



Regional District of
Kootenay Boundary

Meeting Agenda

Rural Bridesville Land Use Plan Steering Committee

Bridesville Hall

5724 Bridesville Townsite Road

6:00 pm, Monday, January 27, 2020

1. Previous Meeting Notes
2. Review Land Use Regulations
3. Public Engagement
4. Adjournment



Regional District of
Kootenay Boundary

Meeting Minutes

RDKB Planning and Development Department

Rural Bridesville Land Use Plan Review

Bridesville Hall

5724 Bridesville Townsite Road

Monday November 25th, 2019

Present

Vicki Gee, Director Electoral Area 'E' West Boundary

RDKB Staff: Liz Moore, Senior Planner

Steering Committee Members: Lynne Storm, Liz White, Patricia Campbell

Regrets: Jamie Haynes, Grant Harfman

The meeting began at 6:00pm.

1.0 Previous Meeting Notes

Reviewed and accepted.

2.0 Review Zones and Definitions

2.1 Review of Zones

Committee discussed the number of industrial zoning types.

- Each one has been drafted to address a particular situation on each property and act as site specific zones.
- The sizes of each industrial zone and the minimum required parcel size for each industrial zone are such that the industrial areas could not be subdivided.
- In particular, properties in the Townsite have zoning for activities specific to property owners, such as the former recycling depot and facility.

Committee discussed the two residential zones and whether two are needed.

- The main difference between the two zones is that the second residential zone includes a two single family dwelling for its density.

- This second residential zone was created with the Bridesville Townsite Land Use Plan as a few property owners were concerned that if the Land Use Plan was adopted and their zoning did not state that their second residence was permitted, that they would not be allowed to have the second house.
- Committee discussed legal non-conforming as a way for these property owners to legally have a second house even if it's not specifically permitted in the zoning. In the case where only one single family dwelling is permitted, a status of legal non-conforming would protect that second dwelling if it were built prior to the land use bylaw coming into effect, as long as it remained in place and did not require any major repairs. If the dwelling were removed, a replacement residence could not be built and the zoning would restrict the density to one single family dwelling.
- Conversations with property owners in the Bridesville Townsite were proposed by Steering Committee to see if the zoning still applies to their properties and whether the same needs and concerns will be reflected in permitted uses.
- Parking requirements are another item to be discussed as a possible change with Townsite zoning.
- It was also suggested that horses and cows be removed from the list of larger animals permitted under Agricultural Uses in Residential 2 Zone, to be in line with Residential 1 Zone.
- Committee member suggested that it would make more sense to have a second residential zone for the properties at Timberwolf, as the parcels are larger and they do not have a community water system.
 - No need to restrict the number of animals as the minimum lot size would be 1 hectare and that should be large enough to have a few large animals. Continue to permit secondary suites and B&B's

Other discussions on zoning included:

- Agri-tourism was removed from the permitted uses of Rural Resource 1, as it is defined as being specific to ALR lands, none of which are included in Rural Resource 1.
- Bed and breakfasts as a permitted use should enable people to have B&B accommodation in accessory buildings on the property with their residence and not necessarily be required to have accommodation within their residence.

- Include second campground in the Commercial Campground zoning – located on Highway 3 – mark made on draft Land Use Designation map indicating location.
- Committee member suggested that the exterior parcel line setback in the Agricultural Resource Zone for Cannabis Production Facilities be increased to 30 m to match the setback from the front parcel line.
- A question was raised regarding the minimum parcel size for subdivision for Rural Resource 1, which is currently listed as 8 ha.
 - What was this area prior to 2018?
- Committee member suggested that 2 single family dwellings could be permitted on Rural Resource 1, as the parcels are bigger.
- In Drinking Water Resource Zone, for agriculture as a permitted use, ensure that it says “no cement based cannabis production facilities”.
- Increase Rural Resource 2 minimum parcel size to 50 ha from 30 ha.
 - Remove parcel coverage by greenhouses from RR2
- Remove height maximum from Parks and Recreation and Conservation Zones.
- Decrease Rail/Trail Corridor minimum parcel size to 50 ha from 100 ha.

2.2 Review of Definitions

A selection of definitions were discussed. The definitions were selected for discussion based on whether a difference was recorded between what had initially been proposed for the Rural Bridesville Land Use Plan (labelled as ‘Old’) and proposed updates based upon the definitions in Electoral Area ‘D’/Rural Grand Forks (labelled as ‘Proposed’).

- Proposed definition for agri-tourism was selected as most appropriate.
- Bed and Breakfast, proposed selected, with suggested change to definition to include a Guest House. This will be reviewed against ALR legislation and regulations.
- Campground, proposed definition was selected.
- Concealed, old definition selected, as no need to restrict the materials used.

- Solid Screen, proposed definition selected, with the removal of mention of specific materials that are not allowed.
- Dwelling, Single Family, proposed definition selected.
- Secondary suite, don't specify that a suite must be contained within a single family dwelling, except on ALR lands.
- Temporary accommodation, proposed definition selected.
- Keep Derelict Vehicle definition, though remove "in working condition" after farm machinery.
- May not need recycling depot definition, depending on outcome from zoning consultation.
- Consider having a definition for Seasonal Farm Labour Dwelling, so as to have this as a permitted use in relevant zones.
- Keep Veterinary Clinic definition and permit in all zones.

3.0 Review of Land Use Regulations

Short discussion of two features of General Regulations.

A concern was raised by a committee member that 4.1.1.2.g) would be restricting people from living in manufactured homes or RVs and that we should avoid restricting these types of dwellings.

4.2.3 On-Farm Accommodation (Agri-Tourism) was removed as a section from the General Regulations as it applies only to properties within the ALR and this is addressed specifically within the Agricultural Resources Designation policies.

Remainder of discussion deferred to January 2020 meeting.

4.0 Actions

The meeting was adjourned at 8:30 pm.

Review of Land Use Regulations

3 Land Use Regulations

3.1 General Regulations

3.1.1 Permitted and Prohibited Uses

1. No land, **building** or **structure** may be used for that, which is not specifically listed under the heading "Permitted Principal Uses" or "Permitted Secondary Uses" in the Zone that the land, **building** or **structure** is located, and no **building** or **structure** may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged for any use other than a specifically permitted use in that Zone. Furthermore,
 - a) A use listed under "Permitted Secondary Uses" is only permitted if a use under "Permitted Principal Uses" is lawfully established and ongoing.
 - b) A use is only permitted if lawfully established and ongoing in accordance with:
 - (i) The applicable regulations and conditions of use as identified in each Zone; and
 - (ii) Such further general regulations applicable to the use, as identified throughout this Bylaw.
 - c) A use not specifically permitted in a Zone is prohibited from that Zone.
 - d) A use not specifically permitted in this Bylaw is prohibited from the **Plan Area**.
 - e) Except where specifically permitted within a zone established by this Bylaw, no **parcel** may be used for the **storage** of **derelict vehicles(s)**.
 - f) A storage building, including a garage, may be located on a **parcel** that does not have a principal use or **principal building** provided it is only to be used for the non-commercial/industrial **storage** of goods or vehicles belonging to the owner. Such a **building** shall be subject to the regulations for **accessory buildings** in the zone within which they are located and must not exceed 60 m² in floor area;
 - g) Residential occupancy for a period exceeding 120 days per calendar year of **accessory buildings**, tents, **recreational vehicles**, and similar shelters is prohibited except where:
 - (i) **Campgrounds** are listed as a permitted use;
 - (ii) The occupancy has been approved under Section 4.1.1.2(g) of this Bylaw.
 - h) The unloading, **storage** and loading of special wastes (as defined in the *Environmental Management Act* and regulations thereto) and other similar hazardous products are specifically prohibited.
 - i) Except where specifically permitted within a zone established by this Bylaw, no parcel may be used for **cannabis retail stores**.
 - j) The use of cement based, industrial style, **cannabis** production bunkers in the Agricultural Land Reserve are prohibited.
 - k) **Cannabis** production outside of the ALR is prohibited.
 - l) **Intensive agriculture** outside of the ALR is prohibited.
2. Except as otherwise stated in this Bylaw, the following uses are permitted in

all zones:

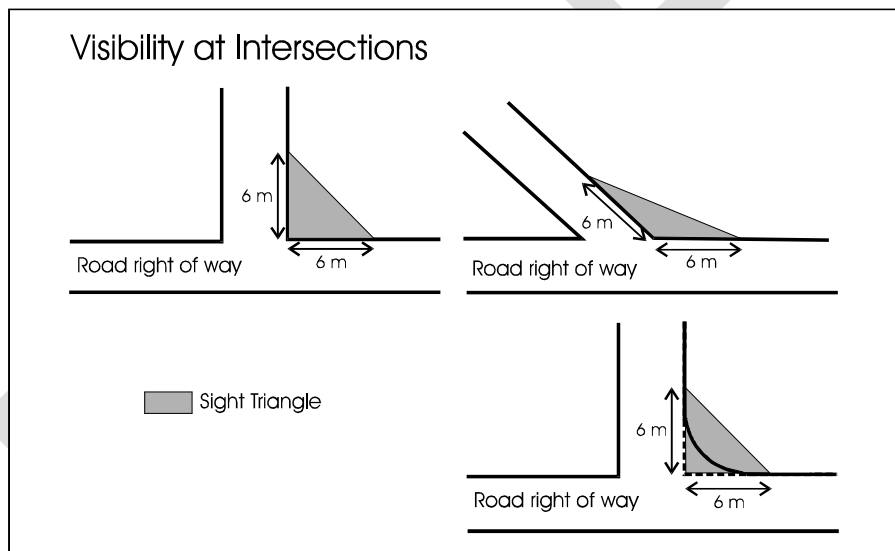
- a) Highways;
- b) Landscape screens and fences;
- c) Parks, playgrounds, and similar active or passive recreation areas including buildings and structures;
- d) Churches; cemeteries; libraries, museums, community halls, fire halls, police and ambulance stations, schools; and veterinary clinics.
- e) Utility uses and accessory buildings and structures, excluding offices, maintenance garages and storage areas;
- f) Railroad tracks, except private sidings;
- g) Residential occupancy (maximum of two years) in a manufactured home or recreational vehicle for the property owner while a dwelling unit is under construction, provided the owner first signs a notarised statement of intent to cease occupying and remove the manufactured home within 30 days after the dwelling unit has been completed;
- h) Temporary buildings, structures and storage of materials required for an approved construction project on the same parcel provided such temporary buildings, structures and storage are removed within 30 days of completion of the approved construction;

3.1.2 Siting Requirements and Exceptions

Where a zone includes a regulation entitled "Setbacks", or where this Bylaw otherwise makes reference to a minimum setback, no **building** or **structure** may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged nearer to the **parcel** line, natural boundary or the other point of reference than the distance so specified, and for certainty:

1. Setbacks may vary according to any combination of use, **building**, **structure** or location within a Zone or adjacent Zone, or by **parcel** dimensions, or to a specific **highway**, **natural boundary** or other point of reference, and the provisions of this Bylaw must be interpreted accordingly;
2. Any portion of a **building** or **structure** located below finished grade is subject to all setbacks for the Zone in which the **building** or **structure** is located or that are otherwise applicable;
3. The minimum setback distance for a **pit privy** is 30m from the **natural boundary** of any **watercourse** or water well.
4. Selected **structures** are excluded from the setback requirements of this Bylaw however, a separate approval from the Ministry of Transportation and Infrastructure may be required where the setback is adjacent to a **highway**. The exceptions are regulated as follows:
 - a) Unenclosed steps, eaves, sunlight control projections, canopies, chimneys, bay windows, balconies, porches and other similar projections may project:
 - i) 2 metres within a required **front parcel line**, **rear parcel line**, or **exterior side parcel line** setback; and

- ii) 0.6 metres within a required **interior side parcel line** setback.
 - b) An underground **structure** may be sited on any portion of a **parcel** provided that the top surface of such **structure** at no point extends more than 0.5 metres above the average finished ground elevation within the relevant setback area of the zone in which it is located.
 - c) Free standing lighting poles, warning devices, antennas, masts, utility poles, wires, flag poles, **signs** and **sign structures**, except as otherwise limited in this or other bylaws may be sited on any portion of a **parcel** at the sole responsibility of the owner and utility company.
5. No person being the owner, occupier or lessee of any **parcel** located at the intersection of any two **highways**, may, without the consent of the Ministry of Transportation and Infrastructure or his designate, place or permit to be placed or grow any tree, shrub, plant, fence or other **structure** with a horizontal dimension exceeding 0.6m within the sight triangle an elevation such that an eye 0.9m above the surface elevation of one **highway** cannot see an object 0.9m above the surface elevation of the other **highway**.



3.1.3 Height and Width

1. Where a Zone includes a regulation entitled "Height", or where this Bylaw otherwise makes reference to a maximum **height**, no **building** or **structure** may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged in a manner that exceeds the **height** specified for the Zone in which the **building** or **structure** is located. For certainty, maximum **height** in a Zone may vary according to the use or location of the **building** or **structure**.
2. The following exceptions to the **height** regulations apply:
 - a) **Height** restrictions do not apply to the following, except in accordance with subsection (b): industrial cranes; grain elevators; silos;

windmills; solar panels; towers; tanks; radio and television antennas; church spires, belfries and domes; monuments; chimney and smoke stacks; flag poles; lighting poles; and elevator shafts.

- b) Where such **structures** are located on top of a **building** they must not occupy more than 10% of the horizontal plane of the roof area.

3.1.4 Density

1. Where a Zone includes a density regulation expressed as an absolute number of parcels, units, buildings, use or similar figure, no **parcel** may be subdivided and no **parcel** may be developed with more than the number identified for the zone in which the **parcel** is located.
2. Where a Zone includes a density regulation expressed as a per hectare figure, no parcel may be subdivided and no parcel may be developed with more than the number of parcels, units, sites or other figure(s), per hectare as determined by applying the figure for the Zone in which the parcel is located to the area of the parcel.
3. For certainty, where more than one of the above density regulations apply to any particular **parcel**, the most restrictive governs but all remain applicable.

3.1.5 Subdivision Regulations

1. Where a zone includes a regulation entitled "Parcel Area", or this Bylaw otherwise refers to a minimum **parcel area**, then no **parcel** may be created by subdivision that has an area less than the figure specified for the Zone in which the **parcel** is located.
2. A **parcel** which is reduced in size by the dedication of land to a public body in order to accommodate a necessary public service, utility, facility or **highway**, subsequent to the approval date of this Bylaw is deemed to be in conformity with the minimum **parcel area** requirements of this Bylaw.
3. Where as a result of land acquisition for a public use after this Bylaw comes into force by:
 - a) The Regional District;
 - b) A municipality;
 - c) The Provincial Government;
 - d) The Federal Government;
 - e) An Improvement District;
 - f) The Board of School Trustees; or
 - g) A Public Utility,
 - i. The **parcel** of land that could have been subdivided into two or more **parcels** under this Bylaw when the land was acquired, and
 - ii. The **parcel**, as a result of the acquisition, can no longer be subdivided into the same number of **parcels**,

the **parcel** is deemed to conform to this Bylaw for the purposes of subdivision as though the land acquisition had not occurred, but only to the extent that none of the **parcels** that would be created by the subdivision would be less than 90% of the area that would otherwise be permitted by this Bylaw.

4. The minimum **parcel area** requirements of this Bylaw do not apply to the consolidation of existing **parcels** or the addition of closed **highways** to an existing **parcel**, except that where a consolidation of existing **parcels** would include lands located within the Rail Corridor 1 (RC1) Zone the minimum **parcel area** requirement under this bylaw shall apply.
5. The alteration of one or more **interior parcel lines** between two or more **parcels** is permitted provided that:
 - a) no additional **parcels** are created upon completion of the alteration;
 - b) the alteration does not infringe within the required setbacks for an existing **building** or **structure** located on the **parcel**;
 - c) the alteration does not reduce the site area required for a sewage disposal system on any **parcel** being altered; and
 - d) if the alteration applies to land within the 'Rail/Trail Corridor 1 (RTC1) Zone', a corridor must be maintained within that zone that is a minimum of 10 metres wide and is suitable for the possible reestablishment of a railway.
6. The minimum size for a **parcel** of land that may be subdivided pursuant to Section 514 (Subdivision for a relative) of the *Local Government Act* is 50 hectares. This regulation does not apply within the **Agricultural Land Reserve**.
7. New **parcels** created after the adoption of this bylaw must not be separated by an existing **highway** or railway right of way unless each portion of the **parcel** separated by a **highway** or railway right of way meets the minimum **parcel area** requirement of the zone.
8. The minimum **parcel area** at subdivision in any zone established under this bylaw does not apply where all of the following conditions are satisfied:
 - a) the **parcel** being created is to be used solely for the unattended equipment necessary for operation of
 - i) **public utility uses** with no exterior **storage** of any kind;
 - ii) radio or television broadcasting antennae, or other similar communications infrastructure;
 - iii) air or marine navigation aids;
 - b) no sewage is generated, and

- c) the owner agrees in writing to registering a covenant pursuant to section 219 of the *Land Title Act* in favour of the Regional District of Kootenay Boundary at the time the subdivision is registered, and such covenant shall be satisfactory to the approving officer and shall restrict the use of the **parcel** in accordance with the applicable exception under this provision.

3.2 Supplemental Regulations for Certain Uses and Circumstances

3.2.1 Home-Based Businesses

Where the home-based business use is expressly permitted, the following regulations apply:

- 1. a) the home-based business may be carried out by the property owner or resident solely as an **accessory use** to the permitted **single family dwelling**;
 - i) all **storage** of materials, equipment, containers or finished products must be screened within R1/R2 zones (Townsite).
- b) the home-based business use must not produce any odorous, toxic or noxious matter, noise, vibration, smoke, heat, dust, litter, glare or radiation other than that normally associated with the dwelling and must not create or cause any fire hazard, electrical interference or traffic congestion on the **highway**;
- d) the home-based business use must not involve salvage and **storage** of **derelict vehicles** and equipment;

3.2.2 Secondary Suites

- 1. Where a **secondary suite** is expressly permitted as a secondary use within a zone, the following regulations apply:
 - a) The floor area of the **secondary suite** must not exceed 90m² or 40% of the floor area of the **single family dwelling building**, whichever is less;
 - i) The maximum gross floor area of a single-family dwelling and secondary suite must be less than 500m² in the Agricultural Resource Zone.
 - b) Prior approval of the authority responsible for liquid waste disposal, pursuant to the relevant Provincial legislation, must be obtained before issuance of a building permit;
 - c) For **parcels** located within an area served by a **community water system**, prior approval of the water purveyor must be obtained before issuance of a building permit;

- d) No **secondary suite** may be stratified, subdivided, or otherwise legally separated from the principal **single family dwelling** use to which it is considered a secondary use, except where the subdivision is in conformity with the minimum **parcel area** requirements of this bylaw; and
 - e) A new **secondary suite** must not be connected to a **community water system** which is subject to a Drinking Water Notification pursuant to the *Drinking Water Protection Act* under an order of the Drinking Water Protection Officer.
2. Except for floor area provisions of Subsection 4.2.2(1), it is the Board's intent that the provisions of Section 4.2.2 are integral to the definition of the Secondary Suite and therefore cannot be varied except through an amendment to this Zoning Bylaw.

3.2.3 **Bed and Breakfasts**

- 1. Where a **Bed and Breakfast** is expressly permitted as a secondary use within a zone, the following regulations apply:
 - a) Not more than four (4) **bedrooms** inside a **dwelling unit** on a single **parcel** of land may be used, at the same time, for the accommodation of the travelling public; and
 - b) The accessory use must be operated by the permanent resident(s) of the single family dwelling.
- 2. Except for the use and density provisions of Subsection 3.2.3(1), it is the Board's intent that the provisions of Section 3.2.3 are integral to the definition of the Bed and Breakfasts and therefore cannot be varied except through an amendment to this Zoning Bylaw.

3.2.4 **Campgrounds**

- 1. Where a **campground** is expressly permitted as a primary use within a zone, the following regulations apply:
 - a) Campsites shall have a minimum area of 125m² per site.
 - b) Campsites shall have a maximum density of 50 campsites per hectare
 - d) Accessory commercial uses such as **convenience store**, eating and drinking establishment, or laundromat shall not to exceed 100m² in gross floor area.
 - e) Campgrounds must be connected to an approved sewage disposal system
 - f) Campgrounds shall only provide **temporary accommodation** for the public.

- g) No campsite shall be within 30 metres of a public highway, or 5 metres of a property line
- h) Campgrounds must include a continuous 1.5 metre tall landscape screen or fence around the boundaries of the campground.

3.2.5 Kennels

1. **Kennels** shall not be permitted in the Plan Area except where a site specific re-zoning has been approved by the Board. Upon application for a bylaw amendment, such applications will be evaluated on criteria that includes, but is not necessarily limited to the following:
 - a) The size of the subject property;
 - b) The design of the proposed **kennel** and location so that it limits impact on neighbouring property owners;
 - c) That **kennels** are recognized as a rural use and should not be located in residential zones.
 - d) Provisions included in application for fencing and screening on **interior parcel lines**, including fencing of 2 m.

3.2.6 Sign Regulations

1. With the exception of regulations to the contrary within any particular zone under this bylaw, no **parcel** may be used for the display of any exterior **signs** on a permanent basis other than:
 - a) Those advertising a permitted use on a **parcel** of land that is occurring on the **parcel** upon which the **sign** is located;
 - b) Those for a **building** or facility permitted pursuant to section (Permitted and Prohibited Uses Section #)
 - c) Temporary signs such as election; 'For Sale'; and 'For Rent' **signs**;
 - d) Advisory **signs** such as 'No Trespassing', 'No Hunting', and 'Beware of Dog', not limited as to number, provided each sign does not exceed 0.3 m² in size on any one side.
2. Unless otherwise permitted or restricted elsewhere in this bylaw, the maximum visible surface area of a sign is 3m² per side.
3. Unless otherwise permitted or restricted elsewhere in this bylaw, not more than two **signs** may be located on a **parcel** of land.
4. No **sign** may be equipped with motion or flashing lights or a mechanical device which causes the **sign** to move.
5. When a **sign** remains in place after the activity, business, product or service the **sign** advertises is no longer conducted or available on the

premises on which the ***sign*** is located, such ***sign*** and any supporting ***sign*** structure is considered to have been abandoned, and the owner of the premises in question shall remove the sign within ninety (90) days from the date that the activity, business, product or service is no longer conducted or available or within thirty (30) days from the date written notice from the ***Regional District*** to remove the sign or sign structure has been received.

DRAFT

Public Engagement

Mtg. #	Month	Comment
2020		
8	January 27	Revise Draft Plan and Plan Workshop
9	February 18	Revise Draft Plan and Maps and Plan Workshop
10	March 9 or 16?	Revise Draft Plan and Maps and Plan Workshop
--	March 28	Public Workshop - Morning Session – Bridesville Townsite - Afternoon Session – Rural Bridesville
--	April	Referrals
--	May	No meeting scheduled
--	June	No meeting scheduled
--	July	Open House and Public Hearing

Public Workshop

Stations set up

- Maps
- Designations and Zones
 - o Residential
 - o Agricultural Resource
 - o Commercial Campground
 - o Rural Resource
 - o Industrial
 - o Parks and Recreation/Rail-Trail
 - o Institutional and Community Facilities
 - o Drinking Water Resource
 - o Conservation
- Objectives and Policies
- Permitted and not permitted uses
- General Regulations

Handout

- What is a land use plan?
- Tables of Zones and Designations
- Zoning and Designation Maps