5 m
(d) Maximum height for all <i>buildings</i> and <i>structures</i>	12.0 m
(e) Maximum <i>parcel coverage</i>	50%

(4) Other Regulations

- (a) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (b) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
 - (i) be designed and constructed as an integral part of the *principal building*;
 - (ii) be self-contained;
 - (iii) have an entrance provided from outside the *building*, separate from that of the *principal use*; and

- (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.
- (c) All persons carrying out a use in the C-2 zone shall comply with the relevant provisions of Section 1.15 of this Bylaw with respect to *fences* and *screening*.

4.18 Service Commercial: C-3 Zone**(1) Permitted uses**

Within the C-3 zone, the following uses and no others are permitted:

- (a) Services incidental to *farm operation*;
- (b) Veterinary clinic;
- (c) *Kennel*;
- (d) The following retail trade and service industries:
 - (i) motor *vehicle* repair shop,
 - (ii) automobile and truck rental and leasing service,
 - (iii) appliance, television, radio, stereo and electronic repair,
 - (iv) engineering, scientific and laboratory service,
 - (v) security and investigation service,
 - (vi) *manufactured home*,
 - (vii) prefabricated *building* sale,
 - (viii) auction service,
 - (ix) machinery and equipment sales and rental,
 - (x) tack shop,
 - (xi) utility and horse trailer sales and rental,
 - (xii) welding shop,
 - (xiii) gunsmithing, lawn mower, electric motor and small engine repair, sharpening service,
 - (xiv) services to *buildings* and *dwelling units*,
 - (xv) taxidermist,
 - (xvi) lawn, garden and landscaping;
- (e) The following manufacturing industries:
 - (i) bakery products industry,
 - (ii) custom woodworking,
 - (iii) clothing,
 - (iv) household and office furniture manufacturing,
 - (v) printing, publishing and allied industry,
 - (vi) machine shop,
 - (vii) boat sales, building and repair industry,
 - (viii) *sign* and display industry;
- (f) Office and storage *building* for:
 - (i) construction industry,
 - (ii) logging industry;
- (g) Storage and warehousing industry including storage of *recreational vehicles*;
- (h) The following transportation industries:
 - (i) truck transport industry,
 - (ii) public passenger transit system,
 - (iii) taxicab operation,
 - (iv) other transportation;
- (i) Laundry and cleaning service;
- (j) The following accommodation and food services:
 - (i) food service excluding *drive-in restaurant* and drive-through facility,
 - (ii) *assembly use*;
- (k) *Recycling depot*;
- (l) *Horticulture*;
- (m) Wholesale trade, excluding *salvage yards* and wholesalers of scrap and waste material.

(2) Accessory uses

- (a) *Dwelling unit accessory* to a permitted use;
- (b) Uses, *buildings and structures accessory* to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	4000 m ²
(b) Minimum <i>setbacks</i> :	
All <i>buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional zone	6.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional zone	4.5 m
▪ <i>interior side parcel line</i> where <i>side parcel line</i> abuts a <i>highway</i> other than a <i>lane</i>	7.5 m
▪ <i>exterior side parcel line</i> where <i>side parcel line</i> abuts a <i>highway</i> other than a <i>lane</i>	7.5 m
▪ <i>side parcel line</i> where parcel is not served by a developed <i>lane</i>	4.5 m
	on at least one side
(c) Maximum height for all <i>buildings and structures</i>	12.0 m
(d) Maximum <i>parcel coverage</i>	50%
(e) Maximum <i>parcel coverage</i> for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

- (a) All businesses and undertakings must be conducted within an enclosed *building* except for:
 - (i) *Off-street parking and loading spaces* and driveways,
 - (ii) Storage yards,
 - (iii) Display, rental and sales areas.
- (b) All display, rental and sales areas must be finished with a durable dust free surface.
- (c) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (d) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
 - (i) be designed and constructed as an integral part of the *principal building*;
 - (ii) be self-contained;
 - (iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
 - (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

4.19 Recreation Commercial: C-4 Zone

(1) Permitted Uses

Within the C-4 zone, the following uses and no others are permitted:

(a) The following amusement and recreation services:

- (i) miniature golf;
- (ii) swimming pool;
- (iii) skateboard park;
- (iv) paintball facility;
- (v) tennis court;
- (vi) community hall.

(b) The following retail industries:

- (i) convenience store;
- (ii) general store;
- (iii) liquor store or agency;
- (iv) food and beverage service.

(2) Accessory uses

- (a) *dwelling unit accessory* to a permitted use;
- (b) *Uses, buildings and structures accessory* to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel area</i>	2.0 ha
(b) Minimum <i>setbacks</i> :	
All <i>buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional zone	6.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional zone	4.5 m
▪ <i>interior side parcel line</i>	4.5 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum height for all <i>buildings and structures</i>	12.0 m
(d) Maximum <i>parcel coverage</i>	70%

(4) Other Regulations

- (a) All persons carrying out a use in the C-4 zone shall comply with the relevant provisions of Section 1.15 of this Bylaw with respect to *fences and screening*.

4.20 Highway Commercial: C-5 Zone**(1) Permitted uses**

Within the C-5 zone, the following uses and no others are permitted:

- (a) The following retail trade industries:
 - (i) food store,
 - (ii) general store,
 - (iii) automobile dealer,
 - (iv) *recreational vehicle* dealer,
 - (v) *manufactured home* sale,
 - (vi) prefabricated *building* sale,
 - (vii) boat sales and service,
 - (viii) utility and horse trailer sales and rental,
 - (ix) gasoline service station,
 - (x) motor *vehicle* repair shop,
 - (xi) automobile and truck rental and leasing service,
 - (xii) automobile parts and accessories,
 - (xiii) other motor *vehicle* service,
 - (xiv) machinery and equipment sales and rental,
 - (xv) service to *buildings* and *dwelling units*,
 - (xvi) other repair service;
- (b) Service industry incidental to *farm operation*, including veterinary services;
- (c) The following transportation industries:
 - (i) truck transport industry,
 - (ii) public passenger transit system,
 - (iii) taxicab operation,
 - (iv) other transportation;
- (d) The following *personal services*:
 - (i) laundry and cleaning service,
 - (ii) funeral service, excluding cemetery and crematorium;
- (e) The following accommodation and food services:
 - (i) *campground*, subject to section 1.16,
 - (ii) food service;
 - (iii) neighbourhood pub;
- (f) *Recycling depot*;
- (g) *Sign* and display industry;
- (h) *Horticulture*.

(2) Accessory uses

- (a) The following retail trade industries:
 - (i) gift, novelty and souvenir shop,
 - (ii) antique shop;
- (b) *Dwelling unit accessory* to a permitted use;
- (c) Uses, *buildings* and *structures accessory* to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	1500 m ²
(b) Minimum <i>setbacks</i> :	
All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional zone	6.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional zone	4.5 m
▪ <i>interior side parcel line</i> where <i>side parcel line</i> abuts a <i>highway</i> other than a <i>lane</i>	7.5 m
▪ <i>exterior side parcel line</i> where <i>side parcel line</i> abuts a <i>highway</i> other than a <i>lane</i>	7.5 m
▪ <i>side parcel line</i> where parcel is not served by a developed <i>lane</i>	4.5 m on at least one side
(c) Maximum height for all <i>buildings</i> and <i>structures</i>	10.0 m
(d) Maximum <i>parcel coverage</i>	60%
(e) Maximum <i>building area</i> used for retail	300 m ²

(4) Other Regulations

- (a) All businesses and undertakings must be conducted within an enclosed *building* except for:
- (i) *Off-street parking* and *loading spaces* and driveways,
 - (ii) Storage yards,
 - (iii) Display, rental and sales areas.
- (b) All display, rental and sales areas must be finished with a durable dust free surface.
- (c) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (d) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
- (i) be designed and constructed as an integral part of the *principal building*;
 - (ii) be self-contained;
 - (iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
 - (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

4.21 Light Industrial: I-1 Zone**(1) Permitted uses**

Within the I-1 zone, the following uses and no others are permitted:

- (a) *Veterinary clinic*;
- (b) Auction service;
- (c) Motor *vehicle* repair shop;
- (d) Transportation, storage, warehousing including the storage of *recreational vehicles*, contractors' equipment;
- (e) Grading, washing, screening, crushing and transporting of sand and gravel resources;
- (f) The following manufacturing industries:
 - (i) food,
 - (ii) beverage,
 - (iii) rubber products,
 - (iv) plastic products,
 - (v) wood products, including wood preservation, re-manufacturing plants, but excluding sawmills, shakemills, and planermills,
 - (vi) furniture,
 - (vii) printing and publishing,
 - (viii) machine shop, metal fabricating, welding shop,
 - (ix) solar energy systems,
 - (x) truck body, truck trailer,
 - (xi) *recreational vehicle*,
 - (xii) *manufactured home*,
 - (xiii) boat building, repair,
 - (xiv) electrical products,
 - (xv) non-metallic mineral products, excluding cement, concrete, asphalt plants,
 - (xvi) scientific and professional equipment,
 - (xvii) *sign* and display;
- (g) *Public utility use*, excluding *sanitary landfill site*;
- (h) The following retail and service industries:
 - (i) automobile, truck rental and leasing service,
 - (ii) appliance, television, radio, stereo repair and electronics,
 - (iii) *building* supply, lawn, garden and landscaping,
 - (iv) engineering, scientific and laboratory services,
 - (v) laundry and cleaning service (excluding self-serve),
 - (vi) machinery and equipment rental,
 - (vii) gunsmithing, lawn mower, electric motor, small engine repair, sharpening service,
 - (viii) maintenance services to *buildings* and *dwelling units*, including janitorial, septic tank pumping,
 - (ix) utility trailer rental, sales,
 - (x) farm supply, feed sales;
- (i) Funeral services;
- (j) Public works yard;
- (k) *Recycling depot*;
- (l) *Cannabis production facility*.

(2) Accessory uses

- (a) Retail sales *accessory* to a permitted use;
- (b) *Dwelling unit accessory* to a permitted use;
- (c) Uses, *buildings* and *structures accessory* to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	1.0 ha
(b) Minimum setbacks:	
All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional zone or a parcel on which a <i>dwelling unit</i> is located	15.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional zone	4.5 m
▪ <i>rear parcel line</i> where parcel abuts a railway right-of-way	0.0 m
▪ <i>interior side parcel line</i>	4.5 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum height for all <i>buildings</i> and <i>structures</i>	15.0 m
(d) Maximum <i>parcel coverage</i>	50%

(4) Other Regulations

- (a) All display, rental and sales areas must be finished with a durable dust free surface.
- (b) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (c) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
 - (i) be designed and constructed as an integral part of the *principal building*;
 - (ii) be self-contained;
 - (iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
 - (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

4.22 Gravel Extraction: I-2 Zone**(1) Permitted Uses**

Within the I-2 zone, the following uses and no others are permitted:

- (a) Extraction of sand and gravel, including grading, washing, screening, crushing and transporting of material;
- (b) Cement, concrete, asphalt plant.

(2) Accessory uses

Uses, *buildings* and *structures* accessory to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel area	8.0 ha
(b) Minimum <i>setbacks</i> :	
Extraction and processing activities from an existing <i>dwelling unit</i> not on the same parcel	60.0 m
Extracted or processed material from a <i>highway</i>	15.0 m
All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional zone or a parcel on which a <i>dwelling unit</i> is located	15.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional zone or a parcel on which a <i>dwelling unit</i> is located	5.0 m
▪ <i>rear parcel line</i> where parcel abuts a railway right-of-way	0.0 m
▪ <i>interior side parcel line</i>	15.0 m
▪ <i>exterior side parcel line</i>	15.0 m
(c) Maximum height for all <i>buildings</i> and <i>structures</i>	20.0 m
(d) Maximum <i>parcel coverage</i>	10%

4.23 Public Institutional: P-1 Zone**(1) Permitted Uses**

Within the P-1 zone, the following uses and no others are permitted:

- (a) *School*, college, university;
- (b) Church;
- (c) *Rural retreat*, including counselling services and facilities;
- (d) *Group home*;
- (e) *Group day care*;
- (f) *Assembly*;
- (g) *Rest home*;
- (h) Library;
- (i) *Government services*;
- (j) Cemetery;

(2) Accessory uses

- (a) *Dwelling unit accessory* to a permitted use;
- (b) Uses, *buildings* and *structures accessory* to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>setbacks</i> : All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	6.0 m
▪ <i>interior side parcel line</i>	6.0 m
▪ <i>exterior side parcel line</i>	6.0 m
(b) Maximum height for all <i>buildings</i> and <i>structures</i>	10.0 m
(c) Maximum <i>parcel coverage</i>	25%

(4) Other Regulations

- (a) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (b) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
 - (i) be designed and constructed as an integral part of the *principal building*;
 - (ii) be self-contained;
 - (iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
 - (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

4.24 Parks and Open Space: P-2 Zone**(1) Permitted uses**

Within the P-2 zone, the following uses and no others are permitted:

- (a) *Park and park reserve;*
- (b) *Sports field and athletic facility;*
- (c) *Conservation area, recreation reserve, ecological reserve, wildlife sanctuary;*
- (d) *Park office, maintenance facility and works yard;*
- (e) *Heritage and archaeological display site;*
- (f) *Museum;*
- (g) *Fairground and exhibition ground;*
- (h) *Boat launch;*
- (i) *Agricultural, silvicultural, horticultural, wildlife research centre, including fish hatchery;*
- (j) *Farm operation;*
- (k) *Government services;*
- (l) *Interpretative forest site;*
- (m) *Campground*

(2) Accessory uses

- (a) *Dwelling unit accessory to a permitted use;*
- (b) *Eating and drinking establishment accessory to a permitted use;*
- (c) *Uses, buildings and structures accessory to a permitted use*

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) <i>Minimum setbacks:</i>	
<i>All buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	6.0 m
▪ <i>interior side parcel line</i>	6.0 m
▪ <i>exterior side parcel line</i>	6.0 m
(b) <i>Maximum height for all buildings and structures</i>	10.0 m

(4) Other Regulations

- (a) *Where an accessory dwelling unit is a manufactured home, it must be located on a non-permanent foundation.*
- (b) *Where an accessory dwelling unit is not a manufactured home, the accessory dwelling unit must:*
 - (i) *be designed and constructed as an integral part of the principal building;*
 - (ii) *be self-contained;*
 - (iii) *have an entrance provided from outside the building, separate from that of the principal use;*
 - (iv) *be located above the first storey of the building or behind the principal use in the building.*

4.25 Public Works and Utility: P-3 Zone**(1) Permitted Uses**

Within the P-3 zone, the following uses and no others are permitted:

- (a) Cemetery, crematorium;
- (b) Public works, *vehicle* storage and equipment storage yard;
- (c) *Solid waste transfer facility* including *recycling depot*;
- (d) *Public utility use*;
- (e) Airport, heliport;
- (f) *Primary attack base*;
- (g) *Government services*;
- (h) Bus transportation depot;
- (i) *Farm operation*;
- (j) *Wireless communication facility*.

(2) Accessory uses

Uses, *buildings* and *structures* accessory to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>setbacks</i> :	
All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	6.0 m
▪ <i>interior side parcel line</i>	6.0 m
▪ <i>exterior side parcel line</i>	6.0 m
(b) Maximum height for all <i>buildings</i> and <i>structures</i>	10.0 m

SCHEDULE B
FLOODPLAIN MANAGEMENT PROVISIONS

1. GENERAL REGULATIONS

Floodplain Designation

1.01 The following land is designated as *floodplain*:

- (1) Land lower than the *flood construction level* specified in section 1.02 (1).
- (2) Land within the *floodplain setbacks* specified in section 1.02 (2).

Floodplain Specifications

1.02 (1) Flood Construction Levels

The following elevations are specified as *flood construction levels*, except that where more than one *flood construction level* is applicable, the higher elevation shall be the *flood construction level*:

- (a) 3.0 metres above the *ordinary high water mark* of the Moyie River and St. Mary River;
- (b) 1.5 metres above the *ordinary high water mark* of any other *watercourse*;
- (c) 1.5 metres above the *ordinary high water mark* of any other lake, marsh or pond; or
- (d) 1.0 metre above the natural ground elevation or 0.6 metre above any obstruction that could cause ponding; or the *flood construction level* specified in an engineer's report prepared under section 56(2) of the *Community Charter*, whichever is the highest, for those areas specified within the Special Policy Area shown on Schedule B2.

(2) Floodplain Setbacks

The following distances are specified as *floodplain setbacks*, except that where more than one *floodplain setback* is applicable, the greater distance shall be the *floodplain setback*.

- (a) 30.0 metres from the *ordinary high water mark* of the Moyie River, St. Mary River, Lamb Creek and Braunagel Creek;
- (b) 15.0 metres from the *ordinary high water mark* of any other *watercourse*; or
- (c) 7.5 metres from the *ordinary high water mark* of Moyie Lake, Monroe Lake, and any other lake, marsh, or pond.

2. APPLICATION OF FLOODPLAIN SPECIFICATIONS

2.01 (1) Pursuant to section 524 of the *Local Government Act*, after a Bylaw has specified *flood construction levels* and *floodplain setbacks*:

- (a) The underside of any floor system, or the top of any pad supporting any space or room, including a *manufactured home*, that is used for dwelling purposes, business, or the storage of goods, which are susceptible to damage by floodwater shall be above the specified level, and
- (b) Any landfill required to support a floor system or pad shall not extend within any setback from a *watercourse* or body of water specified by the Bylaw or the Ministry of Environment.

- (2) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the *flood construction levels* specified in section 1.02 (1). The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.
- (3) The building inspector, or such person appointed by the Board of the Regional District may require that a British Columbia Land Surveyors certificate be required to verify compliance with the *flood construction levels* and *floodplain setbacks* specified in section 1.02 (1) and 1.02 (2). The cost of verification shall be assumed by the landowner.

3. SPECIAL POLICY AREA

- 3.01** (1) Development on land in the Special Policy Area delineated on Schedule B2 is governed by section 56 of the *Community Charter* and is subject to the minimum floodplain setback requirements identified in section 1.02.
- (2) Special Policy Areas include alluvial fans and debris torrent fans and areas adjacent to watercourses that are subject to high velocity flows and require the assessment of a suitably qualified professional engineer.
- (3) General exemptions outlined in Part 4 apply to Special Policy Areas.

4. EXEMPTIONS

General Exemptions

- 4.01** Pursuant to section 524 of the *Local Government Act* the Regional District may allow general exemptions from the requirements of this Bylaw. The general exemptions are outlined in Schedule B1 of this Bylaw.

Site Specific Exemptions

- 4.02** An application by a property owner to the Regional District for a site-specific exemption or relaxation shall be completed upon a form provided by the Regional District and submitted in accordance with instructions on the application. Application may be made to vary either the required setback from or elevation above a *watercourse* or body of water.

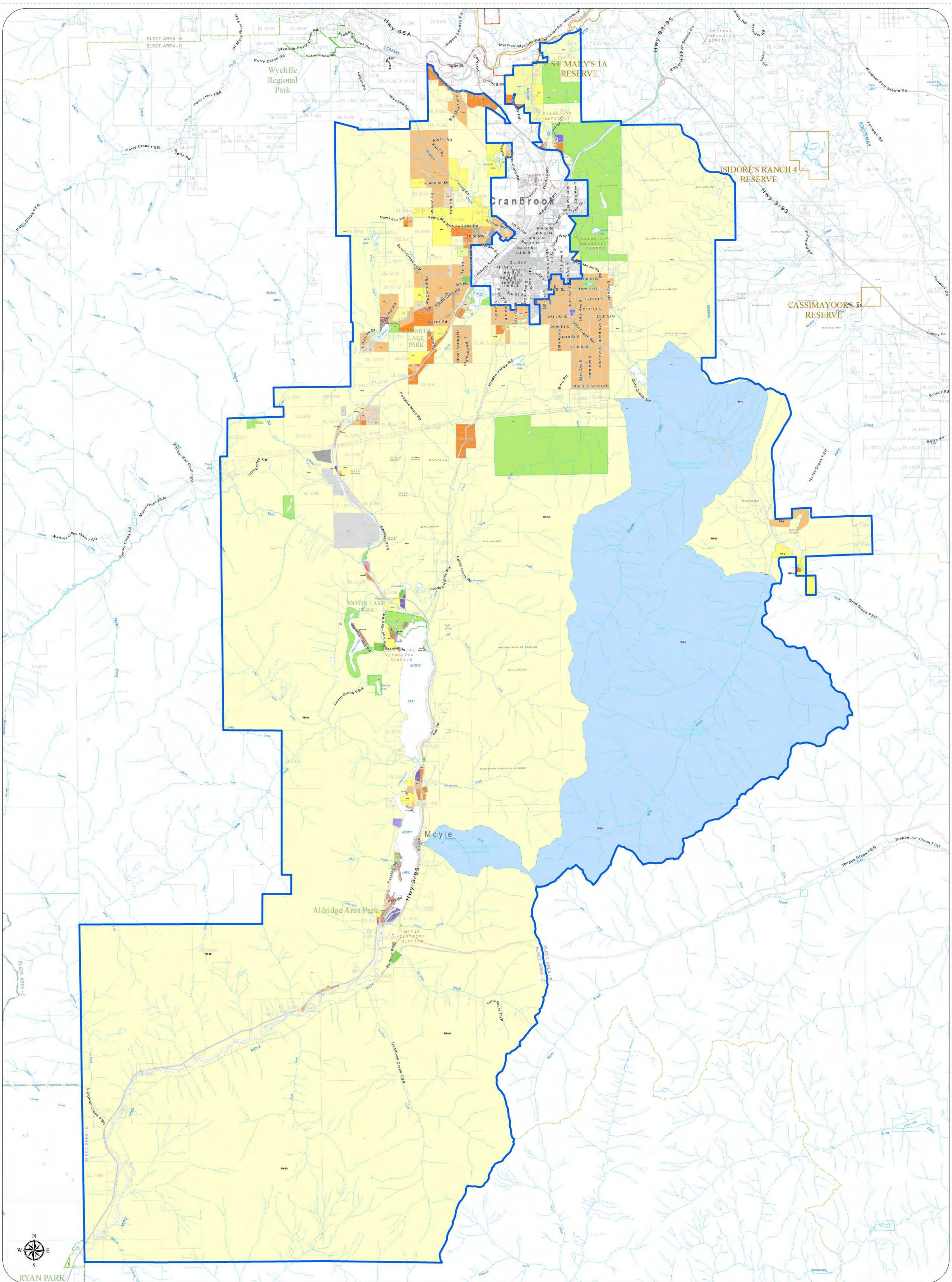
5. NO REPRESENTATION

- 5.01** By the enactment, administration or enforcement of this Bylaw the Regional District does not represent to any person that any *building* or *structure*, including a *manufactured home*, located, constructed or used in accordance with the provisions of this Bylaw or in accordance with any advice, information, direction or guidance provided by the Regional District in the course of the administration of this Bylaw will not be damaged by flooding.

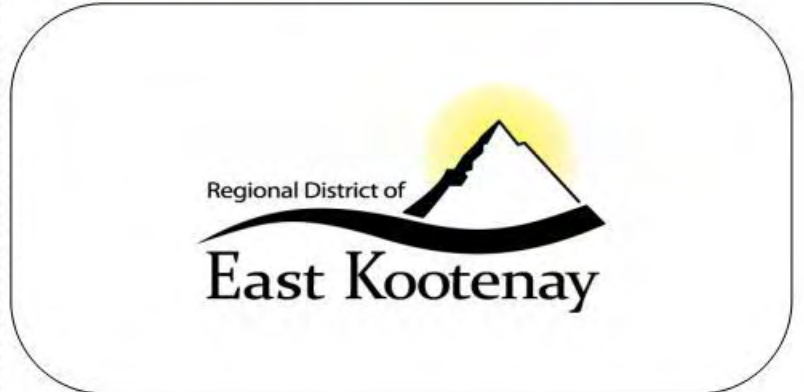
SCHEDULE B1
FLOODPLAIN MANAGEMENT PROVISIONS

GENERAL EXEMPTIONS

- (1) The following types of development are exempt from the requirements of section 524 of the *Local Government Act*, as it pertains to the *flood construction levels* specified in section 1.02 (1) of Schedule B of this Bylaw.
- (a) A renovation of an existing *building* or *structure* that does not involve an addition thereto;
 - (b) An addition to a *building* or *structure*, at the original non-conforming floor elevation, that would increase the size of the *building* or *structure* by less than 25% of the floor area existing at the date of adoption of this Bylaw, provided an exemption of up to 25% of the floor area has not been granted previously by the Minister of Environment, and provided that the degree of nonconformity regarding the setback is not increased;
 - (c) That portion of *building* or *structure* to be used as a carport, garage, or entrance foyer;
 - (d) Farm *buildings* other than *dwelling units* and closed-sided livestock housing;
 - (e) Hot water tanks and furnaces behind *standard dykes*;
 - (f) Closed-sided livestock housing behind *standard dykes*;
 - (g) On-loading and off-loading facilities associated with water-oriented industry and portable sawmills.
- (2) The following types of development are exempt from the requirement of section 524 of the *Local Government Act*, as it pertains to the *flood construction levels* specified in section 1.02 (1) of Schedule B of this Bylaw, subject to the following conditions:
- (a) **Farm Dwelling Units:** Farm *dwelling units* on *parcel* areas 8.0 ha or greater, located within the *Agricultural Land Reserve* and zoned for agricultural use, shall be located with the underside of a wooden floor system or the top of the pad of any *habitable area* (or in the case of a *manufactured home* the top pad or the ground surface on which it is located) no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the *flood construction levels* specified in section 1.02 (1) of Schedule B of this Bylaw, whichever is lesser.
 - (b) **Closed-sided Livestock Housing:** Closed-sided livestock housing not behind *standard dykes* shall be located with the underside of a wooden floor system or the top of the pad (or in the case of a *manufactured home* the top pad or the ground surface on which it is located) no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the *flood construction levels* specified in section 1.02 (1) of Schedule B of this Bylaw, whichever is lesser.
 - (c) **Industrial Uses:** Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the pad (or in the case of a *manufactured home* the top pad or the ground surface on which it is located) no lower than the *flood construction levels* specified in section 1.02 (1) of Schedule B of this Bylaw, minus *freeboard*. Main electrical switchgear shall be no lower than the *flood construction level*.



RYAN PARK



**Electoral Area C South
Zoning & Floodplain
Management
Bylaw No. 2913, 2019**

Legend

- | | | |
|--|---------------------------|------------------------------|
| Residential | Rural Resource | Institutional |
| RS-1 Residential (Urban) | RR-60 Rural Resource | P-1 Public Institutional |
| RS-1(A) Residential (Semi-Rural Single Family) | | P-2 Park and Open Space |
| RS-4 Single Family Residential (Extensive) | Commercial | P-3 Public Works and Utility |
| R-MP Manufactured Home Park Residential | C-2 Local Commercial | Watershed Protection |
| RES-1 Recreation Accommodation | C-2 General Commercial | WP-1 Watershed Protection |
| RES-1(A) Recreation Residential | C-3 Service Commercial | |
| Rural Residential | C-4 Recreation Commercial | |
| RR-1 Rural Residential (Estate) | C-5 Highway Commercial | |
| RR-2 Rural Residential (Small Holding) | Industrial | |
| RR-4 Rural Residential (Hobby Farm) | I-1 Light Industrial | |
| RR-8 Rural Residential (Country) | I-2 Gravel Extraction | |
| RR-16 Rural Residential (Extensive) | | |
| | | — Plan Area Boundary |



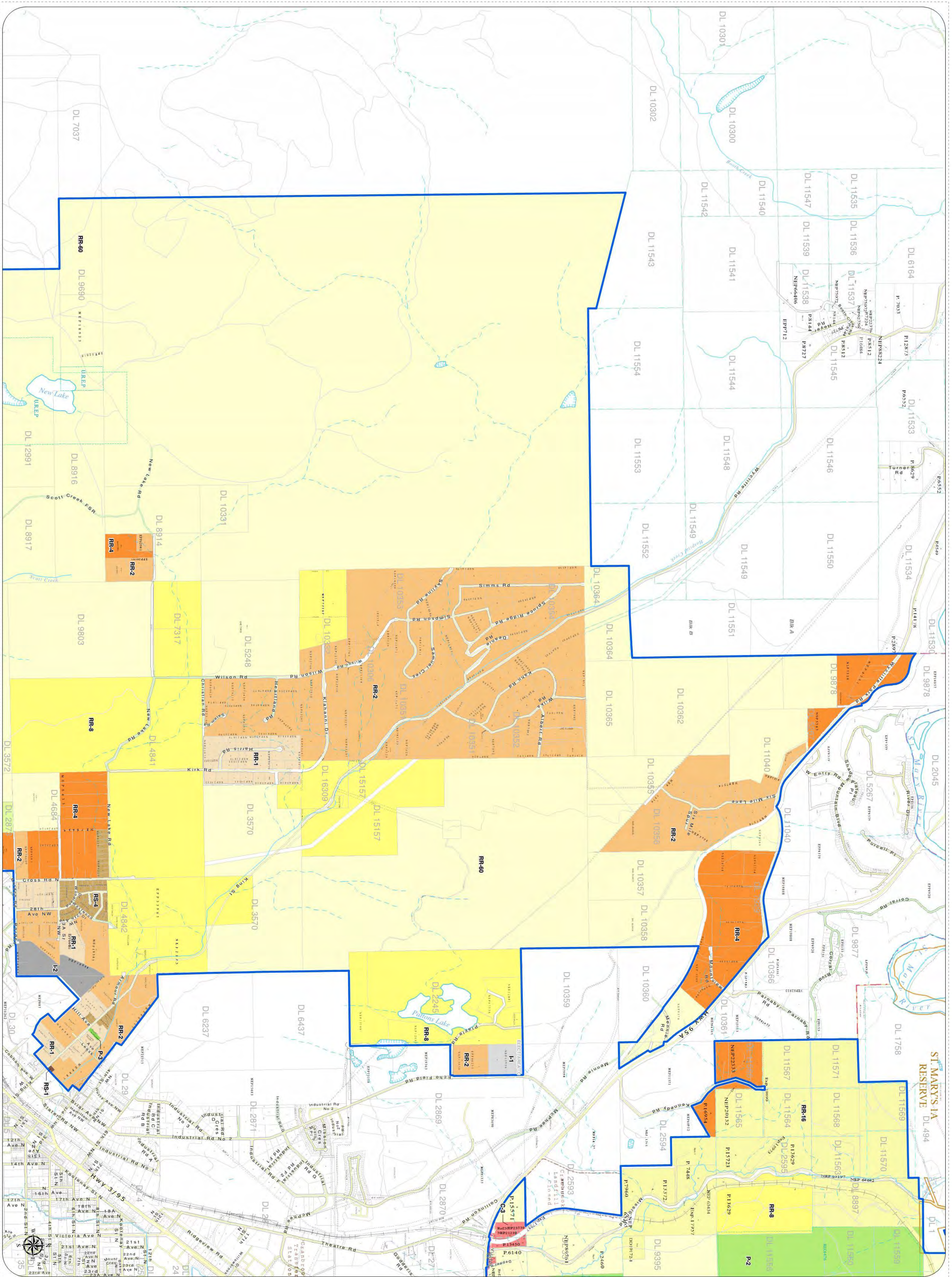
This is Schedule A1 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____

Corporate Officer _____ Date _____

A1
Zoning Overview

SCALE IN METERS
0 500 1,000 2,000 4,000



Legend

- | | | |
|---|---|---|
| <p>Residential</p> <ul style="list-style-type: none"> RS-1 Residential (Urban) RS-1(A) Residential (Semi-Rural Single Family) RS-4 Single Family Residential (Extensive) R-MP Manufactured Home Park Residential RES-1 Recreation Accommodation RES-1(A) Recreation Residential Rural Residential RR-1 Rural Residential (Estate) RR-2 Rural Residential (Small Holding) RR-4 Rural Residential (Hobby Farm) RR-8 Rural Residential (Country) RR-16 Rural Residential (Extensive) | <p>Rural Resource</p> <ul style="list-style-type: none"> RR-60 Rural Resource <p>Commercial</p> <ul style="list-style-type: none"> C-2 Local Commercial C-3 General Commercial C-4 Service Commercial C-5 Recreation Commercial C-6 Highway Commercial <p>Industrial</p> <ul style="list-style-type: none"> I-1 Light Industrial I-2 Gravel Extraction | <p>Institutional</p> <ul style="list-style-type: none"> P-1 Public Institutional P-2 Park and Open Space P-3 Public Works and Utility <p>Watershed Protection</p> <ul style="list-style-type: none"> WP-1 Watershed Protection <p>Plan Area Boundary</p> |
|---|---|---|



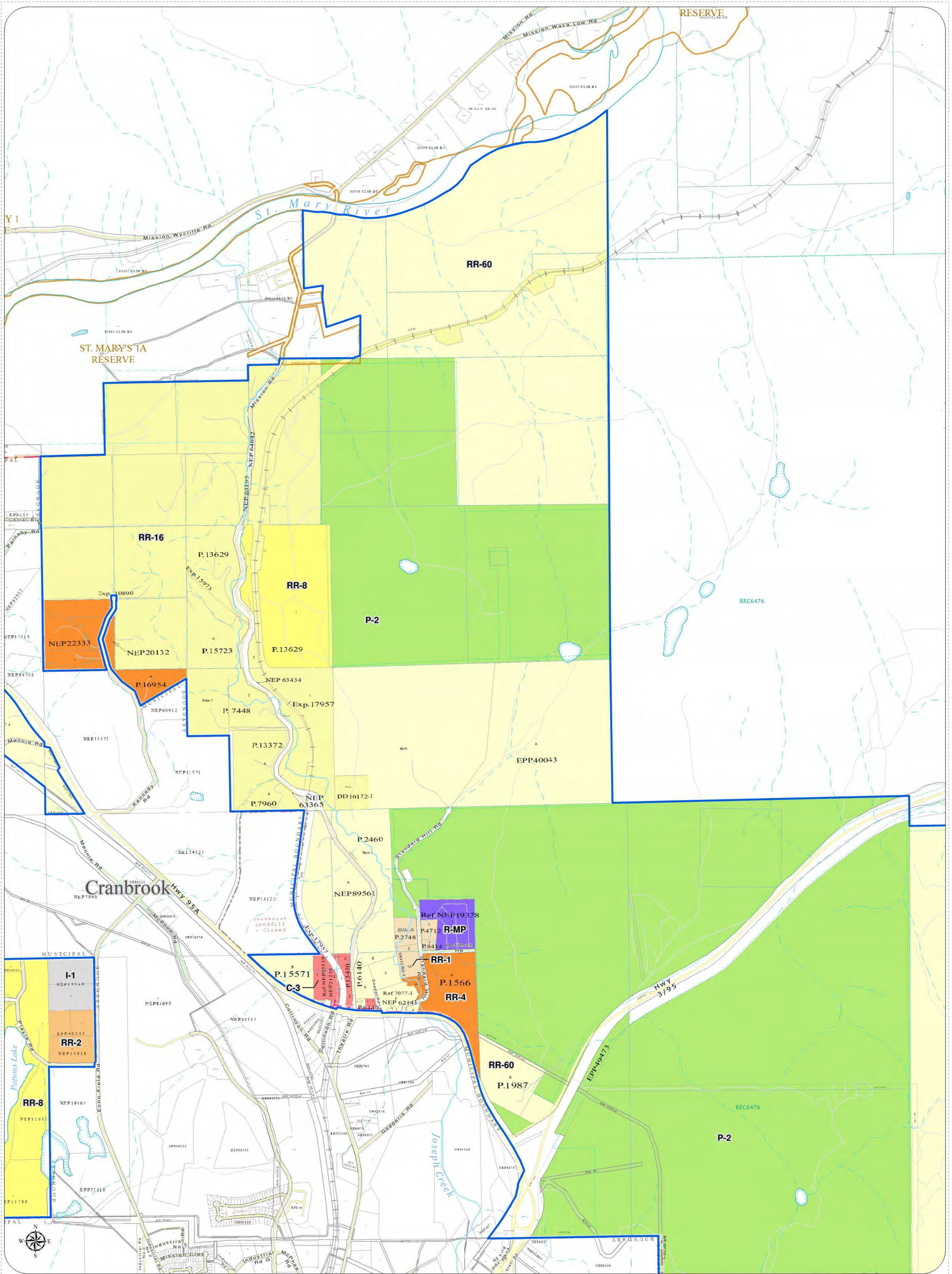
This is Schedule A2 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____

Corporate Officer _____ Date _____

A2
Zoning
Cranbrook North

SCALE IN METERS
0 100 200



Legend

Residential	Rural Resource	Institutional
RS-1 Residential (Urban)	RR-60 Rural Resource	P-1 Public Institutional
RS-1(A) Residential (Semi-Rural Single Family)		P-2 Park and Open Space
RS-4 Single Family Residential (Extensive)	Commercial	P-3 Public Works and Utility
R-MP Manufactured Home Park Residential	C-2 Local Commercial	Watershed Protection
RES-1 Recreation Accommodation	C-3 General Commercial	WP-1 Watershed Protection
RES-1(A) Recreation Residential	C-4 Service Commercial	
Rural Residential	C-5 Recreation Commercial	
RR-1 Rural Residential (Estate)	C-5 Highway Commercial	
RR-2 Rural Residential (Small Holding)	Industrial	
RR-4 Rural Residential (Hobby Farm)	I-1 Light Industrial	
RR-8 Rural Residential (Country)	I-2 Gravel Extraction	
RR-16 Rural Residential (Extensive)		
		— Plan Area Boundary



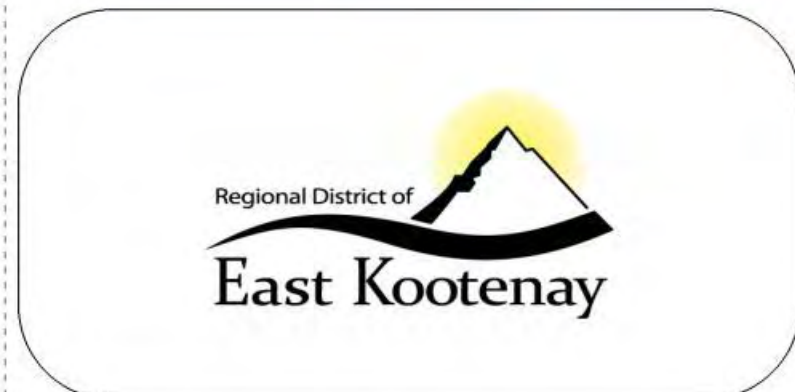
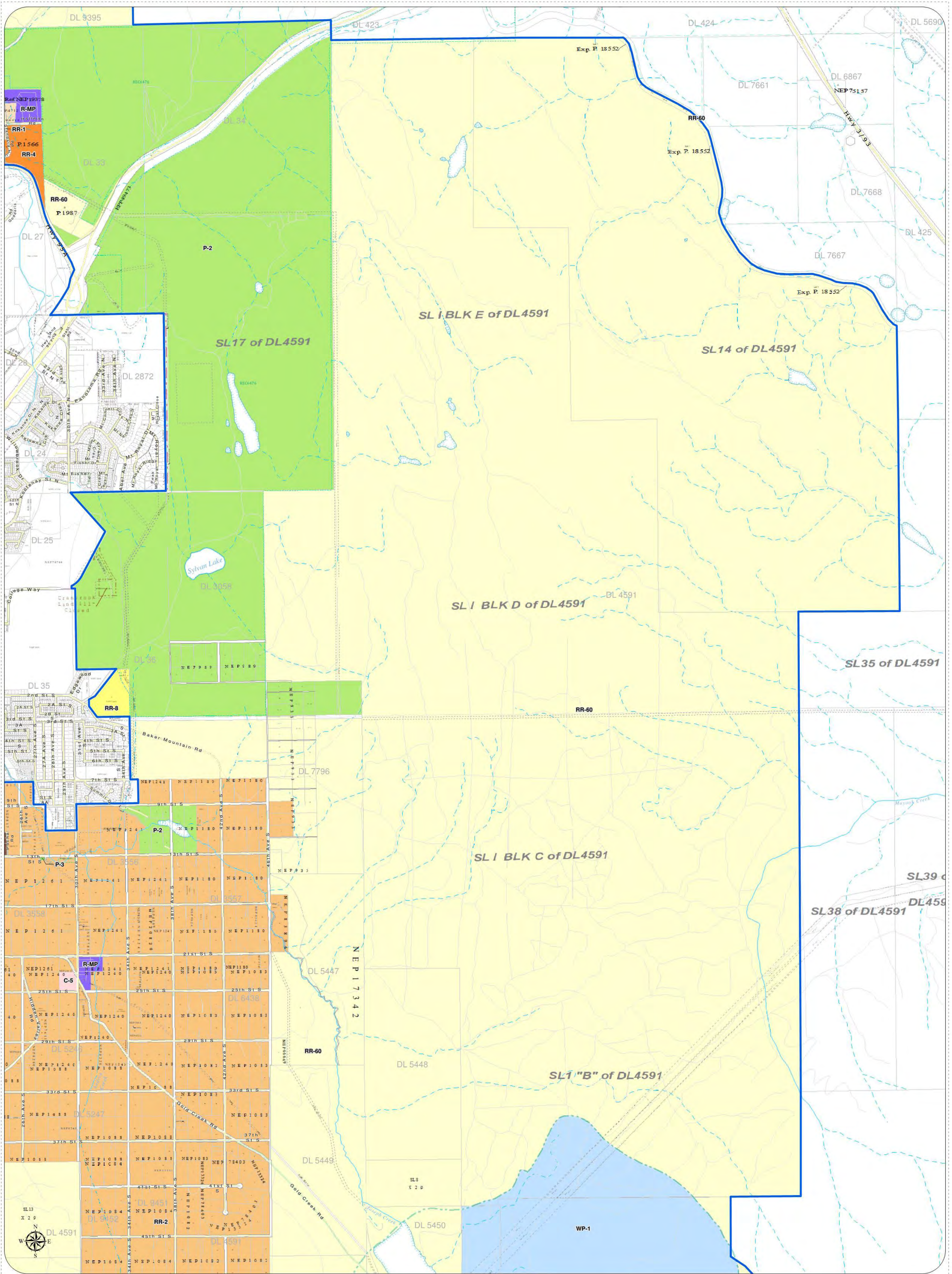
This is Schedule A3 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____
Corporate Officer _____ Date _____

A3

Zoning
Mission

SCALE IN METERS
0 100 200 400 600



**Electoral Area C South
Zoning & Floodplain
Management
Bylaw No. 2913, 2019**

Legend

<p>Residential</p> <ul style="list-style-type: none"> RS-1 Residential (Urban) RS-1(A) Residential (Semi-Rural Single Family) RS-4 Single Family Residential (Extensive) R-MP Manufactured Home Park Residential RES-1 Recreation Accommodation RES-1(A) Recreation Residential Rural Residential RR-1 Rural Residential (Estate) RR-2 Rural Residential (Small Holding) RR-4 Rural Residential (Hobby Farm) RR-8 Rural Residential (Country) RR-16 Rural Residential (Extensive) 	<p>Rural Resource</p> <ul style="list-style-type: none"> RR-60 Rural Resource <p>Commercial</p> <ul style="list-style-type: none"> C-2 Local Commercial C-3 General Commercial C-4 Recreation Commercial C-5 Highway Commercial <p>Industrial</p> <ul style="list-style-type: none"> I-1 Light Industrial I-2 Gravel Extraction 	<p>Institutional</p> <ul style="list-style-type: none"> P-1 Public Institutional P-2 Park and Open Space P-3 Public Works and Utility <p>Watershed Protection</p> <ul style="list-style-type: none"> WP-1 Watershed Protection
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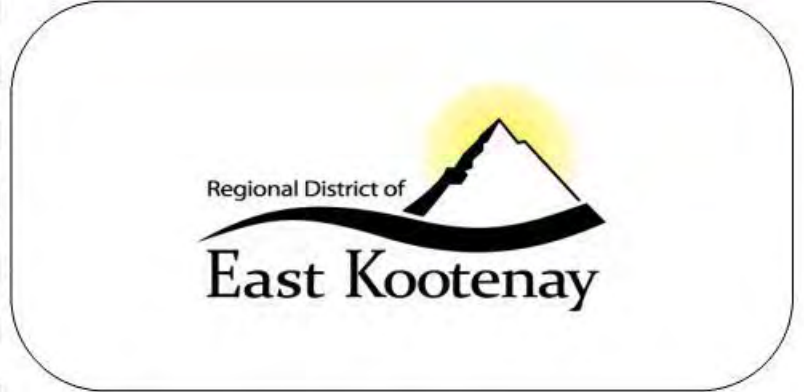
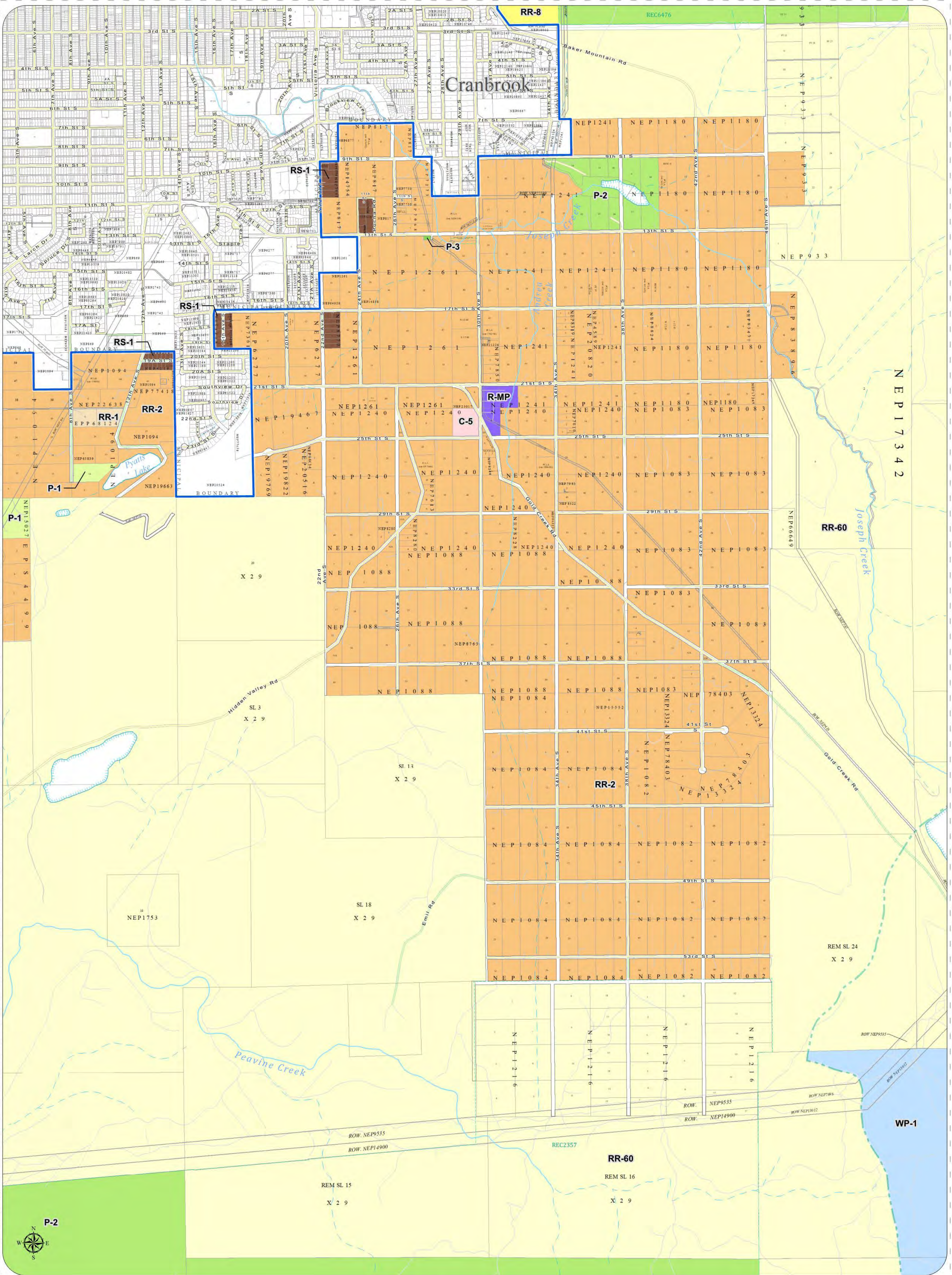


This is Schedule A4 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____

Corporate Officer _____ Date _____

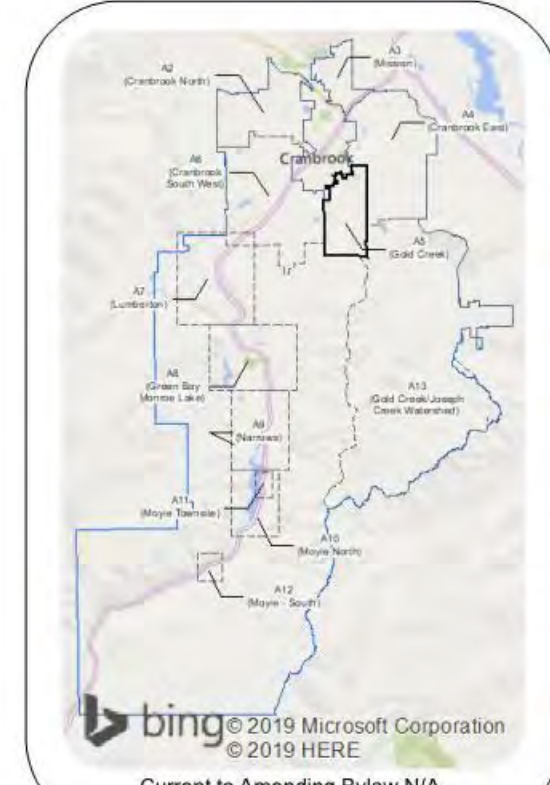
**A4
Zoning
Cranbrook East**



**Electoral Area C South
Zoning & Floodplain
Management
Bylaw No. 2913, 2019**

Legend

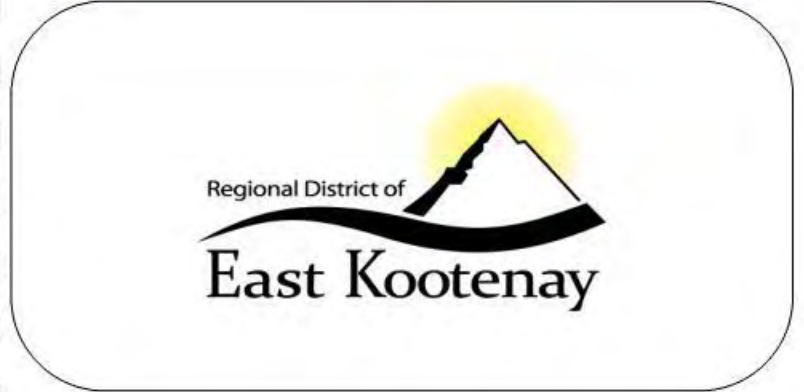
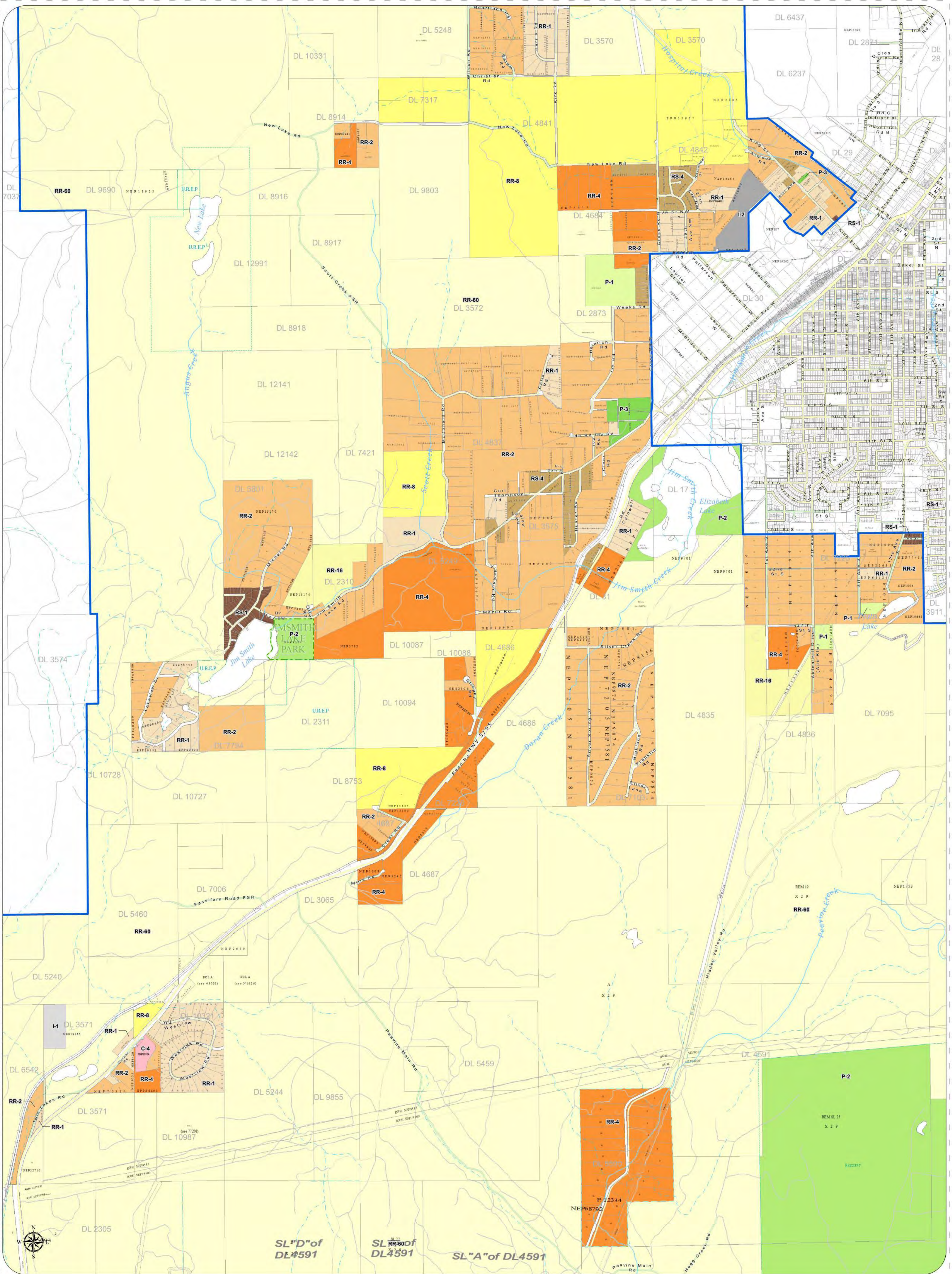
- | | | |
|--|---------------------------|------------------------------|
| Residential | Rural Resource | Institutional |
| RS-1 Residential (Urban) | RR-60 Rural Resource | P-1 Public Institutional |
| RS-1(A) Residential (Semi-Rural Single Family) | | P-2 Park and Open Space |
| RS-4 Single Family Residential (Extensive) | Commercial | P-3 Public Works and Utility |
| R-MP Manufactured Home Park Residential | C-2 Local Commercial | Watershed Protection |
| RES-1 Recreation Accommodation | C-3 General Commercial | WP-1 Watershed Protection |
| RES-1(A) Recreation Residential | C-4 Service Commercial | |
| Rural Residential | C-5 Recreation Commercial | |
| RR-1 Rural Residential (Estate) | C-5 Highway Commercial | |
| RR-2 Rural Residential (Small Holding) | | |
| RR-4 Rural Residential (Hobby Farm) | Industrial | |
| RR-8 Rural Residential (Country) | I-1 Light Industrial | |
| RR-16 Rural Residential (Extensive) | I-2 Gravel Extraction | |
| | | — Plan Area Boundary |



This is Schedule A5 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____
Corporate Officer _____ Date _____

**A5
Zoning
Gold Creek**



**Electoral Area C South
Zoning & Floodplain
Management
Bylaw No. 2913, 2019**

Legend

<p>Residential</p> <ul style="list-style-type: none"> RS-1 Residential (Urban) RS-10A Residential (Semi-Rural Single Family) RS-4 Single Family Residential (Extensive) RMP Manufactured Home Park Residential RES-1 Recreation Accommodation RES-1(A) Recreation Residential Rural Residential RR-1 Rural Residential (Estate) RR-2 Rural Residential (Small Holding) RR-4 Rural Residential (Hobby Farm) RR-8 Rural Residential (Country) RR-16 Rural Residential (Extensive) 	<p>Rural Resource</p> <ul style="list-style-type: none"> RR-60 Rural Resource <p>Commercial</p> <ul style="list-style-type: none"> C-2 Local Commercial C-2 General Commercial C-3 Service Commercial C-4 Recreation Commercial C-5 Highway Commercial <p>Industrial</p> <ul style="list-style-type: none"> I-1 Light Industrial I-2 Gravel Extraction 	<p>Institutional</p> <ul style="list-style-type: none"> P-1 Public Institutional P-2 Park and Open Space P-3 Public Works and Utility <p>Watershed Protection</p> <ul style="list-style-type: none"> WP-1 Watershed Protection <p>Plan Area Boundary</p>
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This is Schedule A6 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

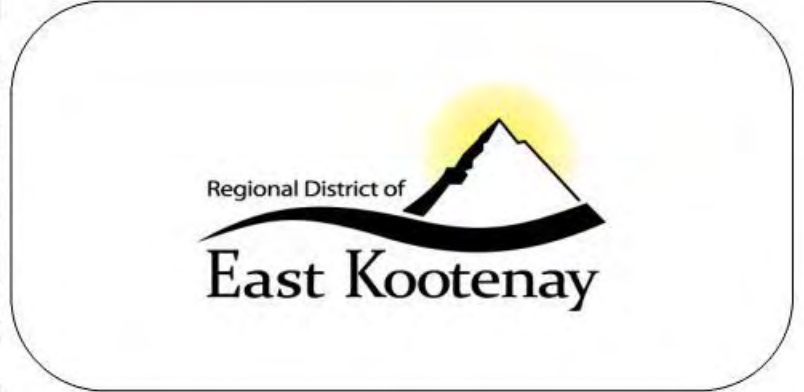
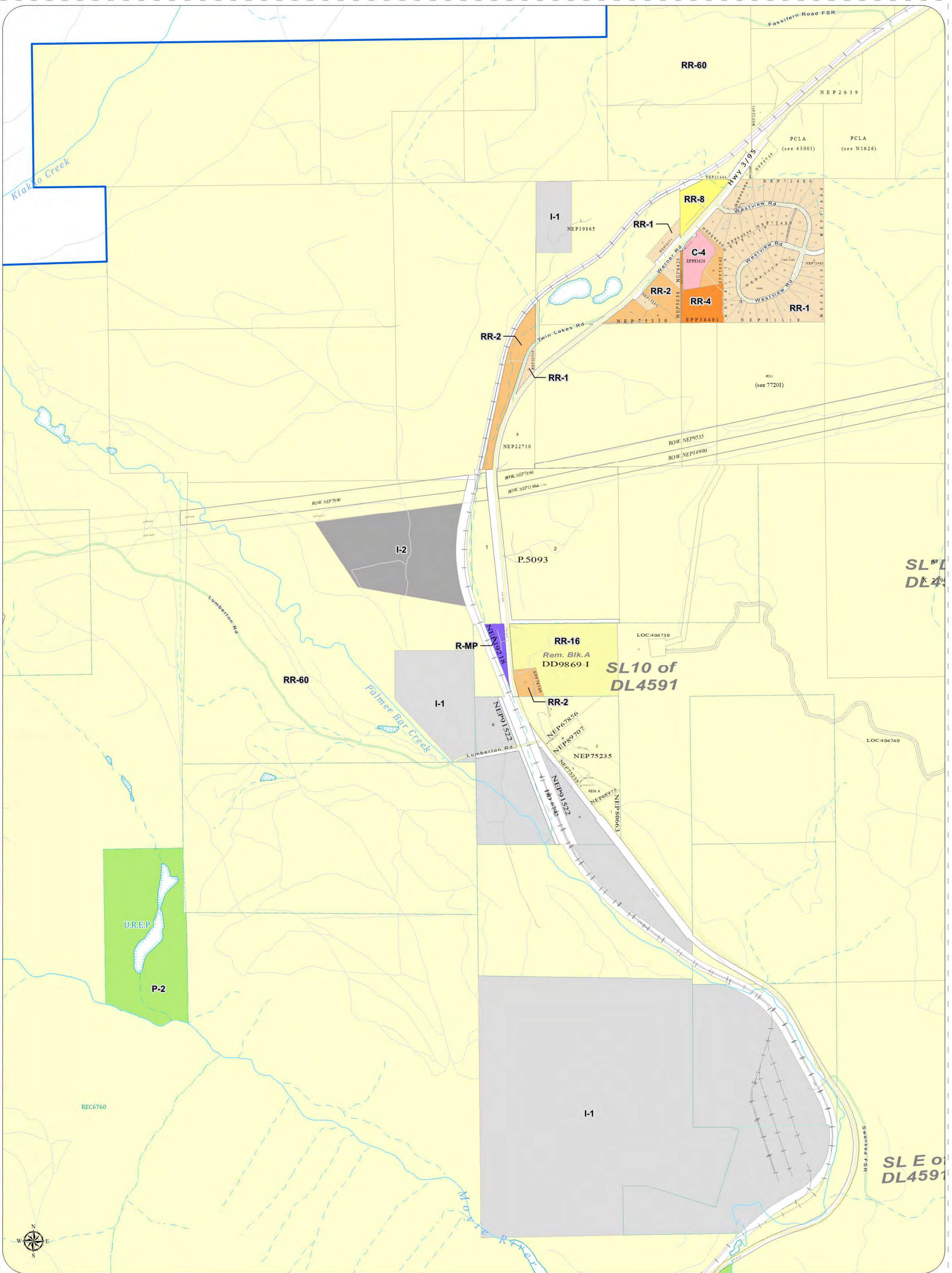
Chair _____

Corporate Officer _____ Date _____

A6

**Zoning
Cranbrook South West**

SCALE IN METERS



**Electoral Area C South
Zoning & Floodplain
Management
Bylaw No. 2913, 2019**

Legend

Residential	Rural Resource	Institutional
RS-1 Residential (Urban)	RR-60 Rural Resource	P-1 Public Institutional
RS-1(A) Residential (Semi-Rural Single Family)		P-2 Park and Open Space
RS-4 Single Family Residential (Extensive)	Commercial	P-3 Public Works and Utility
R-MP Manufactured Home Park Residential	Local Commercial	Watershed Protection
RES-1 Recreation Accommodation	C-2 General Commercial	WP-1 Watershed Protection
RES-1(A) Recreation Residential	C-3 Service Commercial	
Rural Residential	C-4 Recreation Commercial	
RR-1 Rural Residential (Estate)	C-5 Highway Commercial	
RR-2 Rural Residential (Small Holding)	Industrial	
RR-4 Rural Residential (Hobby Farm)	I-1 Light Industrial	
RR-8 Rural Residential (Country)	I-2 Gravel Extraction	
RR-16 Rural Residential (Extensive)		
		— Plan Area Boundary



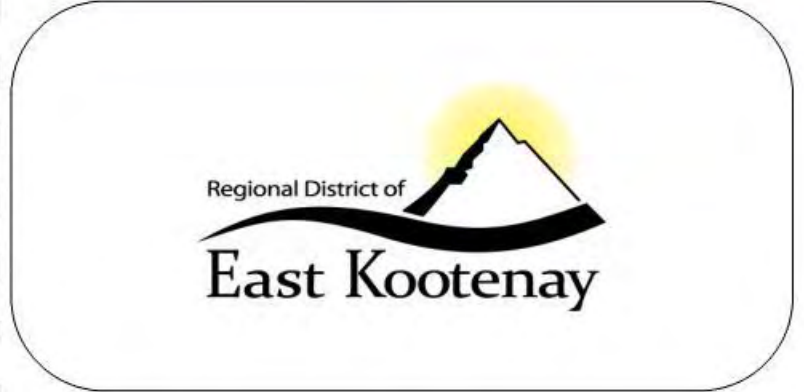
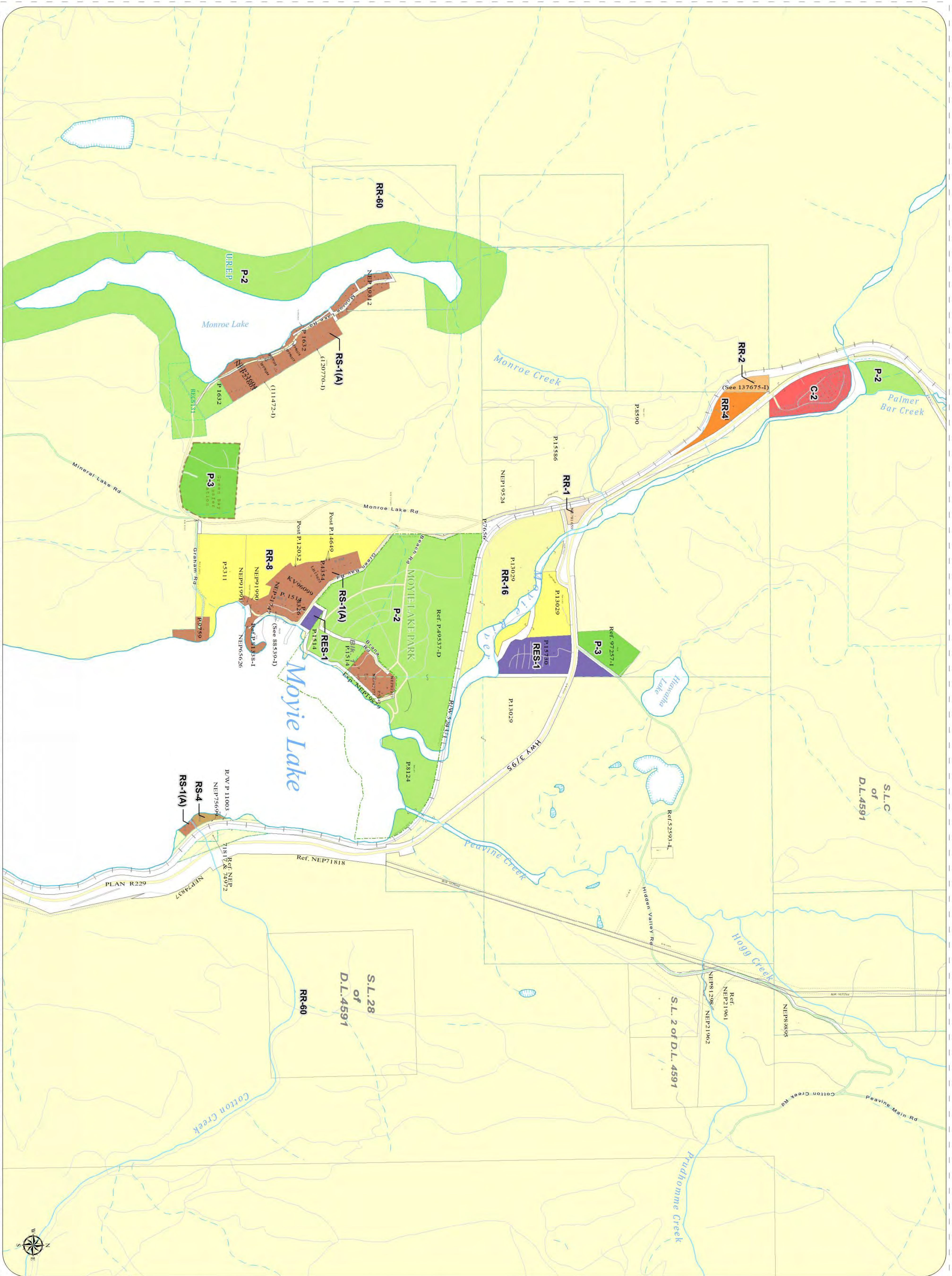
This is Schedule A7 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____
Corporate Officer _____ Date _____

A7

**Zoning
Lumberton**

SCALE IN METERS
0 100 200 300 400



**Electoral Area C South
Zoning & Floodplain
Management
Bylaw No. 2913, 2019**

Legend

- | | | |
|--|---|--|
| <p>Residential</p> <ul style="list-style-type: none"> RS-1 Residential (Urban) RS-1(A) Residential (Semi-Rural Single Family) RS-4 Single Family Residential (Extensive) R-MP Manufactured Home Park Residential RES-1 Recreation Accommodation RES-1(A) Recreation Residential <p>Rural Residential</p> <ul style="list-style-type: none"> RR-1 Rural Residential (Estate) RR-2 Rural Residential (Small Holding) RR-4 Rural Residential (Hobby Farm) RR-8 Rural Residential (Country) RR-16 Rural Residential (Extensive) | <p>Rural Resource</p> <ul style="list-style-type: none"> RR-60 Rural Resource <p>Commercial</p> <ul style="list-style-type: none"> C-2 Local Commercial C-3 General Commercial C-4 Recreation Commercial C-5 Highway Commercial <p>Industrial</p> <ul style="list-style-type: none"> I-1 Light Industrial I-2 Gravel Extraction | <p>Institutional</p> <ul style="list-style-type: none"> P-1 Public Institutional P-2 Park and Open Space P-3 Public Works and Utility <p>Watershed Protection</p> <ul style="list-style-type: none"> WP-1 Watershed Protection <p>Plan Area Boundary</p> <ul style="list-style-type: none"> — Plan Area Boundary |
|--|---|--|



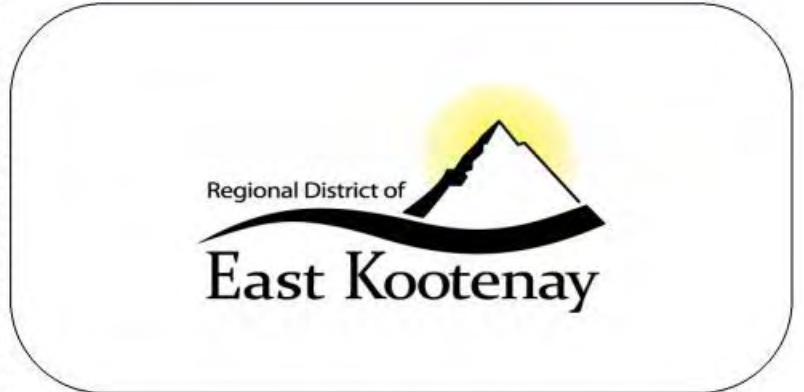
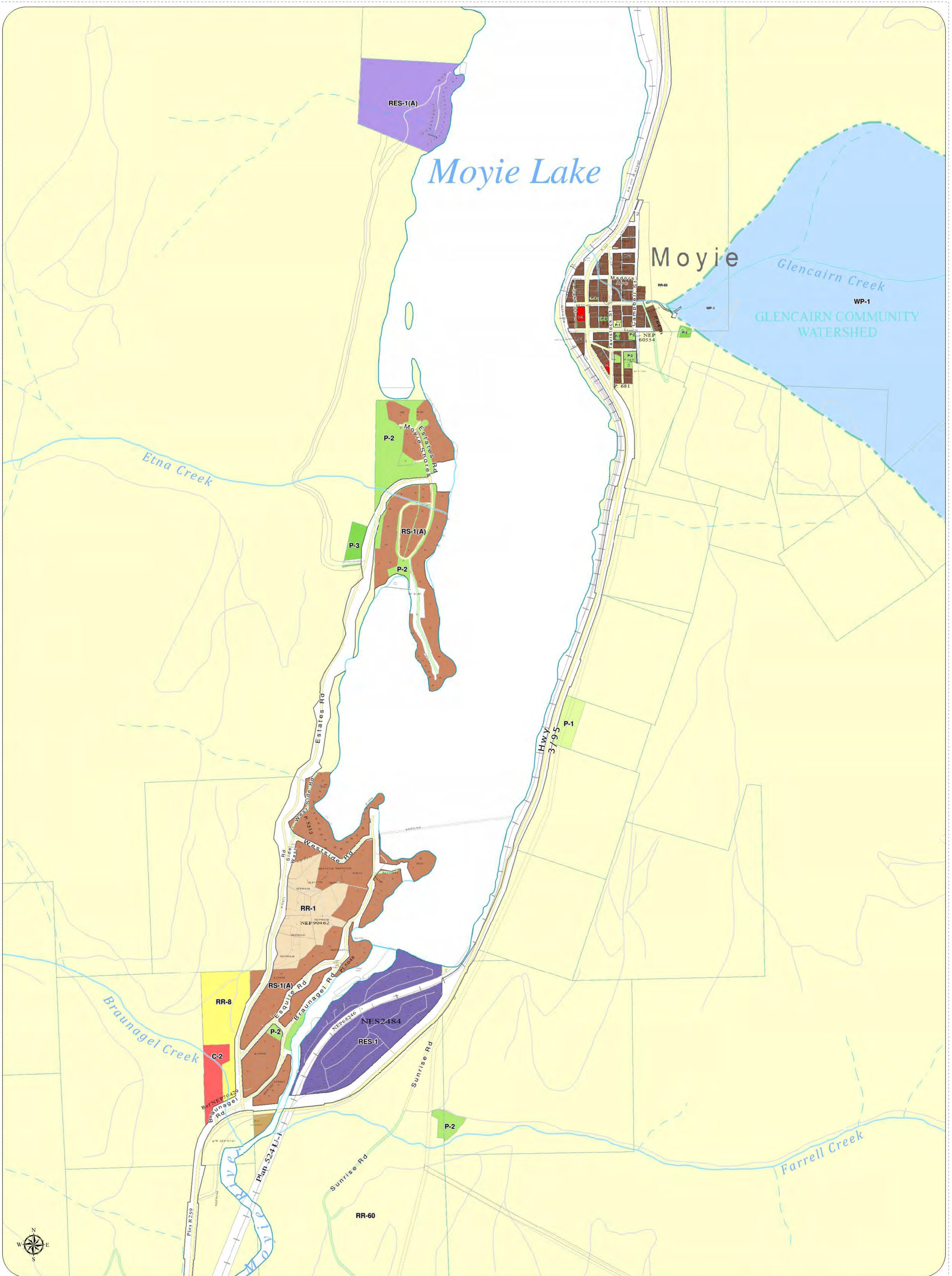
This is Schedule A8 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____

Corporate Officer _____ Date _____

A8
Zoning
Green Bay/Monroe Lake

SCALE IN METERS
0 100 200 300 400



**Electoral Area C South
Zoning & Floodplain
Management
Bylaw No. 2913, 2019**

Legend

Residential	Rural Resource	Institutional
RS-1 Residential (Urban)	RR-60 Rural Resource	P-1 Public Institutional
RS-1(A) Residential (Semi-Rural Single Family)		P-2 Park and Open Space
RS-4 Single Family Residential (Extensive)	Commercial	P-3 Public Works and Utility
R-MP Manufactured Home Park Residential	C-2 Local Commercial	Watershed Protection
RES-1 Recreation Accommodation	C-3 General Commercial	WP-1 Watershed Protection
RES-1(A) Recreation Residential	C-4 Service Commercial	
Rural Residential	C-5 Recreation Commercial	
RR-1 Rural Residential (Estate)	C-5 Highway Commercial	
RR-2 Rural Residential (Small Holding)	Industrial	
RR-4 Rural Residential (Hobby Farm)	I-1 Light Industrial	
RR-8 Rural Residential (Country)	I-2 Gravel Extraction	
RR-16 Rural Residential (Extensive)		
		— Plan Area Boundary



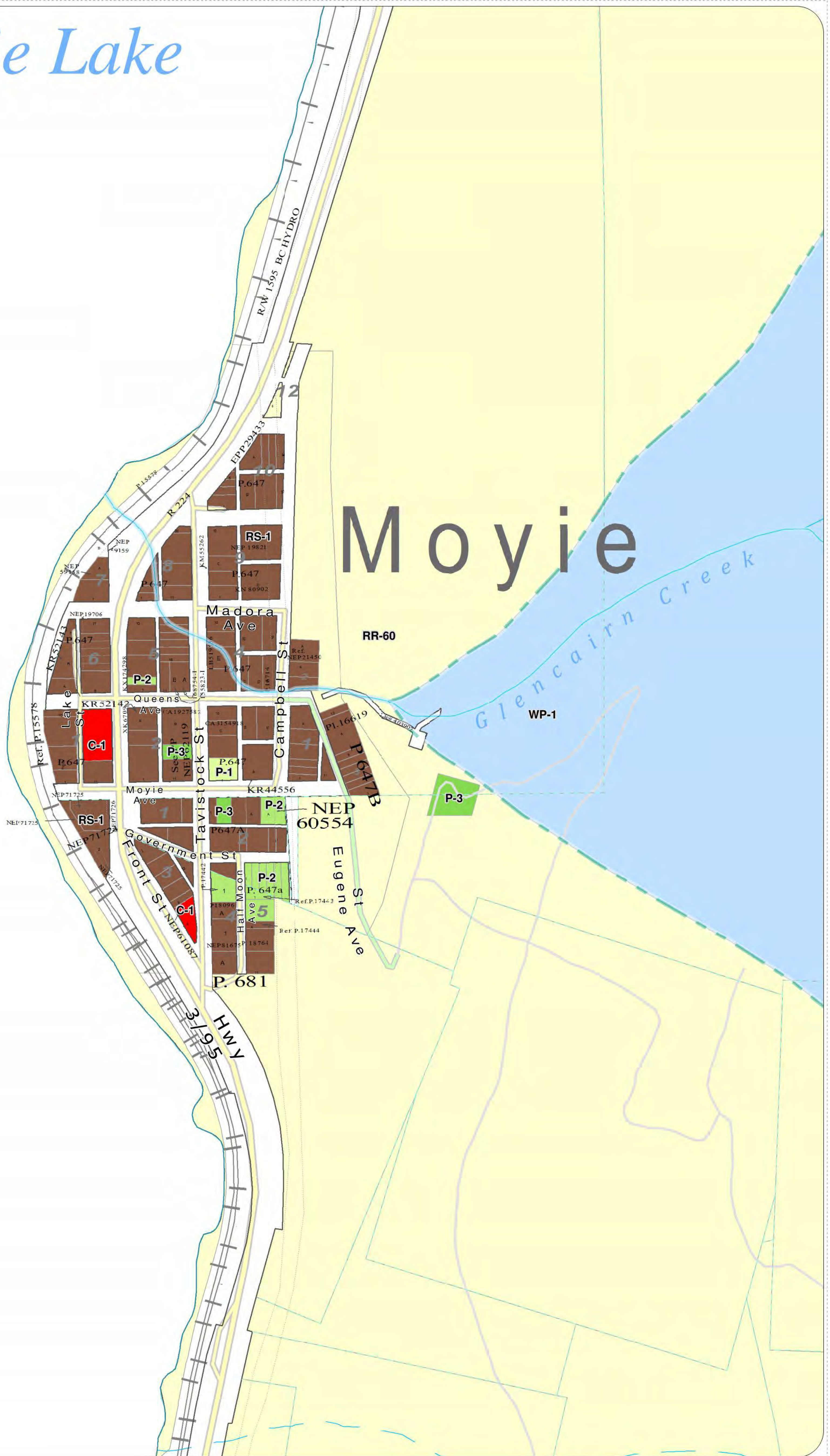
This is Schedule A10 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____
Corporate Officer _____ Date _____

**A10
Zoning
Moyie North**

SCALE IN METERS
0 50 100 200 400

Moyie Lake



Legend

Residential	Rural Resource	Institutional
RS-1 Residential (Urban)	RR-60 Rural Resource	P-1 Public Institutional
RS-1(A) Residential (Semi-Rural Single Family)		P-2 Park and Open Space
RS-4 Single Family Residential (Extensive)	Commercial	P-3 Public Works and Utility
R-MP Manufactured Home Park Residential	C-2 Local Commercial	Watershed Protection
RES-1 Recreation Accommodation	C-3 General Commercial	WP-1 Watershed Protection
RES-1(A) Recreation Residential	C-4 Service Commercial	
Rural Residential	C-5 Recreation Commercial	
RR-1 Rural Residential (Estate)	C-5 Highway Commercial	
RR-2 Rural Residential (Small Holding)	Industrial	
RR-4 Rural Residential (Hobby Farm)	I-1 Light Industrial	
RR-8 Rural Residential (Country)	I-2 Gravel Extraction	
RR-16 Rural Residential (Extensive)		
		— Plan Area Boundary



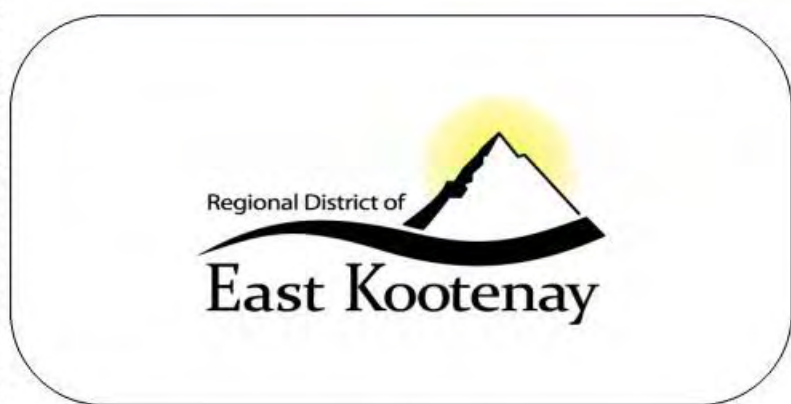
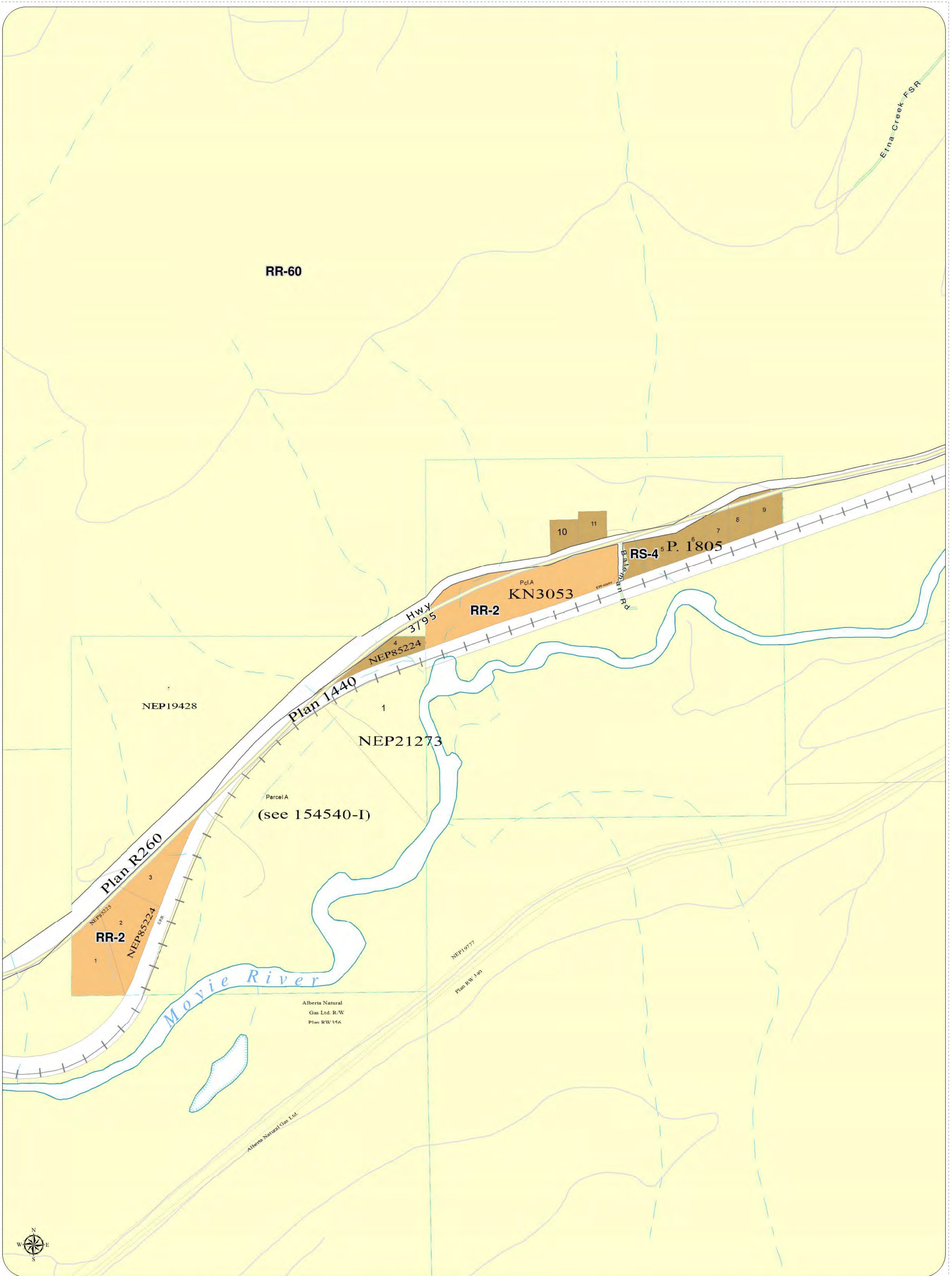
This is Schedule A11 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____
Corporate Officer _____ Date _____

**Electoral Area C South
Zoning & Floodplain
Management
Bylaw No. 2913, 2019**

**A11
Zoning
Moyie Townsite**

SCALE IN METERS
0 20 40 60 80 100



**Electoral Area C South
Zoning & Floodplain
Management
Bylaw No. 2913, 2019**

Legend

Residential	Rural Resource	Institutional
RS-1 Residential (Urban)	RR-60 Rural Resource	P-1 Public Institutional
RS-1(A) Residential (Semi-Rural Single Family)		P-2 Park and Open Space
RS-4 Single Family Residential (Extensive)	Commercial	P-3 Public Works and Utility
R-MP Manufactured Home Park Residential	C-1 Local Commercial	Watershed Protection
RES-1 Recreation Accommodation	C-2 General Commercial	WP-1 Watershed Protection
RES-1(A) Recreation Residential	C-3 Service Commercial	
Rural Residential	C-4 Recreation Commercial	
RR-1 Rural Residential (Estate)	C-5 Highway Commercial	
RR-2 Rural Residential (Small Holding)	Industrial	
RR-4 Rural Residential (Hobby Farm)	I-1 Light Industrial	
RR-8 Rural Residential (Country)	I-2 Gravel Extraction	
RR-16 Rural Residential (Extensive)		
		— Plan Area Boundary

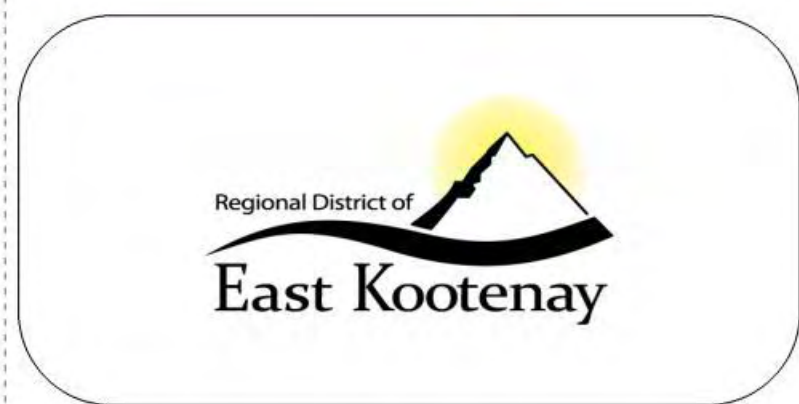
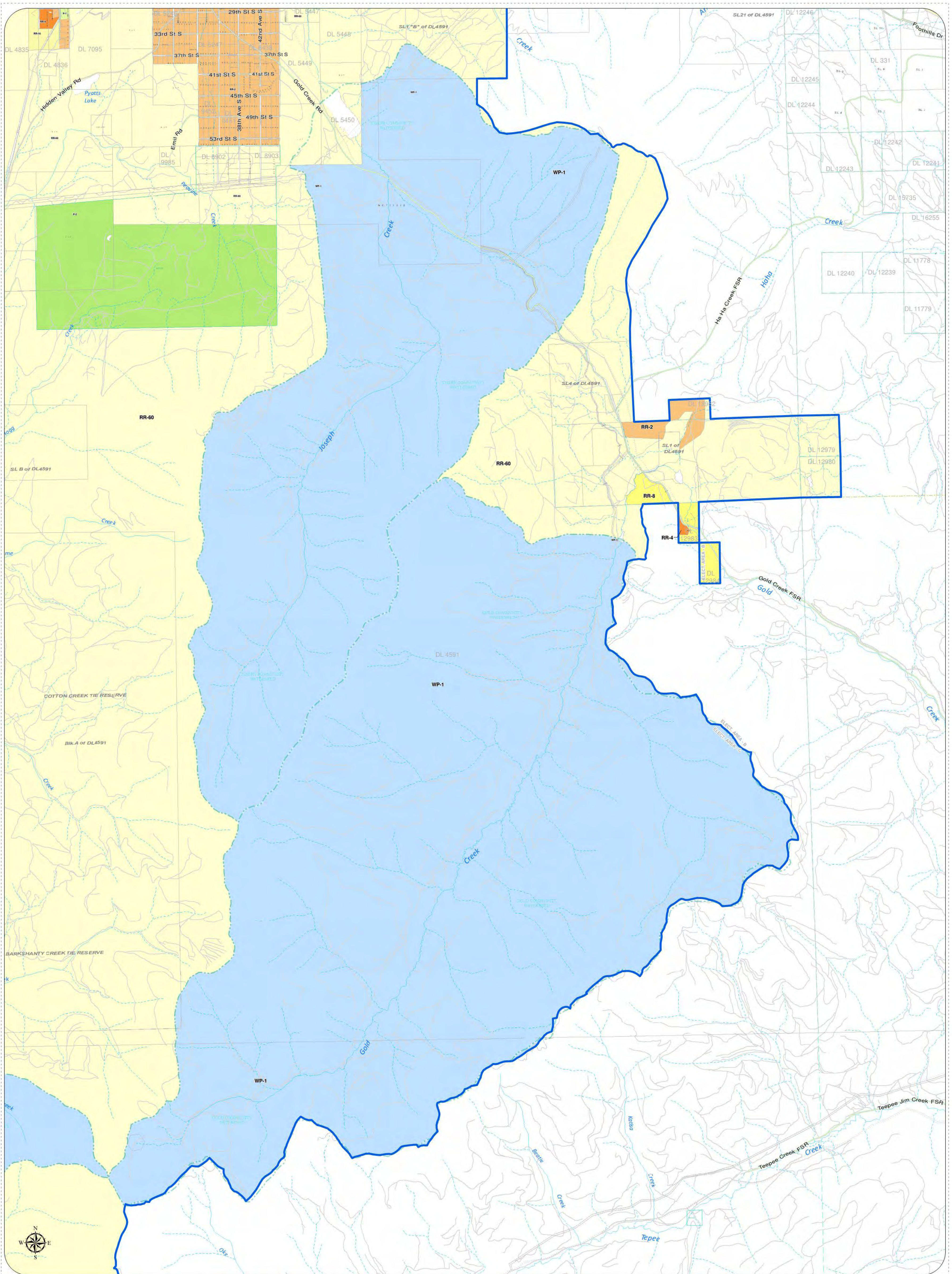


This is Schedule A12 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____
Corporate Officer _____ Date _____

A12
Zoning
Moie - South

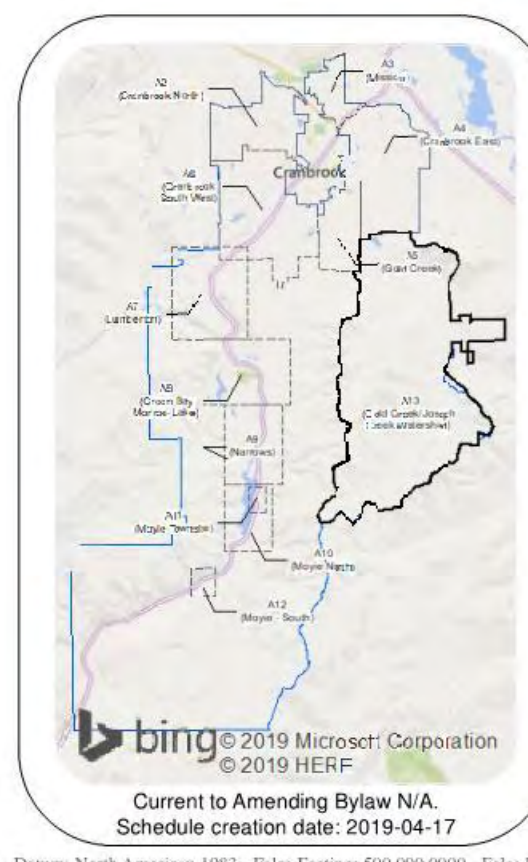
SCALE IN METERS
0 25 50 100 200



**Electoral Area C South
Zoning & Floodplain
Management
Bylaw No. 2913, 2019**

Legend

- | | | |
|--|---|--|
| <p>Residential</p> <ul style="list-style-type: none"> RS-1 Residential (Urban) RS-1(A) Residential (Semi-Rural Single Family) RS-4 Single Family Residential (Extensive) R-MP Manufactured Home Park Residential RES-1 Recreation Accommodation RES-1(A) Recreation Residential <p>Rural Residential</p> <ul style="list-style-type: none"> RR-1 Rural Residential (Estate) RR-2 Rural Residential (Small Holding) RR-4 Rural Residential (Hobby Farm) RR-8 Rural Residential (Country) RR-16 Rural Residential (Extensive) | <p>Rural Resource</p> <ul style="list-style-type: none"> RR-60 Rural Resource <p>Commercial</p> <ul style="list-style-type: none"> C-2 Local Commercial C-3 General Commercial C-4 Service Commercial C-5 Recreation Commercial C-5 Highway Commercial <p>Industrial</p> <ul style="list-style-type: none"> I-1 Light Industrial I-2 Gravel Extraction | <p>Institutional</p> <ul style="list-style-type: none"> P-1 Public Institutional P-2 Park and Open Space P-3 Public Works and Utility <p>Watershed Protection</p> <ul style="list-style-type: none"> WP-1 Watershed Protection |
|--|---|--|
- Plan Area Boundary



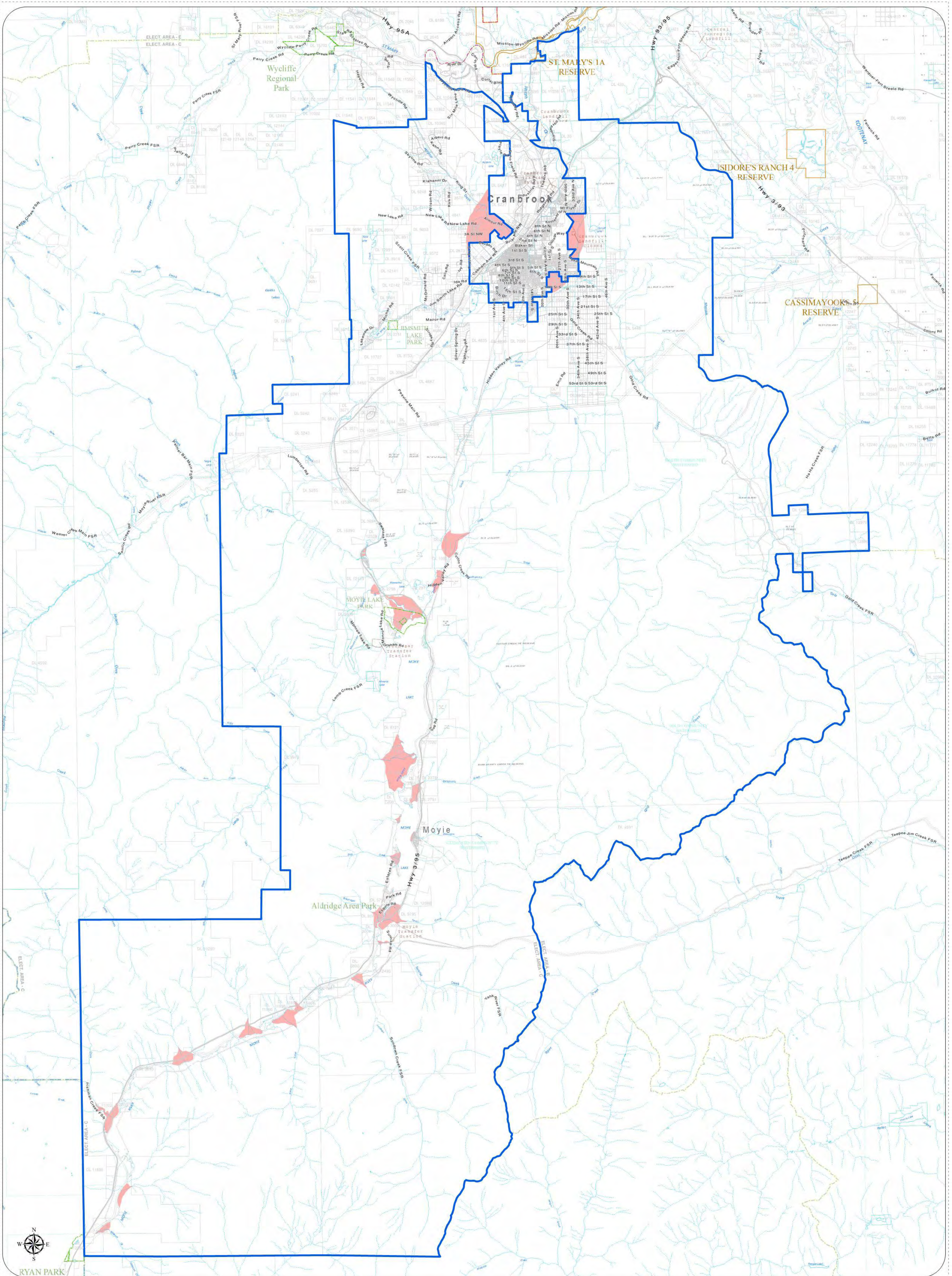
This is Schedule A13 of Bylaw No. 2913 cited as "Regional District of East Kootenay - Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____

Corporate Officer _____ Date _____

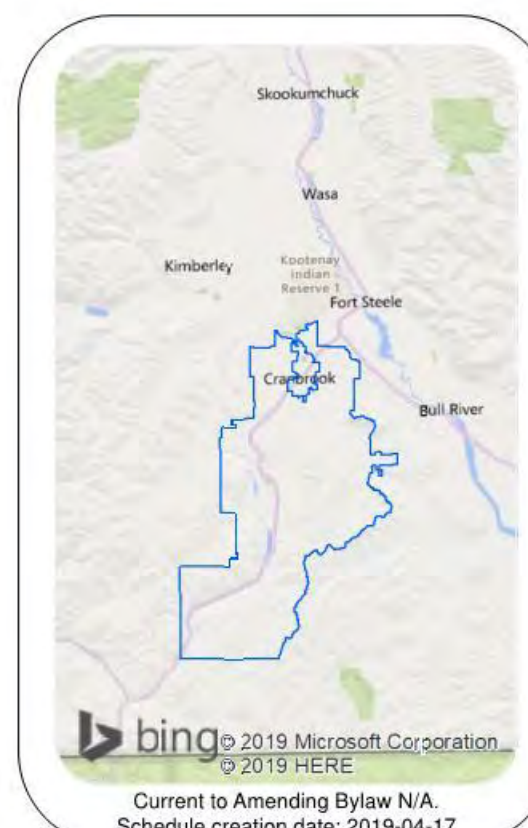
A13
Zoning
Gold Creek/Joseph Creek Watershed

SCALE IN METERS
0 30 60 120 180 240



Legend

- Alluvial Fan/Debris Torrent Fan Hazard
- Plan Area Boundary



This is Schedule B2 of Bylaw No. 2913 cited as "Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019."

Chair _____
 Corporate Officer _____ Date _____

B2
 Alluvial Fan/Debris
 Torrent Fan Hazard

SCALE IN METERS
 0 500 1,000 2,000 4,000



**Electoral Area C South
 Zoning & Floodplain
 Management
 Bylaw No. 2913, 2019**



Request for Decision

File No: P 501 306

Date April 10, 2019
Author Michele Bates, Planner
Subject Bylaw No. 2912 – Moyie & Area Official Community Plan and Bylaw No. 2913 – Electoral Area C South Zoning & Floodplain Management Bylaw

REQUEST

Introduce the Moyie & Area Official Community Plan (OCP) and Electoral Area C South Zoning & Floodplain Management Bylaw.

OPTIONS

1. a) THAT Bylaw No. 2912 cited as “Regional District of East Kootenay – Moyie & Area Official Community Plan Bylaw No. 2912, 2019” be introduced;

and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.

- b) THAT Bylaw No. 2913 cited as “Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019” be introduced.
2. a) THAT Bylaw No. 2912 cited as “Regional District of East Kootenay – Moyie & Area Official Community Plan Bylaw No. 2912, 2019” not proceed.
- b) THAT Bylaw No. 2913 cited as “Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019 not proceed.

RECOMMENDATION

Option 1.

BACKGROUND/ANALYSIS

The existing Moyie & Area Land Use Bylaw was adopted in 2008. Updating the existing bylaw to an Official Community Plan provides an opportunity to consider land use policies that reflect existing conditions and to incorporate development permits within the plan area. The land use bylaw zoning designations are proposed to be consolidated with the existing Cranbrook Rural Zoning Bylaw to create one zoning bylaw for Electoral Area C South.

An Advisory Committee was formed and met on six occasions to provide input and discuss the draft policies. The composition of volunteers held a broad range of interests and subarea representation.

OCP Overview

The OCP contains a wide range of policies relating to a number of topics including: residential, commercial and industrial, agriculture, recreation, and development permit areas. The following are key policies included in the OCP that reflect input from the public consultation process:

Residential Land Use

Between 2008 and 2011, thirteen new lots were created. Since 2011, one new lot has been created. The Land Use Bylaw has been amended fourteen times since its adoption. There has been residential development in the form of sixty-one new housing starts, with twenty-seven of those in the Westview residential area.

There is development potential on the east side of Moyie Lake as a private property owner owns four parcels totaling approximately 460 acres. The residential development may be limited however due to access and flood hazard area restrictions.

Residential infill was generally supported within the Town of Moyie.

Residential development was generally supported for approximately 40 acres at Parr and Porto Rico Road. During the consultation process, residents' feedback was not to stipulate specific parcel sizes in this area but instead to create greenspaces and provide a protective buffer adjacent to the Narrows.

Commercial and Industrial Land Use

Commercial development was supported in the town of Moyie in the form of local services, such as pubs or restaurants.

Industrial development was supported at Lumberton provided safety and aesthetic mitigation measures are taken into consideration.

Agricultural Land Use

A small portion of the plan area is within the ALR and contains two large agricultural properties. Policies within the OCP recognize support for the continued use of these lands for agricultural purposes.

Development Permit Areas

Wildfire Hazard

Wildfire Hazard Development Permits are included in the OCP as a tool to reduce the risk wildfire poses to property.

A Development Permit will be required before the placement or construction of a dwelling unit or additions to the dwelling unit which increase the floor area by an amount greater than 25%.

Moyie Lake & Monroe Lake Shoreline

Survey responses and public consultation illustrated that protection of Moyie Lake and Monroe Lake was important to the community. Inclusion of a requirement for Development Permits for the Monroe and Moyie Lake shorelines was supported during the OCP process and have been included in the OCP.

Zoning Bylaw Overview

Zoning designations and permitted uses were not changed during consolidation of the land use bylaw and zoning bylaw; however, the Cranbrook Rural area will now permit detached secondary suites. Amending the zoning bylaw to allow detached secondary suites is supported in the Rockyview OCP.

SPECIFIC CONSIDERATIONS

Regional Sustainability Strategy

Environment

4.3.1 Environmentally Sensitive Areas

The RDEK will:

- a) Consider identification and designation of ESA development permit areas in all Official Community Plans; such areas may include sensitive shorelines, rare and endangered habitat, and regionally significant ecosystem features;

Community Planning

6.3.2 Planning & Zoning

The RDEK will work to ensure that:

- a) All private land in the RDEK is covered by an Official Community Plan and zoning bylaw;
- b) Official Community Plans, land use and other development regulations are regularly reviewed in order to implement best practices and refresh the community's vision.

Community Planning

6.3.3 Corporate

RDEK staff will:

- b) Coordinate inter-departmental referrals to improve the management of a range of related planning issues including invasive plants, emergency management, structural fire protection, interface fire, greenspace dedication and infrastructure services.

Climate & Energy

10.3.3 Community Planning

- b) Consider adding interface fire and floodplain management development permit areas to Official Community Plans to help mitigate the impacts of a changing climate.

Strategic Priority

This project is included in the Board's 2017/18 list of strategic priorities.

Bylaws

Should the bylaws be adopted the following bylaws would be repealed:

- Cranbrook Rural Zoning Bylaw No. 1402, 2001
- Moyie and Area Land Use Bylaw No. 2070, 2008
- Cranbrook Rural Floodplain Management Bylaw No. 1557, 2001

Previous Board Action

December 1, 2017 / Resolution 47415

THAT Joan Bray be appointed to the Moyie & Area Official Community Plan Advisory Group.

August 4, 2017 / Resolution 47214

THAT the following individuals be appointed to the Moyie & Area Official Community Plan Advisory Group: Harvey Bombardier, Brian Conrad, Murray Evenson, Joan Poweska, Alec Rogers, Steve Rogers.

April 7, 2017 / Resolution 46953

THAT preparation of an Official Community Plan for Moyie and Area as outlined in the March 14, 2017 Request for Decision Proceed; and further, that the zoning provisions of the Moyie & Area Land Use bylaw be consolidated with the Cranbrook Rural Zoning Bylaw.

Financial

The inclusion of new Development Permit Areas will increase application processing in the Planning & Development Services and Building & Protective Services Departments of the Regional District. There are no immediate impacts to the financial plan.

Heritage Resources

The OCP includes policies to address archeological and other heritage resources.

Public Consultation & Referrals

The public consultation process for the OCP & Zoning Bylaw included:

- 2 Surveys
- 4 Newsletters
- 6 Advisory Group Meetings
- Introductory Meeting
- Planning Workshop
- Narrows Meeting
- Open House
- 7 week public comment period

A public hearing will be held as part of the formal bylaw adoption procedure and is another opportunity to gather feedback from the public.

Referrals for Bylaw 2912 and 2913 were sent on March 1, 2019, with an April 1st response deadline, to the following agencies:

- Interior Health Authority
- Ministry of Transportation & Infrastructure
- MFLNRORD – Environmental Protection
- MFLNRORD – Water Stewardship
- MFLNRORD – Environmental Stewardship
- MFLNRORD – Land Authorizations
- MFLNRORD – Resource Management
- MFLNRORD – Recreation & Trails
- Energy and Mines
- Ministry of Agriculture
- Agricultural Land Commission
- Parks & Protected Areas
- Community, Sport & Cultural Development
- Ktunaxa Nation Council – *see attached*
- School District #5
- TransCanada Pipelines

The Regional District received responses from MoTI, MFLNRORD, Ministry of Agriculture, Ktunaxa Nation Council and TransCanada Pipelines.

MoTI stated that their interests were unaffected as this time.

MFLNRORD requested confirmation that the grizzly bear habitat was included in the Species at Risk mapping. Staff confirmed that it was.

The Ministry of Agriculture identified items to consider for both bylaws to ensure that they are consistent with the Ministry's objectives, new ALC regulations and the relevant Provincial legislation (see attached).

KNC requested involvement in the proposed Archaeological Overview Assessment.

TransCanada Pipelines requested they be kept informed of other land use applications within proximity to their pipelines and facilities. TransCanada Pipelines' GIS infrastructure information was also provided to the Regional District.

First Nations Consultation

Section 475 of the *Local Government Act* establishes that early and ongoing consultation with First Nations is a required component of an OCP. Consultation with the Ktunaxa Nation Council included initial correspondence, follow up email and formal bylaw referral.

Attachments:

Ministry of Agriculture Bylaw Referral Response
Bylaw No. 2912 and Bylaw No. 2913



Public Hearing Report – Bylaw No. 2915 Miscellaneous Amendments / RDEK

This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 2915 cited as “Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 - Amendment Bylaw No. 19, 2019 (Miscellaneous Amendments / RDEK)” was held on May 28, 2019 at 4:00 pm at Centennial Hall in Kimberley.

The following Regional District representatives attended the public hearing:

Director Jane Walter, Electoral Area E
 Director Don McCormick, City of Kimberley
 Karen MacLeod, Planner

The notice for the hearing was published in the May 22 and May 23, 2019 issues of the Kimberley Bulletin and in the May 23, 2019 issue of the East Kootenay Extra.

Staff provided an overview of the amending bylaw and there was a question and answer period before the hearing.

Chair Walter convened the hearing at 5:10 pm and Regional District representatives were introduced.

Chair Walter advised those in attendance:

- to identify themselves and the property they own that may be affected by the Bylaw;
- that only those written and/or verbal presentations made at the hearing will be considered as part of the hearing report;
- that no written or verbal submissions will be allowed subsequent to the close of this hearing.

Bylaw No. 2915 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 19, 2019 (Miscellaneous Amendments 2019 / RDEK).”
2. The Bylaw includes the following amendments:
 - Interpretation Section – shift information on how height is calculated to the interpretation section of the Bylaw.
 - Definitions Section – amendments to reflect the federal *Cannabis Act*, consistency of terminology related to for commercial accommodations, and consistency of the definition with the Unsightly Premises Bylaw for derelict vehicles.
 - General Regulations Section – changes to reflect the federal *Cannabis Act*, inclusion of a new section clarifying the permissible heights for buildings and structures with single pitch roofs (e.g. shed roofs) or flat roofs and how the height will be calculated, changes to the setback requirements for agricultural uses to

reflect consistency with the Provincial Minister's Bylaw Standard, changes to reflect amendments to the *Agricultural Land Commission Act* and associated regulations pertaining to permitted residential uses within the Agricultural Land Reserve, and inclusion of a new property specific regulations section which consolidates all parcel specific permitted uses.

- Parcel Area Requirements – amendments to reduce the size requirement for common lot access parcels within a fee simple subdivision.
- Parking Requirements – amendments to include requirements for the size and number of disabled off-street parking spaces and updates for cannabis related uses.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its June 7, 2019 meeting.

No written submission were received prior to the hearing.

Fourteen members of the public attended the hearing.

Director Walter called three times for comments and since no members of the public chose to speak, Chair Walter adjourned the hearing at 5:12 pm.

Chair Jane Walter
Electoral Area E

Karen MacLeod
Planner

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2915

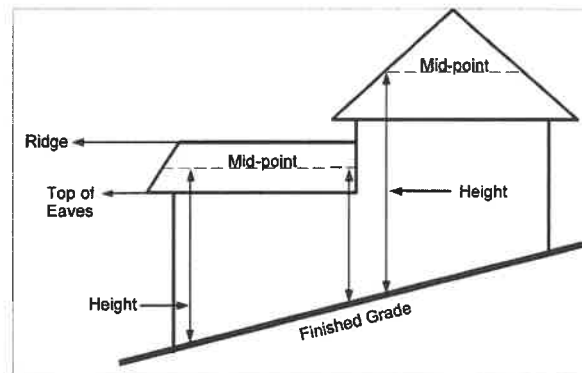
A bylaw to amend Bylaw No. 2502 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014."

WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 2502;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 19, 2019 (Miscellaneous Amendments 2019 / RDEK)."
2. Section 3.2 is amended by adding the following:
 - (6) The maximum permitted height of *buildings* and *structures* is calculated by measuring the vertical distance from the *finished grade* of the *building* or *structure* to the mid-point between the eaves and ridge of the primary roof or roofs. Height is shown in the diagram below:



When the architectural design of the primary roof or roofs does not include a roof ridge, the maximum permitted height of the *building* or *structure* shall be calculated in accordance with section 1.11 (6) of Schedule A to this Bylaw.

3. Section 3.3 is amended by deleting the definitions of cannabis, derelict vehicle, farm operation, height, hotel, lodge, medical marihuana, medical marihuana production facility and sleeping unit and adding the following:

Cannabis means the substance set out in Schedule 1 of the *Cannabis Act (Canada)*.

Cannabis production facility means a facility for the cultivation, processing, destruction, shipping and direct marketing of *cannabis*. A facility may also conduct research or testing of *cannabis*.

Derelict vehicle means any *vehicle* no longer in road worthy condition, in a state of disrepair, wrecked or in the process of being dismantled, or which is not licenced and insured in the current calendar year, but does not include *vehicles* stored in *buildings*.

Farm Operation means 'farm operation' as defined in the *Farm Practices Protection (Right to Farm) Act*, but does not include growing, producing, cultivating, processing or direct marketing of *cannabis*.

Flat roof means the roof of a *building* or *structure* for which the slope of the roof is equal to or less than 9 degrees.

Hotel means a *building* or part wherein accommodation is provided for transient paying guests. Entrance and exit ways are shared and the *building* may include public areas such as a lobby, restaurant, meeting, entertainment and recreation facilities.

Lodge means a *building* that provides temporary accommodation for the exclusive use of operators and transient paying guests of a *guest ranch, rural retreat, or wildland use*. A *lodge* may include facilities for sleeping, cooking, communal dining, meeting, recreation and sanitation.

Sleeping unit means one or more *habitable rooms* used for temporary accommodation of a person or persons.

4. Schedule A Section 1.10 (2) and (6) are repealed and the following substituted:

- (6) *Buildings and structures for a cannabis production facility must be sited not less than:*
- (a) 15.0 m from a *front parcel line*;
 - (b) 15.0 m from a *side parcel line* common to another *parcel or parcels*;
 - (c) 30.0 m from an *exterior parcel line* common to a *highway*;
 - (d) 30.0 m from a *rear parcel line*.

5. Schedule A Section 1.11 (5) is repealed and the following substituted:

- (5) *Buildings and structures used for a cannabis production facility where a cannabis production facility is a permitted use are exempt from the height requirements of this Bylaw.*

6. Schedule A Section 1.11 is amended by adding the following:

- (6) The maximum permitted height of *buildings and structures* that are not exempt from the height regulations of Schedule A to this Bylaw and for which the architectural design includes a roof or roofs that does not include a roof ridge must be in accordance with the following:
- (a) *Single pitch roof buildings and structures* must not exceed 1.5 m above the permitted maximum height in the applicable zone for the *building or structure* measured from *finished grade* to the top of each wall that abuts the underside of the roof structure.
 - (b) *Flat roof buildings and structures* must not exceed the maximum permitted height in the applicable zone measured from *finished grade* to the top of the roof structure.

For *buildings and structures* that include additional primary roof types not identified above, the maximum height of any primary roof(s) that includes a roof ridge shall be calculated in accordance with section 3.2 (6) of this Bylaw.

7. Schedule A Section 1.14 is amended by adding the following:

- (3) *Within the Agricultural Land Reserve a dwelling unit for a relative requiring care is subject to requirements of the Agricultural Land Commission Act and Agricultural Land Reserve Use Regulation.*

8. Schedule A Section 1.20 is repealed and the following substituted:

- (1) *Where all or part of a parcel is located within the Agricultural Land Reserve activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted on the parcel. In addition to the farm use activities, those uses approved by the Provincial Agricultural Land Commission as accessory to the farm use for that parcel are also permitted.*
- (2) *Where a parcel is not in the Agricultural Land Reserve, is located in a zone that permits farm operation and the parcel is assessed as farm under the Assessment Act, activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted in conjunction with the farm operation.*
- (3) *Uses permitted in sections 1.20 (1) and (2) are subject to all applicable farm operation regulations contained elsewhere in this Bylaw.*

(4) *Buildings or structures* that are used for *farm operations* shall be sited in accordance with the following:

- (a) Mushroom barns must be sited a minimum of 7.5 m from all *parcel lines*.
- (b) The required minimum *setback* for *buildings or structures* used as principal *farm buildings or structures*, or animal containment for the following types of agricultural uses is identified in the table below:
- Dairying
 - Livestock, including farmed game
 - Fur farming
 - Poultry

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK	
	From all <i>parcel lines</i>	From domestic water intake (well or spring)
<i>Confined livestock area</i>	30.0 m	30.0 m
All other uses	15.0 m	30.0 m

- (c) *Buildings or structures* used for *farm operations* for types of agricultural use not identified in sections 1.20 (4) (a) or (b) must be sited a minimum of 4.5 m from all *parcel lines*.
- (d) All *farm operation buildings or structures* that contain boilers or walls with fans must be sited a minimum of 15.0 m from all *parcel lines*.
- (e) The required minimum setback for *farm buildings and structures* from the *ordinary high water mark* of a lake or watercourse is identified in the table below:

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK
	From <i>ordinary high water mark of lake or watercourse</i>
<i>Confined livestock area - less than 10 animal units</i>	15.0 m
<i>Confined livestock area - more than 10 animal units</i>	30.0 m
Mushroom barn	15.0 m
Livestock barn or <i>livestock shelter</i>	15.0 m
Milking facility	15.0 m
Stable	15.0 m
<i>Poultry barn</i>	15.0 m

- (f) *Buildings or structures* that are used for the storage of agricultural liquid or solid waste, such as manure, must be located:
- (i) a minimum of 30.0 m from domestic water supply intakes, such as a well or spring; and
 - (ii) a minimum of 15.0 m from the *ordinary high water mark* of lakes and *watercourses*.

9. Schedule A Section 1.21 (1) is amended by adding the following:

- (k) Within the *Agricultural Land Reserve secondary suites* are subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

10. Schedule A Section 1.25 (3) is repealed and the following substituted:

- (3) *Secondary dwelling unit for farm hand* is not permitted accessory to a *cannabis production facility*.
- (4) Within the *Agricultural Land Reserve* a *secondary dwelling unit for farm hand* necessary for farm use is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

11. Schedule A is amended by repealing Section 1.27 and adding the following:

1.27 CANNABIS PRODUCTION FACILITY

Subject to all applicable regulations contained elsewhere in this Bylaw, *cannabis production facility* is a permitted use on parcels within the *Agricultural Land Reserve* subject to the *Agricultural Land Reserve Use Regulation* and those parcels that are located within a zone where it is identified as a permitted use.

12. Schedule A is amended by adding the following:

1.28 PROPERTY SPECIFIC REGULATIONS

- (1) Despite the use and density regulations contained elsewhere in this Bylaw:
 - (a) On Lot 1, District Lot 3000, Kootenay District, Plan 13737, post office is permitted accessory to a *dwelling unit*.
 - (b) On Lot 4, District Lot 342, Kootenay District, Plan 6893, the keeping of not more than four miniature equine species and two turkeys is permitted.
 - (c) On Lot A, District Lots 332 and 3040, Kootenay District, Plan 22110 and District Lot 3040 except Plan NEP 2211, *residential treatment centre* is permitted.
 - (d) On Lot A, District Lot 264, Kootenay District, Plan NEP21117, *wireless communication facility* is a permitted.
- (2) Despite the definitions contained within section 3.3 of this Bylaw:
 - (a) On Strata Lot 1 and Strata Lot 2, District Lot 264, Kootenay District, Plan NES3166, the *dwelling units of duplex* may be separated by a *common wall* adjoining two *garages*.

13. Schedule A Section 2.03 (1) is amended by adding the following:

- (h) involves the creation of a *parcel* to be utilized as a *common lot* for access in a fee simple subdivision provided the parcel will be registered as a *common lot* pursuant to section 12 of the *Land Title Act Regulation 334/79*.

14. Schedule A Section 3.01 (1) (10) is repealed.

15. Schedule A is amended by adding the following:

3.01(A) DISABLED PARKING SPACES

- (1) All off-street parking areas containing more than 10 but fewer than 51 *off-street parking spaces* must include a minimum of one *off-street parking space* for persons with disabilities. One additional *off-street parking space* for persons with disabilities is required for each additional 50 parking spaces or portion thereof up to a maximum of 5 dedicated *off-street parking spaces* for disabled persons.
- (2) *Off-street parking spaces* for persons with disabilities must be located as close to a disabled accessible main entrance of the *principal building* as possible.

- (3) *Off-street parking spaces* for persons with disabilities must be clearly marked with stall parking signage mounted 1.0 to 1.5 m above ground level to indicate exclusive use for disabled persons.
- (4) Each *off-street parking space* for persons with disabilities must have a firm, slip-resistant and level surface.

16. Schedule A Section 3.02 (1) (f) is repealed and the following substituted:

- (f) *Cannabis production facility*
 - 1 per 30 m² of office use, plus
1 per 185 m² of *gross floor area* for all other uses enclosed within a *building*

17. Schedule A Section 3.03 is amended by adding the following:

- (7) Each required *off-street parking space* for persons with disabilities must be a minimum of 4.0 m in width and 6.0 m in length exclusive of aisle access.

18. Schedule A Sections 4.03 (2) (e), (4) (b) and (4) (c) are repealed.

19. Schedule A Section 4.06 (4) (c) is repealed.

20. Schedule A Section 4.24 (1) (g) is repealed and the following substituted:

- (g) *Cannabis production facility.*

21. Schedule A Section 4.25 (4) (c) is repealed.

22. Schedule A Section 4.27 (1) (l) is repealed.

READ A FIRST TIME the 3rd day of May, 2019.

READ A SECOND TIME the 3rd day of May, 2019

READ A THIRD TIME the day of , 2019.

APPROVED by the Ministry of Transportation and Infrastructure the day of , 2019.

Print Name: _____

Signature: _____

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

Request for Decision

P 037 943

Date April 29, 2019
Author Karen MacLeod, Planner
Subject Bylaw No. 2915 – Miscellaneous Amendments – Electoral Area E Zoning & Floodplain Management Bylaw

REQUEST

Introduce Bylaw No. 2915.

OPTIONS

1. THAT Bylaw No. 2915 cited as Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 19, 2019 (Miscellaneous Amendments 2019 / RDEK)” be introduced.
2. THAT Bylaw No. 2915 cited as Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 19, 2019 (Miscellaneous Amendments 2019 / RDEK)” not proceed.

RECOMMENDATION

Option 1.

BACKGROUND

The RDEK is undertaking another round of zoning bylaw ‘Miscellaneous Amendments’ or housekeeping. The amendments are a chance to make changes to ensure consistency between bylaws and ensure that the regulations reflect current best practice.

ANALYSIS

A brief overview of the changes that are included in the attached bylaw and the rationale is provided below:

- Interpretation Section – information on how height is calculated is moved from the Definitions section to the Interpretation section of the Bylaw. There are no changes proposed to how height is calculated for most buildings; however, a new section is being added under the General Regulations to clarify how the height of single pitch or flat roofs are calculated for the purpose of determining maximum permitted height.
- Definitions Section:
 - Changes to reflect the federal *Cannabis Act*. Reference to ‘medical marihuana’ is removed and substituted with ‘cannabis’.

- Definitions Section (cont'd):
 - There are no changes proposed to where cannabis production is permitted. The retail sale of cannabis is subject to a site specific amendment application under current RDEK policy.
 - Consistency of terminology within the Bylaw for commercial accommodations. A recent legal review on another RDEK zoning bylaw highlighted the importance of consistency unless another meaning is intended. As such, commercial accommodation definitions are being amended to reflect that the guests are 'transient paying guests'.
 - Consistency of the 'derelict vehicles' definition with the Unsightly Premises Bylaw. Ensuring that different RDEK bylaws are consistent assists with enforcement action and clarity residents.
- General Regulations Section:
 - Changes to reflect the federal *Cannabis Act* instead of previous regulations pertaining to medical marihuana and updates to the ALR Regulation relating to production of cannabis.
 - New section clarifying the permissible heights for buildings and structures with single pitch roofs (e.g. shed roofs) or flat roofs and how the height will be calculated.
 - Changes to the setback requirements for agricultural uses to reflect consistency with the Provincial Minister's Bylaw Standard. A recurring bylaw referral comment from the Ministry of Agriculture has been that the RDEK setbacks were often excessive. The reason for this was that the RDEK standard was drafted prior to the provincial standards.
 - Changes to reflect amendments to the *Agricultural Land Commission Act* and associated regulations pertaining to permitted residential uses within the Agricultural Land Reserve. The provincial government has recently made a number of changes to the Act and Regulations under Bill 52 related to residential uses in the ALR. Staff has identified a number of RDEK regulations where reference to the Act and Regulations provide greater clarity.
 - Inclusion of a new property specific regulations section which consolidates all parcel specific permitted uses. Section 1.28 is proposed to include all site specific permitted uses rather than have them included in each individual zone.
- Parcel Area Requirements – amendments to reduce the size requirement for common lot access parcels within a fee simple subdivision. The RDEK is seeing more subdivision application referrals where access to individual parcels is proposed to be via a shared common parcel rather than a dedicated road. The proposed amendment will allow for this to occur without applicants needing to apply for a variance to the Bylaw.
- Parking Requirements:
 - Inclusion of requirements for the size and number of disabled off-street parking spaces. The current bylaw includes a minimum requirement for disabled off-street parking, but relied on the BC Building Code for further requirements and specifications on the size of the parking space. Recent amendments to the Building Code removed the requirements, so inclusion of comparable requirements in the zoning bylaw is required to ensure that disabled parking spaces are still provided.

SPECIFIC CONSIDERATIONS

Public & First Nations Consultation (Referrals)

Referrals for Bylaw 2915 were sent on March 4, 2019 to the following agencies:

- **Interior Health Authority**
- Ministry of Transportation & Infrastructure
- **Ministry of Community, Sport and Cultural Development**
- Ministry of Agriculture
- Agricultural Land Commission
- Ktunaxa Nation Council
- St. Mary's Indian Band
- School District No. 6
- City of Kimberley

Comments from referral agencies had a reply deadline of April 16, 2019. Agencies that responded to the referral are highlighted in bold and had no concerns or comments related to Bylaw 2915.

The Ministry of Agriculture identified two concerns with the proposed Bylaw. The first concern is that the bylaw does not identify a single zone for all parcels within the ALR where agriculture is the primary identified use. The response identifies that this as the ideal scenario and staff concurs. This approach would need significant consideration about impacts on property owners and the RDEK and is outside the scope of a housekeeping process. The second concern relates to a recent provincial change to adding more restrictions on permitted residential uses in the ALR. The bylaw amendment recognizes these restrictions by referencing the Act and Regulation in the general regulations section of the bylaw rather than in each individual zone. The bylaw is structured to consolidate these types of notations that apply to all zones in the general regulation section.

At the March 12, 2019 Electoral Area E Advisory Planning Commission meeting, Bylaw No. 2915 was presented by staff, discussed and supported.

Attachments

1. Bylaw No. 2915 - Regional District of East Kootenay – Electoral Area E Zoning & Floodplain Management Bylaw No. 2502, 2014 Amendment Bylaw No. 19, 2019 (Miscellaneous Amendments 2019 / RDEK)
2. Ministry of Agriculture - Bylaw Referral Response April 9, 2019



Public Hearing Report – Bylaw No. 2917 Meadowbrook / Kelly

This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 2917 cited as “Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 - Amendment Bylaw No. 20, 2019 (Meadowbrook / Kelly)” was held on May 28, 2019 at 4:00 pm at Centennial Hall in Kimberley.

The following Regional District representatives attended the public hearing:

Director Jane Walter, Electoral Area E
 Director Don McCormick, City of Kimberley
 Karen MacLeod, Planner

The notice for the hearing was published in the May 22 and May 23, 2019 issues of the Kimberley Bulletin and in the May 23, 2019 issue of the East Kootenay Extra. Eight (8) notices were sent to neighbouring property owners and occupiers on May 3, 2019 by regular mail with one notice returned as undeliverable.

Staff provided an overview of the amending bylaw and there was a question and answer period before the hearing.

Chair Walter convened the hearing at 4:38 pm and Regional District representatives were introduced.

Chair Walter advised those in attendance:

- to identify themselves and the property they own that may be affected by the Bylaw;
- that only those written and/or verbal presentations made at the hearing will be considered as part of the hearing report;
- that no written or verbal submissions will be allowed subsequent to the close of this hearing.

Bylaw No. 2917 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 20, 2019 (Meadowbrook / Kelly)”.
2. The designation of Lot 2, District Lot 2711, Kootenay District, Plan NEP89848 is amended from RR-8, Rural Residential (Country) Zone to RR-2, Rural Residential (Small Holding) Zone.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its June 7, 2019 meeting.

Two written submission were received prior to the hearing. Generally speaking, the letters express concerns about impacts to the water table, possible incompatibility with surrounding agricultural uses, access to proposed future lots, as well as concern that subdivision of the large acreages in Meadowbrook could make the area seem more like a suburb of Kimberley (letters attached).

Seventeen members of the public and the agent for the proponent attended the hearing and the following people spoke:

Bob Johnstone, 7839 Clarricoates Road - Identified that the OCP needs to be considered. Proposals for smaller and smaller parcels in the Meadowbrook area. The proposed parcels may be five acres but there is the potential for water issues and availability. Water servicing is not dealt with until the subdivision process which is too late. He stressed the importance of doing a groundwater study for the Meadowbrook area.

Corey Hammill, 8244 Highway 95A - Concerned about parcel sizes and impact on water resources. He would be more supportive of 10 acre parcels.

Paul Twietmeyer, 8078 Banman Crescent - Indicated that a study of the water availability should be completed and that the landowner should bear the costs.

Marty Musser, 8238 Highway 95A - Identified that he supports the proposal with caution. He feels that water should be dealt with before the zoning is approved.

Keith Kendall, 2121 Bussey Road - Concerned about the water situation. In his opinion there is no question that if you put in four parcels it could impact availability.

Ed Wilson, 7897 Thomson Road - Feels there is a lack of planning for this application. He identified he had questions about how the RDEK as the local government regulates water quality and quantity. Both water quality and quantity are subject to change over time and people don't know when and how that change may occur.

Murray Lafortune, 8367 Highway 95A - Concerned about water in Meadowbrook because they don't know what is there. Wells have failed in the area. He would like a water study to be completed for the area.

Director Walter called three times for comments and since no more members of the public nor the agent for the proponent chose to speak, Chair Walter adjourned the hearing at 4:51 pm.

Chair Jane Walter
Electoral Area E

Karen MacLeod
Planner

Tracy Van de Wiel

From: Melanie Koshlay [REDACTED]
Sent: May-27-19 2:19 PM
To: Tracy Van de Wiel
Subject: Bylaw No. 20 (Meadowbrook/Kelly)

Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.

This letter is in response to the advertised Bylaw Amendment of property in Meadowbrook Lot 2, District 2711 from RR 8 to RR2. My family has owned property in this immediate area for almost 50 years. My father at 92 years, my self & my children & grandchildren who are planning on keeping our lots are all opposed to any subdivision of any kind that will increase the density of housing in the area. We have accessed the crown range along the McGinty Lake Road on foot, on horseback & xc skiing in the winter throughout the 50 years we've lived there. The motorized traffic has increased significantly over the past several years already which has already greatly impacted our enjoyment (& safety) on this road & others on the crown range. We are concerned about water availability for residents who live close to this property & the impact several more homes will have on the water table. We are concerned about loss of agricultural land in the whole RDEK- this property is flat & when cleared easily supports farming & haying/pasture for livestock. If this small subdivision is passed this land will never be productive in the future. The small acreages that were subdivided in the past already support small holdings & homes because they weren't deemed agricultural. Finally, this is our main concern: that any larger parcels of land in the Meadowbrook area remain unsubdivided. We do NOT want to see the Meadowbrook rural landscape turned into a suburb of Kimberley. Thank you for your consideration, as we are not able to attend the public hearing at its given time. Sincerely, Melanie Shipley Koshlay.

Get [Outlook for Android](#)

Tracy Van de Wiel

From: Martin Musser [REDACTED]
Sent: May-27-19 8:16 AM
To: Tracy Van de Wiel; [REDACTED] Bob Johnstone, Johnstone & Associates
Subject: Fwd: Proposed re zoning application in Meadowbrook

Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.

----- Forwarded message -----

From: Martin Musser [REDACTED]
Date: Mon, 27 May 2019 at 08:01
Subject: Proposed re zoning application in Meadowbrook

To Whom It May Concern,

As per the notice we residents received in the mail dated May 3, 2019 regarding the application by Kevin Kelly to have his property rezoned for subdividing purposes, my next door neighbour, Mr. Corey Hammill (whose property borders Mr. Kelly's) and I have the following concerns.

1. The water table.

- we understand if Mr. Kelly is successful in having his land rezoned, he may subdivide into four five acre lots. If so, this could have a negative impact on the water table. Has there been a hydrological study done to determine what the effects of this subdivision might be? Scientific data certainly support concerns that with human population growth and human caused climate change, fresh water supplies are now critical.

2. Current farm status on existing lots.

- some of the existing larger lots currently have farm status. This allows for animal husbandry which may not be acceptable to purchasers of Mr. Kelly's proposed smaller lots.

3. Access.

- how would potential lots be accessed? Could this access affect existing properties or increase traffic on nearby crown land?

yours truly

Martin R Musser

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2917

A bylaw to amend Bylaw No. 2502 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014."

WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 2502;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 20, 2019 (Meadowbrook / Kelly)."
2. The designation of Lot 2, District Lot 2711, Kootenay District, Plan NEP89848, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from RR-8, Rural Residential (Country) Zone to RR-2, Rural Residential (Small Holding) Zone.

READ A FIRST TIME the 3rd day of May, 2019.

READ A SECOND TIME the 3rd day of May, 2019.

READ A THIRD TIME the day of , 2019.

APPROVED by the Ministry of Transportation and Infrastructure the day of , 2019.

Print Name: _____

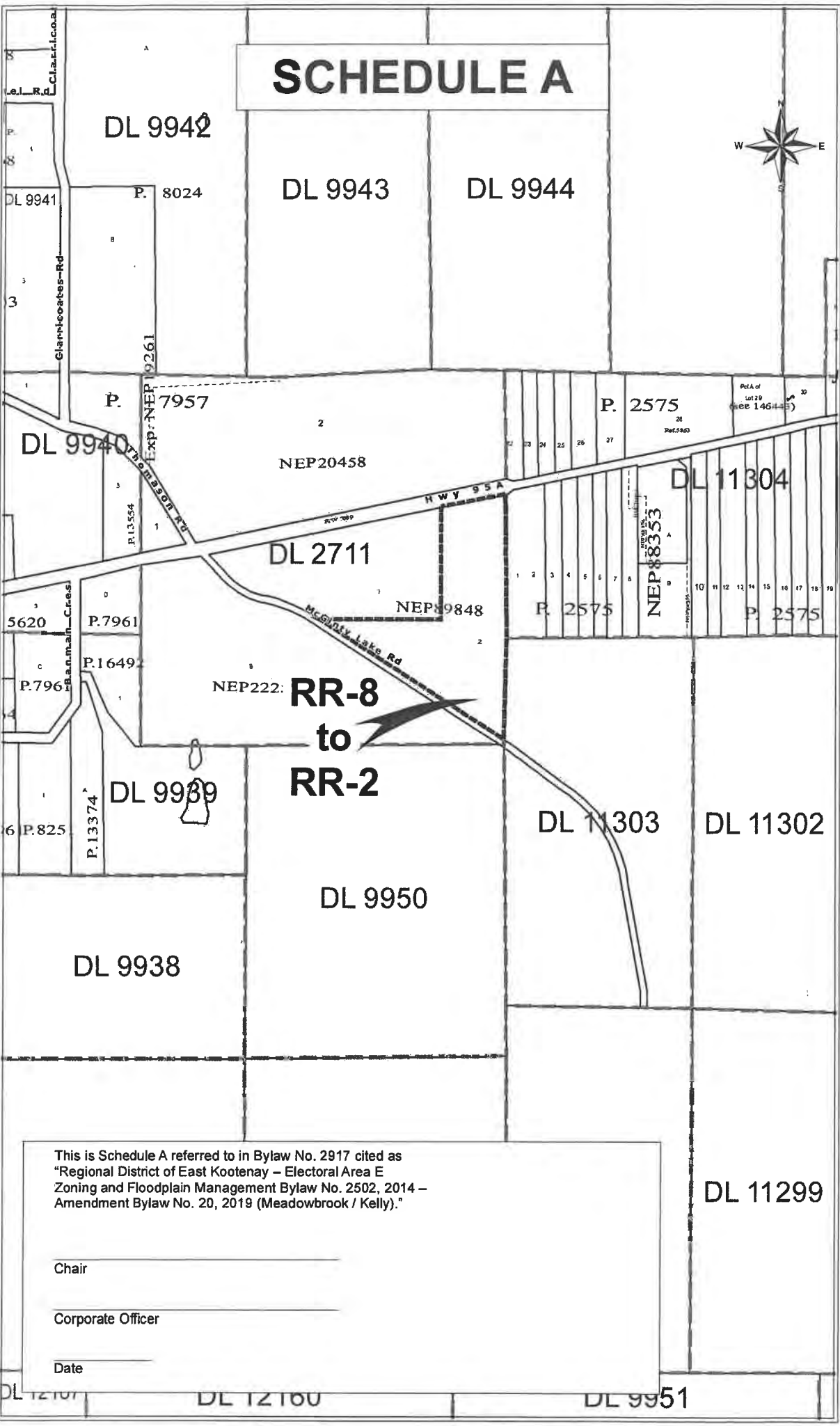
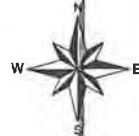
Signature: _____

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

SCHEDULE A



This is Schedule A referred to in Bylaw No. 2917 cited as
"Regional District of East Kootenay – Electoral Area E
Zoning and Floodplain Management Bylaw No. 2502, 2014 –
Amendment Bylaw No. 20, 2019 (Meadowbrook / Kelly)."

Chair _____

Corporate Officer _____

Date _____

DL 12107 DL 12100 DL 9951

Bylaw Amendment Application

Date: April 25, 2019
File: P 719 406
Bylaw No. 2917

Applicant: Kevin Kelly
Agent: WSP (Jen Ashton)
Location: Highway 95A, in Meadowbrook, along McGinty Lake Road
Legal: Lot 2, District Lot 2711, Kootenay District, Plan NEP89848 (028-054-997)

Proposal: To amend the zone designation to permit subdivision.

Development Agreement: None

Options:

1. THAT Bylaw No. 2917 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw 2502, 2014 – Amendment Bylaw No. 20, 2019 (Meadowbrook / Kelly)" be introduced.
2. THAT Bylaw No. 2917 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw 2502, 2014 – Amendment Bylaw No. 20, 2019 (Meadowbrook / Kelly)" not proceed.

Recommendation: **Option # 1**
The proposal is generally supported by applicable OCP policies. The potential lot sizes won't be smaller than 2 ha and McGinty Road is available to provide access.

Property Information: **OCP Designation:** LH, Large Holding which supports rural residential development and rural resource land uses with parcel sizes in the range of 2.0 ha to 8.0 ha.

General OCP Policies:

- Bylaw amendment applications for residential development should address the following:
 - a) compatibility of proposed development with surrounding land uses and parcel sizes;
 - b) access to the development and proposed road networks;
 - c) integration of Conservation Subdivision Design principles by utilizing a compact neighbourhood design and identifying and protecting wetlands, steep slopes, woodlands and wildlife corridors;
 - d) capability of the natural environment to support the proposed development, and its impact on important habitat areas;
 - e) identification of trail connectivity within the area under application and adjacent developments;

**Property
Information -
cont'd:**

- f) consideration of water reduction measures for buildings and landscapes;
- g) consideration of building envelopes to maximize viewscales and passive solar orientation;
- h) mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
- i) integration of FireSmart principles;
- j) consideration of the potential impacts on groundwater;
- k) susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
- l) suitability of the parcels for on-site groundwater wells and septic systems; and
- m) consideration of vegetated buffers or setbacks where the proposed development is adjacent to agricultural land.

OCP Policies Related to the Meadowbrook Subarea:

- Rezoning applications of parcels designated LH, Large Holdings to permit parcel sizes 2 ha or greater will generally be supported. The application should address the criteria in section 4.3 (1)(g) (see above policies).
- Rezoning applications to allow for subdivision should provide provisions to address the impact the development may have on existing agricultural operations.
- Subdivision of parcels along the Highway 95A corridor should avoid creating new highway accesses.

Current Zoning: RR-8, Rural Residential (Country)

Proposed Zoning: RR-2, Rural Residential (Small Holding)

Parcel Size: 8.3 ha (20.5 ac)

Density

Current: The property is currently vacant.

Potential: Four lots, each with a single-family dwelling and accessory secondary suite could be permitted within the proposed RR-2 zone.

Proposed: The subdivision configuration has not been determined.

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Ranging from moderate to high, not within a fire service area

BC Assessment: Residential (vacant)

Water and Sewer Services: Onsite proposed

**Professional
Studies:**

None.

Additional Information:

- If the proposed bylaws are approved, the owner intends to subdivide the property to create new residential acreages. The proposed subdivision configuration has not been determined.
- The agent says they have spoken with the MoTI regarding access and suggest that two lots fronting the highway could share one driveway access point and that another two lots could be accessed from McGinty Road.

Consultation:

APC Area E: Deferral recommended. The APC members would like the applicant or their agent to attend the APC meeting to answer questions.

Referral Agencies:

- **Interior Health Authority:** No response
- **Transportation & Infrastructure:** No objections. MoTI requires all property owners to apply for residential access permits when accessing from a controlled access highway. If the rezoning is approved and a subdivision application is submitted, the MoTI may consider access to the new lots via McGinty Rd to minimize potential points of conflict on Hwy 95A.
- **Environment:** Any fencing along the highway should be wildlife friendly.
- **Ktunaxa Nation Council:** No response
- **Akisqnuq First Nation:** No response
- **School District No. 6:** No response
- **Telus:** No response

Documents Attached:

- Bylaw
- Location Map
- Land Use Map
- Proposal

RDEK Contact:

Tracy Van de Wiel, Planning Technician
Phone: 250-489-0306
Email: tvandewiel@rdek.bc.ca



Public Hearing Report – Bylaw Nos. 2919 & 2920 Cranbrook West / 1009891 BC Ltd.

This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 2919 cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 24, 2019 (Cranbrook West / 1009891 BC Ltd.)” and Bylaw No. 2920 cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 - Amendment Bylaw No. 53, 2019 (Cranbrook West / 1009891 BC Ltd.)” was held on May 28, 2019 at 4:00 pm at the RDEK Board Room, Cranbrook office.

The following Regional District representatives attended the public hearing:

Director Rob Gay, Electoral Area C
 Director Lee Pratt, City of Cranbrook
 Director Wesly Graham, City of Cranbrook
 Krista Gilbert, Planning Technician

The notice for the hearing was published in the May 22 and May 23, 2019 issues of the Daily Townsman and in the May 23, 2019 issue of the East Kootenay Extra. Thirty-three (33) notices were sent to neighbouring property owners and occupiers on May 3, 2019 by regular mail with one notice returned as undeliverable.

The proponent gave an overview of the amending bylaws followed by a question and answer period before the hearing.

Chair Gay convened the hearing at 4:08 pm and Regional District representatives were introduced.

Chair Gay advised those in attendance:

- to identify themselves and the property they own that may be affected by the Bylaw;
- that only those written and/or verbal presentations made at the hearing will be considered as part of the hearing report;
- that no written or verbal submissions will be allowed subsequent to the close of this hearing.

Bylaw No. 2919 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 - Amendment Bylaw No. 24, 2019 (Cranbrook West / 1009891 BC Ltd.)”
2. The designation of part of District Lot 5249, Kootenay District except (1) Parcel A (reference Plan83926i) and (2) parts included in Plans 11421, 14823 and EPP55835, is amended from R-RES, Residential Reserve to MH, Medium Holdings.

Bylaw No. 2920 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw 1402, 2001 – Amendment Bylaw No. 53, 2019 (Cranbrook West / 1009891 BC Ltd.)”

2. The designation of part of District Lot 5249, Kootenay District except (1) Parcel A (reference Plan83926i) and (2) parts included in Plans 11421, 14823 and EPP55835, is amended from RR-8, Rural Residential (Country) Zone and RR-1, Rural Residential (Estate) Zone to RR-2, Rural Residential (Small Holding) Zone.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its June 7, 2019 meeting. Staff stated that in anticipation of a new zoning bylaw, the Electoral Area C South Zoning & Floodplain Management Bylaw, being adopted in July, Bylaw 2920 will be amended prior to adoption to reflect the new zoning bylaw.

Four written submissions have been received prior to the hearing. One letter was in support and two letters were in opposition. One opposition letter states concerns about how the proposal will affect the habitat for wildlife the parcel currently provides, that this proposal would destroy environmentally sensitive areas and, the impact on existing wells. The other opposition letter is concerned about the possible increase in traffic, the quality and quantity of water, the impact on wildlife and they believe there is limited demand for 5 acres lots. One letter expressed concerns about modular homes on the properties impacting property values and protection of the creek for a wildlife corridor. (Letters attached)

Several members of the public and the proponent attended the meeting and the following people spoke:

Holly Bondy, 1028 McDonald Road – She is in opposition of the application. She stated that there is heavy wildlife traffic in the area, a grizzly and cubs were seen last Friday and an elk herd of 200 come through, and this year they aren't able to find access to Scott Creek as there are fences erected and dogs on properties, which limits wildlife movement. She stated that wells are a concern as theirs was originally pumping at 12 gallons per minute, but now it is at 3 gallons per minute and with her discussions with a well driller they said that the area is running out of water and they are now having to drill wells up to 300 feet. She stated that while trees remain in the front of properties the rest of the property is being cleared and being filled in with grass. She stated they are now having to collect water in buckets and she is concerned with the fire potential in the area as there are no fire hydrants in the neighbourhood, construction sites for new houses had smoke coming out of them because they weren't being monitored and she stated a fire would likely blow right through the area to the City of Cranbrook. She stated that she supported the previous rezoning application on the east side of McDonald Rd as the proponent told them that he wouldn't develop the west side, and because a covenant was registered restricting development to one quadrant of the lots and stating that no mobile homes were permitted. However, now the proponent is wanting to develop the west side of McDonald Road and the covenant was released from the other properties. She stated that the proponent said he would make a brochure for new residents educating them on the wildlife in the area and about wildlife fencing in response to releasing the covenant but she hasn't seen one. She stated that it is not fair to support a subdivision with the conditions of a restrictive covenant only for the covenant to be released and she can't imagine having a proposal with conditions only to revoke the conditions once it is approved. Again, she stated that animals are trapped as the wildlife corridor is now closed, but she has taken down their fence so the animals can access Scott Creek and again that there are no fire hydrants in the area to control fires.

Patrick Bondy, 1028 McDonald Road – He is in opposition of the application. He stated that he walks the property and sees deer and bear trails around and so many animals walk around the property. He would see badgers and when he found out they were an endangered species he informed the proponent. He stated by the time you put in a driveway and utilities so much vegetation is removed, especially when houses are at the back of the property and the driveway

and utilities have to go through up to 90 m of the property. He stated that he spoke to well drillers who stated that previously wells were 80-100 feet, but now they are being drilled at 200-300 feet, which they said indicates the water table is depleting and existing wells will have to be redrilled. He stated that the well driller said they have already had requests to redrill wells in the area and that aquifers are not being replenished to the extent they have been in previous years, with water likely coming from glacial melt as opposed to snowpack melt. He also stated that Scott Creek has a steep ravine on either side and that if there are any spills in the area or the use of herbicides or pesticides, it would all run into Scott Creek. He stated that seasonal water used to pond up in the area, but it hasn't happened in 3-4 years as water is being diverted by culverts away from houses. He stated that these developments are not just impacting adjacent property owners, that the aquifer provides water to more areas than just Jim Smith Lake and that larger areas may have water issues. He stated that there needs to be a concerted effort to find where the water is to get a sense for future developments, and also that not only wells, but trees, animals and ecosystems need water. He stated that the water issues could impact the City of Cranbrook and there may be a time when they need to go to the City of Cranbrook to get water as water is now a big question mark. He stated that a big issue for him is that they were told and presented a previous application, but when it came down to it, the proposal was completely changed. He is concerned about sharing the aquifer and the increase in human and animal interactions due to development. He is adamantly opposed to the proposal as he wouldn't want it to be hastily done without studies, he does not think that the properties within 100 m of the subject property are the only affected properties, he does not want to see riparian areas ever developed and he stated he wouldn't be here if the previous subdivision wasn't completely changed after approval.

Chair Gay called three times for more comments and hearing none adjourned the hearing at 4:32 pm.

Chair Rob Gay
Electoral Area C

Krista Gilbert
Planning Technician

May 21, 2019

From: Patrick, Holly, Jerrod, Travis, and Matthew Bondy

1028 McDonald Road

Cranbrook, B.C. [REDACTED]

Subject: Request you deny application 1009891 and preserve the current zoning of RR-8 and RR-1 on property located at Jim Smith Lake Road in Cranbrook West area.

During the Spring of 2015, Mike Robinson met with us regarding an application he had made to subdivide approximately 52 acres to the south of our property. We had mentioned our concerns regarding the subdivision to RDEK, as this is an environmentally sensitive area with a mapped wildlife corridor. While living and walking deer/elk trails over the past 14 years, we noticed that wildlife would travel through the 52 acres and cross McDonald road to access Scott Creek. Eagles, Hawks, Owls, coyote's, badgers, black bears, and Grizzlies are frequently seen. We spoke with Mike about the sensitive nature of the area and showed him the numerous badger homes.

Mike listened as we walked the properties and discussed our concerns. He was very accommodating, and stated that because he loved the area so very much and his background was in environmental assessment, he appreciated our insight and wanted us to know that his proposed subdivision was going to keep protections in place for the corridor, the animals, and people living in the area. He stated that all of the lots would be sold with building restrictions as wherein only custom homes would be allowed, only 25% of each lot would be used for building and 75% would be kept natural (each owner would be allowed to choose a quadrant of their lot for building). There would be no fencing, no cutting down trees on 75% of each lot. He stated that his intent was to preserve the area, as his family and children live in the area and he wanted them to enjoy what he had enjoyed as a child. He said when he bought the acreage on both the east and west side of McDonald road, he chose to build on the side that was not as environmentally sensitive as the other (the east side was less environmentally

sensitive as the west side which is comprised of Scott Creek). Mike stated that he needed the money from the sale of the properties on the east side to be able to keep the west side natural. He would never develop the west side, but would retain the property for wildlife and for people to hike through, etc.

We could understand Mike's point. The west side of McDonald Road is the pathway used by migrating elk, coyote, nests of Eagles, deer, badgers, rabbits, and a plethora of wildlife. This path also links the above stated animals to Jim Smith Lake and other water resources. We thought it better to have someone with integrity build and keep the area as pristine as possible. Mike asked us to explain this to our neighbors and support his plan. We did so, and told our neighbors that we trusted Mike to put the best possible plan forward and asked their support.

Not long after Mike's subdivision approval, we noticed the badger homes being plowed under, large rocks being placed over their entrance holes. It seemed an attempt to eradicate the protected species without anyone's knowledge. Soon, scraping began, sensitive forest areas were ripped down, and building spread across the lots. When we inquired about this, Mike said he had not placed the restrictions on the lots before selling them and now it was too late. On February, 2017, without any notification issued to our neighborhood, Mike asked for relief from the covenant that would have protected these sensitive properties.

Mike Robinson had lied to us. He encouraged us to support him, and thus we misled our neighbors into supporting him as well.

Now, we face the big lie. Mike Robinson was adamant when he told us he wanted to keep the property on the west side of McDonald Road undivided. He stated repeatedly that the ONLY reason he had wanted to subdivide the east side of McDonald Road was to acquire enough money to pay for the loan he took out to preserve this beautiful and sensitive area. Now, all of his lots have sold on the east side, and he is asking for what he stated he would never ask for, to subdivide the west side which contains the environmentally sensitive Scott Creek.

Our property has been affected in a very negative way by the subdivision Mr. Robinson put in to the south of us. Our well had dropped considerably (from 15 gallons per minute down to 3 gpm). Animals using the corridor no longer have free access to cross the road, as the homes that were built take most of the lot, many have fences, and access to Scott Creek has been limited. To grant this new request you would be in fact destroying Scott Creek, any access to water the animals might have, and destruction of an environmentally sensitive area. You would also endanger those who currently live here by destroying our water resources, create raised levels of negative interactions between humans and wildlife, as well as elevate the threat of fire we all face.

We have suffered from loss of water, the constant noise from building for nearly four years, fires burning as those who build clear their brush by burning stacks of debris, animal habitat loss, and frightened animals such as bear and herds of elk running through our yard as they try to get to Scott Creek, all other avenues of access denied. Our neighbors have similar complaints, but we shall not speak for them.

Conclusion

It is our belief that the current zoning of RR-8 and RR-1 would better preserve the rural residential life we have been attempting to maintain. We believe the larger acreage designation would preserve the vegetation and waterway access needed for wildlife ingress and egress. We purchased our home 14 years ago believing that RDEK would protect us from overdevelopment and refrain from destroying our rural agricultural lifestyle.

Please note attached documentation.

Thank you,

Patrick J. Bondy
Holly K. Bondy
Matthew J. Bondy
Travis B. Bondy
Jerald P. Bondy

Property Information – cont'd **Interface Fire Hazard Rating:** Ranges from moderate to high; within Cranbrook Rural Fire Protection Area

BC Assessment: Residential (vacant)

Water and Sewer Services: Onsite services proposed

Professional Studies None

Additional Information

- The subject property is designated as being within both the wildfire hazard development permit area and the environmentally sensitive areas (ESA) development permit area of the Rockyview OCP. Development permit applications will be required prior to subdivision approval.
- Most of the subject land is designated as being Class 2 Elk Winter Range within the Rockyview OCP. The application states that the proposed subdivision has been sized to maintain habitat connectivity through undisturbed open space and wildlife corridors to support the movement of various wildlife species and access to foraging and nesting areas.
- The application states that access will be from McDonald Road and that the proposed 4.3 ha lot nearest Jim Smith Lake Road was left larger to provide a visual barrier.
- It also states that a statutory building scheme will be registered to prohibit: a) mobile homes; b) clearing of vegetation within 10 m of the property boundaries; and c) any timber harvesting for commercial purposes.

Consultation

Section 879 of the *Local Government Act* requires that local government consider the depth and breadth of consultation to be undertaken with persons or organizations that it considers may be affected by the proposed OCP amendment. Consultation completed to date for this amendment includes referral of the bylaw to the following organizations. In addition, there will be opportunity for discussion with the public prior to the commencement of the public hearing.

Advisory Commissions:

APC Area C: The Commission strongly recommends bylaw amendment approval.

Referral Agencies:

- **Interior Health Authority:** Interests unaffected
- **Transportation & Infrastructure:** Interests unaffected
- **Environmental Protection:** No response
- **Water Stewardship:** No response
- **Environmental Stewardship:** No response
- **Ktunaxa Nation Council:** No response

From: Mike Robinson [mailto:mike.robinson@lotic.co]
Sent: February 3, 2017 10:49 AM
To: Heather Herman <hherman@rdek.bc.ca>
Subject: RE: Request to be a delegation on Thursday, February 9th

Hello Heather,

Thank you. The information requested is provided below:

1. Request for relief from a covenant put on our MacDonald Road subdivision restricting buildings to one quadrat.
2. We would like to present some follow-up discussion since our original request was presented to the board in December 2016. We have had subsequent conversations with neighbours to clarify the intent of the covenant and what it really limits. We have also prepared a brochure to be delivered to new owner's, explaining the habitat values in the community and how development can occur responsibly. In summary, we wish to show to the Board the efforts we have made to accommodate the values and concerns of neighbours to this specific subdivision.
3. Designated Speaker: Mike Robinson
4. We are requesting relief from the quadrat covenant placed on Lots 1-8 of this subdivision.
5. It is possible that we will require a presentation or supporting documentation to be displayed on the board room projector.

Absolutely
Not
Contacted
??

Thanks,
Mike

MIKE ROBINSON, MSc, RPBio, PBIOL
SENIOR AQUATIC ECOLOGIST

LOTIC
ENVIRONMENTAL
SPECIALISTS IN FRESHWATER ECOSYSTEMS

LOTIC ENVIRONMENTAL LTD.
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CRANBROOK, BC V1C 6V9
P. 250.421.7802
www.LOTIC.CO

Krista Gilbert

From: WJS Contracting [REDACTED]
Sent: May 27, 2019 6:43 PM
To: Krista Gilbert
Subject: Jimsmith Road / 1009891 BC Ltd. Re-zoning Application

Hello,

We would like to object to the re-zoning of DL 5249 to RR-2 zoning from RR-8.

We are residence of McDonald Road and are very concerned that future subdivision of these lot would put a tremendous amount of pressure on the aquifer. Each of the lots created would require a new well to be drilled prior to the sale of the lots to the public and considering the 9 wells that have already been drilled across the road, we are very concerned for the quantity and quality of our water. Additionally we have concerns over the increased amount of traffic on McDonald Road which is already in poor condition. This particular area has a good population of white tail deer which have seen a significant rise in pressure since the subdivision of the lots on the opposite side of the road.

We also believe that there is limited demand for 5 acre lots as there are already many in the area on the market. There is, however demand for larger lots over 10 acres and know for a fact that the owner of the property has had the opportunity to sell the land as a whole.

Was there not a similar application in the New Lake area not long ago that was turned down as it was deemed unnecessary with the abundance of building lots already available?

Again, we ask that the RDEK deny the application to re-zone the property.

Sincerely,

Ward & Jennifer Steckle
665 McDonald Road

2387 Jim Smith Lk. Rd.,
Cranbrook, B.C. [REDACTED]

May 24, 2019

Board of Directors, R.D.E.K.,
#19 - 24th Ave. South,
Cranbrook, B.C.

ATT. Andrew McLeod,

- Reference to proposed re-zoning of a part
of District Lot 5249 from R.R.-1 and R.R.-8 to R.R.-2.

The owner of this property has demonstrated
extreme care, consideration and responsibility with
the recent past rezoning of property on the
east side of Macdonald Road and it is expected
that this project will be similarly completed.

It is my belief that increased residential
development will improve the security in our
area as increased family presence will reduce
opportunities for theft and/or vandalism against
occupied properties.

This letter is in complete support of the
proposal for re-zoning the property as requested
by the owner.

Yours truly,
Jack Sandberg

RECEIVED

MAY 28 2019

Regional District of
East Kootenay

Personal information has been
withheld in accordance with
Section 22(1) of the Freedom of
Information and Protection of
Privacy Act.

Krista Gilbert

From: Steve Warren [REDACTED]
Sent: May 28, 2019 12:19 PM
To: Krista Gilbert
Subject: Subdivision application by 1009891 BC

Amendment bylaw No. 24, 2019 (Cranbrook West/1009891 BC Ltd.)

Regarding public hearing for tuesday May 28th 2019.

As this property abutts our lot at 1055 McDonald Rd. attached are our concerns:

Absolutely no trailers which includes modular homes, ie eagle homes (these are considered by many to be trailers), which affects property values according to real estate agents.

Protection of creek and surrounding draw area as a no build/ no fence/ no development area for a wild life corridor.

Steve and Linda Warren
1055 McDonald Rd.

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2919

A bylaw to amend Bylaw No. 2255 cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2255;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 24, 2019 (Cranbrook West / 1009891 BC Ltd)."
2. The designation of that part of District Lot 5249 Kootenay District except (1) parcel A (reference Plan83926i) and (2) parts included in Plans 11421, 14823 and EPP55835, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from R-RES, Residential Reserve to MH, Medium Holdings.

READ A FIRST TIME the 3rd day of May, 2019.

READ A SECOND TIME the 3rd day of May, 2019.

READ A THIRD TIME the day of , 2019.

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

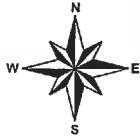
DL 8918

DL 3572 N/A

SCHEDULE A

DL 7421

DL 4837



Scott Creek FSR

McDonald Rd

R-RES to MH

McDonald Rd

DL 3575

Jim Smith Lake Rd

Vidamour Rd

Mazur Rd

This is Schedule A referred to in Bylaw No. 2919 cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 24, 2019 (Cranbrook West / 1009891 BC Ltd)."

Chair

Corporate Officer

Date



REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2920

A bylaw to amend Bylaw No. 1402 cited as "Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 1402;

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

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

- 1. This Bylaw may be cited as "Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 53, 2019 (Cranbrook West / 1009891 BC Ltd)."
- 2. The designation of that part of District Lot 5249 Kootenay District except (1) Parcel A (Reference Plan83926i) and (2) parts included in Plans 11421, 14823 and EPP55835, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from RR-8, Rural Residential (Country) Zone and RR-1, Rural Residential (Estate) Zone to RR-2, Rural Residential (Small Holding) Zone.

READ A FIRST TIME the 3rd day of May, 2019.

READ A SECOND TIME the 3rd day of May, 2019.

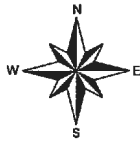
READ A THIRD TIME the day of , 2019.

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

SCHEDULE A



DL 4837

DL 7421

**RR-8
to
RR-2**

**RR-1
to
RR-2**

DL 2310

This is Schedule A referred to in Bylaw No. 2920 cited as
"Regional District of East Kootenay – Cranbrook Rural Zoning
Bylaw No. 1402, 2001 – Amendment Bylaw No. 53, 2019
(Cranbrook West / 1009891 BC Ltd)."

Chair

Corporate Officer

Date

DL 10087

DL 10088

DL 4686

NEP21248

EPP7770

NEP33004

NEP16436

FSR

McDonald Rd

NEP11783

NEP77567

NEP16732

NEP77567

NEP22882

NEP82093

NEP20974

EPP55335

DL 3575

McDonald Rd

EPP55835

EPP26933

NEP9166

Jim Smith Lake Rd

NEP81972

NEP14823

NEP10697

NEP317
NEP181
NEP7517

Vicamour Rd

Mazur Rd

NEP1



Bylaw Amendment Application

Date: April 29, 2019
File: P 719 313
Bylaw No. 2919 & 2920

Applicants: 1009891 BC Ltd
Agent: Mike Robinson
Location: Jim Smith Lake Road, west of Cranbrook
Legal: DL 5249, Kootenay District, except (1) Parcel A (Reference Plan83926i) and (2) Parts included in Plans 11421, 14823 and EPP55835

Proposal: To amend the OCP and zoning designation of part of the property to permit future subdivision. The proposed OCP designation amendment is from R-RES, Residential Reserve to MH, Medium Holdings and the proposed zoning designation amendment is from RR-8, Rural Residential (Country) and RR-1, Rural Residential (Estate) to RR-2, Rural Residential (Small Holding).

Development Agreement: The applicants have offered development contributions in the amount of \$407 per lot to be paid to the RDEK for transfer to the City of Cranbrook to help mitigate impacts to the City's road infrastructure as a result of the development. They've also offered an additional \$1000 per lot to be paid to the RDEK for trail infrastructure and park development within Electoral Area C.

- Options:**
1. a) THAT Bylaw No. 2919 cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 24, 2019 (Cranbrook West / 1009891 BC Ltd)" be introduced;

and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.

b) THAT Bylaw No. 2920 cited as "Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 53, 2019 (Cranbrook West / 1009891 BC Ltd)" be introduced.

and further, that a development agreement containing the items identified in the staff report be registered on title prior to bylaw adoption.
 2. a) THAT Bylaw No. 2919 cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 24, 2019 (Cranbrook West / 1009891 BC Ltd)" not proceed.

b) THAT Bylaw No. 2920 cited as "Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 53, 2019 (Cranbrook West / 1009891 BC Ltd)" not proceed.

Recommendation: Option #1

The proposal is within an area identified as having the potential for future subdivision and it adequately addresses the applicable OCP policies. The applicant has offered development contributions that are consistent with other recent applications in the surrounding area.

Property Information:

OCP Designation: R-Res, Residential Reserve

OCP Policies:

- Subdivision is generally not supported within the Cranbrook West subarea, with the exception of those parcels currently zoned for subdivision, parcels designated R-RES or subdivision for a relative as per the provisions of the zoning bylaw and the *Local Government Act*.
- The integration of the R-RES, Residential Reserve land use designation applies to parcels currently zoned to accommodate subdivision. The designation does not commit the Regional District to a specific course of action but rather identifies those properties as having potential for rural infill development and establishes criteria against which applications to amend the zoning and land use designation will be reviewed. The R-RES designation may result in higher densities than can currently be accommodated in exchange for implementation of alternative development standards while still maintaining the rural character of the subareas.

Applications for bylaw amendments should address the following:

- compatibility of proposed development with surrounding land uses and parcel sizes;
- projections for estimated timelines for phasing and completion of development;
- compatibility of proposed development with the permanent home ownership objectives of this plan;
- access to the development and proposed road networks;
- integration of Conservation Subdivision Design principles by:
- identifying and protecting conservation areas such as riparian areas, wetlands, steep slopes, woodlands, wildlife corridors and habitats and buffers;
- compact neighbourhood design;
- development contributions to assist in mitigating the impacts of the proposed development, including contributions to assist with road or transportation upgrades within the City of Cranbrook. Development Contributions are not in lieu of any Development Cost Charges or other fees that may be required as a result of future development within the RDEK or City of Cranbrook;
- consideration of the establishment of a service to ensure the long term preservation and maintenance of the dedicated green space;
- water and sewer servicing options;
- identification of opportunities for trail connectivity within the area under application and adjacent developments;
- consideration for water reduction measures for buildings and landscaping;
- consideration of building envelopes to maximize viewsapes and passive solar orientation;

Property Information - cont'd:

- integration of FireSmart principles in the development;
- consideration to the potential impacts on groundwater.

Zone Designation: RR-8, Rural Residential (Country) Zone (minimum parcel size: 8 ha) and RR-1, Rural Residential (Estate) Zone (minimum parcel size: 1 ha)

Parcel Size: 97.2 ha (240 ac)
Area under application: approx. 13.2 ha (32.6 ac)

Density:
Existing: Vacant
Proposed: 5 residential lots
Potential: 5 residential lots

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Moderate to high, within the Cranbrook rural fire protection area

BC Assessment: Residential (Vacant)

Water and Sewer Services: Onsite services proposed

Flood Hazard Rating: Scott Creek runs through the property. Flood regulations will apply to development.

Professional Studies:

None

Additional Information:

- There are no plans for the remainder of the parcel at this time
- The subject property is designated as being within both the wildfire hazard development permit area and the environmentally sensitive areas (ESA) development permit area of the Rockyview OCP. Development permit applications will be required prior to subdivision approval.

Consultation:

Please note that the applicant has revised their plans following the APC review and since receiving the referral letters.

APC Area C: APC would like this application to be deferred until the applicant appears as a delegation to address the APC's questions.

Referral Agencies:

- **Interior Health Authority:** Not support. See attached letter.
- **Transportation & Infrastructure:** Interests unaffected.
- **Environment:** The surrounding area provides ungulate winter range and includes riparian areas. Any fencing must be wildlife friendly, maintain mature trees where possible, there should be a 15 m buffer around riparian areas, utilize an invasive plant management strategy and a QP assessment and mitigation strategy is recommended.

**Consultation –
cont'd:**

- **Ktunaxa Nation Council:** No comment to date.
- **School District No. 5:** No comment to date.
- **City of Cranbrook:** No comment to date.
- **Telus:** No comment to date.

**Documents
Attached:**

- Amending Bylaws
- Location Map
- Land Use Map
- OCP Map
- Zoning Map
- Proposal
- IHA Letter

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca



Public Hearing Report – Bylaw Nos. 2921 & 2922 Sweetwater / KV Properties Inc.

This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 2921 cited as “Regional District of East Kootenay – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)” and Bylaw No. 2922 cited as “Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 - Amendment Bylaw No. 6, 2019 (Sweetwater / KV Properties Inc.)” was held on May 22, 2019 at 7:00 pm at the Baynes Lake Community Hall.

The following Regional District representatives attended the public hearing:

Director Stan Doehle, Electoral Area B
Director Rob Gay, Electoral Area C
Krista Gilbert, Planning Technician

The notice for the hearing was published in the May 9 and May 16, 2019 issues of the Free Press and in the May 16, 2019 issue of the East Kootenay Extra. One hundred and forty-one (141) notices were sent to neighbouring property owners and occupiers on May 3, 2019 by regular mail with one notice returned as undeliverable.

Staff gave an overview of the amending bylaws followed by a question and answer period before the hearing.

Chair Doehle convened the hearing at 7:07 pm and Regional District representatives were introduced.

Chair Doehlé advised those in attendance:

- to identify themselves and the property they own that may be affected by the Bylaw;
- that only those written and/or verbal presentations made at the hearing will be considered as part of the hearing report;
- that no written or verbal submissions will be allowed subsequent to the close of this hearing.

Bylaw No. 2921 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013 - Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)”
2. The designation of part of Lot 2, District Lot 10348, Kootenay District Plan EPP14443, is amended from C, Commercial to R-SF, Residential Low Density.

Bylaw No. 2922 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw 2127, 2009 – Amendment Bylaw No. 6, 2019 (Sweetwater / KV Properties Inc.)”

2. The designation of part of Lot 2, District Lot 10348, Kootenay District Plan EPP14443, is amended from C-1, Mixed Use Village Commercial Zone to R-1(B), Single Family Residential – Medium Lot Zone.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its June 7, 2019 meeting.

Staff advised that no written submissions had been received prior to the hearing.

Several members of the public and the proponent attended the hearing.

Chair Doehle called three times for comments and since there were no comments from the public and the proponent chose not to speak, closed the hearing at 7:10 pm.

Chair Stan Doehle
Electoral Area B

Krista Gilbert
Planning Technician

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2921

A bylaw to amend Bylaw No. 2432 cited as "Regional District of East Kootenay – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2432;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)."
2. The designation of that part of Lot 2 District Lot 10348 Kootenay District Plan EPP14443, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from C, Commercial to R-SF, Residential Low Density.

READ A FIRST TIME the 3rd day of May, 2019.

READ A SECOND TIME the 3rd day of May, 2019.

READ A THIRD TIME the day of , 2019.

ADOPTED the day of , 2019.

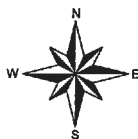
CHAIR

CORPORATE OFFICER

SCHEDULE A

EPP14443

DL 10348



EPP14443

Bills Boulevard (ACC RTE)

Koocanusa Lake Drive (ACC RTE)

DL 132

Kitimun-Newgate Rd

McMoran Dr

NEP65910

DL 17041

**C
to
R-SF**

Lake Koocanusa

This is Schedule A referred to in Bylaw No. 2921 cited as "Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)."

Chair

Corporate Officer

Date

DL 4140

DL 12987

DL 10350

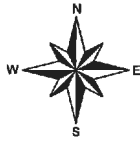
DL 10349

DL 133

SCHEDULE A

DL 10348

EPP14443



EPP14443

Bills Boulevard (ACC RTE)

Koocanusa Lake Drive (ACC RTE)

Kikomun-Newgate Rd

McMorran Dr

NEP65910

DL 17041

DL 132

C-1 to R-1(B)

Lake Koocanusa

This is Schedule A referred to in Bylaw No. 2922 cited as "Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 6, 2019 (Sweetwater / KV Properties Inc.)."

Chair _____

Corporate Officer _____

Date _____

DL 4140

DL 6261



Bylaw Amendment Application

Date: April 23, 2019
File: P 719 203
Bylaw No. 2921 & 2922

Applicants: KV Properties Inc.
Agent: Ben Barrington Design Consultant
Location: McMorran Drive, Sweetwater
Legal: Part of Lot 2, DL 10348, Kootenay District Plan EPP14443

Proposal: To amend the OCP and zoning designation of part of the property to permit future subdivision. The proposed OCP designation change is from C, Commercial to R-SF, Residential Low Density and the proposed zoning designation change is from C-1, Mixed Use Village Commercial Zone to R-1(B), Single Family Residential – Medium Lot Zone.

Development Agreement: None.

Options:

1. a) THAT Bylaw No. 2921 cited as “Regional District of East Kootenay – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)” be introduced;

and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
- b) THAT Bylaw No. 2922 cited as “Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 6, 2019 (Sweetwater / KV Properties Inc.)” be introduced.
2. a) THAT Bylaw No. 2921 cited as “Regional District of East Kootenay – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)” be introduced.
- b) THAT Bylaw No. 2922 cited as “Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 6, 2019 (Sweetwater / KV Properties Inc.)” not proceed.

Recommendation: **Option #1**
The proposal is consistent with the current community vision and promotes more density in the village core. The proposal complies with the applicable OCP policies.

Property Information:

Current OCP Designation: C, Commercial

Proposed OCP Designation: R-SF, Residential Low Density

**Property
Information -
cont'd:**

OCP Policies:

- The overall maximum density for principal dwelling units shall not exceed 7.4 dwelling units per hectare within the Sweetwater Subarea.
- Subsequent rezoning applications for the Sweetwater Subarea will be considered on an individual basis in relation to the following criteria:
 - Consistency with the original development vision for the parcel reflecting a high density village concept design
 - Provision of community water and sewer servicing; and
 - Provision of approximately 150 recreational vehicle spaces, approximately 1/3 of which will be available for short-term rental (less than 14 days), and 2/3 of which will be available for full season ownership and use.
- Despite section 4.3(2)(a) parcels smaller than 0.4 ha in size are supported in the Sweetwater Subarea, consistent with the original development vision.
- Despite section 4.3(2)(b) parcels smaller than 1.0 ha in size along the shoreline of Lake Koochanusa are supported in the Sweetwater Subarea, consistent with the original development vision.

Current Zone Designation: C-1, Mixed Use Village Commercial Zone (minimum parcel size: 300 m²)

Proposed Zone Designation: R-1(B), Single Family Residential – Medium Lot (minimum parcel size: 570 m²)

Parcel Size: 37.4 ha (92.4 ac)
Area under application: Approx. 1.3 ha (3.2 ac)

Density:
Existing: Vacant
Proposed: 10 residential lots
Potential: 22 residential lots

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Moderate, not within a fire protection area

BC Assessment: Residential (vacant)

Water and Sewer Services: Community Services. The community water system has been in operation since 2012. Since installation, the wastewater treatment plant has not been operating due to incomplete construction. The outstanding parts have now been purchased and are waiting to be installed. Currently, domestic wastewater generated by the existing residences is being collected, hauled and disposed of at the wastewater treatment plant at St. Eugene Mission. The community sewerage system is scheduled to be fully operational by the end of June 2019.

Property Information - cont'd: The engineer for the community systems has stated that the current water and sewer systems have sufficient capacity to service the 10 proposed single family lots.

Flood Hazard Rating: The proposed lots are adjacent to Lake Kooacanusa. Flood regulations will apply to development.

Professional Studies: None

Additional Information:

- The subject property is under new ownership who have a new vision for the community going forward, as indicated in the attached map.
- Covenant CA2620464 registered on the subject property restricts use of the land to a parent parcel upon which a future bare land strata will be registered. Any use of the property for residential, commercial or industrial purposes is prohibited until servicing is provided in accordance with the requirements of the subdivision servicing bylaw.

Consultation: **APC Area B:** Support.

Referral Agencies:

- **Interior Health Authority:** Residential growth is encouraged in areas with larger, sustainable sewer and water systems. Development should include a diversity of transportation modes and in areas that have access to amenities, work, recreation and daily activities.
- **Transportation & Infrastructure:** Interests unaffected.
- **Environment:** The subject area is highly susceptible to invasive plants; an invasive plant management strategy should be developed.
- **Ktunaxa Nation Council:** No comments to date.
- **School District No. 5:** No comments to date.
- **Telus:** No comments to date.
- **Crown Land Authorization:** No comments.

Documents Attached:

- Amending Bylaws
- Location Map
- Land Use Map
- OCP Map
- Zoning Map
- Proposal

RDEK Contact:

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2923

A bylaw to amend Bylaw No. 2070 cited as "Regional District of East Kootenay – Moyie & Area Land Use Bylaw No. 2070, 2008."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2070;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Moyie & Area Land Use Bylaw No. 2070, 2008 – Amendment Bylaw No. 17, 2019 (Lumberton / Lost Dog Forestry Ltd. & Columbia Recycle Ltd.)."
2. The designation of part of Parcel 1 (see 7464i) of District Lot 2804 Kootenay District, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from I-1, Industrial Zone to C-2, General Commercial Zone.
3. The designation of part of District Lot 5255 Kootenay District, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from RR-60, Rural Resource Zone to RR-2, Rural Residential (Small Holding) Zone, RR-1, Rural Residential (Estate) Zone and C-2, General Commercial Zone.

READ A FIRST TIME the day of , 2019.

READ A SECOND TIME the day of , 2019.

READ A THIRD TIME the day of , 2019.

APPROVED by the Ministry of Transportation and Infrastructure the day of , 2019.

Signature: _____

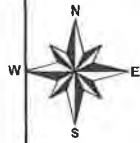
Print Name: _____

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

SCHEDULE A



DL 2305

P.5093

DL 2804

LOC:4047

Rem. Blk.A
DD9869-I

DL 4591

DL 2304

DL 3066

I-1
to
C-2

RR-60
to
C-2

DL 5255

RR-60
to
RR-2

RR-60
to
RR-1

Lumberton Rd

Highway 3 and 95

DL 12530

This is Schedule A referred to in Bylaw No. 2923 cited as "Regional District of East Kootenay – Moyie & Area Land Use Bylaw No. 2070, 2008 – Amendment Bylaw No. 17, 2019 (Lumberton / Lost Dog Forestry Ltd. & Columbia Recycle Ltd.)."

Chair _____

Corporate Officer _____

Date _____

No. _____

MOVED by Director _____ SECONDED by Director _____

THAT a public hearing be held regarding Bylaw No. 2923 and the hearing be delegated to:

Director Rob Gay, Director Area C

Director Lee Pratt, City of Cranbrook

Director Wesly Graham, City of Cranbrook

For Information Only:

Public Hearing – Regional District of East Kootenay – Board Room

June 26, 2019 at 4:00 pm

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2924

A bylaw to amend Bylaw No. 2319 cited as "Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2319;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 11, 2019 (Baynes Lake / McArthur)."
2. The designation of Lot 3 Block 20 District Lot 132 Kootenay District Plan 1181, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from MH, Medium Holdings to SH, Small Holdings.

READ A FIRST TIME the day of , 2019.

READ A SECOND TIME the day of , 2019.

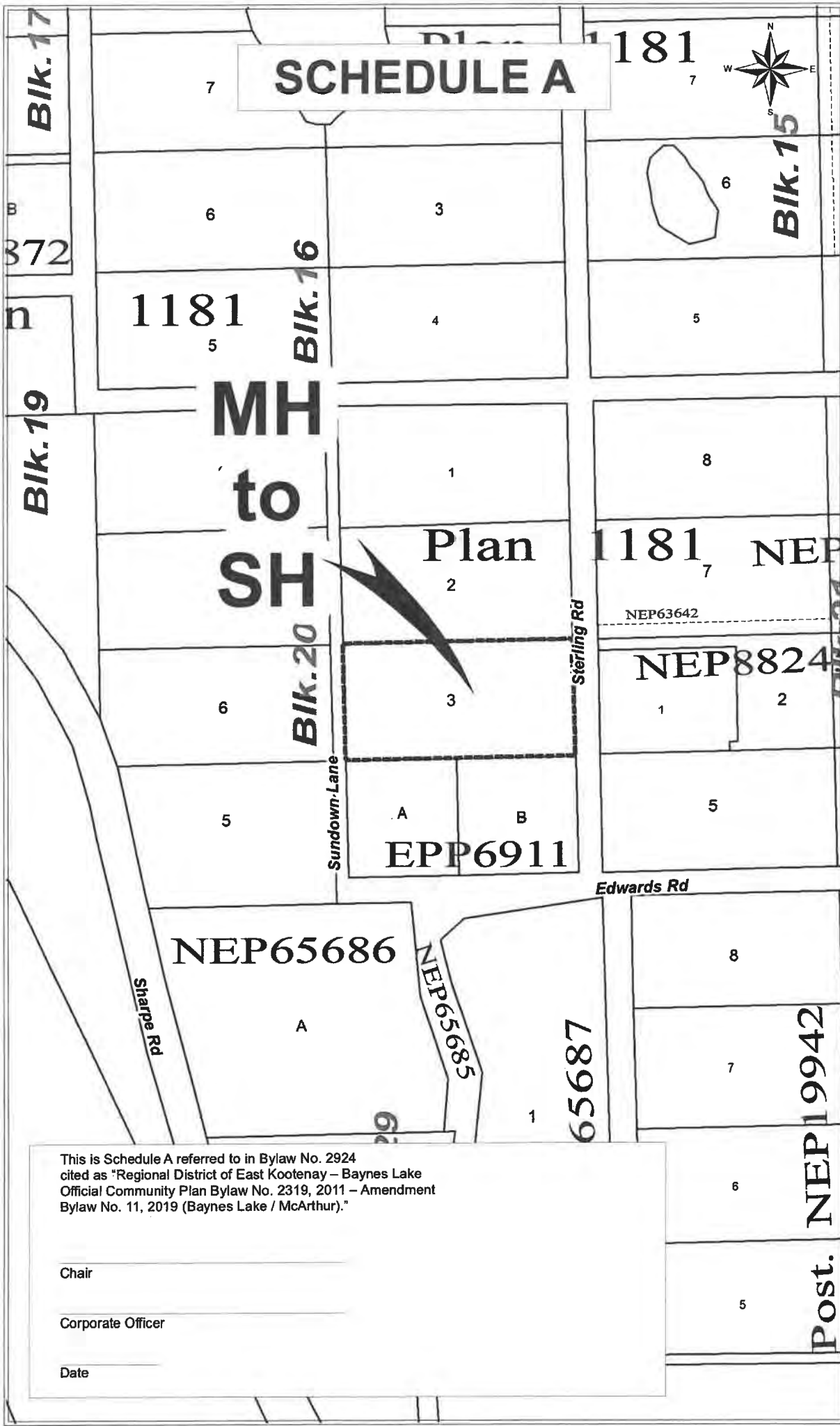
READ A THIRD TIME the day of , 2019.

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

SCHEDULE A



This is Schedule A referred to in Bylaw No. 2924 cited as "Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 11, 2019 (Baynes Lake / McArthur)."

Chair _____

Corporate Officer _____

Date _____

Post. NEP 19942

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2925

A bylaw to amend Bylaw No. 2320 cited as "Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2320;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 19, 2019 (Baynes Lake / McArthur)."
2. The designation of Lot 3 Block 20 District Lot 132 Kootenay District Plan 1181, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from RR-2, Rural Residential (Small Holding) Zone to RR-1, Rural Residential (Estate) Zone.

READ A FIRST TIME the day of , 2019.

READ A SECOND TIME the day of , 2019.

READ A THIRD TIME the day of , 2019.

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

SCHEDULE A

1181

BIK.17

B
372

n

1181

BIK.16



BIK.19

RR-2

8 to

RR-1

Plan

1181, NEP

BIK.20

Sundown Lane

Sterling Rd

NEP63642

NEP8824

EPP6911

Edwards Rd

NEP65686

Sharpe Rd

NEP65685

65687

Post. NEP19942

This is Schedule A referred to in Bylaw No. 2925 cited as "Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 19, 2019 (Baynes Lake / McArthur)."

Chair

Corporate Officer

Date

No. _____

MOVED by Director _____ SECONDED by Director _____

THAT a public hearing be held regarding Bylaw No. 2924 and Bylaw No. 2925 and the hearing be delegated to:

Director Stan Doehle, Director Area B

Director Rob Gay, Director Area C

Public Hearing – Baynes Lake Community Hall

June 25, 2019 at 4:00 pm

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2926

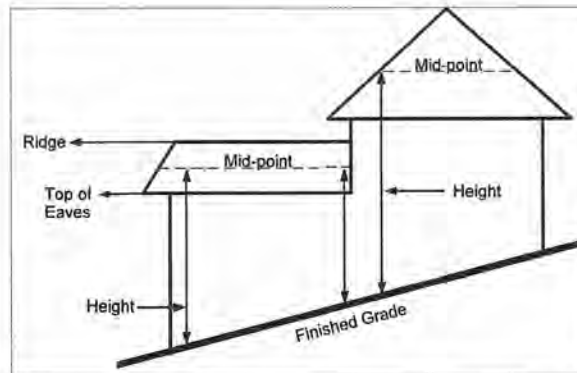
A bylaw to amend Bylaw No. 1414 cited as "Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999."

WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 1414;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 – Amendment Bylaw No. 31, 2019 (Miscellaneous Amendments / RDEK)."
2. Section 3.02 is amended by adding the following:
 - (5) The maximum permitted height of *buildings* and *structures* is calculated by measuring the vertical distance from the *finished grade* of the *building* or *structure* to the mid-point between the eaves and ridge of the primary roof or roofs. Height is shown in the diagram below:



When the architectural design of the primary roof or roofs does not include a roof ridge, the maximum permitted height of the *building* or *structure* shall be calculated in accordance with section 5.10 (6) of this Bylaw.

3. Section 3.03 is amended by repealing the definitions of accessory building; agriculture; cabin; cannabis; common storage area; common wall; dwelling, two family; dwelling unit; feedlot; group home; guest ranch; guest ranch lodge; height; hotel; keeping of farm animals; keeping of small farm animals; kitchen; lodge; medical marihuana; medical marihuana production facility; secondary dwelling unit for farm hands; secondary suite; vehicle, derelict; and wildland use and adding the following:

ACCESSORY BUILDING means:

- (a) a *building*, the use or intended use of which is *accessory* to that of the *principal building* situated on the same parcel, which may be detached or connected to other *buildings* by a *breezeway*; or
- (b) a *building* which is *accessory* to a *principal* use being made of the parcel upon which such *building* is (to be) located;

but without limiting the foregoing, does not include a *recreational vehicle*, *park model trailer* or a tent.

AGRICULTURE means 'farm operation' as defined in the *Farm Practices Protection (Right to Farm) Act*, but does not include growing, producing, cultivating, processing or direct marketing of *cannabis*.

BREEZEWAY means a roofed open passage connecting two or more *buildings*.

CABIN means a *building* used for seasonal recreation, temporary accommodation as part of a *guest ranch*, *motel*, registered guide outfitting operation, backcountry commercial recreation operation or *wildland use*, or for the use of a registered trapline licensee or holder of a *Mines Act* permit. A *cabin* does not contain a *kitchen*.

CANNABIS means the substance set out in Schedule 1 of the *Cannabis Act (Canada)*.

CANNABIS PRODUCTION FACILITY means a facility for the cultivation, processing, destruction, shipping and direct marketing of *cannabis*. A facility may also conduct research or testing of *cannabis*.

COMMON STORAGE AREA means a portion of a *manufactured home park* or *campground* used or intended to be used by the occupants of the *manufactured home park* or *campground* for storage of automobiles, *recreational vehicles*, boats and other equipment and materials.

COMMON WALL means a continuous, unbroken vertical or horizontal *structure* with *habitable area* adjoining either side, used to separate *dwelling units*, *cottages*, *cabins* or strata lots. A *common wall* is not a *breezeway*.

CONFINED LIVESTOCK AREA means a fenced area, including paddocks, corrals, exercise yards and holding pens, where *livestock*, *poultry*, or *farmed game* is confined solely for the purposes of growing or finishing and is sustained by means other than grazing.

DERELICT VEHICLE means any *vehicle* no longer in road worthy condition, in a state of disrepair, wrecked or in the process of being dismantled, or which is not licenced and insured in the current calendar year, but does not include *vehicles* stored in *buildings*.

DWELLING, TWO FAMILY means one *building* containing 2 *dwelling units* that:

- (a) share a common roof and foundation;
- (b) are separated by a *common wall*; and
- (c) where neither *dwelling unit* is a *manufactured home*.

A *building* containing a *secondary suite* is not a *two family dwelling*.

DWELLING UNIT means a *habitable room* or group of *habitable rooms* occupied or designed to be occupied by one or more persons, with facilities for living, sleeping and cooking.

FLAT ROOF means the roof of a *building* or *structure* for which the slope of the roof is equal to or less than 9 degrees.

GROUP HOME means a facility for the accommodation of persons who by reason of their emotional, mental, social or physical condition or legal status require a supervised group living arrangement for their well-being.

GUEST RANCH means a working farm or ranch that includes a principal residence, agricultural *structures* and temporary guest accommodation.

GUEST RANCH LODGE means a *building* associated with a *guest ranch* that provides temporary accommodation for transient paying guests of the *guest ranch* and may include sleeping facilities, communal dining facilities, sanitary facilities, meeting and recreation facilities for the exclusive use of guests on the *guest ranch*.

HOTEL means a *building* or part wherein accommodation is provided for transient paying guests. Entrance and exit ways are shared and the *building* may include public areas such as a lobby, restaurant, meeting, entertainment and recreation facilities.

KEEPING OF FARM ANIMALS means the keeping or rearing of *poultry* and *livestock*, other than swine or mink.

KEEPING OF SMALL FARM ANIMALS means the keeping or rearing of *small farm animals* excluding geese and turkeys.

KITCHEN means a room or a portion of a room in a *dwelling unit* which contains one or more of the following cooking appliances: 220 volt stove, gas stove, countertop stove and wall oven.

SECONDARY DWELLING UNIT FOR FARM HANDS means an *accessory dwelling unit* on land classified as "farm" under the *Assessment Act* for the accommodation of an employee or employees working on the same parcel or farm operation.

SECONDARY SUITE means an *accessory dwelling unit* within a *single family dwelling*.

WILDLAND USE means activities such as non-commercial public outdoor recreational uses or commercial tenured outdoor activities such as trapping by holders of registered trap lines, guide outfitting, heli-skiing and cat skiing.

4. Sections 4.02 (3)(j) and (6)(b)(c)(d)(e) are repealed.
5. Part 4 is amended by adding the following:

PART 4(A) TEMPORARY LAND USE

BACKGROUND

4.01(A) Within the plan area there may be a need to accommodate a temporary land use on a parcel not zoned for that purpose.

4.02(A) **OBJECTIVES**

- (1) Provide an opportunity for temporary land use applications to be considered within the plan area.
- (2) Ensure that temporary land uses are compatible with adjacent land uses.

4.03(A) **POLICIES**

- (1) Temporary Land Use Permits will be considered throughout the bylaw area.
- (2) An application for a Temporary Land Use Permit will be considered in relation to:
 - (a) demonstration that the use is temporary or seasonal in nature;
 - (b) compatibility with the existing land use;
 - (c) compatibility with surrounding land use;
 - (d) potential conflict with agricultural or resource based activities;
 - (e) potential conflict with residential land uses;
 - (f) potential impact on fish or wildlife habitat;
 - (g) provision of adequate servicing for water and sewage disposal;
 - (h) duration of the proposed temporary land use;
 - (i) relevant policies within other sections of this bylaw; and
 - (j) for lands within the *Agricultural Land Reserve*, any conditions of approval for the proposed temporary land use where the use is not consistent with the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulations* and a *Non-Farm Use* approval has been granted.
- (3) The permit may be issued subject to conditions such as, but not limited to:
 - (a) the buildings, structures, or area of land that may be used for the temporary use;
 - (b) the period of applicability of the permit;

- (c) required site rehabilitation upon cessation of the use;
 - (d) other business or operating conditions to mitigate the impacts of the temporary use.
6. Section 5.09 (2) and (6) are repealed and the following substituted:
- (6) *Buildings and structures for a cannabis production facility must be sited not less than:*
 - (a) 15.0 m from a *front parcel line*;
 - (b) 15.0 m from an *interior side parcel line*;
 - (c) 30.0 m from an *exterior side parcel line*;
 - (d) 30.0 m from a *rear parcel line*.
7. Section 5.10 (5) is repealed and the following substituted:
- (5) *Buildings and structures used for a cannabis production facility where a cannabis production facility is a permitted use are exempt from the height requirements of this Bylaw.*
8. Section 5.10 is amended by adding the following:
- (6) The maximum permitted height of *buildings and structures* that are not exempt from the height regulations of this Bylaw and for which the architectural design includes a roof or roofs that does not include a roof ridge must be in accordance with the following:
 - (a) Single pitch roof *buildings and structures* must not exceed 1.5 m above the permitted maximum height in the applicable zone for the *building or structure* measured from *finished grade* to the top of each wall that abuts the underside of the roof structure.
 - (b) *Flat roof buildings and structures* must not exceed the maximum permitted height in the applicable zone measured from *finished grade* to the top of the roof structure.

For buildings and structures that include additional primary roof types not identified above, the maximum height of any primary roof(s) that includes a roof ridge shall be calculated in accordance with section 3.02 (5) of this Bylaw.
9. Section 5.13 is amended by adding the following:
- (3) *Within the Agricultural Land Reserve a dwelling unit for a relative requiring care is subject to requirements of the Agricultural Land Commission Act and Agricultural Land Reserve Use Regulation.*
10. Section 5.19 is repealed and the following substituted:
- (1) *Where all or part of a parcel is located within the Agricultural Land Reserve activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted on the parcel. In addition to the farm use activities, those uses approved by the Provincial Agricultural Land Commission as accessory to the farm use for that parcel are also permitted.*
 - (2) *Where a parcel is not in the Agricultural Land Reserve, is located in a zone that permits agriculture and the parcel is assessed as farm under the Assessment Act, activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted in conjunction with the agriculture use.*
 - (3) *Uses permitted in sections 5.19 (1) and (2) are subject to all applicable agriculture regulations contained elsewhere in this Bylaw.*
 - (4) *Buildings or structures that are used for agriculture use shall be sited in accordance with the following:*

- (a) Mushroom barns must be sited a minimum of 7.5 m from all *parcel lines*.
- (b) The required minimum *setback* for *buildings* or *structures* used as principal farm *buildings* or *structures*, or animal containment for the following types of agricultural uses is identified in the table below:
- Dairying
 - Livestock, including farmed game
 - Fur farming
 - Poultry

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK	
	From all <i>parcel lines</i>	From domestic water intake (well or spring)
<i>Confined livestock area</i>	30.0 m	30.0 m
All other uses	15.0 m	30.0 m

- (c) *Buildings* or *structures* used for types of *agriculture* use not identified in sections 5.19 (4) (a) or (b) must be sited a minimum of 4.5 m from all *parcel lines*.
- (d) All *agriculture* use *buildings* or *structures* that contain boilers or walls with fans must be sited a minimum of 15.0 m from all *parcel lines*.
- (e) The required minimum setback for farm *buildings* and *structures* from the *ordinary high water mark* of a lake or watercourse is identified in the table below:

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK
	From <i>ordinary high water mark</i> of lake or watercourse
<i>Confined livestock area</i> - less than 10 <i>animal units</i>	15.0 m
<i>Confined livestock area</i> - more than 10 <i>animal units</i>	30.0 m
Mushroom barn	15.0 m
Livestock barn or <i>livestock shelter</i>	15.0 m
Milking facility	15.0 m
Stable	15.0 m
<i>Poultry</i> barn	15.0 m

- (f) *Buildings* or *structures* that are used for the storage of agricultural liquid or solid waste, such as manure, must be located:
- (i) a minimum of 30.0 m from domestic water supply intakes, such as a well or spring; and
 - (ii) a minimum of 15.0 m from the *ordinary high water mark* of lakes and *watercourses*.

11. Section 5.20 is repealed and the following substituted:

SECONDARY DWELLING UNIT FOR FARM HANDS

- 5.20 (1) *Secondary dwelling unit for farm hands* is not permitted *accessory* to a *cannabis production facility*.
- (2) Within the *Agricultural Land Reserve* a *secondary dwelling unit for farm hands* necessary for farm use is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

12. Section 5.21 is repealed and the following substituted:

CANNABIS PRODUCTION FACILITY

- 5.21 Subject to all applicable regulations contained elsewhere in this Bylaw, *cannabis production facility* is a permitted use on parcels within the *Agricultural Land Reserve* subject to the *Agricultural Land Reserve Use Regulation* and those parcels that are located within a zone where it is identified as a permitted use.

13. Part 5 is amended by adding the following:

SECONDARY SUITES

- 5.22 On *parcels* where a *secondary suite* is a permitted use:
- (1) No more than one (1) *secondary suite* shall be permitted on a parcel.
 - (2) *Secondary suites* are not permitted within a *manufactured home*.
 - (3) *Secondary suites* must be constructed in accordance with the BC Building Code.
 - (4) *Secondary suites* must be connected to an approved sewage disposal system.
 - (5) No *secondary suite* shall be subdivided from the principal *dwelling unit* by a strata plan pursuant to the *Strata Property Act*.
 - (6) *Secondary suites* are only permitted within a *single family dwelling*.
 - (7) On *parcels* where *secondary suite* is a permitted use, the *gross floor area* of the *secondary suite* must not exceed 90 m² or 40% of the habitable floor space of the *single family dwelling*.
 - (8) Within the *Agricultural Land Reserve* *secondary suites* are subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

14. Part 5 is amended by adding the following:

MAXIMUM NUMBER OF KITCHENS PER DWELLING UNIT

- 5.23 A maximum of one (1) *kitchen* is permitted in a *dwelling unit*.

15. Part 5 is amended by adding the following:

GUEST RANCH

- 5.24 (1) On *parcels* where a *guest ranch* is a permitted use, *guest ranches* must:
- (a) be conducted on a parcel not less than 16 ha;
 - (b) be conducted on a parcel assessed as farm under the *Assessment Act*; and
 - (c) not exceed 10.0 m² of *gross floor area* of *guest ranch* accommodation per hectare to a maximum of 720 m².

16. Part 5 is amended by adding the following:

CABIN

- 5.25 (1) On *parcels* where a *cabin* is a permitted use, *cabins* must:
- (a) not exceed 5 m in height;
 - (b) not exceed a maximum *gross floor area* of 74 m².

17. Part 5 is amended by adding the following:

WILDLAND USE

- 5.26 (1) On parcels where *wildland use* is a permitted use, *wildland use* must:
- (a) be conducted on a parcel not less than 60.0 ha in area.

18. Part 5 is amended by adding the following:

KEEPING OF FARM ANIMALS

- 5.27 (1) On parcels where the *keeping of farm animals* is a permitted use:
- (a) the number of *animal units* of *livestock* must not exceed one (1) *animal unit* per hectare total; and
 - (b) the number of *animal units* of *poultry* must not exceed one-half (0.5) *animal unit* per hectare in total.

In all cases, the total number of *livestock* or *poultry* permitted will be rounded down to the nearest whole number.

- (2) On parcels where the *keeping of small farm animals* is a permitted use:
- (a) The number of rabbits must not exceed one (1) *animal unit*; and
 - (b) The cumulative number of *poultry*, exclusive of geese, turkeys and *ratites*, must not exceed fifteen (15) animals.

19. Part 5 is amended by adding the following:

GROUP HOMES

- 5.27 (1) On parcels where *group homes* are a permitted use, *group homes* must:
- (a) not exceed the maximum accommodation of ten people, exclusive of staff;
 - (b) be licenced or approved under Provincial statute; and
 - (c) not include any use otherwise classified or defined in this Bylaw.

20. Part 5 is amended by adding the following:

PROPERTY SPECIFIC REGULATIONS

- 5.28 (1) Despite the use and density regulations contained elsewhere in this Bylaw:
- (a) On Lot 1, District Lot 6206, Kootenay District, Plan 16434, storage and warehousing, including mini-warehouse and storage of *recreational vehicles* is permitted.

21. Part 6 is amended by adding the following:

MINIMUM AVERAGE PARCEL AREA FOR BARE LAND STRATAS

- 6.03 (1) The minimum average parcel area is equal to the minimum parcel area found in Part 8 of this Bylaw.

22. Section 6.01 (3) is amended by adding the following:

- (h) involves the creation of a *parcel* to be utilized as a common lot for access in a fee simple subdivision provided the parcel will be registered as a common lot pursuant to section 12 of the *Land Title Act Regulation 334/79*.

23. Section 7.01 (9) is repealed.

24. Part 7 is amended by adding the following:

DISABLED PARKING SPACES

- 7.01(A) (1) All off-street parking areas containing more than 10 but fewer than 51 *off-street parking spaces* must include a minimum of one *off-street parking space* for persons with disabilities. One additional *off-street parking space* for persons with disabilities is required for each additional 50 parking spaces or portion thereof up to a maximum of 5 dedicated *off-street parking spaces* for disabled persons.
- (2) *Off-street parking spaces* for persons with disabilities must be located as close to a disabled accessible main entrance of the *principal building* as possible.
- (3) *Off-street parking spaces* for persons with disabilities must be clearly marked with stall parking signage mounted 1.0 to 1.5 m above ground level to indicate exclusive use for disabled persons.
- (4) Each *off-street parking space* for persons with disabilities must have a firm, slip-resistant and level surface.

25. Section 7.02 (1)(A) is repealed and the following substituted:

(1)(A) Cannabis Production Facility

- 1 per 30 m² of office use, plus
- 1 per 185 m² of *gross floor area* for all other uses enclosed within a *building*.

26. Section 7.03 is amended by adding the following:

- (6) Each required *off-street parking space* for persons with disabilities must be a minimum of 4.0 m in width and 6.0 m in length exclusive of aisle access.

27. Section 8.09 (1)(l) is repealed.

READ A FIRST TIME the day of , 2019.
 READ A SECOND TIME the day of , 2019.
 READ A THIRD TIME the day of , 2019.

APPROVED by the Ministry of Transportation and Infrastructure the day of , 2019.

Print Name: _____

Signature: _____

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2927

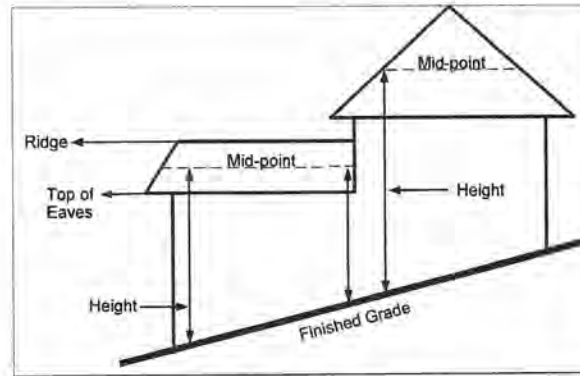
A bylaw to amend Bylaw No. 2320 cited as "Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011."

WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 2320;

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

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

1. This Bylaw may be cited as "Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 20, 2019 (Miscellaneous Amendments / RDEK)."
2. Section 3.2 is amended by adding the following:
 - (6) The maximum permitted height of *buildings* and *structures* is calculated by measuring the vertical distance from the *finished grade* of the *building* or *structure* to the mid-point between the eaves and ridge of the primary roof or roofs. Height is shown in the diagram below:



When the architectural design of the primary roof or roofs does not include a roof ridge, the maximum permitted height of the *building* or *structure* shall be calculated in accordance with section 1.11 (6) of this Bylaw.

3. Section 3.3 is amended by repealing the definitions of cannabis; derelict vehicle; farm operation; height; lodge; medical marihuana; and medical marihuana production facility and adding the following:

Cannabis means the substance set out in Schedule 1 of the *Cannabis Act (Canada)*.

Cannabis production facility means a facility for the cultivation, processing, destruction, shipping and direct marketing of *cannabis*. A facility may also conduct research or testing of *cannabis*.

Derelict vehicle means any *vehicle* no longer in road worthy condition, in a state of disrepair, wrecked or in the process of being dismantled, or which is not licenced and insured in the current calendar year, but does not include *vehicles* stored in *buildings*.

Farm operation means 'farm operation' as defined in the *Farm Practices Protection (Right to Farm) Act*, but does not include growing, producing, cultivating, processing or direct marketing of *cannabis*.

Flat roof means the roof of a *building* or *structure* for which the slope of the roof is equal to or less than 9 degrees.

Lodge means a *building* that provides temporary accommodations for the exclusive use of operators and/or transient paying guests of a *guest ranch, rural retreat, or wildland use*. A lodge may include facilities for sleeping, cooking, communal dining, meeting, recreation and sanitation.

4. Schedule A Section 1.10 (2) and (6) are repealed and the following substituted:
- (6) *Buildings and structures for a cannabis production facility* must be sited not less than:
 - (a) 15.0 m from a *front parcel line*;
 - (b) 15.0 m from an *interior side parcel line*;
 - (c) 30.0 m from an *exterior side parcel line*;
 - (d) 30.0 m from a *rear parcel line*.
5. Schedule A Section 1.11 (5) is repealed and the following substituted:
- (5) *Buildings and structures used for a cannabis production facility* where a *cannabis production facility* is a permitted use are exempt from the height requirements of this Bylaw.
6. Schedule A Section 1.11 is amended by adding the following:
- (6) The maximum permitted height of *buildings and structures* that are not exempt from the height regulations of this Bylaw and for which the architectural design includes a roof or roofs that does not include a roof ridge must be in accordance with the following:
 - (a) Single pitch roof *buildings and structures* must not exceed 1.5 m above the permitted maximum height in the applicable zone for the *building or structure* measured from *finished grade* to the top of each wall that abuts the underside of the roof structure.
 - (b) *Flat roof buildings and structures* must not exceed the maximum permitted height in the applicable zone measured from *finished grade* to the top of the roof structure.

For *buildings and structures* that include additional primary roof types not identified above, the maximum height of any primary roof(s) that includes a roof ridge shall be calculated in accordance with section 3.2 (6) of this Bylaw.
7. Schedule A Section 1.14 is amended by adding the following:
- (3) Within the *Agricultural Land Reserve* a *dwelling unit for a relative requiring care* is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.
8. Schedule A Section 1.18 (5) is repealed.
9. Schedule A Section 1.20 is repealed and the following substituted:
- (1) Where all or part of a *parcel* is located within the *Agricultural Land Reserve* activities designated farm use in the *Agricultural Land Reserve Use Regulation* are permitted on the *parcel*. In addition to the farm use activities, those uses approved by the Provincial Agricultural Land Commission as *accessory to the farm use* for that *parcel* are also permitted.
 - (2) Where a *parcel* is not in the *Agricultural Land Reserve*, is located in a zone that permits *farm operation* and the *parcel* is assessed as farm under the *Assessment Act*, activities designated farm use in the *Agricultural Land Reserve Use Regulation* are permitted in conjunction with the *farm operation*.
 - (3) Uses permitted in sections 1.20 (1) and (2) are subject to all applicable *agriculture* regulations contained elsewhere in this Bylaw.
 - (4) *Buildings or structures* that are used for *farm operations* shall be sited in accordance with the following:
 - (a) Mushroom barns must be sited a minimum of 7.5 m from all *parcel lines*.
 - (b) The required minimum *setback* for *buildings or structures* used as principal farm *buildings or structures*, or animal containment for the following types of agricultural uses is identified in the table below:

- Dairying
- Livestock, including farmed game
- Fur farming
- Poultry

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK	
	From all parcel lines	From domestic water intake (well or spring)
Confined livestock area	30.0 m	30.0 m
All other uses	15.0 m	30.0 m

- (c) Buildings or structures used for types of farm operation not identified in sections 5.19 (4) (a) or (b) must be sited a minimum of 4.5 m from all parcel lines.
- (d) All farm operation buildings or structures that contain boilers or walls with fans must be sited a minimum of 15.0 m from all parcel lines.
- (e) The required minimum setback for farm buildings and structures from the ordinary high water mark of a lake or watercourse is identified in the table below:

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK
	From ordinary high water mark of lake or watercourse
Confined livestock area - less than 10 animal units	15.0 m
Confined livestock area - more than 10 animal units	30.0 m
Mushroom barn	15.0 m
Livestock barn or livestock shelter	15.0 m
Milking facility	15.0 m
Stable	15.0 m
Poultry barn	15.0 m

- (f) Buildings or structures that are used for the storage of agricultural liquid or solid waste, such as manure, must be located:
 - (i) a minimum of 30.0 m from domestic water supply intakes, such as a well or spring; and
 - (ii) a minimum of 15.0 m from the ordinary high water mark of lakes and watercourses.

10. Schedule A Section 1.21 (1) is amended by adding the following:

- (k) Within the Agricultural Land Reserve secondary suites are subject to requirements of the Agricultural Land Commission Act and Agricultural Land Reserve Use Regulation.

11. Schedule A Section 1.25 (3) is repealed and the following substituted:

- (3) Secondary dwelling unit for farm hands is not permitted accessory to a cannabis production facility.
- (4) Within the Agricultural Land Reserve a secondary dwelling unit for farm hands necessary for farm use is subject to requirements of the Agricultural Land Commission Act and Agricultural Land Reserve Use Regulation.

12. Schedule A Section 1.27 is repealed and the following substituted:

1.27 Cannabis Production Facility

Subject to all applicable regulations contained elsewhere in this Bylaw, *cannabis production facility* is a permitted use on parcels within the *Agricultural Land Reserve* subject to the *Agricultural Land Reserve Use Regulation* and those parcels that are located within a zone where it is identified as a permitted use.

13. Schedule A Part 1 is amended by adding the following:

1.28 Property Specific Regulations

- (1) Despite the use and density regulations contained elsewhere in this Bylaw:
- (a) On Lot 1, District Lot 6325, Kootenay District, Plan 15359, two *single family dwellings* is permitted provided one of the *single family dwellings* is a *manufactured home* in the same location as one of the two *manufactured homes* existing on the property at the time of adoption of this Bylaw.
 - (b) On Lot 2, Block 14, District Lot 132, Kootenay District, Plan 1181 Except Plan 7682, *wireless communication facility* is permitted.
 - (c) On Lot 1, District Lot 132, Kootenay District, Plan NEP71336 west of Chief Daniel Road the *campground* is restricted to a total of 70 *recreational vehicles* or *park model trailers*.
 - (d) On Lot 2, Block 13, District Lot 132, Kootenay District, Plan 1181 and Lot 3, Block 13, District Lot 132, Kootenay District, Plan 1181 the *campground* is restricted to a total of 25 *recreational vehicles* or *park model trailers*.
 - (e) On Assigned Sublot 4 (See 23079I), District Lot 326, Kootenay District, Plan X26 the *campground* is restricted to a total of 160 *recreational vehicles* or *park model trailers*.
 - (f) On Lot 226, District Lot 329, Kootenay District, Plan 1171, employee housing is permitted. The employee housing must:
 - (i) include secure indoor storage for each resident within the employee housing; and
 - (ii) be limited to:
 - (A) two bunkhouses, each with a maximum *gross floor area* of 24m²;
 - (B) a common area/kitchen facility with a maximum *gross floor area* of 34 m² as an amenity available to all employee residents; and
 - (C) an on-site washroom and domestic laundry facility with a maximum *gross floor area* of 27 m² as a common amenity available to all employee residents.

14. Schedule A Section 2.3 (1) is amended by adding the following:

- (h) Involves the creation of a *parcel* to be utilized as a common lot for access in a fee simple subdivision provided the parcel will be registered as a common lot pursuant to section 12 of the *Land Title Act Regulation 334/79*.

15. Schedule A Section 3.1 (10) is repealed.

16. Schedule A Part 3 is amended by adding the following:

3.1(A) Disabled Parking Spaces

- (1) All off-street parking areas containing more than 10 but fewer than 51 *off-street parking spaces* must include a minimum of one *off-street parking space* for persons with disabilities. One additional *off-street parking space* for persons with disabilities is required for each additional 50 parking spaces or portion thereof up to a maximum of 5 dedicated *off-street parking spaces* for disabled persons.

- (2) *Off-street parking spaces* for persons with disabilities must be located as close to a disabled accessible main entrance of the *principal building* as possible.
- (3) *Off-street parking spaces* for persons with disabilities must be clearly marked with stall parking signage mounted 1.0 to 1.5 m above ground level to indicate exclusive use for disabled persons.
- (4) Each *off-street parking space* for persons with disabilities must have a firm, slip-resistant and level surface.

17. Schedule A Section 3.2 (1)(g) is repealed and the following substituted:

- (g) *Cannabis production facility* - 1 per 30 m² of office use, plus
1 per 185 m² of *gross floor area* for all other uses
enclosed within a *building*

18. Schedule A Section 3.3 is amended by adding the following:

- (7) Each required *off-street parking space* for persons with disabilities must be a minimum of 4.0 m in width and 6.0 m in length exclusive of aisle access.

19. Schedule A Section 4.10 (1)(k) is repealed.

20. Schedule A Section 4.11(A) (1)(k) is repealed and substituted with the following:

- (k) *Cannabis production facility*.

21. Schedule A Section 4.13 (2)(a) is repealed and substituted with the following:

- (a) Uses, *buildings* and *structures accessory* to a permitted use, subject to subsection 4.13 (4)(a).

22. Schedule A Section 4.13 (4) is repealed and substituted with the following:

- (4) Other Regulations
 - (a) On *parcels* with a *campground* as a permitted use, uses *accessory* to a *campground* are identified in the "Regional District of East Kootenay - Campground Bylaw No. 2403, 2012", as amended from time to time.

23. Schedule A Section 4.17 (2)(h) and (4) are repealed.

READ A FIRST TIME the day of , 2019.

READ A SECOND TIME the day of , 2019.

READ A THIRD TIME the day of , 2019.

APPROVED by the Ministry of Transportation and Infrastructure the day of , 2019.

Print Name: _____

Signature: _____

ADOPTED the day of , 2019.

CHAIR

CORPORATE OFFICER

No. _____

MOVED by Director _____ SECONDED by Director _____

THAT a public hearing be held regarding Bylaw No. 2926 and Bylaw No. 2927 and the hearing be delegated to:

Director Stan Doehle, Director Area B

Director Rob Gay, Director Area C

Public Hearing – Baynes Lake Community Hall

June 25, 2019 at 4:00 pm

Board#4

No. _____

MOVED by Director _____ SECONDED by Director _____

THAT the meeting adjourn to a Closed RDEK Board of Directors meeting to consider the following matters:

- 1) Notice on Title and Bylaw Enforcement – Section 90(1)(g) of the *Community Charter* – litigation or potential litigation affecting the RDEK;
- 2) Columbia Valley Transit Contract – Section 90(1)(k) of the *Community Charter* – negotiations and related discussions respecting the proposed provision of a service that are at their preliminary stages; and
- 3) East Side Lake Windermere Pump Supply Contract – Section 90(1)(j) of the *Community Charter* – information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.