

## STAFF REPORT

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**DATE:** March 18, 2024

**FILE:** 0550-04

**TO:** Chair and Directors,  
Regional Board

**FROM:** Dave Leitch  
Chief Administrative Officer

**RE:** REPEAL OF ELECTORAL AREA A ZONING BYLAWS

### **PURPOSE/PROBLEM**

To consider the repeal of Bylaws No. 1155 and 2256 which set out restrictions on the use of land in portions of Electoral Area A within the Regional District.

### **EXECUTIVE SUMMARY**

At its February 28, 2024 meeting the Board considered the attached report and passed the following resolution:

**Whalley/Rice: SRD 124/24**

**THAT** bylaws be prepared for the Board's consideration that would repeal Bylaw No. 1155 (Electoral Area G Zoning Bylaw 1990) and Bylaw No. 2256 (Fair Harbour Zoning Bylaw 2000).

Based on previous direction, the attached bylaws have been prepared for consideration by the Board. The process for repealing zoning regulations is similar to the process for enacting or amending such regulations. This includes the requirement for holding a public hearing as well as giving advance notification to the public regarding the process for providing input on the repeal bylaws if they are to be considered further.

Since the bylaws under consideration for repeal have very limited scope in terms of their application to private lands, the Board may wish to consider whether it is preferable to hold the public hearings in the geographical areas affected by the bylaws or, alternatively, to hold them in Campbell River subject to interested parties being able to participate remotely. In either case it will be necessary for the Regional District to undertake additional research related to scheduling for the director, staff and the selected venue for the hearings.

Following second reading of Bylaws No. 1155 and 2256 the Board may wish to consider the following alternatives regarding the location for the public hearings.

### **ALTERNATIVES**

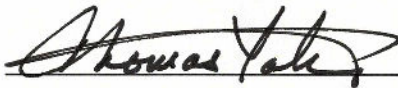
Option A – THAT public hearings on Bylaws No. 1155 and 2256 be held in the geographic areas to which they apply, and that a report with further details be prepared for the next meeting.

Option B – THAT public hearings on Bylaws No. 1155 and 2256 be held at the Regional District corporate office and that a report with further details be prepared for the next meeting.

**RECOMMENDATIONS**

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Bylaw No. 545, being a bylaw to repeal the Gold River area zoning bylaw, be now introduced and read a first time.
3. THAT Bylaw No. 545 be given second reading.
4. THAT Bylaw No. 546, being a bylaw to repeal the Fair Harbour zoning bylaw, be now introduced and read a first time.
5. THAT Bylaw No. 546 be given second reading.

Respectfully:

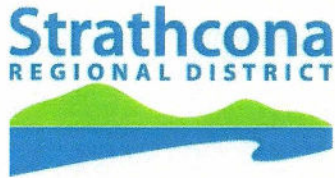


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Dave Leitch  
for Chief Administrative Officer

**Prepared by:** T. Yates, Corporate Services Manager

Attachments: Bylaws No. 545 and 546  
Copy of February 15, 2024 report to the Board



## BYLAW NO. 545

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### A BYLAW TO REPEAL THE GOLD RIVER AREA ZONING BYLAW

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**WHEREAS** the former Comox-Strathcona Regional District has, by Bylaw No. 1155, enacted zoning regulations for properties adjacent to the Village of Gold River area and located within Electoral Area G;

**AND WHEREAS** the Comox-Strathcona Regional District was, by Order in Council 059/08, divided into the Comox Valley Regional District and the Strathcona Regional District effective February 15, 2008;

**AND WHEREAS** zoning regulations enacted by the Comox-Strathcona Regional District and having effect within the Strathcona Regional District remain in force until amended or repealed by the Strathcona Regional District;

**AND WHEREAS** Electoral Area G of the former Comox-Strathcona Regional District was, by supplementary letters patent, redesignated as part of Electoral Area A of the Strathcona Regional District;

**AND WHEREAS** the Regional Board wishes to repeal Bylaw No. 1155 in its entirety;

**NOW THEREFORE** the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

#### Repeal

1. Bylaw No. 1155, being Electoral Area G Zoning Bylaw 1990, as adopted by the Comox-Strathcona Regional District on the 26<sup>th</sup> day of March, 1990 is hereby repealed in its entirety.

#### Citation

2. This bylaw may be cited for all purposes as Bylaw No. 545, being Electoral Area G Zoning Bylaw 1990, Repeal Bylaw 2024.

READ A FIRST TIME ON THE                      DAY OF                      , 2024

READ A SECOND TIME ON                      DAY OF                      , 2024





## BYLAW NO. 546

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### A BYLAW TO REPEAL THE FAIR HARBOUR AREA ZONING BYLAW

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**WHEREAS** the former Comox-Strathcona Regional District has, by Bylaw No. 2256, enacted zoning regulations for properties in the Fair Harbour area and located within Electoral Area G;

**AND WHEREAS** the Comox-Strathcona Regional District was, by Order in Council 059/08, divided into the Comox Valley Regional District and the Strathcona Regional District effective February 15, 2008;

**AND WHEREAS** zoning regulations enacted by the Comox-Strathcona Regional District and having effect within the Strathcona Regional District remain in force until amended or repealed by the Strathcona Regional District;

**AND WHEREAS** Electoral Area G of the former Comox-Strathcona Regional District was, by supplementary letters patent, redesignated as part of Electoral Area A of the Strathcona Regional District;

**AND WHEREAS** the Regional Board wishes to repeal Bylaw No. 2256 in its entirety;

**NOW THEREFORE** the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

#### Repeal

1. Bylaw No. 2256, being Fair Harbour Zoning Bylaw 2000, as adopted by the Comox-Strathcona Regional District on the 30<sup>th</sup> day of October, 2000 is hereby repealed in its entirety.

#### Citation

2. This bylaw may be cited for all purposes as Bylaw No. 546, being Fair Harbour Zoning Bylaw 2000, Repeal Bylaw 2024.

READ A FIRST TIME ON THE                      DAY OF                      , 2024

READ A SECOND TIME ON                      DAY OF                      , 2024

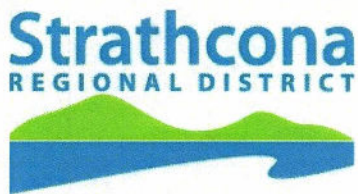
**PUBLIC HEARING HELD ON THE      DAY OF                      , 2024**

**READ A THIRD TIME ON THE                      DAY OF                      , 2024**

**RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE      DAY OF                      , 2024**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Officer



## STAFF REPORT

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**DATE:** February 15, 2024

**FILE:** 0550-04 Board

**TO:** Chair and Directors,  
Regional Board

**FROM:** Dave Leitch  
Chief Administrative Officer

**RE:** REPEAL OF ZONING BYLAWS NO. 1155 & 2254 (ELECTORAL AREA A)

### **PURPOSE/PROBLEM**

To consider a recommendation from the Electoral Areas Services Committee that the Regional District consider repealing zoning Bylaws No. 1155 and 2254 which apply to the Gold River and Fair Harbour areas within Electoral Area A.

### **EXECUTIVE SUMMARY**

The attached report was considered at the February 14, 2024 meeting of the Electoral Areas Services Committee at which time the following resolution was passed:

**Mawhinney/Vonesch: EASC 61/24**

**THAT the Committee recommend that Bylaw No. 1155 Electoral Area A Gold River Zoning Bylaw, 1990 and Bylaw No. 2256 Fair Harbour Zoning Bylaw, 2000 be repealed.**

The actions outlined below are offered in support of the Committee's recommendation.

### **RECOMMENDATIONS**

1. THAT the report from the Chief Administrative Officer be received.
2. THAT bylaws be prepared for the Board's consideration that would repeal Bylaw No. 1155 (Electoral Area G Zoning Bylaw 1990) and Bylaw No. 2256 (Fair Harbour Zoning Bylaw 2000).

Respectfully:



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Dave Leitch  
Chief Administrative Officer

**Prepared by:** T. Yates, Corporate Services Manager

Attachments: Copy of January 17, 2024 report to the Electoral Areas Services Committee



## STAFF REPORT

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**DATE:** January 17, 2024

**FILE:** 0550-04 EASC

**TO:** Chair and Directors  
Electoral Areas Services Committee

**FROM:** Dave Leitch  
Chief Administrative Officer

**RE:** REPEALING ELECTORAL AREA A ZONING BYLAWS: GOLD RIVER AND FAIR HARBOUR

### **PURPOSE**

To consider the repeal of bylaws within Electoral Area A which lack or have limited applicability to current planning and land use authority to the Strathcona Regional District.

### **POLICY ANALYSIS**

Part 14 "Planning and Land Use Management" of the *Local Government Act (LGA)* addresses local governments' roles regarding zoning bylaws. Section 137 of the *Community Charter* gives local governments the authority to amend or repeal bylaws. The SRD Board may, by resolution, repeal bylaws that no longer serve the strategic priorities of the Board.

### **EXECUTIVE SUMMARY**

Bylaw No. 1155 Gold River Zoning Bylaw, 1990 and Bylaw No. 2254 Fair Harbour Zoning Bylaw, 2000 are currently in effect in Electoral Area A. In addition to these zoning bylaws being outdated and having limited relevance as they reference the historic Comox-Strathcona Regional District, the previous Planning Procedures Bylaw, they cover areas that are outside of the jurisdiction of the SRD. The Fair Harbour Zoning Bylaw is within an area now under treaty of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations and therefore, the SRD has no planning regulation authority to enforce such a bylaw. The Gold River Zoning Bylaw covers the Mowachaht/Muchalaht First Nation Reserve, IR 18 TSA-XANA, which is outside of SRD's jurisdiction, and a section of Crown Land and Managed Forest.

Both bylaws also contain regulations related to subdivision and servicing standards which should only be enforced if contained in Bylaw No. 64, the current SRD Subdivision and Servicing Standards Bylaw. The last amendments completed to both bylaws were to update the references to the Riparian Areas Regulation in 2012. Further amendments would be required to ensure these bylaws are compliant with higher levels of government. Such amendments and maintenance of bylaws require significant staff resources. Outdated and seemingly arbitrary bylaws can create confusion and hinder the smooth functioning of the Regional District. Repealing these types of bylaws streamlines the regulatory framework, making it more efficient and easier to understand for both residents, elected officials, and staff. While these bylaws were likely once relevant, they seem to have become obsolete and impractical given changes in local government jurisdiction and their limited applicability.

With new local government zoning bylaw requirements coming into effect from the provincial government's new legislation this spring, all zoning bylaws require significant updates. As the SRD lacks or has very limited authority over the areas these bylaws initially governed, it is unable to implement the required regulatory updates. It is best to repeal bylaws where the SRD's authority is absent or limited, rather than having to maintain bylaws that are non-compliant with provincial legislation.

In practical terms, zoning bylaw regimes are becoming increasingly complicated because they are intended to regulate growth and development in accordance with an OCP. As these areas are either outside of the SRD's jurisdiction or rural Crown/Managed Forest Lands, they are not covered by an OCP. Repealing these bylaws ensures that the SRD can keep a clean set of up-to-date bylaws and reduce the risk of arbitrary over regulation. Further, implementing and enforcing the zoning bylaws in these areas is also challenging due to a lack of enforcement capacity and tools. Repealing irrelevant bylaws is a proactive step to ensure that a regional district remains effective, adaptable, and responsive to the changing needs of the community while maintaining legal compliance.

Given the above, it is recommended that both Bylaw No. 1155 and Bylaw No. 2256 be repealed.

#### RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommend that Bylaw No. 1155 Electoral Area A Gold River Zoning Bylaw, 1990 and Bylaw No. 2256 Fair Harbour Zoning Bylaw, 2000 be repealed.

Respectfully:



\_\_\_\_\_  
Dave Leitch  
Chief Administrative Officer

#### FINANCIAL IMPLICATIONS

There are no financial implications associated with the repeal of these zoning bylaws. Conversely, costs associated with staff time will be saved with the repeal of these bylaws.

#### LEGAL IMPLICATIONS

This report and the recommendations contained herein follow the *Local Government Act* (LGA), *Community Charter*, and Regional District bylaws.

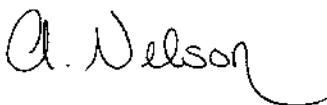
#### CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The repeal of this bylaw will provide clarity to the public regarding land use planning over Electoral Area A.

#### INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The planning and corporate services department will be responsible for all aspects of the bylaw repeal process.

Submitted by:



\_\_\_\_\_  
Aniko Nelson  
Senior Manager, Community Services

**Prepared by:** A. Girdler, Planner II

Attachments: A. Bylaw No. 1155 Electoral Area A (Gold River) Zoning Bylaw, 1990  
B: Bylaw No. 2256 Fair Harbour Zoning Bylaw, 2000  
C: Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations Official Community Plan, 2014



**BY-LAW NO. 1155,  
 “ELECTORAL AREA ‘A’ (GOLD RIVER) ZONING BY-LAW, 1990” (CONSOLIDATED)**

The following is a consolidated version of the Electoral Area ‘G’ Zoning By-law, 1990 and includes the following amendment bylaws:

<b>BYLAW No.</b>	<b>BYLAW NAME</b>	<b>ADOPTED</b>	<b>PURPOSE</b>
RDCS 1350	Electoral Area ‘G’ Zoning By-Law, 1990, Amendment By-Law No. 1	October 28, 1991	To amend the area and frontage requirements and lot size exceptions. Map amendment – area to be rezoned from CR-1 to PU-1.
RDCS 1539	Electoral Area ‘G’ Zoning By-law, 1990, Amendment By-law No. 2	November 29, 1993	To amend the fees for application, Table of Contents to add Industrial One; Zone Designations, Regulations and Conditions of Use. Map amendment – area to be rezoned from CR-1 to I-1.
SRD 34	Electoral Area ‘A’ (Gold River Area) Zoning Bylaw, 1990, Amendment No. 4	October 29, 2009	To amend by the addition of Industrial Two Zone. Map amendment – area to be rezoned from CR-1 to I-2.
SRD 89	Electoral Area ‘G’ (Gold River Area) Zoning Bylaw, 1990, Amendment No. 4	April 26, 2012	To amend by inserting for Riparian Area Regulations

**This bylaw may not be current due to pending updates or revisions and SHOULD NOT BE RELIED UPON FOR LEGAL PURPOSES. Please contact the Corporate Services Manager for the Strathcona Regional District for the most current version.**



## **Bylaw No. 1155**

### ***“Electoral Area ‘A’ (Gold River) Zoning Bylaw, 1990”***

#### **CONSOLIDATED COPY FOR CONVENIENCE PURPOSE ONLY**

**The version of this bylaw may not be complete due to pending updates or revisions and therefore is here for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please come into the regional district office to view the complete bylaw when required.**

**REGIONAL DISTRICT OF COMOX-STRATHCONA**

**BYLAW NO. 1155**

**A Bylaw To Regulate The Location And Use Of Buildings And Structures  
And The Use And Subdivision Of Land, Including The Surface Of Water In  
The Regional District of Comox-Strathcona**

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The Board of the Regional District of Comox-Strathcona, in open meeting assembled, enacts as follows:

**PART A      TITLE**

This bylaw may be cited for all purposes as the "Electoral Area 'G' Zoning Bylaw, 1990".

**PART B      APPLICATION**

1. This bylaw shall be applicable to those parts of Electoral Area "G" (Gold River Area), identified in Schedule 'A' attached to and forming part of this bylaw.
2. Any forestry management activity relating to the production and harvesting of timber on any land that is classified as managed forest land pursuant to the *Assessment Act* or any land within a license area under the *Forest Act* shall not be restricted by any terms or conditions of this bylaw so long as the land continues only to be classified for that purpose.
3. For the purpose of this bylaw, Schedule 'A' is attached to and forms an integral part of this bylaw and bears the words "Schedule 'A'".

**PART C      ADOPTION**

**READ A FIRST AND SECOND TIME THIS      30th    DAY OF      October      1989.**  
**PUBLIC HEARING HELD THIS                    20th    DAY OF      November    1989.**  
**READ A THIRD TIME THIS                    27th    DAY OF      November    1989.**

I HEREBY CERTIFY the foregoing to be a true and correct copy of the "Electoral Area 'G' Zoning Bylaw, 1990" as read a third time by the Board of the Regional District of Comox-Strathcona on the 27<sup>th</sup> day of November, 1989.

**W.B. d'Easum**  
Secretary

**APPROVED BY THE MINISTER OF  
MUNICIPAL AFFAIRS THIS                    28<sup>th</sup>    DAY OF      February    1990.**  
**APPROVED PURSUANT TO THE  
HIGHWAYS ACT THIS                            17<sup>th</sup>    DAY OF      January     1990.**  
**RECONSIDERED, FINALLY PASSED  
AND ADOPTED THIS                            26th    DAY OF      March       1990.**

**J. Turner**  
Chairperson

**W.B. d'Easum**  
Secretary

I HEREBY CERTIFY the foregoing to be a true and correct copy of the "Electoral Area 'G' Zoning Bylaw, 1990", as adopted by the Board of the Regional District of Comox-Strathcona on the 26<sup>th</sup> day of March, 1990.

**W.B. d'Easum**  
Secretary

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RDCS 1539
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SRD 34
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SCHEDULES

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COPY

**PART 1**      **ADMINISTRATION****1.1**      **Administration**

1.      The Director of Planning and Development or such other persons appointed by the Regional District shall administer this by-law.
2.      Persons appointed under Subsection 1 may enter any building or premises at all reasonable times for the purpose of administering or enforcing this by-law.

**1.2**      **Violation**

1.      It shall be unlawful for any person to cause, suffer or permit any building or structure to be constructed, reconstructed, altered, moved, extended, or used, or land to be occupied or used in contravention of this by-law or otherwise to contravene or fail to comply with this by-law except as provided for under Section 962, 970 and Division 5 of the Municipal Act.
2.      It shall be unlawful for any person to prevent or obstruct any official appointed under part 1, Subsection 1.1 from the carrying out of his duties under this by-law.
3.      Nothing in this by-law shall exempt any person from complying with the requirements of any other by-laws in force within the Regional District or from obtaining any license, permission, permit authority, or approval required by this or any other by-law of the Regional District of Comox-Strathcona.

**1.3**      **Penalty**

1.      Any person who violates the provisions of this by-law is liable on summary conviction to a penalty not exceeding Two Thousand Dollars (\$2,000.00) or imprisonment for a period not exceeding thirty (30) days and the cost of prosecution.
2.      Each day during which such violation is continued shall be deemed to constitute a new and separate offence.
3.      Upon conviction, the Provincial Court Judge may direct that no prosecution under Subsection 2 may be made, with respect to the continuance of the violation, for such period of time as he directs.

**1.4**      **Remedial Authority**

1.      The Regional District may, by by-law, authorize:
  - i)      the demolition, removal or bringing up to standard specified in the by-law of a building, structure or thing, in whole or in part, that contravened this by-law or that the Regional District believes is in an unsafe condition;

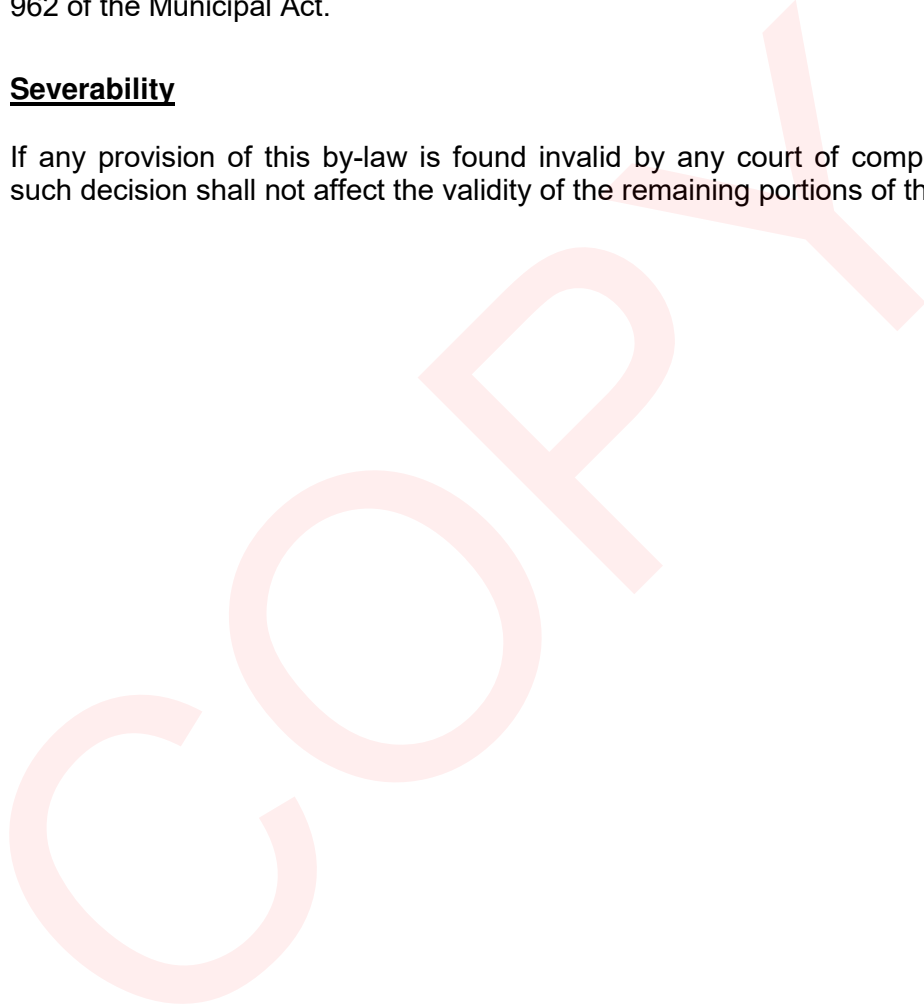
- ii) the filling in, covering over or alteration in whole or in part of an excavation that contravened this by-law or that the Regional District believes is in an unsafe condition.
- iii) The Regional District shall give the affected land owners thirty (30) days notice of any action contemplated under this section.

**1.5 Appeal**

The Board of Variance established under the Board of Variance by-law of the Regional District of Comox-Strathcona shall hear and determine any appeal pursuant to Section 962 of the Municipal Act.

**1.6 Severability**

If any provision of this by-law is found invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this by-law.



## **PART 2      INTERPRETATION**

**“AGRICULTURAL USE”** means a use providing for the growing, rearing or harvesting of agricultural products and includes the processing on an individual lot of primarily agricultural products harvested, reared or grown on that lot.

**“ANIMAL KENNEL”** means any structure or premises in which animals are kept, boarded, bred or trained for commercial gain.

**“APPLICANT”** means the person applying for the Approval of a Subdivision, Board of Variance Appeal, Rezoning, Development Variance Permit, Development Permit, or Mobile Home Park Permit, whether as the owner of the property or as agent of the owner.

**“APPROVAL”** means approval in writing from the authority having jurisdiction.

**“APPROVING OFFICER”** means approving officer designated as such pursuant to the Land Titles Act or the Condominium Act.

**“AUTOMOBILE WRECKING YARD”** means a place where two or more derelict vehicles are stored, kept, disassembled, and/or repaired and where parts from derelict vehicles may be salvaged, purchased, or reused subject to compliance with the Motor Vehicle Act and pursuant regulations.

**“BOARDING HOUSE”** means a dwelling or part thereof in which furnished sleeping accommodations with or without furnished meals are provided for consideration to more than four (4) persons as permanent accommodation.

**“BUILDING”** means a structure located on the ground, which is designated, erected or intended for the support, enclosure or protection of any use, person or property.

**“BUILDING, ACCESSORY”** means a building or structure, the use of which is ancillary to that of the principal permitted use of the lands, buildings or structures located on the same parcel, but specifically excludes buildings used for residential use or agricultural buildings.

**“BUILDING, AGRICULTURAL”** means a building, the use of which is primarily for the growing, rearing or harvesting of agricultural products on properties where the land is eligible for farm classification pursuant to the Assessment Act, and can include a building which is used for processing of agricultural products where such agricultural products are harvested, reared or grown on that farm or a building for the storage of farm machinery implements and agricultural supplies necessary for the operation of that farm. An agricultural building can also mean a structure for sale of agricultural products grown, rearing or produced on that farm where the floor area of the structure, and any display area, does not exceed 12 m<sup>2</sup> (129.17 ft<sup>2</sup>).

**“BULK STORAGE”** means the storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

**“CAMPGROUND”** means premises occupied and maintained for temporary accommodation of travelers in trailers, tents or recreation vehicles. It does not include a mobile home park, motel, hotel, or autocourt but allows for accessory retail grocery sales primarily for campground patrons.

**“COMMUNITY CARE FACILITY”** means a facility that is licensed or is under permit by the Provincial Government as a community care facility or like establishment that serves more than four (4) persons.

**“COMMUNITY SEWER SYSTEM”** means a common sewer or a system of laterals, collectors, mains, trunks, and appurtenances, including treatment and disposal facilities approved by the Waste Management Branch of the Ministry of Health and the Regional District.

**“COMMUNITY WATER SYSTEM”** means a system or waterworks within the meaning of Section 21 of the Health Act which is owned, operated and maintained by an Improvement District under the Water Act or the Municipal Act, or by the Regional District within a Water Specified Area, or by the owner of a mobile home park or by a strata corporation. This system must be approved by the Regional District and by the authority having jurisdiction.

“**DERELICT VEHICLE**” means any vehicle pursuant to the Motor Vehicle Act and amendments thereto, which is not licensed and which is not housed in a garage or carport.

“**DEVELOPMENT**” means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the Local Government Act:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of non-structural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails docks, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in section 872 of the Local Government Act.

SRD  
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“**DWELLING, SINGLE FAMILY**” means a detached building or mobile home used exclusively for residential use for one family consisting of one dwelling unit, and containing not more than one set of cooking equipment.

“**DWELLING UNIT**” means a self-contained unit with a separate entrance occupied as a permanent home or residence with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

“**FAMILY**” means one person or two or more persons who are interrelated by bonds of marriage, legal adoption or consanguinity, or a group of not more than five (5) unrelated persons occupying a dwelling unit.

“**FLOOR AREA**” means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits and vertical service spaces that pierce the storey.

“**FRONTAGE**” means the length of a lot line which immediately adjoins a highway, and where two or more lot lines adjoin a highway, only one length being the shortest length of a lot line fronting a highway shall be considered as frontage.

“**GRADE LEVEL**” means the lowest of the average levels of finished ground adjoining each exterior wall of a building, or where there is no building, the lowest of the average levels of finished ground measured at each corner of the lot.

“**HEIGHT OF BUILDING**” means the vertical distance from the main grade level to the highest part of the roof surface, as illustrated in Figure 1.

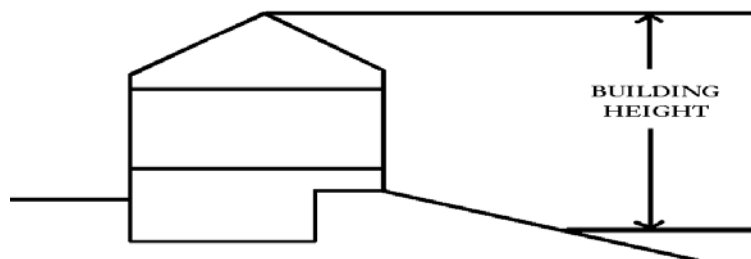


Fig. 1

“**HIGHWAY**” includes a public street, lane, bridge, road, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

“**JUNKYARD**” is a place where old articles, waste or discarded material are stored or kept, whether or not for commercial purposes or as part of a trade or calling, and such materials shall include rubber tires, metal, plastics, plastic containers, glass, papers, sacks, wire, ropes, rags, machinery, cans, any other scrap or salvage, and includes Automobile Wrecking Yards.

“**LIVESTOCK**” means animals used for agricultural purposes, which are used or the products of which are used for eventual consumption and in addition includes animals for work or are capable of work such as horses, donkeys or mules.

“**LOT**” means an area of land designated as a separate and distinct parcel that is a legally recorded subdivision plan or description filed in the Land Titles Office but does not include a strata lot.

“**LOT AREA**” means the area of land within the boundaries of the lot but excludes the panhandle area.

“**LOT COVERAGE**” means the total horizontal area measured to the outside of the exterior walls of the building on a lot, expressed as a percentage of the lot area.

“**LOT LINE**” means a legally defined line or series of continuous lines, which provides a boundary of a lot.

“**LOT LINE, FRONT**” means a lot line common to the lot and an abutting highway, or, where there is more than one such line the shortest such line shall be considered as the front lot line.

“**LOT LINE, REAR**” means the lot line opposite to and most distant from the front lot line, or where a rear portion of the parcel is bounded by intersecting side lot lines, it shall be the point of such intersection.

“**LOT LINE, SIDE**” means the lot line that extends from the front lot line to the rear lot line.

“**MOBILE HOME**” means a dwelling unit designed to be moved from time to time, which arrived at the site where it is to be occupied complete and ready for occupancy except for placing on foundation supports, connections of utilities, and some incidental assembly, and meets or exceeds Canadian Standards Associations Z-240 Standards, but specifically excludes recreational vehicle.

“**NATURAL BOUNDARY**” meaning 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 to vegetations, as well as in respect to 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.

“**NON-CONFORMING BUILDING OR USE**” means any building or use which does not conform with all the regulations of this by-law or any amendments thereto, for the zoning district in which such building or use is located.

“**PANHANDLE**” means a strip of land not less than 6 metres (19.66 feet) in width and not exceeding 20 metres (65.62 feet) in width which extends along a side of a lot and which provides access and highway frontage to a parcel, and which forms part of that parcel as illustrated in Figure 2.

“**PARCEL**” – see “**LOT**”

“**PARK**” means a tract of land or water designated and used by the public for active and passive recreations.

“**PERMITTED ACCESSORY USE**” means a use that is ancillary to the permitted principal use of the land, building or structure located on the same parcel or on a parcel contiguous to a parcel on which the principal use is situated when both parcels are owned by the same person and both parcels have the same zoning.

“**PERMITTED PRINCIPAL USE**” means the principal permissible purpose for which land, buildings or structures may be used, and for the purpose of this by-law all uses not listed as permitted shall be deemed to be a prohibited use in that zone.

“**PRINCIPAL BUILDING**” means the main building or structure on a parcel of land which reflects the primary use of that land.

“**PRINCIPAL USE**” means the main purpose for which a lot, principal building or structure is ordinarily used.

“**POTABLE WATER**” means water which is approved for drinking purposes by the Ministry of Health.

“**PUBLIC ASSEMBLY USE**” means the use of land, buildings or structures for religious institutions, cemeteries, hospitals, community care facilities, institutional uses, government offices, daycare centres, schools, museums, community halls, auditoriums, publicly funded recreation facilities, and public works yards with related facilities.

“**PUBLIC UTILITY USE**” means the use of land, buildings or structures for the provision of community water or sewer service, public access, electrical and telecommunication service, firehalls, ferry terminals, public boat ramps, or utility service buildings.

“**QUALIFIED ENVIRONMENTAL PROFESSIONAL**” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if,

(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and subject to disciplinary action by that association,

(b) the individual’s area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and

(c) the individual is acting within that individual’s area of expertise.

“**RECREATIONAL VEHICLE**” means a unit designed to provide temporary living accommodation for travel, vacation or recreational use and to be driven, towed or transported. Such units include travel trailers, slide-in campers, tent trailers, motor homes and fifth-wheel trailers. Any unit must be licensed for transport on public roads.

“**REGIONAL DISTRICT**” means the Regional District of Comox-Strathcona.

“**RESIDENTIAL USE**” means the permanent occupancy and use of a dwelling unit by a family.

“**RIDING ACADEMY**” means an establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding and includes horse related events or shows where no paid admission to view the event is required.

“**RIPARIAN AREA**” means a Streamside Protection and Enhancement Area (SPEA).

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**“RIPARIAN ASSESSMENT AREA”** means:

- (a) for a stream, the 30.0 metre strip on both sides of the stream, measured from the high water mark,
- (b) for a ravine less than 60.0 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30.0 metres beyond the top of the ravine bank, and
- (c) for a ravine 60.0 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10/0 metres beyond the top of the ravine bank.

**“SETBACK”** means the required minimum horizontal distance measured from the respective lot line or natural boundary to any building or structure or part thereof.

**“SITE AREA”** means the same as lot area where only one lot is involved and means the total horizontal area within the lot lines of all lots to be covered by a use. In the case of a strata lot, site area shall mean the area of the parent lot prior to the creation of strata lots.

**“SITE TRIANGLE”** means the area formed by a triangle in the angle formed by the right-of-way boundaries or boundaries produced and two points on those boundaries 6 metres (19.7 feet) from the point of intersection.

**“SILVICULTURE”** means all activities related to the development and care of forests, including the removal of harvestable timber stocks, but does not include the processing of wood or wood products.

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**“STREAM”** includes any of the following that provides fish habitat:

- (a) a watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook,
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

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**“STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA)”** means an area:

- (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts and influence on the stream, and
- (b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.

**“STRUCTURE”** means anything that is constructed or erected, and includes swimming pool, mobile home space, camping space and major improvements accessory to the principal use of land, but specifically excludes landscaping, paving improvements, retaining walls, signs and fences under 2.0 metres (8.56 feet) in height.

**“SUBDIVISION”** means any change in existing size, shape, number or arrangement of a parcel registered in the Land Title Office so as to require that a new Certificate of Indefeasible Title be issued.

**“UTILITY SERVICE BUILDING”** means a building or structure providing for public utility facilities for water, sewer, electrical, telephone and similar services, established by a municipality, Regional District, by another government body or by a company regulated by statute.

**“WATERCOURSE”** means any natural or man-made depression with well-defined banks and a bed zero point six (0.6) metres (1.97 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two (2) square kilometers (0.77 square miles) or more upstream of the point of consideration, or as required by a designated official of the Ministry of Environment of the Province of British Columbia.

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**“WETLAND”** includes land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically

adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.

**“YARD”** means a space appurtenant to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this by-law.

**“YARD FRONT”** means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any excavation or main building on the lot.

**“YARD, FRONT DEPTH”** means the least horizontal dimension between the front lot line of the lot or the chord of the front lot line of the lot and the nearest part of any building, structure or excavation on the lot.

**“YARD, REAR”** means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any excavation or main building on the lot.

**“YARD, REAR DEPTH”** means the least horizontal dimension between the rear lot line of the lot and the nearest part of any building, structure or excavation on the lot.

**“YARD, REQUIRED”** means a yard with the minimum front yard depth, rear yard depth or side yard width required by the provisions of this by-law. A required side yard shall extend from the required front yard to the required rear yard.

**“YARD, SIDE”** means a yard extending from the required front yard to the required rear yard and from the side lot line of the lot to the nearest part of any excavation or main building on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.

**“YARD, SIDE WIDTH”** means the least horizontal dimension between the side lot line of the lot and the nearest part of any building, structure or excavation on the lot.

**“YARD, SIDE, EXTERIOR”** means a side yard immediately adjoining a public street.

**“YARD, SIDE, INTERIOR”** means a side yard other than an exterior side yard.

**PART 3**      **AMENDMENT****3.1**      **Application**

Any person wishing to have this by-law amended shall apply using Schedule '3-A' (attached) which shall be delivered to the Regional District together with such plans and particulars as the Regional District may require as specified on Schedule '3-A'.

**3.2**      **Amendment Application Fee**

Prior to the processing of an application for amendment the applicant shall pay the Regional District an application fee in the amount as set out in Schedule '3-B' to this by-law.

**3.3**      **Amendment Procedures**

- 1)      This by-law may not be amended or repealed except after a public hearing held under Section 956 of the Municipal Act.

**3.4**      **Public Hearing Procedure**

Where a proposed amendment to this by-law requires a public hearing, notice of the public hearing on such a proposed amendment, having the effect of altering the permitted use or density of any area, shall be mailed or otherwise delivered at least 14 days before a public hearing to the owners and occupiers of all parcels within the area subject to the by-law amendment and within 30 metres (98.4) feet of any land subject to the by-law amendment except where proposed amendment to the by-law involves 10 or more parcels owned by 10 or more persons.

**APPLICATION FEE: \$500.00**

**REGIONAL DISTRICT OF COMOX-STRATHCONA**

**By-Law No. 1155**

**SCHEDULE '3-A'**

**APPLICATION TO AMEND THE "ELECTORAL AREA 'A' (GOLD RIVER) ZONING BY-LAW, 1990"**

Property Owner's Name: \_\_\_\_\_ Authorized Agent of Owner: \_\_\_\_\_

I/We  
Address of Owner: \_\_\_\_\_ Address of Agent: \_\_\_\_\_

City/Town/Village: \_\_\_\_\_ City/Town/Village \_\_\_\_\_

Postal Code: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

(If more than one owner, please list on a separate sheet.)

**As registered owner of real property described as** (full legal description of each of the subject properties):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Approximate area or dimensions of each lot** (please use metric dimensions):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Hereby make application to the Regional District board to amend the "Electoral Area 'A' (Gold River) Zoning By-Law, 1990" as follows:**

From: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Reasons For Proposed Amendment:**

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1) I enclose a copy of the:

**Certificate of Indefeasible Title**

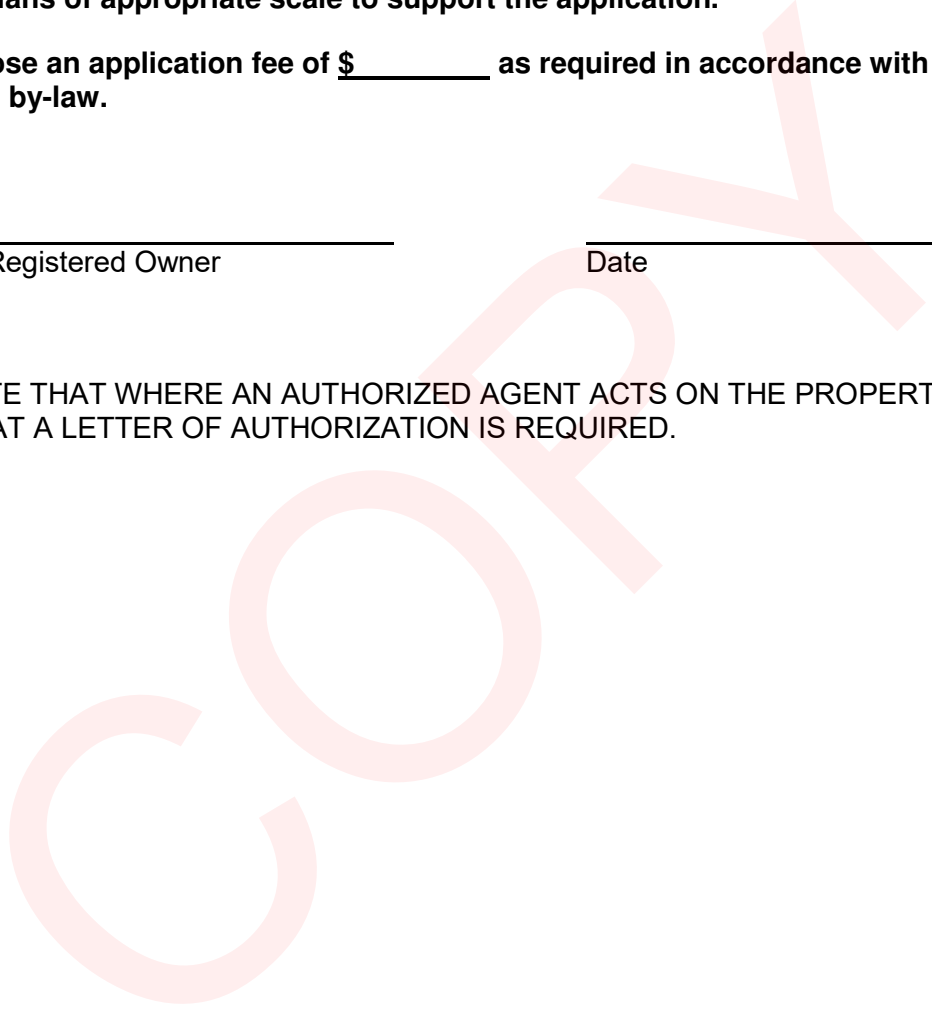
**And plans of appropriate scale to support the application.**

2) I enclose an application fee of \$ \_\_\_\_\_ as required in accordance with Schedule '3B' of this by-law.

\_\_\_\_\_  
Signature of Registered Owner

\_\_\_\_\_  
Date

PLEASE NOTE THAT WHERE AN AUTHORIZED AGENT ACTS ON THE PROPERTY OWNER'S BEHALF, THAT A LETTER OF AUTHORIZATION IS REQUIRED.



REGIONAL DISTRICT OF COMOX-STRATHCONA

**By-Law No. 1155**

SCHEDULE '3-B'

**AMENDMENT APPLICATION FEE**

Application Fees And Refunds

- 1) **Amendment to the “Electoral Area ‘A’ (Gold River) Zoning By-Law, 1990”:**
  - (a) The application fee for amendment to the “Electoral Area ‘A’ (Gold River) Zoning By-Law, 1990” shall be in the amount of \$500.00. There is no refund.

## **PART 4 PERMITS**

### **4.1 Development Variance Permits**

- 1) An application for a Development Variance Permit shall be completed upon a form provided by the Regional District which is attached Schedule '4A' and shall be delivered to the Regional District, together with such plans and particulars as the Regional District may require.
- 2) Prior to the processing of a Development Variance Permit, the applicant shall pay to the Regional District an application fee of two hundred dollars (\$200.00).
- 3) The Regional District may, by resolution, on the application of an owner of land, issue a Development Variance Permit in the form of this permit attached hereto as Schedule '4B' that may, in respect of the land covered in the permit, vary the provisions of this by-law except that the permit shall not vary
  - i) the use or density of land;
  - ii) any flood plain specification.
- 4) The Regional District may, as a condition of the issue of the Development Variance Permit, require that the applicant for the permit provide security by, at the applicant's option, an irrevocable letter of credit or the deposit of securities in a form satisfactory to the Regional District in an amount stated in the permit, to ensure only that works may be completed to satisfy landscaping conditions or to carry out any construction required to correct any unsafe conditions.
- 5) Where the Regional District issues a Development Variance Permit, it shall file in the Land Title Office a notice that the land described in the notice is subject to the permit.

APPLICATION FEE: \$200.00

File: \_\_\_\_\_

REGIONAL DISTRICT OF COMOX-STRATHCONA

**By-Law No. 1155**

SCHEDULE '4-A'

**APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT**

**I/We**

Property Owner's Name: \_\_\_\_\_ Authorized Agent of Owner: \_\_\_\_\_

**of**

Address of Owner: \_\_\_\_\_ Address of Agent: \_\_\_\_\_

City/Town/Village: \_\_\_\_\_ City/Town/Village \_\_\_\_\_

Postal Code: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

**As registered owner of: (legal description of property)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Hereby make application to the Regional District Board for a Development Variance Permit for the purpose of:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attached to this application are two copies of the plans and specifications of the proposed development drawn to a scale acceptable to the Regional District together with a full description of the proposed development.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

OFFICE USE ONLY:

Zoning: \_\_\_\_\_

COPY

## **PART 5      LAND USE REGULATIONS**

### **5.1      Zone Designations**

For the purpose of this by-law, the areas described in Part B, "Application", of this by-law are hereby divided into zones designated and described by the following classifications and their short title equivalents.

<u>Zone</u>	<u>Short Title</u>	<u>Minimum Lot Size</u>	<u>Frontage</u>
CR-1	Country Residential One	2 hectares (4.94 acres)	10% of the perimeter of the lot
PU-2	Public Use One	None	none
I-1	Industrial One	2.0 ha	none

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### **5.2      Extent**

- 1) The extent of each zone is shown on Schedule 'A' which is attached to and forms part of this by-law.
- 2) When the zone boundary is designated as following a road allowance or creek, the centre line of such road allowance or creek shall be the zone boundary.
- 3) Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning map referred to in Subsection 1.

### **5.3      General Provisions**

- 1) No land, surface of water, building, or structure in any zone shall be used for any purpose other than that specified for the zoning in which it is located as identified in Schedule "A".
- 2) Minimum lot size requirements are stipulated for each zone. The subdivision regulations of Part 6 of this by-law must be adhered to.

### **5.4      Non-Conforming Uses**

- 1) A lawful use of land, buildings or structures existing at the time of enactment of this by-law, although the use does not conform to this by-law, may continue as a non-conforming use, but if the non-conforming use is discontinued for a continuous period of six (6) months, any subsequent use of the land, building or structure becomes subject to the by-law. Seasonal uses or agricultural uses shall not be discontinued as a result of normal seasonal or agricultural practices including
  - a) seasonal, market or production cycles
  - b) the control of disease or pests, or
  - c) the repair, replacement, or instruction of equipment to meet standards for the health or safety of people or animals.

- 2) A building or structure that is lawfully under construction at the time of the enactment of this by-law, shall, for the purpose of this by-law, be deemed to be a building or structure existing at the time, and to be then in use for its intended purpose as determined from the Building Permit authorizing its construction.
- 3) When a non-conforming use of part of a building or structure may continue then the whole of that building or structure may be used for that non-conforming use. Non-conforming use of land may not be continued on a scale or to an extent or degree greater than that at the time of adoption of this by-law.
- 4) A structural alteration or addition, except one that is required by an enactment or permitted by a Board of Variance shall not be made in or to a building or structure while the non-conforming use is continued in all or any part of it.
- 5) Where a building or a structure, the use of which does not conform to the provisions of this by-law, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the Inspector, it shall not be repaired or reconstructed except for a conforming use in accordance with this by-law.
- 6) Where the siting, size or dimensions of a building or structure or off-street parking or loading spaces or the number of off-street parking or loading spaces do not meet the requirements of this by-law, they may be repaired, extended or altered, but only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of this by-law beyond the contravention that existed at the time that the repair, extension or alteration was commence.
- 7) A change of owners, tenants or occupants of any land, or of a building or structure, does not, by reason only of the change, affect the use of the land or building or structure.
- 8) No parcel or area of land shall be alienated, and no use shall be initiated, and no building or structure shall be sited in a manner which thereby renders non-conforming any exiting use or building or structure o that parcel.
- 9) Where the use and density of buildings and structures conform to this by-law but,
  - (a) the siting, size or dimensions of
    - i) a building or structure;
    - ii) off-street parking or loading spaces; or
  - (b) the number of off-street parking or loading spaces

do not meet the requirements of this by-law that is adopted after they were constructed or provided, they may be maintained, extended of altered, but only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the by-law beyond the contravention that existed at the time that the repair, extension or alteration was commence.

## 5.5 General Regulations

### 1) Accessory Buildings and Structures

- a) Buildings and structures accessory to the permitted use of a parcel are permitted in each zone, unless otherwise specified, provided that:
  - i) the principal use is being performed on the parcel; or,
  - ii) a building for the purpose of the principal use has been constructed on the parcel; or
  - iii) a building for the purpose of the principal use is in the process of being constructed on the parcel.
- b) The maximum height of all accessory buildings is 6 metres (19.69 feet).
- c) Notwithstanding the above, an accessory building may be situated on a parcel where no principal residential building exists provided the building is no greater than 100 square metres (1076.42 feet) and is used only for the storage of goods and materials owned by the owner of the same parcel.

### 2) Height of Buildings and Structures

- i) The maximum height of all buildings and structures shall not exceed 10 metres (32.81 feet).
- ii) The maximum height of all fences shall not exceed two metres (6.6 feet).
- iii) The following shall not be subject to the height requirements of this by-law unless otherwise specified: chimneys, flagpoles, aerials, watertanks, transmission towers, and farm buildings.

### 5.5.3 Development Adjacent to Streams

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#### **Riparian Area Regulation (RAR) Requirements**

In accordance with the provincial RAR, where development, as defined by RAR, is proposed to take place within 30.0 metres of a stream connected to fish habitat, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation (RAR) is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:

- i. certifies that the qualified environmental professional is qualified to carry out the assessment,
- ii. certifies that the assessment methods have been followed, and
- iii. provides the professional opinion of the qualified environmental professional that:

(a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or

(b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

4) Elevations

- i) No building shall be constructed with the underside of any floor system or the top of any pad supporting any space or room including a mobile home, that is used for dwelling purposes, business or the storage of goods which are susceptible to damage by floodwater less than 0.6 metres (1.97 feet) above the 200-year flood level where it can be determined, or, if not, less than three metres (9.8 feet) above the natural boundary of the Gold River and less than 1.5 metres (4.92 feet) above the natural boundary of any other watercourse, lake or sea in the immediate flood hazard area.
- ii) In all areas surrounding Muchalat Inlet, no building shall be constructed nor mobile home located except on natural ground which is at an elevation of not less than 11.7 metres above the natural boundary of the sea.
- iii) If land fill is required to achieve the required elevation, no portion of the land fill slope shall be closer than the required setbacks established elsewhere in this by-law and the face of the land fill slope shall be adequately protected from erosion from floodwaters.
- iv) Provided that with the approval of the Ministry of Environment, the requirements of Section i-ii may be reduced to the extent that such reduction does not exceed the setback requirements of the particular zone designation.

**5.5.4 Siting of Buildings and Structures Adjacent to Streams**

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**i) Stream Setbacks**

- a) Where the siting of buildings and structures is proposed adjacent to streams and where the Riparian Areas Regulation (RAR) applies, the siting of buildings and structures adjacent to streams shall be determined by the Qualified Environmental Professional's Riparian Area Assessment Report that is filed with and acknowledged by MOE. However, notwithstanding the QEP's assessment report, this bylaw further requires that no building or structure shall be sited closer than 7.5 metres of a stream.
- b) Where RAR is not applicable and where the definition of stream pursuant to RAR does not apply, no building or structure shall be sited within 7.5 metres of a water feature.
- c) Notwithstanding the above, the regional district floodplain management bylaw also specifies floodplain setback requirements that may further regulate siting of buildings and structures adjacent to streams.

ii) Watercourse Setbacks

- a) No building shall be constructed within 60 metres (196.85 feet) horizontal distance of the natural boundary of the Gold River, or within 15 metres (49.2 feet) horizontal distance of the natural boundary of any other watercourse or source of water supply.
- b) No building that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be located within 15 metres of the natural boundary of the sea, nor on any ground which is lower than 11.7 metres above the natural boundary of the sea, whichever condition creates the greatest setback from the natural boundary of the sea.
- c) No houseboat, float camp or other building, structure or vessel used or intended to be used for temporary or permanent residence shall be located on any lake or stream.
- d) No building used to accommodate domesticated or display animals other than household pets shall be sited less than 75 metres (246.06 feet) from the natural boundary of the lake.

iii) Sea Setbacks

No building that is used for dwelling purposes, business or storage of goods which are susceptible to damage by floodwater shall be constructed within 7.5 metres (24.6 feet) of the natural boundary of the lake.

iv) Relaxation of Setbacks

Provided that with the approval of the Ministry of Environment, the requirements of Subsections i) and ii) may be reduced to the extent that such reduction does not exceed the setback requirements of the particular zone designation.

v) Site Triangles Setbacks

- a) No person, being the owner, occupier or lessee of any land at the intersection of any highway and any other highway shall place or permit to be placed or grown any tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.6 metres (1.97 feet) within the site triangle above an elevation such that an eye 0.9 metres (2.95 feet) above the surface of one highway cannot see an object 0.9 metres (2.95 feet) above the surface of the other highway.
- b) All buildings and structures shall be set back a minimum of 4.5 metres (14.76 feet) from the site triangle.

vi) Siting Exceptions

- a) Where chimneys, cornices, leaders, gutters, pilasters, belt course, sills, bay windows or ornamental features project beyond the face of a building, the minimum distance to an abutting lot line as permitted elsewhere in this by-law may be reduced by not more than 0.6 metres (1.97 feet) provided that such reduction shall apply

only to the projecting feature and except for a zero lot line in which case no feature shall project over the lot line.

- b) Where steps, eaves, or open decks, project beyond the face of a building, the minimum distance to an abutting front, rear and side lot line as permitted elsewhere in this by-law may be reduced by not more than 50% of such distance up to a maximum of two metres, provided that such reduction shall apply only to the projecting feature.
  - c) Freestanding lighting poles, warning devices, antennas, signs, utility poles, wires, and flagpoles may be sited on any portion of a lot.
- vii) Storage
- a) No parcel or land shall be used for the wrecking or storage of more than on derelict vehicle or as a junkyard.
  - b) No recreational vehicle shall be used for human occupancy while located on a parcel of land for a period exceeding 72 hours during a period of 10 continuous calendar days.

### 5.6.1 **Country Residential One Zone (CR-1)**

#### i) **Permitted Uses**

The following uses and no other uses are permitted on any lot or within any building or structure in the area designated Country Residential One (cR-1):

##### a) **Permitted Principal Uses**

1. Agricultural use;
2. Animal kennel;
3. Park;
4. Public utility use;
5. Residential use limited to one single family dwelling;
6. Riding academy;
7. Silviculture.

##### b) **Permitted Accessory Uses**

1. Accessory buildings limited to not exceed a maximum gross floor area of 300 square metres (3229.3 square feet).

#### ii) **Conditions Of Use**

On a lot located in an area designated Country Residential One (CR-1), no building or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below:

- |    |                                 |   |
|----|---------------------------------|---|
| 1. | Required Siting From Lot Lines: | 7.5 metres  |
| 2. | Minimum Parcel Size:            | 2 hectares  |
| 3. | Minimum Lot Frontage:           | 10% of the perimeter of the lot                                 |
| 4. | Lot Coverage:                   | 15% for all buildings and structures                            |
| 5. | Servicing Standards:            | private on-site sewage disposal<br>private on-site water supply |

### 5.6.2 **Public Use One Zone (PU-1)**

#### i) **Permitted Uses**

The following uses and no other uses are permitted on any lot or within any building or structure in the area designated Public Use One (PU-1).

##### a) **Permitted Principal Uses**

1. Agricultural use;
2. Park use;
3. Golf course;
4. Public assembly use;
5. Public utility use;

##### b) **Permitted Accessory Uses**

1. Residential use limited to one single family dwelling.

ii) Conditions Of Use

On a lot located in an area designated Public Use One (PU-1) no building or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below:

- |    |                                  |   |
|----|----------------------------------|---|
| 1. | Required Siting From Lot Lines:  | 7.5 metres  |
| 2. | Minimum Parcel Size And Frontage | no minimum requirements apply                                   |
| 3. | Lot Coverage                     | 35% for all buildings and structures                            |
| 4. | Servicing Standards              | private on-site sewage disposal<br>Private on-site water supply |

**5.6.3** Industrial One Zone (I-1)

i) The following uses and no other uses are permitted on any lot or within any building or structure in the area designated Industrial One (I-1):

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a) Permitted Principal Uses

On any lot:

- 1) Sanitary landfill;
- 2) Public utility use.

b) Permitted Accessory Uses

On any lot:

- 3) Offices.

ii) Conditions Of Use

On a lot located in an area designated Industrial One (I-1), no building or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below:

- |    |                                 |                          |
|----|---------------------------------|--------------------------|
| 1) | Required Siting From Lot Lines: | 7.5 metres (24.6 feet)   |
| 2) | Minimum Parcel Size:            | 1.5 hectares (3.7 acres) |

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5.6.4

Industrial Two Zone (I-2)
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**i) PERMITTED USES**

The following uses and no other uses are permitted on any lot or within any building or structure in the area designated industrial Two (I-2):

**a) Permitted Principal Uses**

**On any lot:**

- 1) Landfill operation for the storage and treatment of ash waste and leachate only and operated with the necessary provincial licences and/or permits;
- 2) Public utility use.

**b) Permitted Accessory Uses****On any lot:**

- 1) Offices in which activities are undertaken in direct relation to a permitted principal use.

**ii) CONDITIONS OF USE**

On a lot located in an area designated Industrial Two (i-2), no building or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below:

- 1) **Required Siting From Front Lot Lines:** 7.5 metres (24.6 feet)
- 2) **Minimum Parcel Size:** 15.0 hectares (37.0 acres)

## **PART 6 SUBDIVISION REGULATIONS**

### **6.1 Administration**

#### **1) Authority – Approving Officer**

- i) No land within the area described in Part B, “Application”, of this by-law shall be subdivided unless and until the subdivision has first received the approval of the Approving Officer.
- ii) The approval procedure and all other subdivision requirements shall be those as enforced by the Ministry of Transportation and Highways unless otherwise stated in this by-law.

#### **2) Application for Subdivision Approval**

- i) To obtain approval for subdivision, an applicant shall apply to the Ministry of Transportation and Highways, Courtenay, B.C.
- ii) The Ministry of Transportation and Highways shall forward one copy of the proposed subdivision together with all supporting documentation to the Regional District.
- iii) The Regional District shall advise the Ministry of Transportation and Highways, in writing, as to any requirements for the subdivision.
- iv) Where an application for a subdivision has been submitted to the Ministry of Transportation and Highways in a form satisfactory to the Approving Officer and the Regional District adopts a by-law that would otherwise be applicable to that subdivision, then the by-law has no effect with respect to the subdivision for a period of 12 months after the by-law is adopted unless the applicant agrees in writing that it should have effect.

#### **3) Fee for Application**

RDCS 1539
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In addition to any fees required pursuant to Section 83 of the Land Title Act, an application fee as prescribed in the “By-Law Amendment, Permit Procedure and Fee By-Law, 1990”, being By-Law No. 1244, shall be paid to the Regional District for each subdivision application prior to final approval by the Approving Officer.

### **6.2 General Provisions**

#### **1) Suitability**

- i) The Approving Officer, at the request of the Regional District, may refuse the subdivision or strata subdivision of any parcel of land:
  - a) unless all the requirements of this by-law and any other applicable regulations under the Health Act, and those of improvement districts and other relevant agencies, have been observed;

- b) should the subdivision make any existing use on that parcel non-conforming in respect to any other by-law of the Regional District;
  - c) if the anticipated development of the subdivision would injuriously affect the established amenities of adjoining or reasonably adjacent properties;
  - d) if the land is subject, or could reasonably be expected to be subject, to flooding, erosion, land slip, or avalanche;
  - e) if the anticipated development of the subdivision would adversely affect the natural environment to an unacceptable level;
  - f) if the cost to the Province of British Columbia or the cost to the Regional District of providing public utilities or other works or services would be excessive;
  - g) if it is not suited to the use for which it is intended;
  - h) if it is not suited to the configuration of the land being subdivided;
  - i) if it makes impractical the future subdivision of the land within the proposed subdivision, or of any adjacent land;
  - j) if it is against the public interest;
  - k) if the anticipated development of the subdivision would provide additional storm water runoff sufficient to overload an existing downstream drainage facility and/or provide sufficient additional runoff to inhibit the fish bearing capabilities of downstream locations.
- ii) In considering the application for subdivision, the Regional District may hear objections from any interested persons in order to determine if the subdivision would be against the public interest or would to an unreasonable extent injuriously affect the established amenities of adjoining or adjacent properties.

2) Information Required

- i) At the request of the Regional District, the Approving Officer shall require:
  - a) the submission of a sketch plan showing that the parcels into which the land is proposed to be subdivided can conveniently be subdivided into further small parcels;
  - b) the submission of plans, including the appropriate contour plans, and data on the measures necessary to remedy wet conditions, surface water discharges, or liability to flood;
  - c) the submission of engineering and planning studies bearing the seal of a Professional Engineer and/or Planner;

- d) that the owner of land being subdivided state in writing the intended use of any parcel being created or of any remainder of the parent parcel;
  - e) that the owner of land being subdivided submit a sketch plan outlining the plan of subdivision of any remainder of the parent parcel.
- ii) Each application for subdivision referred to the Regional District shall be accompanied by a sketch plan or plans drawn to a suitable scale, clearly showing:
- a) the scale of each plan and the direction of north thereon; and,
  - b) the arrangement of all parcels (including remainders), roads, easements and rights-of-way to be created; and,
  - c) approximate dimensions of all parcels (including remainders), roads, easements and rights-of-way to be created, including: the length of all property boundary lines and acres, the width of all roads, easements and rights-of-way, and the area of all parcels (including remainders); and
  - d) all watercourse or water frontage within or adjacent to the land to be subdivided; and,
  - e) all steep banks or slopes within or adjacent to the land to be subdivided; and,
  - f) all existing buildings, identified and approximately located, existing within the land to be subdivided; and,
  - g) any existing property lines or roads to be extinguished; and,
  - h) the relationship of the proposed subdivision to adjacent roads, and the connections of proposed new roads thereto.
- iii) The Regional District shall not process any application for subdivision until all information required in Subsection ii) has been submitted.
- iv) The Regional District may require that notice in writing of the proposed subdivision be served on any owner or other person whose land or interest therein might, in the opinion of the Regional District, be detrimentally affected by the proposed subdivision.

### 6.3 **Parcels**

#### 1) Area And Frontage Requirements

RDCS 1350
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- i) For the purposes of this by-law, the minimum area and frontage requirements for each zone as expressed in Part 5 of this by-law shall be considered the minimum area and frontage requirements for purposes of subdivision of land.

2) Lot Size Exceptionsi) No minimum lot size shall apply:

- a) where the lot is intended for a non-sewage generating use such as unattended utility or navigational structures, public assembly and public utility uses, parks or where a restrictive covenant is registered satisfactory to the Approving Officer which prohibits the construction of buildings and structures and/or the use of a parcel;
- b) where lot lines are relocated or removed to facilitate an existing development or improve a subdivision pattern provided:
- 1) no additional lots are created;
  - 2) the lots are contiguous;
  - 3) the lot line change is minor in nature and would involve a change in area of no more than 10% of the smaller lot involved prior to subdivision.

ii) No subdivision shall be permitted which creates new severed parcels except where approved by both the Regional District and the Approving Officer.3) Strata Subdivision

- i) A minimum lot size of 2 hectares (4.97 acres) shall apply where a parcel is proposed for a strata title subdivision plan under the Condominium Act and the number of proposed lots is equal to or less than the density permitted by the minimum lot size requirement of the applicable district as established by other provisions of this by-law.
- ii) Where a strata plan is not bare-land strata plan, the Approving Officer shall be the Regional Board of the Regional District, or its appointed representative.

4) Section 996 Of The Municipal Act

The minimum parcel size for a parcel that may be subdivided under Section 996 of the Municipal Act is 10 hectares (24.7 acres).

**6.4 Servicing Standards**1) Highways

## i) Approval required before construction:

No works respecting highway development shall commence until a plan of subdivision has received approval from the Approving Officer.

ii) Design Requirements

- a) The requirements for highways, lanes, turn-arounds, intersections, and walkways shall be those enforced by the Ministry of Transportation and Highways.
- b) The Approving Officer may require at the request of the Regional District, that the subdivision
- 1) have necessary and reasonable access

- i) to all new parcels; and,
- ii) through the land subdivided to land lying beyond or around the subdivided land;

2) where the land subdivided borders

- i) on a body of water, the bed of which is owned by the Crown; or,
- ii) on the boundary of a strip of land established as the boundary of a water reservoir are owned by the Crown; or,
- iii) on a strip of Crown land 20 metres (65.62 feet) or less in width contiguous to a natural boundary as defined in the Land Act;

access shall be given by highways 20 metres (65.62 feet) wide to the body of water and to the strips at distances not greater than 200 metres (656.17 feet) between centre lines, or, in unorganized territory where the parcels into which the land is subdivided all exceed 0.5 hectares (1.24 acres) at distances not greater than 400 metres (1312.34 feet) between centre lines;

3) where

- i) the land subdivided borders on a body of water, the bed of which is owned by a person other than the Crown; and,
- ii) in the case of a lake or pond, where the surface of the body of water at mean annual high water is at least 1.5 hectares (3.71 acres), and the mean depth at mean annual high water is at least 0.6 metres (1.97 feet); or,
- iii) in the case of a river, creek or watercourses where the average width at mean annual high water is at least 0.6 metres (1.97 feet);

access shall be given by highways 20 metres (65.62 feet) wide to the body of water and to the strips at distances not greater than 200 m (656.17 ft) between centre lines, or, in unorganized territory where parcels into which the land is subdivided all exceed 0.6 ha (1.24 ac) at distances not greater than 400 m (1312.34 ft) between centre lines; but subparagraph (ii) does not apply to a reservoir or pond where the bed is owned by a public body other than the Crown and used for the purpose of domestic or industrial water supply.;

- 4) suitable lanes shall be provided in continuation of existing lanes and every case where lanes are considered necessary by the Approving Officer;
- 5) in any proposed subdivision, a highway which is cul-de-sac shall have a terminal area for a turn-around, the size of which shall be determined by the Approving Officer having regard to the local snow, terrain, and soil conditions, provided that any such area shall be large enough to contain a circle with a radius of 15 metres (49.21 feet);
- 6) Intersections – the number of highway intersections within a subdivision shall be kept to a minimum, and where practical
  - i) Y-shaped intersections shall be avoided;

- ii) T-shaped intersections shall be used when the intersecting highway is to carry a small amount of local traffic;
  - iii) intersections with more than four legs shall be avoided;
  - iv) intersections shall not be located in or near sharp curves or near the crest of any rise or hill;
- 7) Intersection offset – wherever practical, no intersection shall be less than 40 metres (131.23 feet) from any other intersection or likely future intersection. Measurement shall be made along the centre line of the intersected highway.
- 8) Intersection angle – unless extremely difficult terrain or the pattern of existing subdivision precludes it, a minimum of 15 metres (49.2 feet) of an intersecting leg shall be as close to right angles as practical with the intersected highway. This distance shall be measured at the boundary of the intersection leg on the side of the contained angle.
9. Walkways – the minimum width of any walkway in any subdivision shall be 3 metres (9.84 feet).
- iii) The Approving Officer may, in such circumstances as may be defined by Provincial regulation, grant relief in whole or in part from a compliance with the provisions of Subsection (ii)(b)(1).
  - iv) The Minister of Transportation and Highways may, on application supported by an affidavit, grant relief from the strict compliance with Subsections (ii)(b)(3).

## 2) Works and Services

- i) Where the proposed subdivision is situated within a specified area, the Regional District, as a condition of subdivision, shall require the applicant or owners of the proposed subdivision:
  - a) to submit his plan of subdivision to the Regional District for approval respecting a waterworks system and/or sewer system;
  - b) to retain at his expense, a Professional Engineer who will design the required services, prepare specifications covering installation of the work, carry out all necessary surveys in connection with design and installation of services and upon completion of the design and specifications, shall submit drawings to the Regional District. No work shall commence until all plans and specifications are approved by the Regional District Engineer, and a Certificate of Approval has been received from the Ministry of Health pursuant to Section 21 of the Health Act;
  - c) to install at his own expense and at no cost to the Regional District, upon approval of the Regional District Engineer and under the supervision of the applicant's consulting Engineer, all watermains, fire hydrants, meters, and other fittings and appurtenances deemed necessary by the Regional District to provide an adequate supply of water for domestic and commercial use and fire protection for the growth or expansion of said subdivision and shall pay for all engineering costs, the said water mains, hydrants, meters, fittings and appurtenances shall become the property of the Regional District;
  - d) to comply with the requirements of the water specified area in regard to payment of development cost charges as set out by separate by-law.

- ii) The subdivision plan will not be given final approval until the design of works and services has been approved and the works and services installed and tested.
- iii) Where the proposed subdivision is already serviced by a waterline, no approval is required from the Regional District Engineer prior to final approval.

3) Public Open Space

- i) The owner of land being subdivided shall provide, without compensation, land subject to the requirements of the Municipal Act for purposes of providing sufficient open space for community parks.
- ii) The amount of land that may be required under Subsection (i) shall not exceed 5% of the land area proposed for subdivision.

COPY



**FAIR HARBOUR ZONING BYLAW, 2000 (CONSOLIDATED)**

The following is a consolidated version of the Fair Harbour Zoning Bylaw, 2000 and includes the following amendment bylaws:

<b>BYLAW No.</b>	<b>BYLAW NAME</b>	<b>ADOPTED</b>	<b>PURPOSE</b>
SRD 90	Fair Harbour Zoning Bylaw, 2000, Amendment No. 1	April 26, 2012	To amend Part 200 with the addition of terms and Part 400 with the addition of RAR requirements

**This bylaw may not be current due to pending updates or revisions and SHOULD NOT BE RELIED UPON FOR LEGAL PURPOSES. Please contact the Corporate Services Manager for the Strathcona Regional District for the most current version.**

**REGIONAL DISTRICT OF COMOX-STRATHCONA**

**BYLAW NO. 2256**

**A BYLAW TO ADOPT  
A ZONING BYLAW FOR THE  
FAIR HARBOUR AREA OF ELECTORAL AREA 'G'**

The Board of the Regional District of Comox-Strathcona in open meeting assembled, enacts the following:

**PART A      TITLE**

- 1) This Bylaw may be cited for all purposes as Bylaw No. 2256, being the "Fair Harbour Zoning Bylaw, 2000".

**PART B      APPLICATION**

- 1) This Zoning Bylaw shall be applicable to the Fair Harbour area of Electoral Area 'G' (West Coast – Nootka).
- 2) For the purpose of this Bylaw, Schedule "A", being the text, is attached to and forms an integral part of this Bylaw and bears the words Schedule "A".
- 3) For the purposes of this Bylaw, Schedule "A-1", being the zoning map, is attached to and forms a part of this Bylaw.

**PART C      ENACTMENT AND REPEAL**

- 1) Pursuant to Section 903 of the Local Government Act, the zoning bylaw forming Schedules "A" and "A-1" to this Bylaw is adopted as the zoning bylaw for the Fair Harbour area of Electoral Area 'G' of the Regional District of Comox-Strathcona.
- 2) The following Bylaw is hereby repealed upon adoption of this Bylaw:
  - i) Bylaw No. 685, being the "Fair Harbour Zoning Bylaw, 1983" and all amendments thereto.

PUBLIC MEETING (ZEBALLOS) HELD THIS	12 <sup>TH</sup>	DAY OF	MAY	2000.
PUBLIC MEETING (KYUQUOT) HELD THIS	13 <sup>TH</sup>	DAY OF	MAY	2000.
READ A FIRST AND SECOND TIME THIS 2000.	26 <sup>TH</sup>	DAY OF	JUNE	
PUBLIC HEARING HELD THIS	3 <sup>RD</sup>	DAY OF	AUGUST	2000.
READ A THIRD TIME THIS	28 <sup>TH</sup>	DAY OF	AUGUST	2000.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2256, being the "FAIR HARBOUR ZONING BYLAW, 2000", as read a third time by the Board of the Regional District of Comox-Strathcona on the 28<sup>th</sup> day of August, 2000.

"B. Randall"  
Manager, Corporate Administration

APPROVED BY THE MINISTRY OF MUNICIPAL AFFAIRS THIS	21 <sup>ST</sup>	DAY OF	SEPTEMBER	2000.
ADOPTED THIS	30 <sup>TH</sup>	DAY OF	OCTOBER	2000.

"D.M. Andrews"  
Chair

"B. Randall"  
Manager, Corporate Administration

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2256, being the "FAIR HARBOUR ZONING BYLAW, 2000", as adopted by the Board of the Regional District of Comox-Strathcona on the 30<sup>th</sup> day of October, 2000.

"B. Randall"  
Manager, Corporate Administration

**SCHEDULE “A”**

**BYLAW NO. 2256**  
**“FAIR HARBOUR ZONING**  
**BYLAW, 2000”**

## PART 100

## ADMINISTRATION

### 101 Application

- 1) This bylaw shall be applicable to that part of Electoral Area 'G' (West Coast-Nootka) as identified on Schedule A-1 which is attached to and forms part of this bylaw. The extent of each zone is as shown on Schedule A-1.
- 2) It is recognized that the bylaw extends over a portion of the Ka:'yu:'k't'h Che:k:les7et'h' Traditional Territories. The Fair Harbour Zoning Bylaw, once implemented, will be amended as needed to reflect the outcome of Treaty negotiations between the Senior governments and the Ka:'yu:'k't'h Che:k:les7et'h' First Nations.
- 3) Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning schedule referred to in Section 101(1). Where a legally surveyed plan provides more specific information regarding the location of such a boundary, the surveyed plan shall form the legal basis for interpretation of the zone boundary.
- 4) Where a parcel is divided by a zone boundary, the areas created by such division shall be deemed to be separate lot areas for the purpose of determining the requirements of this bylaw.
- 5) Where a zone boundary has frontage on the sea, such upland zoning discontinues at the natural boundary and the zone identified for the surface of the water commences.
- 6) Where two or more regulations within this bylaw conflict, the more restrictive regulation shall apply.

### 102 Permitted Uses

- 1) No land, surface of water, building, or structure in any zone shall be used for any purpose other than those specified for the zone in which it is located as identified on Schedule A-1.
- 2) Uses not expressly listed as a permitted principal or accessory use within a zone or otherwise noted as being permitted in this bylaw are prohibited.
- 3) Any forestry management activity relating to the production and harvesting of timber on any land that is classified as tree farm pursuant to the Assessment Act, or any land within a license area under the Forest Act, shall not be restricted by any terms or conditions of the bylaw so long as the land continues only to be used for that purpose.
- 4) Land within the Forest Land Reserve (FLR) is subject to the Forest Land Reserve Act and orders of the Provincial Land Reserve Commission. Approval from the Commission may be required to use or subdivide FLR land as permitted in this bylaw.
- 5) Ministry of Energy and Mines has jurisdiction over subsurface mineral and petroleum resources on Crown land and on private land where the subsurface rights remain vested in the Crown, as well as being responsible for the regulation of aggregate resources.

Mining and mineral extraction activities, excluding processing, shall not be restricted by any terms or conditions of the bylaw so long as the land continues only to be used for that purpose.

- 6) The permitted uses in any zone may be subject to the approval of federal and provincial agencies such as, but not limited to, Canadian Coast Guard, Department of Fisheries and Oceans, British Columbia Assets and Land Corporation, Environmental Health, Ministry of Environment Lands and Parks, Ministry of Forests and Ministry of Small Business, Tourism and Culture (Archaeology Branch).

## 103 Enforcement

- 1) The Chief Administrative Officer, Manager-Corporate Administration, Administration Officer, Manager-Development Services, Supervisor Environmental Planning and Parks, Supervisor Land Use Planning, Planner, and the Planning Technician are hereby appointed by the Regional Board pursuant to Sections 794(5) and 268 of the Municipal Act to administer this bylaw.
- 2) Persons appointed under Subsection (1) may enter at all reasonable times onto any parcel that is subject to this bylaw to ascertain whether the requirements and regulations of the bylaw are being obeyed.

## 104 Violation

- 1) It shall be unlawful for any person to cause, suffer or permit any building or structure to be constructed, reconstructed, altered, moved, extended, or used, or land to be occupied or used in contravention of this bylaw or otherwise to contravene or fail to comply with this bylaw except as provided for in the Municipal Act.
- 2) It shall be unlawful for any person to prevent or obstruct any official appointed under Section 103(1) of this bylaw from performing his or her duties under this bylaw.
- 3) Nothing in this bylaw shall exempt any person from complying with the requirements of any other bylaws in force within the Regional District or from obtaining any license, permission, permit authority, or approval required by this or any other bylaw of the Regional District.

## 105 Penalty

- 1) Any person who violates the provisions of this bylaw commits an offense and is liable on conviction to a fine not exceeding \$2,000.00 and not less than \$200.00.
- 2) Each day during which such violation is continued may be deemed to constitute a new and separate offense.
- 3) Upon conviction, the presiding authority may direct that no prosecution under Subsection (2) may be made, with respect to the continuance of the violation, for such period of time as they direct.

## 106 Appeals, Amendments and Permits

- 1) Site-specific exemptions, variances, permits and amendments may be approved pursuant to the following bylaws of the Regional District:
  - a) Bylaw No. 1931, and amendments thereto, being the "Bylaw Amendment, Permit Procedure and Fee Bylaw, 1997";
  - b) As described and permitted within this bylaw.

COPY

## PART 200

## INTERPRETATION

The following definitions shall be used to interpret the regulations of this bylaw. Those definitions borrowed from other statutes or legislation are subject to change and shall be considered amended as changes are adopted by Parliament or the Legislative Assembly.

ACCESSORY BUILDING	see "BUILDING Accessory"
ACCESSORY TO	means customarily incidental to the permitted use of land, buildings or structures located on the same lot.
ACCOMMODATION UNIT	means a self-contained unit intended for occupancy with sleeping and sanitary facilities and not more than one set of kitchen and cooking facilities, but specifically excludes recreational vehicles.
BARGE FACILITIES	means an area on the surface of water together with a ramp, or dock, which allows for the movement of equipment or goods between a floating barge and the upland and which has been approved by the authorities or agencies having jurisdiction.
BUILDING, ACCESSORY	means a building or structure, the use of which is ancillary to the principal permitted use of the lands, buildings or structures located on the same parcel.
BUILDING, PRINCIPAL	means the buildings and structures on a parcel which reflect the principal permitted uses of that parcel.
BULK STORAGE	means the storage of petroleum products, water, and other materials in above ground or below ground containers for subsequent resale to distributors, retail dealers or outlets.
CAMPGROUND	means a parcel of land occupied and maintained for temporary accommodation of the travelling public in tents, or trailers and recreation vehicles which are licensed for the current year.
CROWN LAND	means land, whether or not it is covered by water, or an interest in land, vested in the Crown.
DEVELOPMENT	means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the <i>Local Government Act</i> ; (a) removal, alteration, disruption or destruction of vegetation; (b) disturbance of soils; (c) construction or erection of buildings and structures; (d) creation of non-structural impervious or semi-impervious surfaces; (e) flood protection works; (f) construction of roads, trails, docks, wharves and bridges; (g) provision and maintenance of sewer and water services; (h) development of drainage systems; (i) development of utility corridors; (j) subdivision as defined in section 872 of the <i>Local Government Act</i> .

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FISH HABITAT	means the spawning, nursery and rearing grounds, food supply and adjacent upland riparian corridors and migration areas on which fish depend directly or indirectly to carry out their life processes.
FLOAT HOME	means a structure built on a floatation system, which can be used for residential use and is not intended for navigation or useable as a navigable craft.
FLOOR AREA	means the space on all storeys of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits and vertical service spaces that pierce the storey.
FORESHORE	means that land in tidal areas lying between the high tide and the mean low tide.
FOREST LAND RESERVE	means land designated as forest reserve land under the <u>Forest Land Reserve Act</u> .
FOREST SERVICE ROAD	means a road and/or bridge constructed, modified, maintained and/or declared a forest service road in accordance with the <u>Forest Act</u> .
FORESTRY	means the science, art and practice of managing and using the natural resources that occur on and in association with forest lands including the conservation and management of sustainable forests and forest lands for the continuing use and enjoyment of their forests elements and resources guided by, but not necessarily limited to, the rules, regulations and policies of federal and provincial agencies.
HEIGHT OF BUILDING	unless specified otherwise, means the vertical distance from the average natural grade level, or the surface of the water, over which the building footprint rests to the highest part of the roof surface. See Figure 1.
HIGH WATER MARK	see "NATURAL BOUNDARY".
HIGHWAY	includes a public street, road, lane, bridge, viaduct, and any other way open to public use. (See "FOREST SERVICE ROAD")
LAND	includes any interest in land, including any right, title or estate in it of any tenure, with all buildings and houses, unless there are words to exclude building and houses or to restrict the meaning.
LOG HANDLING	means the industrial activities of log dumping, storage, sorting, booming, barging and all related industrial activities.
LOT	means an area of land or water designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office, or a strata lot, or a legally recognized entity licensed, leased, permitted, reserved, or approved pursuant to the <u>Land Act</u> , or <u>Forest Practices Code of British Columbia Act</u> .

LOT AREA	means the area of land within the boundaries of the lot but excludes the panhandle area.
LOT COVERAGE	means the total horizontal area of structures measured to the outside of the exterior walls of the buildings on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area.
LOT LINE	means a line which marks the boundary of a lot and in particular: <ol style="list-style-type: none"><li><i>Front Lot Line</i> - means the lot line which immediately adjoins a highway. Where two or more lot lines adjoin a highway, the shortest lot line along a highway shall be deemed to be the front lot line.</li><li><i>Rear Lot Line</i> - means the lot line opposite to and most distant from the front line.</li><li><i>Side Lot Line</i> - means a lot line other than a front or rear lot line.</li></ol>
LOT LINE (CONT'D)	<ul style="list-style-type: none"><li>In the case of a corner lot, the base of the sight triangle shall not be considered to be, or be part of, the front lot line.</li><li>In the case of "water access only" lots, the lot line adjoining the natural boundary shall be considered the front lot line.</li></ul>
MARINA	means a facility for berthing, fueling, launching, mooring, securing, vessels. Marina use excludes permanent or indefinite moorage or berthing of vessels occupied as a residence.
MOORAGE	means a place where vessels including all manner of marine vessels, amphibian aircraft, and other such craft can be tied up or otherwise secured, but specifically excludes the permanent or indefinite moorage or berthing of vessels occupied as a dwelling unit or as visitor accommodation.
NATURAL BOUNDARY	means the visible high watermark 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, in vegetation, as well as in the nature of the soil itself, as defined in Section 1 of the <u>Land Act</u> , and also includes the edge of dormant side channels of any lake, river, stream, or other body of water.
NATURAL GRADE LEVEL	means the average level of the natural ground elevation adjoining each exterior wall of a building.
NATURAL GROUND ELEVATION	means the undisturbed ground elevation prior to site preparation. Site preparation includes the placement of fill and excavation activities.
NON-CONFORMING SITING OR USE	means any siting or use which does not conform with all the regulations of this bylaw or any amendments thereto, for the zoning designation in which such building or use is located.

NUISANCE	means a person, thing or circumstance causing trouble or annoyance including anything harmful or offensive to the community, or a member of it, and for which a legal remedy exists.
OUTDOOR STORAGE	See "STORAGE, Outdoor".
PANHANDLE	means a strip of land which extends along a side of a lot and which provides access and frontage to a parcel, and which forms part of that parcel.
PARCEL	see "LOT"
PARCEL AREA	see "LOT AREA"
PARK	means an area of land or water which is officially designated, or recognized, as an ecological reserve, conservation area, or as an area intended to be used by the public for recreation purposes, all of which are administered by a government agency.
PARKING	means an open area of land used for the parking of vehicles but does not include the use of the area for camping or overnight accommodation.
PERMITTED ACCESSORY USE	means a use that is ancillary to the permitted principal use of the land, building or structure located on the same parcel, or on a parcel contiguous to a parcel on which the principal use is situated when both parcels are owned by the same person and both parcels have the same zoning.
PERMITTED PRINCIPAL USE	means the principal permitted purpose for which land, buildings or structures may be used.
PUBLIC ROAD RIGHT-OF-WAY	See "HIGHWAY" and "FOREST SERVICE ROAD".
PUBLIC UTILITY USE	means the provision of water, sewer, fire protection, electrical, natural gas, transportation, communications, information, and similar services for public use where such use is established by government, a Crown corporation, or an individual or company regulated by a government commission.
QUALIFIED ENVIRONMENTAL PROFESSIONAL	Means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if: (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association, (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and (c) the individual is acting within that individual's area of expertise.

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RECREATION, LOW IMPACT	means activities of sport or leisure such as recreational shellfish gathering and harvesting, fishing, canoeing, kayaking and windsurfing, which do not require the construction of buildings or structures.
RECREATIONAL SHELLFISH GATHERING AND HARVESTING	means the harvesting of molluscan shellfish for private and personal use of a non-commercial nature.
REGIONAL DISTRICT	means the Regional District of Comox-Strathcona incorporated pursuant to Part 24 of the <u>Municipal Act</u> and shall also include the Regional Board as the governing and executive body.
RESIDENTIAL USE	means the occupancy and use of an accommodation unit.
RESTAURANT	means an eating establishment providing for the sale of prepared foods and beverages to be consumed on the premises, but specifically excludes neighbourhood pubs.
RETAIL	means the sale of goods to the general public and the maintenance and repair of goods sold.
RIGHT-OF-WAY	means a legal right of passage over another's land for a variety of reasons. Rights-of-way may be registered as a charge against a title so as to run with the land.
RIPARIAN AREA	means a Streamside Protection and Enhancement Area (SPEA).
RIPARIAN ASSESSMENT AREA	means: (a) for a stream, the 30.0 metre strip on both sides of the stream, measured from the high water mark, (b) for a ravine less than 60.0 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30.0 metres beyond the top of the ravine bank, and (c) for a ravine 60.0 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10.0 metres beyond the top of the ravine bank.
ROAD ALLOWANCE	means lands dedicated for use as highways, roads, streets, lanes, squares, thoroughfares and any other public way. See "HIGHWAY" AND "FOREST SERVICE ROAD".
SCREENED OR SCREENING	means a continuous solid fence, wall, berm, compact evergreen hedge, or other densely planted vegetation of sufficient height to visually shield or obscure one abutting structure, building or lot from another.
SEAFOOD PROCESSING	means the gutting of finfish, the shucking of molluscs or crustaceans, the freezing, salting, smoking or packaging of aquatic organisms, or the mechanical or chemical transformation of any aquatic organism after it is harvested.
SERVICE ESTABLISHMENT	means an establishment where professional or personal services are provided and goods, wares, merchandise, articles or things accessory to the provision of such services are sold.

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SETBACK	means the required minimum horizontal distance measured from the respective lot line or other feature as may be identified to any building or structure or part thereof.
SIGN	means any object, device, display, structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, service, event or location by any means including words, letters, figures, design, symbols, fixtures, or colours.
SITE AREA	means the area of land, or water, or water within the boundaries of a lot to be covered by a use.
STORAGE, OUTDOOR	the keeping, in an unroofed area or a roofed area with unenclosed sides, of any goods, material, merchandise or vehicles associated with a permitted principal use, in the same place for more than twenty four hours.
STREAM	Includes any of the following that provides fish habitat:
<div style="border: 1px solid black; padding: 2px; display: inline-block; margin-bottom: 5px;">SRD 90</div>	<ul style="list-style-type: none"> <li>(a) a watercourse, whether it usually contains water or not;</li> <li>(b) a pond, lake, river, creek or brook;</li> <li>(c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).</li> </ul>
STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA)	means an area:
<div style="border: 1px solid black; padding: 2px; display: inline-block; margin-bottom: 5px;">SRD 90</div>	<ul style="list-style-type: none"> <li>(a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and</li> <li>(b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.</li> </ul>
STRUCTURE	means anything that is constructed or erected, or supported by or sunk into water, and includes swimming pools, mobile home spaces, camping (tent and recreational vehicle) spaces and major improvements accessory to the principal use of land, but specifically excludes walls and fences under 2.0 metres (6.6 feet) in height, landscaping, paving improvements and signs, unless otherwise noted in this bylaw.
SUBDIVISION	means any change in existing size, shape, number or arrangement of a parcel registered in the Land Title Office so as to require that a new Certificate of Indefeasible Title be issued. Includes a subdivision under the <u>Strata Property Act</u> .
SUBDIVISION APPROVING AUTHORITY	means the agency or officer appointed as such under the <u>Land Title Act</u> .
TOURIST ACCOMMODATION	means a building or buildings which contain accommodation unit(s) intended for temporary occupancy by the travelling public.

WAREHOUSING means terminal facilities operated for the storage of commercial, and industrial goods and freight and includes the storage of goods by a distributor or supplier who markets goods for retail sale at other locations.

WETLAND

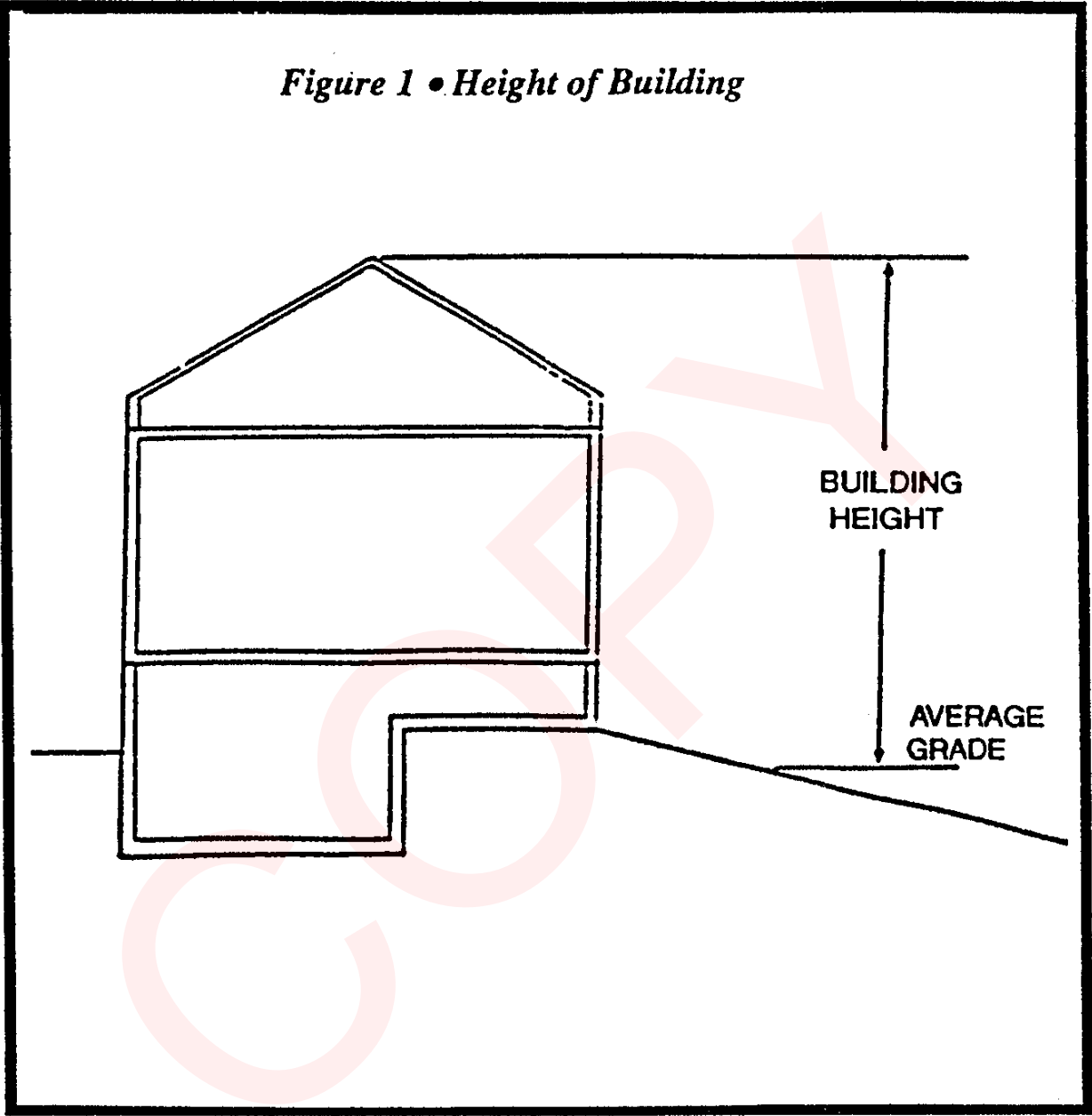
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includes land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.

WHOLESALE

means establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies and includes the maintenance and repair of such goods that are sold.

**Figure 1 • Height of Building**



## **PART 300**

## **GENERAL REGULATIONS**

### **301 Uses Permitted In All Zones**

In addition to the uses specifically permitted in particular zones, the following uses are permitted in all zones:

- 1) Public utility use;
- 2) Parks;
- 3) Parking;
- 4) Navigational aids;

### **302 Uses Prohibited In All Zones**

- 1) Uses not expressly listed as a permitted principal or accessory use within a zone or otherwise noted as being permitted in this bylaw are prohibited.

### **303 Heights of Buildings and Structures**

- 1) Unless otherwise specified, the maximum height of all buildings and structures shall not exceed 10.0 metres (32.8 ft.). Where a zone specifies a lesser height, the more restrictive height shall apply.
- 2) The following shall not be subject to the height requirements of this bylaw: antennas, public utility service buildings, flagpoles, monuments, transmission towers, utility poles, warning devices, navigational aids, water tanks, chimneys, ventilation machinery and elevators.

### **304 Off-Road Parking**

- 1) For every building or structure to be erected or enlarged on a lot which is accessed from a Forest Service Road, adequate off-road parking shall be provided on the subject lot.
- 2) For every building or structure to be erected or enlarged on a lot which is accessed from a public road administered by Ministry of Transportation and Highways, parking shall be provided on the subject lot in accordance with Ministry requirements.

### **305 Signs**

- 1) Signs advertising a business, product or service shall be permitted only on the parcel where the advertised business, product or service is operated or offered.
- 2) Flashing, animated, or internally illuminated signs are not permitted on any building, structure or site.

## 306 Nuisance

- 1) Nothing shall be permitted in any zone which is or can become a nuisance to any person who believes their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, vibration, smoke, or electrical interference.

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## PART 400

## SITING SPECIFICATIONS

### 401 General Considerations

- 1) Notwithstanding the requirements of this section, where the siting requirements of each applicable zone or where federal or provincial agency requirements dictate a larger setback than is provided for in this bylaw, the more restrictive setback shall prevail.
- 2) Prior to development and placement of any structures on the surface of the water, all approvals shall be obtained from provincial and federal agencies as required; in particular Canadian Coast Guard, Department of Fisheries and Oceans and Ministry of Environment, Lands and Parks.
- 3) The development and placement of any structures on the land and surface of the water shall be accordance with the terms of this bylaw and any other applicable bylaw of the Regional District, in particular, Bylaw No. 1836, being the "Floodplain Management Bylaw, 1997".

#### 401.4 Development Adjacent to Streams

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##### Riparian Area Regulation (RAR) Requirements

In accordance with the provincial RAR, where development, as defined by RAR, is proposed to take place within 30.0 metres of a stream connected to fish habitat, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation (RAR) is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:

- i. certifies that the qualified environmental professional is qualified to carry out the assessment,
- ii. certifies that the assessment methods have been followed, and
- iii. provides the professional opinion of the qualified environmental professional that:
  - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
  - (b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, destruction or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

### 402 Siting of Buildings and Structures Adjacent to Streams

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1. Where the siting of buildings and structures is proposed adjacent to streams and where the Riparian Areas Regulation (RAR) applies, the siting of buildings and structures adjacent to streams shall be determined by the Qualified Environmental Professional's Riparian Area Assessment Report that is filed with and acknowledged by MOE. However, notwithstanding the QEP's assessment report, this bylaw further requires that no building or structure shall be sited closer than 7.5 metres of a stream.

2. Where RAR is not applicable and where the definition of stream pursuant to RAR does not apply, no building or structure shall be sited within 7.5 metres of a water feature.
3. Notwithstanding the above, the regional district floodplain management bylaw also specifies floodplain setback requirements that may further regulate siting of buildings and structures adjacent to streams.

### **403 Road Setbacks**

- 1) No part of any building or structure shall be located within 3.5 metres (11.48 ft.) of a Forest Service Road right-of-way. The Fair Harbour Forest Service Road right-of-way is recognized as being 30 metres wide.
- 2) No part of any building or structure shall be located within 4.5 metres (14.76 feet) of any public road right-of-way which is administered by Ministry of Transportation and Highways.

### **404 Siting Exceptions**

- 1) Where bay windows, chimneys, cornices, gutters, eaves, leaders, ornamental features, or steps project beyond the face of a building, the required setback distance to an abutting lot line as permitted elsewhere in this bylaw may be reduced by 50 % provided that such reduction shall apply only to the projecting feature, except for a zero lot line in which case no feature shall project over the lot line.
- 2) Antennas, boat ramps, docks, flagpoles, fish hatcheries and enhancement facilities, freestanding lighting poles, pools, retaining walls less than 2.0 metres (6.6 feet) in height, signs, shoreline protection devices, utility poles, warning devices, wharves and wires may be sited on any portion of a lot.
- 3) Where a British Columbia Land Surveyor (B.C.L.S.) determines a completed foundation for a building or structure does not meet the required setback from a line lot by no more than 25.0 cm (9.8 inches), the non-conforming siting shall be considered conforming though any subsequent additions to the subject building or structure must comply with the setbacks required in the applicable zone.

## **PART 500**

## **SUBDIVISION REGULATIONS**

### **501 Administration**

#### **1) Authority — Approving Officer**

- a) No land within the area described in Part 100, "Application", of this bylaw shall be subdivided unless and until the subdivision has first received the approval of the Approving Officer.
- b) The subdivision application, approval procedure and all other subdivision requirements shall be those as enforced by the Ministry of Transportation and Highways unless otherwise stated in this bylaw, or other bylaws of the Regional District.

### **502 Subdivision Standards**

#### **1) Lot size for subdivision purposes:**

- a) For the purpose of this bylaw the Regional District has chosen to specify that no minimum lot size shall be set for subdivision purposes. The limited land base combined with the variety of land uses which may be established in the Fair Harbour area warrants that subdivisions be viewed on a case-by-case basis with each application for subdivision identifying the desired land base, or parcel size requirements. It is recognized that all subdivisions shall be subject to the approval of regional, provincial and federal agencies as required; in particular, Environmental Health Unit, Waste Management Branch, and Ministry of Forests. The Regional District shall provide comment on the proposed subdivision of land in the context of the land uses carried out on the property and their compliance, or non-compliance, with Regional District bylaws.

## PART 600

## ZONES

### 601

### MARINE ACCESS ONE (MA-1)

#### 1) Permitted Uses

- a) Low impact recreation;
- b) Moorage, floats, docks, ramps and wharves accessory to and associated with the operation of an adjacent upland Forest Recreation Site established pursuant to the Forest Practices Code of British Columbia Act;
- c) Fish habitat conservation, restoration and development.

#### 2) Lot Area

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction

#### 3) Setbacks

No minimum shall apply.

*End • MA-1*

### 602 MARINE ACCESS TWO (MA-2)

#### 1) PERMITTED USES

- a) Moorage, floats, docks, ramps and wharves,
- b) Low impact recreation;
- c) Fish habitat conservation, restoration and development;
- d) Accessory uses, buildings and structures.

#### 2) CONDITIONS OF USE

No buildings, or enclosed structures, shall be allowed other than for two floating enclosed structures not exceeding in combined total 110 square metres (1184.1 square feet) in floor area and not exceeding one storey, 4.6 metres (15.0 feet), in height above the surface of the water.

#### 3) LOT AREA

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction.

#### 4) SETBACKS

No minimum shall apply.

*End • MA-2*

**603**

**MARINE RESOURCE ONE (MR-1)**

**1) PERMITTED USES**

- a) Moorage, floats, docks, ramps and wharves,
- b) Log dumping, booming and storage;
- c) Low impact recreation;
- d) Fish habitat conservation, restoration and development;
- e) Accessory uses, buildings and structures.

**2) LOT AREA**

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction.

**3) SETBACKS**

No minimum shall apply.

*End • MR-1*

**604**

**MARINE MIXED USE ONE (MMU-1)**

**1) PERMITTED USES**

- a) Moorage, floats, docks, ramps and wharves;
- b) Barge loading and off-loading;
- c) Marina operation; including fuel sales;
- d) Seafood processing, packaging and sales;
- e) Accessory uses buildings and structures.

**2) CONDITIONS OF USE**

No buildings, or enclosed structures, shall be permitted except as outlined below:

- a) One building associated with the marina operation, located on the surface of the dock or foreshore, limited in size to 20.9 square metres (225 square feet) and 4.6 metres (15.0 feet) in height.
- b) One floating enclosed structure associated with the seafood processing, packaging and sales not exceeding 140.0 square metres (1507.0 square feet) in floor area and not exceeding one storey in height, 4.6 metres (15.0 feet), above the surface of the water, or alternatively the allowance for the siting of one building on the upland associated with the seafood processing, packaging and sales, not exceeding 140 square metres (1507 square feet) in floor area, and not exceeding one storey, 4.6 metres (15.0 feet) in height.

**3) LOT AREA**

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction.

**4) SETBACKS**

No minimum shall apply.

*End • MMU-1*

**605**

**ACCESS ONE (A-1)**

**1) PERMITTED USES**

- a) Public Access;
- b) Uses as permitted pursuant to the Provincial Forest Act, Forest Land Reserve Act, Forest Practices Code of British Columbia Act and all associated regulations and orders.

*End • A-1*

**606**

**INDUSTRIAL ONE (I-1)**

**1) PERMITTED USES**

- a) Uses as permitted pursuant to the Provincial Forest Act, Forest Land Reserve Act, Forest Practices Code of British Columbia Act and all associated regulations and orders.
- b) Log dumping, booming and storage;
- c) Accessory uses buildings and structures.

**2) LOT AREA**

Shall be in accordance with the site license of occupation, reserve or lease issued by the authority having jurisdiction.

**3) SETBACKS**

No minimum shall apply.

*End • I-1*

**607**

**FORESTRY ONE (F-1)**

**1) PERMITTED USES**

- a) Uses as permitted pursuant to the Provincial Forest Act, Forest Land Reserve Act, Forest Practices Code of British Columbia Act and all associated regulations and orders.
- b) Accessory uses buildings and structures.

**2) LOT AREA**

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction.

**3) SETBACKS**

No minimum shall apply.

*End • F-1*

**608**

**RECREATION ONE (R-1)**

**1) PERMITTED USES**

- a) Recreational use associate with a Provincial Forest Service Recreational Site established pursuant to the Forest Practices Code of British Columbia Act.
- b) Accessory uses, buildings and structures.

**2) LOT AREA**

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction.

**3) SETBACKS**

No minimum shall apply.

*End • R-1*

**1) PERMITTED USES**

- a) Seafood processing, packaging and sales;
- b) Bulk fuel storage, distribution and sales;
- c) Warehousing and storage;
- d) Service and retail establishments,
- e) Business and professional offices;
- f) Restaurant;
- g) Tourist Accommodation;
- h) Campground;
- i) Residential use;
- j) Accessory uses, buildings and structures.

**2) CONDITIONS OF USE**

- a) Residential use, staff housing and tourist accommodation use shall be limited to a maximum number of 10 accommodation units in combined total per lot. Notwithstanding the above, final approval of the maximum number of units to be built and the site area requirements for each unit shall be further defined and approved by Environmental Health Unit and/or the Waste Management Branch. In any case the final approved number shall not exceed the density allowed under this bylaw.
- b) Campground use shall not exceed more than 6 camping spaces.
- c) All outdoor storage shall be screened.

**3) LOT AREA**

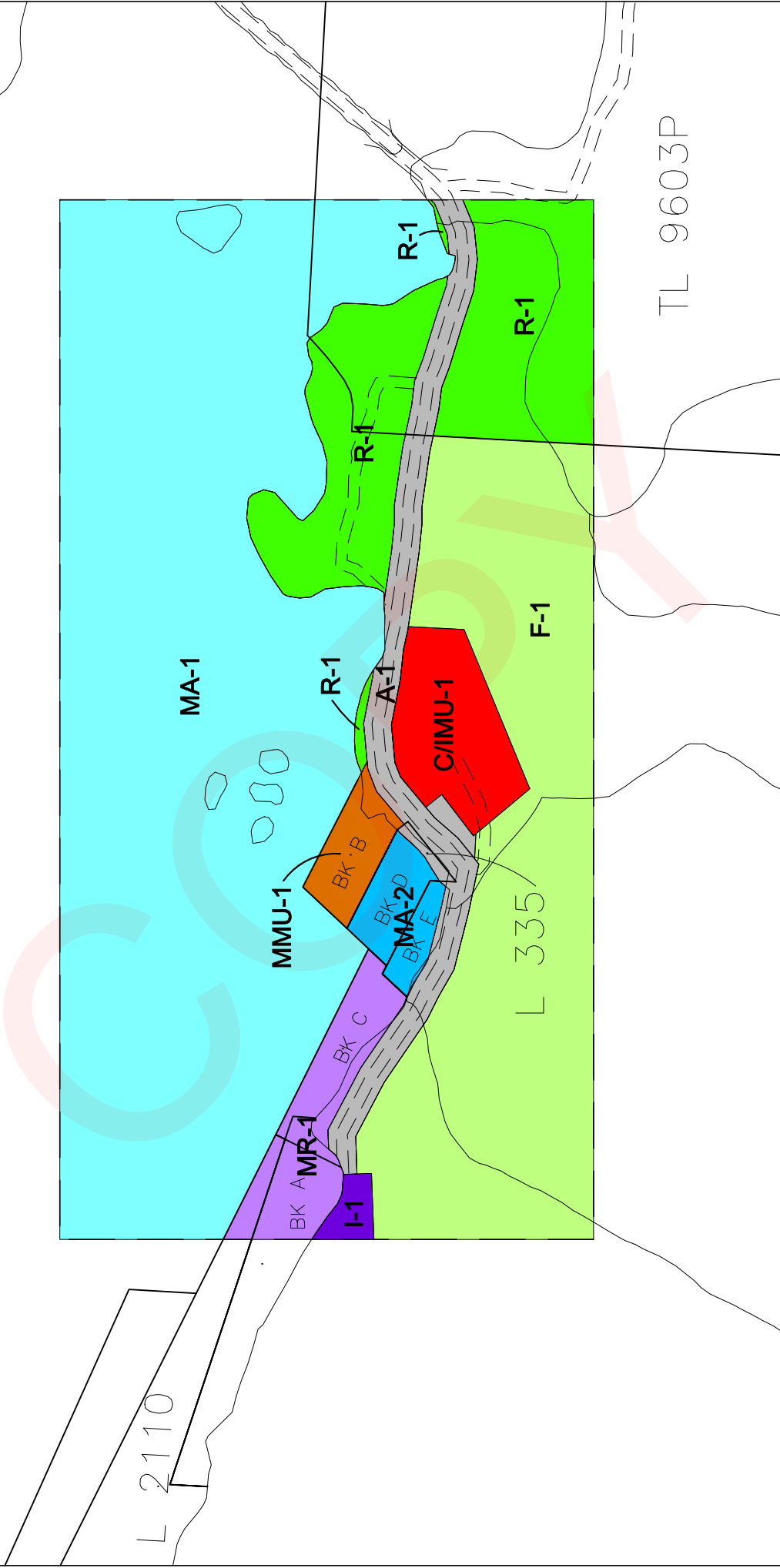
Shall be in accordance with the site license of occupation or lease issued by the authority having jurisdiction.

**4) SETBACKS**

No minimum shall apply.

*End • C/IMU-1*

FAIR HARBOUR



**FAIR HARBOUR**

**ZONING MAP**

Bylaw No. 2256

Schedule A-1



- Marine Access One (MA-1)
- Marine Access Two (MA-2)
- Marine Resource One (MR-1)
- Marine Mixed Use One (MMU-1)
- Industrial One (I-1)



- Forestry One (F-1)
- Recreation One (R-1)
- Commercial / Industrial Mixed Use One (C/IMU-1)
- Access One (A-1)



SCALE 1:7,500



January 22,  
2014

Ka:'yu:'k't'h'/Che:k'tles7et'h'

First Nations

Official Community Plan



## Klecko/Acknowledgments

Thank you to the Ka:'yu:k't'h'/Che:k'tles7et'h' First Nations citizens and in particular to those who attended the community meetings held in Campbell River and Houpsitas and those who contributed to the development of this Plan.

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Peter Hanson	Executive Portfolio Holder for Economic Development
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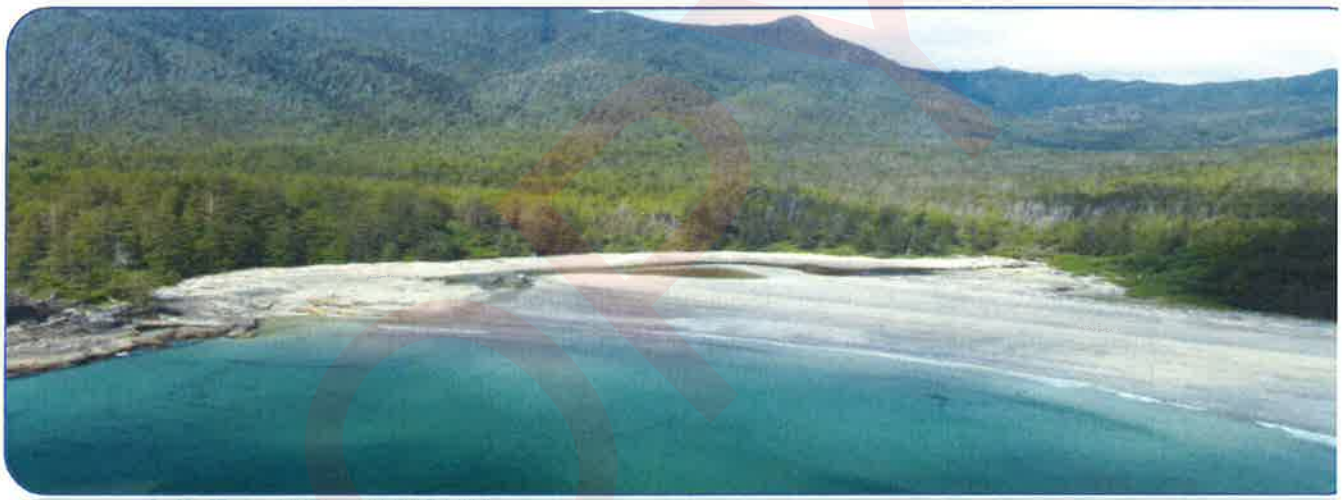
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# Part 1: Introduction



Purpose and Content of an OCP

Plan Location and Application

Planning Process/Approach

Plan Organization



# 1 Introduction

Once enacted by the Legislature, this document is the Official Community Plan (OCP) for the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations (KCFN) community. This OCP provides direction for future development that aims to be socially, culturally, economically and environmentally sustainable and healthy. The OCP provides objectives and policies to help guide decisions on land use management and to assist in the efficient use of KCFN lands, and other resources. This plan incorporates the economic development and growth objectives of Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations as well as the cultural and environmental aspirations of the Nations.

## 1.1 Purpose and Content of the Official Community Plan (OCP)

Through area designations and broad land use policy suggestions, an OCP will help to provide direction and guide development to ensure that present and future generations have access to assets such as affordable and appropriate housing; quality ground and surface water; and adequate energy supply. Because the OCP is a guiding document and not a regulatory document, development standards including, but not limited to, densities, setbacks, and buffer zones must be administered and enforced through Zoning and Structures Act and not through the OCP.

Section two of the KCFN Planning and Land Use Management Act (summarized in the table below) details the required content for official community plans. The various land uses required by the Act are intended to promote: good stewardship of Ka:'yu:'k't'h'/Che:k'tles7et'h' lands, foreshore, and cultural heritage sites; the protection of culturally and environmentally sensitive areas including farmland; and the availability and efficient use of transportation and utility corridors and services.

<i>OCP Required Content</i>	
The KCFN official community plan must include:	
<ul style="list-style-type: none"> <li>✓ Approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least five years;</li> <li>✓ Approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and utility land uses;</li> <li>✓ Approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;</li> <li>✓ Restrictions on the use of Ka:'yu:'k't'h'/Che:k'tles7et'h' lands that are subject to hazardous conditions or that is environmentally sensitive to development;</li> </ul>	<ul style="list-style-type: none"> <li>✓ Approximate location and phasing of any major road, sewer and water systems;</li> <li>✓ Approximate location and type of present and proposed community facilities, including schools, parks and waste treatment and disposal sites;</li> <li>✓ Housing policies respecting affordable housing, rental housing and special needs housing.</li> <li>✓ Targets for the reduction of greenhouse gas emissions in the area covered by the plan and policies and actions proposed with respect to achieving those targets.</li> </ul>



According to section 2.4 of the KCFN Planning and Land Use Management Act, an official community plan may also include the following:

- ❖ policies relating to social needs, social well-being and social development;
- ❖ a regional context statement, consistent with the rest of the plan, of how matters dealt with in the plan apply in a regional context;
- ❖ policies respecting the maintenance and enhancement of farming on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands in a farming area or in an area designated for agricultural use in the plan; and
- ❖ policies relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity.

To become "official" the community plan document must be adopted by KCFN Legislature as a schedule to the OCP Act and all future land use decisions must be consistent with the OCP. As the OCP provides a broad, long-range view, which may be achieved over several years, the Nations may review and amend the OCP, following careful consideration by the KCFN Legislature, and consultation with KCFN citizens to ensure that it is reflective of changing circumstances, and new trends within the community.

## 1.2 Plan Location/Area

The official community plan applies to all of the Ka:'yu:'k't'h'/Che:k'tles7et'h' lands.

Areas with potential for development within the foreseeable future (5-10 years) or lands that have already experienced development were focused on in more detail during the formation of this OCP. These lands included:

- ❖ Kaoutk and Fair Harbour
- ❖ Houpsitas, Black Sand Beach, and McKays
- ❖ Mission, Aktis (Village), and Spring Islands
- ❖ Checkaklis and Tuta Island, and Upsowis
- ❖ Acous and Mahope
- ❖ Ououkinish



Figure 1-This map provides a general indication of where KCFN is located. For a detailed overview of the lands that this OCP applies to please refer to the maps section of this document.

After the first set of Community Meetings, the OCP Advisory Group and the KCFN Legislature came to a decision to expand the scope of the OCP to include all of the treaty lands rather than the original proposal to have the above lands comprise the OCP.



### 1.3 Planning Process

The 2013 OCP process consisted of four main phases involving extensive research, consultation with the official community plan advisory group, community meetings, focus groups, and open houses. In addition, consultations were held with a number of interested outside parties and organizations. As the process unfolded, and the scope of land that the OCP would cover was expanded, the timeframe was revised and additional community consultation opportunities were included.

- ❖ Phase 1-Gathering Information and Ideas
- ❖ Phase 2-Mapping and Planning Our Community
- ❖ Phase 3-Drafting the OCP
- ❖ Phase 4-Public Hearing and Plan Adoption

#### PHASE 1: GATHERING INFORMATION AND IDEAS

In May of 2012, collection of background research began with the gathering of past planning documents prepared for the KCFN and with respect to the lands identified in this OCP.

The following plans/reports were reviewed:

- ❖ Isaak: Community Planning Document- 2008
- ❖ Phase II and Phase III Environmental Site Assessment and Risk Assessment for the Nations of the Maa-nulth Treaty Society IR#6 Houpsitas-2006
- ❖ Kuyquot Sound Coastal Plan- 2003
- ❖ Archaeological Inventory Study (AIS)- 2003
- ❖ KCFN Long-Term Marine Services Assessment 2011
- ❖ Vancouver Island Land Use Plan- 2000
- ❖ Chatwin Physical Development Plan - 1998

Much of the information referred to above as well as additional maps and reports prepared for the KCFN over the years was lost and/or destroyed during the demolition and moving of the administrative offices in 2009. Attempts to retrieve this information from past consultants and government sources has resulted in limited access to past planning and supporting documents and mapping.

During this phase an Official Community Plan Advisory Group was established to assist the process. Members of the advisory group were selected with the intent to cover a variety of areas of expertise within the KCFN. It was important that the OCP Advisory Group have male and female representation, youth representation, and one Ha'wiih representative from both the Ka:'yu:'k't'h' and the Che:k'tles7et'h' First Nations. The members of the group have experience with the Nations' lands and natural resources, culture and history, housing and infrastructure, community services, laws, and administration. Regular meetings with the OCP Advisory group began in this phase and continued through to subsequent phases.



### PHASE 2: MAPPING AND PLANNING OUR COMMUNITY

Phase two included four community sessions ~ two held in Campbell River and two held in Houpsitas (Kyuquot). Eight meetings ~ in person and by teleconference ~ were conducted with the OCP Advisory Group members during phase 2. KCFN Legislature determined and directed the level of appropriate consultation with first nations, regional and municipal governments and local authorities and persons considered to be affected by the KCFN OCP (see diagram below).

During the first Community Session, an exercise was conducted to gather community input and determine how those who attended would like to see KCFN lands used in the future. Participants were introduced to the Official Community Plan process, and to the OCP Advisory Group members. Provided with maps and colour coded dots, participants were asked to indicate where they would like to see future housing, economic development, parks and recreational areas, on KCFN lands.



During the second Community session, focus group stations were established, each with an Advisory Group member introducing a topic or key issue to stimulate discussion, questions, and input related to various land uses. Due to the limited number of attendees, this exercise was conducted as a full group activity with draft maps presented. The maps were made available online after meetings in February 2013 and citizens who were not at the community meeting were encouraged to review them and provide comments within the four week timeframe.

### PHASE 3: DRAFTING THE OCP

In March of 2013, the OCP Advisory group met with the consulting team to review the information gathered during phase 1 and 2 and drafting of the 2013 OCP began.

An open house was conducted in both the Campbell River and Houpsitas locations in April 2013 to present the results of the previous community and OCP Advisory Group meetings. The draft maps were presented in hard copy and comments were recorded. Members of the OCP advisory group and consultants were available throughout the day to answer questions and receive feedback on the draft OCP.



Invitations to attend the open houses were sent to representatives from Ehattesaht, Nuchatlaht and Quatsino First Nations, BC Parks, School District 84, Strathcona Regional District, and the Walters Island Residents Association. Three staff from BC Parks planning department and one representative from Strathcona Regional District attended the open house in Campbell River. Further consultation with BC Parks staff will continue in efforts to ensure that the uses on KCFN lands adjacent to Provincial Protected Areas are compatible with recreational, cultural, and environmental values. The president of the Walters Island Residents Association attended the open house in Houpsitas, Kyuquot. School District 84 did not attend the open house but expressed interest in meeting to discuss the written draft.

#### PHASE 4: PUBLIC HEARING AND PLAN ADOPTION

The final phase consists of four main aspects:

- a) First reading of the Official Community Plan Act, including the draft OCP as a schedule, occurred during the KCFN Legislature meeting April 25-26<sup>th</sup>, 2013
- b) Digital version of the Official Community Plan draft were mailed to representatives from the first nations, regional and municipal governments and local authorities and persons considered, by the Legislature, to be affected by the KCFN OCP.
- c) A public hearing was held on June 3<sup>rd</sup>, 2012 to provide a final opportunity for KCFN community members to submit written and oral feedback on the Official Community Plan. A written report of the public hearing has been written by the KCFN Legislative Clerk and is attached in appendix 1.
- d) Ha'wiih Advisory Council- a review of the Official Community Plan Act and OCP schedule, by the Ha'wiih Advisory Council, occurred on December 4<sup>th</sup>, 2013. Comments were compiled and submitted to Legislature for second reading.
- e) Plan Adoption-the Legislature may adopt the OCP after the public hearing. Second and third reading of the OCP Act and OCP is scheduled for January 22<sup>nd</sup>, 2014. Please refer to part five of this plan for a more in depth discussion of plan adoption and implementation.



## 1.4 Plan Organization

This document has been organized to introduce background community and planning information (Part 2), present the vision and guiding principle for the community and Plan (Part 3), provide policy suggestions related to identified goals and land use areas (Part 4), and to present the guidelines for Plan implementation (Part 5).

The OCP consists of the following five sections:

Part 1 Introduction	-Defines the purpose and requirements for an OCP -Provides the planning process and framework
Part 2 Community Past and Present	-Details KCFN community background information
Part 3 Vision, Values & Guiding Principles	-Outlines the Community Vision and the values and guiding principles behind that vision.
Part 4 Land Use: Goals & Policies	-Defines the community goals and the land uses and polices that flow from these goals.
Part 5 Implementing the Plan	-Discusses an adaptive management approach to plan implementation, monitoring, and amendments.
Mapping, Glossary & Appendices	-Includes maps for all KCFN treaty lands, a glossary of planning terms used in this document, and appendices that provide further resources and information relevant to this OCP.

## Part 2: Community Background



History

Our Land

Our People at Home & Living Away



## 2 Community Background: Past and Present

### 2.1 History



Ka:'yu:'k't'h'/Che:k'tles7et'h' (pronounced Kie-YOU-cut and TSHEH-kleh-szet) First Nations are from the Pacific West Coast of Vancouver Island. The two Nations came together in the early 1960s and together, are the northern most of 14 Nuu-chah-nulth First Nations. Each of the chiefly families' names is associated with a stream, inlet, island or other natural feature. Family names carry the suffix -aht, which means "people of." For example, Ka:'yu:'k't'h' (Kyuquot), are "the people of Ka:'yu:'k." In this way, our connection to the lands and waters of this region is evident even in our own tribal names.

The following is an excerpt from the KCFN Constitution:

*Honoring our Past...Embracing our future*

*We, the people of Ka:'yu:'k't'h'/Che:k'tles7et'h', by this Constitution declare our unique identity as nations and claim our rightful place as equal participants in Canadian society.*

*We have existed from time immemorial and have occupied and used the lands, waters and all resources of our traditional territory throughout history.*

*We draw our identity from our relationship to our land and from our rich heritage, culture and language, and our stories, myths and the oral traditions of our elders.*



*We honour our ancestors and our elders and commit ourselves to the values that they have preserved for us, values that provide us dignity and strengthen our humanity.*

*As self-determining peoples, we accept the responsibilities, which are a natural part of governing ourselves, and seek, with assistance of the Creator, to govern with wisdom and respect for all people.*

*Through the act of governing, we assume the responsibility to preserve our natural world and strengthen our identity.*



## 2.2 Nisma-Our Land

The Ka:'yu:'k't'h' and Che:k'tles7et'h' territories are located on the Pacific West Coast of Vancouver Island, BC, stretching from Porritt Creek, north of Nootka Sound, to Solander Island at the tip of M<sup>uq</sup>'in /Brooks Peninsula. The area, rich with natural resources and beauty, includes temperate rainforest, small islands, bays, beaches, rocky shoals, streams and rivers, hills and mountains, and sites of cultural significance.

Much of the Ka:'yu:'k't'h' and Che:k'tles7et'h' lands and the village of Houpsitas, in Walters Cove, are accessible only by air and water. Residents and visitors traveling by boat, launch at the end of a logging road at Fair Harbour, on the eastern shore of Kyuquot Sound where there is a government dock.

Within the Plan area, Houpsitas is the only existing community centre and, outside of Fair Harbour, is the only area served by a limited network of gravel roads, hydroelectric power, water, sewer, and internet.

## 2.3 Our Land With Treaty

Ka:'yu:'k't'h' / Che:k'tles7et'h' First Nations, are one of five Nuu-chah-nulth First Nations who entered into the Maa-nulth Final Agreement on April 1, 2011. In the Nuu-chah-nulth language, Maa-nulth means "villages along the coast." Through treaty, KCFN now has law-making authority over our lands, subsurface resources, and people. This allows our Nations to access long-term economic benefits such as the capital value of land, and the ability to secure financing for development and residential construction. KCFN is committed to working in partnership with other communities and levels of government to ensure protection of lands, water, and resources. In addition, ownership and governance of Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and resources allows KCFN to undertake economic and community development in a way that is respectful and mindful of culture and tradition.

Historical Events and Progress of Our Nation's Journey to Self-Government	
1993	Our Nations enter into the Treaty process along with Nuu-Chah-Nulth Tribal Council
December 9, 2006	Our Nations initial the Maa-nulth Treaty with BC and Canada
August 8, 2007	Our Nations vote and accept the KCFN Constitution
October 13-15, 2007	Our Nations vote and accept Treaty and Ownership of Band Assets
November 29, 2007	Our Nations' leaders speak to BC Legislature
July 24, 2008	Provincial Ratification of Treaty in Houpsitas
July 8, 2009	Federal Ratification of Treaty in Ottawa
November 17-18, 2010	Community Consultations on Draft Laws
April 1, 2011	Effective date of the Maa-nulth Final Agreement (Nuu-was-us) and first Annual People's Assembly
Nov 4, 2011	First Election of Legislative Members under the KCFN Elections Act



## 2.4 Our People at Home and Living Away



Location of KCFN Citizens	Total Pop	
	Female	Male
Houpsitas	82	82
Port Alberni	8	9
Nanaimo	18	23
Ladysmith	4	2
Port Hardy	2	5
Seattle area	28	23
Campbell River	53	58
Courtenay	5	7
Victoria	6	4
Vancouver Area	20	30
Other Areas	40	44
Total	266	287

*Population numbers provided on March 19, 2013 by Marilyn Short-KCFN Citizenship and Enrollment Registrar*

Combined membership for Ka:'yu:'k't'h'/Che:k'tles7et'h' is 553 citizens. There are approximately 164 members living 'at home' (in Houpsitas). The majority of Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens living away from home are spread throughout Vancouver Island (mostly in Campbell River and Nanaimo) and in the Lower Mainland and Seattle Areas. Economic development, infrastructure and population growth will play a part in increasing the demand for residential development. Over the past three years the number of babies enrolled has remained fairly consistent: six babies were enrolled who were born in 2012, seven babies were enrolled who were born in 2011, and six babies were enrolled who were born in 2010. A demographic analysis of population growth for the next 5, 10, and 20 year periods must be conducted before an accurate projection of population can be established.

## Part 3: Vision Values and Guiding Principles



Community Vision

Values & Guiding Principles



### 3 Vision, Values and Guiding Principles

#### 3.1 Community Vision

In February of 2009, citizens in Houpsitas and in Campbell River met with the National Centre for First Nations Governance. The vision statements from both of these meetings were combined to create the following Ka:'yu:'k't'h'/Che:k'tles7et'h' vision:

*“We are a healthy, self-sustaining, self-governing, thriving, prosperous community of Ka:'yu:'k't'h'/ Che:k'tles7et'h' First Nations people. We fully express our language, songs, dances, carvings and culture in our school, our lives, our community and our longhouses.*

*Our social lives are enhanced by continued interaction between our elders, youth and members facilitated by community activities such as: story telling nights, movie nights, youth campouts, community picnics, and cultural gatherings.*

*We have a standard of living, based on sustainable resources of our territory which allows for a healthy diet, full employment, local materials, a rich social life enhanced by the interaction of our youth and elders and all members of our community. Recreational, leisure and year-round employment and economic opportunities are abundant and are available for all of our people, youth to elders.*

*Our community is sustained socially, culturally and economically. This is based on the many benefits, which flow from our control and management of natural and human resources and our respectful relations with other nations, governments, businesses and people.*

*Our government understands and responds to the needs of our people and provides services and facilities, updated communications systems, infrastructure, housing, a community centre, a road to Houpsitas and Che:k'tles7et'h' Territory, a multiplex/sportsplex, marina, self-government offices, school and other amenities that meet our needs in a fair and equitable fashion.”*

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### 3.2 Values and Guiding principles

In 2008, a Land Use Planning exercise was conducted for KCFN as a requirement of the Maa-nulth Final Agreement. In the resulting document, the Isaak Community Plan 2008, a list of values was identified. These values have been divided into four categories of sustainability: cultural, economic, environmental and social. These categories are identified in the KCFN Planning and Management Act.

The 2013 OCP builds on information previously gathered. Part 4, Land Use: Goals and Policies, is based on the below guiding principles, on the purposes and goals established for an OCP in the KCFN Planning and Management Act, and on input from KCFN Citizens- Ha'wiith Advisory Council, Legislature, OCP Advisory Group, and community members.

<i>Social Principles</i>	<i>Social Values</i>
<ul style="list-style-type: none"> <li>❖ Unity</li> <li>❖ Respect</li> <li>❖ Safety</li> <li>❖ Equality</li> </ul>	<ul style="list-style-type: none"> <li>❖ Unity-a strong community made up of strong people</li> <li>❖ Empowering people to be part of the future growth</li> <li>❖ Listening to all members, to hear them and treat them as equals</li> <li>❖ Equality-in housing, employment, and opportunities</li> <li>❖ Supporting each other and respecting each other to succeed in life and business</li> <li>❖ Working together and supporting each other</li> <li>❖ Creating a healthy state of mind where we involve ourselves in government, business, and culture</li> <li>❖ Working to become a healthy community</li> </ul>
<i>Cultural Principles</i>	<i>Cultural Values</i>
<ul style="list-style-type: none"> <li>❖ Health and Wellbeing</li> <li>❖ Cultural Knowledge and Teachings</li> </ul>	<ul style="list-style-type: none"> <li>❖ Overcoming the past and focusing on the future</li> <li>❖ Becoming teachers and leaders in our culture, language and traditions</li> <li>❖ Expanding our knowledge of our culture and traditional teachings, and using these to create better future</li> <li>❖ Ha'wiith Support for the KCFN Legislature</li> <li>❖ Using the land for health and healing as we have done from time immemorial</li> </ul>
<i>Economic Principles</i>	<i>Economic Values</i>
<ul style="list-style-type: none"> <li>❖ Prosperity</li> <li>❖ Opportunity for youth</li> <li>❖ Sustainable Development</li> </ul>	<ul style="list-style-type: none"> <li>❖ A future that brings new economic activities and revenue to our members</li> <li>❖ Creating new opportunities for youth-they are the bridge between the past and the future</li> </ul>
<i>Environmental Principles</i>	<i>Environmental Values</i>
<ul style="list-style-type: none"> <li>❖ Stewardship</li> <li>❖ Sustainability</li> </ul>	<ul style="list-style-type: none"> <li>❖ Taking only what we need and contributing back to the land</li> <li>❖ Hish-uk-istsawalk / Everything is connected</li> </ul>

## Part 4: Land Use, Goals and Policies



Land Use Designations

Climate Change Mitigation &  
Greenhouse Gas Targets

Land Use Policy Development



## 4 Land Use, Goals, and Policies

Within KCFN lands areas are identified where well-managed development should be concentrated and areas where development should be restricted or avoided. Growth should reflect the economic development goals of the Nation and respect areas of cultural and environmental significance. The four pillars of sustainability- social, cultural, economic, and environmental- guide the land use goals and policy in this Plan.

### 4.1 Land Use Designations

The purpose of a land use designation is to 'match' KCFN lands to the vision, goals and objectives set out in the OCP. These designations represent a generalized description of future land use and detailed zoning. Because the OCP is a guiding document and not a regulatory document, development standards including, but not limited to, densities, setbacks, and buffer zones must be administered and enforced through the Zoning and Structures Act and not through the OCP. The table below lists the Land Use designations used in this plan and includes a brief description for each designation.

Designation	Description
<b>Residential</b>	This designation includes a variety of single-family and multi-family residences (duplexes, triplexes, and small-medium rise apartment complexes) throughout the Houpsitas and Ououkinsh community centres and in adjacent areas.
<b>Rural Residential</b>	This designation is to permit residential lots that are outside of the Houpsitas and Ououkinsh community centres and do not rely on KCFN water and sewer services.
<b>Uu-a-thluk/ Parks and Natural Open Spaces</b>	This designation provides for outdoor recreational activities and to protect areas of natural significance. This includes public open spaces, greenways, and natural features on land and foreshore. It includes a range of park sizes, and applies to lands that serve as parks, open spaces and recreation areas.
<b>Commercial Use</b>	Commercial areas include, but are not limited to, retail, visitor accommodation, restaurants, and offices.
<b>Tourism Commercial</b>	This designation is for lands where commercial activities related to tourism and recreation are permitted (example: guiding). Other types of commercial ventures are not included in this designation.
<b>Industrial Use</b>	Industrial Areas include manufacturing or processing uses and heavy industrial uses such as a saw-mill or value added wood processing located away from residential areas.
<b>Ha'wiith Pat / Institutional/Public Service Area</b>	To permit uses which provide community and public services, including schools, places of assembly, recreation facilities, cultural facilities, government offices, care facilities, and cemeteries.
<b>Utilities</b>	Major public utilities such as landfills, sewage management and water systems, energy supply systems, are included in this designation.



Designation	Description
<b>Comprehensive Mixed Use</b>	Comprehensive mixed use areas support a variety of development for recreational, institutional, and residential purposes while also allowing commercial uses.
<b>Waterfront Mixed Use</b>	Applied to ocean and foreshore areas and providing for marinas, ocean-focused industrial uses, as well as commercial, institutional, recreation, open space, and pedestrian activity.
<b>Resource Stewardship Areas</b>	This designation recognize the potential for uses such as agriculture/aquaculture, forestry, range, marine uses, industrial, energy, sand and gravel extraction, mining, tourism, and recreation. This designation also includes those areas where traditional use activities such as hunting, fishing, trapping, gathering food & medicines take place.

Development Permit Areas (DPA)	
<b>Culturally Significant DPA</b>	Cultural sensitive and/or culturally significant areas including, but not limited to, burial grounds, archeological sites, spiritual sites. No development or resource extraction is permitted.
<b>Environmentally Hazardous and Sensitive Areas DPA</b>	Areas identified as: <ul style="list-style-type: none"> <li>• hazardous (such as steep slopes and areas within flood and tsunami zones) or</li> <li>• sensitive (including wildlife habitat, riparian areas, wetlands, and other water and land bodies) where development is very limited or restricted.</li> </ul>

The next two sections describe policies that apply to all land use designations and to the foreshore. Following this, each of the land use designations above is discussed in more detail within the context of policy and under the following headings:

- ❖ Małtıı -Residential Growth Management and Housing
- ❖ Uu-a-thluk- Parks and Natural Open Spaces
- ❖ Sustainable Economic Development
- ❖ Ha'wiih Pat-Community Services, Transportation, and Infrastructure
- ❖ Environmentally Hazardous and Sensitive Areas
- ❖ Culturally Significant Areas
- ❖ Climate Change Mitigation & Green House Gas (GHG) Reduction



## 4.2 General Development Policies for All Land Use Designations

**Goal:** Development that is environmentally, socially, culturally, and economically sustainable, accessible, and of a high standard.

### Objective

- ❖ To promote good stewardship of Ka:'yu:'k't'h'/Che:k'tles7et'h' lands, and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore.
- ❖ To ensure that development takes place where adequate facilities exist or can be provided in a timely, economic, culturally sensitive and efficient manner.
- ❖ To ensure there is an adequate record of suitable Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and resources for future settlement.

### Policies

Locating development near existing infrastructure, services, and amenities helps to reduce the tax burden, preserve natural areas, support active transportation, and mitigate effects of climate change.

The following policy guidelines apply to all land use zones and future development.

- 1 Considerations of culturally significant and environmentally sensitive and hazardous lands apply to any development on OCP lands and foreshore.
- 2 Historic /Traditional land use holdings must not be overlooked in planning and development processes and must be appropriately considered in any development plan.
- 3 Existing gravesites of Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations people must be respected and land uses shall not conflict with these gravesites.
- 4 Open spaces shall be an integral part of any area-not all lands will be developed.
- 5 Consider traditional and current land-based or water-based traditional transportation routes when planning new developments.
- 6 Trails, insofar as they are providing low impact connections among land uses and are not considered to have major impact on the lands, resources, or adjacent uses, may occur within any land use designation.
- 7 To support local food production, community gardens, community greenhouses, and non-soil based agricultural pursuits may be allowed in all designations, subject to zoning controls.
- 8 The KCFN Government, in consultation with Citizens shall establish which areas are available for lease to Non-Citizens.
- 9 Any roads build must be adequately activated, maintained and de-activated, to ensure safety.
- 10 KCFN and BC Parks will continue to work together to harmonize land uses on and adjacent to former provincial protected areas, such as M<sup>u</sup>q<sup>w</sup> in/Brooks Peninsula Park, Power River Watershed Protected Area and Checleset Bay Ecological Reserve, as much as possible.
- 11 Encourage development in areas outside of the Tsunami and 200 year flood zones.



### 4.3 Foreshore Areas

Foreshore areas are integral to the culture, economy, and environment of the KCFN. Under Treaty, Maa-nulth First Nations now have law-making authority over foreshore areas. KCFN can regulate such things as: nuisances, buildings and structures, businesses, land use planning, zoning, and development, and other matters that KCFN and the BC government may agree to. The Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations Foreshore Agreement is being amended and this agreement further outlines foreshore jurisdiction.

**Foreshore Areas** are indicated on all of the OCP maps. In general, KCFN has jurisdiction over the foreshore areas that are up to 200 metres from KCFN lands. The **Waterfront Mixed Use** designation applies to foreshore areas that shall allow for marinas, ocean-focused industrial uses, as well as commercial, institutional, recreation, open space, and pedestrian activity. These areas can be seen on maps 5 and 9.

Several issues relating to foreshore were discussed during community meetings including shoreline erosion, existing housing in areas with tsunami and flood hazards, balancing economic, environmental, social, and cultural values within foreshore areas to find adequate places for commercial and recreational activities, and access, while maintaining the integrity of cultural sites and practices and of the environment.





**Goal:** A healthy foreshore environment where ecosystems, biological diversity, and cultural sites and practices are protected as development takes place.

### Objective

- ❖ To ensure limited visual and environmental impact with respect to the foreshore as development takes place, and to retain some areas of foreshore in an undeveloped state.
- ❖ To ensure public access to foreshore areas.
- ❖ To allow for access to and from the foreshore in areas where public transportation, commercial, park, and residential purposes are appropriate.
- ❖ To minimize disruption of the shoreline and coastal systems, and to protect foreshore areas from use and development that would detract from present marine and upland uses or conflict with existing marine life.

### Policies

- 1 Maintain public access to the foreshore and consider including public accessibility as part of any waterfront development. Considerations for these accesses shall:
  - a. respect environmental and cultural values of the foreshore;
  - b. respect uses of the upland;
  - c. ensure that access points are practical for public use and consider developing a minimum distance between public foreshore access points.
- 2 Where foreshore with public accesses are suitable for public use, consider limiting development to public recreational use.
- 3 KCFN shall develop regulations prohibiting the disposal, deposit, or burning of garbage in the Foreshore Area.
- 4 KCFN shall consider installing informational signage to educate and aid in protection and conservation of Foreshore Areas.
- 5 Foreshore and marine waters use should not significantly alter important natural features and habitat.
- 6 The foreshore of KCFN should be protected from activities that:
  - disrupt or pollute marine life and the environment and associated land-based wildlife
  - may significantly alter the sensory attributes of the natural environment
  - may not be compatible with existing economic activity.
- 7 Forms of permanent marine residences, such as float homes, may be considered, in future, when sited in accordance with the Zoning and Structures Act provisions, and when outfitted with an approved on-board liquid waste management system, and/or where liquid wastes are disposed of in a land-based, KCFN approved sewerage system.
- 8 Communal smokehouses shall be permitted in upland areas.
- 9 The siting of docks and wharfs, floats, rafts, and other infrastructure in the foreshore shall be non-toxic (including treated wood), and durable in aquatic environments.



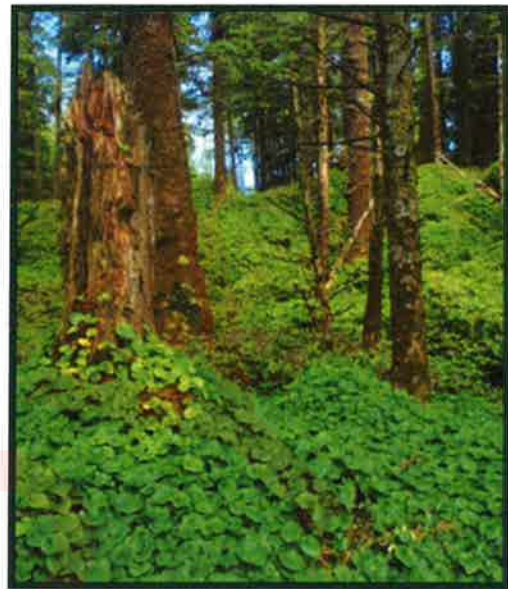
#### 4.4 Uu-a-thluk Parks and Natural Open Spaces

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations culture teaches Isaak (respect) for land, resources, water, and people. Throughout all land use designations, this plan encourages inclusion of open space or undeveloped areas near development locations and residential areas. In an effort to ensure that environmental, recreational, and cultural values are respected and protected, as development takes place, this OCP identifies Parks and Natural Open Spaces

**Goal:** Preservation of environmental, recreational, and cultural purposes and values.

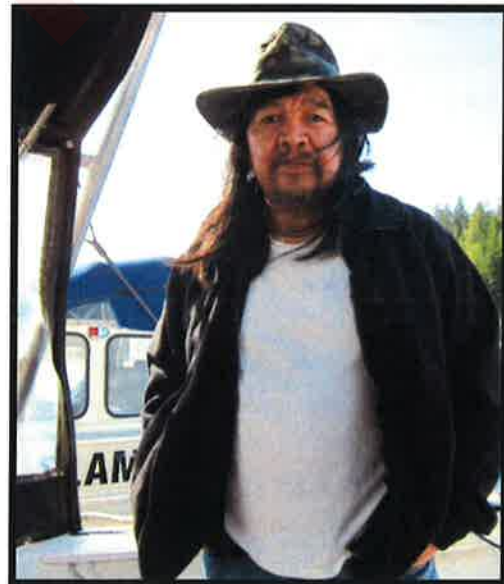
##### Objective

- ❖ To incorporate undeveloped space into the community.
- ❖ To provide natural green spaces throughout KCFN lands.
- ❖ To promote healthy, active, living.



##### Policies

- 1 Encourage identification (example signage) and protection of trails and greenways to form a continuous network of pathways throughout the designated lands.
- 2 Protect established trails, greenways and open spaces for land conservation and park planning to serve both recreational and conservation functions.
- 3 Consider development of an Open Space or Green Space Network Plan.
- 4 Recreational day use areas may include water access, picnicking areas, and connection to a nearby trail system. If day-use areas are established, associated amenities (boat launch, picnic area) will be designed to have a small footprint and to complement the surrounding natural setting.
- 5 Access or development at Acous is only by written permission of Che:k'tles7et'h' Ha'wiih Tsawaa't or his delegate. Please refer to Map 6.





## 4.5 Maḥtli- Residential Growth Management and Housing

There is a demand for increased housing on KCFN lands and several areas are currently under consideration for residential development to the north and west of the existing community of Houspitas. Approximately 30% of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations population lives 'at home' in one of the 44 single-family or duplex houses at Houspitas in Kyuquot. In addition, there is an area in Ououkinish where the Che:k'tles7et'h' First Nation plan to develop a community centre. Outside of these two community centres, rural housing will be permitted within the rural residential designation and within the resource stewardship lands of the Che:k'tles7et'h'.



As economic opportunities and infrastructure (roads, housing, services) improve, it is anticipated that the demand for housing at 'home sites' will increase. During the summer/fishing season the number of people at Houspitas increases due to temporary employment (also summer food gathering (berries and fishing) family visiting from urban areas, and students coming home.

In order to accurately determine the demand for residential development over a minimum of the next five years, KCFN shall undertake a study to assess housing needs based on numerous factors including, but not limited to, population growth and economic development.

**Goal:** Compact, complete, and diverse residential areas.

### Objectives

- ❖ To provide adequate, affordable and appropriate housing for Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens.
- ❖ To provide a range of housing types, ownership, and densities, which meet the diverse and changing needs of individuals and families of varying income levels, age groups, lifestyles, and abilities.
- ❖ To allow for appropriate residential development outside of the KCFN community centres at Houspitas and Ououkinish.
- ❖ To create and preserve links between residential communities and rural open spaces, including parks and recreation areas.



## Policies

1. Establish an historic residential land use holding registry.
2. Safe homes, buildings and structures are important to KCFN citizens. KCFN shall develop housing, building, and structure regulations that ensure:
  - a. high quality construction of residential homes and buildings,
  - b. use of appropriate building materials and architecture dependant on local weather and climate conditions,
  - c. development and compliance of standards for builders and/or contractors working on KCFN lands.
3. For builders and contractors, KCFN will consider:
  - a. requiring a statement of qualifications,
  - b. requiring a KCFN trained inspector ensure work is done to KCFN standards.
4. Support residential development in community centres that:
  - a. concentrate the greatest densities of residential activity near the centre or focal area of each Centre/Village
  - b. maintain the coastal 'sense of place' and are aesthetically pleasing
  - c. provide for a range of housing options by location, lot size, type, and price
  - d. provide low-rise buildings and consider a maximum height of two storeys
    - i. for single family housing,
    - ii. multi-family housing,
    - iii. single occupancy housing,
    - iv. elder housing
  - e. provide for safe public access to and from roads and driveways.
5. Evaluate applications for multiple family developments on the basis of the neighbourhood context, location, site size, scale, density, driveway access and availability.
6. Support development of affordable, rental, and special needs housing by considering strategies, policies, and legislation such as:
  - a. Development of a housing strategy that proactively examines the tools and mechanisms to facilitate affordable housing.
  - b. Integration of rental, ownership, market and non-market housing within neighbourhoods and buildings.



- c. Matching the type, tenure and price of the housing stock and the income levels and demographics of the community.
  - d. Creation of an urban growth boundary, greenbelt system, servicing limit, or similar measure, along with complementary policies to increase housing choice and supply within the developable area.
  - e. Development Cost Charges (DCCs) that vary by housing type, density, unit size, and location, to account for the lower servicing costs for compact development in existing serviced areas.
  - f. Establish guidelines to determine the number or percentage of housing units available for occupancy by owner and by renter, including secondary suites.
7. Consider implementing accessible planning legislation which would involve:
- a. the conducting of an accessibility audit;
  - b. the development of an accessibility plan;
  - c. the creation of an advisory committee to assist the KCFN government in conducting an accessibility audit, developing an accessibility plan and advising the municipality on other issues affecting people with disabilities.
8. Any commercial activity occurring in or near areas designated for residential use should be limited to small scale businesses that serve the community.
9. For rural residential areas, KCFN government shall give consideration to:
- a. requiring minimum lot sizes that can accommodate septic disposal and on-site potable water;
  - b. the potential location of utilities including power and telephone;
  - c. wildlife values and green corridors, including recreation links between centres of country residential development;
  - d. maintenance of recreation and trail links;
  - e. inclusion of a variety of lot sizes, to accommodate more rural lifestyles and a range of economic needs; and
  - f. allowing a wide range of home-based business opportunities to provide part-time occupations and small-scale enterprises as determined through zoning.





## 4.6 Sustainable Economic Development

The local employment opportunities are currently comprised of KCFN government positions, sports fishery, tourism, forestry, service, aquaculture and some commercial fishery jobs. Low population density, remote location, poor road access, and rural character play a part in the current, limited level of commercial activity on KCFN lands. KCFN is currently working on an Economic Development Plan and on ways to ensure the economic benefits flowing from the opportunities of the Treaty are realized. These economic benefits include, but are not limited to sand and gravel extraction, forestry, commercial fishing and shellfish aquaculture, power projects, commercial recreation tenures, cultural tourism and land development (refer to the Maa-nulth Final Agreement Side Agreements for additional information).

The Plan maps shows the approximate locations of existing commercial and industrial activity in the Plan areas and the maps indicate sand and gravel deposits for potential future extraction. There are currently some industrial and commercial activities on KCFN lands, mainly concentrated within the areas of Houpsitas and Fair Harbour.

In Houpsitas there are small locally owned businesses including water taxi services, bed and breakfasts, and small stores to supply residents with goods and services. There are a number of artists in Houpsitas who create high quality carvings, paintings, weaving, and other cultural art pieces for sale to tourists and out of town purchasers. In Fair Harbour, there is a store, fuel station, marina, parking lot and camping area, as shown by the orthophoto in the map section of this document. This area has been developed to service local residents as well as tourists and other local businesses by providing fuel, and an area to park while accessing Kyuquot sound. A business plan for Fair Harbour is currently in development to enhance the existing commercial opportunities through fuel dock, store, and campground upgrades.

Tourism, forestry, and fisheries are three sectors upon which, the KCFN intends to increase economic opportunities over the next 5-10 years. World class salmon and halibut fishing, an abundance of sea mammals (seals, whales, sea lions), and rapidly growing valuable coniferous forests all support sustainable economic development for the KCFN.



Future commercial expansion is expected to be accommodated within areas designated for Comprehensive Mixed Use and Tourism Commercial. Additional sustainable resource-based commercial and industrial activities are expected to occur within the Resource Stewardship Area designation following policy suggestions laid out in this Plan.



**Goal:** A prosperous and sustainable local economy that encourages self-sufficiency and generates inter-generational wealth and opportunity and enhances our culture.

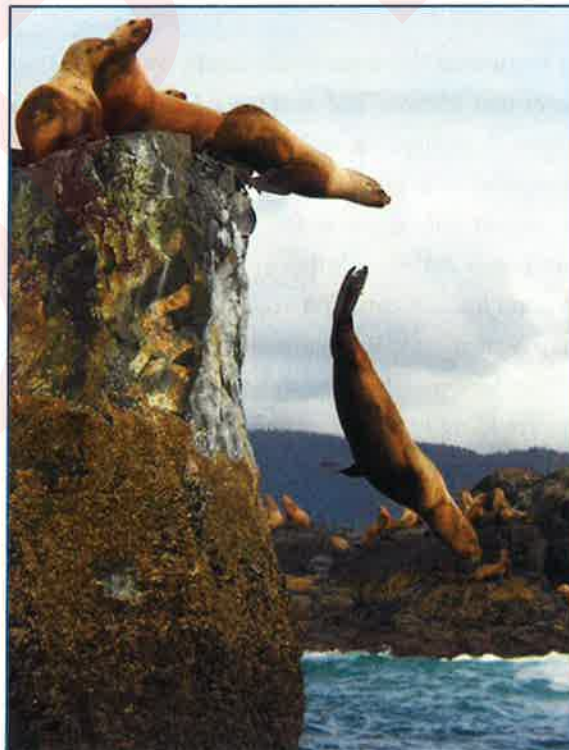
### Objectives

- ❖ To promote economic development that is compatible with the culture and traditions of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations.
- ❖ To maintain the integrity of a secure and productive resource base, including agricultural areas.
- ❖ To promote the service, tourism, forestry and fishery sectors.
- ❖ To encourage our cultural artisans.

### Policies

In areas designated **Commercial** and **Tourism Commercial**, and for commercial activities that occur within the **Comprehensive Mixed Use** designation, the following policies apply:

- 1 KCFN shall consider how each development proposal aligns with its goals and objectives for sustainable growth.
- 2 The commercial activities allowed near residential designations are intended for commercial activities which serve the needs of the local community.
- 3 Suitable vegetated buffer areas around commercial developments which border on residential and park areas; buffer areas shall be maintained and re-use organic material removed during construction.
- 4 The commercial use must be compatible with the character and uses of the surrounding area.
- 5 The use does not reduce or limit public access along the foreshore.
- 6 Appropriate facilities shall be provided for safe public access to and from roads and/or waterways and to access driveways into parking areas.
- 7 The KCFN should consider the issuance of permits for proposed commercial uses contingent upon the applicant providing:
  - a. a detailed description of the proposed use and the duration of proposed activity;
  - b. plans for mitigation of any potentially harmful impact on the environment and the local community;





- c. provision of security (bond) to the KCFN government to guarantee performance of the terms of the permit;
- d. a plan for rehabilitation of the site following the discontinuance of the proposed development; and
- e. any other information that the KCFN Legislature may require to fully evaluate the application.

In addition to the policies outlined above, policies for proposed and future industrial activities, that may occur within the **Industrial** and **Resource Stewardship** designations include:

- 1 Resource Management plans shall describe what actions will be taken to ensure that there are always resources to harvest into the future.
- 2 Resource extraction within a Resource Stewardship Designation shall be subject to the appropriate KCFN laws and regulations, a plan of restoration, environmental review of sensitive and hazardous areas, review of culturally significant sites, and consideration of areas formerly identified as Provincial Park Land (refer to Treaty sections 5.2.7-5.2.9). For greater clarity, until otherwise agreed, commercial logging, mineral activities, hydro power generation, other than local run-of-the-river projects, or any other activity that is inconsistent with the recreational values of the area are prohibited on former Provincial Park lands.
- 3 The KCFN government will work to minimize the ecological footprint of industrial activities within the Resource Stewardship designation. For example, any high intensity industry shall be concentrated rather than dispersed throughout the landscape.
- 4 Upon abandonment or termination of resource extraction operations, companies must comply with remediation policies including, but not limited to:
  - a. equipment removal,
  - b. contaminated soil clean-up,
  - c. completion of environmental assessments that meet KCFN standards and are done before and after projects/work is complete,
  - d. reclamation/remediation activities to return the area to as close to a natural a state as possible through slope grading, landscaping, road deactivation and reforestation.
- 5 Consider requiring the issuance of temporary Industrial Use permits. The issuance of such a permit may require the applicant to provide:
  - a. a detailed description of the proposed use and the duration of proposed activity;
  - b. plans for mitigation of potentially harmful impact on the environment and the community;
  - c. provision of security to the KCFN government to guarantee performance of the terms of the permit;
  - d. a plan for remediation/ rehabilitation of the site following the discontinuance of the proposed temporary use; and
  - e. any other information that the KCFN Government may require to fully evaluate the application.



- 6 Consider partnering with other organizations to develop appropriate micro hydro projects on KCFN Lands. Projects will be considered appropriate based on assessment of environmental, cultural, and economic factors.
- 7 Depending on the nature and location of proposed development and resource extraction within this designation, the KCFN government may choose to designate a commercial or industrial site as a development permit area in order to provide a greater degree of control over the form and character of the development.

### Sand and Gravel Policies

- 1 The location and approximate extent of known Gravel Deposits, within the Plan Area, are shown on maps 1-7 and 9-14. These sites require further field verification for aerial extent, depth and suitability for various purposes. Some of the sites shown on maps 1-7 and 9-14 may be unsuitable for extraction purposes due to environmental considerations, particularly those closely associated with fish-bearing streams. It is anticipated that commercially viable gravel deposits may be found at other locations within the Plan area.
- 2 Gravel extraction is recognized as a permitted use in Commercial and in Resource Stewardship land use designations. It is not permitted in areas for residential use or areas protected for environmental and cultural reasons.
- 3 Standards must be met for engineering, bonding, reclamation, environmental concerns, health, and stability and safety on sand and gravel operations.
- 4 Management of gravel resources shall include time frames for phases of extraction.
- 5 In order to maintain the ecological and visual quality of the landscape of the Plan Area, the KCFN Government will consider establishing an application process to encourage gravel pit operators to:
  - a. maintain a vegetative buffer around their pits,
  - b. reclaim exhausted or unused gravel pits through planting and landscaping,
  - c. incrementally reclaim exhausted portions of gravel pits which are still in use.
- 6 Any application process for gravel pit operations will specify environmental, engineering, operating and security/bonding requirements as part of an application process.





#### 4.7 Ha'wiih Pat- Community Services, Transportation, and Infrastructure

Resilient communities have a diverse local economy, affordable housing, green spaces, and are culturally vibrant and environmentally rich. The transportation, infrastructure, and administrative services provided by KCFN must work towards creating this type of community.

There are several factors to consider when examining community and transportation infrastructure within the area covered by this OCP. Most of the KCFN lands are remote and can be accessed only by air and water. Within the Plan area, Houpsitas is the only existing community centre and, outside of Fair Harbour, is the only area with community services and infrastructure including:

- ❖ wharf access
- ❖ a limited network of gravel roads and water taxi service
- ❖ hydroelectric power (supplied by Kyuquot Power Ltd.)
- ❖ internet and telephone
- ❖ septic and water systems
- ❖ garbage disposal
- ❖ social housing
- ❖ health centre
- ❖ school facility
- ❖ community hall
- ❖ visitor accommodation
- ❖ government administration offices

The Houpsitas Infrastructure Map shows the approximate location of present utility, transportation, community facilities, and infrastructure within Houpsitas. In 2002, Chatwin Engineering conducted a community survey to determine community infrastructure priorities. The results indicated that additional housing, community hall/cultural centre, community expansion, solid waste disposal, gym/sports field, and improvements to village and roads, longhouse, and health centre building were of highest priority. An informal Capital Projects and Infrastructure Assessment for the Houpsitas community centre was conducted with the OCP Advisory Group which confirmed that priorities remain similar.

Areas designated for **Comprehensive Mixed Use** allow for a variety of uses within the same area. The proposed institutional, transportation, and infrastructure uses combined under the Comprehensive Mixed Use designation are shown in maps 1, 9, and 11-13. Within the Comprehensive Mixed Use designation the following is included:



- ❖ Ha'wiih Pat (Institutional/Public Service Areas) - Community and public services, including schools, places of assembly, recreation facilities, cultural facilities, government offices, care facilities;
- ❖ Utilities and Transportation Areas - Major public utilities such as landfills, sewage management systems, energy supply systems, water reservoirs and major roads;
- ❖ Residential - Permits a range of housing types, ownership, and densities, which meet the diverse and changing needs of individuals and families of varying income levels, age groups, lifestyles, and abilities such as single family, duplex, and multi-family housing;
- ❖ Commercial - Service based commercial activities as well as activities such as retail, visitor accommodation, restaurants, and offices.

**Goal:** Inclusive, safe, and efficient community services, transportation, and infrastructure

### Objectives

- ❖ To promote the efficient movement of goods and people while making effective use of transportation and utility corridors;
- ❖ To ensure the safe disposal of solid, liquid, and hazardous wastes;
- ❖ To promote health and well-being;
- ❖ To encourage cultural knowledge and teachings within the community services provided.

### Community Buildings and Infrastructure Policies

- 1 In the future, once surveying and site assessments have been conducted for the Plan area, it is recommended that more detailed mapping be conducted so the official community plan may include geo-referenced and surveyed maps for the following:
  - a. Road access and expansion routes
  - b. Transportation Network for Active Transportation Routes
  - c. Public Utilities and Infrastructure including Solid Waste Disposal, Sewer and Water Systems within the Comprehensive Mixed Use designation.
- 2 Consider development of, or upgrades to, the following facilities:
  - a. Health clinic
  - b. Cultural centre
  - c. Recreation and youth centre (e.g.: gymnasium)
  - d. Dock and wharf area
- 3 Consider adopting innovative green building policies for KCFN government facilities such as the Green Building Policy for Regional District Facilities developed by the Regional District of Nanaimo.





- 4 Those with historic or contemporary land rights that may be particularly affected by any proposed development must be consulted as early as possible in the planning process.
- 5 Locate major institutional and significant public facilities that are intended to serve the entire community within or close to community centres. This includes lands for educational facilities, health-care centre, correctional institutes, and public docks.
- 6 A multi-use design philosophy, rather than single purpose, shall be considered in design and development of new public recreation and health care facilities.
- 7 Support community facilities and infrastructure development in community centres that:
  - a. maintain the coastal 'sense of place' and are aesthetically pleasing
  - b. ensure design and construction that is compatible with the KCFN culture and the natural environment.
- 8 The KCFN Government will determine culturally appropriate locations for Ka:'yu:'k't'h' and Che:k'tles7et'h' First Nations cemeteries. For example, historical gravesites were established away from human habitation.
- 9 Ensure backup power supply is adequate to accommodate emergency needs and future expansion.
10. Consider partnerships when developing health and safety plans such as:
  - a. Emergency preparedness plan/Medical safety plan
  - b. Urban/Wildfire interface plans
  - c. Dangerous wildlife protection plan
  - d. Solid and liquid waste management plan
  - e. Community Watershed management plan
  - f. Air quality management plan
  - g. Environmental Management plan
11. Emergency preparedness planning/medical safety planning is a priority and plans should consider the following concerns, identified by the Ha'wiih Advisory Council:
  - a. location of a building that includes first aid materials and emergency food and water,
  - b. location of a helicopter landing pad,
  - c. warning systems/sirens in the case of extreme weather events,
  - d. an initial response plan for medical emergencies,
  - e. covered emergency transport vehicle-a vehicle is required to safely transport people to the helicopter pad for evacuation.
  - f. support for first aid training at higher levels (such as OFA level 3)
  - g. development of a list to identify type and level of First Aid and health training held by citizens in community centres. For example KCFN fishers are required to have First Aid.
12. Support and enhance partnerships with neighbouring First Nations, Strathcona Regional District, Provincial and Federal governments, and regional health authorities to develop emergency services.



## Transportation Policies

- 1 Integrate and support the use of alternative transportation to reduce energy use, net energy generation and greenhouse gas (GHG) emission.
- 2 Consider the role of existing historic resource access roads throughout the Ka:'yu:'k't'h'/Che:k'tles7et'h' lands in achieving a number of goals including wildfire control, forest management, and hunting, fishing, and gathering opportunities.
- 3 Consider transportation networks of pathways and trails to connect neighbourhoods, destinations, facilities, and activity centres in new developments.
- 4 Support and enhance the existing pedestrian activity/movement within community centres.
- 5 To support bicycling and other low impact types of transport within and between the commercial and residential areas, consider the development and integration of continuous and safe cycling infrastructure into existing and proposed road and trail improvements.
- 6 KCFN shall strive to increase shared transportation by:
  - a. providing infrastructure associated with public transit, including boats, small buses (for example a sea-bus or 15-passenger transport vehicle), covered shelters, and pedestrian routes, in order to increase accessibility.
  - b. supporting local entrepreneurs who wish to provide shared transportation and taxi services on land and water.
- 7 KCFN will complete a Public Safety Act and this Act shall include regulations and enforcement procedures to ensure drivers must have a valid driver's license and vehicle insurance.
- 8 KCFN will support and improve road networks, within and to, community centres by working to ensure:
  - a. safe and efficient access for emergency transportation. For example, the road to the helicopter pad could be widened to two lanes so emergency transport can get through.
  - b. road maintenance is regular,
  - c. any damage to roads, from development and building projects, must be repaired at the cost of the developer/contractor.



## Waste Management Policies

- 1 KCFN will encourage waste reduction, composting, waste diversion and recycling.
- 2 Provincial and Federal Government guidelines will inform the development of regulatory tools such as setbacks for buildings and solid waste or sewage disposal systems adjacent to watercourses, water bodies and ocean frontage, and the removal of vegetation from these areas.



- 3 KCFN will encourage appropriate disposal of derelict cars, trucks, boats, motors, and machinery to eliminate related leaks and spills of petroleum product and other waste.
- 4 KCFN will develop a transfer process and/or facility to ensure the safe handling and storage of sewage, solid and hazardous waste, to include additional recycling options, and to consider green technologies.
- 5 KCFN will continue to explore opportunities to partner with the Strathcona Regional District to ensure effective sewage systems and solid waste management services are implemented.

### Water Supply Policies

- 1 Land use activities that require the disposal of waste, including sewage effluent, should be prohibited where those uses would potentially impair the quality of, fish bearing streams/rivers, surface or ground water resources to the detriment of existing or future users.
- 2 KCFN will ensure water supply to existing users and require proof of an adequate, year round potable water supply for new developments.
- 3 KCFN will work to protect essential watershed areas from housing development or commercial or industrial activities that could impair fresh water supplies or harm fish bearing streams/rivers.
- 4 Design and construction of roads and other forms of development should minimize the risk of contamination and the disruption to natural watercourses, runoff, groundwater, and fish bearing streams/rivers.
- 5 Expand current capacity for water storage and distribution to accommodate future demands.
- 6 Continue to monitor and test water treatment, water quality, and water safety.

## 4.8 Environmentally Sensitive and Hazardous Areas



There are many areas within KCFN lands with steep slopes, rocky outcrops, lakes, wetlands, and water courses. This designation has been developed, and is justified, by a number of factors including: values established within the community that indicate a desire for development that is safe and sustainable; protection of the inherent values in the natural environment; protection of the features, functions, and conditions vital for stream health and productivity; reducing and avoiding erosion hazards and; protecting property infrastructure and private property.



**Goal:** A built landscape that is in harmony with the natural environment.

### Objectives

The purpose of the designation is:

- ❖ to protect environmentally sensitive areas;
- ❖ to protect the quality and quantity of ground water and surface water; and
- ❖ to develop settlement patterns that minimize the risks associated with natural hazards.

### Policies

- 1 KCFN will work to identify Development Permit Areas (DPA) to protect areas within the OCP that are environmentally sensitive to development or that are subject to hazardous conditions as identified. This includes, but is not limited to: tsunami zones and 200 year floodplains, steep and/or unstable slopes, riparian areas, sensitive fish habitat areas, habitat areas for species at risk, wetlands and the coastal shoreline.
- 2 KCFN will work to complete environmentally hazardous and sensitive area mapping.
- 3 Continue to engage in studies to determine environmentally sensitive and/or environmentally hazardous areas when feasible. The M<sup>uq</sup>in /Brooks Peninsula Park Shoreline Sensitivity Study (2013) is an example of this type of work.
- 4 KCFN will establish guidelines through zoning law to specify restrictions on development in areas identified as environmentally sensitive or hazardous.
- 5 Zoning and Structures Acts shall consider including the following:
  - a. Due to the safety hazards associated with steep slopes, building shall be discouraged on slopes exceeding 30%. A geotechnical assessment done by a qualified professional may be required for all construction on slopes between 20% to 30%.
  - b. New development near escarpments that have a slope in excess of 30% shall be set back at a site-specific distance. In no case shall new development be less than 15 metres from the top or the toe of the slope in order to reduce the impact of erosion and slumping. The only exception is for trails and viewpoints.
- 6 Consider the floodplain and tsunami zone when reviewing proposals for development.
- 7 Consider implementing legislation developed in the Green Bylaws document for conserving sensitive ecosystems and green infrastructure.
- 8 Develop guidelines or legislation dictating the distance required between a shoreline or high-water mark and adjacent development (riparian setbacks) that exceed provincial standards.
- 9 KCFN will work to address erosion issues especially along the foreshore in areas where development exists and where development is planned.



## 4.9 Culturally Significant Areas

Within the Ka:'yu:'k't'h'/Che:k'tles7et'h' lands, there are many culturally significant areas with varying degrees of sensitivity. Much work has been done within the Nations, working closely with KCFN Elders and Hereditary Chiefs, to develop three levels of cultural sensitivity.

Cultural and Heritage Resources Mapping is currently in progress. Due to the confidential nature of this information, the maps have not been included within this document but must be viewed as an integral part of any development process.

**Goal:** Preservation of culturally significant and sensitive sites and areas.

### Objectives

- ❖ to protect culturally significant and sensitive areas;
- ❖ to protect culturally modified trees (CMTs)
- ❖ to promote good stewardship of sites and structures with cultural heritage value.

### Policies

- 1 Any development project must consider culturally significant areas, site, and structures on all lands and foreshore and culturally modified trees:
  - a. identified by KCFN,
  - b. on the Cultural and Heritage Resources maps.
- 2 KCFN will continue efforts to develop mapping and to develop zoning laws to further protect culturally significant areas through the creation of a Culturally Significant Areas Development Permit Area.
- 3 KCFN will continue efforts to reduce access to culturally significant sites by Kayakers and other visitors to KCFN lands. KCFN will consider exploring creative ways to reduce access such as:
  - a. developing a KCFN recreation map of KCFN approved areas for kayakers and recreational boaters to visit.
  - b. continued work with BC parks to focus tourism activities in areas away from culturally significant sites.





## 4.10 Development Permit Areas (DPA)

Development permit areas (DPA) may be employed to achieve some of the objectives identified in the official community plan. A DPA can be designated to protect values that have been identified within the community. This OCP recommends the development of two types of DPAs- Environmental, and Cultural. As stated in the KCFN Planning and Land Use Management Act, DPA designations are not effective until guidelines respecting the manner by which the special conditions or objectives will be addressed are specified. As the guidelines referred to were not established at the time of this OCP, they must be specified by zoning law(s). Once zoning laws have been adopted, DPA designations may come into effect.

### ENVIRONMENTAL DEVELOPMENT PERMIT AREA

In the environmentally sensitive and hazardous areas policies section within this OCP, the KCFN is encouraged to establish development permit areas to further ensure protection of the Ka:'yu:'k't'h'/Che:k'tles7et'h' lands, water, and people. Detailed mapping and zoning must be undertaken in order to develop the guidelines for this DPA.

### Policies

- 1 If development is proposed in an area identified as an Environmentally Hazardous or Environmentally Sensitive DPA, the following prohibitions apply unless an exemption applies or an owner first obtains a development permit as described in Part 5 of the KCFN Planning and Land Use Management Act:
  - a. Ka:'yu:'k't'h'/Che:k'tles7et'h' lands within the area must not be subdivided;
  - b. Construction of, addition to or alteration of a building or other structure must not be started;
  - c. Ka:'yu:'k't'h'/Che:k'tles7et'h' lands within an area designated under a DPA must not be altered; and
  - d. Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore within DPA area or a building or other structure on that land or foreshore, must not be altered.

### CULTURALLY SIGNIFICANT AREAS DPA

To further protect culturally modified trees and areas identified by KCFN as culturally significant, KCFN is encouraged to establish guidelines for DPA areas.

### Policies

- 1 The Culturally Significant DPA will apply to all lands and foreshore in the Official Community Plan area identified as culturally significant or sensitive.
- 2 If development is proposed for a site that is determined to be a Culturally Significant DPA the following prohibitions apply, unless there is an exemption or an owner first obtains a development permit as described in Part 5 of the KCFN Planning and Land Use Management Act:



- a. Ka:'yu:'k't'h'/Che:k'tles7et'h' lands within the area must not be subdivided;
  - b. construction of, addition to or alteration of a building or other structure must not be started;
  - c. Ka:'yu:'k't'h'/Che:k'tles7et'h' lands within an area designated under a cultural DPA must not be altered; and
  - d. Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore within cultural DPA area or a building or other structure on that land or foreshore, must not be altered.
- 3 KCFN will establish guidelines through zoning law to specify restrictions on development near CMTs and in areas identified as culturally significant or sensitive according to:
- a. KCFN identification
  - b. Cultural and Heritage Resources mapping.

#### 4.11 Climate Change Mitigation & Green House Gas Reduction

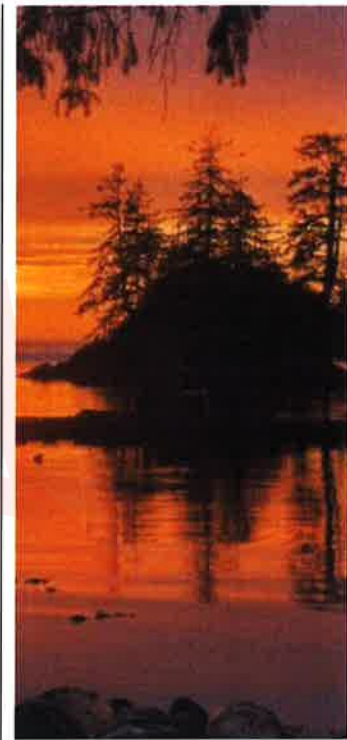
Coastal planning in response to climate change is increasingly important for coastal communities there are several considerations when discussing climate change and greenhouse gases (GHG).

- ❖ **Climate change** as a change in the mean state of the climate, or in climate variability, that persists for decades or longer. Thus climate change can mean general warming in mean annual air temperature, or warmer winters, but also changes in the frequency and intensity of extreme weather events, including heat waves, heavy rain and snow storms, and drought. The global climate has changed over long periods of time as a result of natural causes. However, more recent and rapid climate change is being attributed to human activities, such as burning fossil fuels and land use changes."

*-The Intergovernmental Panel on Climate Change*

- ❖ Greenhouse gases (GHG) are chemical compounds found in the Earth's atmosphere that allow sunlight to enter the atmosphere freely. Greenhouse gases absorb infrared radiation and trap heat in the atmosphere. Over time, the amount of energy sent from the sun to the Earth's surface should be about the same as the amount of energy radiated back into space, leaving the temperature of the Earth's surface roughly constant.

*-USA National Energy Information Center (NEIC)*



*Hishuk-is-Ts'awalk  
Everything is one*





The connection between local greenhouse gas levels and climate change has been recognized as a global trend. In British Columbia, several municipalities have signed the BC Climate Action Charter, making a commitment to:

- ✓ measure and report on greenhouse gas emissions in their community;
- ✓ create compact, more energy efficient communities.

By measuring greenhouse gas emissions communities work toward managing emissions, and related energy, fuel, and paper consumption. Measuring and managing emissions can result in efficiencies and cost savings.

**Goal:** Nations actively and deliberately managing the impacts of climate change and reducing contributions to climate change.

### Objectives

- ❖ To plan for an adequate energy supply and to promote conservation and efficient energy use.
- ❖ To plan for alternative forms of energy.
- ❖ To reduce and prevent air, land and water pollution.
- ❖ To give consideration to the impacts of climate change in all land use decisions and assess the risks and vulnerabilities of climate change.
- ❖ To reduce greenhouse gas (GHG) emissions.

### Policies

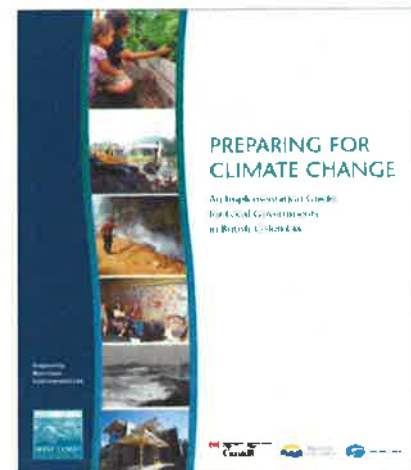
These policies apply to all land use designations:

- 1 Assess the impacts of climate change on the community and explore climate change adaptation strategies that would strengthen community resiliency to climate change.
- 2 KCFN Government will strive to be a leader in climate change mitigation and adaptation, by aiming to integrate best practices in government buildings and operations, such as infrastructure development, social housing, energy efficiency, climate change action, solid waste management, and other initiatives. Energy efficiency policies for government buildings and social housing will be considered and implemented when possible.
- 3 KCFN will buffer shorelines and develop strategies to mitigate a rise in sea level.
- 4 KCFN will consider Energy efficiency legislation such as the Vancouver Energy Utilization bylaw to regulate energy efficiency in commercial and residential buildings.
- 5 Consider development permit areas designed to promote energy and water conservation to help communities to be more resilient to climate change impacts like water shortages and potential disruptions in centralized energy supply due to heavy seasonal demand or extreme weather events.
- 6 The KCFN Planning and Land Use Management Act states that an OCP must include targets for the reduction of greenhouse gas emissions in the area covered by the Plan and must include policies and actions proposed with respect to achieving those targets. Without a



- baseline study of greenhouse gas emissions that the nation currently emits accurate targets cannot be set at this time. Once this study has been done, green policies such as those outlined in the *BC Climate Action Toolkit for Municipalities* should be considered.
- 7 The KCFN Government shall conduct a study to determine current GHG emissions and which activities on the OCP lands are contributing the most to GHGs. Within the community, greenhouse gas emissions may be generated by such things as: fossil fuel energy use; transportation (such as vehicle kilometres travelled, fleet composition and fuel(s) consumed); and the quantity and composition of waste and disposal methods. Emission reduction targets, set by local governments, should be meaningful and achievable relative to the community.
  - 8 Methodology for measuring and recording GHG emissions are outlined in a document developed by the Ministry of Environment in 2012, titled "BC Best Practices Methodology for Quantifying Greenhouse Gas Emission: Including Guidance for Public Sector Organization, Local Governments, and Community Emissions." The document is available at: <http://www.livesmartbc.ca/community/charter.html>.
  - 9 The KCFN Government shall continue to explore and support the use of alternative energy resources and technologies including, but not limited to systems using: passive energy, geothermal, solar thermal, solar photovoltaics, wind, tidal, solar photovoltaic, and hydro.

Additional areas for Act and legislation development have been addressed throughout the policy sections in Part 4 of this document. To increase community resiliency, several of the policy areas discuss Climate Change. Assessing the effect of this global trend on a more local scale and determining the impacts on the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations lands will allow the Nation to prepare and adapt to changes in climate that may increase vulnerability. There are several resources for climate change mitigation and greenhouse gas (GHG) reduction. A report by West Coast Environmental Law, titled *Preparing for Climate Change: An Implementation Guide for Local Governments in British Columbia* (shown right), has various approaches for climate change mitigation for governments who are at different stages of assessing climate change effects and impacts on the community.



**Preparing for Climate Change: An implementation guide for local governments in British Columbia is an excellent resource.**

## Part 5: Implementing the Plan and Adaptive Management



Plan Adoption  
Plan Implementation  
Plan Monitoring and Evaluation  
Plan Amendments



## 5 Implementing the Plan and Adaptive Management

**Goal:** Successful implementation of the Official Community Plan

### Objectives

- ❖ To encourage public participation in the planning and community development process.
- ❖ To implement and amend the OCP in a timely and coordinated manner.

### Policies

- 1 Develop an Official Community Plan implementation plan following the adoption of this OCP that identifies priorities for actions and timelines over short (five year) and medium (ten year) time frames.
- 2 Establish detailed regulatory and financial instruments such as acts, regulations, codes and budgets.
- 3 Establish a process for review of the OCP that incorporates Plan adaptability and community resiliency.
- 4 Continue to seek partnerships and innovative methods for funding implementation.
- 5 Undergo a periodic update of the Plan (e.g. every 5-10 years).

### 5.1 Plan Adoption

Authority to adopt the Official Community Plan lies with the Legislature. Once the Official Community Plan is adopted by the Legislature, as outlined in the Planning and Land Use Management Act, any development or use of KCFN lands will be in accordance with the OCP.

Please note the following, described in detail in the KCFN Planning and Land Use Management Act:

- ❖ An official community plan does not commit or authorize the Ka:'yu:'k't'h'/Che:k'tles7er'h' government or any person to proceed with any project that is specified in the plan.
- ❖ The Legislature may consider a proposed official community plan in conjunction with any other land use planning and with any social, economic, environmental or other community planning and policies that the Legislature considers relevant.



- ❖ All Acts or works undertaken by the Ka:'yu:'k't'h'/Che:k'tles7et'h' government after the adoption of an official community plan must be consistent with this OCP.

## 5.2 Plan Implementation

The OCP is intended to provide long range guidelines for sustainable community planning and development. The Legislature will establish regulatory and financial tools to facilitate the implementation of the OCP.

Throughout the Official Community Plan process, community engagement and involvement is extremely important. For an OCP to be successful, the community must also have input and be involved in Plan implementation.

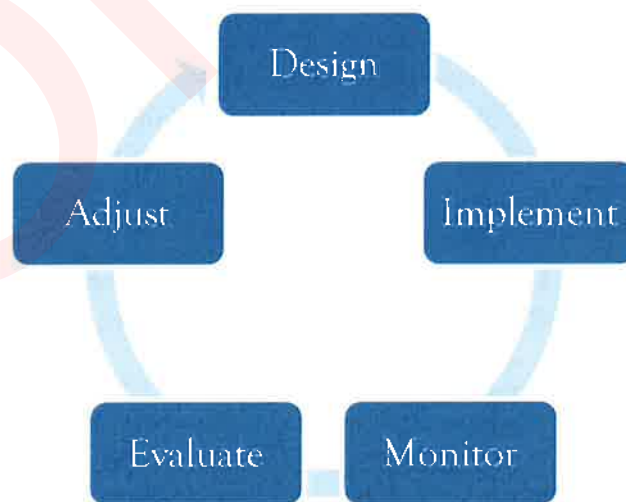
Comprehensive review of the OCP shall occur on a regular basis (five - ten years). On an ongoing basis, an adaptive management approach (discussed in more detail below) can be employed to ensure that the Plan is responsive to changing circumstances, both global and local, that have occurred over time.

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations are working to develop a Zoning and Structures Act as part of a joint Maa-nulth first Nation project during this current fiscal year.

## 5.3 Plan Monitoring and Evaluation

A process for regular plan review, monitoring and adjustment will enable the Ka:'yu:'k't'h'/Che:k'tles7et'h' government to respond to new information, and to anticipate and adapt to change. Adaptive Management acknowledges that global and local circumstances and influences can result in social, cultural, economic and ecological changes within the local community.

This approach is a formal process for improving management policies and practices by learning from their outcomes. In the Adaptive Management Framework (shown right), plan implementation, monitoring, evaluation and adjustment is a cycle, where amendments are made in response to emerging trends and major change. Adaptive Management anticipates that policies and practices may change and that successful communities will establish a process to support necessary change.



### Adaptive Management Framework

Source of diagram -

<http://www.for.gov.bc.ca/hfp/amhome/Admin/index.htm>



*Adaptive Management: An Example Approach for KCFNs*

*Policy from section 4.8 Climate Change Mitigation & GHG Reduction indicates that KCFN will assess the impacts of climate change on the community and explore climate change adaptation strategies that would strengthen community resiliency to climate change. As needs are indicated, based on the assessment, KCFN may wish to develop policies where a need has been identified. For example, if at present water supply is not an issue, but over time it becomes a concern, due to housing demand or climate change, KCFN may wish to include, in the Plan, policies to adapt to water shortages such as improving water conservation and planting drought tolerant species. As well allowing and adjusting for increased risk factors, adaptation may also include strategies for responding to new opportunities. For example, a longer growing season, as a result of climate change, may present opportunities for local agriculture.*

### 5.4 Plan Amendments



*Amendments must be in accordance with the consultation and public hearing requirements outlined in sections two and three.*

*Certain parts and sections of the Official Community Plan may only be amended after the Legislature holds a public hearing on the proposed amendment in accordance with Part 3, and by an affirmative vote of at least two-thirds of the members of the Legislature present and voting.*

To ensure the Official Community Plan reflects significant changes that occur within the community, as well as external risks such as climate change, and global economic instability, review of and amendments to the OCP will occur. While monitoring, review, and evaluation are part of a continual process throughout the life of the Plan, amendments and significant changes to the Plan must follow the amendment procedures, including consultation and public hearing, outlined in the KCFN Planning and Land Use Management Act.

KCFN may undertake a review of this plan or make strategic amendments to its content outside the standard review cycle (every 5 years) in response to major change, unforeseen events, new opportunities and other matters.

KCFN is currently involved in strategic planning and is developing aspects of self-government since the Maa-nulth First Nations Treaty was ratified April 1, 2011 including plans for:

- Housing
- Economic Development Plan
- Forestry Plan
- Fisheries Strategic Plan
- KCFN Strategic Plan

Once completed, strategic planning work will help to further define, in more detail, areas of the KCFN lands that have been designated Resource Stewardship Lands and Comprehensive Mixed Use.



## Mapping, Glossary & Appendices



Glossary

OCP Plan Maps

Appendix 1: Written Report of Public Hearing



## Glossary

Term	Definition
200 Year Floodplains	The area that can be expected to flood, on average, once every 200 years.
Act	An Act of the Legislature, parliament, a legislature or any other similar legislative body of government, whether referred to as a statute, code, legislation or by any other name.
Active Transportation	Any form of human-powered transportation, such as walking, cycling, using a wheelchair, in-line skating, or skateboarding.
Affordable Housing	Housing where the rent or mortgage plus taxes is 30 percent or less of a household's gross annual income. Households that have no option but to pay more than 30 percent of their gross income on shelter expenditures in reasonable condition and of appropriate size, are households that are in need of affordable housing.
Bond	A written guarantee in regards to the fulfillment of a legal obligation. A written promise of one person to do something or to pay a sum of money to a specified person, on either a certain date or upon the occurrence, or barring the occurrence, of a specified event.
Buffer/Vegetated Buffer	A landscaped or natural area intended to separate one land use from another to improve land use compatibility and environmental quality. Buffer areas can help by reducing noise, lighting glare and other nuisances, or by facilitating natural drainage and wildlife movement.
Climate Change	Change in the mean state of the climate, or in climate variability, that persists for decades or longer. Thus climate change can mean general warming in mean annual air temperature, or warmer winters, but also changes in the frequency and intensity of extreme weather events, including heat waves, heavy rain and snow storms, and drought. The global climate has changed over long periods of time as a result of natural causes. However, more recent and rapid climate change is being attributed to human activities, such as burning fossil fuels and land use changes.
Community Gardens/Greenhouses	Parcels of land divided into small plots for local residents to grow their flowers, fruit, and vegetables. Community gardens can also be located within an enclosed structure such as a community greenhouse.
Complete Community	Well-designed, compact neighbourhoods that allow residents to live, work, shop and play in close proximity. People can easily access daily amenities, and local businesses are supported.
Development	Activities involved in cutting, alteration, disruption or destruction of vegetation; disturbance of soil; deposit of soil or other material; construction or erection of buildings or structures; creation of impervious surfaces; installation of flood protection or drainage works; construction of roads, trails, and utility corridors; provision and maintenance of sewer and water services; development of utility corridors; subdivision.
Development Permit Areas (DPAs)	An area designated pursuant to the KCFN Planning and Land Use Management Act where approval of a development permit is required before a building permit can be issued or a subdivision is approved with specified exemptions.



Term	Definition
Duplex	Two residential dwellings, designed for occupancy by no more than two households, placed one above the other or side by side in a principal building on a single parcel.
Environmentally Hazardous	Areas where damage to people and property may occur such as steep slopes and areas within flood and tsunami zones.
Environmentally Sensitive	Areas with low tolerance to human disturbance where slight alterations would result in functional or structural changes to the ecosystem with potentially negative impacts.
Greenhouse Gas Emissions (GHG)	Chemical compounds found in the Earth's atmosphere that allow sunlight to enter the atmosphere freely. Greenhouse gases absorb infrared radiation and trap heat in the atmosphere. Over time, the amount of energy sent from the sun to the Earth's surface should be about the same as the amount of energy radiated back into space, leaving the temperature of the Earth's surface roughly constant.
Foreshore	In general, foreshore means the land between high and low water mark. In relation to Ka:'yu:k't'h'/Che:k'tles7et'h' First Nations, foreshore means those provincial Crown lands adjacent to the Ka:'yu:k't'h'/Che:k'tles7et'h' First Nations lands as identified in a Foreshore Agreement and also includes Submerged lands wholly contained within the outer boundaries of Ka:'yu:k't'h'/Che:k'tles7et'h' First Nations Lands.
Green Corridors/ Greenways	A passage that connects natural areas and communities, associated with watercourses, trails, and transportation routes which provide wildlife habitat and increase recreational opportunities.
Green Spaces	Natural and semi-natural areas, both land and water, that are of ecological, scenic, renewable resource, outdoor recreation and/or greenbelt value. These areas are considered to have high ecological and/or social value as green spaces. Refer also to open space.
Hazardous Waste	Waste that is mostly generated by industrial activities and driven by specific patterns of production. It represents a major concern as it entails serious environmental risks if poorly managed: the impact on the environment relates mainly to toxic contamination of soil, water and air.
Infrastructure	The 'hard' services associated with development; e.g., roads, trail ways, storm drains, water, sewer, etc.
Institutional Uses	Lands used for (but not limited to) educational, administrative, public safety, civic, health care, religious, cultural, sports and recreational facilities, parks, and assembly purposes.
Landscape Buffer	Areas containing any combination of grass, trees, bushes, shrubs, vines, plants, flowers, bark mulch and the like, provided and maintained to enhance and embellish the appearance of the property.
Land Use	Category of activity present on the land.
Mitigation	Measures taken during the planning, design, construction and operation of works and development to alleviate potential adverse effects on natural habitats.



Term	Definition
Multi-Family Dwelling	Any building containing more than three (3) or more dwelling units on a parcel, and includes (but is not limited to) triplexes, townhouses and apartments.
Open Space	Lands on which structures for residential, commercial, institutional or industrial use are not located and are important to the community for their aesthetic, recreational, or ecological value. Lands may be in a 'natural' state (e.g. nature parks, reserves, or undevelopable lands such as flood plains, beaches and wetlands) or 'developed' state (e.g. playing fields, boulevards, squares, plazas, and cemeteries). Refer also to green space.
Plan	In its singular, and unless otherwise stated, means the Official Community Plan of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations.
Policy	A plan or course of action, adopted by a government, political party, or business, intended to influence and determine decisions, actions, and other matters. In the OCP, policies are meant to guide decisions in order to meet the vision, goals, and objectives of the Plan.
Public (access, accessibility, or transportation)	As stated in the KCFN Planning and Land Use Management Act, "public" means (a) Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens, (b) individuals ordinarily resident on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands, and (c) any person who reasonably believes that their interest in Ka:'yu:'k't'h'/Che:k'tles7et'h' lands may be affected by a proposal to adopt an official community plan, a zoning law or an amendment to the Planning and Land Use Management Act.
Qualified Professional	An applied scientist or technologist, or a team thereof, specializing in a particular applied science or technology including, but not limited to, ecology, agronomy, biology, chemistry, engineering, geology or hydrogeology and, (a) who is a registered member in good standing in BC of their appropriate professional organization, is acting under that organization's Code of Ethics and is subject to disciplinary action by that organization, and (b) who, through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice only within their area of expertise, and (c) who carries sufficient Professional Liability Insurance and General Liability Insurance to defend any recommendations made to the municipality in court and pay the fine if convicted, and (d) whose area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and (e) is acting within that particular area of expertise.
Resource Extraction	Digging up and removing materials or substances such as minerals that are used for specific purposes and can be used for economic gain.
Reclamation	The process of reconvertng disturbed land to its former or other productive uses.
Restoration	Measures taken to re-establish habitat features, functions and conditions damaged or destroyed by human or natural activities.
Riparian	The area adjacent to streams, wetland and lakes that is wet enough or inundated frequently enough to develop or support vegetation cover distinct from the vegetation in neighbouring freely drained areas.



Term	Definition
Riparian Setback	Guidelines or legislation dictating the distance required between a shoreline or high-water mark and adjacent development.
Setback	The distance which a building or other structure is set back from a street or road, a property line, a river or other stream, a shore or flood plain, or any other place which needs protection. Other items such as landscaping, septic tanks, fuel tanks, and various potential hazards or nuisances also require setbacks. Setbacks can be set out in the OCP and in the Zoning and Structures Act.
Single-Unit Dwelling	Any detached building consisting of one dwelling unit containing only one kitchen with cooking facilities, which is occupied or intended to be occupied by one household only.
Solid Waste	Garbage, refuse, rubbish, litter and other discarded materials resulting from residential, commercial, institutional and industrial activities which are commonly accepted at a municipal solid waste management facility, mixed or unmixed. This would generally exclude industrial processing waste and agricultural waste.
Stormwater and Stormwater Runoff Management	The collection and removal of rain water from roadways and surfaces through a combination of gutters, ditches, and stormwater piping. Trees can provide natural stormwater management.
Subdivision	The process of dividing a parcel of land into two or more parcels.
Sustainability or Sustainable Development	The concept of meeting the needs of the present without compromising the ability of future generations to meet their needs. It is based on the efficient and environmentally responsible use of natural, human and economic resources; the creation of efficient infrastructures, and the enhancement of residents' quality of life.
Wildlife Corridors	An area of habitat connecting wildlife populations separated by human activities or development which allow an exchange of individuals between populations, or allow populations to move between one habitat and another.
Zoning	A regulatory tool that provides specific standards for density, use, parking, siting, size and height of buildings on specific parcels of land.



## Plan Mapping

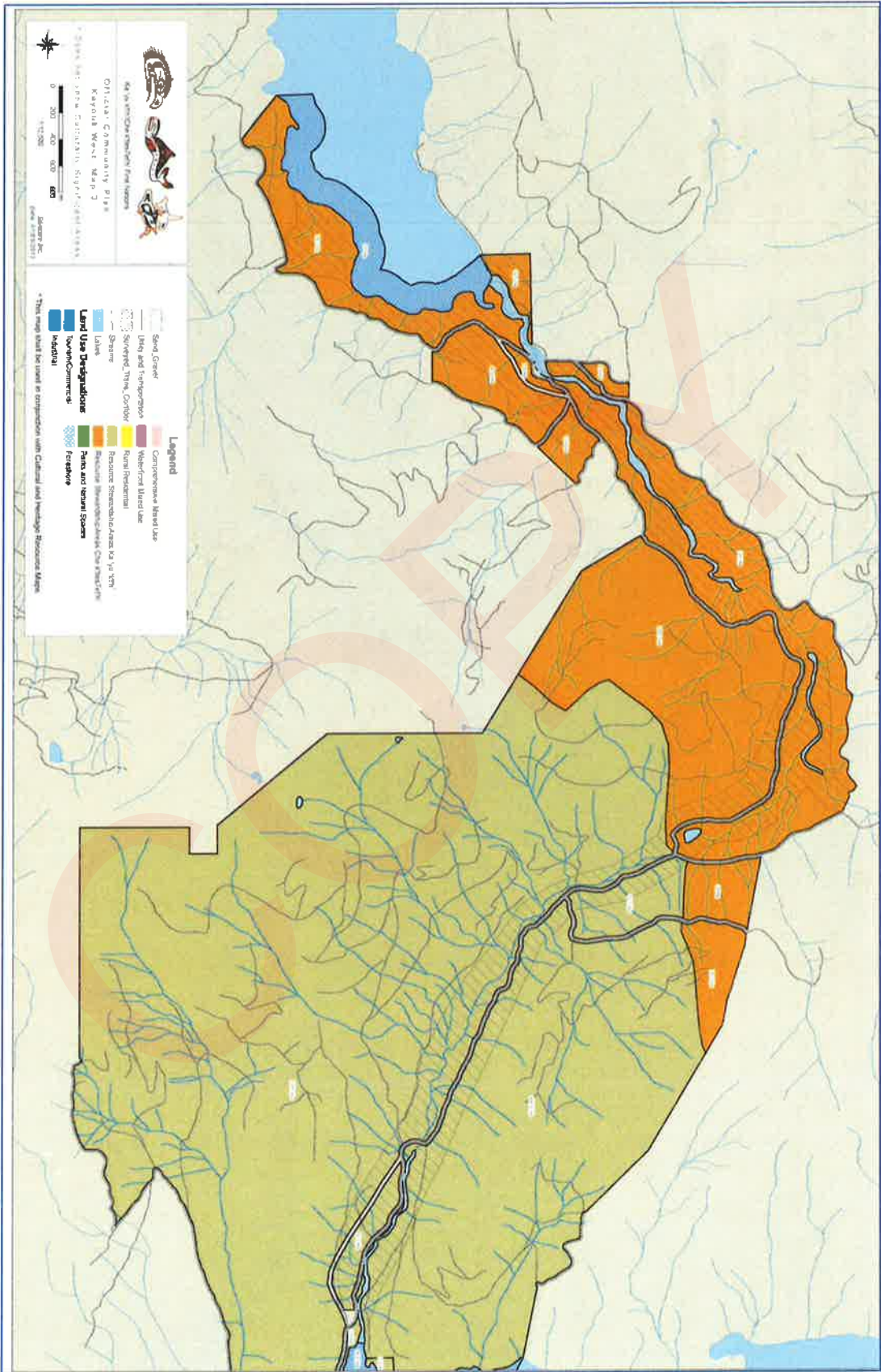
Including the overview map, there are 15 maps with land use designations covering all of the Ka:'yu:'k't'h'/Che:k'tles7et'h' Lands. In addition a map of Houpsitas is included to indicate the existing infrastructure in the area. Finally, an orthophoto of Fair Harbour provides visual representation of both the land use designations and of the existing infrastructure. The maps are in the following order

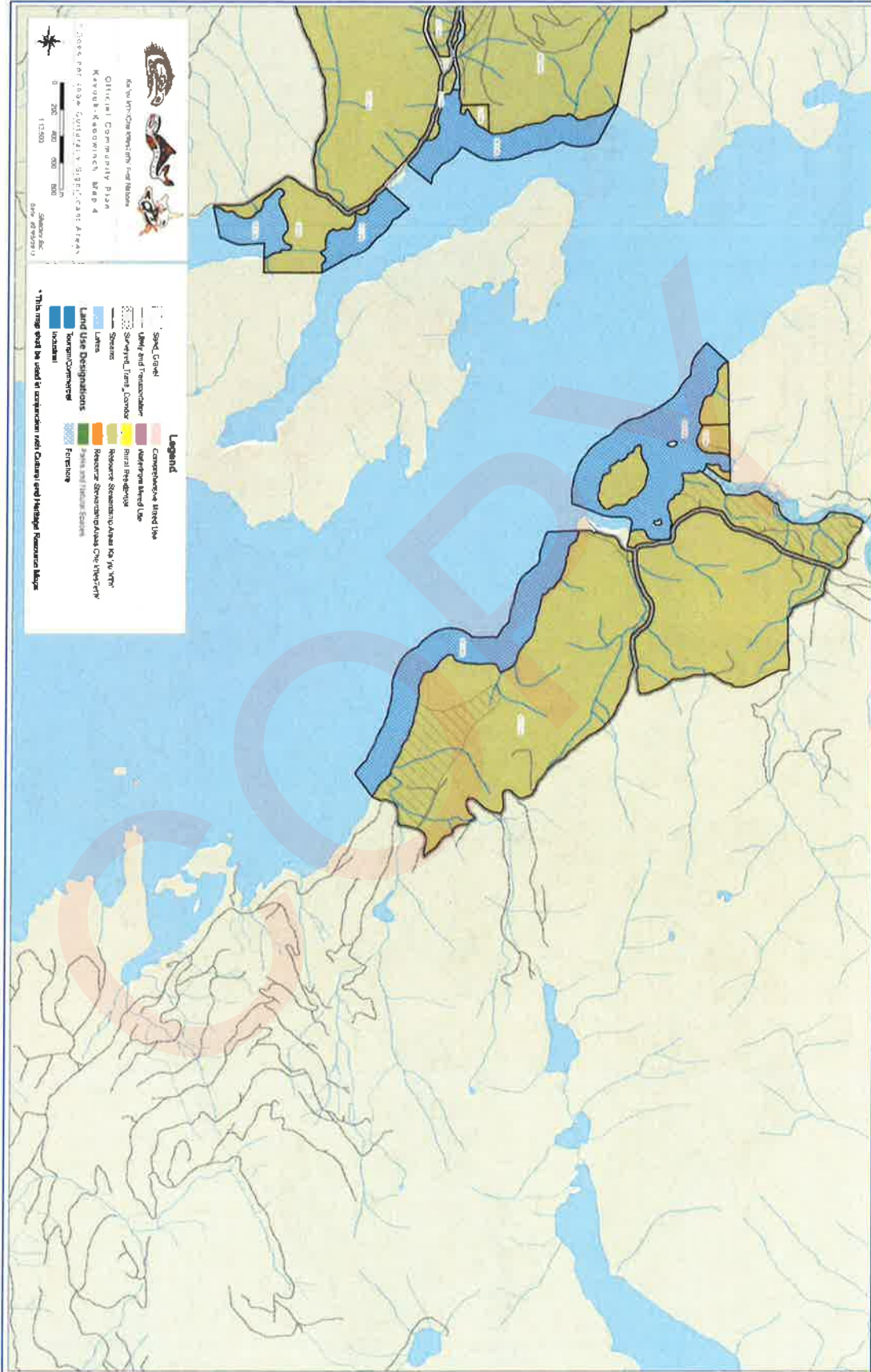
- KCFN Overview Map
- Map 1: Ououkinish
- Map 2: Kashutl
- Map 3: Kayouk West
- Map 4: Kayouk-Kaoowinch
- Map 5: Tahsish-Artlish
- Map 6: Acous-Mahope
- Map 7: Upsowis-Outer Malksope
- Map 8: Chamiss
- Map 9: Fair Harour-Markale
- Map 10: Quin-E-Ex
- Map 11: Black Sand Beach-McKay
- Map 12: Aktis-Mission-Spring Islands
- Map 13: Union-Amos Island East
- Map 14: Amai-Cachalot-Narrow Gut
- Houpsitas Infrastructure Map
- Fair Harbour Orthophoto









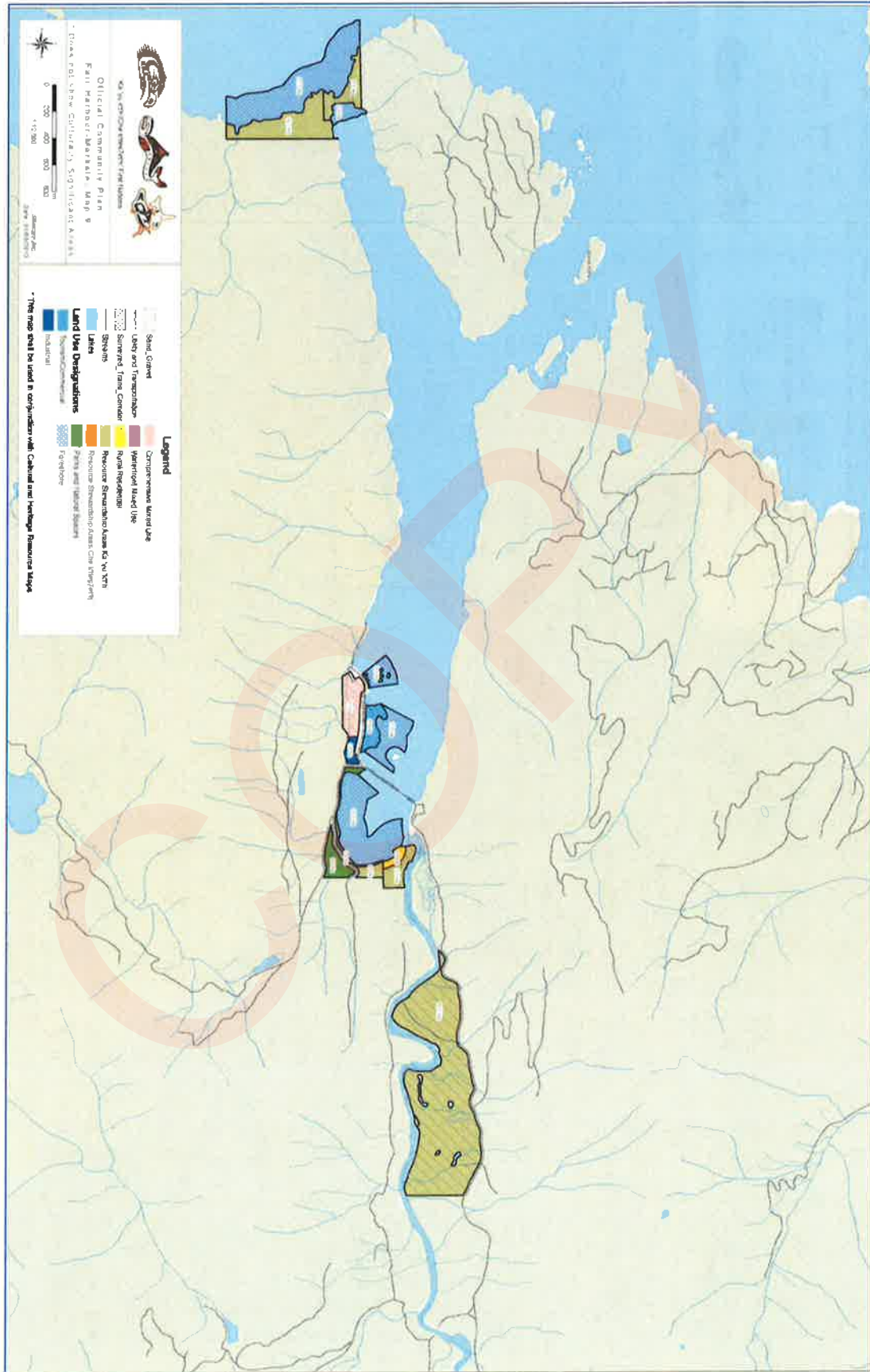


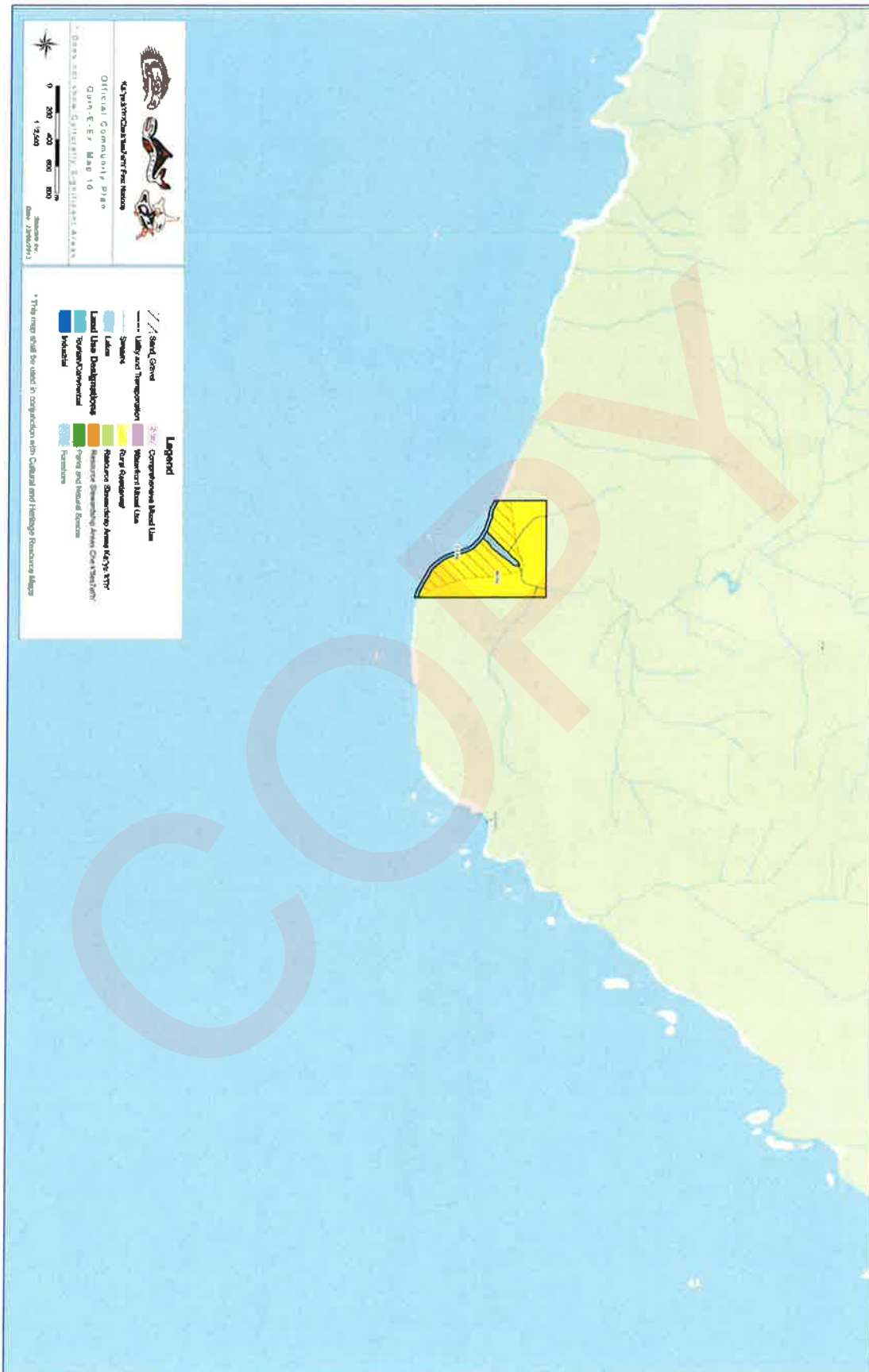


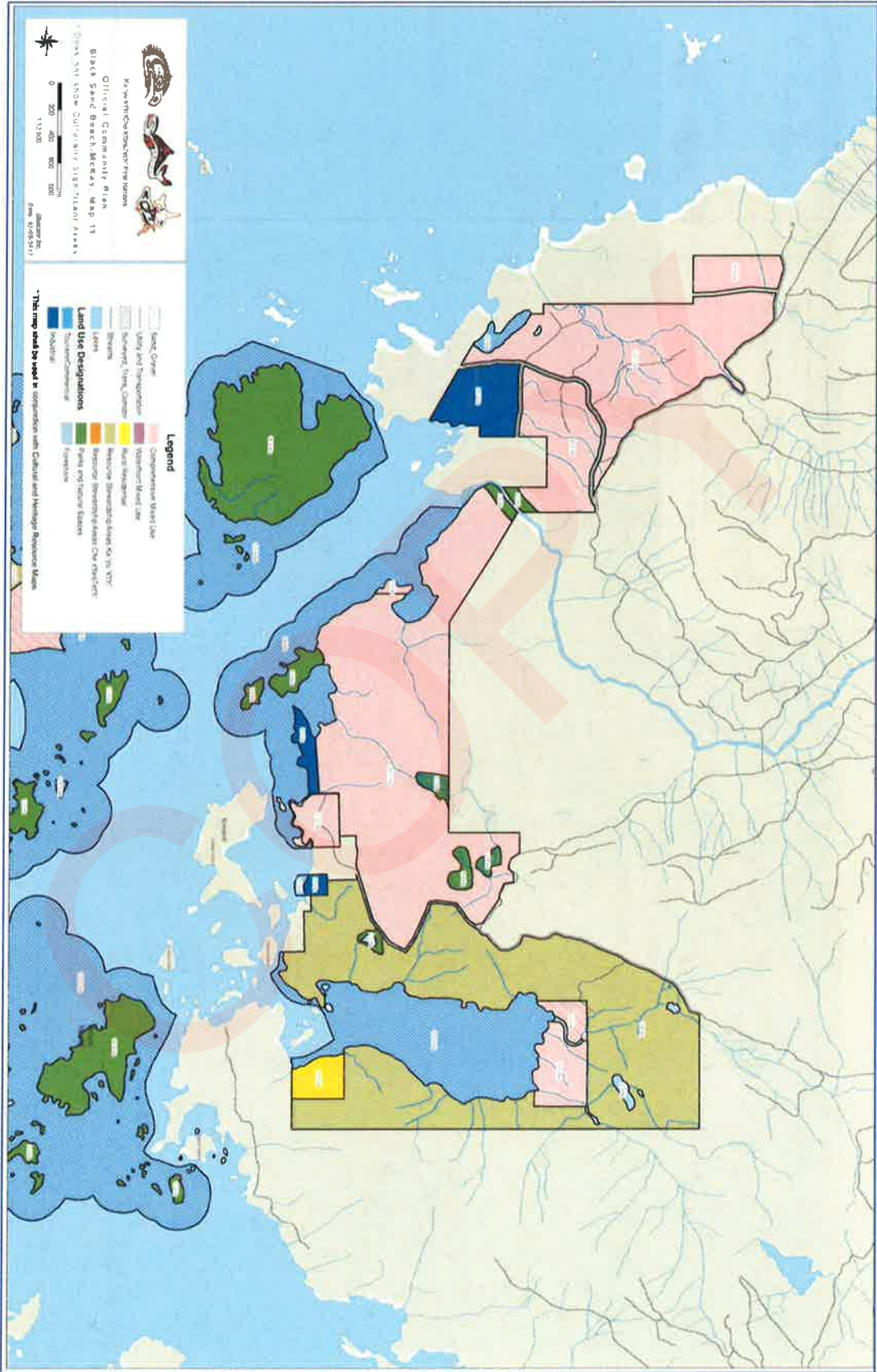


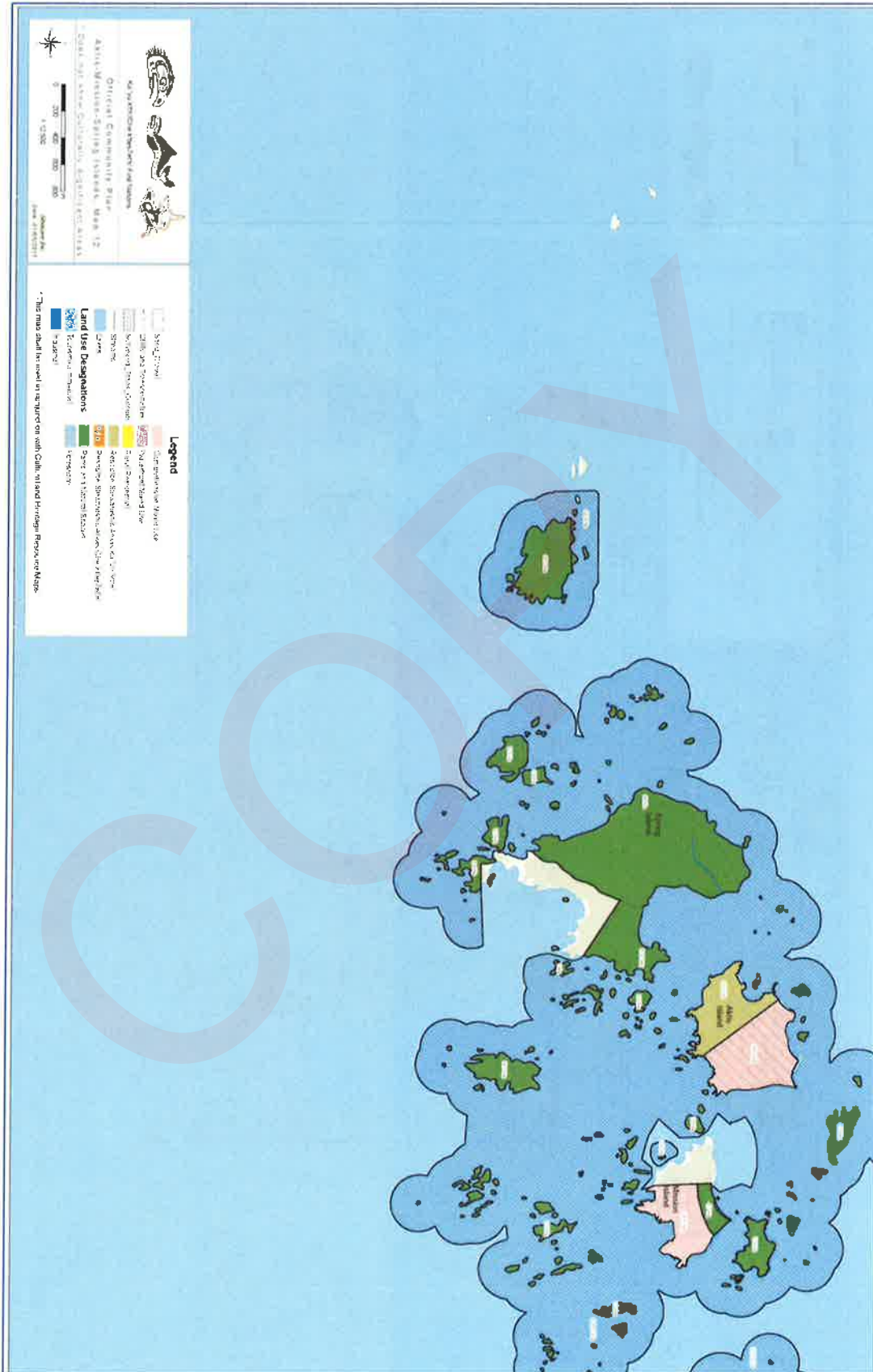






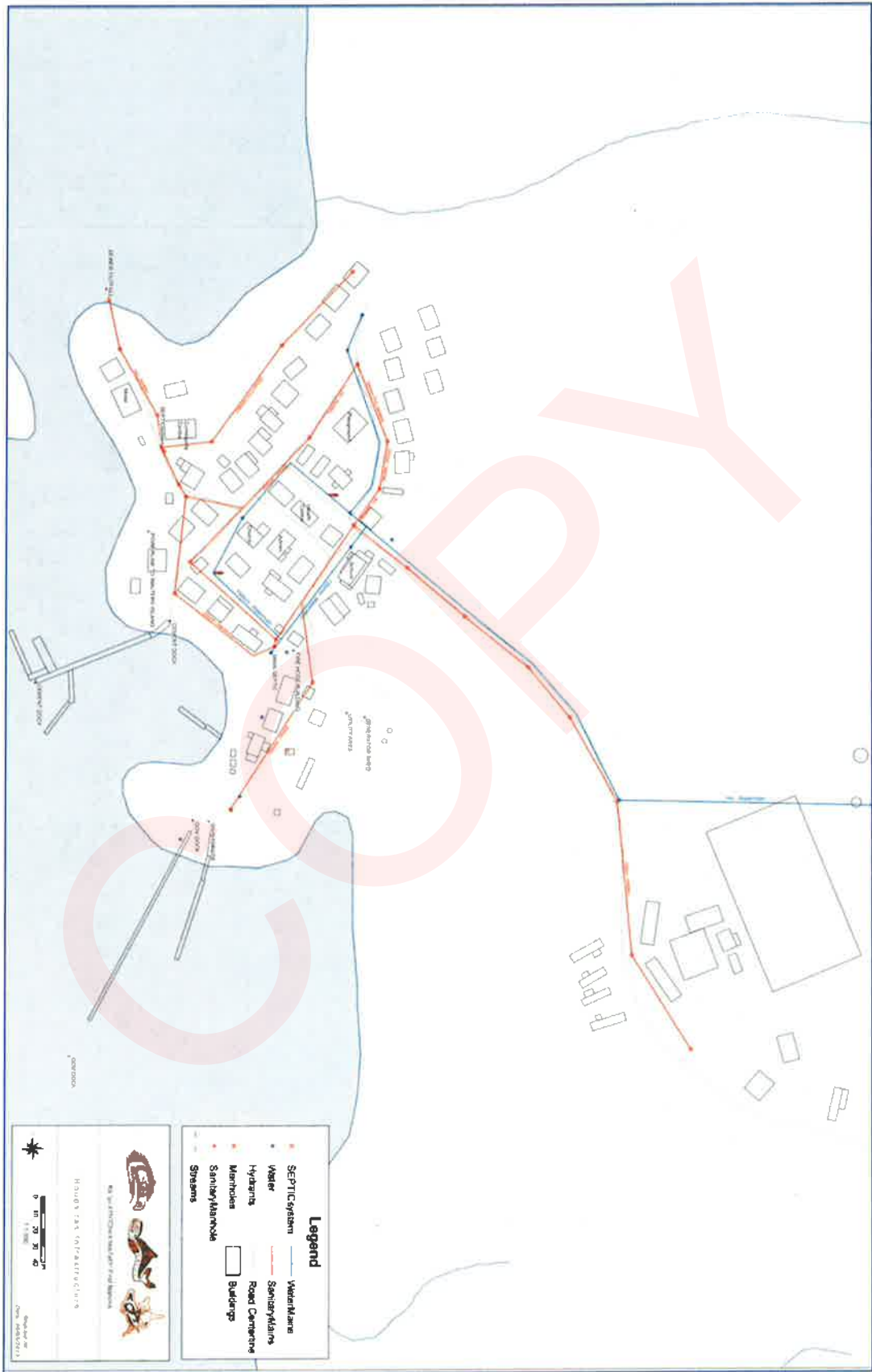
















## Appendix 1: Written Report of Public Hearing

OFFICIAL COMMUNITY PLAN  
JUNE 3, 2013

HOUPSITAS COMMUNITY CENTRE

PRESENT: Monique, Francis, Ellen, Martina, Hilda, Ron, Glen, Dianna, Frank, Samantha, Christina, Tanya, Eleanor, Caitlyn, Patrick.

OPENING AT 9:00 AM

glen; good morning, presentation, feel free to ask questions, ron frank is here to help me answer questions. a suggestion box in back by Marilyn.

Introduce the team right now, ron frank is our advisor,

slide presentation:  
public hearing process,

if you have any questions, please feel free to call me, or ron frank.  
Glen is our land manager, and thank Glen for standing up to make this presentation, tony is the Lands and Resources Director, Francis holds the portfolio for Lands and Resources.

the official community hearing , prior to legislation,

- Can we set up a time, where we can meet with Charles to allow Charles to have his input on the culturally sensitive mapping.

11:17-slide presentation by Glen George  
feel free to ask questions



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