

SCHEDULE 'A' - BYLAW NO. 932

HIXON-WOODPECKER RURAL LAND USE BYLAW

PART I

1.0 **INTRODUCTION**

1.1 The Regional Board considers that the Hixon-Woodpecker area does not require as complicated a system of land use regulation as other areas of the Regional District. This is because the area is located farther from the regional centre of Prince George (45 - 60 km), and because it is rural in nature, with a service centre and residential core at Hixon.

1.2 However, the Board also considers that some degree of land use planning and regulation is necessary - to protect individual residents' interests and some overall public interests. A Rural Land Use Bylaw is considered to be the appropriate method to achieve this, since its objection is to combine the main elements of planning and regulation into a simpler bylaw framework.

1.3 Therefore, at the Board's request, the Minister of Municipal Affairs designated the Hixon-Woodpecker Rural Planning Area in May, 1986. The following map (Section 1.8) shows the area and its location in relation to Prince George.

1.4 As required by the Municipal Act, this Rural Land Use Bylaw is made up of two Parts. Part 1 sets out general principles about land use and is a framework for future land use changes in the area. Part 2 sets out more detailed land use and subdivision regulations which are based on Part 1.

1.5 Procedural requirements for the preparation and adoption of this Rural Land Use Bylaw are set out in the Municipal Act. The Board has, over and above these requirements, given full opportunity for public review and input through informal meetings, and from the Advisory Planning Commission.

1.6 The purpose and objectives of the Board in preparing and adopting this Hixon-Woodpecker Rural Land Use Bylaw are:

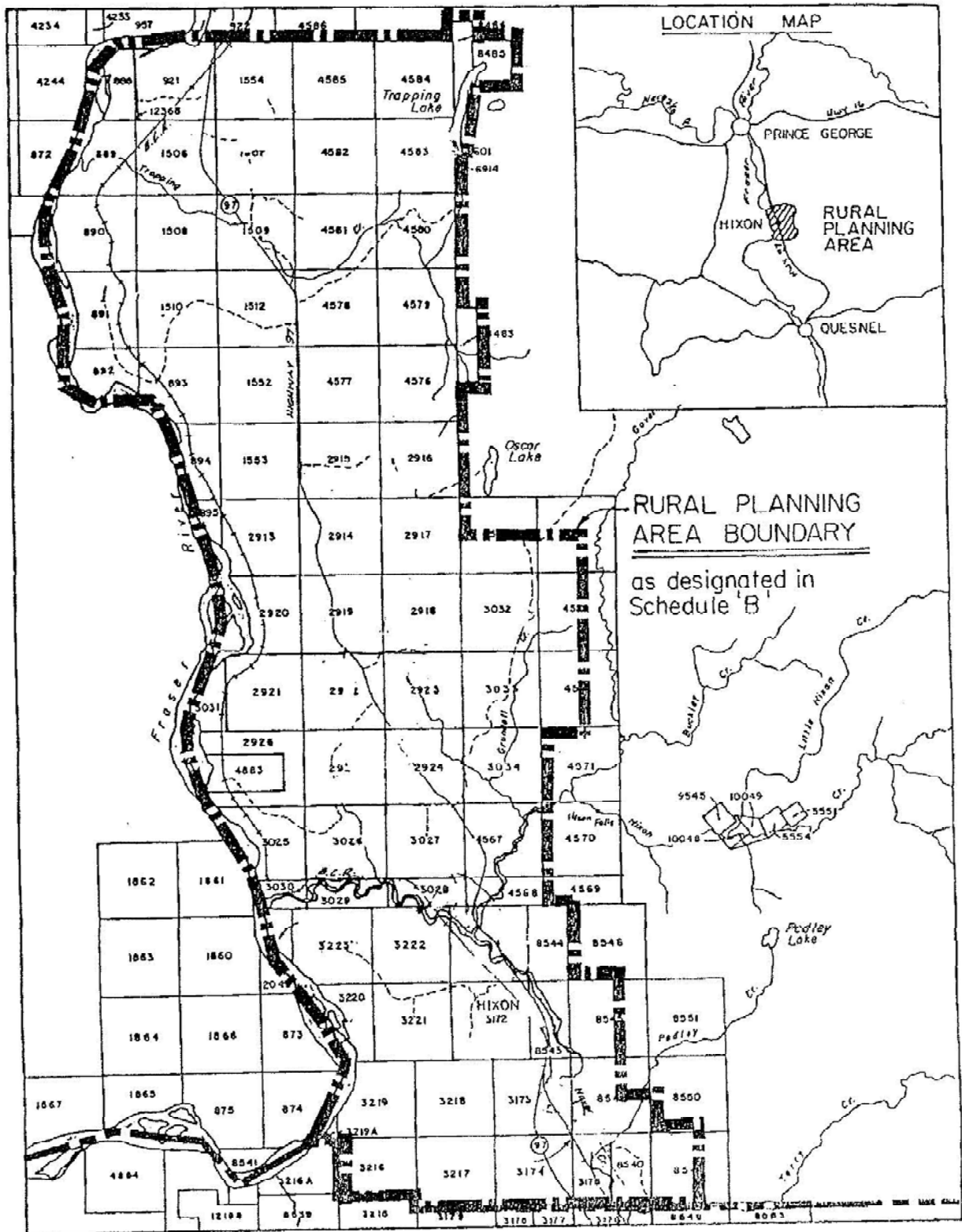
- (i) to establish a land use planning framework which reflects the wishes of residents of the Hixon-Woodpecker area as to future land use changes in their community;
- (ii) to achieve consistency in decisions relating to land use matters, and provide the public with the opportunity to review Board policies to assist with individual decisions on whether to live or invest in the area;
- (iii) to allow for a speedy procedural system for the development approval process proposals which are consistent with the policies established;
- (iv) to ensure that the land use policies of other levels of government are recognized and complemented by Board policies and decisions;

- (v) to establish a set of land use regulations which are simple, understandable, and enforceable.

1.7 This Rural Land Use Bylaw is intended to be a relevant guide for land use change and regulation for the future. There is no specific length of time for which the Bylaw will be applicable, since that will depend to a large extent on the actual conditions which occur to influence land use.

1.8

HIXON-WOODPECKER RURAL PLANNING AREA



2.0 GENERAL PROVISIONS

2.1 JURISDICTION

2.1.1 The statements of policy and the regulations contained in this Rural Land Use Bylaw are those of the Board of Directors of the Regional District of Fraser-Fort George.

2.1.2 Part 1 does not contain any policies on matters which are not within the regulatory jurisdiction of the Board, although broad objectives are stated on some such matters, as permitted by Section 952(2) of the Municipal Act, where the Board considers them to be sufficiently important.

2.1.3 No statement of policy, designation of land, or regulation of use or subdivision, in Part 1 or 2, removes the need to obtain any approval or permit required by any other jurisdiction.

2.2 INTERPRETATION

2.2.1 References to "Part 1" and "Part 2" shall mean Part 1 and Part 2 of this Rural Land Use Bylaw, in relation to Section 952 of the Municipal Act.

2.2.2 Reference to the "Board" shall mean the Board of Directors of the Regional District of Fraser-Fort George.

2.2.3 Inasmuch as Part 1 contains general statements, their meaning may be open to interpretation, especially in the context of whether a regulation in Part 2 (or a proposed amendment to Part 2) is consistent with those general statements. An effort has been made to make the policies and designations as clear as possible, but where any interpretation is necessary it shall be made by the Board, except where such interpretation may be made by the court.

2.2.4 Metric measurements are used throughout Parts 1 and 2 of this Rural Land Use Bylaw, and imperial equivalents are given in brackets [] for convenience only. These, and also any "NOTES" given in brackets, do not form part of this Bylaw.

2.2.5 Further interpretation relating only to Part 2 is given in Section 6.3.

2.3 AMENDMENT AND REVIEW

2.3.1 This Rural Land Use Bylaw can be amended only by bylaw approved by the Minister of Municipal Affairs and adopted by the Board under Section 953 of the Municipal Act.

2.3.2 An application to amend this Rural Land Use Bylaw may be submitted to the Board for consideration subject to the provisions of bylaws adopted under Sections 954(1) and 988(1) of the Municipal Act.

- 2.3.3 It is the policy of the Board that Part 1 will be subject to a full review approximately 5 years after its adoption to ensure its continued applicability.
- 2.3.4 Further, it is the policy of the Board that land use changes in the Hixon-Woodpecker Rural Planning Area will be monitored, and a review of Part 1 or Part 2 may be undertaken at any time to account for significant change and to ensure that the requirements of the Municipal Act are met.

3.0 LAND USE POLICY FRAMEWORK

3.1 REGIONAL CONTEXT

3.1.1 The Board has a set of broad objectives and policies for land use which apply equally throughout the Regional District. These represent a land use policy framework for this Rural Land Use Bylaw, and the following objectives and policies are a description of this. It is this policy framework which provides an overall consistency between the different planning areas in the Regional District.

3.1.2 It is the policy of the Board that any future changes to this Rural Land Use Bylaw will be considered with reference to this framework, as described in Section 3.2.

3.1.4 The unincorporated community of Hixon is about half-way between Prince George and Quesnel, and serves the role of service centre on Highway 97 and for the surrounding rural area. Hixon's location is such that economic and population growth opportunities would not conflict with support for Prince George's regional role. It is the policy of the Board to support and promote a role for Hixon as a potential location for economic development and growth, as opportunities arise, and to encourage further development of the community.

3.2 GENERAL OBJECTIVES AND POLICIES

3.2.1 Objectives: the overall land use objectives of the Board for the Hixon-Woodpecker Rural Planning Area are:

- (i) to have, or work towards, a pattern of land use which minimizes conflict between adjacent uses and which allows for the cost-efficient provision of the range of public services;
- (ii) to make provision through land use designations for community growth and development;
- (iii) to account for expressions of Provincial (and other governmental) policies in setting out land use policies and designations;
- (iv) to use, as much as possible, the existing pattern of land use as the main determinant of policies and designation.

3.2.2 Resource Lands: the importance of the region's forest and agricultural resource land base is fully recognized, and it is the general policy of the Board that decisions on land use matters within its jurisdiction will support the objectives and policies of agencies responsible for resource lands management.

3.2.3 Forest Lands: the broad objective of the Board with regard to the forest land base is to support the approach to forest management which integrates compatible non-forest uses and which accounts for other roles of forest land such as for wildlife management, watershed protection, scenic protection, recreation opportunities, and

other special environmental considerations.

- 3.2.4 Forestry Roads: as a more specific item, it is the policy of the Board to restrict subdivision, except large acreage agricultural parcels, or other development which would significantly add to traffic on, or accesses from, forest roads.
- 3.2.5 Agricultural Lands: with regard to the agricultural land base, general policies are that the Board will:
- (i) support the Agricultural Land Commission Act with its general objective of protecting agricultural land for future food production;
 - (ii) discourage and restrict the fragmentation of agricultural land by subdivision by means of generally large minimum parcels size regulations;
 - (iii) limit the amount of non-farming residential uses, and other uses which create conflict with agricultural uses, in existing or potential future agricultural areas;
 - (iv) not promote non-farm development of agricultural land for any other use unless it is shown that there is no practical alternative location; and
 - (v) support a review of the ALR boundary.
- 3.2.6 Crown Land Plan: the Board recognizes the jurisdiction of the Province in administering Crown land, and it is the broad objective of the Board to acknowledge and support the designations of the Prince George Area Crown Land Plan, on the basis that any specific development will occur only if consistent with this Rural Land Use Bylaw.
- 3.2.7 Transportation Network: the broad objective of the Board with regard to transportation is to support a safe and efficient transportation network, and support improvements by protecting proposed routes.
- 3.2.8 Controlled Access Highways: as a more specific transportation item, the policy of the Board is that land use decisions for locations on major highways will take account of traffic matters, and development which generates additional traffic or access from a major highway will generally not be permitted except where part of a planned development or the impact is not significant.
- 3.2.9 Hazard Lands: it is the policy of the Board to direct new development away from floodplains or other hazard lands. The land use and subdivision policies incorporated into the designations used in this Rural Land Use Bylaw account for this policy by encouraging parks, open space and agricultural uses on lands subject to a general liability to flood, but allowing for residential use of existing parcels on such lands.
- 3.2.10 Residential Development: it is the policy of the Board to provide for a range of choices for rural residential living, and to locate additional rural residential

subdivision development in defined areas, preferably in or next to established locations. In addition, it is the Board's policy to limit urban density development to existing communities with that type of density.

3.2.11 Commercial Development: it is the policy of the Board to allow for:

- (i) local commercial services at locations best suited to serve rural populations;
- (ii) highway commercial services to be located at intervals of about 50 - 60 km along major highways; and
- (iii) recreation commercial uses on a broad basis throughout the area.

3.2.12 Industrial Development: it is the policy of the Board to support land being available for a range of potential industrial uses in locations which minimize conflicts with residential use. In addition, it is Board's policy to allow for family business operations.

3.2.13 Economic Development: through the Prince George Region Development Corporation (the Regional District Economic Development Function), it is the policy of Board to support development to expand the economic base of the Hixon area and local employment opportunities.

3.2.14 Heritage: it is the policy of the Board to support the identification of the region's heritage resources and where practical, support the restoration/protection of those resources for presentation to the public.

3.2.15 Greenhouse Gas Reduction Objective

There is increasing scientific evidence that links the emission of **greenhouse gases** to climate change. The provincial government, in partnership with local governments is dedicated to reducing **greenhouse gas** emissions in British Columbia to help combat climate change.

In 2007 the Regional District signed onto the *British Columbia Climate Action Charter*. The Charter addresses the need to reduce **greenhouse gas** emissions within the province to improve the well being of the environment, communities and individuals. By signing the Charter, the Regional District has signed on to be carbon neutral, as a corporation, by 2012.

On January 1, 2008 the provincial government brought into authority the *Greenhouse Gas Reduction Targets Act* (GGRTA). This Act sets a target for the reduction of **greenhouse gas** emissions (GHG's) for the province as a whole by at least 33 per cent below 2007 levels by 2020. It also includes a long range target of an 80 per cent reduction of 2007 levels of **greenhouse gas** emissions in British Columbia by 2050. The provincial government is requiring that the public sector including provincial ministries and agencies, schools, colleges, universities, health authorities and Crown corporations, be carbon neutral by 2010.

Coupled with GGRTA the *Local Government (Green Communities) Statues Amendment Act* (Bill 27, 2008) mandates local governments to include in their

Official Community Plans targets, policies and actions that the local government will undertake to reduce the emission of **greenhouse gas** within their jurisdiction.

Greenhouse gas emissions are monitored, calculated and provided to the Regional District by the provincial government. The Community Energy Emissions Inventory (CEEI) was completed by the provincial government in 2007 and provides a baseline for energy consumption and **greenhouse gas** emissions for the province and the Regional District. The CEEI for the Regional District in 2007 was 1,192,452 CO₂e (t). The Regional District is committed to a 15% reduction of 2007's greenhouse gas emission levels by 2015 and a 33% reduction by 2020.

The Regional District is committed to addressing climate change and reducing **greenhouse gas** emissions. Provisions to reach a 33% reduction of **greenhouse gas** emissions within the Regional District by 2020 are addressed through the following policies and strategic plans:

- i) Determine which provincially funded initiatives that target the reduction of **greenhouse gas** emissions are available to the Regional District.
 - a. These initiatives include but are not limited to; Smart Planning for Communities, B.C. Community Action on Energy and Emissions and the Greenhouse Gas Action Guide.
- ii) Reduce solid waste in the Regional District by 50%.
 - a. Implement waste diversion and reduction policies within the 2008 Regional Solid Waste Management Plan by 2015
 - b. Continue to operate the Landfill Gas collection system at the Foothills Regional Landfill and Recycling Depot and evaluate the feasibility to expand and diversify the operation as outlined in the Landfill Gas Management Plan.
- iii) The Regional District; as a corporation in their operations, to become carbon neutral by 2012.
 - a. Work within the *British Columbia Climate Action Charter* and Climate Action Toolkit to develop strategies and take steps to become carbon neutral.
- iv) No Net loss of farmland within the Regional District over the next 10 years.
 - a. This Plan outlines general objectives and policies that discourage and restrict the fragmentation of agricultural land in the Plan area.
 - b. Subdivision of large parcels is limited by promoting subdivision in established small parcel designations identified in the Plan.
 - c. Promote farming within the Regional District by allowing agricultural opportunities through designation as identified by the Plan.

- v) Create opportunities within the Regional District to establish secondary residences.
 - a. The Residential Development Policy of this Plan outlines provisions that promote increasing the density of residences where appropriate.
- vi) Promote community outreach and public awareness campaigns.
 - a. Continue a partnership with the Recycling and Environmental Action Planning Society (REAPS) to deliver programs in schools and the general population regarding recycling, composting, community garden workshops and other educational initiatives.
 - b. Continue a partnership with the Prince George Air Improvement Roundtable (PGAIR) that has a goal to continue to improve air quality in the Prince George area by providing scientific information and awareness campaigns to the public.
 - c. Continue to promote the Anti-Idling campaign at Regional District facilities.
- vii) Increase the percentage of buildings built above Building Code standards, with regard to energy efficiency, in the Regional District by 20%.
 - a. Determine the feasibility of developing and implementing an incentive program to build greater energy efficient residences by 2015.
 - b. Determine the feasibility of prohibiting the installation of new fireplace inserts or woodstoves that do not meet either the Canadian Standards Association (CSA) B415 Standards or Environmental Protection Agency (EPA) certification.
 - c. Provide information to developers that encourage the building of greater energy efficient buildings.
- viii) The Regional District will explore new policies, strategies and initiatives that reduce the emission of **greenhouse gases** as they develop.

4.0 **LAND USE AND DEVELOPMENT POLICIES**

4.1 **OVERALL LAND USE PLAN**

4.1.1 The Hixon-Woodpecker Rural Planning Area consists of two distinct areas:

- (i) first, the Agriculture/Resource area - the majority of the area, mostly farm and forest land with some other uses in specific locations; and
- (ii) second, the Hixon Community - the higher density residential and mixed uses area located in a narrow strip of land along Highway 97;

and this distinction is used as a basis for setting out general land use policies for the Rural Planning Area.

4.1.2 For the purpose of Part 1, it is the policy of the Board that land use in the Hixon-Woodpecker Rural Planning Area shall be as shown on the land use maps which constitute the following Sections 4.1.7, and 4.1.8 and as described by the policies in this Section.

4.1.3 It is the policy of the Board that Hixon will be the focus of future development in the Rural Planning Area. Specifically:

- (i) higher density residential development will not be permitted in locations outside Hixon;
- (ii) additional rural residential development will be located in the Colebank Road area and adjacent to Hixon in preference to starting new areas within the Agriculture/Resource areas;
- (iii) commercial development to serve residents and highway travellers will not be permitted in locations outside Hixon, except for recreation development; and
- (iv) community facilities will generally be located in Hixon.

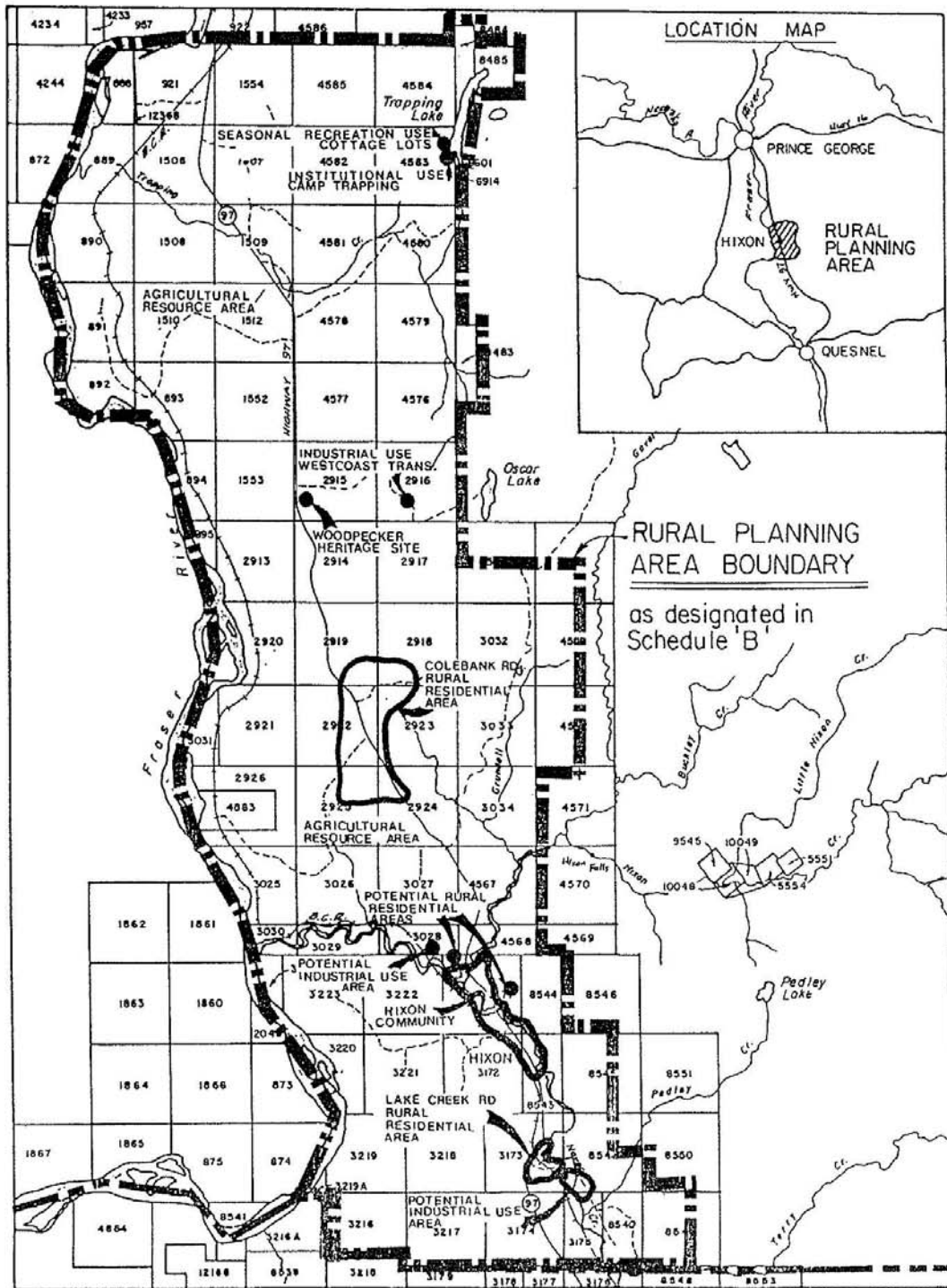
4.1.4 It is the policy of the Board that certain land uses will be permitted throughout the Rural Planning Area on the basis that they generally do not create land use conflict; for example, community facilities, small family business operations. However, for such uses, it is also the policy of the Board to establish regulations in Part 2 designed to minimize potential land use conflict, and where a community facility which is proposed under the jurisdiction of the Board may have potential land use conflict then the Board will carry out a public input procedure.

4.1.5 It is the policy of the Board to support floodplain mapping for Hixon being done by the Ministry of Environment and Parks as soon as possible.

4.1.6 It is the policy of the Board that the Hixon-Woodpecker Rural Planning Area is hereby designated as an area where temporary industrial and commercial permits may be issued.

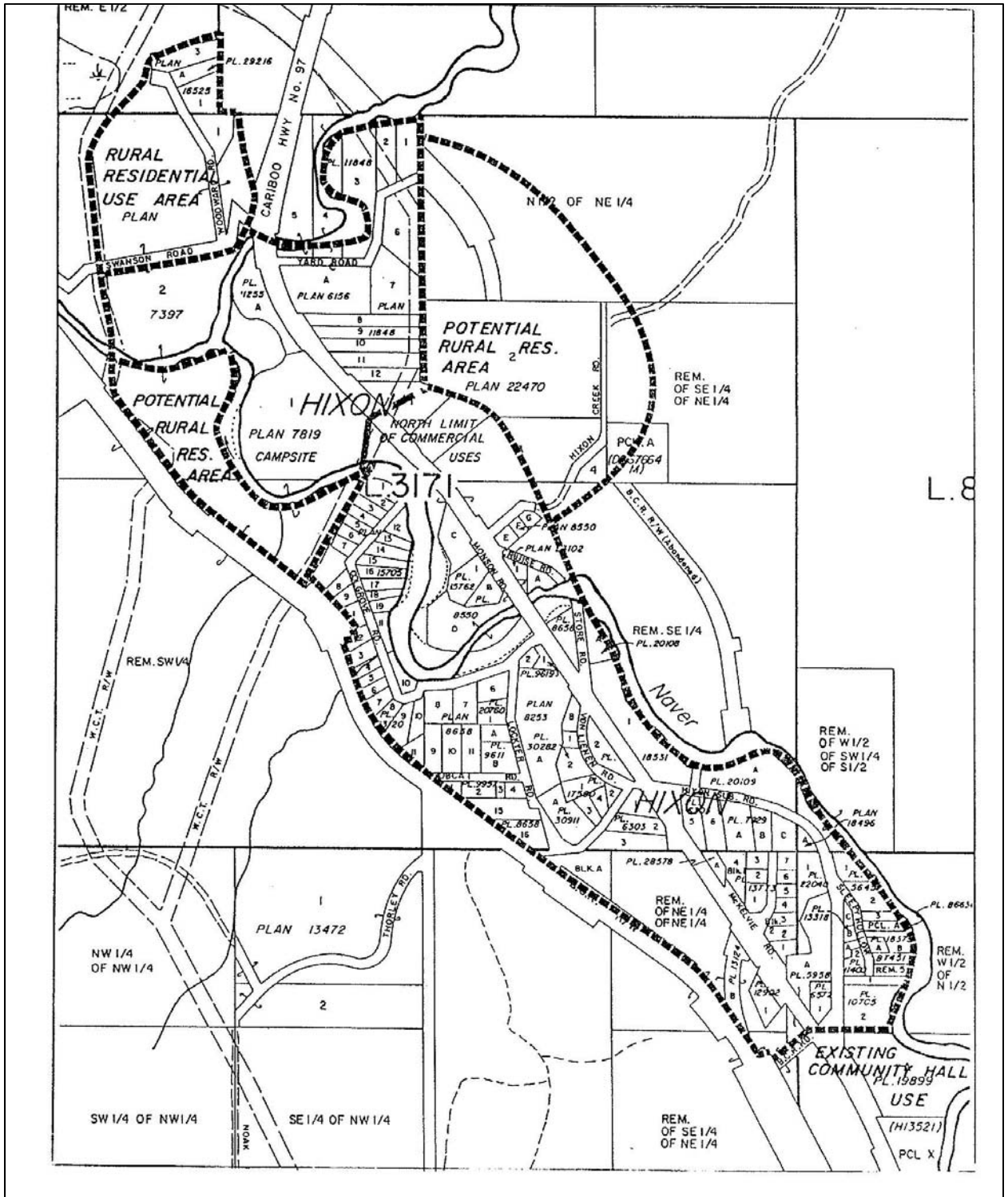
4.1.7

LAND USE MAP - AGRICULTURE/RESOURCE AREA



4.1.8

LAND USE MAP - HIXON COMMUNITY



L.8

4.2 AGRICULTURE/RESOURCE LANDS

4.2.1 The majority of the Rural Planning Area falls into the category of Agriculture/Resource lands, with reference to existing and future land use as shown on the Agriculture/Resource Area Land Use Map (Section 4.1.7).

4.2.2 Within the Agriculture/Resource area, the policies of the Board are that:

- (i) land uses will generally be restricted to the range of rural and resource uses - agriculture, forestry, and residential;
- (ii) residential use will be on the basis of one dwelling per parcel, except:
 - (a) one additional dwelling may be permitted on parcels greater than or equal to 8 ha [20 ac], and
 - (b) one additional dwelling may be permitted on parcels greater than or equal to 4 ha [10 ac] but less than 8 ha [20 ac], through amendment to Part 2;
 - (c) additional residences for farm help; and
 - (d) special uses, usually existing, where additional dwellings are a normal part of the use;
- (iii) recreation commercial uses and industrial uses may be permitted, through amendment to Part 2;
- (iv) new parcels created by subdivision will have a minimum size of 60 ha [150 ac]; except that smaller parcels may be permitted, through amendment to Part 2:
 - (a) to provide for larger rural acreages in the range 4 - 30 ha [10 - 74 ac], where the land has low capability for agricultural use;
 - (b) to recognize a man-made or natural division of a parcel; or
 - (c) to accommodate a specific use, eg. an established commercial or industrial use or a specialized agriculture-related use which uses land intensively.
- (v) where land is in the Agricultural Land Reserve non-farm uses described above, or subdivision, require the approval of the Agricultural Land Commission, and the Board will not approve an amendment to Part 2 without any required approval by the Commission.

4.2.3 The land use map (Section 4.1.7) shows Seasonal Recreation use at Trapping Lake, which identifies recreational lease lots for cottages. The policies of the Board for Seasonal Recreation uses are that:

- (i) land uses will generally be restricted to recreational cottages;
- (ii) new parcels created by subdivision will have a minimum size in the range 0.4 to 2 ha [1 - 5 ac] according to soils and other site suitability characteristics.

4.2.4 It is the policy of the Board that additional recreational lease lot development on Trapping Lake may be supported, through amendment to Part 2, and such development will be in accordance with the Lakeshore Guidelines, an unofficial policy document of the Board, and will be preferred if set back from the lakeshore.

4.2.5 The land use map (Section 4.1.7) also shows Institutional land use at Trapping Lake, which identifies Camp Trapping, a youth corrections-oriented facility. The policies of the Board for Institutional uses are that:

- (i) Camp Trapping will be specifically recognized and designated in Part 2, as an existing use;
- (ii) subdivision will generally not be permitted since it is usually not associated with Institutional uses, except where a parcel is to be created to accommodate such a use;
- (iii) any proposed new Institutional use will be subject to general policy review through amendment to Part 1.

4.2.6 The Board's policies for rural residential development are that:

- (i) the Colebank Road area will be the main rural residential area, to provide for infill and some expansion of the existing subdivided area;
- (ii) other areas located close or adjacent to the Hixon community which may be suitable for rural residential development are identified on the land use maps (Sections 4.1.7 and 4.1.8), including Lake Creek Road;
- (iii) new rural residential development areas will not be developed in other Agriculture/Resource lands to ensure there is no conflict with farm use or costly extension of public services.

4.2.7 Within the Rural Residential areas, the policies of the Board are that:

- (i) land uses will generally be restricted to residential, on the basis of one dwelling per parcel except that one additional dwelling may be permitted on parcels greater than or equal to 8 ha [20 ac]; and one additional dwelling may be permitted on parcels greater than or equal to 4 ha [10 ac] but less than 8 ha [20 ac] through amendment to Part 2;
- (ii) recreation commercial uses and rural industrial uses may be permitted, through amendment to Part 2;
- (iii) new parcels created by subdivision will have a minimum size of 0.8 or 1.6 ha [2 or 4 ac] according to soil capabilities for on-site sewage disposal, the size of nearby adjacent parcels, and other site characteristics;
- (iv) new parcels will be provided with access to a residential water supply.

4.2.8 It is the policy of the Board that recreation commercial uses will be the only commercial uses permitted in the Agriculture/Resource lands.

4.2.9 The land use map (Section 4.1.7) shows Industrial uses in a few locations in the Agriculture/Resource areas, which reflects existing industrial uses and land which is suitable for future use near Hixon.

4.2.10 The policies of the Board for Industrial uses are that:

- (i) land uses will generally be restricted to uses in the following categories:
 - (a) smaller scale rural industry, mainly relating to the logging, trucking and agriculture industries;
 - (b) light industry, mainly manufacturing, repair and storage uses which are not associated with significant noise or air pollution:
 - (c) heavy industry, mainly sawmills and wood product manufacturing and other resource industry and also such uses as bulk oil storage, salvage yard/autobody, etc.; and
 - (d) associated residential use or uses.
- (ii) new parcels created by subdivision will vary in size according to the area requirements of specific industrial uses.

4.2.11 It is the policy of the Board to support the provision of land for local outdoor recreation opportunities through representation to other Agencies or through its own functions, specifically:

- (i) although located outside the Rural Planning Area, the identification and protection of an area at Hixon Falls (see map - Section 4.1.7) is supported; and
- (ii) the identification and protection of land next to the Fraser River which has public road access is supported.

4.2.12 The Woodpecker Heritage Site is also shown on the land use map (Section 4.1.7.) and it is the policy of the Board to support community efforts to restore and display the Woodpecker Church and other Heritage buildings in the area.

4.3 HIXON COMMUNITY

4.3.1 The boundary of Hixon shown on the land use maps reflects the higher density residential areas contain existing development and land suitable for future development.

- 4.3.2 The policies of the Board for the Hixon Community land use area are that:
- (i) land use will generally be restricted to the range of residential uses, including mobile home park and senior citizens home;
 - (ii) in addition, commercial and industrial uses may be permitted, through amendment to Part 2;
 - (iii) new parcels created by subdivision will have a minimum size of 0.4 ha [1 ac]; and
 - (iv) new parcels will be provided with access to a residential water supply.
- 4.3.3 The existing development at Hixon is not serviced by community sewer or water systems, however it is the policy of the Board that any initiative by residents of Hixon to investigate the feasibility of community water system will be supported.
- 4.3.4 It is the policy of the Board that commercial uses may be permitted, through amendment to Part 2, on any property located between Parenteau Road and the south end of Hixon Subdivision Road which has good access and visibility from Highway 97.
- 4.3.5 The policies of the Board for commercial land use areas are that:
- (i) land uses will generally be restricted to uses in the following categories:
 - (a) recreational commercial, mainly campground and other open land recreation development or activities to serve the regional population and tourists;
 - (b) general commercial, including the range of commercial uses to serve local residents and highways travellers; and
 - (c) associated residential use.
 - (ii) new parcels created by subdivision will vary in size according to the area requirements of specific commercial uses, but in the Hixon Community area will have a minimum size of 0.4 ha [1 ac] and will be provided with access to a water supply.
- 4.3.6 It is the policy of the Board that Section 992 of the *Municipal Act* will be used to obtain either land or money-in-lieu where land is subdivided.
- 4.3.7 For Industrial uses in the Hixon Community, it is the policy of the Board that only rural or light industry uses will be permitted to minimize conflict with the residential uses; and new parcels created by subdivision will be regulated according to the area requirements of specific industrial uses and will be provided with access to a water supply.

- 4.3.8 Residents of Hixon have indicated concern over safety hazards from derelict buildings, and it is the policy of the Board to use its authority under the *Municipal Act* [Section 936] where such situations are brought to Board's attention by the community, where justified.

5.0 **RELATIONSHIP BETWEEN PART 1 AND PART 2**

5.1 Throughout Section 4.2, reference is made to uses which may be permitted "through amendment to Part 2." This means that an owner of land may apply to the Regional District for a change to Part 2 to allow a proposed use. It is the policy of the Board that such applications will be evaluated with reference to:

- (i) consistency with the general policies of Part 1;
- (ii) public input through the required Public Hearing;
- (iii) approvals required by other jurisdictions, notably the Agricultural Land Commission where Agricultural Land Reserve is involved;
- (iv) the degree of potential land use conflict between the proposed use and nearby existing uses;
- (v) where agricultural land is involved, the degree of development of higher capability agricultural land and impact upon farm use;
- (vi) the ability to provide required servicing, especially on-site sewage disposal;
- (vii) environmental impact; and
- (viii) traffic and access, especially where a controlled access highway is involved.

5.2 It is the policy of the Board that uses existing at the date of adoption of this bylaw may be designated in Part 2 to recognize the use (instead of leaving the use in a non-conforming status), although it may not be consistent with the land use designation in Part 1.

5.3 The regulations which follow in Part 2 have the effect of zoning/subdivision servicing bylaws, and are used as the basis for issuance of building permits and for approval of subdivision plans.

5.4 This Rural Land Use Bylaw is a combination land use policy (in Part 1) and land use regulation (in Part 2). The regulations in Part 2 are required by the *Municipal Act* to be consistent with Part 1, and it is the policy of the Board that this is the case.

HIXON-WOODPECKER RURAL LAND USE BYLAW

PART 2

6.0 **GENERAL**

6.1 **BASIC PROVISIONS**

6.1.1 Within the Hixon-Woodpecker Rural Planning Area no person shall:

- (a) use any land, including land covered by water, building or structure; or
- (b) commence any construction to erect, move, enlarge or structurally alter any building or structure; or
- (c) create a PARCEL by subdivision pursuant to the Land Title Act or Condominium Act;

except as permitted by:

- (i) these regulations; or
- (ii) these regulations as varied by a Development Variance Permit issued by the Board pursuant to Section 974 of the *Municipal Act*; or
- (iii) these regulations as varied by order of a Board of Variance pursuant to Section 962 of the *Municipal Act*; or
- (iv) these regulations in conjunction with Section 977 of the *Municipal Act* [Intensive Agriculture allowed within the ALR]; or
- (v) Section 970 of the *Municipal Act* respecting non-conforming uses; or
- (vi) with respect to subdivision, Section 996 [Residence for Relative], or Section 993 [Bylaws Adopted after application] of the *Municipal Act*.
- (vii) any applicable regulations enacted by the board by bylaw pursuant to Section 734 of the Municipal Act [eg. Building Bylaw, Mobile Home Parks Bylaw].

6.1.2 Notwithstanding these regulations, land designated as Agricultural Land Reserve pursuant to the Agricultural Land Commission Act shall be subject to the provisions of the Agricultural Land Commission Act, regulations thereto, and Orders of the Commission; and to the provisions of the Soil Conservation Act.

6.1.3 No provisions in these regulations shall be construed to replace, or remove the need for approvals under, any other Act or Regulation, notably the Health Act, Waste Management Act, Highway Act, Water Act, Forest Act, and Land Act.

6.2 ADMINISTRATION AND ENFORCEMENT

6.2.1 The enforcement of these regulations is administered by the Bylaw Enforcement Officer, appointed by the Board.

6.2.2 The Bylaw Enforcement Officer is hereby authorized (pursuant to Section 310 of the *Municipal Act*) to enter, between the hours of 8:00 AM and 11:00 PM of any day, upon any property or premises in connection with enforcement of these regulations, and to ascertain whether these regulations are being complied with.

6.2.3 A Building Inspector of the Regional District shall not issue any permit except in accordance with these regulations.

6.2.4 Any owner or occupier of land who contravenes, or who suffers or permits any contravention of, any provision of these regulations shall be guilty of an offense, and shall be liable to the penalties herein imposed.

6.2.5 Any person who is guilty of an offense against these regulations may, upon summary conviction, be liable to a penalty or fine of not more than one thousand dollars (\$1,000) and not less than three hundred dollars (\$300). Each day or part thereof during which any contravention is continued shall constitute a new and separate offense.

6.2.6 If any provision of these regulations is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these regulations.

6.3 INTERPRETATION AND DEFINITIONS

6.3.1 Throughout Part 2, all words and phrases in these regulations shall have their normal or common meaning, or as defined by Provincial Statute, except that the definitions specified in Section 6.3.5 shall apply; and words or phrases (other than headings) which are capitalized are defined in Section 6.3.5.

6.3.2 Metric units are used for all measurements in these regulations.

6.3.3 Approximate Imperial measurement equivalents and various 'Notes' of an explanatory nature are shown in brackets [] for convenience only and do not form part of these regulations.

6.3.4 With reference to the designation maps which constitute Sections 8.2 to the precise boundary of a designation shall be deemed to:

- (a) follow the boundary of a LOT; or
- (b) in the case of a stream or river, or road allowance or other right-of-way, follow the centre line of such; or
- (c) in the case of a lake or pond or similar standing body of water, follow the

NATURAL BOUNDARY of such, except where the LOT line is below the NATURAL BOUNDARY in which case the boundary shall follow the LOT boundary; or

- (d) in the case where none of the above apply, and where the location of the zone boundary is not defined, the precise boundary shall be determined by the scale of the map; or
- (e) follow the Rural Planning Area boundary, where applicable.

6.3.5 In these regulations, words or phrases (other than headings) which are capitalized are defined as follows:

- (i) ACCESSORY means, with reference to use, buildings and structures, incidental to and a directly related part of a specific PERMITTED USE.
- (ii) AGRICULTURE means the cultivation and harvesting of crops and/or the raising of livestock and includes;
 - (a) the sale of the products of the agriculture use from the premises;
 - (b) aquaculture, bee keeping and similar agriculture related uses; and
 - (c) residential accommodation for farm employees. [NOTE: accommodation for farm employees is intended to match the allowance in the Agriculture Land Commission Act for additional residences for farm help.]
- (iii) DWELLING UNIT means all or part of a building or structure operated as a housekeeping unit, used or intended to be used as a domicile by 1 or more persons, and usually containing cooking, eating, living, sleeping and sanitary facilities.
- (iv) FLOOR AREA means the total floor area:
 - (a) of all storeys excluding a loft; or
 - (b) where specified in these regulations, of the first storey; of a building within the outside surface of exterior walls.
- (v) FRONT LOT LINE means the shortest line forming part of the legal boundary of a LOT which is common to an abutting highway or highway allowance other than a lane.
- (vi) INTENSIVE AGRICULTURE means a use for the rearing and confinement of poultry, livestock or fur bearing animals or the growing of mushrooms, and the slaughtering and processing of animals reared on the premises.

(vii) INTENSIVE AGRICULTURE STRUCTURE includes a waste facility and any buildings or structures which are part of an INTENSIVE GRICULTURE operation:

- (i) which confines animals of an INTENSIVE AGRICULTURE operation;
- (ii) within which mushrooms are grown; or
- (iii) used to mill or store feed; and

any buildings, structures or ancillary facilities used for the raising of animals or the growing of mushrooms but does not include a fence designed or intended to enclose grazing animals.

(viii) KENNEL means a use which consists of one or more of the following:

- (a) boarding;
- (b) training;
- (c) breeding and sale;

of dogs (or other household pets) owned by persons other than residents of the DWELLING UNIT located on the same LOT; and which is operated as a business.

(ix) LOG HOUSE CONSTRUCTION means a use providing for the prefabrication of log houses for transportation to another location.

(x) LOT means a PARCEL, or an area of land established under the Land Act.

(xi) MILLSITE means a sawmill which uses timber from sources other than the LOT on which it is situated for the purpose of commercial sale of sawn lumber, and which has a capacity of producing not more than 60 cu. m. [10,000 board feet] of sawn lumber per day.

(xii) NATURAL BOUNDARY means the visible high water mark of any lake, river, 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 thereof, in respect of vegetation, as well as in respect of the nature of the soil itself. In addition, the natural boundary includes the best estimate of the edge of dormant or old side channels and marsh areas.

(xiii) NON-CONTIGUOUS PARCEL means a parcel which has been divided into two or more portions by an intervening highway or railway right-of-way or by another parcel, and where access from one portion thus divided to another is not possible except across the intervening land.

- (xiv) PARCEL means a lot, block or other area of land into which land is subdivided under the Land Title Act or a bare land strata lot under the Condominium Act.
- (xv) PERMITTED USE means a use of land, buildings and structures which is specifically permitted by these regulations.
- (xvi) REAR LOT LINE means the line forming part of the legal boundary of a LOT which is most distant from the FRONT LOT LINE, and where the rear portion of a LOT is bounded by intersecting SIDE LOT LINES then it shall be taken as the point of intersection.
- (xvii) RECREATION CABIN means a building or structure operated as a housekeeping unit, and used or intended to be used as a domicile by 1 or more persons on a temporary or seasonal basis for recreation use, but not as a principal residence.
- (xviii) RESIDENTIAL-SINGLE FAMILY means residential use within one DWELLING UNIT.
- (xix) RESIDENTIAL-TWO FAMILY means residential uses within a building containing two DWELLING UNITS.
- (xx) RIDING STABLE means a commercial use for the boarding, breeding, training and raising of horses, and includes riding rentals and events.
- (xxi) SIDE LOT LINE means the lines forming part of the legal boundary of a LOT which connect the FRONT and REAR LOT LINES.
- (xxii) UTILITY INSTALLATION means an unattended installation required as part of the operation of a hydro, sewer, water, telephone or pipeline utility, and includes unattended garbage collection bin sites.

7.0 **USE AND DEVELOPMENT REGULATIONS - GENERAL**

7.1 **PERMITTED USES - GENERAL**

7.1.1 A use of land, including land covered by water, buildings or structures is prohibited unless the use is specified as a PERMITTED USE in these regulations, and a PERMITTED USE may only be carried on if all provisions of these regulations are met at all times.

7.1.2 The following uses are PERMITTED USES throughout the Rural Planning Area:

- (a) Public Open Space/Park
- (b) UTILITY INSTALLATION/Sanitary Landfill
- (c) ACCESSORY uses, buildings and structures
- (d) Homecraft (see Section 7.4)
- (e) Community Hall/Community Recreation Area
- (f) Government Office
- (g) Firehall
- (h) School, Public/Private
- (i) Church/Cemetery
- (j) Community Heritage Site
- (k) Gravel/Bitumen Processing Operation (see Section 7.1.6)
- (l) Portable Sawmill, used only for the cutting of timber from the LOT on which it is located
- (m) Bed and Breakfast/Farm Holiday Accommodation, to a maximum of five units of accommodation.

7.1.3 Not more than one RESIDENTIAL-SINGLE FAMILY use may be established on a LOT, except:

- (a) not more than one RESIDENTIAL-SINGLE FAMILY use may be established on a LOT with an area of less than 8 ha [20 ac], except as permitted by other provisions in these regulations; or
- (b) not more than two RESIDENTIAL-SINGLE FAMILY uses may be established on a LOT with an area of 8 ha [20 ac] or larger, except as permitted by other provisions in these regulations; or
- (c) where either an existing DWELLING UNIT is proposed to be replaced, or a DWELLING UNIT is lawfully under construction, then a RESIDENTIAL-SINGLE FAMILY use may be continued or established in a separate DWELLING UNIT located on the same LOT until the new dwelling is occupied.

7.1.4 ACCESSORY uses, buildings or structures are permitted only in conjunction with an established PERMITTED USE except:

- (a) fences;
- (b) one or more ACCESSORY buildings may be located on a LOT, subject to a maximum total FLOOR AREA of 50 sq.m. [540 sq.ft.]

7.1.5 A PERMITTED USE which is to be served by a sewage disposal system designed to dispose of water-borne wastes shall not be established, and construction of a building or structure to

accommodate such a use shall not be commenced, except

where the use can be served by such a system approved pursuant to the Health Act or Waste Management Act, as applicable; except this regulation shall not apply to a RECREATION CABIN use.

7.1.6 A Gravel/Bitumen Processing Operation use shall not be established except where:

- (a) the LOT on which it is located is a minimum 4 ha [10 ac] in size; and
- (b) a building or structure used as part of the processing operation is located not closer than 60m [200 ft] from a REAR LOT LINE or SIDE LOT LINE, and not closer than 30m [100 ft] from a FRONT LOT LINE.

7.2 INTENSIVE AGRICULTURE USE WITHIN ALR

7.2.1 Where INTENSIVE AGRICULTURE is not permitted by these regulations, but where land is located within an Agricultural Land Reserve established under the Agricultural Land Commission Act then INTENSIVE AGRICULTURE use is permitted pursuant to Section 977 of the Municipal Act, subject to the following regulations:

- (a) an INTENSIVE AGRICULTURE structure shall not be located closer than 30 m [100 ft] from a FRONT LOT LINE, REAR LOT LINE or SIDE LOT LINE;
- (b) the minimum LOT area required for the establishment of an INTENSIVE AGRICULTURE use shall be 4 ha [10 ac];
- (c) except that where a LOT is of such a size or shape that the provisions of (a) or (b) cannot be met, then INTENSIVE AGRICULTURE is permitted subject to the following regulations:
 - (i) the maximum FLOOR AREA of an INTENSIVE AGRICULTURE structure shall be 50 sq.m. [538 sq.ft.]; and
 - (ii) an INTENSIVE AGRICULTURE structure shall not be located closer from a SIDE LOT LINE than a distance calculated as one-third of the average distance between the two SIDE LOT LINES; nor closer from a REAR LOT LINE or FRONT LOT LINE than a distance calculated as one-third of the average distance between the REAR LOT LINE and FRONT LOT LINE.
- (d) as part of an INTENSIVE AGRICULTURE use, a slaughterhouse use or any use involving the slaughtering or processing of animals not raised on the premises is prohibited.

7.3 SETBACKS

7.3.1 Except where specified elsewhere in these regulations for a specific PERMITTED USE, a building or structure shall not be located closer than:

- (a) 7.5m [25 ft.] from a FRONT LOT LINE; or
- (b) 2.5m [16 ft.] from a REAR LOT LINE or a SIDE LOT LINE;

unless the LOT is less than 0.8 ha [2 acres], in which case a building or structure shall not be located closer than:

- (c) 5m [16 ft.] from a FRONT LOT LINE; or
- (d) 2.5m [8 ft.] from a REAR LOT LINE or SIDE LOT LINE, except that a carport, garage or ACCESSORY building shall not be located closer than 1 m [3 ft.] from a REAR LOT LINE or SIDE LOT LINE.

7.3.2 Notwithstanding any other provision of these regulations, a building or structure or any part thereof shall not be located closer than 15 m [50 ft.] from the NATURAL BOUNDARY of Trapping Lake.

7.3.3 The setback regulations established in Sections 7.3.1 and 7.3.2 shall not apply to the following structures:

- (a) fences;
- (b) UTILITY INSTALLATION structures;
- (c) signs.

7.3.4 The setback regulations established in Sections 7.3.2 shall not apply to a building or structure used as a boat dock, boathouse, or pumphouse, or to a fence.

7.3.5 Notwithstanding Section 7.3.1, where a PERMITTED USE is established or lawfully under construction, the sewage disposal system (drainage field, lagoon, pit or other surface or sub-surface system) servicing that use shall not be located closer than 60m [200 ft.] from the NATURAL BOUNDARY of Trapping Lake.

7.4 FLOODPLAIN ELEVATION PROVISIONS

7.5 HEMOCRAFT PROVISIONS

7.5.1 A Homecraft use shall not be established except:

- (a) where the use is located on the same LOT as a DWELLING UNIT which is established or lawfully under construction; and
- (b) where the use is conducted only by the occupants of the DWELLING UNIT located on the same LOT.

7.5.2 Where a Homecraft use is located on a LOT which is less than 0.8 ha [2 ac] in area:

- (a) the maximum FLOOR AREA within the DWELLING UNIT or an ACCESSORY building used for a Homecraft use shall be 50 sq.m. [540 sq.ft.]; and
- (b) the use shall be limited to one or more of the following business uses:
 - (i) licensed day care/babysitting
 - (ii) catalogue sales agent
 - (iii) private tutoring, professional office or studio, hairdresser - on an individual client basis
 - (iv) arts and crafts manufacture and sale
 - (v) processing of meat/produce - including sale of products processed on the premises, and including cutting and wrapping of meat/game.

7.5.3 Where a Homecraft use is located on a LOT which is 0.8 ha [2 ac.] or greater in area:

- (a) the maximum FLOOR AREA within the DWELLING UNIT or ACCESSORY BUILDING used for a Homecraft use shall be:
 - (i) 250 sq.m. [2690 sq.ft.] in the case of the uses described in Section 7.4.3(b)(i) to (iv) inclusive; or
 - (ii) 150 sq.m. [1515 sq.ft.] in the case of any other Homecraft use.
- (b) the use shall be limited to one or more of the following business uses:
 - (i) logging/trucking/building trades contractor;
 - (ii) mechanical repair and servicing of trucks, farm and logging equipment, excluding paint or bodyworks;
 - (iii) mechanical and upholstery repair and servicing of automobiles and bikes, excluding paint or bodyworks;
 - (iv) manufacture of furniture or other wood products, including sale of products manufactured on the premises;
 - (v) sale of firewood, christmas trees;
 - (vi) taxidermy;
 - (vii) repair and servicing of household appliances and furniture, excluding the sale of such goods; and
 - (viii) uses listed in Section 7.4.2(b).
- (c) An ACCESSORY building used as part of a Homecraft use described in Section 7.4.3(b)(i) to (iv) inclusive shall not be located closer than:
 - (a) 15m [50 ft.] from a FRONT LOT LINE; and
 - (b) 7.5m [25 ft.] from a REAR LOT LINE or SIDE LOT LINE.

8.0 USE AND DEVELOPMENT DESIGNATIONS

8.1 GENERAL

8.1.1 For the purpose of these regulations, the Hixon-Woodpecker Rural Planning Area is divided into "Use and Development Designation" areas.

8.1.2 The Use and Development Designations referred to in Section 8.1.1 are named as follows:

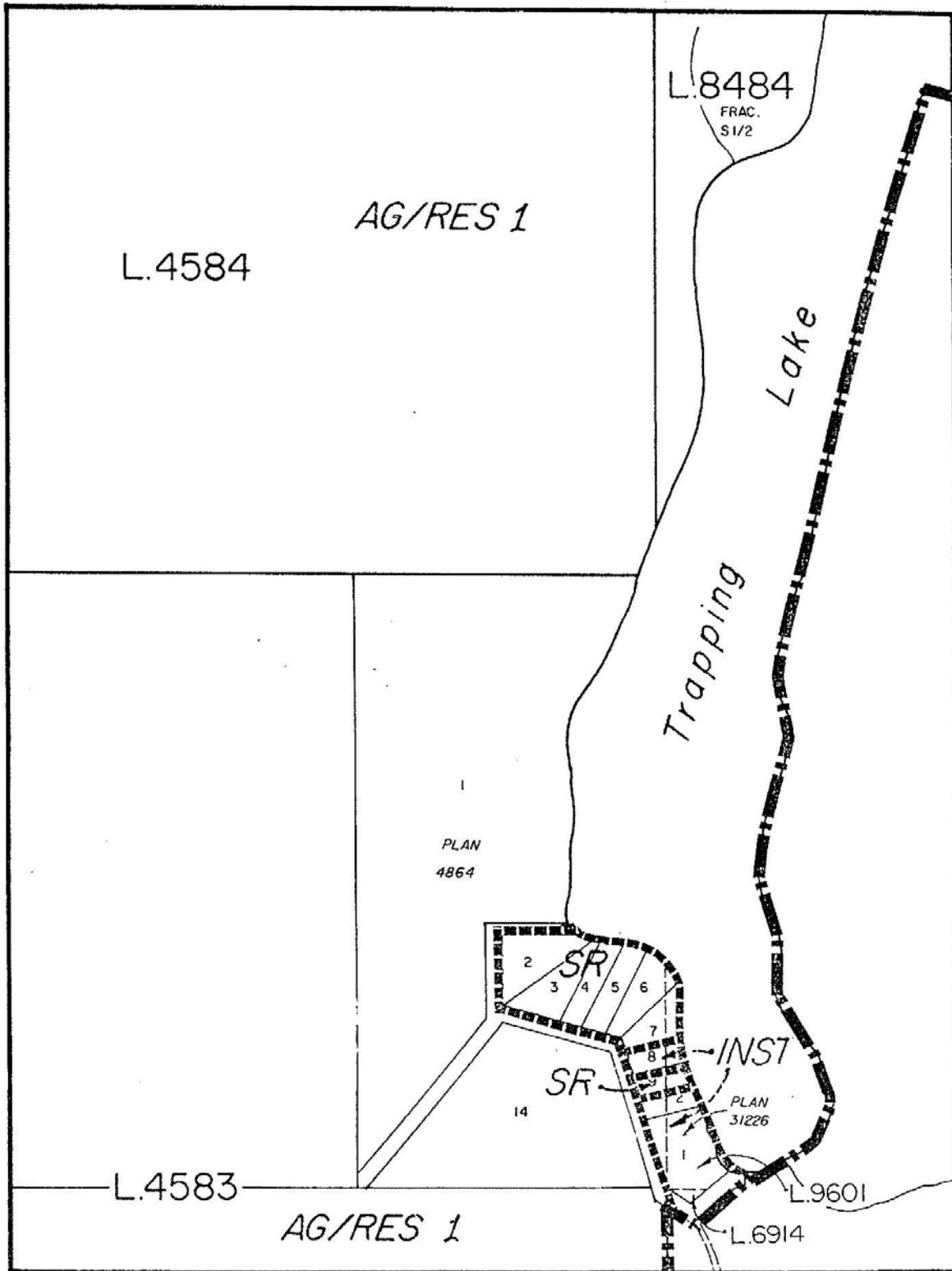
<u>DESIGNATION NAME</u>	<u>ABBREVIATION</u>	<u>[NOTES]</u>
Agriculture/Resource 1	Ag/Res 1	[60 ha minimum]
Rural Residential 1	RR1	[1.6 ha minimum]
Rural Residential 2	RR2	[0.8 ha minimum]
Hixon-Residential	Hixon	[0.4 ha minimum]
Seasonal Recreation	SR	[cabins only]
Commercial-General	Comm-Gen	
Commercial-Recreation	Comm-Rec	
Industrial-Heavy	Ind-H	
Industrial-Light	Ind-L	
Institutional	Inst	[Camp Trapping]

8.1.3 All land, and land covered by water, is within one Use and Development Designation.

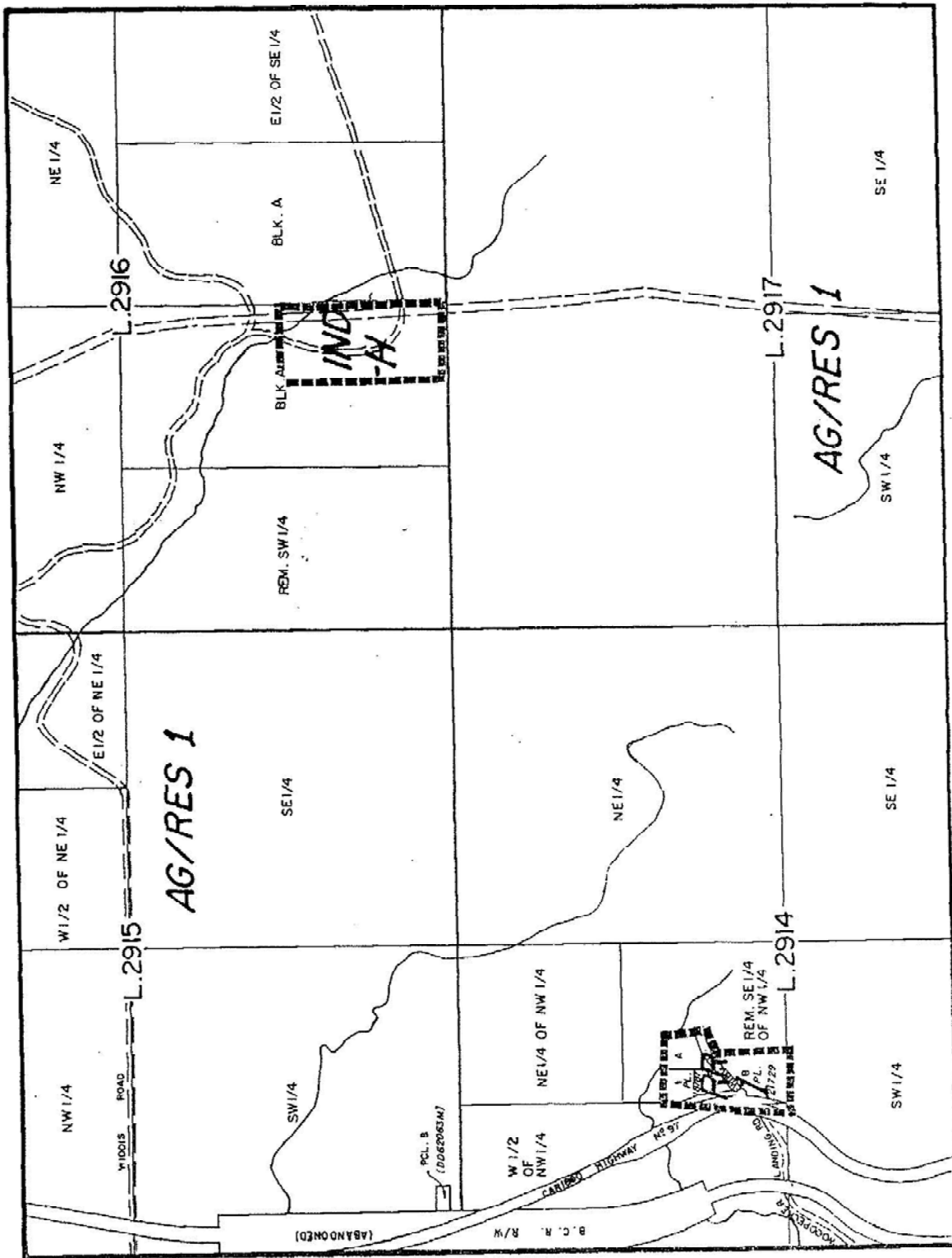
8.1.4 The Maps and descriptions which constitute Sections 8.2 to 8.7 define the boundaries of the designations.

8.1.5 All land not shown or described by Sections 8.2 to 8.7 is included in the Agriculture/Resource 1 (Ag/Res 1) designation.

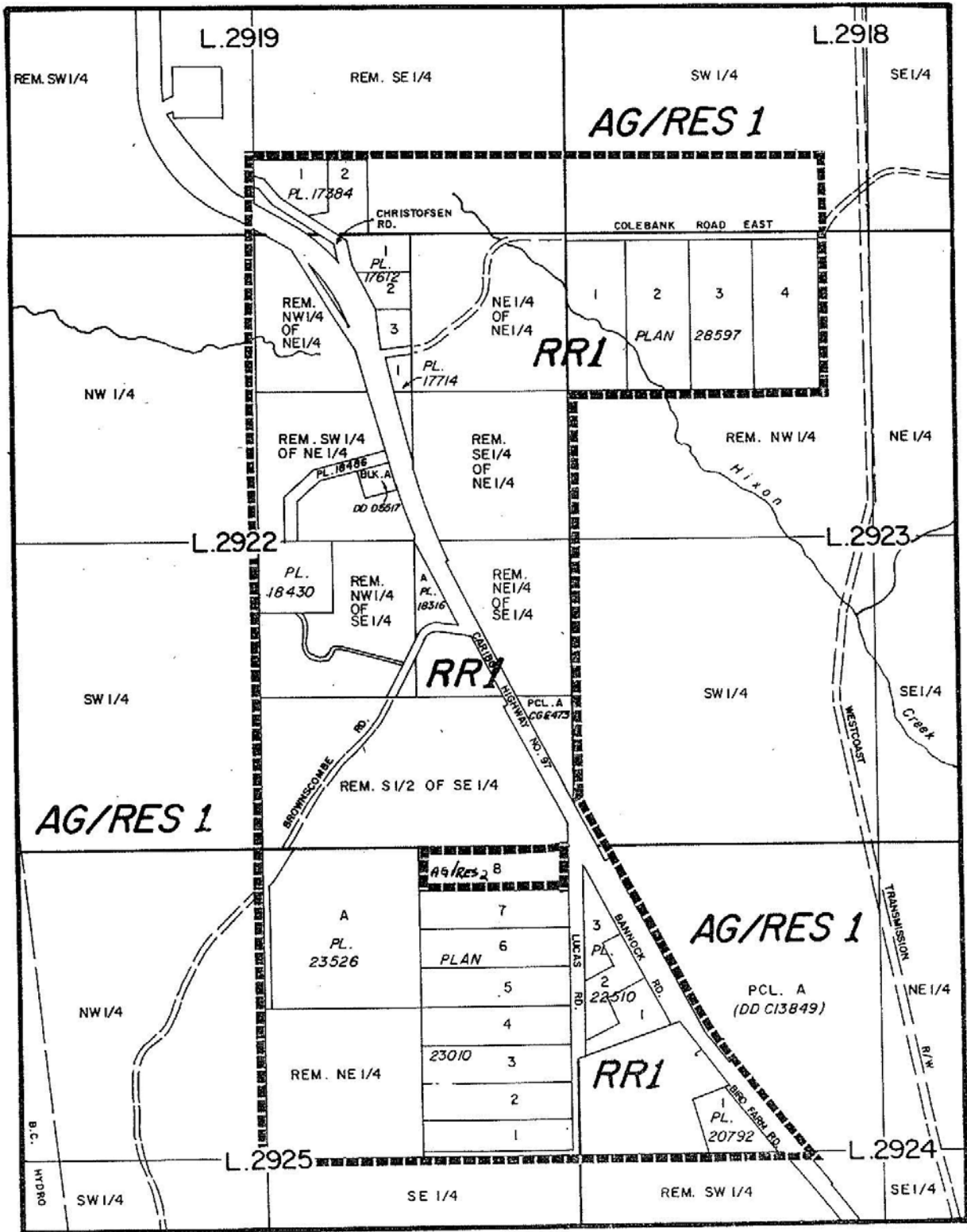
8.2 TRAPPING LAKE AREA DESIGNATION MAP



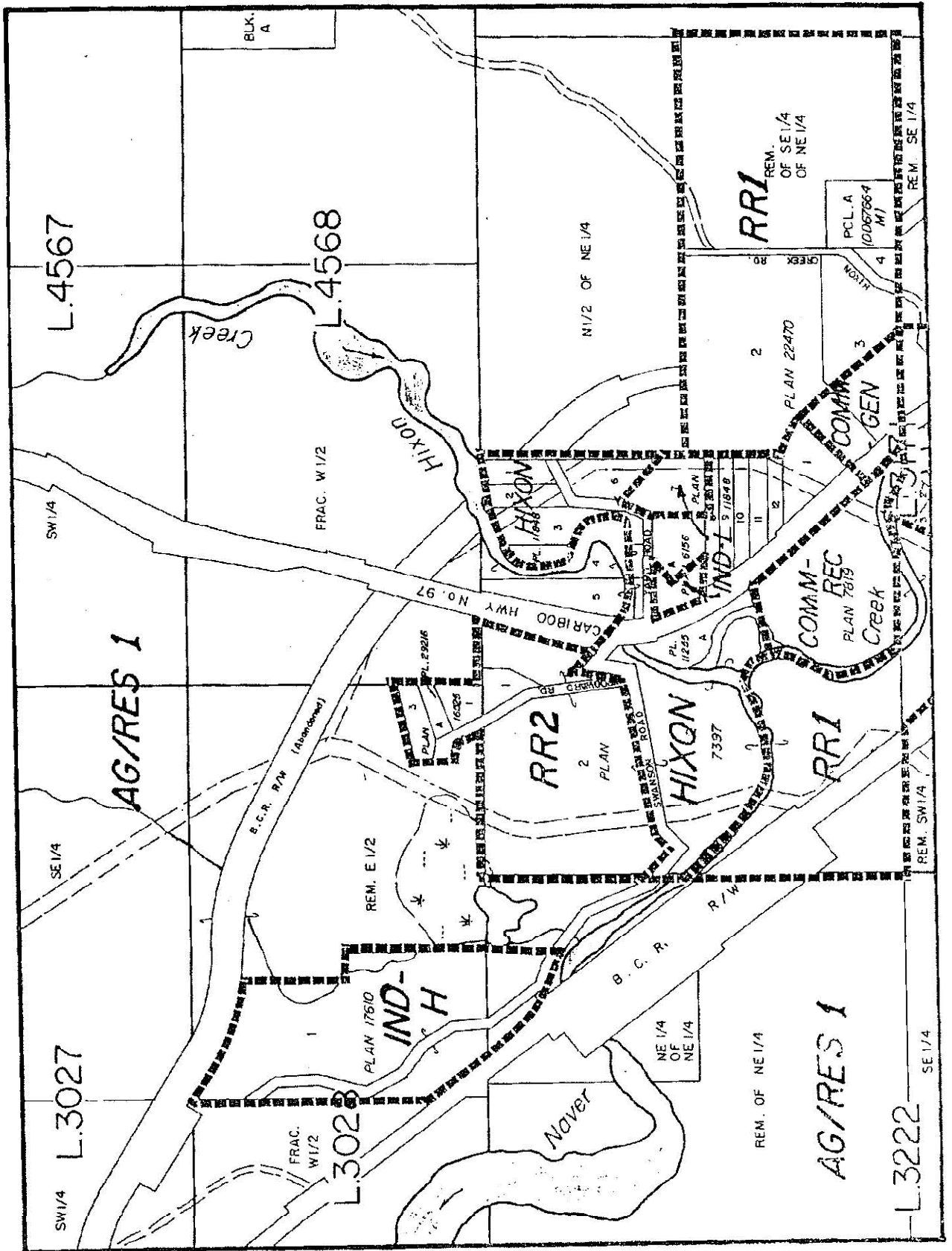
8.3 WOODPECKER AREA DESIGNATION MAP



8.4 COLEBANK ROAD AREA DESIGNATION MAP

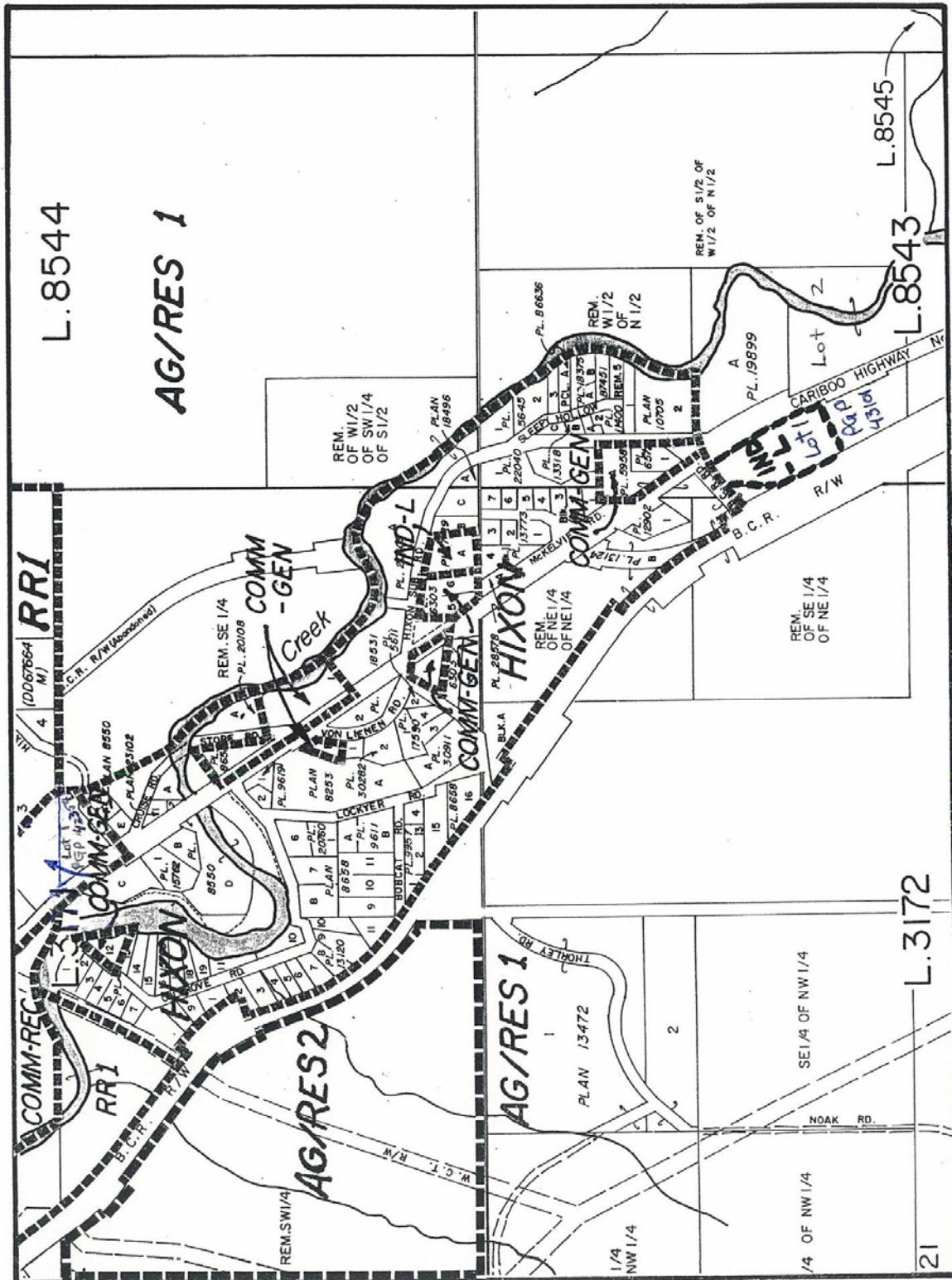


8.5 HIXON-NORTHERN AREA DESIGNATION MAP

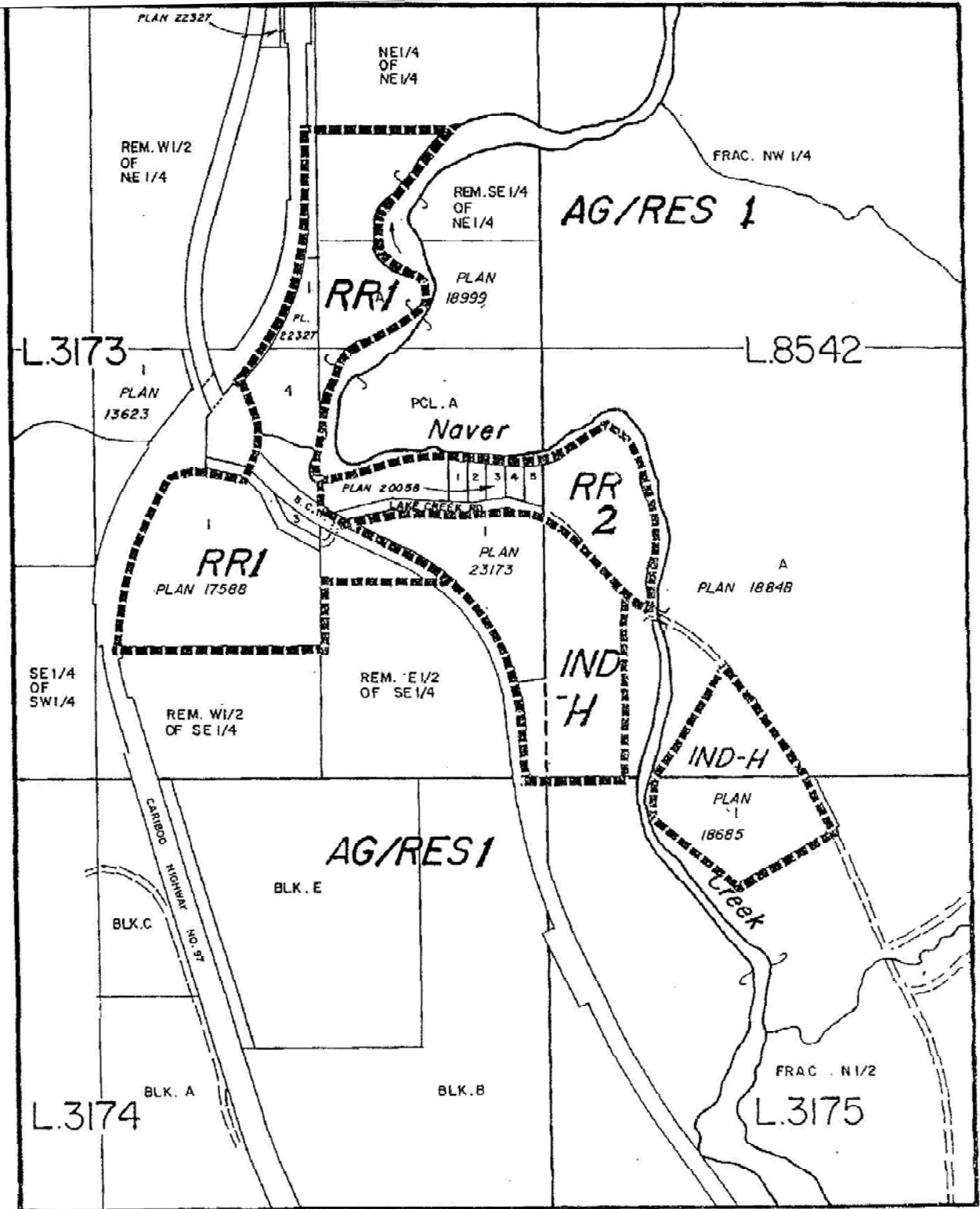


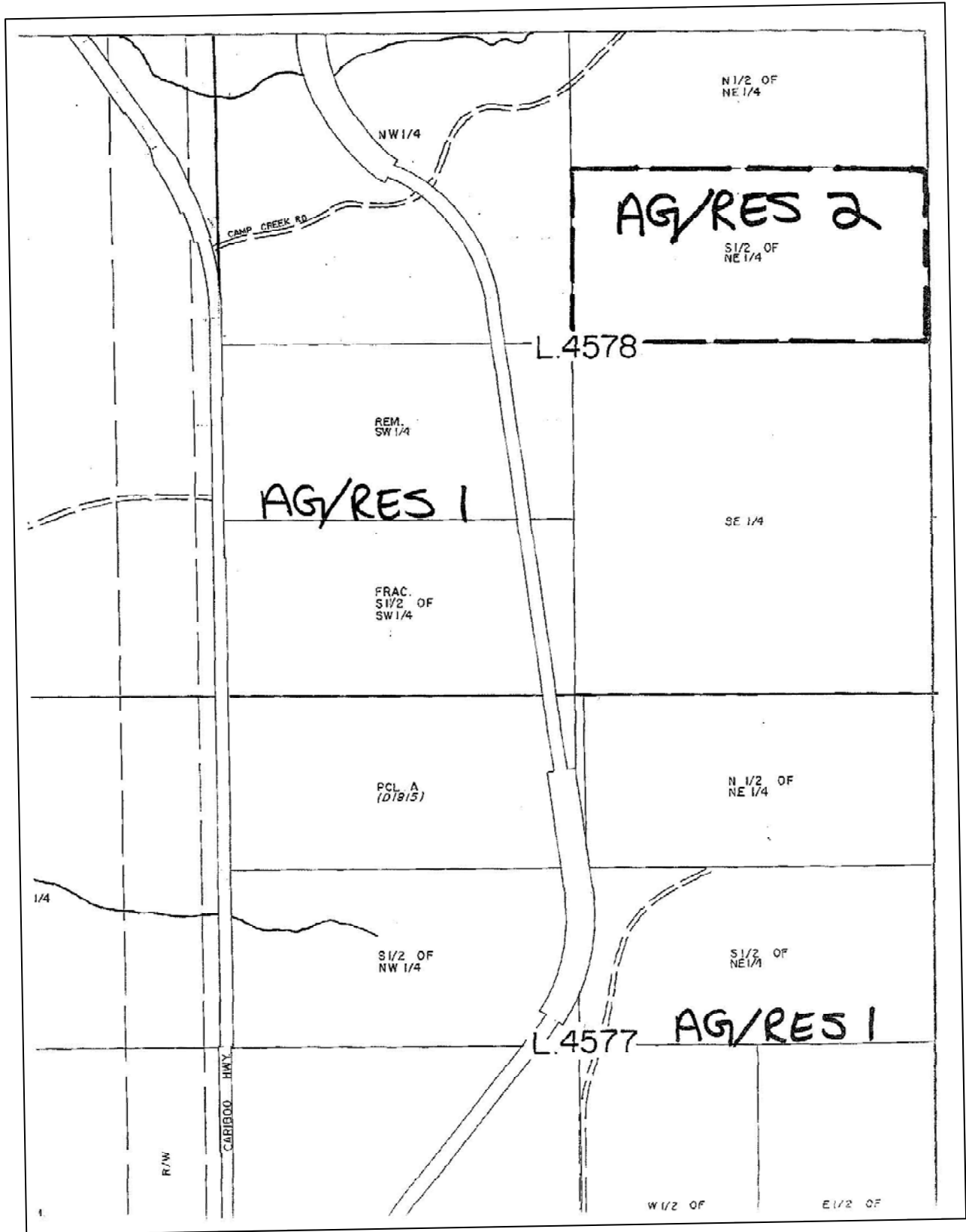
8.6 HIXON-SOUTHERN AREA DESIGNATION MAP

(updated June 20, 2002)



8.7 LAKE CREEK ROAD AREA DESIGNATION MAP





9.0 **USE AND DEVELOPMENT REGULATIONS - DESIGNATIONS**

9.1 **AGRICULTURE/RESOURCE (AG/RES 1) (AG/RES 2)**

9.1.1 The regulations in this section apply to land within the Agriculture/Resource 1 (Ag/Res 1) and Agriculture/Resource 2 (Ag/Res 2) designations.

9.1.2 The use of land, buildings and structures is restricted to the following PERMITTED USES:

- (a) RESIDENTIAL-SINGLE FAMILY
- (b) AGRICULTURE
- (c) INTENSIVE AGRICULTURE
- (d) Farm Auction/Sale) NOTE:
- (e) Nursery/Greenhouse) Within the Agricultural Land Reserve
- (f) Veterinary Clinic)
- (g) Forestry) these uses require approval from
- (h) MILLSITE)
- (i) LOG HOUSE) the Agricultural Land Commission
- CONSTRUCTION)
- (j) KENNEL)
- (k) RIDING STABLE)]

9.1.3 The minimum LOT area required for the establishment of:

- (a) a KENNEL, RIDING STABLE, LOG HOUSE CONSTRUCTION or Veterinary Clinic use shall be 2 ha [5 ac];
- (b) an INTENSIVE AGRICULTURE use shall be 4 ha [10 ac]; and
- (c) a MILLSITE use shall be 8 ha [20 ac].

9.1.4 A building or structure used as part of or containing:

- (a) a KENNEL, RIDING STABLE, LOG HOUSE CONSTRUCTION or Veterinary Clinic use shall not be located closer than 30m [100 ft.] from a SIDE LOT LINE or REAR LOT LINE, nor closer than 15m [50 ft] from a FRONT LOT LINE; and
- (b) a MILLSITE use shall not be located closer than 60m [200 ft] from a SIDE LOT LINE or REAR LOT LINE, nor closer than 30m [100 ft] from a FRONT LOT LINE;
- (c) an INTENSIVE AGRICULTURE STRUCTURE shall not be located closer than 30m [100 ft] from a FRONT LOT LINE, SIDE LOT LINE, or REAR LOT LINE.

9.1.5 A Farm Auction/Sale use shall be permitted only where an AGRICULTURE use is established.

9.1.6 As part of an INTENSIVE AGRICULTURE use, a slaughterhouse or similar use is prohibited, except that the slaughtering and processing of animals raised on the premises is permitted.

- 9.1.7 The minimum area of a PARCEL that may be created by subdivision shall be 60 ha. [150 ac.]
- 9.1.8 Notwithstanding Section 4.2.2 (ii), within an Agriculture/Resource 2 (Ag/Res 2) designation, not more than two RESIDENTIAL-SINGLE FAMILY uses shall be located on a LOT.

9.2 RURAL RESIDENTIAL DESIGNATIONS

9.2.1 The regulations in this Section apply to land within the Rural Residential 1 and 2 (RR1, RR2) designations.

9.2.2 The use of land, buildings and structures is restricted to the following PERMITTED USES:

- (a) RESIDENTIAL-SINGLE FAMILY
- (b) AGRICULTURE
- (c) Kennel
- (d) Nursery/Greenhouse
- (e) Veterinary Clinic

9.2.3 The minimum LOT area required for the establishment of a Kennel use or a Veterinary Clinic use shall be 2 ha [5 ac].

9.2.4 A building or structure used for a Kennel use or Veterinary Clinic use shall not be located closer than 30 m. [100 ft.] from a SIDE LOT LINE or REAR LOT LINE, nor closer than 15 m. [50 ft.] from a FRONT LOT LINE.

9.2.5 The minimum area of a PARCEL that may be created by subdivision:

- (a) within the Rural Residential 1 (RR1) designation shall be 1.6 ha [4 ac];
- (b) within the Rural Residential 2 (RR2) designation shall be 0.8 ha [2 ac].

9.3 HIXON-RESIDENTIAL (HIXON)

9.3.1 The regulations in this Section apply to land within the Hixon-Residential (Hixon) designation.

9.3.2 The use of land, buildings or structures is restricted to the following PERMITTED USES:

- (a) RESIDENTIAL-SINGLE FAMILY
- (b) RESIDENTIAL-TWO FAMILY
- (c) Mobile Home Park
- (d) Group Home/Senior Citizen's Home

9.3.3 The minimum LOT area required for the establishment of:

- (a) a RESIDENTIAL-TWO FAMILY USE shall be 0.4 ha [1 ac]
- (b) a Mobile Home Park use shall be 1.6 ha [4 ac].

9.3.4 A Mobile Home Park use shall not be established except in accordance with regulations set out by bylaw adopted by the Board pursuant to Section 734(i) of the *Municipal Act*, respecting the number, density and other standards for mobile homes within a Mobile Home Park.

The minimum area of a PARCEL that may be created by subdivision shall be 0.4 ha. [1 ac.]; except as set out in Section 10.2.

9.4 SEASONAL RECREATION (SR)

9.4.1 The regulations in this Section apply to land within the Seasonal Recreation (SR) designation:

9.4.2 The use of land, buildings and structures is restricted to the following PERMITTED USES:

(a) RECREATION CABIN

9.4.3 Not more than one RECREATION CABIN use may be established on a LOT.

9.4.4 The maximum FLOOR AREA of a RECREATION CABIN shall be 100 sq.m. [1076 sq. ft.]

9.4.5 The minimum area of a PARCEL that may be created by subdivision shall be 0.8 ha. [2 ac.]

9.5 COMMERCIAL-GENERAL (COMM-GEN)

9.5.1 The regulations in this Section apply to land within the Commercial-General (Comm-Gen) designation.

9.5.2 The use of land, buildings and structures is restricted to the following PERMITTED USES:

- (a) General Store
- (b) Gasoline Service Station/Truck Stop
- (c) Restaurant
- (d) 'Take Away' Food Outlet
- (e) Post Office
- (f) Financial Institution/Office
- (g) Retail Store
- (h) Laundromat
- (i) Hotel
- (j) Neighbourhood Public House
- (k) Tourist Accommodation
- (l) RESIDENTIAL-SINGLE FAMILY
- (m) Agency Liquor Store

9.5.3 The minimum area of a PARCEL that may be created by subdivision shall be 0.4 ha. [1 ac.].

9.6 COMMERCIAL-RECREATION (COMM-REC)

9.6.1 The regulations in this Section apply to land within the Commercial-Recreation (Comm-Rec) designation.

9.6.2 The use of land, buildings and structures is restricted to the following PERMITTED USES:

- (a) Campground
- (b) Golf Course
- (c) Trail Riding/Guide-Outfitting Operation
- (d) Go-Kart Track/Water Slide/and similar uses
- (e) RESIDENTIAL-SINGLE FAMILY
- (f) Convenience Grocery and Gifts Store/Food Outlet

9.6.3 A Convenience Grocery and Gifts Store/Food Outlet use shall not be established except where another commercial PERMITTED USE is established; and the maximum total FLOOR AREA use for a Convenience Grocery and Gifts Store/Food Outlet use shall be 40 sq.m. [430 sq. ft.]

9.6.4 The minimum area of a PARCEL that may be created by subdivision shall be 8 ha. [20 ac.].

9.7 INDUSTRIAL-HEAVY (IND-H)

9.7.1 The regulations in this Section apply to land within the Industrial-Heavy (Ind-H) designation.

9.7.2 The use of land, buildings and structures is restricted to the following PERMITTED USES:

- (a) Sawmill
- (b) Wood Products Manufacture and Processing
- (c) Bulk Fuel Storage Plant
- (d) Utility Complex
- (e) Salvage/Wrecking Yard
- (f) Automobile/Truck Body and Mechanical Repair & Parts Sales
- (g) Heavy Equipment Repair and Servicing
- (h) RESIDENTIAL-SINGLE FAMILY

9.7.3 A RESIDENTIAL-SINGLE FAMILY use shall not be established except where another Industrial PERMITTED USE is established, and such use shall be for the purpose of accommodating a caretaker/employee.

9.7.4 Where a Utility Complex use is established, not more than five RESIDENTIAL-SINGLE FAMILY uses are permitted on the same LOT, for the accommodation of employees.

9.7.5 The minimum area of a PARCEL that may be created by subdivision shall be 4 ha. [10 ac.]

9.8 INDUSTRIAL-LIGHT (IND-L)

9.8.1 The regulations in this Section apply to land within the Industrial-Light (Ind-L) designation.

9.8.2 The use of land, buildings and structures is restricted to the following PERMITTED USES:

- (a) Logging/Trucking/Trades Contractor
- (b) Automobile/Truck Mechanical Repair

- (c) Storage/Warehousing Facility
- (d) Business Offices
- (e) Key-Lock/Card-Lock Fuel Sales
- (f) Public Works Yard
- (g) RESIDENTIAL-SINGLE FAMILY

9.8.3 A RESIDENTIAL-SINGLE FAMILY use shall not be established except where another Industrial PERMITTED USE is established, and such use shall be for the purpose of accommodating a caretaker/employee.

9.8.4 The minimum area of a PARCEL that may be created by subdivision shall be 0.3 ha. [0.75 ac.]; except as set out in Section 10.2.

9.9 INSTITUTIONAL (INST)

9.9.1 The regulations in this Section apply to land within the Institutional (Inst) designation.

9.9.2 The use of land, buildings and structures is restricted to the following PERMITTED USES:

- (a) Young Offenders Camp
- (b) RESIDENTIAL-SINGLE FAMILY

9.9.3 A RESIDENTIAL-SINGLE FAMILY use shall not be established except where an Institutional PERMITTED USE is established, and such use shall be for the purpose of accommodating a caretaker/employee.

9.9.4 The minimum area of a PARCEL that may be created by subdivision shall be 4 ha. [10 ac.]

10.0 **SUBDIVISION REGULATIONS**

10.1 **PROPOSED SUBDIVISIONS - GENERAL**

10.1.1 The area of land required to create a new PARCEL by subdivision pursuant to the *Land Title Act* or *Condominium Act* shall be as set out in these regulations.

10.1.2 Where a PARCEL to be created by subdivision is proposed to be provided with public access from a highway by means of a panhandle access strip:

- (a) the area within the panhandle shall not be included in the required minimum area; and
- (b) the Approving Officer shall be satisfied that the width of the panhandle is sufficient for a future highway.

10.1.3 Section 992 of the *Municipal Act*, regarding provision of parkland, applies.

10.1.4 The minimum FRONTAGE of a PARCEL to be created by subdivision shall be 10% of the perimeter of the PARCEL except:

- (a) where access to a Bare Land Strata Lot under the Condominium Act is being provided by access route as set out in B.C. Reg. 75/78; or
- (b) where the Board has exempted a PARCEL pursuant to Section 994(2) of the *Municipal Act*.

10.1.5 A PARCEL to be created by subdivision which has a PARCEL area greater than 0.8 ha [2 ac.] shall have a minimum dimension between the FRONT LOT LINE and REAR LOT LINE of 30 m. [100 ft.]

10.1.6 The shape of any PARCEL to be created shall be such that any existing structure shall not be located closer to a proposed FRONT LOT LINE, REAR LOT LINE or SIDE LOT LINE than the setback permitted by these regulations.

10.1.7 The area of any PARCEL to be created shall not be less than the minimum LOT area required by these regulations for a use existing at the time of subdivision.

10.2 **PARCEL AREA REQUIREMENT EXCEPTIONS**

10.2.1 Existing PARCELS may be consolidated, notwithstanding that the PARCEL area after consolidation may not meet the PARCEL area requirements of these regulations.

10.2.2 Notwithstanding the PARCEL area requirements of these regulations, two or more existing PARCELS may be consolidated and resubdivided provided that:

- (a) the total number of PARCELS created shall not exceed the total number of existing PARCELS; and
- (b) none of the PARCELS created shall be smaller than the area of the smallest existing

PARCEL; and

- (c) the total number of PARCELS created which meet the PARCEL area requirements of these regulations shall not be less than the total number of existing PARCELS which meet those requirements; and
- (d) the total number of NON-CONTIGUOUS PARCELS shall not be increased; and
- (e) where one or more of the existing PARCELS is a NON-CONTIGUOUS PARCEL and the consolidation and resubdivision will create a lesser number of NON-CONTIGUOUS PARCELS then the provisions of Section 10.2.2(b) and (c) above do not apply.

10.2.3 PARCELS created for the following uses shall be exempted from the PARCEL area requirements of these regulations: UTILITY INSTALLATION, Park, Community Recreation Area, Firehall, Sanitary Landfill; provided that the Approving officer may require as a condition of subdivision approval the registration of a restrictive covenant pursuant to the *Land Title Act* which may restrict or prohibit the construction of buildings on, or the use of, the PARCEL created.

10.2.4 Notwithstanding the PARCEL area requirements of these regulations, a NON-CONTIGUOUS PARCEL may be subdivided such that the boundaries of the intervening land are the boundaries of the PARCELS to be created, provided that the minimum area for a proposed PARCEL shall be as follows for land within the designations described:

- (a) Agriculture/Resource 1, 3, 4: 6 ha [15 ac]
- (b) Rural Residential 1 0.8 ha [2 ac]

10.2.5 The exceptions described in Sections 10.2.1, 10.2.2 and 10.2.3 above do not include an exception to the requirements of Sections 10.1.6 and 10.1.7.

10.3 SUBDIVISION SERVICING REQUIREMENTS - WATER SUPPLY

10.3.1 The provisions of this Section do not apply to a PARCEL created by subdivision under the Condominium Act.

10.3.2 Each PARCEL to be created by subdivision within the following designations established by Sections 8.0 and 9.0:

- (i) Hixon - Residential
- (ii) Commercial - General
- (iii) Rural Residential

shall have a source of potable water as provided in Sections 10.3.3 to 10.3.8.

10.3.3 The source of water supply proposed to meet the requirement of Section 10.3.2 shall be potable as evidenced by meeting the safe drinking requirements of the Ministry of Health.

10.3.4 Where the requirement of Section 10.3.2 is proposed to be met by a groundwater well source of water supply, the requirement shall be met by:

- (a) a developed well located within the proposed PARCEL; or
- (b) access by easement as set out in Section 10.3.6 to a developed well; or
- (c) a report prepared and certified by a professional engineer licensed in British Columbia stating that a groundwater well can be developed within the proposed lot;

with the flow capacity required by Section 10.3.5.

10.3.5 Where the requirement of Section 10.3.2 is proposed to be met by a groundwater well source of water supply, the minimum flow capacity shall be:

- (a) a sustained yield of 5 litres/minute; and
- (b) where a single source is to serve one PARCEL, under Section 10.3.4 (a) or (c), 10 litres/minute for a minimum 120 minute period; or
- (c) where a single source is to serve more than one PARCEL, under Section 10.3.4 (b):
 - (i) 30 litres/minute for a minimum 120 minute period where the source is to serve two PARCELS; or
 - (ii) 40 litres/minute for a minimum 120 minute period where the source is to serve three PARCELS; or
 - (iii) 45 litres/minute for a minimum 120 minute period where the source is to serve four PARCELS.

10.3.6 Where the requirement of Section 10.3.2 is proposed to be met by a groundwater well source of water supply which is to serve more than one PARCEL, under Section 10.3.4 (b):

- (a) a single source shall not serve more than four parcels; and
- (b) the source shall be located on one of the PARCELS it serves; and
- (c) the source shall be located within an easement registered in favour of the PARCELS it serves other than the PARCEL on which it is located; and
- (d) a continuous easement shall connect the source and each PARCEL it serves; and
- (e) the source shall serve only the PARCEL on which it is located, PARCELS which are contiguous to that PARCEL, and PARCELS which are directly opposite across a common road allowance.

10.3.7 Where the requirement of Section 10.3.2 is proposed to be met by a surface source of water supply, the requirement shall be met by a letter of allowance issued by the Ministry of Environment indicating that the source will meet the requirements necessary to obtain a Water License, pursuant to the Water Act, for domestic water supply, including a flow capacity of 2273 litres (500 gallons) day for each PARCEL to be served.

10.3.8 Where the requirement of Section 10.3.2 is proposed to be met by a surface source of water supply, the source shall:

- (a) be located within the proposed parcel; or
- (b) be connected to each parcel it is intended to serve by means of a continuous easement

or permit to cross Crown Land; and

- (c) not be located further than 500 metres from any parcel proposed to be served by that source.

10.3.9 The requirement of Section 10.3.2 shall not apply where a proposed subdivision is to be serviced by a water distribution system existing or proposed under the jurisdiction of the Water Utility Act or Municipal Act, notwithstanding that these regulations do not require such a system.

10.4 SUBDIVISION SERVICING REQUIREMENTS - SEWAGE DISPOSAL

10.4.1 Each proposed PARCEL to be created by subdivision shall meet the Sewage Disposal Regulations pursuant to the Health Act.

Certified a true and correct consolidated copy of Schedule "A" to Hixon-Woodpecker Rural Land Use Bylaw No. 932, 1988.

D. Anne Hogan
Deputy Secretary