

Electoral Area Services

Thursday, October 16, 2014 - 4:30 pm

**The Regional District of Kootenay
Boundary Board Room, RDKB Board
Room, 2140 Central Ave., Grand Forks, BC**

A G E N D A

1. CALL TO ORDER
2. ACCEPTANCE OF AGENDA (ADDITIONS/DELETIONS)

A) October 16, 2014

Recommendation: That the October 16, 2014 Electoral Area Services be adopted.

3. MINUTES

A) Minutes of the September 11, 2014 Electoral Services Committee meeting.

Recommendation: That the minutes of the September 11, 2014 Electoral Services Committee meeting be received.

[Minutes - Electoral Area Services - 11 Sep 2014](#)

4. DELEGATIONS
5. UNFINISHED BUSINESS

A) Electoral Area Services Committee Memorandum of Action Items
- Please note the Christina Lake Fire Rescue Financial Plan Action Items table is included in this list.

Recommendation: That the Electoral Area Services Committee Memorandum of Action Items for the period ending September 2014 be received.

[ToEndOfSeptForOct.pdf](#)

- B) Discussion on Electoral Area Highway Signage
- C) Discussion on Grant in Aid Record Keeping and Application Process

6. NEW BUSINESS

A) **Kathleen Smythe**

RE: OCP & Zoning Amendment

136 and 140 Alpine Road, Electoral Area 'C'/Christina Lake
Lots 3 and 4, DL 963, SDYD, Plan KAP6348
RDKB File: C-963-04270.010

Recommendation: That the staff report regarding the application by Kathleen Smythe to amend the Electoral Area 'C'/Christina Lake Official Community Plan and Zoning Bylaw to allow a commercial RV campground on the parcels legally described as Lots 3 and 4, Block 4, DL 963, SDYD, Plan KAP6348 be received.

Recommendation: That the application for amendments to the Electoral Area 'C'/Christina Lake Official Community Plan and Zoning Bylaw submitted by Kathleen Smythe for the properties legally described as Lots 3 and 4, Block 4, DL 963, SDYD, Plan KAP6348, be presented to the Board of Directors with a recommendation to deny the request.

[2014-10-09 EAS Report Smythe.pdf](#)

B) **0985028 BC Ltd.**

RE: Development Variance Permit

40 Kettle View Road, Big White Ski Resort, Electoral Area

'E'/West Boundary
DL 508s
RDKB File: BW-508s-07440.104

Recommendation: That the staff report regarding an application by 0985028 BC Ltd. for a Development Variance Permit for the parcel legally described as DL 508S to reduce the interior side parcel line setback from the required 5 metres to 0 metres be received.

Recommendation: That the Development Variance Permit application submitted by 0985028 BC Ltd. for the property legally described as DL 508S requesting an interior side parcel line setback variance of 5.0 metres (from 5 metres to 0 metres) to permit the placement of a deck attached to the adjacent existing building, be presented to the Board for consideration with a recommendation of support.

[2014-10-09 EAS Report 0985028BC Ltd.pdf](#)

C) **Baldwin/Aiken**

RE: Development Permit

3401 White Road, Electoral Area 'C'/Christina Lake
Lot A, DL 2104, SDYD, Plan 11883
RDKB File: C-2104-05061.000

Recommendation: That the staff report regarding an application submitted by Darcie Laurient, Scott Baldwin, Debbie Aiken, and Gary Aiken for a Development Permit in the Waterfront Environmentally Sensitive Development Permit Area for the parcel legally described as Lot A, DL 2104, SDYD, Plan 11883 be received.

[2014-10-09 EAS Report Baldwin.pdf](#)

D) **Columbia Gardens Reload Ltd.**

RE: Development Permit Amendment

9155 Station Road, Electoral Area 'A'
Lot 6B, Twp 7A, DL 205A, DL 205B, Section 20 & 29, KD, Plan

800

RDKB File: A-205A/B-00935.050

Recommendation: That the staff report regarding the application for a Development Permit Amendment from Columbia Gardens Reload Ltd. for the parcel legally described as Lot 6B, Twp 7A, DL 205A, DL 205B, Section 20 & 29, KD, PLAN 800, be received.

[2014-10-09 EAS Report Columbia Reload.pdf](#)

E) **Oldroyd/Strukoff**

RE: MOTI Subdivision

1305 Thompson Road and 1250 Stewart Creek Road,
Electoral Area 'C'/Christina Lake

Lot 1, DL 268 & 1020s, SDYD, Plan KAP84576

RDKB File: C-268/1020s-04511.200

Recommendation: That the staff report regarding the subdivision referral from the Ministry of Transportation and Infrastructure regarding a proposed subdivision for the parcel legally described as Lot 1, District Lots 268 and 1020S, SDYD, Plan KAP84576 be received.

[2014-10-09 EAS Report Oldroyd.pdf](#)

F) **Village of Fruitvale**

RE: Bylaw Referral

RDKB File: F-1

Recommendation: That the staff report regarding the Village of Fruitvale's new Zoning Bylaw No. 846, 2014 be received.

[2014-10-09 EAS Report Fruitvale.pdf](#)

G) **Completion of Water Transition Study for Christina Waterworks District**

A Staff Report from Bryan Teasdale, Manager of Infrastructure and Sustainability, regarding a draft proposal

from MMM Group to complete a Water Transition Study for the Christina Waterworks District Water System.

Recommendation: That the Staff Report from Bryan Teasdale, Manager of Infrastructure and Sustainability, regarding a draft proposal from MMM Group to complete a Water Transition Study for the Christina Waterworks District Water System be received.

Recommendation: That the Electoral Area Services Committee recommend to the RDKB Board of Directors to approve Staff to enter into a contract with MMM Group to complete the Christina Waterworks District Water Transition Study in 2015 for an amount not to exceed \$15,0000.

[Staff Report - EAS - Completion of Water Transition Study \(Christina Waterworks District\) - Oct2014 - Pdf](#)

H) **Attendance at Conferences/Conventions**

Discussion regarding funding from Electoral Area Services Committee to allow the Manager of Corporate Administration to attend Conventions/Conferences.

I) **Grant in Aid update**

Recommendation: That the Grant in Aid report be received as presented.

[2014 Grant in Aids.pdf](#)

J) **Gas Tax update**

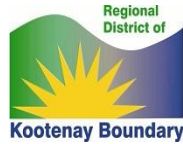
Recommendation: That the Gas Tax report be received as presented.

[Gas Tax - October 10, 2014.pdf](#)

7. LATE (EMERGENT) ITEMS

8. DISCUSSION OF ITEMS FOR FUTURE AGENDAS

9. QUESTION PERIOD FOR PUBLIC AND MEDIA
10. CLOSED (IN CAMERA) SESSION
11. ADJOURNMENT



Electoral Area Services

Minutes
Thursday, September 11, 2014
4:30 p.m.
RDKB Board Room,
843 Rossland Ave., Trail, BC

Directors Present:

Director Ali Grieve
Director Linda Worley
Director Grace McGregor
Director Roly Russell
Director Bill Baird

Staff Present:

Mark Andison, General Manager of Operations/Deputy CAO
Donna Dean, Manager of Planning and Development
Maria Ciardullo, Recording Secretary

Others:

Stewart Mikalishen
Angela Zoobkoff

CALL TO ORDER

Director Worley called the meeting to order at 4:35 p.m.

ACCEPTANCE OF AGENDA (ADDITIONS/DELETIONS)

The agenda for the September 11, 2014 Electoral Services Committee was presented.

Item #6B was brought forward on the agenda as Mr. Mikalishen and Ms. Zoobkoff were in attendance.

Director McGregor added a further discussion on the Grant in Aid topic.

Moved: Director Grieve

Seconded: Director Russell

September 11, 2014

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That the September 11, 2014 Electoral Area Services Agenda be adopted as amended.

Carried.

MINUTES

The Minutes of the August 14, 2014 Electoral Area Services Committee meeting were presented.

Moved: Director McGregor

Seconded: Director Baird

That the minutes of the August 14, 2014 Electoral Area Services Committee meeting be received as presented.

Carried.

DELEGATIONS

There were no delegations in attendance.

UNFINISHED BUSINESS

The Electoral Area Services Committee memorandum of Action Items to the end of August 2014 was presented.

A question was raised regarding the status of the Bridesville Unsightly Bylaw. Donna Dean, Manager of Planning and Development will look into it.

Moved: Director McGregor

Seconded: Director Baird

That the Electoral Area Services Committee memorandum of Action Items to the end of August 2014 be received.

Carried.

NEW BUSINESS

MIKALISHEN, STEWART & ZOGBKOFF, ANGELA

RE: Ministry of Transportation & Infrastructure Subdivision-Boundary Adjustment

22 John Road, and adjacent undeveloped parcel, Beaver Falls, Electoral Area 'A'.

Lot 2, DL 8392, KD, Plan NEP2533, Except Plan REF PL 110328I; AND Lot 3, DL 8392, KD, Plan NEP2533, Parcel A (REF PL 110328I) Parcel A Lot 2 Plan NEP2533 DL 8392 KD (REF PL 110328I)

RDKB File: A-8392-09323.003

The staff report regarding the subdivision referral from the Ministry of Transportation and Infrastructure regarding a proposed subdivision for the two parcels legally described as Lot 2, DL 8392, KD, Plan NEP2533, Except Plan REF PL 110328I; and Lot 3, DL 8392, KD, Plan NEP2533, Parcel A (REF PL 110328I) Parcel A Lot 2 Plan NEP2533 DL 8392 KD (REF PL 110328I) was presented.

Chair Worley welcomed the applicants to the meeting and asked if they wished to speak to the application.

Ms. Zoobkoff stated they want to sell the property to their nephew, but the boundary adjustment has to take place before that happens. 14 vehicles have been sold thus far and they thought that just hiding the vehicles from view was sufficient to comply with the zoning bylaw. This issue has been ongoing for 3 years and they feel they are being targeted. They also passed around 2 photos showing the type of vehicles they refurbish. Mr. Mikalishen stated that he does not want to see these cars be crushed as they are classics. Director Baird agreed that the vehicles should be sold as opposed to being crushed.

Donna Dean, Manager of Planning and Development, reviewed the definition of 'conceal' - meaning in a building or screened in by a fence or hidden by vegetation.

Director Grieve stated that the RDKB wants to work together with the applicants to find a mutually agreeable solution.

Moved: Director Grieve

Seconded: Director Baird

That the staff report regarding the subdivision referral from the Ministry of Transportation and Infrastructure regarding a proposed subdivision for the two parcels legally described as Lot 2, DL 8392, KD, Plan NEP2533, Except Plan REF PL 110328I; and Lot 3, DL 8392, KD, Plan NEP2533, Parcel A (REF PL 110328I) Parcel A Lot 2 Plan NEP2533 DL 8392 KD (REF PL 110328I), be received as presented.

Carried.

Moved: Director Russell

Seconded: Director Baird

That the APC Comments on bylaw compliance be provided to the Ministry for consideration, AND FURTHER that the Approving Officer be requested to not grant Preliminary Layout Approval until the applicants demonstrate full compliance with the RDKB Area 'A' Zoning regulations regarding derelict vehicles on the parcel.

Carried.

STOFFEL, THOMAS**RE: Site Specific Exemption to Floodplain Management Bylaw**

6870 Christian Valley Road, Area 'E'/West Boundary

Lot 1, DL 3637, SDYD, Plan KAP12818, Subsidy Lot 8 Portion SOUTH 1445 FT.

RDKB file: E-3637-07193.200

The application for a Site Specific Exemption to the Floodplain Management Bylaw submitted by Thomas Stoffel, in order to construct a single family dwelling on the property legally described as Lot 1, DL 3637, SDYD, Plan KAP12818, Subsidy Lot 8 Portion SOUTH 1445 FT. was presented.

Donna Dean, Manager of Planning and Development, reviewed the application with the Committee members and stated that the majority of APC members were in favour of this.

Moved: Director McGregor

Seconded: Director Baird

That the application for a Site Specific Exemption to the Floodplain Management Bylaw submitted by Thomas Stoffel, in order to construct a single family dwelling on the property legally described as Lot 1, DL 3637, SDYD, Plan KAP12818, Subsidy Lot 8 Portion SOUTH 1445 FT. be received as presented.

Carried.

Moved: Director Baird

Seconded: Director Russell

That the application for a Site Specific Exemption to the Floodplain Management Bylaw submitted by Thomas Stoffel, in order to construct a single family dwelling on the property legally described as Lot 1, DL 3637, SDYD, Plan KAP12818, Subsidy Lot 8 Portion SOUTH 1445 FT. be approved, subject to:

- Adherence to all the recommendations included in the Flood Hazard Assessment Geotechnical Report submitted by Chris Wallis, P. Eng., of Beacon Geotechnical Ltd; and
- The owner registering a new standard floodplain covenant on title in favour of the Regional District of Kootenay Boundary prior to issuance of a building permit.

Carried.

Staff Report by Donna Dean, Manager of Planning and Development**RE: ALR Regulation Consultation**

The staff report by Donna Dean, Manager of Planning and Development, regarding the Provincial Agricultural Land Reserve Regulation Consultation was presented.

Donna Dean mentioned that Director Russell had requested a staff report regarding the consultation so the issue would be on the record. Director Baird questioned when this will be legislated.

Moved: Director Baird

Seconded: Director Grieve

That the staff report by Donna Dean, Manager of Planning and Development, regarding the Provincial Agricultural Land Reserve Regulation Consultation be received as presented.

Carried.

Grant in Aid Record Keeping and Application Process

Director Russell suggested a creation of a record tracking system for Grants that are both approved and not approved. He also suggested that recognition be given to the RDKB at the actual event that was funded, which brings positive recognition to the RDKB. Director McGregor expanded on that idea and would like the Electoral Area that distributed funding be acknowledged. Chair Worley suggested a policy be drafted to clearly state the criteria for each Grant in Aid applicant and their accountability.

Moved: Director Russell

Seconded: Director Baird

That Staff prepare a report for the Electoral Area Services Committee's consideration regarding record-keeping, recognition, and accountability for Grants-in-Aid AND FURTHER that the Electoral Area Services Committee advise staff on how to proceed with implementing a Grant in Aid policy.

Carried.

Anaconda Water System Assessment

A Staff Report from Bryan Teasdale, Manager of Infrastructure and Sustainability, regarding an assessment of the existing potable water distribution system for the unincorporated area of Anaconda was presented.

Mark Andison, General Manager of Operations/Deputy CAO, reviewed the application with the Committee members. This system was established in 1905 and is very outdated. It was mentioned that the RDKB take over the service and improve upon it.

Moved: Director Baird

Seconded: Director McGregor

That the Electoral Area Services Committee recommend to the RDKB Board of Directors that the Staff Report from Bryan Teasdale, Manager of Infrastructure and Sustainability, regarding an assessment of the existing potable water distribution system for the unincorporated area of Anaconda, be received as presented.

Carried.

Grant in Aid Update

The Grant in Aid report was presented.

Moved: Director McGregor

Seconded: Director Russell

That the Grant in Aid report be received as presented.

Carried.

Gas Tax Update

The Gas Tax report was presented.

Moved: Director Baird

Seconded: Director Russell

Mark Andison stated that the Province is continuing with this program and funds will be dispersed in December.

Director McGregor stated that the Province will start withholding funds if the Electoral Areas are not spending their yearly allotted amount.

Mark Andison mentioned that projects can be 'earmarked' and anyone with questions about that should talk to Beth Burget, Manager of Finance.

That the Gas Tax report be received as presented.

Carried.

LATE (EMERGENT) ITEMS

There were no late items.

DIRECTOR REQUEST FOR STAFF RESOURCES (DISCUSSION)

Electoral Area Highway Signage

Chair Worley suggested that signs be placed on the major roadways to indicate when entering an Electoral Area. She would like the members to think about this and possibly make a recommendation to the Board at a future date.

BC Food Systems Network

Director Russell discussed the BC Food Systems Network and a project on local food policy and planning.

Moved: Director Russell

Seconded: Director McGregor

That the Electoral Area Services Committee issue a letter of support to the BC Food Systems Network for a proposal submitted to the Real Estate Foundation for a project on local food policy and planning for local governments in BC

Carried.

QUESTION PERIOD FOR PUBLIC AND MEDIA

There was no Media in attendance

CLOSED (IN CAMERA) SESSION

There was no in-camera meeting.

ADJOURNMENT

There being no further items to discuss, Chair Worley adjourned the meeting at 5:25 p.m.

**RDKB MEMORANDUM OF
COMMITTEE ACTION ITEMS
ELECTORAL AREA SERVICES COMMITTEE**

Action Items Arising from Electoral Area Services Committee Direction (Task List)

Pending Tasks

Date	Item/Issue	Actions Required/Taken	Status – C / IP
Oct. 11/12	Bridesville Unsightly Premises (File: U-1)	Staff to draft costs for potential Service Establishment Bylaw & To forward the draft unsightly premises bylaw to a solicitor	IP
Feb. 14/13	Boundary Ag Plan Implementation	Consider areas 'C' & 'D' OCP review recommendations; Consult with Area 'E' residents re: needs assessment survey recommendations; Have Agricultural capability maps available on the RDKB website;	IP

Tasks from Electoral Area Services Committee Meeting September 11, 2014

Date	Item/Issue	Actions Required/Taken	Status – C / IP
Sept. 11/14	Mikalishen – MOTI Subdivision	APC comments provided to MOTI	C
	Stoffel – Floodplain Exemption	Sent to Board for approval	C
	Grants in Aid record keeping	Staff to prepare a report	IP
	BC Foods System Network	EAS to issue letter of support	C

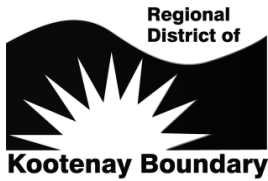
**FINANCIAL PLAN
ACTION ITEMS - 2014**

NAME OF SERVICE: CHRISTINA LAKE FIRE RESCUE

PROJECT	ESTIMATED VALUE	ESTIMATED COMMENCEMENT DATE	ESTIMATED COMPLETION DATE	UPDATE (If not completed before Sept./14)
Painting Exterior of Fire Hall on the Office portion	\$1000.00`	September 2014	September 2014	Completed \$2000. May 2014
Replace Interior /Exterior lighting on Firehall to Upgrade to LED and low wattage lighting	\$2000.00	March 2014	April 2014	Completed
Emergency repairs and subsequent upgrades to Main Fire Hall Doors including a regular maintenance schedule	\$3,000.00	February 2014	March 2014	Completed
Replace two portable radio's and general service to existing radio equipment. Including install base station on Fife Road and new hands free system in Engine one.	\$4,000.00	February 2014	April 2014	Completed
Replacement Turn Out Gear (complete) X2	\$3,600.	May 2014	July 2014	Completed
Auto Extrication Training (Trainer to our Hall)	\$3,000.	September 2014	September 2014	CANCELLED - Funds re-allocated *
First Responder Recertification Training for members	\$2,000.	February 2014	March 2014	Completed
Fire Chiefs Convention and Training Victoria For Chief and Deputy Chief including flight and Accommodation	\$4,000.	June 2014	June 2014	Completed
Pump Inspection and Service Engines 1, & 2	\$3,000.	January 2014	January 2014	Completed
Firefighter Flashlights and Batteries	\$2,000.	January 2014	September 2014	Completed

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Memorandum of Committee Action Items
Electoral Area Services to the End of September*

Medical Oxygen Bottle Refills	\$1,000.	January 2014	September 2014	Completed
SCBA Breathing Apparatus Testing and Maintenance including Air Sample Testing	\$2,000.	March 2014	September 2014	Completed
Drinking Water	\$1,000.	March 2014	September 2014	Completed
Vehicle Safety Inspections, Engine one, Engine Two, Tender Four, Rescue Six	\$3,000.	September 2014	September 2014	Completed
Vehicle Insurance, E1, E2, E3, T4, R5, R6, C1	\$7,500.	December 2014	December 2014	Completed
Repair/Replace Nozzles X4	\$3,000.	May 2014	Sept. 2014	
Annual Defibrillator Service and Maintenance contract	\$1,000.	September 2014	Sept. 2014	Completed
Janitor Cleaning Service Fire Hall	\$2,600.	January 2014	December 2014	Completed
Firefighter Extended Medical Dental Program for all Volunteers	\$31,000.	January 2014	Dec. 2014	Completed
Purchase 2 SCBA Masks for new members	\$1,000.	March 2014	March 2014	Completed
Attend Training Chilliwack July 4-9 train the trainer Session	\$2,000.	July 2014	July 2014	Completed
Replace drainage gutters on Fire Hall to match painting project.	\$800.00	June 2014	June 2014	Completed
Donation to Grand Forks Burn Building Project	\$5000.00	December 2014		
Completion of Kitchen Storage area	\$2500.	November 2014		



Electoral Area Services Committee Staff Report

Prepared for meeting of October 2014

OCP and Zoning Amendment			
Owner: Kathleen Smythe		File No: C-963-04270.010 C-963-04270.015	
Location: 136 and 140 Alpine Road, Christina Lake BC, Electoral Area 'C'/Christina Lake			
Legal Description: Lot 3, Block 4, DL 963, SDYD, Plan KAP6348 (140 Alpine Rd) Lot 4, Block 4, DL 963, SDYD, Plan KAP6348 (136 Alpine Rd)		Area: 1477m ² (0.365 acres) 1477m ² (0.365 acres)	
OCP Designation: Waterfront Residential	Zoning: Waterfront Residential 2 (R2)	ALR status: Out	DP Area: No
Contact Information: Kathleen Smythe 159 Alpine Road Christina Lake, BC V0H 1E1 250-447-6201 sunflowerinnbb@shaw.ca			
Report Prepared by: Jeff Ginalias, Planner			

ISSUE INTRODUCTION

Kathleen Smythe has applied to amend the Area 'C'/Christina Lake OCP and Zoning Bylaws to re-designate and rezone two adjacent waterfront residential parcels in the Alpine Road neighbourhood, to allow for a campground (*see Site Location Map*).

HISTORY / BACKGROUND FACTORS

These two parcels are located on the upslope side of Alpine Road off the waterfront. The owner states that she has operated a commercial RV site on the two parcels for several years. It appears that originally there were "just" two RV sites. Now it has grown to four or five; three on one parcel (136 Alpine Road) and two on the other (140 Alpine Road) (*see Site Plan Current*). The owner has a web site offering RV sites for rent (*see RV Web Ad*).

There have been several complaints lodged this summer over the operation. The complaints range from noisy guests to heavy smoke for campfires, to large RV's and

boat trailers blocking traffic and access. The complaints are discussed in greater detail below.

The applicant operates the Sunflower Inn B&B, at 159 Alpine Road. The septic system for the Sunflower Inn is on Lot 3 (140 Alpine Road). To protect the integrity of the septic system a covenant on Lot 3 restricts development on the parcel. Placing temporary RVs on the parcel, if they do not interfere with the septic system, is not addressed in the covenant. It is unclear if the RVs on this parcel hook to this septic system. If so, that would seem to violate the covenant.

PROPOSAL

The applicant is requesting an OCP re-designation and zoning amendment to permit a total of 10 RV sites on these two parcels, for short term and long term stays (*see Applicant's Submission*). The application also provides a litany of additional requests, some which are already permitted, some which may go against charges on title, and some which are beyond the authority of the Regional District. Rather than address each of the requests separately, at the end of this report is a template zone which attempts to lay out some of the criteria to be considered in creating an RV campground zone, addresses the major portions of the proposal applicable to that, and considers the unique aspects of the two parcels and the surrounding neighbourhood. This template is not a bylaw for review and consideration at this point, but rather a framework for review of the proposal (*see Zoning Template*).

IMPLICATIONS

There is no issue of legal non-conforming or "grandfathered" use. The property is zoned Waterfront Residential 2 in the current Zoning Bylaw and was similarly zoned in the previous zoning bylaw. Commercial campgrounds or RV sites is not a permitted use now and was not a permitted use in the prior Zoning Bylaw. The fact that the Regional District has not enforced this contravention, either because they were unaware of it or somehow indicated tacit approval, does not create legal status for the use. The Regional District was not aware of this operation until recent complaints were made.

There are some policies in the Area 'C' Official Community Plan which are relevant to waterfront residential development and commercial campgrounds in and around Christina Lake. They include:

Area 'C' OCP Provisions (Excerpts)

First, a review of the OCP policies for the Waterfront Residential designated parcels. The policies are not extensive and detailed. Basically it is recognition that these are small lots, in difficult terrain up against the Lake. Further development in these areas should be carefully considered. There is recognition of the unique historic development in the nearby Alpine Point Resort designation.

2.11.1 Waterfront Residential

Waterfront residential areas are characterized by smaller lots, private water and sewer services and difficult terrain conditions such as slope and soils. These factors, together with the anticipated higher per unit costs for the installation of community services suggest that further development at this time would be premature and could contribute to the degradation of lake water quality and the shoreline in general. Therefore, it shall be a policy of this plan to continue discouraging small lot subdivisions by supporting a minimum parcel size of 10 ha.

The maximum number of dwelling units shall be 1 per parcel in the implementing bylaws. Notwithstanding this policy, those parcels having multiple dwellings or guest cabins shall be classified as legal non-conforming.

Notwithstanding the permitted uses and densities in the Waterfront Residential designation the Alpine Point Resort shall be classified as a legal conforming use in the implementing Zoning Bylaw. This legal conforming status shall limit the maximum number of dwelling units to 66 and the total amount of habitable floor area to 4000 m² (which includes current buildings plus another 7 m² per cabin, plus about 69 m² each for the four undeveloped sites). New development will continue to be subject to Provincial regulations and approvals regarding sewage disposal.

The OCP provisions on commercial campgrounds provide some goals, objectives and policies which may be useful. Basically, the provisions suggest that campgrounds blend into the surrounding environment, retain natural vegetation, be linked to camping related recreational opportunities, and provide some basic camping related facilities and amenities. These provisions were drafted with "traditional" campground locations in mind, i.e., larger parcels devoted to a bigger scale camping operation than one under application, so some of these provisions are likely not on point or may not fit in this area.

2.3 Campground Commercial

2.3.1 Goals

- That commercial campgrounds are integrated into the natural environment.

2.3.2 Objectives

- Encourage the retention of trees and natural vegetation.
- Encourage connectivity with adjacent linear trail systems, where present.

2.3.3 Policies

1. Those areas which are considered suitable as Campground Commercial designation are

identified on the Land Use Map.

2. The permitted uses within the Campground Commercial designation shall be limited to include campgrounds as a principal use; and one convenience store not to exceed 100m² in retail floor area, and one single family dwelling as secondary uses.
3. Maximum density 50 campsites per hectare with a minimum area of 125m² per site will be permitted.
4. Must be connected to an approved sewage disposal system.
5. Provides temporary accommodation for the travelling public.
6. That cabins be considered as a permitted use in Campground Commercial designated areas.

There are a couple other issues unique to this proposal which have been touched upon, but should be given hard weight in a review for a commercial RV campground for this location, which is not reflected in the OCP provisions. One is parking and access. Most commercial campgrounds are fairly spacious and have relatively good parking and access features. The Alpine area is notorious for its problems with access and parking. Permitting a commercial RV campground in the midst of it will likely either exacerbate the problem, or at least will not help with the situation. Other areas in Christina Lake which combine residential use with campground operations, such as Lavalley Point, have perennial problems and complaints related to parking and access.

Another unique concern is water and sewer. Water is provided to the residents thorough a community water service. The ability to service several campsites has not been addressed. The RDKB has received complaints about the campground operation (see below) and some of the complaints have raised concerns on the water service. Sewer is another unique concern. One parcel (Lot 3) has a septic system serving the Sunflower Inn. Apparently there is a separate septic system on Lot 4. The adequacy of these systems to handle additional loads is a legitimate concern.

Statutory Building Scheme

The subject parcels, plus many of the surrounding parcels, have a statutory building scheme registered on title. The building scheme was registered in 1978, apparently when several of the residential parcels were created by subdivision. The building scheme appears intended to assure that development in the neighbourhood conforms to a standard on dwelling design (restrictions on trailers, mobile homes and RVs). The building scheme is silent on permitting a campground operation, but an argument could be made that the proposal is contrary to the provisions, if not the intent, of the building scheme. The Regional District is not a party to the building scheme, and cannot enforce it. The holder of the building scheme, Okanagan West Shores View Estates Ltd., may no longer exist. Other parties subject to the covenant supposedly could form an organization to enforce the building scheme. Rezoning the parcels does not alter or affect the terms of the building scheme. The building scheme runs with the land, regardless of the local government land use regulations. If the parcels are rezoned, and the rezoning does not conform to the building scheme, it is conceivable that

interested parties could initiate a civil action to enforce the provisions of the building scheme (*see Building Scheme*).

Complaints

The RDKB has received several complaints, mostly written but some verbal, about the commercial use of these parcels this summer.

The concerns include:

- An incremental creep in the size of the operation.
- Smoke from the multiple campsites on the parcels drifting through the neighbourhood.
- Campers often tend to be noisy and boisterous, with large bonfires.
- Bonfires create potential fire hazard.
- There is no on-site manager keeping tabs on the operation.
- Concern over failure of the septic system(s) to handle multiple camp site and that sites/camping is occurring on the covenant area on the 140 lot possibly impacting that septic system.
- Traffic congestion with numerous large RV's and boats hindering emergency vehicle access and access to residential lots.
- Campsite users often have several guests, sometimes pitching tents, which increase traffic congestion and noise.
- Operation of these parcels as RV camping, when combined with the Sunflower Inn B & B, results in parking and access issues on Alpine Road.
- Lots were purchased for single family residential use, not to be near a commercial RV campsite.
- Property values may be affected.
- Residents pay an annual fee for water by way of a private local water supply. Belief that water supply is not intended for commercial use.

SUMMARY

In short, the issue can be boiled down to its simplest elements. Is there a need for additional RV campsites at Christina Lake? If so, is this a proper location for an RV campsite? If so, what should be the scope of this operation, such that it can operate and still be compatible with the surrounding residential use?

APC COMMENTS

Eight of the nine APC members present at the meeting were not in favour of the proposed OCP and Zoning Bylaw amendments. Concerns that were raised by the APC included:

- Adequacy of the sewer/septic system;
- Adequacy of water;
- Pressures on beach access at 'Alpine Beach';
- Street Safety; and
- Opposition to the proposal by neighbours.

Although not related to this application, the APC also expressed concern regarding other similar campground operations in the area.

RECOMMENDATIONS

That the staff report regarding the application by Kathleen Smythe to amend the Electoral Area 'C'/Christina Lake Official Community Plan and Zoning Bylaw to allow a commercial RV campground on the parcels legally described as Lots 3 and 4, Block 4, DL 963, SDYD, Plan KAP6348 be received.

That the application for amendments to the Electoral Area 'C'/Christina Lake Official Community Plan and Zoning Bylaw submitted by Kathleen Smythe for the properties legally described as Lots 3 and 4, Block 4, DL 963, SDYD, Plan KAP6348, be presented to the Board of Directors with a recommendation to deny the request.

ATTACHMENTS

Site Location Map

Site Plan Current

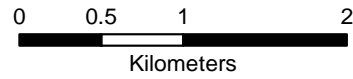
RV Site Web Ad

Applicant Submission

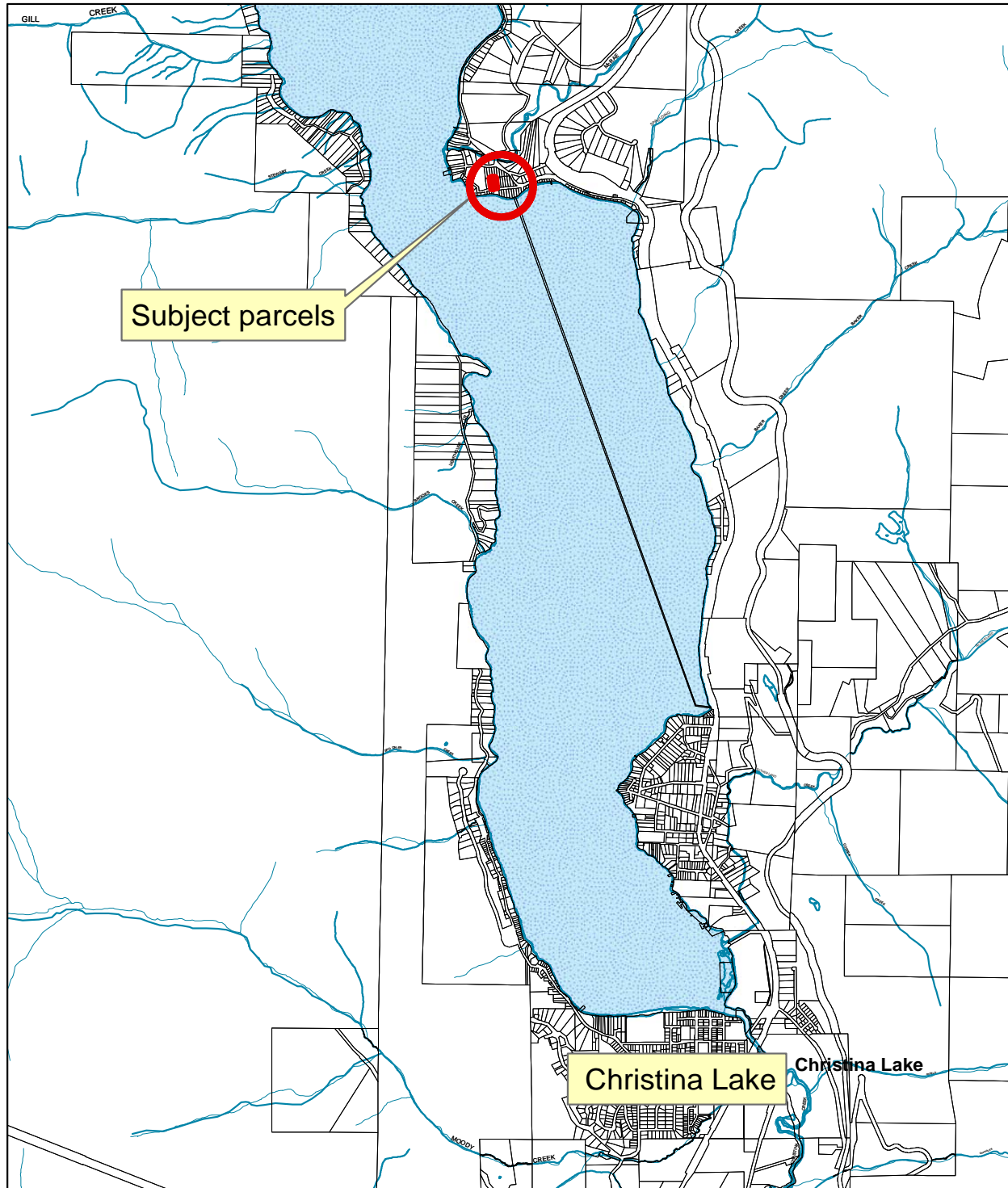
Building Scheme

Covenant

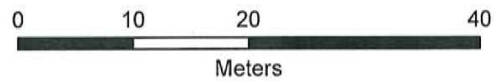
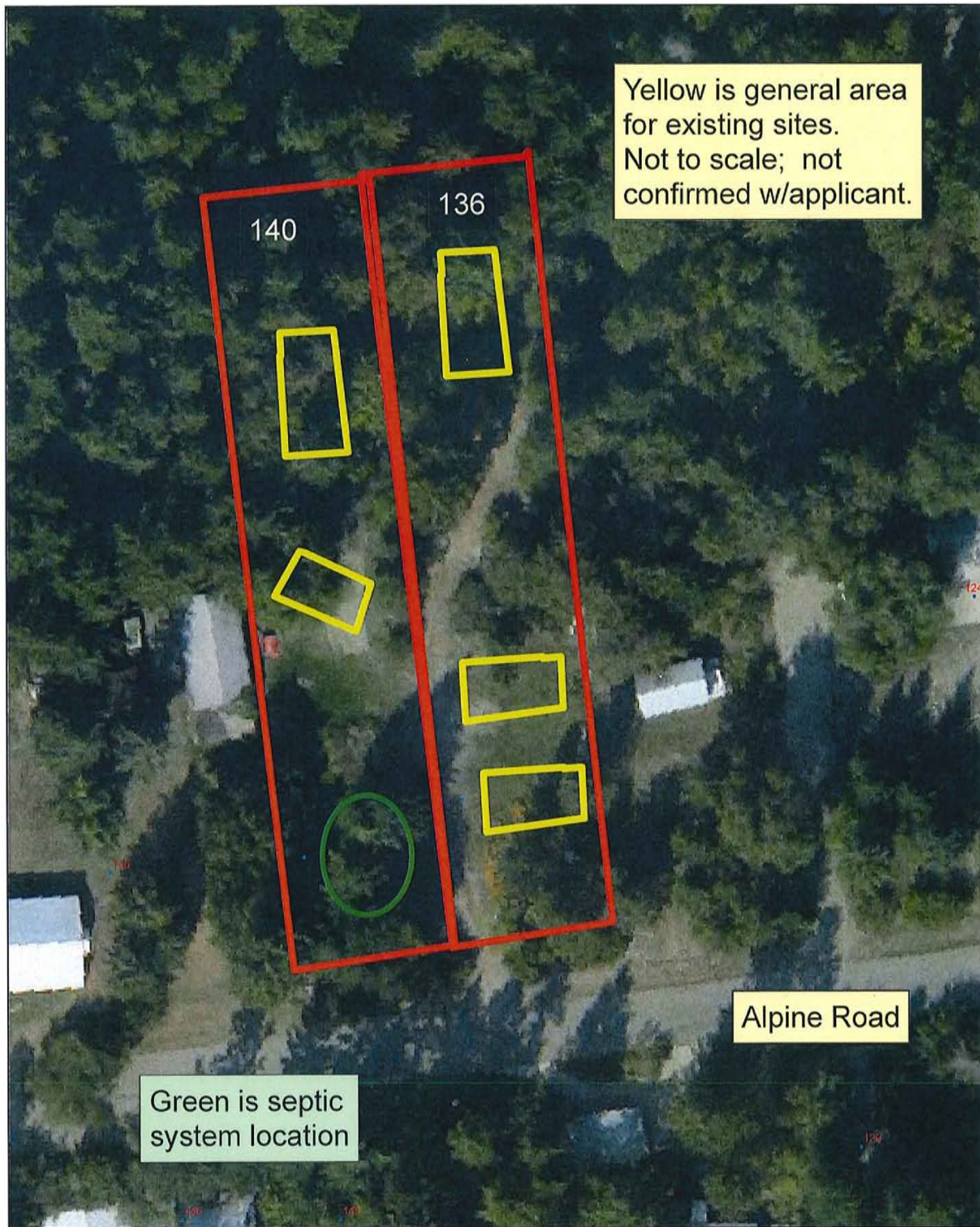
Zoning Template



Site Location Map



Projected Coordinate System:
NAD 83 UTM Zone 11N

**140 & 136 Alpine Rd**

Projected Coordinate System:
NAD 83 UTM Zone 11N

Christina Lake RV Site

<http://www.sunflowerinnbb.com/alpinecampsite.htm>

**Now available at Christina
Lake two private treed
Lakeview RV Trailer Sites!**

Features:

- Sandy Beach Access at the Alpine
Beach is only a 2 min. walk from the
site.
- Lake View
- RV sites (your RV must be self
contained with its own bathroom and
holding tanks)
- Close to Boat Launch



Availability for 2014:
(updated June 9, 2014)

Weekly bookings preferred.
Minimum stay is 3 days.
Deposit is required

This RV site is suitable for a trailer or a 5th wheel trailer. This site has shade most of the time during the day in at least one or more places and has access to Alpine's sandy beach.

T1 Site
(has wooden deck 30 amp power, sewer
hook-up and water supply)



All May
June 7- 13
June 14-20
June 21 - 26
July 1
July 12 - 18
July 19, 20

August 9 - 15
August 16 - 23
August 29 - Sept 5
Sept 6 -12

T1 RV site has a 20 x 12' deck and an 8' picnic table. From the deck and your trailer there is a lake view through the trees across Alpine Road. Alpine RV site T1 has a water outlet, 30 amp power and a sewer hook-up.

Christina Lake RV Site

<http://www.sunflowerinnbb.com/alpinecampsite.htm>

T2 Site
(no deck, flat gravel pad, 30 or 50 amp power, sewer hook-up, and water supply)

June 16 - 20
June 21 - 26
June 30 - July 4
July 5 - 11
July 12 - 18
July 19 - 25

August 9 - 15
August 16 - 22
August 29 - Sept 5
Sept 6 - Sept 12

T3 Site
(grass pad, 30 amp power, sewer hook-up, and water supply)

June 27 - July 4
July 5 - 12
July 12 - 16
July 20 - 25
July 28 - 31

August 4 - 8
August 9 - 15
August 16 - 20
August 24 - 28
August 29 - Sept 5
Sept 5 - Sept 12

To book this RV site please call

(250) 447-6201

toll free 1 877 378 0526

or email info@sunflowerinnbb.com



(trailer not included)



There are no provisions for a separate washroom facilities here. Your unit must be self contained with its own washroom facilities.

Trailer size is best at ~36' or less. A larger unit would need to park in a different area on the lot in the sunshine and would only have access to power and water.



We prefer no pets please. [Christina Lake Marina](#) is just a few blocks away at the west end of Larson Road and is next to our

Christina Lake RV Site

<http://www.sunflowerinnbb.com/alpinecampsite.htm>


closest public boat launch.

To contact us to book this RV site please call
(250) 447 -6201

toll free 1 877 378 0526

or email info@sunflowerinnbb.com

C-963-04270.010

 <p>Regional District of Kootenay Boundary</p>	<p align="center">PLANNING AND DEVELOPMENT DEPARTMENT APPLICATION FORM ELECTORAL AREAS 'A' TO 'E'</p>	
<p>RDKB Main Office 202-843 Rossland Avenue Trail, BC V1R 4S8</p>	<p>Telephone: 250-368-9148 Fax: 250-368-3990</p>	<p>Toll Free: 1-800-355-7352 Email: plandept@rdkb.com</p>
<p>RDKB Sub-Office PO Box 1965 Grand Forks, BC V0H 1H0</p>	<p>Telephone: 250-442-2708 Fax: 250-442-2668</p>	<p>Toll Free: 1-877-520-7352 Email: plandept@rdkb.com</p>

TYPE OF APPLICATION (PLEASE CHECK THE APPROPRIATE BOX):

- (a) ☐ Zoning Amendment Only
- (b) ☒ Zoning & Official Community Plan Amendment
- (c) ☐ Official Community Plan Amendment Only
- (d) ☐ Development Permit
- (e) ☐ Development Permit Amendment
- (f) ☐ Development Variance Permit
- (g) ☐ Temporary Use Permit
- (h) ☐ Temporary Use Permit Renewal
- (i) ☐ Site-specific exemption to Floodplain Bylaw
- (j) ☐ Designation of Heritage Properties

APPLICATION FEES:

Types (a) or (c) application.....	\$1000.00	+ \$100.00 Sign Fee
Type (b) application.....	\$1200.00	+ \$100.00 Sign Fee
Type (d) application for construction value exceeding \$4000.00.....	\$200.00	
Type (d) application for construction value under \$4000.00.....	\$50.00	
Type (e) application.....	\$50.00	
Type (f) application.....	\$450.00	+ \$100.00 Sign Fee
Type (g) application.....	\$650.00	+ \$100.00 Sign Fee
Type (h) application.....	\$200.00	
Type (i) application.....	\$200.00	
Type (j) application.....	\$1,000.00	

Please make all cheques payable to *The Regional District of Kootenay Boundary*DEVELOPMENT PROPOSAL SIGN FEE**

The Regional District's Fees and Procedures Bylaw No. 1231 requires the posting of a Development Proposal Sign in certain circumstances. If such a sign is necessary, a fee of \$100 additional to the above-noted fees, is required for the sign board and preparation of text. Applicants will be refunded \$70.00 once the sign has been returned to the RDKB in good condition.

REFUNDS:

If type (a) or (c) application is denied before public hearing.....	\$500.00
If type (b) application is denied before public hearing.....	\$600.00
If a Development Proposal Sign is returned in good condition.....	\$70.00

**Fees for application types (d), (e), (f), (g), (h) and (i) are non refundable

Name(s) of registered owner(s): Kathleen SmytheAddress: 159 Alpine Road, Christina Lake BC V0H 1E1Telephone/Fax: 250-441-6201Email: sunflowerinn@shaw.ca

Land Area in ha

Legal description of land under application: Lot 4 Block 4 Plan KAP6348 DL963
Lot 3 Block 4 Plan KAP6348 DL963

Please explain your reasons for requesting this application, and please also describe in detail your development proposal (use space provided on the back of this form, or attach a separate sheet of paper if needed):

a →

5-7 Campground
services provided

public hearing

SUPPORTING INFORMATION REQUIRED

In support of your application, please answer the following questions:

- | | YES | NO | |
|--|----------------------------------|-----------------------|-----|
| 1. Are there any Restrictive Covenants registered on the subject property? | <input checked="" type="radio"/> | <input type="radio"/> | 140 |
| 2. Are there any registered Easements over the subject property? | <input type="radio"/> | <input type="radio"/> | |
| 3. Is there legal and practical road access to the subject property? | <input checked="" type="radio"/> | <input type="radio"/> | |

****The following information is also required (failure to do so may delay or jeopardise the application):**

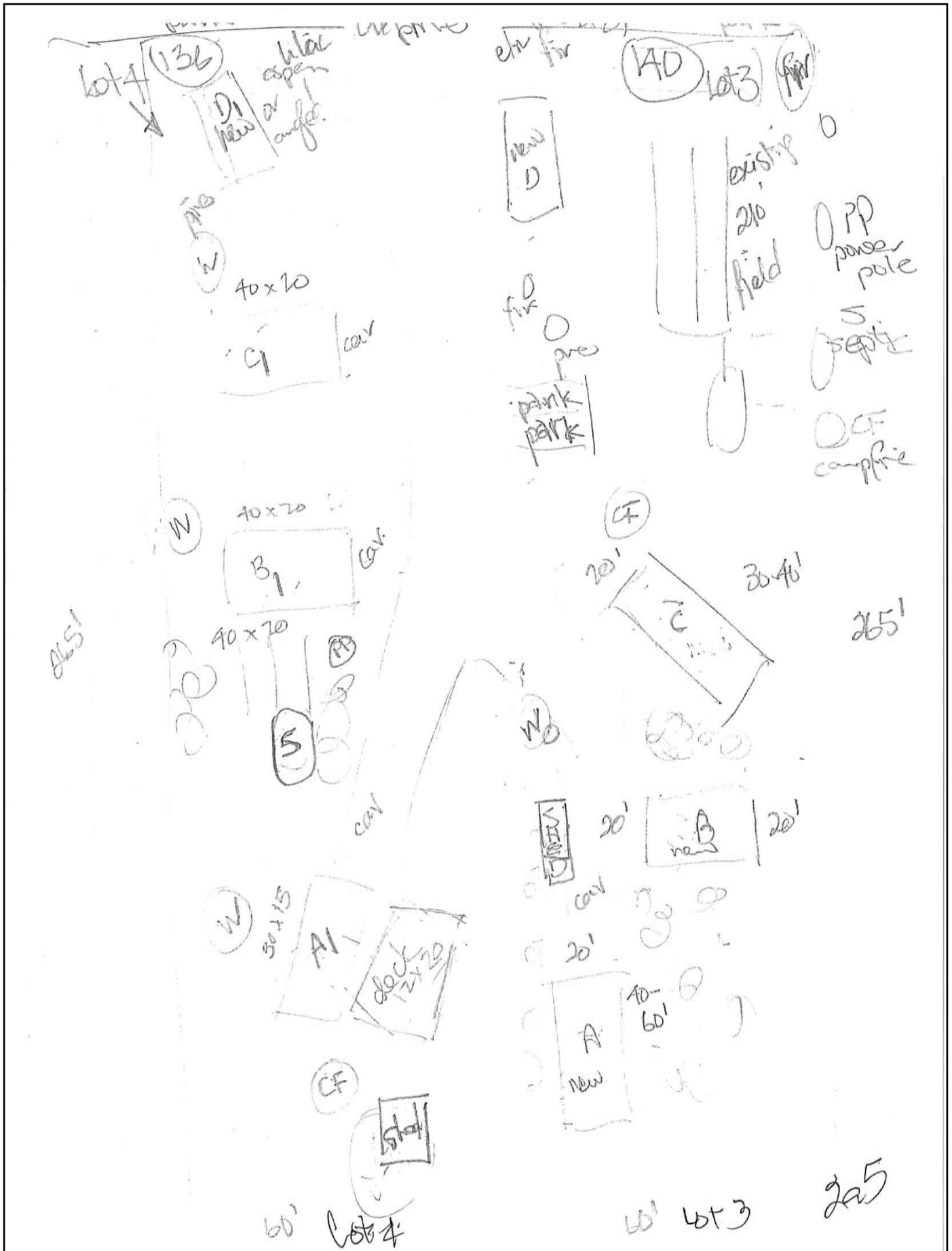
1. A copy of the Certificate of Title or recent Tax Assessment notice for the subject property or properties;
2. A plan drawn to an appropriate scale, accompanied by a written report (if necessary) showing:
 - the legal boundaries and dimensions of the subject property;
 - boundaries and dimensions of any proposed lots (if subdivision is being proposed);
 - the location of any physical or topographic constraints on the subject property (such as watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
 - the location of permanent buildings and structures on the subject property;
 - the location of any proposed buildings, structures or additions thereto;
 - the location of any existing or proposed access roads, driveways, screening and fences;
 - the proposed method of sewage disposal and the location of any existing and/or proposed septic tank, tile field, sewer line or similar, and water sources (well or community water service pipe location); and
 - the location of any earthworks/grading and/or proposed landscaping on the subject property.
3. **Application types (d) and (i) only:** A copy of a professional's report which addresses relevant development permit guidelines may be required. Please consult the Regional District Planning and Development Department if you are unsure about this requirement.
4. Additional material, or more detailed information may be requested by the Regional District upon reviewing your application.

If the Regional District believes it to be necessary for the property boundaries and the location of improvements thereon to be more accurately defined due to uncertainty over natural boundaries of watercourses or other reasons, a sketch prepared by a British Columbia Land Surveyor may be required. The voluntary submission of such a sketch may prevent a possible delay in processing the application.

1. Tax assessment Notice Lot 3 and Lot 4 - Alpine Road, Christina Lake, BC- attached.
2. Legal Boundaries- there are 6 pins staked
60' x 265'
3. No new proposed lots
4. No topographic constraints- no shorelines, no ravines, no wetlands on these two lots
5. Location of buildings- 2 sheds now exist, another outbuilding may be required.
6. Access roads-none, each lot has a present existing driveway to each lot- side by side
7. Existing sewage tank since 1978 or 1980. This is a two part tank with and existing field that is functioning well.
8. A water source is already present-it is a community water source-Christina Lake Water Suppliers Society
9. Location of landscaping- is as is-natural- presently there are cedar, pine, fir, maple, lilac, elm, birch, quaking aspen, Oregon grape and elderberry, dogbane. There is a grassed area.

This "campground" has been existence since 1998 with me operating it, and has operated without complaint until this year. Historically this land has been a resort area for camping and staying in cabins since the 1920's according to historic articles and elder's stories. Some of the old camping sites names still exist on some places on these Lots 1-18 .





Should the property owners elect to have someone act on their behalf in submission of this application, the following Agent's Authorization section must be completed.

AGENT'S AUTHORIZATION

I, _____ hereby authorize _____ to act on my behalf in respect of this application.

Name of Authorized Agent: _____

Address of Agent: _____

Telephone/Fax: _____ Email: _____

Date: _____

Signature of Owner

The following Declaration should be completed **ONLY** if the subject property **HAS NOT** been used for industrial or commercial activity as defined on the **attached Contaminated Sites Regulation Schedule 2**.

DECLARATION PURSUANT TO THE *ENVIRONMENTAL MANAGEMENT ACT*

I, Kathleen Smythe, owner of the subject property described on this application form, hereby declare that the land which is the subject of this application has not, to my knowledge, been used for industrial or commercial activity as defined in the list of "Industrial and Commercial Purposes and Activities" (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a Site Profile under Section 40.1 or any other section of the *Environmental Management Act*.

Kathleen Smythe
Signature

August 31, 2014
Date

Please submit this application form to our office(s) with appropriate fees and supporting information (page 2).

NOTE: Should the subject property have been used for the purpose of any category listed on **Schedule 2**, a Ministry of Environment **Site Profile** form **Schedule 1** (available from Regional District offices in Trail and Grand Forks or on the RDKB web site www.rdkb.com) must be completed and submitted to our offices with this Application form and the appropriate RDKB fees.

I, the undersigned, hereby certify that the information provided with respect to this Regional District of Kootenay Boundary application is full and complete and is, to the best of my knowledge, a true statement of the facts related to this application.

Kathleen Smythe
Signature of Owner

August 31, 2014
Date

****Applicants are entitled to appear before the Electoral Area Advisory Planning Commission and the Planning and Development Committee to explain the nature of their request. Should the applicant choose to exercise this option it is their responsibility to contact the Electoral Area Advisory Planning Commission Chairperson, or the RDKB Planning and Development Department Secretary, as is appropriate, with respect to meeting schedules and procedures. As a final option, the applicant may also choose to appear before the full RDKB Board of Directors to explain the nature of their request. Appearances before both the Planning and Development Committee and the Board of Directors require written notification at least one week prior to the scheduled meeting. Information as to RDKB meeting schedules may be obtained on the RDKB web site www.rdkb.com or by calling the Regional District of Kootenay Boundary Trail office.**

Reasons for requesting this application:

As per the definition of the Official Community Plan of Area 'C', I am in contravention of a bylaw for Waterfront Residential R2 zoning by operating a "campground".

Under the definition for "campground" in these bylaws it states the following:

Campground means any land where sites are provided for the temporary accommodation of the travelling or vacationing public in tents, cabins, or recreational vehicles and includes in conjunction with campsites:

- a) Recreational and amusements facility intended for the use of overnight guests only;
- b) Common washrooms; and
- c) Accessory buildings and structures.

Apparently a complaint has been filed about operating a campground and I received a phone call from the RDKB in Trail in June. I was questioned why I have picnic tables.

I have been renting out RV sites since 1998, to supplement my income while living here at Christina Lake, BC. I have raised three children here who are now adults. I request the right to be able to supplement my income without hardship. As business has grown, I have added more sites over the years. I have improved the power outlets as a power post rotted away and a new outlet was required- to provide power for my weed eater (wacker) and power tools and RV sites etc. I have added water taps and sprinkling system to help irrigation. I have upgraded my sewer system there by providing a water tight pump tank to lift the sewage to the regular tank as some of land is at a lower elevation. All of this has been done by qualified contractors. For the last 4-5 years I have had four sites operating during times of high demand.

I need a zoning definition that would apply fairly to my business in the area where I live for Lot 3 and Lot 4 on Alpine Road.

I request the permission to rent out 9-10 RV sites for short and long term stays. Short term stays 1-7 days, long term stays weekly-monthly stays for

Aa

the summer. I request permission to be able to operate my business as I see fit as the business supports it from April – October. Historically the busiest time is July and August.

I request the ability to have a dwelling on Lot 4 if needed in the future.

I request the ability to have a garage with apartment on top on Lot 3 and on Lot 4 if needed in the future.

I request the ability to have outbuildings as required.

I request the ability to move RV sites as necessary if the septic field for my home at 159 Alpine Road requires replacing or to be changed.

I request permission to have campfires permitted when there are no campfired bans.

I request the ability to use an RV site or three to charge an electric car(s) if need be.

I request the ability to use the area to park boat trailers for my guests if needed. I have been doing this for 19 years now.

I request the ability to revert the zoning back to Waterfront R2 if I so see fit in the future.

I request ability to have signage so that there will be no parking near the driveway entrance to make it easier for the RV's to enter the lot.

I request permissions to have an office outbuilding.

I request permission to have a store, and an eating and drinking establishment.

A public campground washroom will not be provided at this time, these RV sites will be rented to RV's that have their own full washrooms complete with shower, toilet and sink. They will have a self-contained washroom in their RV. Occasional tents or tent trailer will be permitted that come with the RV for the families to allow their children or parents to sleep in.

Each lot already has its own driveway-Lot 3 (1982) and Lot 4 (1978) driveways are side by side. As these driveways are already existing Highway department access permission is not required at this time as per phone call to the Grand Forks Highway office on August 19, 2014.

The positives for this development are the following:

4b

- it helps the local economy- clients go to Owl Mountain Ranch, Golf Courses, marina, gas stations, grocery shopping, restaurants, pharmacy.
- there is a need-this summer my guests had family in boat access properties across the lake, they had relatives and friends in CLARA,
- I have provided RVs and business to other campgrounds by sending them guests that I could not accommodate or that came and did not meet all my requirements to stay here.
- this business is gentle on my land- it goes back to nature, in the fall, winter and spring when the RV'ers go back to their homes.
- Guests are quiet, gentle people- usually families and couples.
- I have requests for long term stays for next summer- therefore less parking, or coming and going traffic would be required.
- the sites at Texas Creek campground do not provide power.
- I get to make new friends and acquaintances.
- some of my sites provide shade and are wooded-this is appealing to many of them.
- I can provide off street parking
- I check on my guests regularly, and remove their garbage and recyclables.

As an aside:

There are other RV lots in my neighbourhood at the present time:

Lot 6, Lot 8 was and now has a house for 1 year, Lot 10 and 14

Lot 16 has 3 plus RV's,

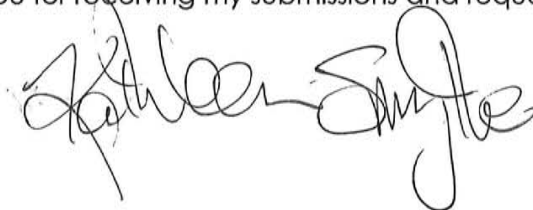
Lot 12 & 11

Lot 17 & 18 has 3 plus RV's, have old campground washrooms from Alpine Inn.

Several of these lots have more than 1 RV, and some of these RV's have been derelict for more than one summer over the past several years.

Therefore it is quite common to have RV's in my neighbourhood on Alpine and Larson Roads and East Lake Drive.

Thank you for receiving my submissions and requests.



4c

Development proposal for 136 and 140 Alpine Road.

To provide 10 RV sites

To provide power outlet for electric car charging- have had requests for this- plug in would be provided at some of the RV sites.

RV sites to be rented daily, preferably weekly or monthly, could be with a minimum stay

Some sites may have power and water, others may have power, water and sewer and/ or solar power

Already have 4 sites – 3 are finished, one is still being worked on.

Request ability to create 5-6 more sites to a maximum of 10 sites

Request ability to move sites as needed is necessary to change the location of my septic field for 159 Alpine Road house.

Request permission for garage with or without an apartment on top at some time in the future, this may take the place of one RV site.

Request permission for a dwelling unit or house on Lot 4 at some time in the future.

Some campfire pits can be shared, none to be used during fire bans

Driveway access already exists for both lots-side by side.

There is already water, power and sewer existing on these lots.

Request permission for the ability to revert back to R2 Waterfront zoning if needed at some time in the future.

Two out building (sheds) exists already for storage. Request permission for another outbuilding if necessary for office or lawn tractor etc.

Ad

STAMP OFFICE 3 ADD
JUNE 80 TITLES

N 26190

78 MAY 15 14:42

FORM V

DECLARATION OF CREATION OF BUILDING SCHEME

WE, OKANAGAN WEST SHORES VIEW ESTATES LTD., a body corporate,
of Second Floor, 1560-A Water Street, in the City of Kelowna,
Province of British Columbia, DECLARE:

1. THAT we are the registered owners in fee simple of
Lots 2 to 10 inclusive
Lots 14 to 22 inclusive
All in Block 4, District Lot 963, Similkameen Division
Yale District, Plan 6348.
2. WE HEREBY CREATE a Building Scheme relating to the
lots.
3. A sale of any of the lots is subject to the restrictions
enumerated in the schedule.
4. The restrictions shall be for the benefit of all of
the lots.

DATED at Kelowna, in the Province of British Columbia,
this 11th day of MAY, 1978.

The Corporate Seal of OKANAGAN WEST
SHORES VIEW ESTATES LTD. was here-
unto affixed in the presence of:

MAY 17 1978
Registered the _____ Day of _____
19 _____ on Application Received
at the _____ Office of the Registrar
of the Province of British Columbia

Substitute Forms 'A', 'C', 'D' & 'E'
Particulars

Applicant: R. HARRIS
Address: Box 945
Phone No. 372-2924
Selling/Agent for: C.R.W. 002
Declared Value: N/A
Nature of Document/Charge: S.B.S.
Forwarded to: B.T. to Applicant
Signature: R. Harris
Signature of Applicant/Selling/Agent

000000 2

3/5

15 MAY 78

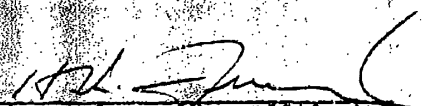
SCHEDULE

1. No houses shall be moved onto any of the lots save and except new prefabricated homes which may be moved onto the lots subject to the approval of the Promoter, the Building Inspector and the Health Department.
2. No signs shall be placed on vacant lots without permission of the Promoter prior to March 1, 1985
3. No poultry or livestock shall be kept on the lots
4. No trailer, double-wide trailer home or mobile home shall be moved onto any of the lots, even if located on cement foundations, without the written consent of the Promoter, Okanagan West Shores View Estates Ltd., the Building Inspector and the Health Officer.
5. No dwelling shall be allowed to remain uncompleted on the outside of the building for more than one year after the commencement of construction of such dwelling.
6. No building shall be erected or maintained on the lots except a single family dwelling house having complied with the Canadian Building Code and the building regulations of British Columbia. However, with the written approval of the Promoter, the Building Inspector and the Health Officer, duplexes will be permitted on the larger lots or on two adjoining lots and, further, with the written approval of the Promoter, the Building Inspector and the Health Officer, multiple dwellings may be permitted on a multiple of adjoining lots.
7. Recreational camper units or motor homes, not exceeding 35' in length, may be placed on the property for a period of three months in any one year providing, however, the unit meets the requirements of the Building Inspector, the Health Officer and the Regional District of Kootenay Boundary.
8. No person shall be liable for breaches of the restrictions herein contained except for breaches committed or continuing during his, her or their joint or sole seisin of or title to the lot upon which or in respect of which such breaches shall have been committed.

ACKNOWLEDGEMENT OF OFFICER OF A CORPORATION

I HEREBY CERTIFY that on the 12th day of MAY, 1978, at the City of Kelowna in the Province of British Columbia, Patrick John McBride, personally known to me, appeared before me and acknowledged to me that he is the President of Okanagan West Shores View Estates Ltd. and that he is the person who subscribed his name to the annexed instrument as President of the said Company and affixed the seal of the said Company to the said instrument; that he was first duly authorized to subscribe his name as aforesaid and affix the seal to the said instrument and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY WHEREOF I have hereunto set my Hand and Seal of Office, at the City of Kelowna, in the Province of British Columbia, this 12th day of MAY, 1978.


A Commissioner for taking Affidavits
for the Province of British Columbia

H. R. FRIETWELL
BARRISTER & SOLICITOR
STE. 101-1470 ST. PAUL ST.
KELOWNA, B.C.

CONSENT OF MORTGAGEE

Cascade Alpine Inn Ltd., a body corporate, of
 Castlegar Medical Arts Building, in the village of
 Castlegar, Province of British Columbia, being the
 holder of a mortgage registered under number _____
 against the lands described in the within Building
 Scheme, DO HEREBY CONSENT to the creation of the said
 Building Scheme.

DATED at CASTLEGAR, British Columbia, this
11th day of MAY, 1978.

The Corporate Seal of CASCADE
 ALPINE INN LTD. was hereunto
 affixed in the presence of:

Gustav Leitner President
Harold R. Smythe Secretary-Treasurer

ACKNOWLEDGEMENT OF OFFICERS OF A CORPORATION

I HEREBY CERTIFY that, on the 11th day of MAY, 1978,
 at CASTLEGAR, British Columbia, Gustav Leitner, Sr., who
 is personally known to me, appeared before me and acknowledged
 to me that he is the PRESIDENT of Cascade Alpine Inn Ltd.,
 and Dr. Harold R. Smythe, who is personally known to me, appeared
 before me and acknowledged to me that he is the SECRETARY
 of Cascade Alpine Inn Ltd., and both the aforementioned acknowledged
 that they are the persons who subscribed their names to the annexed
 instrument as President and Secretary-Treasurer of the said company
 and affixed the seal of the said company to the said instrument;
 that they were first duly authorized to subscribe their names as
 aforesaid and affix the said seal to the said instrument and that
 such corporation is legally entitled to hold and dispose of land
 in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of
 Office at CASTLEGAR, in the Province of British Columbia,
 this 11th day of MAY, 1978.

J. M. Young
 A Commissioner for taking Affidavits
 for the Province of British Columbia

Status: Registered

Doc #: KG25750

RCVD: 1993-03-29 RQST: 2014-07-08 08.59.02

PART 2 - TERMS OF INSTRUMENT

Page 4

THIS AGREEMENT made this ____ day of _____, 1993

BETWEEN:

KATHLEEN MARGUERITE LOUISE MACKENZIE, Nurse
 General Delivery
 Christina Lake, British Columbia, V0H 1E0
HAROLD HEMPHILL SMYTHE, Physician and Surgeon
 313 Silica Street
 Nelson, British Columbia, V1L 4M4

(hereinafter called the "Grantor")

OF THE FIRST PART,

AND:

HER MAJESTY THE QUEEN IN RIGHT OF
THE PROVINCE OF BRITISH COLUMBIA
 as represented by:

Medical Health Officer
 for the Central Kootenay Health Unit
 810 - 10th Street, Castlegar, British Columbia
 V1N 2H7

-and-

Ministry of Transportation and Highways
 Parliament Buildings, Victoria, British Columbia,
 V8V 1X4

REGIONAL DISTRICT OF KOOTENAY BOUNDARY
 #202 - 843 Rossland Avenue
 Trail, British Columbia, V1R 4S8

(hereinafter called the "Grantee")

OF THE SECOND PART.

W H E R E A S:

A. Both KATHLEEN MARGUERITE LOUISE MACKENZIE and HAROLD HEMPHILL SMYTHE are the registered owners in fee simple of the following lands in the Province of British Columbia, more particularly known and described as:

Page 5

Lot 1, Block 5, DL 963, SDYD, Plan 6348 Except Plan 8781

and the Grantor, KATHLEEN MARGUERITE LOUISE MACKENZIE, is the registered owner in fee simple of the following lands in the Province of British Columbia, more particularly known and described as:

Lot 3, Block 4, DL 963, SDYD, Plan 6348

(hereinafter called the "Lands" or "Lot 1" or "Lot 3");

B. The Grantor proposes to build a residence on Lot 1, Block 5, DL 963, SDYD, Plan 6348 Except Plan 8781 according to a preliminary plan completed on October 21, 1992 by Newman Engineering Limited, a copy of which is attached hereto as Schedule "A";

C. Lot 1 does not have sufficient area to install a proper sewage disposal system in accordance with the requirements of the Ministry of Health and the Regional District of Kootenay Boundary;

D. A covenant under section 215 of the Land Title Act is required by the Medical Health Officer for the Central Kootenay Health Unit pursuant to the Health Act as a condition of the consent to approval of a sewage disposal system on Lot 3 for the benefit of the residence to be constructed on Lot 1;

E. Section 215 of the Land Title Act provides that there may be registered as a charge against the title to Lot 1 and Lot 3 a covenant in favour of the Province and a Regional District that land is to be used in a particular manner or that land is not to be built on except in accordance with the covenant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada and other good and valuable consideration paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, the Grantor does hereby covenant and agree with

Page 6

the Grantee under Section 215 of the Land Title Act of the Province of British Columbia as follows:

1. The Grantor on behalf of themselves, their heirs, executors, administrators, successors and assigns, hereby covenants and agrees with the Grantee as a covenant in favour of the Grantee pursuant to Section 215 of the Land Title Act, it being the intention and agreement of the Grantor that the provisions hereto be annexed to and run with and be a charge upon the Lands, that from and after the date hereof:

- (a) No habitable building, mobile home or unit, modular home or fixed equipment shall be constructed, reconstructed, moved, extended or located on Lot 3; PROVIDED that the existing driveway and vegetable and flower garden together with a yet to be built garage or carport and tool shed can be erected on Lot 3 as long as it does not interfere with the sewage disposal system to be installed on Lot 3.
- (b) No pipes or conduits shall be buried on Lot 3 except for a sewage disposal system approved by the Grantee, and a water pipeline to water the existing vegetable and flower garden and power to operate the garage door and light.
- (c) Neither Lot 1 nor Lot 3 can be sold as separate lots, as the sewage disposal system on Lot 3 is to be constructed to service the residence to be constructed on Lot 1.
- (d) No bedrooms will be added to the house other than the bedrooms set out in the house plans.
- (e) No water, plumbing fixtures or appliances will be installed or used in the house except for low water faucets, showers, dishwashers and clothes washers.

Page 7

2. The Grantor will indemnify and save harmless the Grantee and its servants and agents against all losses, damages, costs and expenses, including fees of solicitors and other professional advisors arising out of any breach, violation or non-performance of any terms, conditions, covenant or other provision of this Agreement.

3. (a) No term, condition, covenant or other provision of this Agreement will be considered to have been waived by the Grantee unless the waiver is expressed in writing by the Grantee.

(b) Any waiver by the Grantee of any term, condition, covenant or other provision of this Agreement or any waiver by the Grantee of any breach, violation or non-performance of any term, condition, covenant or other provision of this Agreement does not constitute and will not be construed as a waiver of any further or other term, condition, covenant or other provision of this Agreement or any further or other breach, violation or non-performance of any term, condition, covenant or other provision of this Agreement.

4. The terms, conditions, covenants and other provisions of this Agreement will extend to, be binding upon and enure to the benefit of the parties to this Agreement and their respective successors and assigns.

5. In this Agreement unless the context otherwise requires, the singular includes the plural and vice versa.

6. This Agreement will be interpreted according to the laws of the Province of British Columbia.

7. Where there is a reference to an enactment in this Agreement, the reference will include any subsequent enactment of the Province of British Columbia of like effect and all enactments referred to are enactments of the Province of British Columbia.

Page 8

8. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

9. This Agreement runs with the lands and will be registered as a charge against the title to the lands under Section 215 of the Land Title Act.

10. Nothing contained or implied in this Agreement will prejudice or affect the rights, powers and remedies of the Grantee in the exercise of the Grantee's functions under any public or private statutes, regulations, bylaws or orders or in equity, all of which may be fully and effectively exercised by the Grantee in relation to the Grantee or the lands as if this Agreement had not been made.

11. The Grantor will do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.

12. This Agreement will not be modified or discharged except in accordance with the provisions of Section 215(5) of the Land Title Act.

13. This Agreement shall be interpreted according to the laws of the Province of British Columbia.

14. This covenant will only be registered as a charge on the Land if a residence is in fact built on Lot 1 otherwise it will be null and void.

15. This covenant becomes null and void when a community sewage system is established.

Status: Registered

Doc #: KG25750

RCVD: 1993-03-29 RQST: 2014-07-08 08.59.02

Page 9

16. Where there is a reference to an enactment of the Province of British Columbia in this Agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia of like effect, and unless the context otherwise requires, all statutes referred to herein are enactments of the Province of British Columbia.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and year first above written.

SIGNED, SEALED AND DELIVERED
by the Grantor in the presence of:)

Name _____)

Address PETER SOMERVILLE, Lawyer)

135 Market Avenue,)

P.O. Box 1016,)

Occupation Grand Forks, B.C. V0H 1H0)

Kathleen Mackenzie

KATHLEEN MARGUERITE LOUISE MACKENZIE

SIGNED, SEALED AND DELIVERED
by the Grantor in the presence of:)

Name Peter Kanigan)

Address PETER KANIGAN)

515 Vernon Street)

Occupation Nelson, B.C. V1L 4E9)

Notary Public

Harold Hemphill Smythe

HAROLD HEMPHILL SMYTHE

This is the instrument creating the condition of Covenant pursuant to section 215 of the Land Title Act by the Grantor referred to herein.

Nelson Amos
APPROVING OFFICER/Medical Health
Officer for the Central Kootenay
Health Office

[Signature]
APPROVING OFFICER/Ministry of
Transportation and Highways

[Signature]
APPROVING OFFICER/Regional District
of Kootenay Boundary

Page 9 of 10

Zoning Template

Template for a zoning bylaw. This is not a draft bylaw. It is a template to review the proposal and see how the requests might fit into a zoning bylaw. Provisions could be added, deleted or modified.

The italic text in parentheses is explanatory discussion on why that provision is presented as is, was modified or deleted.

CAMPGROUND COMMERCIAL RV ZONE

The following provisions apply to lands in the Campground Commercial RV Zone.

1. Permitted Principal Uses

Only the following **principal uses** are permitted:

- a) **RV Campground.**

(A definition of "RV Campground" would be provided which would differ from a campground in that if no washroom facilities are provided, then sites are restricted to RVs with water and septic holding tanks, or units which can hook to an approved septic system)

2. Permitted Secondary Uses

Only the following **secondary uses** are permitted, and only in conjunction with a use listed in paragraph 1 above:

- a) **Accessory buildings and structures;**

(Removed single family dwelling from permitted use. These parcels are too small for RV sites and a dwelling, plus the covenant on Lot 3 will not permit a dwelling. Lack of a dwelling poses a problem if an on-site manager is required or desired. They could reside in an RV site, if that is to be considered)

3. Parcel Area

Parcels to be created by subdivision must not be less than 2ha.

(Could leave this or remove it. The parcels cannot be subdivided whether this stays or not, based on Covenant on Lot 3 and the small the size of Lot 4.)

4. Maximum Number of Dwelling Units

No dwelling units (per discussion at Section 2, above)

5. Density

- a) Maximum 10 campsites per 3000m², minimum 125m² per site.

(The maximum number here is the number the applicant requested.)

6. Parcel Coverage

Maximum 10% of the **parcel** area may be covered by **buildings** and structures combined.

7. Setbacks

Minimum setbacks measured in metres:

Parcel Line	RV campsites	Accessory buildings and structures 10m² or less in size	Accessory buildings and structures >10m² in size
Front	7.5	7.5	7.5
Exterior side	4.5	4.5	4.5
Interior side	3.0	0.6	3.0
Rear	7.5	0.6	3.0

(These setbacks are consistent with the campground commercial zone and the R2 Zone. That said, regarding interior side setbacks, it is different having a dwelling along the interior parcel line setback and a RV site, which is likely to produce more noise and disruption to neighbours)

8. Height

Maximum:

- a) 4.6m for **accessory buildings and structures**.

9. Outdoor Storage Areas

Outdoor storage areas must be surrounded by a **solid landscape screen** not less than 2.0m in height. A **solid landscape screen** in the form of a fence or wall must not exceed 2.5m in height.

10. Signs

Signs are permitted in accordance with Section 318 of this Bylaw.

11. Parking and Loading

Off-street parking and loading facilities must be provided in accordance with the parking regulations outlined in Part 3 of this Bylaw.

12. Fire Pits

One fire pit per parcel.



Electoral Area Services Committee Staff Report

Prepared for meeting of October 2014

Development Variance Permit			
Owner: 0985028 BC Ltd		File No: BW-508S-07440.104	
Location: 40 Kettle View Road Big White Ski Resort, Electoral Area 'E'/West Boundary			
Legal Description: DL 508S		Area: 0.105 acre (425m ²)	
OCP Designation: Village Core	Zoning: Village Core 6	ALR status: No	DP Area: Alpine Environmentally Sensitive Landscape Reclamation/Commercial & Multiple Family Development Permit Areas
Contact Information: Brad Powell, President 0985028 BC Ltd 1385 Baker Creek Road Quesnel, BC V2J 7H5 (250) 983-6073 powellfamily@netbistro.com			
Report Prepared by: Jeff Ginalias, Planner			

ISSUE INTRODUCTION

The owner of the subject parcel has applied for a Development Variance Permit to legalize the placement of a deck that has been partially constructed at the Snow Ghost Inn, formally known as Das Hofbrauhaus. The deck extends to the interior side lot line (a setback of 0 meters). The deck is attached to the adjacent building, and is part of the commercial establishment, formally known as Rachel's, in the Snow Ghost Inn.

HISTORY / BACKGROUND FACTORS

The subject property is located at 40 Kettle View Road (*see Site Location Map*). The pub and deck were established years ago. The new owner is remodelling and upgrading the pub, which includes replacing the attached deck.

The deck is the only structure on the subject parcel. The Crown granted fee simple title to the parcel in 1987, upon condition it be used in conjunction with the adjacent parcel (the pub). The adjacent parcel is a building strata. The applicant owns two strata units in the building, including the pub.

The property is designated as 'Village Core' in the Big White OCP and zoned 'Village Core 6' (VC6) in the Big White Zoning Bylaw. The property is within the Alpine Environmentally Sensitive Landscape Reclamation and Commercial & Multiple Family Development Permit Areas; however, the construction of a deck within the original footprint does not trigger the Development Permit requirements.

PROPOSAL

The applicant replaced an existing 2150 ft² (200m²) deck which is attached to the existing pub. The applicant is remodeling and upgrading the pub in addition to replacing the deck (*see Applicant's Submission; New Deck Photos*).

Even though the deck is being built in the same location and with the same of projection into the setback (to the lot line), a Development Variance Permit is required since the original construction was done without a variance. Accordingly, the applicant requests the following:

- Decrease in the interior lot line setback of 5.0m (from 5.0m to 0.0m)

IMPLICATIONS

In considering applications for Development Variance Permits, the RDKB generally considers whether the proposed variance will:

- a) Resolve a hardship;
- b) Improve the development;
- c) Cause negative impacts to the neighbouring properties.

The applicant asserts the request is based on hardship. The deck is an integral part of the business. To be attached and part of the pub, the deck has to project into the setback and extend to the parcel line.

The applicant asserts the new deck will be an improvement. The old deck was in poor condition. The new deck, in conjunction with the remodeled pub, should improve the area.

Regarding negative impacts the neighbouring properties, before the Board can consider approving the variance, letters will be sent to neighbouring property owners notifying them of the proposal and providing opportunity for comment. This would include the members in the strata units.

Over the years there have been complaints from residents about noise and disruption from pub operations. While acknowledging this, the application is a land use request for construction of a deck. Matters regarding complaints concerning pub operations are more related to the liquor licensing matters with the pub and the deck.

REFERRALS

This application was referred to both the RDKB Building Official for Big White and the Big White Fire Department. Both expressed concern related to fire hazards both for the deck that has been partially constructed and for the proposed pagoda.

The Building Official has expressed concern about the potential for combustible construction occurring at or near the property line. It is a British Columbia Building Code requirement that as construction is placed closer to a property line it shall achieve a higher level of non-combustible materials. Similarly the Big White Department expressed concern regarding the close proximity of the first floor deck, and the proposed roof of the Pagoda.

The owner is required to apply for a Building Permit, and any required fire separations will be addressed through that process.

APC COMMENTS

The Big White APC has no concerns regarding the request for a Development Variance permit to place the deck within the interior side yard setback.

RECOMMENDATIONS

That the staff report regarding an application by 0985028 BC Ltd. for a Development Variance Permit for the parcel legally described as DL 508S to reduce the interior side parcel line setback from the required 5 metres to 0 metres be received.

That the Development Variance Permit application submitted by 0985028 BC Ltd. for the property legally described as DL 508S requesting an interior side parcel line setback variance of 5.0 metres (from 5 metres to 0 metres) to permit the placement of a deck attached to the adjacent existing building, be presented to the Board for consideration with a recommendation of support.

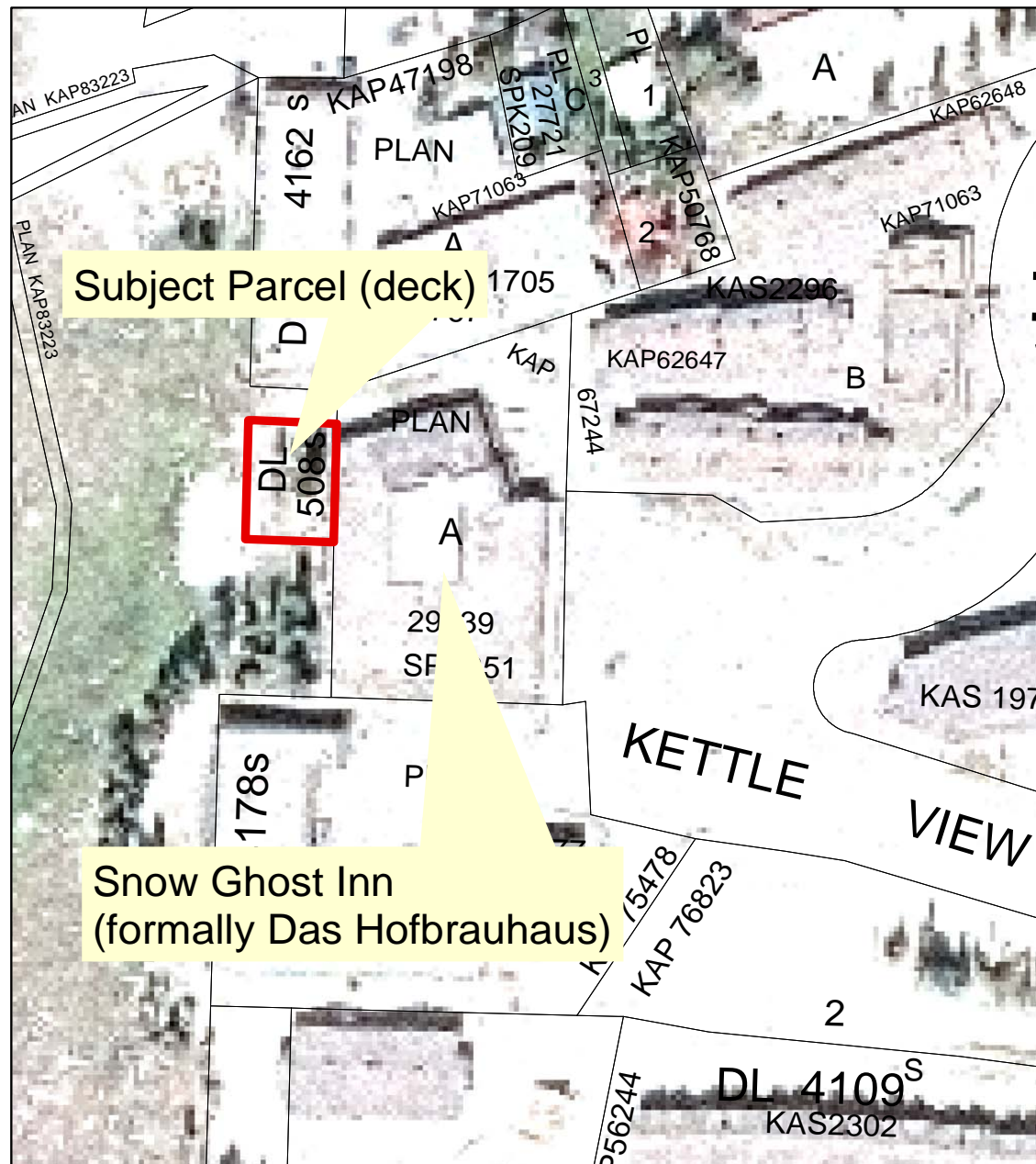
ATTACHMENTS

Site Location Map

Applicant's Submission

New Deck Photos

Site Location Map



Projected Coordinate System:
NAD 83 UTM Zone 11N

SUPPORTING INFORMATION REQUIRED

1. All applicants: Please submit the following information (failure to do so may delay or jeopardize the application):

- (a) a copy of the Certificate of Title or recent Tax Assessment notice for the subject property;
- (b) a plan drawn to an appropriate scale, accompanied by a written report (if necessary) showing:
 - (i) the legal boundaries and dimensions of the subject property;
 - (ii) the location of any earthworks/grading and/or proposed landscaping on the subject property;
 - (iii) the boundaries and dimensions of any proposed lots (if subdivision is being proposed);
 - (iv) the location of any physical or topographic constraints on the subject property (such as watercourses, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
 - (v) the location of permanent buildings and structures on the subject property;
 - (vi) the location of any proposed buildings, structures or additions thereto;
 - (vii) the location of any existing or proposed access roads, driveways, screening and fences.
- Contact planning staff to determine if Floodplain Bylaw regulations apply.

If the Regional District believes it to be necessary for the property boundaries and the location of improvements thereon to be more accurately defined due to uncertainty over natural boundaries of watercourses or other reasons, a sketch prepared by a British Columbia Land Surveyor may be required. The voluntary submission of such a sketch may prevent a possible delay in processing the application.

Additional Information Required For Development Permit Applications:

2. In addition to the information listed above, Development Permit applications must include::

- (a) five (5) sets of concept plans are required showing basic front, side and rear elevations as well as a scaled site plan with 2m contour intervals on 11" x 17" paper showing the placement of the proposed buildings on the lot and their relationship to other buildings, services and amenities on adjacent lots, and distances between the proposed buildings and lot lines;
- (b) additional requirements according to which development permit area your proposed development falls within (see Section II of the Applicant's Information Package). These requirements must be met in writing, and some require a professional architect's or engineer's signature.

****Please refer to the document entitled "Obtaining a Development Permit at Big White – An Applicant's Information Package". A copy may be obtained from the RDKB Planning Department, or from the RDKB website at www.rdkb.com.**

Please outline how your proposed development will meet the requirements contained in the above-referenced package. In addition, outline any requests for variances from the regulations in the Big White Zoning Bylaw:

re-place existing deck (2150 sq feet) attached to existing pub. and original foot print of deck. which requires "0" set back to interior lot line. this would be a hardship to business without getting a variance.

I, the undersigned, hereby certify that the information provided with respect to this application is full and complete and is, to the best of my knowledge, a true statement of the facts related to this application.


Signature of Owner

Sept 21 / 2014
Date

Agent's Authorization

I, _____ hereby authorize _____
 (Owner) (Agent)

to act on my behalf in respect of this Development Permit application.

Address of Agent _____

Telephone: _____ Fax: _____ Email: _____

DECLARATION pursuant to the Waste Management Act

I, Brad Powell owner of the subject property described on this application form, hereby declare that the land which is the subject of this application has not, to my knowledge, been used for industrial or commercial activity as defined in the list of "Industrial purposes and activities" (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a Site Profile under Section 20.11 or any other section of the *Waste Management Act*.

[Signature]
 Signature

Sept 24 / 2014
 Date

Applicants are entitled to appear before the Big White Advisory Planning Commission (APC) to explain the nature of their request. Should the applicant choose to exercise this option it is their responsibility to contact the APC Chair with respect to meeting schedules and procedures. For further information respecting the Big White APC, please contact the RDKB Planning and Development Department.

The following checklist(s) indicates basic requirements for a complete application submission.

GENERAL REQUIREMENTS FOR ALL APPLICATIONS:

- ☐ Completed application form
- ☐ Fee
- ☐ Additional \$100.00 for sign if necessary
- ☐ Copy of most recent Property Assessment, Tax Notice or Certificate of Title

REQUIREMENTS FOR DEVELOPMENT PERMIT APPLICATIONS

Development Permit Applications accompanied by a checklist signed and sealed by a Primary Consultant (e.g. Architect, Professional Engineer, Designer), verifying a complete submission will ensure that processing of the application will commence upon acceptance. RDKB Planners will review the completeness of an application when not accompanied by a signed checklist. If the application is incomplete it will affect the processing time of the pending application. The Planning and Development Department will only process submissions which include all of the Development Permit Area requirements; particularly the following items:

Total Lot Area = 4724 sq. ft.
Total Area of Deck = 2150 sq. ft.
Building Site Coverage = 45.5%



APARTMENT BUILDING

PROPOSED DECK
2150 SQ. FT.

LOT 508 s
4724 SQ. FT.

SITE PLAN



541 OKANAGAN BLVD.
MELOWNA BC
V1Y 7K2

CHAD NUGENT
250 808 6643

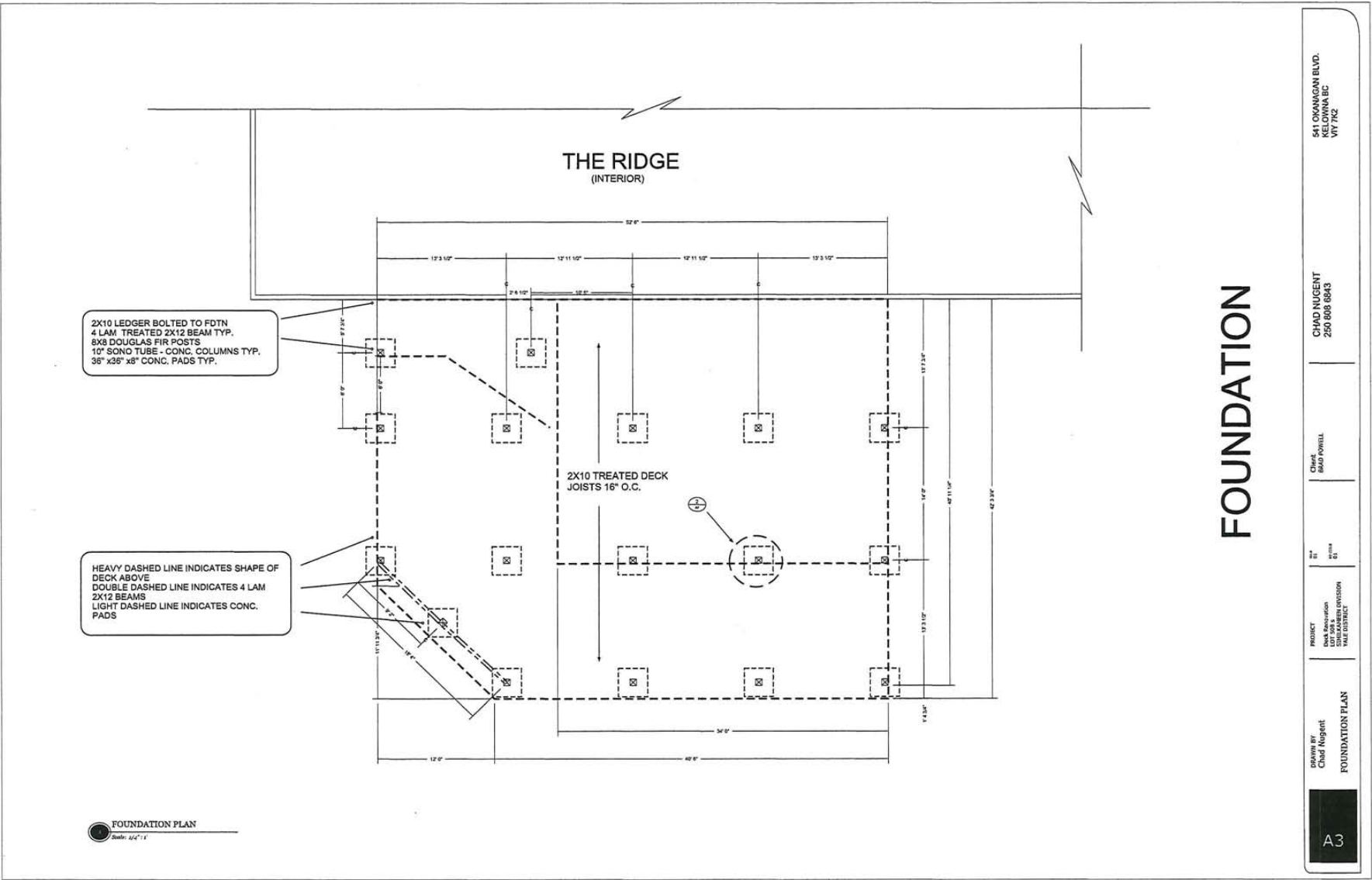
Client
Randy Fortell

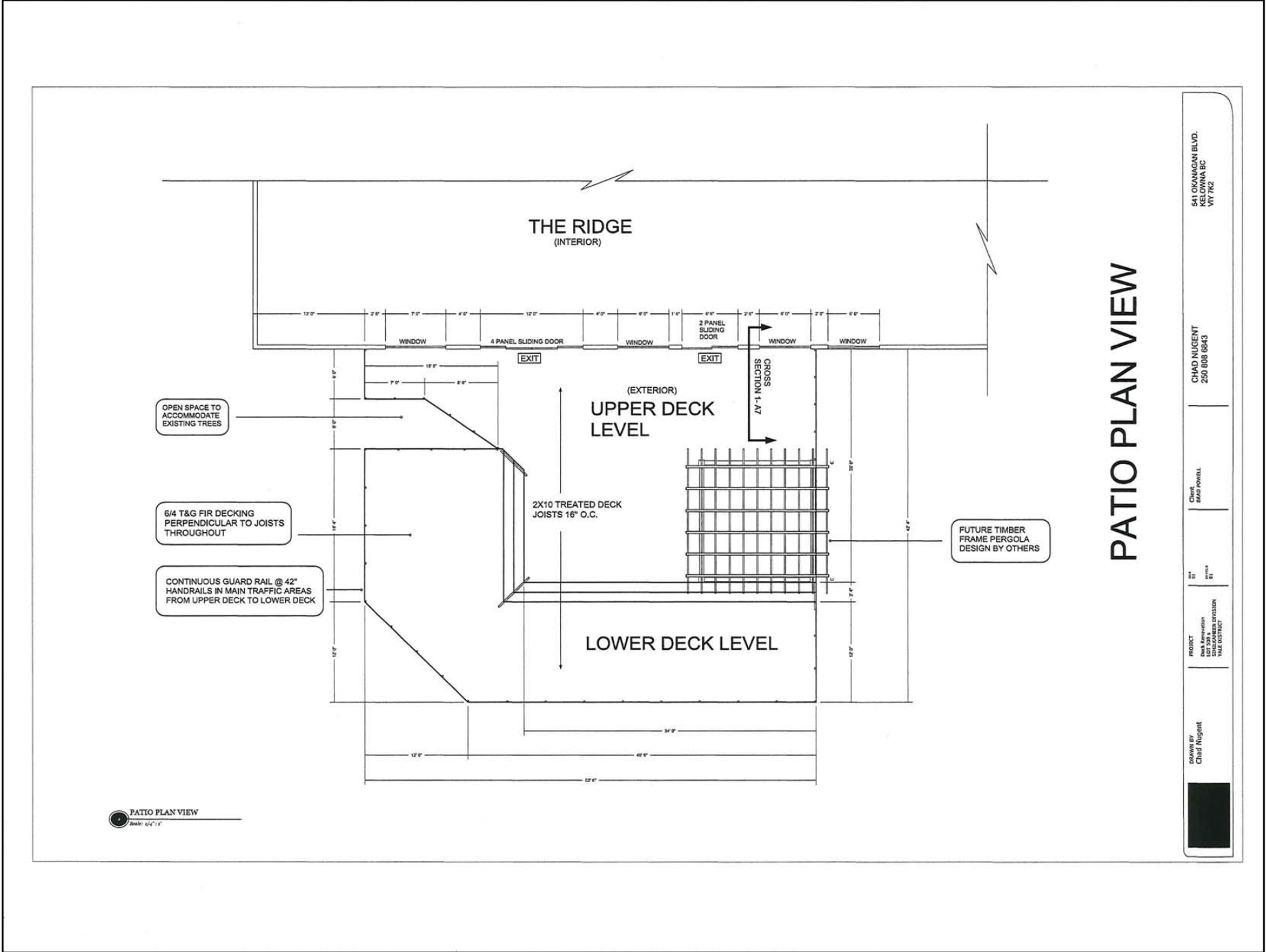
BY
Mina
Mina

PROJECT
Deck Association
SINGAMEN DIVISION
VIA DISTRICT

DRAWN BY
Chad Nugent
SITE PLAN

A2





STONE CLADDING TO RUN
36" UP FROM DECKING
HORIZONTAL CONCRETE
COMPOSITE CLADDING
ABOVE



FUTURE TIMBER
FRAME PERGOLA
DESIGN BY OTHERS

TOTAL ELEVATION
DIFFERENCE
BETWEEN UPPER
AND LOWER DECK
LEVELS

WEST ELEVATION

WEST ELEVATION
Scale: 1/8"=1'

541 OAKMOUNT BLVD.
KELOWNA BC
V1Y 7K2

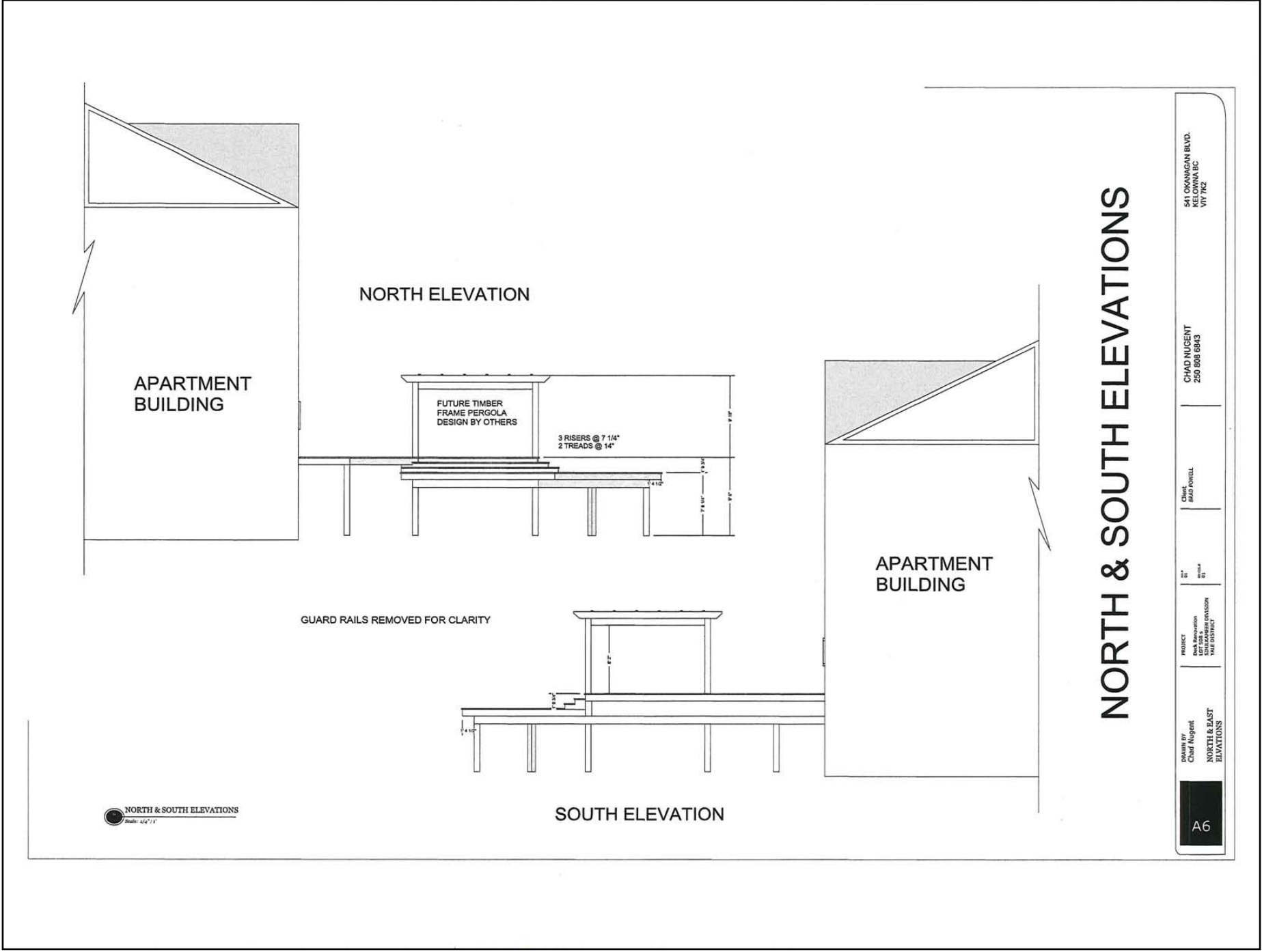
CHAD NUGENT
250 888 6643

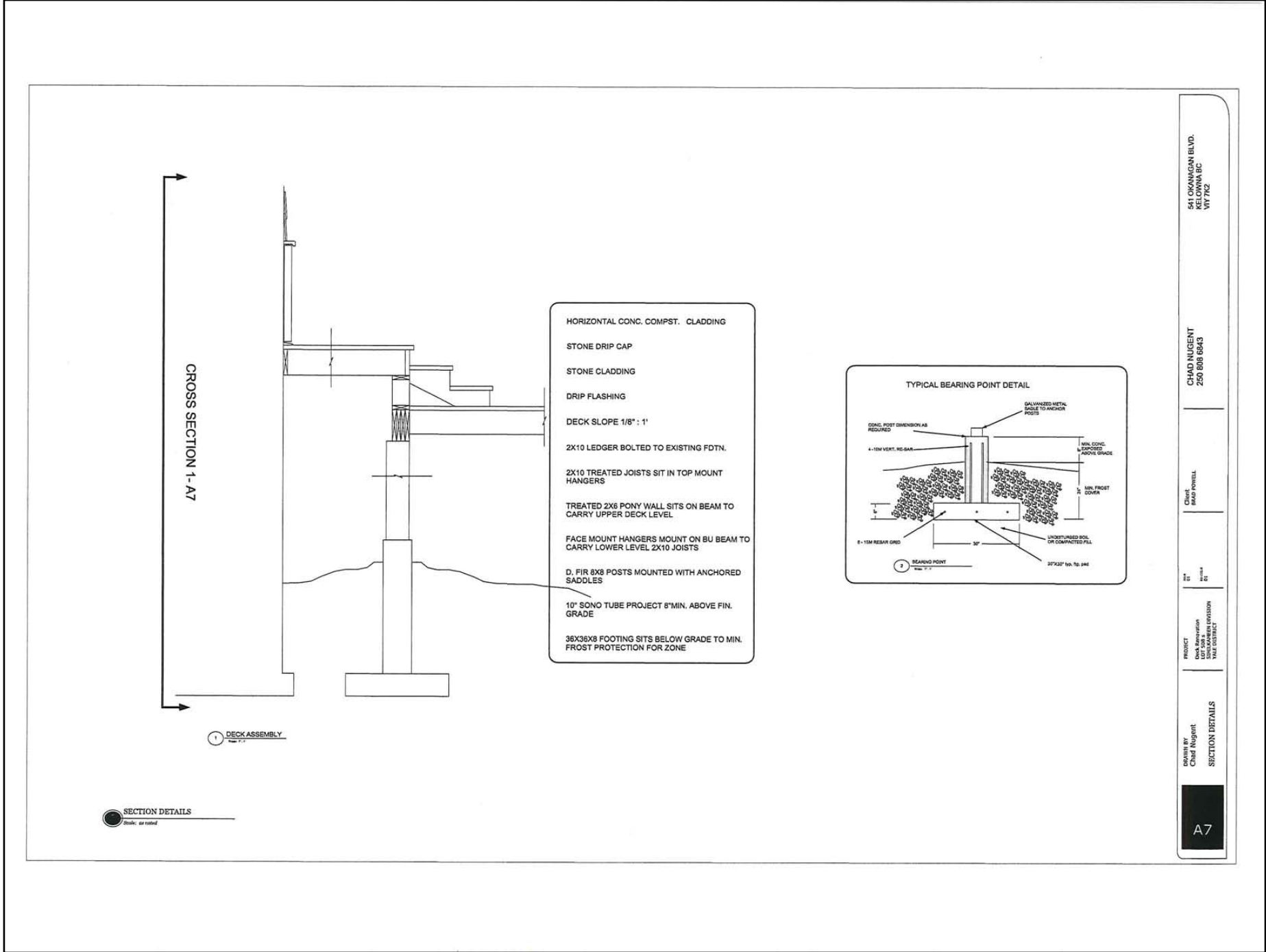
Client
RAG POWELL

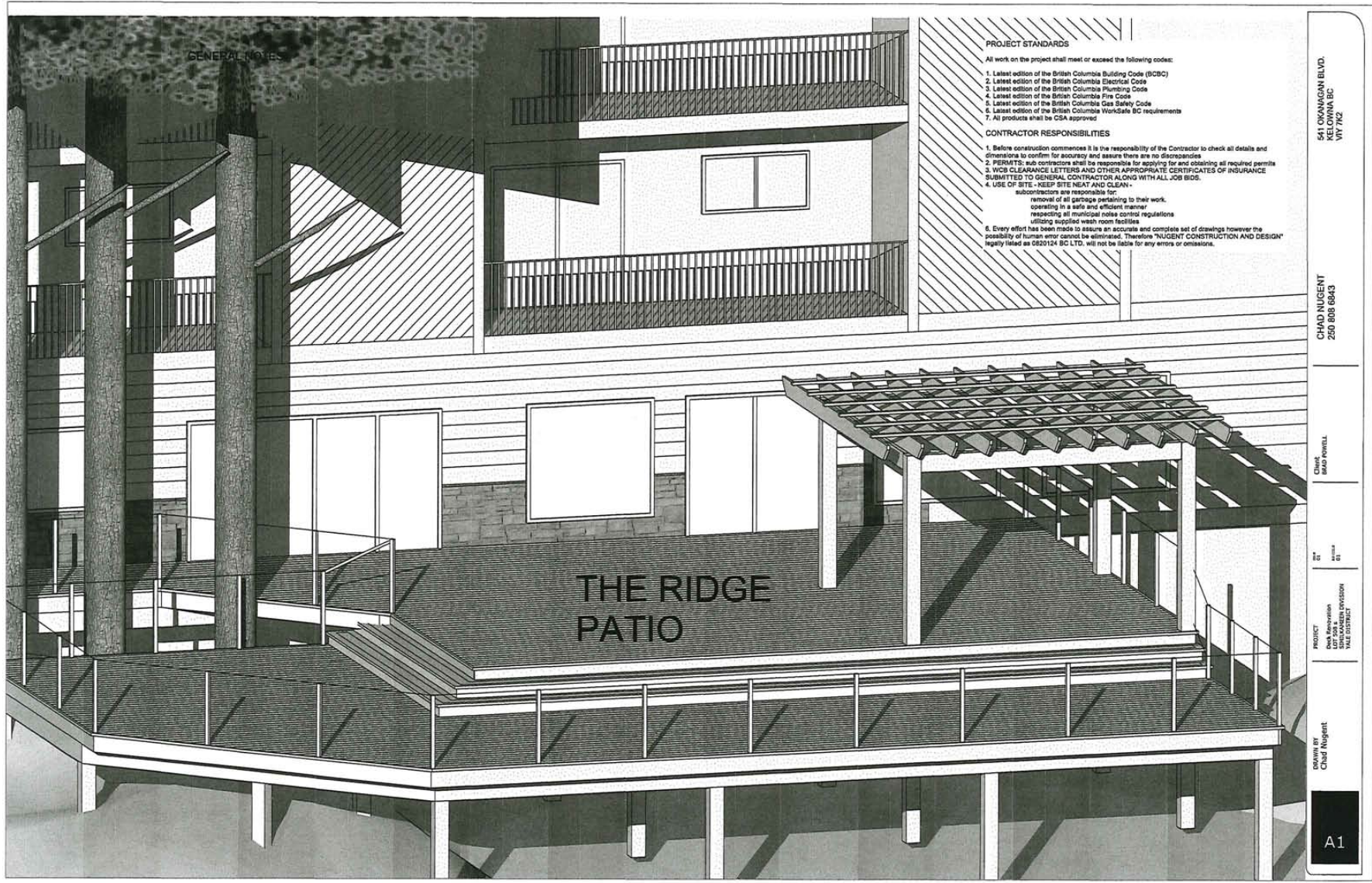
PROJECT
Deck Renovation
1011 10th & Main
VIA DISTRICT

DRAWN BY
Chad Nugent
SOUTH & WEST
ELEVATIONS

A5



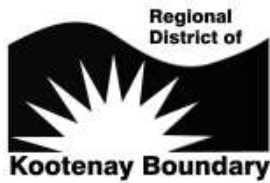




New Deck photos

September 2014





Electoral Area Services Committee Staff Report

Prepared for meeting of October 21014

Development Permit			
Owners: Darcie Laurient, Scott Baldwin, Debbie Aiken, Gary Aiken		File No: C-2104-05061.000	
Location: 3401 White Road, Christina Lake, Electoral Area `C`/Christina Lake			
Legal Description: Lot A, DL 2104, SDYD, Plan 11883		Area: 0.33 acres (1348m²)	
OCP Designation: Waterfront Residential	Zoning: Waterfront Residential 2 (R2)	ALR status: No	DP Area: Waterfront Environmentally Sensitive
Contact Information: Scott Baldwin Polyhomes.com 900-1333 West Broadway, Vancouver, BC V6H 4C2 604-871-4231 sbaldwin@polyhomes.com			
Report Prepared by: Jeff Ginalias, Planner			

ISSUE INTRODUCTION

The applicants have applied for a Development Permit to construct a new home and secondary suite, and install an on-site sewage system on a residential property at 3401 White Road, Christina Lake (*see Subject Location Map*).

The Development Permit process is to ensure that an adequate sewage treatment system is in place for any development within the Environmentally Sensitive Areas.

HISTORY / BACKGROUND FACTORS

The property is designated 'Waterfront Residential' in the Area 'C' OCP and zoned 'Waterfront Residential 2' (R2) in the Area 'C' Zoning Bylaw. The parcel abuts Christina Lake, placing it within the Waterfront Environmentally Sensitive Development Permit

Area. As the applicant proposes building a new dwelling and the sewage disposal system will be within 100m of Christina Lake, a Development Permit is required.

PROPOSAL

There is an old dwelling unit and two detached cabins/suites on the parcel. The owners propose to remove these dwellings and replace them with a new 4 bedroom dwelling of approximately 2,070 ft² (192m²), with a 255 ft² (23.7m²) loft and a separate 1 bedroom secondary suite of about 580 ft² (53.9m²) (*see Applicants' Submission*).

There is an existing septic tank and disposal filed in front of the current structure closest to the Lake, within the **Ministry of Health's** 30m lakeshore setback. This field will be removed, as the new dwelling will be placed in this location. A new sewage disposal system would be installed on the landward side of the proposed principal dwelling and more than 30m from the high water line (*see Sewerage Disposal Report*).

Taking into account the parcel size, the proposed development, the soil types, and distance from natural boundary, projected flows, grade and contour of the lots, the Engineer suggests a Type 2 treatment and disposal system will provide efficient and effective protection to health and the environment. The Assessment of Alternatives Section of the **Engineer's report** discusses the parameters necessary for an effective system in these soil conditions and proximity to the water table and the Recommendations Section then identifies the system design for treatment and disposal.

The proposed dwelling is beyond the 7.5m floodplain setback and the 7.5m setback from the natural boundary. The location for the new single family dwelling is within the flood construction level (elevation) identified in the RDKB Floodplain Bylaw (448.2 meters above sea level). The footings for the building will be below this elevation, but the floor will be above the elevation. As there is no habitable or living space below the flood construction level, a site specific exemption from the floodplain bylaw is not necessary. Geotechnical engineering for the footings will be required as part of the building permit process.

IMPLICATIONS

- Authority to issue Development Permits at Christina Lake is delegated to the Manager of Planning & Development;
- The owners will be required to follow the system design plan referenced in the September 24, 2014 Sewerage Disposal Report.

This report is provided for the Advisory Planning Commission's information. A recommendation is not required.

APC Comments

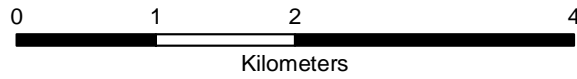
The APC stated that they are unaware of any objections from neighbouring property owners. They also suggested that if the existing retaining wall is altered during the re-development of the parcel, consideration should be given to moving the wall away from the shoreline.

RECOMMENDATION

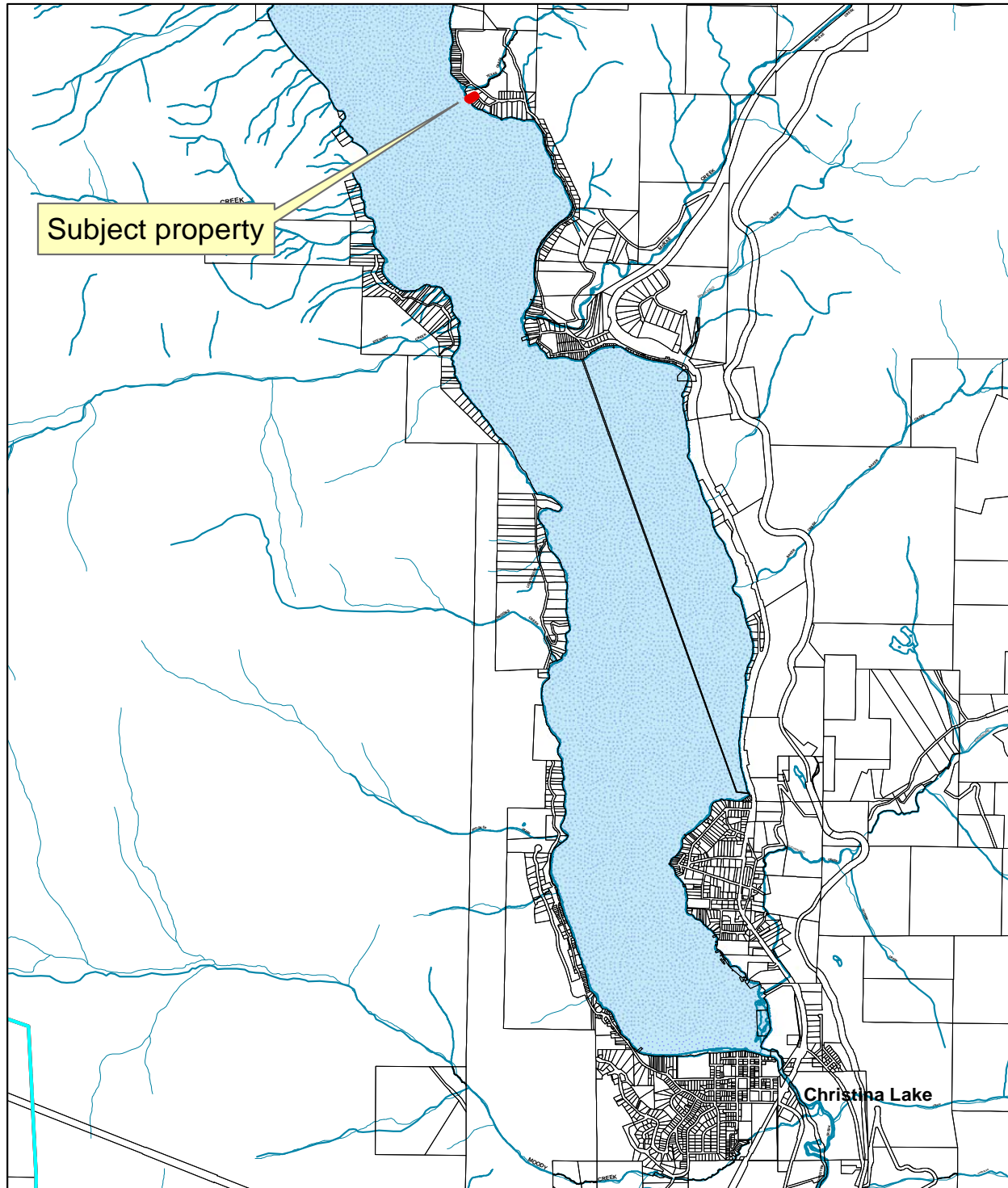
That the staff report regarding an application submitted by Darcie Laurient, Scott Baldwin, Debbie Aiken, and Gary Aiken for a Development Permit in the Waterfront Environmentally Sensitive Development Permit Area for the parcel legally described as Lot A, DL 2104, SDYD, Plan 11883 be received.

ATTACHMENTS


Site Location Map;
Applicants' Submission;
Sewerage Disposal Report, September 24, 2014



Site Location Map



Projected Coordinate System:
NAD 83 UTM Zone 11N

 <p>Regional District of Kootenay Boundary</p>	PLANNING AND DEVELOPMENT DEPARTMENT APPLICATION FORM ELECTORAL AREAS 'A' TO 'E'	
RDKB Main Office 202-843 Rossland Avenue Trail, BC V1R 4S8	Telephone: 250-368-9148 Fax: 250-368-3990	Toll Free: 1-800-355-7352 Email: plandept@rdkb.com
RDKB Sub-Office PO Box 1965 Grand Forks, BC V0H 1H0	Telephone: 250-442-2708 Fax: 250-442-2668	Toll Free: 1-877-520-7352 Email: plandept@rdkb.com

TYPE OF APPLICATION (PLEASE CHECK THE APPROPRIATE BOX):

- | | |
|---|--|
| (a) <input type="checkbox"/> Zoning Amendment Only | (f) <input type="checkbox"/> Development Variance Permit |
| (b) <input type="checkbox"/> Zoning & Official Community Plan Amendment | (g) <input type="checkbox"/> Temporary Use Permit |
| (c) <input type="checkbox"/> Official Community Plan Amendment Only | (h) <input type="checkbox"/> Temporary Use Permit Renewal |
| (d) <input checked="" type="checkbox"/> Development Permit | (i) <input type="checkbox"/> Site-specific exemption to Floodplain Bylaw |
| (e) <input type="checkbox"/> Development Permit Amendment | (j) <input type="checkbox"/> Designation of Heritage Properties |

APPLICATION FEES:

Types (a) or (c) application	\$1000.00	+ \$100.00 Sign Fee
Type (b) application	\$1200.00	+ \$100.00 Sign Fee
→ Type (d) application for construction value exceeding \$4000.00	\$200.00	←
Type (d) application for construction value under \$4000.00	\$50.00	
Type (e) application	\$50.00	
Type (f) application	\$450.00	+ \$100.00 Sign Fee
Type (g) application	\$650.00	+ \$100.00 Sign Fee
Type (h) application	\$200.00	
Type (i) application	\$200.00	
Type (j) application	\$1,000.00	

**Please make all cheques payable to *The Regional District of Kootenay Boundary*

DEVELOPMENT PROPOSAL SIGN FEE

The Regional District's Fees and Procedures Bylaw No. 1231 requires the posting of a Development Proposal Sign in certain circumstances. If such a sign is necessary, a fee of \$100 additional to the above-noted fees, is required for the sign board and preparation of text. Applicants will be refunded \$70.00 once the sign has been returned to the RDKB in good condition.

REFUNDS:

If type (a) or (c) application is denied before public hearing	\$500.00
If type (b) application is denied before public hearing	\$600.00
If a Development Proposal Sign is returned in good condition	\$70.00

**Fees for application types (d), (e), (f), (g), (h) and (i) are non refundable

Name(s) of registered owner(s): DARCIE LAURIENT SCOTT BALDWIN DEBBIE AIKEN GARY AIKEN
 Address: 3401 WHITE ROAD CHRISTINA LAKE B.C.
 Telephone/Fax: 604-871-4231 Email: sbaldwin@polyhomes.com Land Area in ha 0.125 ha(*)
 Legal description of land under application: LOT A, DISTRICT LOT 2/104, SDTD, PLAN 11883

(*) land area to "present natural boundary" of Christina Lake

Please explain your reasons for requesting this application, and please also describe in detail your development proposal (use space provided on the back of this form, or attach a separate sheet of paper if needed):

Per Article 4.1 of the Electoral Area 'C' Official Community Plan Bylaw No. 1250 this application is requested as the redevelopment of the property necessitates the installation of a new sewage disposal system within 100m of the natural boundary of Christina Lake. The property currently contains an old dwelling unit of approximately 900 sf plus two detached suites of approximately 700 sf and 300 sf respectively. We are proposing to remove the three existing dwellings and replace them with a new four bedroom dwelling of approximately 2,070 sf (plus a loft of approximately 255 sf), plus a separate one bedroom secondary suite of approximately 580 sf attached to a two vehicle parking structure of approximately 580 sf.

SUPPORTING INFORMATION REQUIRED

In support of your application, please answer the following questions:

- | | YES | NO |
|--|----------------------------------|----------------------------------|
| 1. Are there any Restrictive Covenants registered on the subject property? | <input type="radio"/> | <input checked="" type="radio"/> |
| 2. Are there any registered Easements over the subject property? | <input type="radio"/> | <input checked="" type="radio"/> |
| 3. Is there legal and practical road access to the subject property? | <input checked="" type="radio"/> | <input type="radio"/> |

****The following information is also required (failure to do so may delay or jeopardise the application):**

1. A copy of the Certificate of Title or recent Tax Assessment notice for the subject property or properties;
2. A plan drawn to an appropriate scale, accompanied by a written report (if necessary) showing:
 - the legal boundaries and dimensions of the subject property;
 - boundaries and dimensions of any proposed lots (if subdivision is being proposed);
 - the location of any physical or topographic constraints on the subject property (such as watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
 - the location of permanent buildings and structures on the subject property;
 - the location of any proposed buildings, structures or additions thereto;
 - the location of any existing or proposed access roads, driveways, screening and fences;
 - the proposed method of sewage disposal and the location of any existing and/or proposed septic tank, tile field, sewer line or similar, and water sources (well or community water service pipe location); and
 - the location of any earthworks/grading and/or proposed landscaping on the subject property.
3. **Application types (d) and (i) only:** A copy of a professional's report which addresses relevant development permit guidelines may be required. Please consult the Regional District Planning and Development Department if you are unsure about this requirement.
4. Additional material, or more detailed information may be requested by the Regional District upon reviewing your application.

If the Regional District believes it to be necessary for the property boundaries and the location of improvements thereon to be more accurately defined due to uncertainty over natural boundaries of watercourses or other reasons, a sketch prepared by a British Columbia Land Surveyor may be required. The voluntary submission of such a sketch may prevent a possible delay in processing the application.

Should the property owners elect to have someone act on their behalf in submission of this application, the following Agent's Authorization section must be completed.

AGENT'S AUTHORIZATION

I, _____ hereby authorize _____ to act on my behalf in respect of this application.

Name of Authorized Agent: _____

Address of Agent: _____

Telephone/Fax: _____ Email: _____

Signature of Owner _____ Date: _____

The following Declaration should be completed **ONLY** if the subject property **HAS NOT** been used for industrial or commercial activity as defined on the attached Contaminated Sites Regulation Schedule 2.

DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT

I, SCOTT BALDWIN, owner of the subject property described on this application form, hereby declare that the land which is the subject of this application has not, to my knowledge, been used for industrial or commercial activity as defined in the list of "Industrial and Commercial Purposes and Activities" (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a Site Profile under Section 40.1 or any other section of the *Environmental Management Act*.

Signature _____

Date Sept. 16, 2014

Please submit this application form to our office(s) with appropriate fees and supporting information (page 2).

NOTE: Should the subject property have been used for the purpose of any category listed on **Schedule 2**, a Ministry of Environment **Site Profile** form **Schedule 1** (available from Regional District offices in Trail and Grand Forks or on the RDKB web site www.rdkb.com) must be completed and submitted to our offices with this Application form and the appropriate RDKB fees.

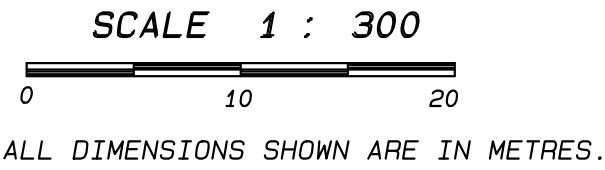
I, the undersigned, hereby certify that the information provided with respect to this Regional District of Kootenay Boundary application is full and complete and is, to the best of my knowledge, a true statement of the facts related to this application.

Signature of Owner _____

Date Sept. 16, 2014

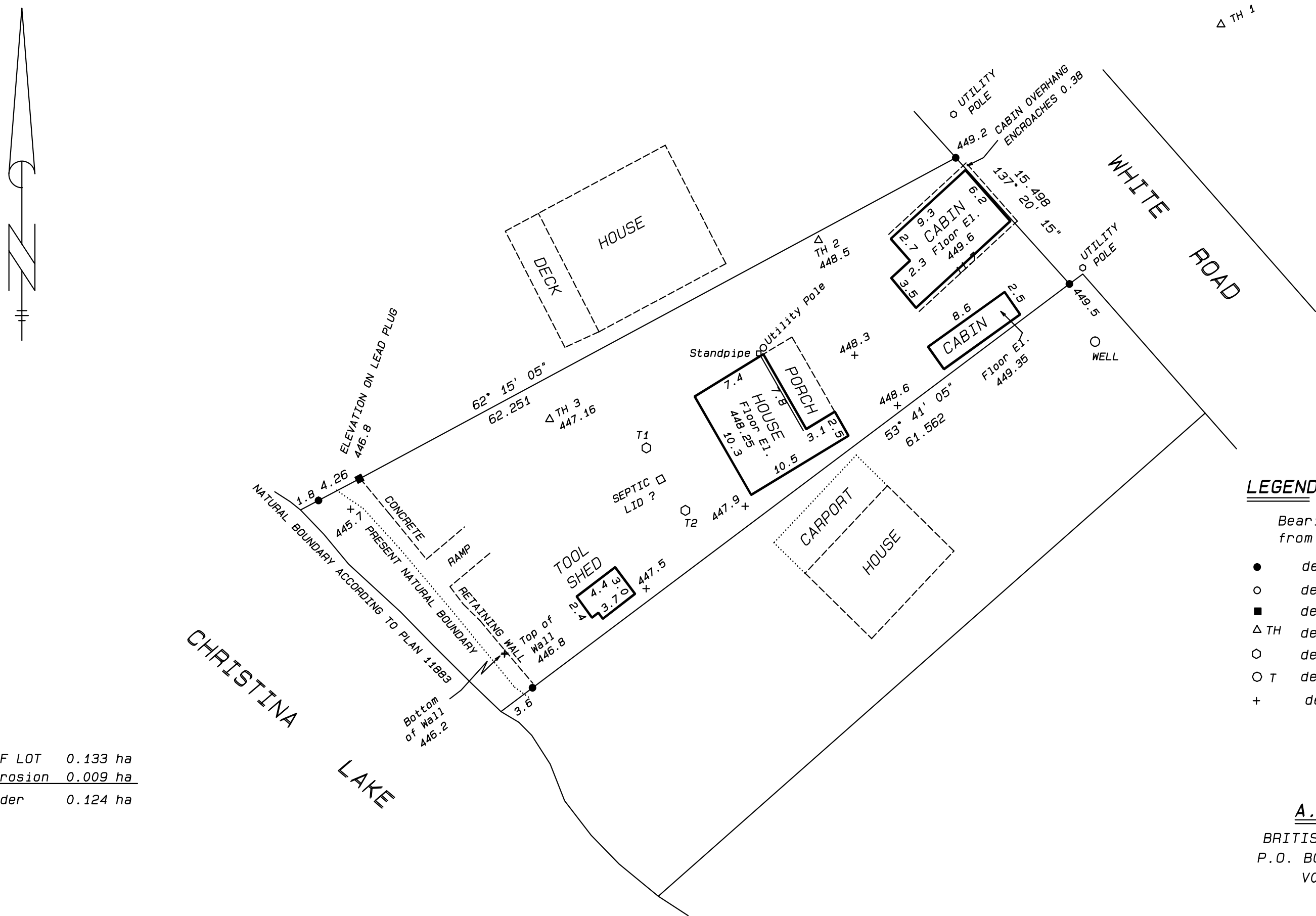
****Applicants are entitled to appear before the Electoral Area Advisory Planning Commission and the Planning and Development Committee to explain the nature of their request. Should the applicant choose to exercise this option it is their responsibility to contact the Electoral Area Advisory Planning Commission Chairperson, or the RDKB Planning and Development Department Secretary, as is appropriate, with respect to meeting schedules and procedures. As a final option, the applicant may also choose to appear before the full RDKB Board of Directors to explain the nature of their request. Appearances before both the Planning and Development Committee and the Board of Directors require written notification at least one week prior to the scheduled meeting. Information as to RDKB meeting schedules may be obtained on the RDKB web site www.rdkb.com or by calling the Regional District of Kootenay Boundary Trail office.**

SITE PLAN OF LOT A, DISTRICT LOT 2104, SDYD, PLAN 11883



Current layout

TREES	
DESCRIPTION	NUMBER
40 cm Willow	T1
80 cm Willow	T2



AREA OF LOT 0.133 ha
Less erosion 0.009 ha
Remainder 0.124 ha

DATE: August 29, 2014

LEGEND

Bearings are astronomic, derived from Plan 38904

- denotes standard iron post found
- denotes standard iron post placed
- denotes Lead plug found
- Δ TH denotes traverse hub
- denotes utility pole
- T denotes tree
- + denotes spot for elevation

A.F. HOEFSLOOT
BRITISH COLUMBIA LAND SURVEYOR
P.O. BOX 2740, GRAND FORKS, B.C.
VOH 1H0 250-442-5597

14-14

**ENGINEERING (2012) LIMITED**

2248 Columbia Avenue Castlegar, BC V1N 2X1 e-mail: mail@wsaeng.ca Tel 1-888-617-6927

September 24, 2014

File: #C14001-056

Regional District of Kootenay Boundary
202-843 Rossland Ave
Trail, BC V1R 4S8

Attn: Donna Dean

***Re: Sewerage Disposal Report for Development Permit for Lot A Plan 2104 Similkameen
Division Yale District Plan 11883 at 3401 White Road, Christina Lake, BC***

Section 1 – Introduction

At the request of Scott Baldwin, the prospective owner of the above noted property on Christina Lake, a site assessment was conducted on August 27, 2014. Information was collected to determine if the soils are suitable for disposal of sewerage from a proposed residence without harm to the lakeshore and waters of Christina Lake. The site assessment and subsequent septic system pre-design were completed by WSA Engineering (2012) Ltd. (WSA), retained by Mr. Baldwin to review and incorporate the assessment results in a professional report intended to accompany the Development Permit application. The Development Permit application is required due to the property's location in a designated Environmentally Sensitive Waterfront Development Permit Area. Dan Sahlstrom, P. Eng. of WSA has reviewed the soil logs and had been to the site to complete an independent field review. The review concluded that the soils are suitable and that sufficient land area exists to allow the installation of a septic disposal system on the property in compliance with RDKB setback requirements.

Section 2 – Site Description

The property is located on the west side of White Road approximately 250m from the intersection of White Road and East Lake Drive in Christina Lake, BC. The lot is trapezoidal in shape, with 15.5m of road frontage and 26.0m of lakeshore at an average lot depth of 66.8m. The lot area is about 1350 square metres. The land slopes gently from east to west toward Christina Lake at a constant grade from White Road to the top of a retaining wall delineating the high water mark. There are three structures on the property used seasonally by the current owners, to be demolished and replaced by a single residence and detached cottage/garage. The entire property has been landscaped and there is an existing septic tank and disposal field in front of the structure closest to the lake, inside the 30m lakeshore setback.

The area chosen as the preferred location for the new effluent dispersal field is on the landward side of the proposed residence and more than 30m from the high water line. Soil observation holes were excavated at

September 11, 2014

File #:C14001-056

Page: 1

this location and soil texture and permeability information recorded as outlined in the *Standard Sewerage System Practices Manual* (SSPM). A field location map sketched during the site visit is appended to this report.

Section 3 – Flows

The total floor area for the proposed 4-bedroom residence (main floor, 192 m² and loft 23.7 m²) and 1-bedroom cottage of 53.9 m² will be approximately 270m². Based on Table 2-1 of the SSPM the sewerage daily design flow will be 2,045 litres per day, based on the total number 5 of bedrooms. The proposed use for the building will be seasonal residential and no unusual flow patterns or effluent qualities are anticipated. Garburators and water softeners will not be used on this sewerage disposal system.

Section 4 – Field Investigation

WSA conducted a site investigation on August 27, 2014 to determine the feasibility of a proposed sewerage treatment system and alternate as required in the SSPM.

Observation pits were excavated at each side of the structure closest to the lake, which coincides with the available disposal site. The exposed soil profile in the first observation hole showed an 80cm layer of medium sandy loam containing 60% cobbles to 20cm diameter above a 64cm layer of sandy loam with a 5% gravel and cobble mixture. The water table was encountered at 144cm depth in this stratum, with seepage pooling at a constant depth at the bottom of the observation hole. Permeameter readings taken near the first observation hole yielded an average percolation rate of 4.2 millimetres per minute.

The soil profile in the second observation hole showed a 40cm layer of sandy loam with some gravel and small cobbles, probably levelling fill. This stratum was laid over a medium sandy loam layer with 60% of the excavated volume cobbles and boulders to 60cm diameter. The water table was encountered at 124cm depth in this stratum. Permeameter readings taken near the second observation hole yielded an average percolation rate of 10.0mm per minute.

Based on Table 2-8 of the SSPM the field saturated hydraulic conductivity rate is estimated at 1,600mm per day, with a field loading rate of 29 litres per square metre per day for Type 1 systems or 59 litres per square metre per day for Type 2 systems. The observation pit and permeameter logs are appended to this report.

Section 5 – Assessment of Alternatives

In order to provide adequate dispersal, effluent treated to Type 2 specifications outlined in Section 2.4.1.1 of the SSPM will need to be pumped from a septic collection and treatment tank to the proposed secondary treatment and dispersal field location, which is located to comply with all setback requirements in the SSPM and RDKB bylaws. The soil is free-draining, and the proximity of the water table requires elevation of the disposal field to provide vertical separation and natural effluent filtration prior to encountering groundwater. Transportation of effluent by low-pressure conduit allows timed and/or volume field dosing, via a pressure distribution system utilizing a pump chamber, header and laterals. The distribution system can make use of infiltration trench or seepage bed configurations and alternative products such as infiltration chambers or Enviro Septic™ conduit.

To dispose of the daily design flow an infiltration area of 34.7m² is required (46.8m² for a seepage bed). Assuming a trench width of 0.9m, a total trench length of 38.6m is needed. The maximum width of a seepage

bed is 4m, so a length of 11.7m is required.

Section 6 – Recommendations and Justification

The recommended method of effluent treatment and disposal is as follows: sewerage will flow by gravity from the proposed residence and cottage to a 6,135-litre two-chambered septic tank (concrete or PE) with a filter at the outlet and then continue by gravity to a 2,100-litre PE or concrete chamber dimensioned to provide 4 doses of 500 litres per day and containing a submersible pump of sufficient capacity and power for efficient transportation. The effluent will be pumped to a raised seepage bed with Enviro Septic™ conduit providing secondary treatment to Type 2 specification and disposal and permitting vertical separation from the water table. The justification for a pressure system is threefold. It allows for dosing of the disposal field which results in more even and efficient field distribution and rest time, and it allows the effluent to be transported uphill and away from the lake to provide sufficient separation. It also reduces the disposal field footprint to fit in a constrained area.

The Type 2 treatment and disposal system has been selected given the design flows, soil conditions and setbacks to meet the minimum requirements of the Province of British Columbia as outlined in the SSPM, which is very conservative. Systems designed to the current version of the manual will provide efficient and effective protection to health and the environment.

This sewerage system will be filed with Interior Health and a Letter of Certification will be submitted upon completion. Construction of the proposed system will follow the proposed design and the finished system will be inspected and signed off by an accredited wastewater professional.

Closure

This report has been prepared for the exclusive use of Scott Baldwin, his representatives and the RDKB and is in accordance with generally accepted engineering principles and practice. No other warranty, either expressed or implied, is made. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. WSA accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.

We trust that the information provided above meets with your current requirements. If you have any questions, or require any further information, please contact the undersigned.

Respectfully submitted,
WSA ENGINEERING LTD.

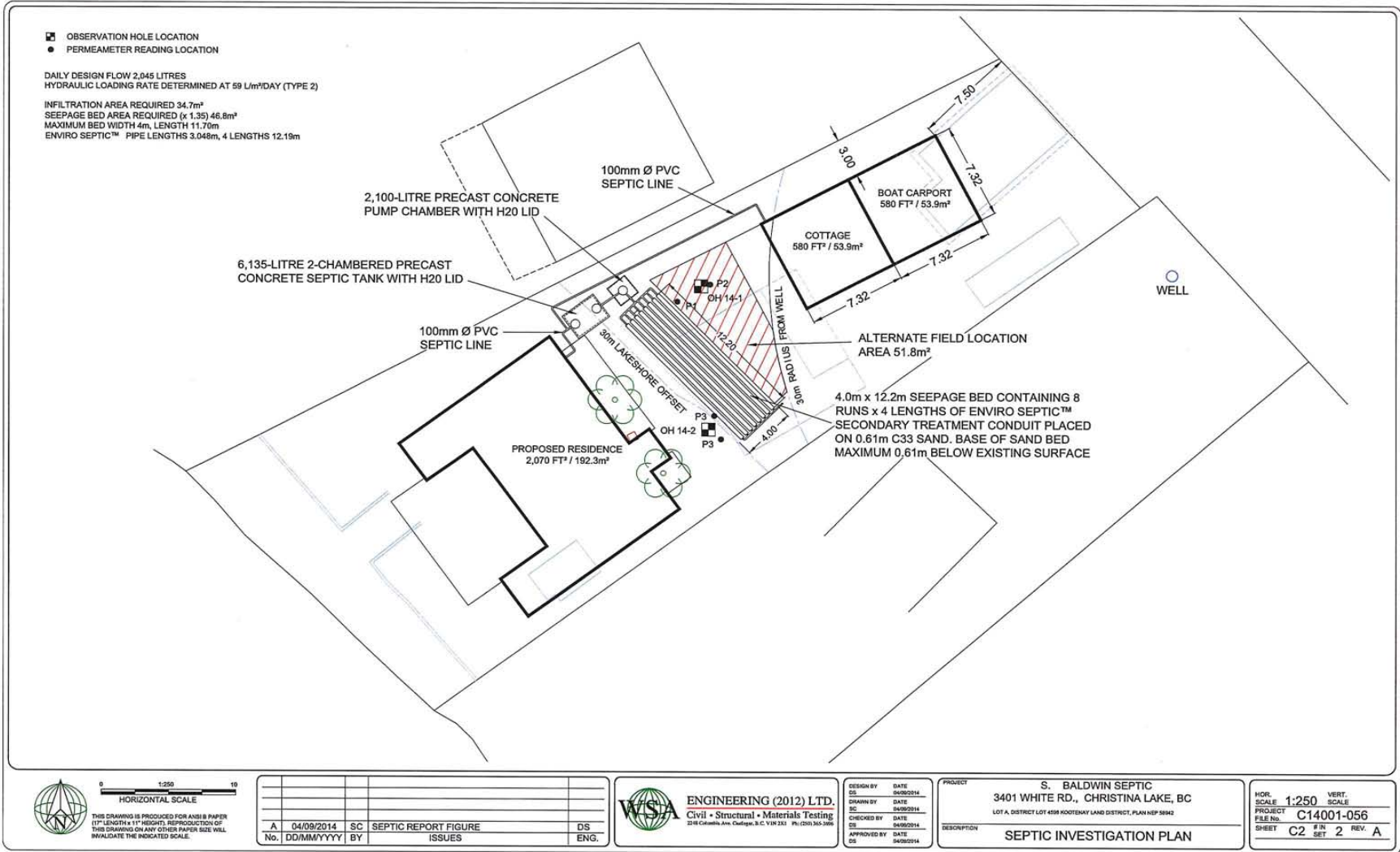


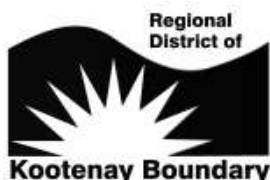
Dan Sahlstrom, P. Eng.

September 14, 2014

File #: C14001-056

Page: 3





Electoral Area Services Committee Staff Report

Prepared for meeting of October 2014

Development Permit Amendment			
Owner: Columbia Gardens Reload Ltd.		File No: A-205A-00935.050	
Location: 9155 Station Road, Electoral Area 'A'		Area: 3.9ha (9.73ac)	
Legal Description: Lot 6B, Twp 7A, DL 205A, DL 205B, Section 20 & 29, KD, PLAN 800			
OCP Designation: Industrial	Zoning: Industrial 3 (IN3)	ALR status: Out	DP Area: Industrial and Columbia Gardens Aquifer DP Area
Contact Information: Dennis Tremblay Box 310 Fruitvale, BC V0G 1L0 Phone: (250) 231-6651			
Report Prepared By: Jeff Ginalias, Planner			

ISSUE INTRODUCTION

Columbia Gardens Reload Ltd. has submitted an application to amend its Development Permit. The applicant operates a freight distribution facility on the subject property, which is located on the west side of Station Road, near the junction with Columbia Gardens Road (*see Site Location Map*). The amendment, part of an expansion project, is for construction of a warehouse and the associated landscaping and earth movement.

HISTORY / BACKGROUND INFORMATION

The property is designated 'Industrial' in the Area 'A' Official Community Plan (Bylaw No. 1410), and zoned Industrial 3 (IN3) in the Area 'A' Zoning Bylaw (Bylaw No. 1460). It is in the Industrial and Columbia Gardens Aquifer Development Permit Areas. Only a portion of the parcel on the north-west edge is in the Columbia Gardens Aquifer Development Permit Area and the proposed development is not near this area.

The original permit for the subject property was issued in 2005. It has since been amended in 2006, 2007, 2009 and 2012.

PROPOSAL

The applicant wishes to amend the current Development Permit to construct a warehouse on the south end of the property. The warehouse will be 125' x 75' (9375ft² or 871m²). The warehouse will be almost entirely within the railway R/W, except for a portion of the northwest corner (10' x 60'), which will project beyond the R/W.

The development requires the applicant to excavate the building site and bring in fill. The earthmoving activity requires that the excavated soil be placed elsewhere on site, and requires compliance with the Development Permit landscaping and dust control requirements.

A related project, not part of the development permit application, is the relocation of the railway siding switch south of the parcel. The switch is being moved further south, to reduce the grade coming into the siding at the reload. A new switch will be installed at the north end of the siding, connecting the siding to the main line here, so that the siding can be accessed from both ends.

The south switch relocation project is currently under way. It is not known when the north switch will be installed. This operation is in the R/W and not subject to the Development Permit requirements. However this activity, along with activities on the subject property, has generated dust over the recent weeks, resulting in continuing complaints to the RDKB.

In regard to the proposed development, the applicant proposes the following (*see Applicant's Submission*).

Building Design and Noise

The building will be a green/sage metal siding, intended to blend in with the existing buildings and landscape. Sound proofing insulation will be installed inside.

Revegetation and Landscaping

The soil excavated from the building site has been placed on the southerly property line and covers an area of roughly 0.5 acres to a height of approximately 1.2 metres. The applicant proposes to install lock blocks or natural rocks along the south parcel boundary at the toe of the slope to prevent soil from sloughing off the property. This area will also be seeded with drought resistant clover seeds. The area around the new building will also be seeded.

Dust Abatement

The access road between the crossing and the existing buildings will be paved by Spring/Summer 2015. Calcium chloride will be sprayed in the truck turn around area. The applicant has offered an Irrevocable Letter of Credit for the value of the paving.

In the interim, during excavation and construction, the applicant will spray water from an on-site water truck to manage dust (*see Site Photos*).

IMPLICATIONS

The purpose of the Industrial Development Permit Area is to ensure that there are measures in place to mitigate the potential effects of industrial activity, such as noise, vibration, light, and general unsightliness on the adjacent residential properties.

Dust Control

When the original Development Permit was issued in 2005, there was a provision for the applicant to undertake dust control measures for the access road and loading area until they are paved. All of the Development Permit Amendments have retained this condition, but compliance has been met with limited success. There have been periods when dust has not been a problem, and the applicant has taken dust abatement steps at times, but sooner or later, the dust complaints resurface. In recent weeks, there have been numerous complaints of dust from the site.

The applicant suggests two factors have resulted in the delay in completing the paving. First, there are long term expansion plans for the Reload facility. Paving the access only to tear it up shortly thereafter, is not deemed a cost effective business practice. Second, paving the turnaround area is hard on and damaging to the tires on the heavy vehicles.

While the applicant may have legitimate business concerns in delaying paving, continuing with the status quo and the intermittent but fairly continuous and predictable complaints on the lack of dust control is not acceptable.

Along those lines, the applicant's proposal to complete the paving by next summer seems sufficient, as long as there are interim steps to manage and control the dust. It may be worth considering a provision in the Development Permit Amendment requiring the applicant to provide regular updates on the steps taken to control dust, and require the applicant to keep the water truck beyond the excavation and construction project, until the paving and dust control plans are completed.

Noise complaints

The noise complaints tend to deal with the operation of heavy equipment outside and train traffic. The complaints are two-fold; the noise itself and the hours when noise is generated.

The Development Permit Guidelines require the applicant to incorporate measures to mitigate the impact of noise and vibration on adjacent lands. As noted, the applicant proposes to insulate the new warehouse to reduce noise. This should help reduce the noise related to the loading and unloading of freight for the operations moved to the warehouse, which currently takes place outside.

The Regional District has no bylaws on noise or hours of operations. The applicant advises that Reload operations are not around the clock and there are no shifts running into or through the night. Work starts at 7 am and is finished before 6 pm.

The Reload also states that truck drivers are instructed to minimize noise when traveling to and from the facility.

The train schedules are beyond the control of the Reload and the Regional District. However, the Reload advises that train traffic occurs during the day, generally in the afternoon, and not at night.

All of the other conditions of the original Development Permit (No. 299-05D) and the subsequent amendments will remain unchanged.

APC COMMENTS

The APC has no concerns regarding the building being proposed on the small piece of the applicant's property. The APC would however, like the following added to the Development Permit:

- A diagram and formal quote for the paving
- Bond for paving
- A deadline for completing the paving
- A deadline for completing the seeding
- That an adequate buffer be maintained on the south side of the subject parcel (to be monitored); and
- That dust control measures be put in place on the north west side of the subject property

RECOMMENDATIONS

That the staff report regarding the application for a Development Permit Amendment from Columbia Gardens Reload Ltd. for the parcel legally described as Lot 6B, Twp 7A, DL 205A, DL 205B, Section 20 & 29, KD, PLAN 800, be received.

ATTACHMENTS

Site Location Map

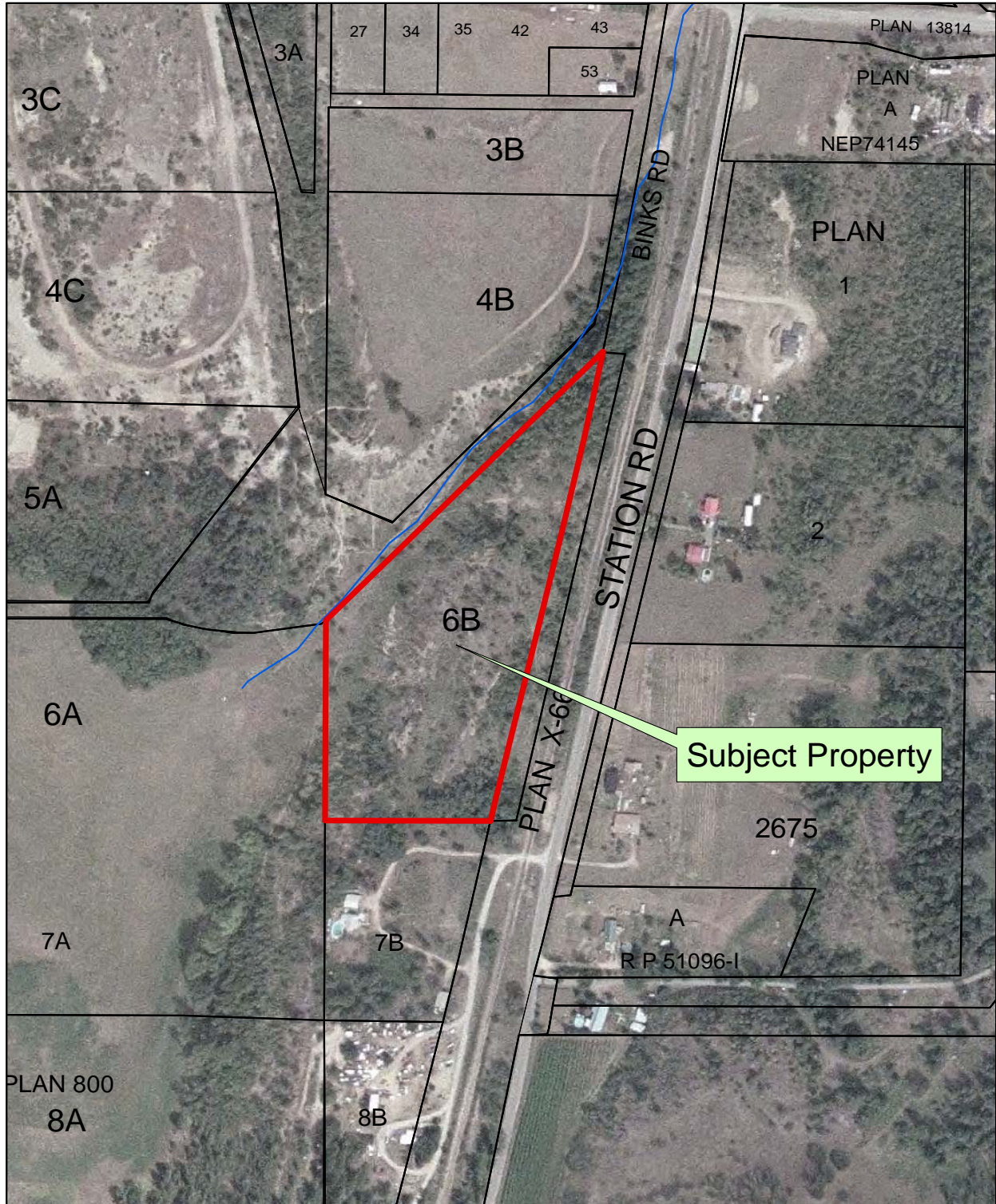
Applicant's Submission

Site Photos



0 50 100 200
Meters

Site Location Map



REGIONAL DISTRICT OF KOOTENAY BOUNDARY

RDKB Main Office
 202-843 Rossland Avenue
 Trail, B.C. V1R 4S8

Telephone: 250-368-9148 Toll Free: 1-800-355-7352
Fax: 250-368-3990 **Email:** plandep@rdkb.com

RDKB Sub-Office:
 PO Box 1965
 Grand Forks, BC V0H 1H0

Telephone: 250-442-2708 Toll Free: 1-877-520-7352
Fax: 250-442-2688 **Email:** plandep@rdkb.com

PLANNING & DEVELOPMENT DEPARTMENT
APPLICATION FORM

TYPE OF APPLICATION (PLEASE CHECK THE APPROPRIATE BOX):

- (a) ☐ Zoning Amendment Only
 (b) ☐ Zoning and Official Community Plan Amendment
 (c) ☐ Official Community Plan Amendment Only
 (d) ☐ Development Permit (Single or Two Family Dwellings)
 (Alpine Environmentally Sensitive Landscape Development Permit Area)
 (e) ☐ Development Permit (Commercial Development or Multi-Family Dwellings)
 (Commercial and Multi-Family Development Permit Area)
 (f) ☒ Development Permit Amendment
 (g) ☐ Development Variance Permit

APPLICATION FEES:

Types (a) or (c) application	\$1600.00
Type (b) application	\$1800.00
Type (d) application	\$100.00
Type (e) application	\$200.00
Type (f) application	\$50.00
Type (g) application	\$450.00

****Please make all cheques payable to *The Regional District of Kootenay Boundary***

DEVELOPMENT PROPOSAL SIGN FEE

The Regional District's Fees and Procedures Bylaw No. 1231 requires the posting of a Development Proposal Sign in certain circumstances. If such a sign is necessary, a fee of \$100 is required for the sign board and preparation of text. Applicants will be refunded \$70.00 once the sign has been returned to the RDKB in good condition.

REFUNDS:

If type (a) or (c) application is denied before public hearing	\$800.00
If type (b) application is denied before public hearing	\$900.00
If a Development Proposal Sign is returned in good condition	\$70.00

****Fees for application types (d), (e), (f) and (g) are non refundable**

Name(s) of registered owner(s): Columbia Gardens Rebad Ltd

Address: Box 310, 9155 Station Rd, Fruitvale, BC V0G 1L0

Telephone/Fax: 250-367-9359 Fax 250-367-9358 Email: cgreload@telusnet

Legal description of land under application: Lot 6B, DL 205A, Plan 800

Area of land in hectares: 0.5 acres

SUPPORTING INFORMATION REQUIRED

1. All applicants: Please submit the following information (**failure to do so may delay or jeopardize the application**):

- (a) a copy of the Certificate of Title or recent Tax Assessment notice for the subject property;
- (b) a plan drawn to an appropriate scale, accompanied by a written report (if necessary) showing:
 - (i) the legal boundaries and dimensions of the subject property;
 - (ii) the location of any earthworks/grading and/or proposed landscaping on the subject property;
 - (iii) the boundaries and dimensions of any proposed lots (if subdivision is being proposed);
 - (iv) the location of any physical or topographic constraints on the subject property (such as watercourses, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
 - (v) the location of permanent buildings and structures on the subject property;
 - (vi) the location of any proposed buildings, structures or additions thereto;
 - (vii) the location of any existing or proposed access roads, driveways, screening and fences.
- Contact planning staff to determine if Floodplain Bylaw regulations apply.

If the Regional District believes it to be necessary for the property boundaries and the location of improvements thereon to be more accurately defined due to uncertainty over natural boundaries of watercourses or other reasons, a sketch prepared by a British Columbia Land Surveyor may be required. The voluntary submission of such a sketch may prevent a possible delay in processing the application.

Additional Information Required For Development Permit Applications:

2. In addition to the information listed above, Development Permit applications must include::

- (a) **five (5) sets of concept plans are required** showing basic front, side and rear elevations as well as a scaled site plan with 2m contour intervals on 11" x 17" paper showing the placement of the proposed buildings on the lot and their relationship to other buildings, services and amenities on adjacent lots, and distances between the proposed buildings and lot lines;
- (b) additional requirements according to which development permit area your proposed development falls within (see Section II of the Applicant's Information Package). These requirements must be met in writing, and some require a professional architect's or engineer's signature.

****Please refer to the document entitled "Obtaining a Development Permit at Big White – An Applicant's Information Package". A copy may be obtained from the RDKB Planning Department, or from the RDKB website at www.rdkb.com.**

Please outline how your proposed development will meet the requirements contained in the above-referenced package. In addition, outline any requests for variances from the regulations in the Big White Zoning Bylaw:

We (Columbia Gardens Reload) will address the concerns of the neighbours (BAGS) of sluffing dirt by putting one row of a lock block on our property as well as seeding area with a drought resistant seed of clover red Alsual, which B.C. Hydro uses on their transmission lines.

I, the undersigned, hereby certify that the information provided with respect to this application is full and complete and is, to the best of my knowledge, a true statement of the facts related to this application.


Signature of Owner

Sept 17 2014
Date

Agent's Authorization

I, _____ hereby authorize _____
 (Owner) (Agent)

to act on my behalf in respect of this Development Permit application.

Address of Agent _____

Telephone: _____ Fax: _____ Email: _____

DECLARATION pursuant to the Waste Management Act

I, Dennis E Tremblay owner of the subject property described on this application form, hereby declare that the land which is the subject of this application has not, to my knowledge, been used for industrial or commercial activity as defined in the list of "Industrial purposes and activities" (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a Site Profile under Section 20.11 or any other section of the *Waste Management Act*.


 Signature

Sept 18 2014
 Date

Applicants are entitled to appear before the Big White Advisory Planning Commission (APC) to explain the nature of their request. Should the applicant choose to exercise this option it is their responsibility to contact the APC Chair with respect to meeting schedules and procedures. For further information respecting the Big White APC, please contact the RDKB Planning and Development Department.

The following checklist(s) indicates basic requirements for a complete application submission.

GENERAL REQUIREMENTS FOR ALL APPLICATIONS:

- ☐ Completed application form
- ☐ Fee
- ☐ Additional \$100.00 for sign if necessary
- ☐ Copy of most recent Property Assessment, Tax Notice or Certificate of Title

REQUIREMENTS FOR DEVELOPMENT PERMIT APPLICATIONS

Development Permit Applications accompanied by a checklist signed and sealed by a Primary Consultant (e.g. Architect, Professional Engineer, Designer), verifying a complete submission will ensure that processing of the application will commence upon acceptance. RDKB Planners will review the completeness of an application when not accompanied by a signed checklist. If the application is incomplete it will affect the processing time of the pending application. The Planning and Development Department will only process submissions which include all of the Development Permit Area requirements; particularly the following items:

Columbia Gardens Reload *We perform, on time!*
9155 Station Road, Box 310, Fruitvale BC V0G 1L0
Phone 1-250-367-9359 Fax 1-250-367-9358 Email cgreload@telus.net

September 17, 2014

Regional District of Kootenay Boundary
#202 - 843 Rossland Avenue
Trail, BC V1R 4S8

Attention: Jeff Ginalias

Dear Mr. Ginalias:

RE: Expansion Project at 9155 Columbia Gardens Road

As per your request, outlined below is a further description of our development plans.

BUILDING

The new building structure will be a green / sage metal siding, so as to blend in with the existing building and landscape.

The new building will have sound proofing and insulation installed at a cost of \$40,000.00.

LANDSCAPING

The area between / adjacent to the neighbour at 9173 Station Road will have lock blocks installed in order to prevent any material from sloughing. This area will also be seeded with a drought resistant seed.

The area around the new building will be seeded as well.

ROADWAYS

The access road between the crossing and the existing buildings will be paved by the Spring / Summer of 2015. This work will be weather dependent.

The truck turn around area will be dealt with by calcium choride in order to control the dust.

- 2 -

In the interim, dust control will be dealt with by the large water tank we have rented and placed on site (photos attached). The water will be used generously during excavation and construction to reduce the dust on the excavation site and roadway.

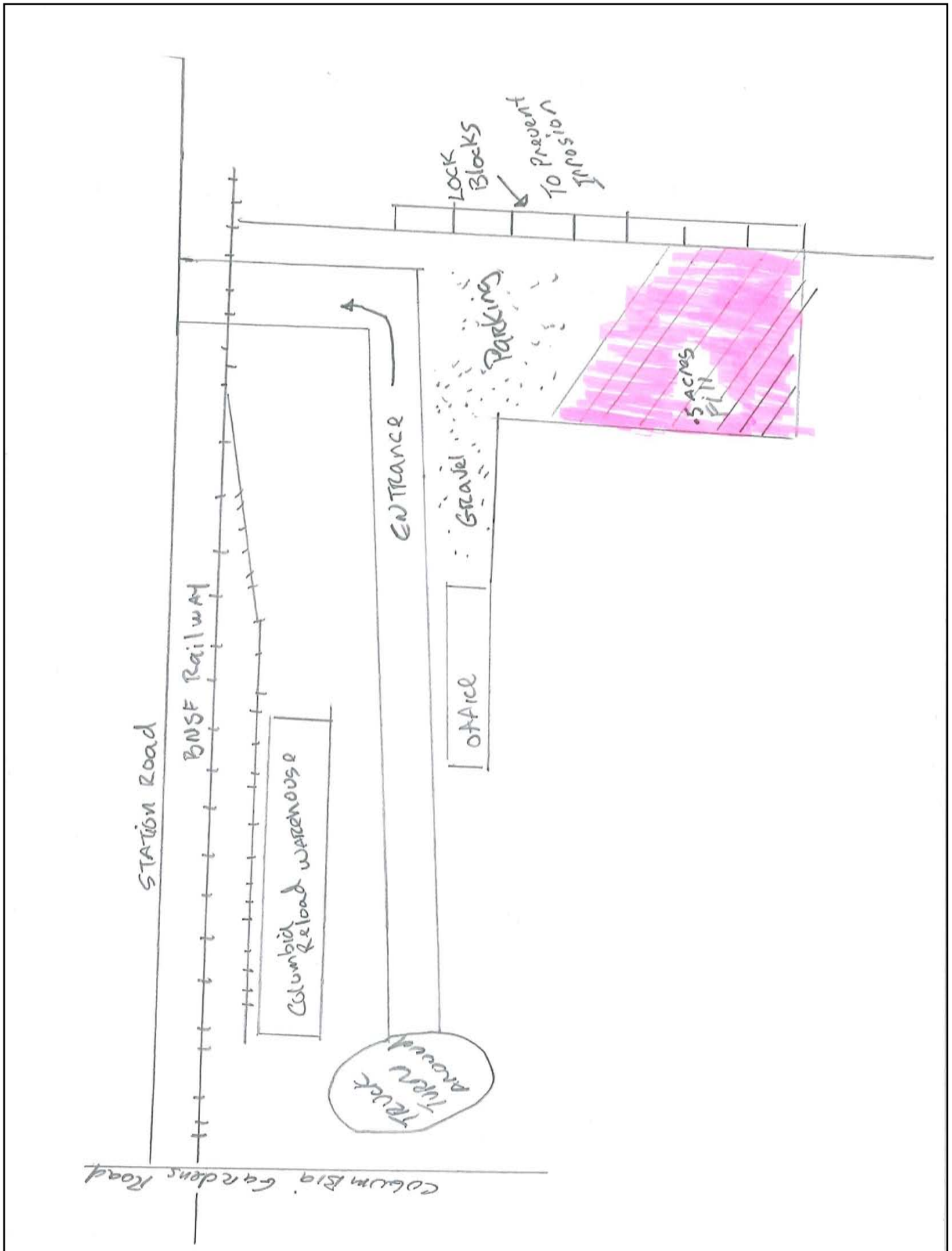
Other problem areas will be dealt with by bringing in gravel.

If you have any further concerns, please do not hesitate to contact the writer.

Yours

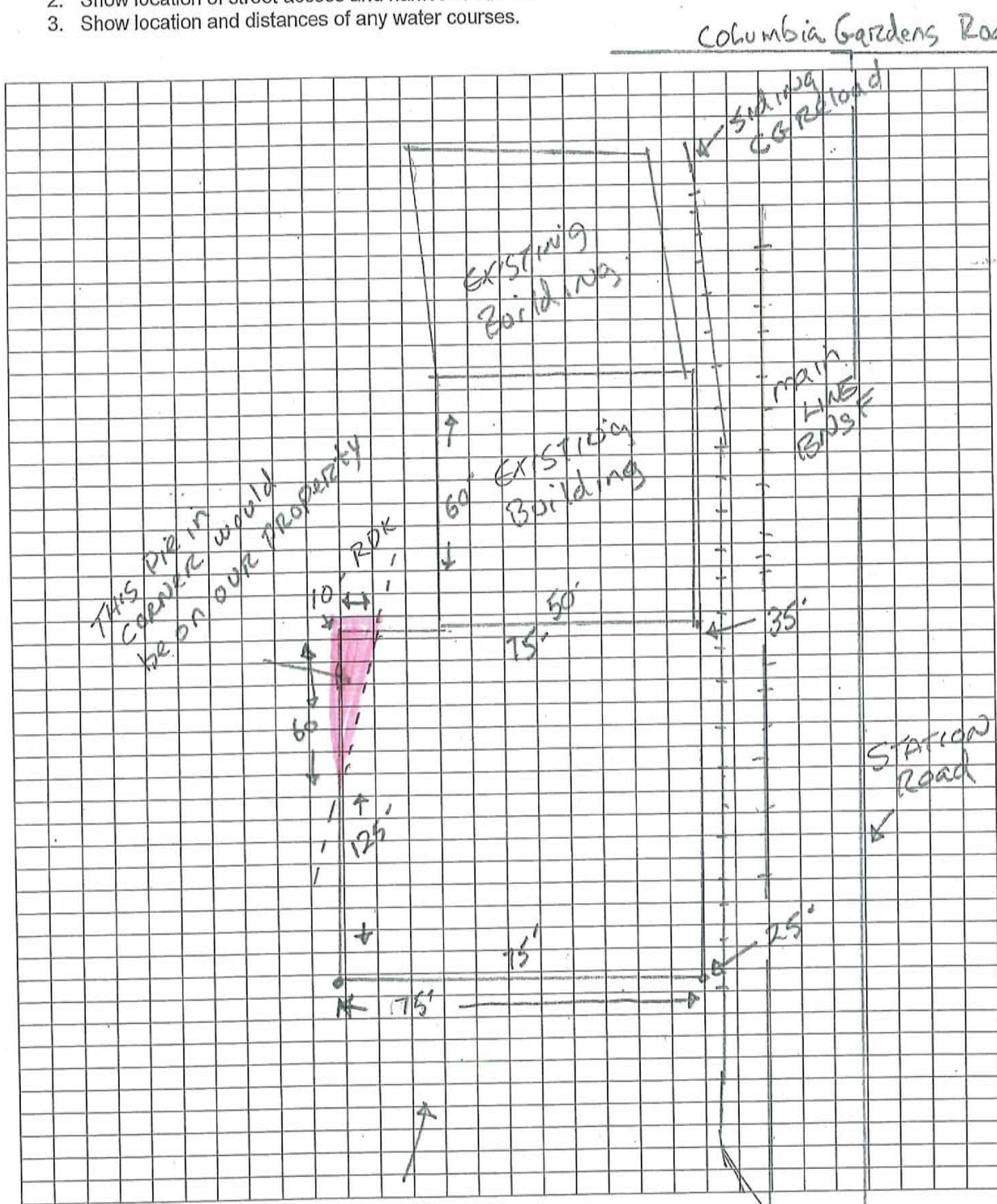
A handwritten signature in blue ink, appearing to read 'Dennis Tremblay', with a stylized flourish at the end.

Dennis Tremblay
Owner
/jld



BUILDING SITE PLAN

1. Draw proposed location of home or building on space provided below, and show distances to all PROPERTY LINES. Also, show north arrow.
2. Show location of street access and names of streets.
3. Show location and distances of any water courses.



THIS would be on Regional District.

Columbia Gardens Reload Center



Photos by Reload Center September 17, 2014







Electoral Area Services Committee Staff Report

Prepared for meeting of October 2014

Ministry of Transportation and Infrastructure - Subdivision			
Owner(s): Evelyn Oldroyd, Roger, Teresa and Cindy Strukoff		File No: C-268-04511.200	
Location: 1305 Thompson Road and 1250 Stewart Creek Road, Electoral Area 'C'/Christina Lake			
Legal Description: Lot 1, District Lots 268 and 1020S, SDYD, Plan KAP84576		Area: 62.27 acres (25.2 ha)	
OCP Designation: Split: Rural / Future Residential	Zoning: Rural 1 (RUR1)	ALR status: No	DP Area: No
Contact Information: Evelyn Oldroyd PO Box 446 Christina Lake, BC V0H 1E0 (250) 443-5491			
Prepared by: Jeff Ginalias, Planner			

ISSUE INTRODUCTION

The Regional District has received this Ministry of Transportation and Infrastructure referral for a proposed conventional subdivision for a 25.2 hectare property along Thompson Road, Highway 3 and Stewart Creek Road (*see Site Location Map*).

HISTORY / BACKGROUND FACTORS

The property is in Electoral Area 'C'/Christina Lake. The parcel is split designated in the OCP; the northern third (roughly) is 'Future Residential' with the remainder designated 'Rural'. The parcel is zoned 'Rural 1 (RUR1)'. The minimum parcel area for subdivision in the RUR1 Zone is 10ha. Both proposed parcels satisfy this.

PROPOSAL

The applicants propose a 1 lot subdivision with a large remainder. The remainder parcel (Lot 1, referenced also as Lot B in the application) would be 15.08 ha (37 acres) and the Lot A would be 10.12 ha (25 acres).

The subdivision would extend south beyond the OCP designation split (*see Applicants' Submission*). The remainder lot would encompass all the 'Future Residential' portion of the parcel and some 'Rural' designation. Lot A would be all Rural designation. Subdivision approval would not change the zoning; it would remain RUR1 on both lots.

IMPLICATIONS

The existing residence will be on Lot A, which has an existing septic field and water supply. The applicants assert there is a water license for the remainder lot and the parcel size should be large enough for proper septic. The Approving Officer will determine adequacy of water and septic for this parcel in her review.

Access for both parcels appears to be established.

There is a small watercourse which runs through the parcel near the proposed subdivision parcel line. Development in this area may be restricted by application of the RDKB Floodplain Bylaw.

APC COMMENTS

The APC had no objections to the proposed subdivision.

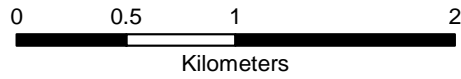
RECOMMENDATION

That the staff report regarding the subdivision referral from the Ministry of Transportation and Infrastructure regarding a proposed subdivision for the parcel legally described as Lot 1, District Lots 268 and 1020S, SDYD, Plan KAP84576 be received.

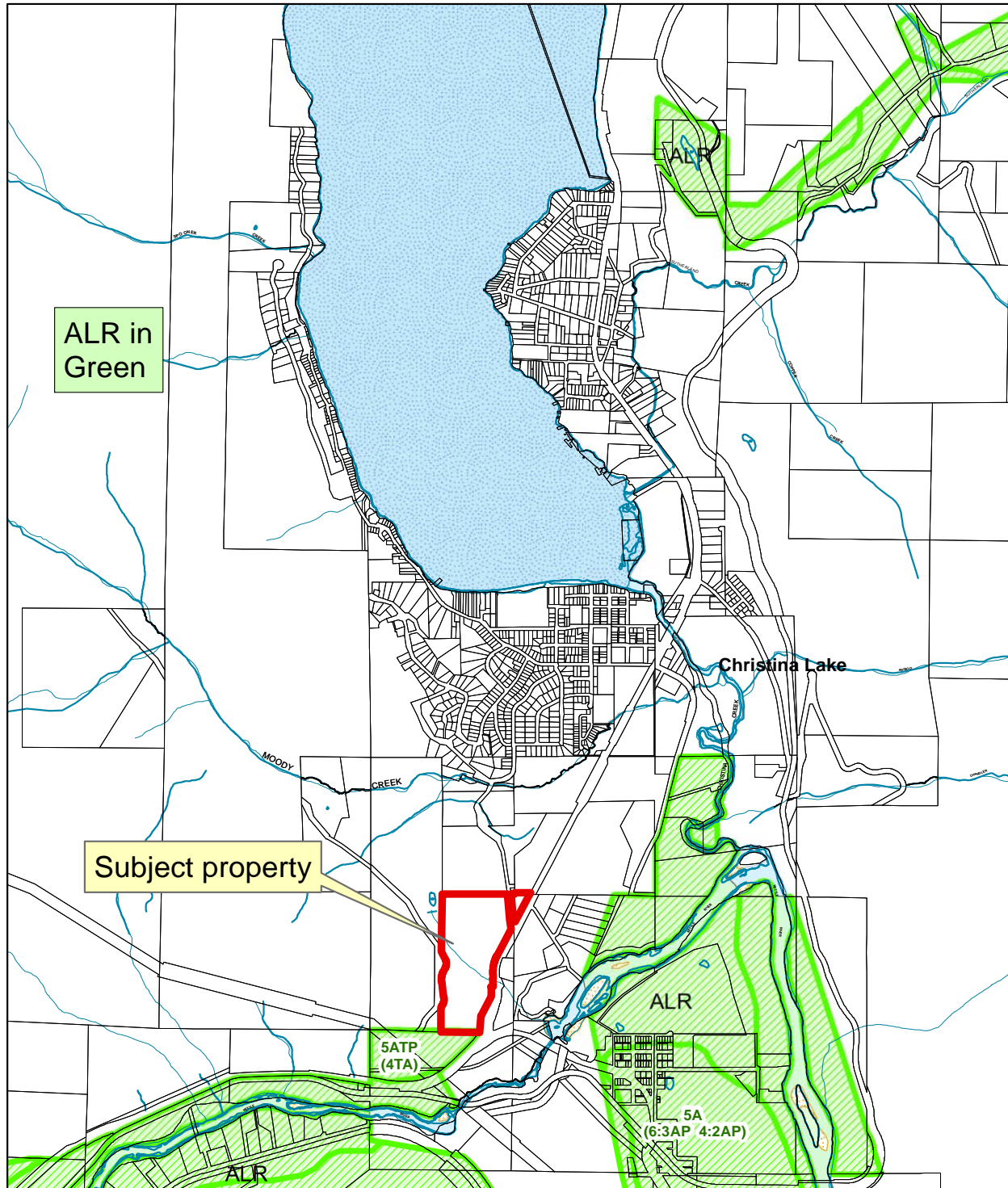
ATTACHMENTS

Site Location Map

Applicants' Submission



Site Location Map



Projected Coordinate System:
NAD 83 UTM Zone 11N

BRITISH
COLUMBIAMinistry of Transportation
and Infrastructure**PRELIMINARY
SUBDIVISION APPLICATION**

Submit this application to the Ministry of Transportation and Infrastructure District Office in your area.

A. PROPOSAL

This is an application for preliminary layout approval for all properties involved

Applicant File Number		Ministry File Number 2014-04249	
Subdivision Type	<input checked="" type="checkbox"/> Conventional (fee simple) Subdivision	<input type="checkbox"/> Bare Land Strata	No. of Lots Including remainder 2
	<input type="checkbox"/> Other (Specify)		
Full Legal Description(s) per State of Title Certificate(s)	D.I.D. 027-168-492 LOT 1, DL 268, AND 10205, SDYD PLAN KAP 84576		
Full Civic Address	1305 THOMPSON ROAD 1250 STEWART CREEK ROAD, CHRISTINA LAKE, BC.		
Property Location	2 Kilometres <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West from CHRISTINA LK Local Gov't RDKB AREA C		
	Access Road THOMPSON ROAD & STEWART CREEK RD.	Property Zoning RUR 1	
	Existing Land Use RESIDENTIAL	Intended Land Use SAME	
Surrounding Land Use	North FARM	South CROWN	East CROWN West CROWN
Proposed Sewage Disposal	<input checked="" type="checkbox"/> Septic Tank	<input type="checkbox"/> Community System	<input type="checkbox"/> Other (specify)
Proposed Water Supply	<input checked="" type="checkbox"/> Well	<input type="checkbox"/> Community System (name of existing system)	
	<input type="checkbox"/> Water Licenses (License #)		<input type="checkbox"/> Other (specify)

B. APPLICATION INFORMATION Incomplete applications will not be accepted

Required items include:

- ☒ Subdivision application form.
- ☒ The Preliminary Subdivision Application fee. Please make cheques payable to the Minister of Finance. (see page 2)
- ☒ An authorization letter from the owner(s) if someone else is applying on the owner's behalf. (Permission to Act as an Agent H1275)
- ☒ A copy of BC Assessment Authority Property Assessment Notice showing property tax classification.
- ☐ All new lots **MAY** require a sewage report—please contact your local Transportation office for clarification.
- ☒ One copy of the current State of Title Certificate so that property encumbrances can be checked.
- ☒ Copies of any covenants, easements, rights-of-way or other charges registered against the title. These are available through the Land Title Office.
- ☒ A copy of Contaminated Sites Profile form or Contaminated Sites declaration statement, duly completed and signed.
- ☒ Original copy and a .PDF file of a scaleable sketch plan of proposed layout with metric dimensions.

Properly engineered drawings will be required for final approval. The sketch must contain:

- ☒ the date it was drawn
- ☒ the scale
- ☒ north arrow
- ☒ legal description of the property being subdivided, and its adjacent properties
- ☒ outline of the subdivision in heavy black line
- ☒ all proposed lots, remainders, parks, rights-of-way, easements and roads showing metric dimensions and areas
- ☐ any existing property lines or roads proposed to be removed, closed or relocated
- ☒ all steep banks or slopes exceeding 2 m high and all slopes of 25% or greater, within or adjacent to the proposal area
- ☒ location of existing buildings and structures, wells and sewage disposal fields on the property, as well as adjacent properties within 30 m of property boundaries
- ☒ location of any onsite water sources to be developed (wells, surface)
- ☒ approximate location of all existing and proposed utility services
- ☒ existing access roads and other roads and trails on the property (state names of roads)
- ☒ location of all water courses (seasonal or otherwise) and water bodies

Include these items as well, where applicable

- ☐ A copy of the Provincial Agricultural Land Commission application (if located within ALR). While a developer can apply for subdivision approval before he or she receives permission to proceed from the Agricultural Land Commission or the local government if it has been delegated the authority, the Provincial Approving Officer can only give approval if the property has cleared the Land Commission process in the meantime.
- ☒ One copy of any test required by the Regional Health Authority.
- ☐ A Development Permit and plan where applicable.

H0164 (2013/06)

1

Ministry of Transportation
and Infrastructure

AUG 28 2014

West Kootenay District
Grand Forks

C. SUBDIVISION APPLICATION FEES		Make cheques payable to the Minister of Finance	PAYABLE UPON (see below)
1. Preliminary Subdivision Application	\$350.00	Per lot or shared interest, including remainders, to a maximum of \$70,000	Application
2. Final Conventional Plan Exam	\$50.00	Per examination	Final Subdivision Plan Submission
	\$100.00	Per lot, including remainders, on the final plan	
3. Final Strata Plan Examination	\$100.00	Per examination	
	\$100.00	Per lot, including remainders, on the final plan	
4. Other Strata Fees	\$100.00	To examine Form P for any phased development	Application
	\$100.00	Approval (Form Q) for each phase of a phased building strata plan	Application for phase approval

Note: These fees may change without notice or amendment on this form. There may be other provincial and local government fees associated with your subdivision. To find out more, contact the local government in which the land is located, or contact the Islands Trust if located on the Gulf Islands.

D. FURTHER INFORMATION AND COMMENTS (Attach a separate sheet if more space is required)

SEE ATTACHED

E. OWNER(S)/APPLICANT INFORMATION

Property Owner(s) Full Name(s) ROGER ALAN STRUKOFF & CINDY MAY STRUKOFF		Home Telephone 250 447 2608
Address 1305 THOMPSON ROAD CHRISTINA LAKE, BC		Business Telephone 250 443 5491
EVELYN LAURIE OLDRYD BOX 446 CHRISTINA LAKE		
TERESA BEVERLY STRUKOFF		E-Mail Evelynoldroyd@gmail.com
616 BOX 2460 CAMPBELL RIVER, BC		Fax
Agent Full Name FOR TERESA BEVERLY STRUKOFF		Home Telephone 250 443 4069
ROGER ALAN STRUKOFF		Business Telephone 250 447 2608
Address 1305 THOMPSON ROAD		Fax 866 252 6952
CHRISTINA LAKE, B.C.		E-Mail rstrukoff@hotmail.com

I certify that all the information about and on all plans and other attachments is true, correct and complete.

I understand that this submission constitutes a preliminary application only.

No approvals are implied prior to receipt of written preliminary approval from the Ministry of Transportation and Infrastructure.

Applicant/Agent Signature

Date (yyyy/mm/dd)

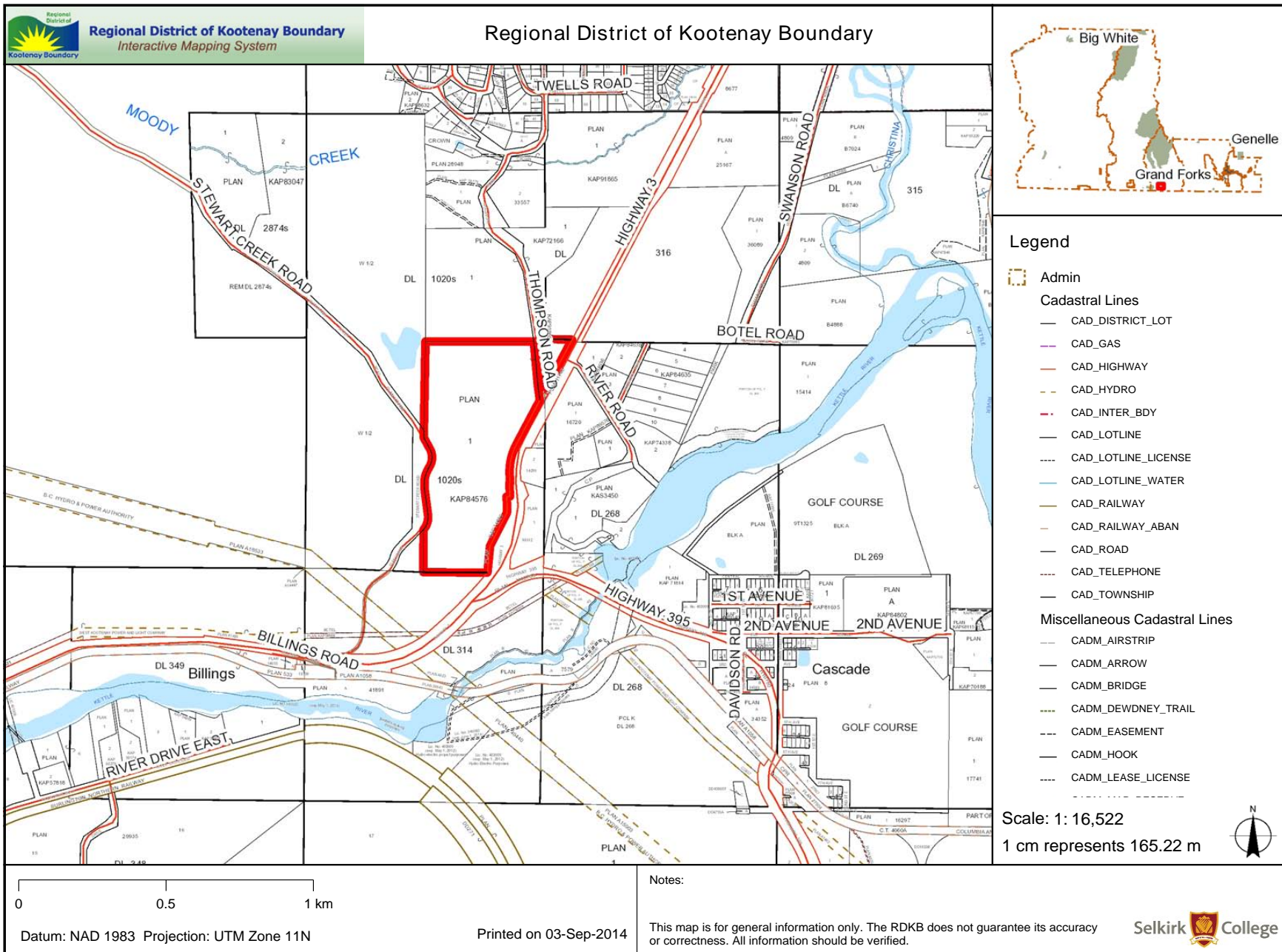
ROGER ALAN STRUKOFF **2014/08/18** **CINDY MAY STRUKOFF** **EVELYN LAURIE OLDRYD**

COLLECTION INFORMATION

The personal information on this form is collected under the authority of the Land Title Act. The information collected will be used to process your preliminary subdivision application, and it may be necessary for the ministry to provide this information to other agencies involved in the review and approval process. If you have any questions about the collection, use and disclosure of this information, contact District Development Technician at the nearest Ministry of Transportation and Infrastructure Office.

The information in this application may be subject to disclosure under the Freedom of Information and Privacy Act.

Further information can be found at <http://www.gov.bc.ca/citz/iao/foi/submit/general/>



D. Information and Comments

This is an application to subdivide Lot 1, Plan KAP84576 which has a current area of 62.67 acres or 25.2 hectares, into 2 Lots, being the Remainder of Lot 1 and Lot A, respectively 37 acres or 15.08 hectares and 25 acres or 10.12 hectares.

The existing Lot 1 has a longstanding residence at 1305 Thompson Road noted on the sketch plan attached. This home has its own septic field and domestic water supply. This existing residence will be located on the future and proposed Lot A.

The second access and driveway to a future house site on the proposed Lot B is located at 1250 Stewart Creek Road. Perc Tests have been conducted and submitted and one proposed site for a domestic well is noted on the sketch plan. Due to the size of the acreage for proposed Lot B and the existence of a watercourse and drainage corridor along the northern common boundary, the applicants request a waiver of the requirement to prove water in accordance with other precedents in this jurisdiction.

There is a Water Licence and work located on the watercourse which is for the benefit and use of the licence holder being Lot 1, Plan 33512 adjacent and east of Highway 3. An easement will be granted in favour of Lot 1, Plan 33512 upon registration of a final Plan of Subdivision.

There are no other easements, rights of way or covenants encumbering the title to Lot 1, Plan KAP84576 excepting SRW KH 114500/1 which is for the benefit of utilities Telus Communications and Fortis B.C. and which is located along the eastern boundary of Lot 1 adjacent to Highway 3. This document is too extensive to attach and is well known to authorities.

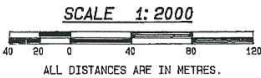
Ministry of Transportation
and Infrastructure

AUG 20 2014

West Kootenay District
Grand Forks

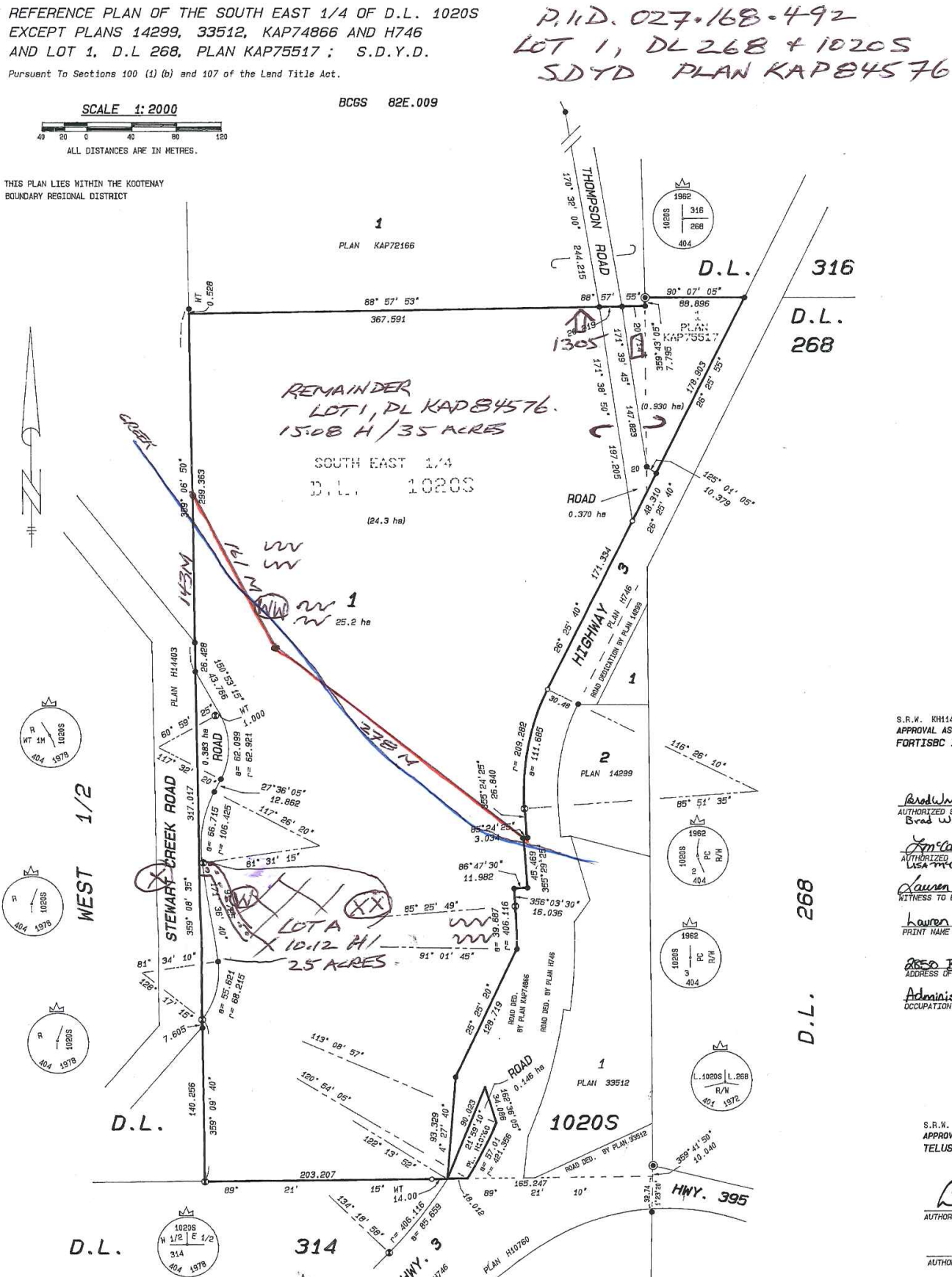
FILED KAKAP84576 RCV0:2007-08-21 PRNT: 2007-10-18-19:26:30.041061

REFERENCE PLAN OF THE SOUTH EAST 1/4 OF D.L. 1020S
EXCEPT PLANS 14299, 33512, KAP74866 AND H746
AND LOT 1, D.L. 268, PLAN KAP75517; S.D.Y.D.
Pursuant To Sections 100 (1) (b) and 107 of the Land Title Act.



BCGS 82E.009

THIS PLAN LIES WITHIN THE KOOTENAY
BOUNDARY REGIONAL DISTRICT



PLAN KAP 84576

Deposited in the Land Title Office
at Kamloops, B.C. this 21st
day of August 2007.

S. Linsman
Deputy REGISTRAR

- LEGEND
- Bearings are astronomic, derived
from Plan KAP72166
- denotes standard iron post found
 - denotes standard iron post placed
 - ⊙ denotes standard capped post found
 - ⊗ denotes concrete post found

S.R.W. KH14501
APPROVAL AS TO ROAD DEDICATION
FORTISBC INC.

Brad Wright
AUTHORIZED SIGNATORY:
Brad Wright

Lauren Hannem
AUTHORIZED SIGNATORY:
Lauren Hannem

Lauren Hannem
WITNESS TO BOTH SIGNATURES

Lauren Hannem
PRINT NAME OF WITNESS

2850 Bonaville Rd Kelowna
ADDRESS OF WITNESS

Administrative Assistant
OCCUPATION OF WITNESS

S.R.W. KH14500
APPROVAL AS TO ROAD DEDICATION
TELUS COMMUNICATIONS INC.

Lori White
AUTHORIZED SIGNATORY: LORI WHITE

AUTHORIZED SIGNATORY:
Maria Doucet

WITNESS TO BOTH SIGNATURES
MARIA DOUCET

PRINT NAME OF WITNESS
1-15079-64 AVE
SURREY, BC V3S 1X9

ADDRESS OF WITNESS
PROPERTY ASST.
OCCUPATION OF WITNESS

I, A.F. HOEFSLOOT, A BRITISH COLUMBIA LAND SURVEYOR
OF THE CITY OF GRAND FORKS IN BRITISH COLUMBIA, CERTIFY
THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED
THE SURVEY REPRESENTED BY THIS PLAN AND THAT THE
SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY WAS
COMPLETED ON THE 26 TH DAY OF JULY 2007
THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST
FILED UNDER NO. 68281, ON THE 31 ST DAY OF
JULY 2007.

A.F. Hoefsloot
B.C.L.S.

Approved pursuant to the Land Title Act
this 3rd day of
August 2007.
[Signature]
Approving Officer for the Ministry
of Transportation

- LEGEND:
- PROPOSED BUILDING SITE (X)
 - PROPOSED BOUNDARY (—)
 - SEASONAL WATERCOURSE (—)
 - PERC TEST HOLES (XX)
 - HYDRO POLES (X) FUTURE WELL (W)
 - EXISTING HOUSE (↑)
 - STEEP SLOPE (W)
 - DRIVEWAY (—)
 - EXISTING WATERWORKS (W)

[Signature]
OWNER: OLGA STRUKOFF

[Signature]
WITNESS

Carolyn Thornton
PRINT NAME OF WITNESS

#53-2736 Altin Pl, Coquitlam B.C.
ADDRESS OF WITNESS V3C 5T4

Executive Assistant
OCCUPATION OF WITNESS

[Signature]
OWNER: ROGER ALAN STRUKOFF

[Signature]
WITNESS

Carolyn Thornton
PRINT NAME OF WITNESS

#53-2736 Altin Pl, Coquitlam B.C.
ADDRESS OF WITNESS V3C 5T4

Executive Assistant
OCCUPATION OF WITNESS

[Signature]
OWNER: CINDY MAY STRUKOFF

[Signature]
WITNESS

Carolyn Thornton
PRINT NAME OF WITNESS

#53-2736 Altin Pl, Coquitlam B.C.
ADDRESS OF WITNESS V3C 5T4

Executive Assistant
OCCUPATION OF WITNESS

A.F. HOEFSLOOT
BRITISH COLUMBIA LAND SURVEYOR
P.O. BOX 2740, GRAND FORKS, B.C.
V0H 1H0 442-5597

04-03-2



Electoral Area Services Committee Staff Report

Prepared for meeting of October 2014

Municipal Referral – Village of Fruitvale New Zoning Bylaw No. 846, 2013	
Referral Agency: Village of Fruitvale	File No: F-1
Contact: Lila Cresswell, Chief Administrative Officer PO Box 370, 1947 Beaver Street Fruitvale, BC V0G 1L0 250.367.7551 (Phone) 250.367.9267 (Fax)	
Report Prepared by: Jeff Ginalias, Planner	

ISSUE INTRODUCTION

The Village of Fruitvale requested comments from the Regional District on their proposed new Zoning Bylaw No. 846, 2013. The new Zoning Bylaw was adopted on October 6, 2014 replacing Zoning Bylaw No. 769, which was adopted in 2006.

BACKGROUND FACTORS

In 2011, the Village adopted a new Official Community Plan, Bylaw No. 835. The OCP bylaw was referred to the RDKB for comments. About that same time the RDKB was revising the Electoral Area 'A' OCP. The RDKB acknowledged that the Village of Fruitvale OCP recognized objectives and policies in the Area 'A' OCP regarding the fringe areas between the two jurisdictions and RDKB concerns on infrastructure and utilities. Both are discussed below.

Village of Fruitvale OCP objectives and policies regarding the fringe area and land use objectives which were considered consistent with RDKB Area 'A' policies:

- Objective: to collaborate with the Regional District in regard to fringe area planning and development;
- Policy: to support the connection of parks, trails and open spaces to areas outside the boundaries of Fruitvale;
- Policy: to work with the Regional District of Kootenay Boundary and support the Regional District Area 'A' OCP policies to protect the Agricultural Land Reserve in

- the fringe area of Fruitvale; and
- Policy: to keep rural lands in Fruitvale and in the fringe area (outside the ALR) to a 4 hectare minimum parcel size in keeping with minimum standard set out by the Regional District for Electoral Area 'A'.

Village of Fruitvale OCP objectives and policies which were considered consistent with RDKB Area 'A' policies regarding infrastructure and utilities:

- Objective: continue to support the Regional District's studies of the Kelly Creek Watershed and associated groundwater system in keeping with the Regional District's Water Smart Action Plan; and
- Objective: work in cooperation with the Regional District and surrounding communities to coordinate cost effective and efficient utilities and infrastructure.

The proposed new Zoning Bylaw now attempts to incorporate these policies into regulation. It appears that the provisions in the Zoning Bylaw capture and reflect these objectives and policies.

The RDKB noted the Village of Fruitvale's OCP designation of the Burlington Northern Santa Fe Railway (BNSFR) right of way. The portion of the BNSFR right of way within Electoral Area 'A' is designated Rail/Trail Corridor in the Area 'A' OCP with the objective of preserving the corridor for transportation type uses. Area 'A' OCP policies give priority to railway use with support for conversion to trails should the railway be abandoned. The Village of Fruitvale OCP contains a policy to "...protect the integrity of the BNSFR right of way as an important transportation corridor and economic development opportunity", but does not contain a provision to consider a priority for conversion of the right of way to trails if the right of way is abandoned. That issue is moot, as the OCP has been adopted.

The BNSFR is zoned 'General Industrial (I1)' in the proposed Zoning Bylaw.

IMPLICATIONS

The Village of Fruitvale's new Zoning Bylaw appears to be consistent with the RDKB Electoral Area 'A' Zoning Bylaw and the RDKB Area 'A' OCP. The Zoning Bylaw implements the provisions of the Village's OCP, which the RDKB deemed consistent with RDKB land use and development objectives and policies in Electoral Area 'A'.

APC COMMENTS

The APC discussed the new Zoning Bylaw and accepted it as presented.

RECOMMENDATION

That the staff report regarding the Village of Fruitvale's new Zoning Bylaw No. 846, 2014 be received.

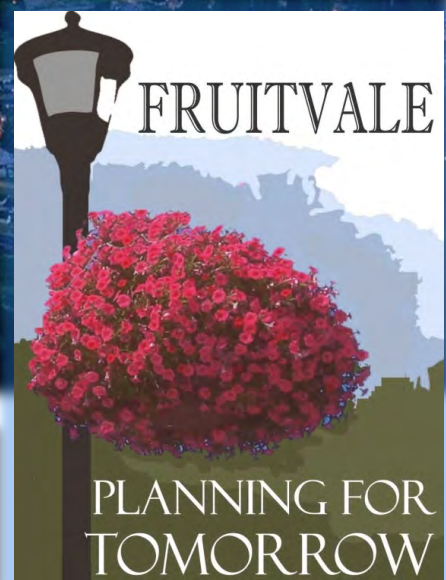
ATTACHMENT

Village of Fruitvale Zoning Bylaw 846, 2013 as Adopted October 6, 2014.

Village of Fruitvale



ZONING BYLAW 846, 2013



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Bylaw No. 846, 2013

Date of Revision: October 6, 2014
Village of Fruitvale

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Bylaw No. 846, 2013

Date of Revision: October 6, 2014
Village of Fruitvale

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Schedule "B" – Sign Specifications

Schedule "C" – Schedule of Amendments

SECTION 2 -- GENERAL ADMINISTRATION

2.1. Title

2.1.1. This Bylaw may be cited as "Village of Fruitvale Zoning Bylaw 846, 2013".

2.2. Purpose

2.2.1. This Bylaw is to provide a clear and efficient system of land use regulation for the orderly, economic, equitable and environmentally sensitive use, development, and re-development of all lands within the Village of Fruitvale, having regard for the provisions of the Village of Fruitvale's Official Community Plan.

2.3. Zoning Map

2.3.1. The Village of Fruitvale is hereby divided into the following zones:

COLUMN 1	COLUMN 2	Zone transition from B/L 769, 2006
Section 12 – Rural Large Parcel Zones		
RLP 1	Rural Large Parcel 1	(formerly RU)
Section 13 – Rural Residential Zones		
RR1	Rural Residential 1	(formerly RU)
Section 14 – Urban Housing Zones		
RU1	Single and Two Family Housing	(formerly R1, R2)
RU2	Small Lot Single and Two Family Housing	(formerly R1)
RM1	Low Density Multiple Housing	(formerly R4)
RM2	Medium Density Row Housing	(formerly R4)
RMP	Mobile Home Park	(formerly R3)
Section 15 – Commercial Zones		
C1	Village Centre Commercial	(formerly C1)
C2	Highway Commercial	(formerly C2)
Section 16 – Industrial Zones		
I1	General Industrial	(formerly I)
Section 17 – Public and Institutional Zones		
P1	Public Park and Open Space	(formerly PR)
P2	Administration, Public Service and Assembly	(formerly PR and ICF)
P3	Utilities	(formerly ICF)
Section 18 – Special Mixed Use Zones		
RMU	Residential Mixed Use	New Zone

- 2.3.2. The boundaries of those zones are shown on the “Zoning Map” which is attached as Schedule “A” to this Bylaw.
- 2.3.3. In this Bylaw, reference to zones as listed in Column 1 of Section 2.3.1 shall be deemed to mean and be the same as the zone listed in Column 2 of Section 2.3.1 and the words and numbers in the said columns shall be deemed to be interchangeable where the context of the Bylaw otherwise requires.

2.4. Uses and Regulations

- 2.4.1. Except for legal non-conforming uses or development approved by a development variance permit or a Board of Variance order, or another agreement or permit as authorized by provincial statute, the use, buildings, structures, in each zone or area shall be in accordance with the uses listed in the zone and all the appropriate regulations and requirements of this Bylaw.
- 2.4.2. No land, building, or structure, within the Village of Fruitvale shall be developed, used, constructed, erected, modified, converted, enlarged, re-constructed, altered, placed, or maintained except in conformity with the provisions of this Bylaw.
- 2.4.3. Notwithstanding section 2.4.2 the following uses, buildings and structures are permitted:
- a) the use of a building or part thereof as a temporary polling station, election official’s headquarters, candidate’s campaign office, and any other official temporary use in connection with a federal, provincial, or municipal election, referendum or census;
 - b) the use of a building, or part thereof, as a constituency office for a federal Member of Parliament or a provincial Member of the Legislative Assembly when located in a Commercial, Industrial or Institutional zone. Any signage for the constituency office will be required to meet the provisions of the Village of Fruitvale signage regulations currently in effect;
 - c) a temporary structure which is incidental to the erection, maintenance, alteration, or sales of a building, structure, lot or utility for which a building, development permit or preliminary layout approval has been issued provided that the structure is removed within 30 days of project completion or one year following the issuance of a building permit;
 - d) landscaping, where the existing grade and surface drainage pattern is not materially altered and will not create off-site impacts, except where required by Section 8;
 - e) railways except private sidings, pipelines, and irrigation ditches, conduits, flumes, and pumphouses;
 - f) minor impact utility services underground or within statutory rights-of-way and utility poles and anchors; and
 - g) construction, maintenance and repair of private walkways, pathways and driveways.

2.5. Compliance with Other Legislation

- 2.5.1. In addition to this Bylaw, a person is responsible for ascertaining and complying with the requirements of all other applicable municipal bylaws, or provincial or federal statutes and regulations.
- 2.5.2. The provisions of the development permit system included within the Official Community Plan apply in addition to the regulations in this Bylaw.

2.6. Applications in Process

- 2.6.1. A completed application for a building permit which is received prior to the effective date of this Bylaw shall be processed in accordance with Village of Fruitvale Consolidated Zoning Bylaw 769, 2006, unless the applicant provides a written request that their application be considered under this Bylaw. Such applications shall be approved or rejected within 12 months of this Bylaw coming into effect and, if rejected, any future development must comply with this Bylaw.

2.7. General Interpretation

- 2.7.1. Any enactments referred to herein are a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Bylaw referred to herein is a reference to an enactment of the Council of the Village of Fruitvale, as amended, revised, consolidated or replaced from time to time.
- 2.7.2. The headings given to sections, paragraphs, and sub-sections in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.
- 2.7.3. All units of measurement contained within this Bylaw are in metric. Approximate imperial measurements if shown in brackets are for reference and convenience only. Abbreviations are shown as follows:
 - a) Metres and square metres = m and m²
 - b) Litres = l
 - c) Kilometres = km
 - d) Hectares = ha
- 2.7.4. The Schedules attached to this Bylaw form part of this Bylaw.

Bylaw No. 846, 2013

Date of Revision: October 6, 2014
Village of Fruitvale

2.8. Repeal

- 2.8.1. The Village of Fruitvale Consolidated Zoning Bylaw 769, 2006, and all amendments thereto, is hereby repealed.
- 2.8.2. The Village of Fruitvale Mobile Home Park Bylaw 242, 1975, and all amendments thereto, is hereby repealed.

SECTION 3 -- INTERPRETATION

3.1. Rules of Interpretation

- 3.1.1. Words used in the present tense include the other tenses and derivative forms; words used in the singular include the plural and vice versa; and the word "person" includes a corporation, firm, partnership, trust, and other similar entities as well as an individual. Words have the same meaning whether they are capitalized or not.
- 3.1.2. The words "shall" and "is" require mandatory compliance except where a variance has been granted pursuant to the Local Government Act.
- 3.1.3. The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- 3.1.4. Words, phrases, and terms neither defined in this section nor in the Local Government Act or Community Charter shall be given their usual and customary meaning.

3.2. Zone Boundaries

- 3.2.1. The zone boundaries on the Zoning Map shall be interpreted as follows:
 - a) Where a zone boundary follows a street, lane, railway, pipeline, power line, utility right-of-way, or easement, it follows the centreline, unless otherwise clearly indicated on the Zoning Map;
 - b) Where a zone boundary is shown as approximately following the Village boundary, it follows the Village boundary;
 - c) Where a zone boundary is shown as approximately following the edge, shoreline, or high water mark of a water body, it follows the natural boundary. In the event of change, it moves with the natural boundary;
 - d) Where a zone boundary is shown as approximately following a property line, it follows the property line;
 - e) Where a zone boundary is shown as approximately following a topographic contour line or a top-of-bank line, it follows that line;
 - f) Where a zone boundary is shown as being generally parallel to or as an extension of any of the features listed above, it shall be so; and
 - g) In circumstances not covered above, the zone boundary shall be determined by the scale of the Zoning Map.
- 3.2.2. When any street is closed, the roadway lands have the same zoning as the abutting land. When abutting lands are governed by different zones, the centre of roadway is the zone boundary unless the zone boundary is shown clearly following the edge of the roadway. If the roadway is consolidated with an adjoining parcel, that parcel's zoning designation

applies to affected portions of the roadway.

3.3. General Definitions

- 3.3.1. The definitions of uses group individual land uses into a specified number of classes, with common functional or physical impact characteristics. They define the range of uses which are principal and secondary, with or without conditions, within various zones of this Bylaw.
- 3.3.2. The following guidelines shall be applied in interpreting the use class definitions:
- a) Typical uses listed in the definitions as examples are not intended to be exclusive or restrictive; and
 - b) Where a specific use does not conform to the wording of any use class definition or generally conforms to the wording of two or more definitions, the use conforms to and is included in that use class which is most appropriate in character and purpose.
- 3.3.3. The following words, terms, and phrases, wherever they occur in this Bylaw, shall have the meaning assigned to them as follows:

A

ABUT OR ABUTTING means immediately contiguous to, or physically touching, and when used with respect to lots or sites means two that share a common property line.

ACCESSORY BUILDING OR STRUCTURE means a separate building or structure, normally ancillary, incidental, subordinate to, and located on the same lot as the main building or structure. Typical accessory structures include but are not limited to; antennae, propane tanks, satellite dishes, flagpoles, garages, and garden sheds.

ACCESSORY SUITE means a self-contained accessory dwelling unit located within an accessory building. An accessory suite has its own separate cooking, sleeping and bathing facilities, and may include carriage houses, garage suites, or garden suites.

ACCESSORY USE means a use customarily incidental and subordinate to the principal use or building and located on the same parcel of land as such principal use or building.

ACCOUNTING SERVICES means the provision of general bookkeeping and accounting services to the public in an office setting.

ADJACENT means land that abuts and is contiguous to a site, and also includes land that would be contiguous if not for a street, lane, walkway, stream, utility lot, underground pipeline, power line, drainage ditch, watercourse, or similar feature.

AFFORDABLE HOUSING means housing that sells or rents at a rate that is affordable; generally defined as no more than 30% of annual income.

AGRICULTURAL AND GARDEN STANDS means those accessory buildings and structures for retailing agricultural products on a farm.

AGRICULTURAL BUILDINGS OR STRUCTURES means buildings or structures used to support agricultural uses on a property. Agricultural buildings may include storage space for agricultural machinery and equipment, storage space for agricultural products, or space for repairing and maintaining agricultural tools and equipment.

AGRICULTURAL WASTE means a by-product of agriculture and includes manure, used mushroom medium and agricultural vegetation waste.

AGRICULTURE means development or use for the growing, rearing, production, harvesting and processing of agricultural products, including livestock, and the storage and repair of implements and machinery used for farming purposes.

AGRICULTURE, EXTENSIVE means the use of land, buildings and structures by a commercial enterprise or an institution for the production of agricultural products without utilizing the confinement of poultry, livestock or fur bearing animals except as required on a seasonal basis for activities such as winter feeding.

ALTERATION OF LAND means, but is not necessarily limited to: soil relocation due to building or parking lot construction or alteration; removal, alteration, disruption or destruction of vegetation; soil removal or filling; construction or alteration of retaining walls, patios, lawns, agricultural activity or any structural change to a building or structure that results in an increase or decrease in the area or volume of the building or structure; a change in the area, frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements under this bylaw; or discontinuance or change, where the new use is differently defined as the original use, in the principal use of the lot, building or structure.

AMENITY AREA means an area of land or building or portion thereof providing for the passive or active recreational use by the residents of a lot which may include balconies, patios, recreational facilities, party rooms, playgrounds and similar facilities but excluding driveways, off street parking areas and walkways.

AMUSEMENT ESTABLISHMENTS, OUTDOOR means facilities for entertainment or amusement activities that primarily take place outdoors where the patrons are the primary participants. Typical uses include but are not limited to amusement parks, go-cart tracks, and miniature golf establishments. This use class does not include drive-in movie theatres, carnivals, circuses, par three or regulation length golf courses.

ANCILLARY means subordinate or assisting and in the case of a building or structure, includes essential structural components necessary to the building function such as mechanical penthouses, elevator housing, mechanical rooms, communication structures, or chimneys.

ANIMAL CLINICS, MAJOR means those premises where domestic pets and livestock are given medical and surgical care and may include outdoor shelter.

ANIMAL CLINICS, MINOR means those premises where domestic pets are given medical and surgical care and does not include outdoor shelter.

ANIMAL DAYCARES means an establishment intended to provide care for domesticated animals excluding livestock, during the day or evening but not overnight, to a maximum limit of six animals.

ANIMAL SHELTERS means a lot and or building or part thereof, used for the temporary care of lost, abandoned or neglected animals.

ANTENNA means a structure designed for the purpose of receiving and transmitting communication signals.

APARTMENT HOUSING means any physical arrangement of attached dwelling units, intended to be occupied by separate households, which does not conform to the definition of any other residential use class.

ATTIC means the unfinished space between the roof and the ceiling of the top storey or between a dwarf wall and a sloping roof.

AUCTIONEERING ESTABLISHMENTS means buildings and/or land for the auctioning of goods and equipment including the temporary storage of such goods and equipment, but does not include flea markets or used goods stores.

AUTOBODY REPAIR AND PAINT SHOPS means those premises where automobiles, trucks, and other vehicles undergo body repair and painting.

AUTOMOTIVE AND EQUIPMENT REPAIR SHOPS means the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, and similar vehicles or the sale, installation, or servicing of related accessories and parts. This includes but is not limited to transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops but does not include autobody repair and paint shops, or wrecking yards.

AUTOMOTIVE AND MINOR RECREATION VEHICLE SALES/RENTALS means the retail sale or rental of new or used automobiles, bicycles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles, together with incidental maintenance services and sales of parts. It includes automobile dealerships but does not include dealerships for the sale of trucks with a gross vehicle weight of more than 4100 kg. or the sale of motorhomes with a gross vehicle weight rating of more than 5500 kg. or a length of more than 6.7 m.

AWNING means a retractable or non-retractable covering of non-rigid materials such as canvas or similar fabric projecting from the exterior wall of the building.

B

BACHELOR DWELLING means a dwelling in which the sleeping and living areas are combined and which is not reasonably capable of being developed as a unit containing a separate bedroom or bedrooms.

BALCONY means a platform, attached to and projecting from the face of a building with or without a supporting structure above the first storey, normally surrounded by a balustrade or railing and used as an outdoor porch or deck with access only from within the building.

BASEMENT means a storey or storeys of a building located below the first storey.

BASEMENT, WALKOUT means a storey of a building located below the first storey and having at least one wall above grade.

BAY WINDOW means a glazed window that protrudes from the wall to which it is attached and may be structurally supported other than by a foundation wall.

BED AND BREAKFAST HOME means the accessory use of a residence in which temporary overnight accommodation and breakfast is provided to tourists.

BEDROOM means a room containing a window, located in a dwelling, which due to its design or location in the dwelling, is or may be used primarily for sleeping. It includes dens, lofts, studies, and libraries.

BINGO FACILITIES means any place that is used for bingo pursuant to a licence issued by or under the authority of the provincial government.

BOARDER means a non-family member who is a lodger, roomer, or person who pays for and takes regular lodging, with or without meals.

BOARDING OR LODGING HOUSE means a building in which the owner or manager may supply accommodation for their family, and sleeping unit accommodation for remuneration to members of the public. It may or may not include meal service. It includes lodges for senior citizens but does not include hotels, motels, temporary shelter services, congregate housing, or bed and breakfast homes.

BROADCASTING STUDIOS means development used for the production and/or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.

BUFFER means a landscaped or natural area intended to visibly separate and screen one use from another to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage and wildlife movement. This also refers to the use of vegetation and other screening or separation methods to separate non farming and farming land uses.

BUILDING means a temporary or permanent structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels and/or equipment.

BUILDING ENVELOPE means the maximum volume or extent of space within which a development may be designed after yard requirements and height limits have been accounted for. This building envelope may be further restricted by other regulations governing site coverage, parking or amenity areas.

BUILDING FACE OR FACADE means that portion of any exterior elevation of a building exposed to public view extending from the grade to the eaves or the top of the parapet wall and the entire length of the building elevation, including all areas divided by firewalls.

BUILDING FRONTAGE means the measurement of the length of a building wall that directly faces a street.

BUILDING INSPECTOR means the person(s) appointed by Council to administer and enforce the provisions of the Village of Fruitvale Building Regulation Bylaw currently in effect.

BUILDING PERMIT means a permit issued in accordance with the Village of Fruitvale Building Regulation Bylaw currently in effect.

BULK FUEL DEPOT means lands, buildings, and structures for the bulk storage and distribution of petroleum products and may include key lock retail sales. This does not include either minor or major service stations.

BUSINESS means an establishment for carrying on a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal, or other service for gain or profit. This includes a Home Occupation.

BUSINESS SUPPORT SERVICES means development used to provide support services to businesses and which are characterized by one or more of the use of minor mechanical equipment for printing,

duplicating, binding or photographic processing; secretarial services; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair, or servicing of office equipment, furniture and machines. Typical uses include but are not limited to printing establishments, testing laboratories, janitorial firms and office equipment sales, repair establishments, and sign shops.

BYLAW ENFORCEMENT OFFICER means the officers or employees appointed by Council as such.

C

CALLIPER means the trunk diameter of a tree measured at a point 300 mm above the top of the root ball.

CANOPY means a non-retractable hood cover or marquee which projects from the wall of a building. It does not include an awning, projecting roof, roof eaves, or enclosed structure.

CAR WASH means an establishment used for the cleaning of motor vehicles and may be either a free-standing operation or in conjunction with a service station, major or minor.

CARE CENTRE, INTERMEDIATE means an establishment licensed as required under the Community Care and Assisted Living Act intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes group day care centres, out-of-school centres, and drop-in centres. This includes developments for 9 to 25 children for group day-care or 11 to 25 children for the provision of care, before and after school hours and during school holidays, for children attending school. This also includes care centre, minor.

CARE CENTRE, MAJOR means an establishment licensed as required under the Community Care and Assisted Living Act intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes group day care centres intended for 26 or more patrons, out-of-school centres, and drop-in centres. This also includes care centre, minor and care centre, intermediate.

CARE CENTRE, MINOR means an establishment licensed as required under the Community Care and Assisted Living Act intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes drop-in centres and group day care centres for up to 8 patrons, and up to 10 children for the provision of care, before and after school hours and during school holidays, for children attending school, and pre-schools for up to 15 children.

CARNIVALS means temporary development providing a variety of shows, games and amusement rides in which the patrons take part, for a period of less than 30 days.

CARPORT means a roofed structure free-standing or attached to the principal building which is not enclosed on the front and at least one side, used by the building occupants to shelter parked vehicles.

CEMETERY means those areas of land that are set aside for the burial of human remains. Typical uses are memorial parks and burial grounds, including crematoriums.

CLEARANCE means the unobstructed vertical distance between the finished grade or finished floor and the underside of a canopy, awning, ceiling, or structure.

COMMERCIAL SCHOOL means development used for training, instruction, and certification in a specific trade, skill, or service for the financial gain of the individual or company owning the school. Typical uses include but are not limited to secretarial, business, hairdressing, beauty culture, dancing, or music schools.

COMMERCIAL STORAGE means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature.

COMMERCIAL USE means an occupation, employment or enterprise that is carried on for gain or monetary profit by any person.

COMMERCIAL ZONES are any zones listed in Section 15 of this Bylaw or any zone in which the predominant use, as determined by its general purpose and list of principal uses, is of a commercial nature.

COMMUNITY GARDEN means a public or privately owned site normally operated on a not-for-profit basis by a volunteer group to provide allotted plots at nominal cost to citizens for the purpose of growing produce for personal consumption.

COMMUNITY RECREATION SERVICES means development for recreation, social or multi-purpose use primarily intended for local community purposes. Typical uses include but are not limited to community halls, non-profit social clubs, and community centres operated by a local residents' association.

COMPREHENSIVE DEVELOPMENT means provision for a mix of land uses within a specific area permitted and implemented through a Comprehensive Development Zone.

CONGREGATE HOUSING means housing in the form of multiple sleeping units where residents are provided with common living facilities, meal preparation, laundry services and room cleaning. Congregate housing may also include other services such as transportation for routine medical appointments and counselling.

CONSTRUCT OR CONSTRUCTION includes build, erect, install, repair, alter, add, enlarge, move, locate, re-locate, re-construct, upgrade, remove, or excavate.

CONTRACTOR SERVICES, GENERAL means premises used for the provision of building and road construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage and warehouse space. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use only.

CONTRACTOR SERVICES, LIMITED means development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four vehicles.

COUNCIL means the Council of the Village of Fruitvale.

CREMATORIUM means a building or part of a building used for the purpose of cremating human remains and includes appliances and other equipment incidental or ancillary to that purpose.

CSA means Canadian Standards Association.

CUSTOM INDOOR MANUFACTURING means development used for small scale on-site indoor production of goods by hand; manufacturing primarily involving the use of hand tools and provided such developments have fewer than 5 production employees. Typical uses include but are not limited to jewellery, denture appliances, toy and musical instrument manufacturing, gunsmiths, and pottery and sculpture studios.

D

DECK means a structure more than 0.6 m above grade without a roof or walls, except for visual partitions and railings, for use as an outdoor amenity area.

DENSITY means a measure of the total number of dwelling units or total floor area on a parcel or the intensity of development to the area of the site, including the number of units on a site of land and may be expressed as units per hectare and/or floor area ratio (FAR).

DENSITY BONUS means an increase in the allowable number of dwelling units or floor area on a parcel of land in exchange for an amenity provided by the developer for the community in accordance with the provisions of this bylaw.

DEVELOPMENT means (a) removal, alteration, etc. of vegetation; (b) disturbance of soils; (c) construction 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 or 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 the Local Government Act.

DRIVE-IN BUSINESS means a development which services customers travelling in motor vehicles driven onto the site where such business is carried on, and where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period while doing business at the premises. Drive-in businesses include service stations, gas-bars, drive-through vehicle service establishments such as lubrication shops, recycling depots and car washes.

DRIVE-IN FOOD SERVICES means development used for eating and drinking which offers food produced in a manner that allows rapid customer service and includes one or more of car attendant services, drive through food pick-up services, or parking primarily intended for the on-site consumption of food within a motor vehicle.

DUPLEX HOUSING means a building designed exclusively to accommodate two households living independently in separate dwelling units above or below each other. This type of development is designed and constructed as two dwelling units at initial construction. It does not include a secondary suite. (This definition does not infer “semi-detached” housing.)

DUST-FREE SURFACE means a durable dust-free surface such as concrete or asphalt, and does not include crushed gravel or shale.

DWELLING means accommodation providing sleeping rooms, washrooms, and a kitchen intended for domestic use, and used or intended to be used permanently for a household. A dwelling includes only one room which, due to its design, plumbing, equipment, and furnishings, may be used primarily as a kitchen. This use does not include a room in a hotel or a motel, and does not include recreational vehicles.

E

EATING AND DRINKING ESTABLISHMENT, means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but do not include drive-in restaurants.

EMERGENCY AND PROTECTIVE SERVICES means a public facility used by fire protection, police, ambulance, or other such services as a base of operations.

EQUIPMENT RENTALS means development used for the rental of tools, appliances, recreational craft, office machines, furniture, light construction equipment, or similar items but does not include rental of motor vehicles or industrial equipment.

EXTENDED MEDICAL TREATMENT SERVICES means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including out-patient services and accessory staff residences. Typical uses include but are not limited to hospitals, nursing homes with health care for dependant residents, mental care asylums, sanatoria, and detoxification centres.

F

FARMERS MARKET means a market whose vendors make, bake, or grow the products they produce, where farmers or their families display and sell locally grown or processed foods with a limited number of non-food crafts and imported products.

FENCE means a structure used as an enclosure or for screening purposes about all or part of a lot or a swimming pool.

FINANCIAL SERVICES means the provision of financial and investment services by a bank, trust company, investment dealer, credit union, mortgage broker, insurance company or related business. Insurance companies that cater to a specific sector of the commercial or industrial business community and do not offer personal, financial, investment or insurance services are not included in this definition.

FIRE SEPARATION means any construction assembly that acts as a barrier against the spread of fire as defined in the B.C. Building Code, and includes firewalls.

FLEA MARKET means an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public.

FLEET SERVICES means development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long term lease. Typical uses include but are not limited to ambulance services, taxi services, bus lines, and messenger and courier services. This does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kg.

FLOOR AREA, GROSS LEASABLE (GLA) means the total floor area contained within the exterior and basement walls and which is designed to be used exclusively for tenant occupancy.

FLOOR AREA, GROSS (GFA) means the total floor area of the building or structure contained within the exterior and basement walls.

FLOOR AREA, NET means the sum of the horizontal areas of each storey of the building measured from the exterior faces of the exterior walls providing that in the case of a wall containing windows, the glazing line of the windows may be used. The net floor area measurement is exclusive of basement areas, attics, attached garages, carports, breezeways, porches, balconies, exit stairways, corridors, and terraces. In the case of multiple dwelling housing, public corridors, common amenity spaces, and building mechanical systems are also excluded. In the case of congregate housing, communal dining and kitchen facilities are excluded.

FLOOR AREA RATIO means the numerical value of the net floor area on all levels of all buildings and structures on a lot, divided by the area of the lot.

FORESTRY means the extraction, storage, sorting, and grading of primary forest materials. This use does not include natural resource extraction.

FOUR DWELLING HOUSING means housing on a single lot other than a strata lot that contains four single family dwelling units, one or more of which may or may not be a permitted secondary suite.

FOUR-PLEX HOUSING means any physical arrangement of four attached dwelling units intended to be occupied by separate households with separate exterior access to grade.

FRONTAGE means the length of a lot line which immediately adjoins a street other than a lane or walkway.

FUNERAL SERVICES means premises used for the preparation of the dead for burial or cremation and the holding of funeral services.

FUR BEARING ANIMAL means an animal that is wild by nature kept in captivity, and whose pelt is commonly used for commercial purposes, but does not include a species excluded by regulation under the Fur Farm Act.

G

GAMING FACILITIES means any place that is customarily or regularly used for bingo or other games of chance pursuant to a licence issued by or under the authority of the provincial government and includes a social club for which gaming is licenced by the provincial authority.

GAS BARS means development used for the sale of motor fuel, lubricating oils, automotive fluids and associated convenience store products. The gas bar may be a self-service, full service, key lock, card lock, or other similar operation. This does not include minor and major service stations.

GENERAL INDUSTRIAL USE means development used principally for one or more of the following: processing of raw materials; the manufacturing or assembling of semi-finished or finished goods, products or equipment, but not food products directly to the public; the storage, cleaning, servicing, repairing, design or testing of materials, goods and equipment normally associated with industrial, business or household use; terminals for the storage or transshipping of materials, goods and equipment; the distribution and sale of materials, bulk goods and equipment to institutions, industrial or commercial businesses for their direct use or to general retail stores or other use classes for resale to individual customers; or the training of personnel in general industrial operations. Any indoor display, office, technical, administrative support, or retail sale operations shall be accessory to the general industrial uses listed above. The floor area devoted to such accessory activities shall not exceed 25% of the gross floor area of the building(s) devoted to the general industrial use. This use includes autobody repair and paint shops.

GOVERNMENT SERVICES means development providing for crown corporation, municipal, provincial or federal government services directly to the public. This does not include protective and emergency services, minor or major impact utility services, and public education services. These are uses which have significant client visitation. Typical uses include but are not limited to taxation offices, courthouses, manpower and employment offices, and social service offices.

GRADE, BUILDING (as applied to the determination of building height), means the lowest of the average levels of grade adjoining each exterior wall of a building, and as determined in Section 7.6, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of grade.

GRADE, NATURAL means the elevation of the ground surface in its natural state, before man-made alteration; or on sloping or irregular sites, the angled plane, before man-made alteration.

GRADIENT means the figure obtained when the vertical distance of a slope is divided by the horizontal distance expressed as a percentage.

GREENHOUSES AND PLANT NURSERIES means development used primarily for the raising, storage and sale of produce, bedding, household, ornamental plants and related materials such as tools, soil, and fertilizers.

GROUP HOME, MAJOR means a care facility licensed as required under the Community Care Facility Act to provide room and board for more than 6 residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision, but does not include boarding or lodging houses or temporary shelter services. A Housing Agreement pursuant to Section 905 of the Local Government Act filed in the land title office on the subject property is required as a condition for a group home use.

GROUP HOME, MINOR means the use of one dwelling unit as a care facility licensed as required under the Community Care Facility Act to provide room and board for not more than 6 residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision. A group home, minor may include, to a maximum of four, any combination of staff and residents not requiring care. The character of the use is that the occupants live together as a single housekeeping group and use a common kitchen. This use does not include boarding or lodging houses or temporary shelter services. A Housing Agreement pursuant to Section 905 of the Local Government Act filed in the land title office on the subject property is required as a condition for a group home use.

H

HARDSURFACING means a durable ground surface, constructed of cast-in-place concrete, brick, or concrete unit pavers, turfstone, stone, asphalt, or similar materials (but excluding gravel and clay).

HEALTH SERVICES means development used for the provision of physical or mental health services on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Typical uses include but are not limited to medical and dental offices, chiropractors, massage therapists and acupuncture clinics, health clinics, and counselling services.

HEIGHT means, with respect to a building, the maximum vertical distance between building grade and the highest point of the structure having a non-sloping roof, or the mid-point between the eaveline and ridge of a sloping roof excluding dormers.

HERITAGE BUILDING means a building or structure having heritage value or being a heritage property as defined in the Local Government Act.

HOBBY FARM means a small farm on which the occupants cultivate crops and/or domestic/household or agricultural animals primarily for their own use and not for commercial use.

HOME OCCUPATION means development consisting of the use of a dwelling unit for a business by a resident who resides for more than 240 days of a year at that lot. The business must be secondary to the residential use of the lot and shall not change the residential character of the lot.

HOTEL means a building or part thereof with a common entrance lobby and shared corridors, which provides sleeping accommodation for transient visitors and may include public facilities such as restaurants, banquet, beverage, meeting and convention rooms, recreation facilities, and personal service establishments for the convenience of guests. The maximum length of stay is no more than 240 days during any calendar year.

HOUSEHOLD means

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

In addition, a household may also include one housekeeper or nanny.

HOUSEHOLD REPAIR SERVICES means development used for the provision of repair to goods, equipment and small appliances normally found within the home. Typical uses include but are not limited to radio, television, and appliance repair, furniture refinishing, and upholstery shops. This use class does not include personal services establishments.

I

INDUSTRIAL ZONES are any zones described in Section 16 of this Bylaw or any zone in which the predominant use, as determined by its general purpose and list of permitted uses, is of an industrial nature.

INSTITUTIONAL ZONES are any zones described in Section 17 of this Bylaw or any zone in which the predominant use, as determined by its general purpose and list of permitted uses, is of an institutional nature.

INSURANCE SERVICES means the provision of general insurance and associated services to the public in an office setting.

K

KENNELS AND STABLES means premises used for the breeding, buying, selling or overnight boarding of animals including individual dogs, cats, horses or other domesticated animals excluding livestock other than horses.

KITCHEN means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, plumbing, or wiring which, may be intended or used for the preparation or cooking of food.

L

LANDSCAPING means changing, modifying or enhancing the visual appearance of a site including reshaping the earth, planting lawns, shrubs, trees or preserving the original natural vegetation, adding walks, fencing, patios and other ornamental features for the purpose of beautifying or screening the appearance of a lot.

LANE means a highway under the Community Charter more than 3.0 m but not greater than 8.0 m in width.

LEAVE STRIP means an area of land adjacent to a designated waterbody, stream or ravine which is intended to be left in its natural state, free of development and land alteration. All leave strip widths are measured inland from the normal high water mark or top of bank (in steeply sloped areas).

LEGAL SERVICES means the provision of legal and paralegal services to the public in an office setting.

LIQUOR LICENSED PREMISES means any building, structure or premises licensed to sell liquor under the B.C. Liquor Control and Licensing Act, including an eating and drinking establishment, bar, cabaret, cold beer and wine store, liquor store, nightclub or neighbourhood pub.

LIVESTOCK means cattle, horses, sheep, goats, swine, rabbits, fish, farmed game and exotic animals as prescribed by the Minister responsible for the administration of the Farm Practices Protection (Right to Farm) Act.

LOADING SPACE means an on-site parking space reserved for temporary parking for the purpose of loading or unloading goods and materials.

LOT means a parcel of land, including Crown Land, which is legally defined either by registered plan or description.

LOT, BARELAND STRATA means the smallest unit of land defined on a horizontal plane according to a bareland strata plan under the provisions of regulations pursuant to the Strata Property Act.

LOT, CORNER means a lot situated at the intersection of two or more streets, or a lot that has two adjoining lot lines abutting a street which substantially changes direction at any point where it abuts the lot.

LOT, DOUBLE FRONTING, (OR THROUGH) means a lot which abuts two streets that are parallel or nearly parallel to the lot.

LOT, INTERIOR means a lot other than a corner lot.

LOT, PANHANDLE means a lot which has its primary legal access from a street through a narrow strip of land which is an integral part of the lot. This narrow strip is referred to as the panhandle.

LOT, PIE means a lot which is generally configured such that its width at the rear lot line is greater than at its front lot line.

LOT, REVERSE PIE means a lot which is generally configured such that its width at the rear lot line is less than at its front lot line.

LOT, STRATA means a lot shown on a strata plan according to the Strata Property Act.

LOT AREA means the total horizontal area within the lot lines of a lot.

LOT COVERAGE (see Site Coverage).

LOT DEPTH means the horizontal distance between the mid-points of the front and rear lot lines.

LOT LINE means the legally defined boundary of any lot or property line.

LOT LINE, FRONT – COMMERCIAL AND INDUSTRIAL means the street frontage onto which the primary façade or front yard of the building faces.

LOT LINE, FRONT – URBAN AND RURAL RESIDENTIAL means, in the case of an interior lot, a lot line separating the lot from the street; or in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street not including a corner rounding or corner cut; or in the case of a lot extending between two parallel streets, the front lot line shall be determined by the average front yard setback on that block.

LOT LINE, REAR means either the lot line opposite to, and most distant from, the front lot line, or, where there is no such property line, the point of intersection of any property lines other than a front lot line which is furthest from and opposite the front lot line.

LOT LINE, SIDE means any lot boundary line which is not a front or rear lot line.

LOT WIDTH means the width of a lot where it abuts the street except in the case of an irregularly shaped lot, where the width shall be the average horizontal distance between the side lot lines at the minimum front yard setback. For a reverse pie lot, the lot width is the average horizontal distance between the side lot lines at the minimum rear yard setback.

M

MIXED USE means any development that contains at least two different land use categories (e.g. residential and commercial).

MOBILE CATERING FOOD SERVICES means the delivery and sale of food to the public using a single vehicle or fleet of vehicles.

MOBILE HOME means a detached dwelling unit designed to be transportable on wheels. This may include homes constructed to CSA Z240 or similar certified standards or park model trailers constructed to CSA Z241 or similar certified standards for residential occupancy.

MOBILE HOME PARK means a parcel of land for the placement of two or more mobile homes. This does not include the situation where an additional agricultural dwelling is located on a lot where the principal dwelling is a manufactured home.

MOTEL means a building or group of buildings divided into self-contained sleeping or dwelling units, each with a separate exterior entrance and convenient access to on-site parking. Motels may include eating and drinking establishments and personal service establishments. The maximum length of stay is no more than 240 days in any calendar year.

MULTIPLE DWELLING HOUSING means housing on a single lot other than a strata lot that contains three or more dwelling units.

MULTIPLE HOUSING means row housing, stacked row housing, apartments, and apartment hotels.

N

N/A means not applicable, that there is no particular regulation in that zone for that category, but that the other regulations in this Bylaw still apply.

NATURAL BOUNDARY means the visible high water mark of any, 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 the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

NATURAL RESOURCE EXTRACTION includes the quarrying, processing, removal and off-site sale of sand, gravel, earth or mineralized rock found on or under the site. Typical uses include but are not limited to quarries, gravel pits, and stripping of topsoil. This does not include processing of raw materials transported to the site.

NON-ACCESSORY PARKING means development providing vehicular parking which is not primarily intended for the use of residents, employees, or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.

NON-CONFORMING USE means a lawful existing use made of a lot or building, intended to be made of a building lawfully under construction, or a development which is approved under provisions of Section 2.6 of this Bylaw at the date of Council adoption of this Bylaw, or amendment thereof, which on the date this Bylaw or an amendment thereto becomes effective, would no longer comply with this Bylaw.

NON-RESIDENTIAL ZONES are any zones other than those described in Sections 13 and 14 of this Bylaw or any zone in which the predominant use, as determined by its general purpose and list of permitted uses, is not of a residential nature.

NUISANCE means anything that is obnoxious, offensive or interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses. This could include that which creates or is liable to create a nuisance through emission of noise, smoke, dust, odour, heat, fumes, fire or explosive hazard; results in the unsightly or unsafe storage of goods, salvage, junk, waste or other materials; poses a hazard to health and safety; or adversely affects the amenities of the neighbourhood or interferes with the rights of neighbours to the normal enjoyment of any land or building.

O

OFFICES means development primarily for the provision of professional, management, administrative, consulting, or financial services in an office setting. Typical uses include but are not limited to the offices of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. This includes construction and development industry offices but excludes government services, the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacture or handling of a product.

OFFICIAL COMMUNITY PLAN means the Village of Fruitvale Official Community Plan as adopted by Council, and as amended from time to time.

OPEN SPACE means land that is undeveloped or developed that can support plant materials; or has decorative landscape treatment; or that may be used for recreation, circulation or viewing. Walkways, plant beds, lawns and terraces within an open space area may be included as part of such open space area. Paved parking lots are not considered open space.

OUTDOOR STORAGE means the accessory storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land, or the non-accessory parking of vehicles. Typical uses include but are not limited to pipe yards or vehicle or heavy equipment storage compounds.

P

PARAPET or **PARAPET WALL** means that portion of a perimeter building wall that rises above the roof.

PARKING LOT means a lot or part of a lot or a building available to be used for the temporary parking of more than one vehicle by customers, employees and the public at large.

PARKING SPACE means an off-street space of the size and dimensions to park one vehicle in conformance with Section 9 of this Bylaw exclusive of driveways, aisles, ramps, or obstructions.

PARTICIPANT RECREATION SERVICES, INDOOR means facilities within an enclosed building for sports, active recreation and performing and cultural arts where patrons are predominantly participants. Typical uses include but are not limited to athletic clubs, health and fitness clubs, swimming pools, rifle and pistol ranges, bowling alleys, and racquet clubs.

PARTICIPANT RECREATION SERVICES, OUTDOOR means facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include but are not limited to regulation length or par-three golf courses, ball fields, and riding stables.

PARTY WALL means a wall jointly owned and jointly used by two parties under easement agreement or by right in law, and erected at or upon a line separating two parcels of land, each of which is, or is capable of being, a separate real estate entity.

PATIO means any solid structure at grade meant for support of people or materials out of doors and less than 0.6 m in height.

PAWN means to deposit goods or chattels as security for the payment of money or other consideration.

PAWNSHOP means premises where goods or chattels are taken in pawn.

PENTHOUSE means a structure on the top floor or projecting above a building roof or parapet, housing a suite, elevator shaft or stairwell; or forming a wall or screen around equipment mounted on the roof.

PERSONAL SERVICE ESTABLISHMENT means a use which provides personal services to an individual which is related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, hairdressers, manicurists, tailors,

dress makers, shoe repair shops, dry cleaning establishments, and laundries but do not include health services.

PORCH means a roofed, open structure projecting from the exterior wall of a building with walls which are open or screened to facilitate use as an outdoor living area.

POULTRY means domesticated birds kept for eggs, meat, feathers, hide or cosmetic or medicinal purposes, and includes broilers, cornish, layers, breeding stock, replacement pullets, roasters, duck, geese, turkeys, game birds and ratites.

PREMISES means an area of land, including a lot or parcel of land with or without buildings.

PRIVATE CLUB means a development used for the meeting, social, or recreational activities of members of a philanthropic, social service, non-profit, athletic, business or fraternal organization. Private clubs may include rooms for eating, drinking and general assembly.

PRIVATE EDUCATION SERVICES means development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This use includes dormitory and accessory buildings. This use does not include commercial schools.

PRIVATE OPEN SPACE means a useable open space area exclusive of required building setbacks and parking areas (common or individual) which is developed for the recreational use of the residents or a residential dwelling unit, and may include balconies, indoor common amenity space, terraces, decks and level landscaped recreation areas.

PROPERTY LINE means a legal boundary of a lot.

PUBLIC EDUCATION SERVICES means development which is publicly supported and involves public assembly for education, training or instruction purposes, and includes the administration offices and maintenance storage facilities required for the daily operation of the facility on the same site or within the same school district. Typical uses include but are not limited to public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This use does not include private education services nor vehicle and equipment services, industrial or storage facilities other than what is required for operation of the educational facility on the same site.

PUBLIC LIBRARIES AND CULTURAL EXHIBITS means development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include but are not limited to libraries, museums, and art galleries.

PUBLIC PARK means any public outdoor land specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, environmentally sensitive areas, band shells, forest reserve, wildlife sanctuary, greenbelts, conservation areas, buffers, nature interpretation areas, and similar land uses. It includes all natural and man-made landscaping, facilities, playing fields, access, trails, buildings and structures consistent with the general purpose of public park land.

PUBLIC SERVICE means a use providing for the essential servicing with water, sewer, telephone, electrical, television, refuse disposal, and similar services, where such services are provided by a government organization, crown corporation, improvement district, or by a company operating under the Water Utility Act.

PUBLIC SPACE means spaces that are accessible and usable by the public, included but not limited to: plazas, parkland, courtyards, sitting areas, sidewalks, stormwater rain gardens and art or water features.

R

RAVINE means a narrow, steep-sided valley that has been eroded by running water and with slope grades greater than 3:1.

RECREATIONAL VEHICLE means a transportable conveyance that may be registered as a vehicle by the Ministry of Transportation intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motorized homes, slide-in campers, chassis-mounted campers, boats, all terrain vehicles, snowmobiles and tent trailers but not including manufactured homes.

RECYCLED MATERIALS DROP-OFF CENTRE means a development used for the collection and temporary storage of recyclable materials. Recyclable materials include, but are not limited to, cardboard, plastics, paper, metal, bottles and similar household goods or return for deposit items. Recyclable material left at the drop-off centre shall be periodically removed and taken to larger, permanent recycling operations for final recycling. This does not include recycling depots.

RECYCLING DEPOT means development used for the buying, collection, sorting, and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. Such establishments shall not have more than four vehicles for the pick-up and delivery of goods. This does not include recycled materials drop-off centres.

REGISTERED PLAN means a subdivision plan registered in the Provincial Land Title Office.

RELIGIOUS ASSEMBLY means a building wherein people regularly assemble for religious worship and related religious, philanthropic or social activities which is maintained and controlled for public worship. Typical uses include but are not limited to churches, chapels, mosques, temples, synagogues, convents, and monasteries. It also includes accessory manses or rectories.

RESIDENTIAL SALES CENTRE means a permanent or temporary building or structure used for a limited period of time for the purpose of marketing residential land or buildings.

RESIDENTIAL SECURITY OPERATOR UNIT means a secondary building or portion of a building used to provide on-site accommodation by the employer for persons employed on the property, a residence for the site caretaker or operator of a commercial establishment, or for the on-duty security personnel at a storage facility when permitted in a zone. No more than one residential security operator unit is permitted on a site.

RESIDENTIAL RURAL ZONES means any zones described in Section 13 of this Bylaw or any zone in which the predominant use, as determined by its general purpose and list of permitted uses, is of a rural residential nature, and in which the minimum tenancy period is 1 month.

RESIDENTIAL URBAN ZONES means any zones described in Section 14 of this Bylaw, or any zone in which the predominant use as determined by its general purpose and list of permitted uses is of an urban residential nature, and in which the minimum tenancy period is 1 month.

RETAIL STORE, CONVENIENCE means development used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from business premises which do not exceed 235m² in gross floor area. Typical

uses include but are not necessarily limited to small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. This use excludes the retail sale of beer, wine, or spirits by a Liquor Licensed Premise.

RETAIL STORE, GENERAL means premises where goods, merchandise and other materials are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, hardware, pharmaceutical, clothing, appliance and sporting goods stores. This use excludes warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring outdoor storage.

RETAINING WALL means a structure constructed to hold back, stabilize or support an earthen bank as a result of differences in lot grades.

ROOF LINE means the horizontal line made by the intersection of the wall of the building with the roof of the building or the top of the edge of the parapet. In the case of a building with a pitched roof, the roof line shall be at the eave level.

ROW HOUSING means a development containing three or more dwelling units with a separate exterior entrance at grade that shares no more than two party walls with adjacent dwelling units. No part of any dwelling is placed over another in part or whole and every dwelling shall have a separate, individual, direct access to grade.

RURAL SERVICES means a level of servicing that may allow for the use of on-site septic disposal and a private water source

S

SECONDARY SUITE means a self-contained, dwelling unit located within a single detached dwelling. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the principal unit. This use does not include duplex housing, semi-detached housing, apartment housing, or boarding and lodging houses.

SEMI-DETACHED HOUSING means a building containing dwelling units connected above or below grade and designed exclusively to accommodate two households living independently in separate dwellings side by side, each having a separate entrance at, or near, grade.

SERVICE STATIONS, MAJOR means development used for the servicing or repairing of vehicles; and the sale of gasoline, other petroleum products, and a limited range of vehicle parts and accessories. Major service stations may include eating and drinking establishments. Typical uses include truck stops and highway service stations.

SERVICE STATIONS, MINOR means development used for the routine servicing or repair of vehicles within a building containing not more than three service bays; and for the sale of gasoline, petroleum products, and a limited range of automotive parts and accessories.

SEWER SYSTEM, COMMUNITY means a sanitary sewer or a system of sewage disposal works which is owned, operated and maintained by the Municipality.

SHIPPING CONTAINER means a container that is used as a storage vault and includes sea, land and rail shipping containers, sometimes referred to as "Sea-cans".

SHOPPING CENTRE means one or more buildings containing more than six retail stores and other businesses, and exceeding 2,500 m² of gross floor area which share common services, parking, and other facilities on one or more lots.

SINGLE DETACHED HOUSING means a detached building containing only one dwelling unit, designed exclusively for occupancy by one household. Where a secondary suite is permitted, this use class may contain a secondary suite. This use includes manufactured or modular homes that conform to the CSA A277 standards, (this excludes mobile homes and park model trailers).

SINGLE DWELLING HOUSING means housing on a single titled lot that contains one single family dwelling unit.

SITE means an area of land consisting of a lot or two or more abutting lots.

SITE COVERAGE means the percentage of the total horizontal area of a lot or lots that may be built upon including accessory buildings or structures (including carports, covered patios larger than 23 m², and decks over 0.6 m in height) excluding steps, eaves, cornices, cantilevered balconies, and similar projections permitted by this Bylaw, breezeways, open courtyards, terraces or patios, driveways, aisles, and parking stalls.

SLEEPING UNIT means a bedroom or other area used as a bedroom in a cabin, dwelling or accessory building, and a tent or recreational vehicle on a campsite.

SPECIAL NEEDS HOUSING means housing for people that have limited shelter options; that fall below a household income required to afford market housing; and includes seniors, or persons with or without children who lack safe and secure housing or are leaving an abusive relationship, single parents and children who are at risk, street youth or homeless persons, or people with mental or physical disabilities, illnesses, or dependencies.

SPECTATOR ENTERTAINMENT ESTABLISHMENTS means an enclosed building designed specifically for the presentation of live artistic performances or the showing of motion pictures. Typical uses include but are not limited to auditoria, cinemas, theatres, and concert halls.

SPECTATOR SPORTS ESTABLISHMENT means facilities intended for sports and athletic events which are held primarily for public entertainment, where patrons attend on a recurring basis. Typical uses include but are not limited to stadiums, arenas, animal and vehicle racing tracks.

STACKED ROW HOUSING means row housing, except that dwellings may be arranged two deep, either horizontally so that dwellings may be attached at the rear as well as the side, or vertically so that dwellings may be placed over others. Each dwelling will have an individual access to outside, not necessarily at grade, provided that no more than two units share a corridor, steps or path.

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

STOREY, FIRST means the uppermost storey having its floor level not more than 2.0 m above building grade.

STOREY, HALF means a storey under a sloping roof, the walls of which, on at least two opposite walls, are not more than 0.6 m above the finished floor of such a storey. A half storey also includes a basement with walls between 0.6 m and 2.0 m high lying between building grade and the level of the finished floor directly above it.

STREET means a highway under the Community Charter over 8.0 m in width that affords the principal access to abutting properties. It can include a thoroughfare, street, trail, avenue, parkway, driveway, highway, road, viaduct, alley, bridge, trestleway, or other public right of way that is ordinarily used for vehicular traffic, parking, and pedestrians and is located on publicly owned lands. It includes sidewalks, curbs, boulevards, ditches and traffic lanes.

STREET, FLANKING means a street which abuts a side lot line. A lane abutting a side lot line is not considered a flanking street.

STRUCTURAL ALTERATION means any change or addition to the supporting members of a structure, including but not necessarily limited to the foundation, bearing walls, rafters, columns, beams or girders where the total value of the change or alteration does not exceed 75% of the assessed value of the existing structure. Changes or additions exceeding 75% of the assessed value of the existing structure are considered a new structure.

STRUCTURE means a construction of any kind whether fixed to or supported by or sunk into land or water including but not limited to towers, flag poles, swimming pools, docks, signs and tanks, and excludes areas of hardsurfacing.

SWIMMING POOL means any constructed or prefabricated pool, whether situated above or below surrounding ground level, used or intended to be used for swimming, bathing or wading, having a surface area exceeding 14 square metres (150 square feet) and a depth of more than 0.5 metres (1.5 feet) which is situated on privately owned property.

T

TANDEM PARKING means two parking spaces, one behind the other, with a common or shared point of access to a manoeuvring aisle, lane or street.

TEMPORARY SHELTER SERVICES means the provision of communal, transient accommodation sponsored or supervised by a public authority or non-profit agency intended to provide basic lodgings for persons requiring immediate shelter and assistance for a short period of time. Typical uses include but are not limited to hostels and over-night shelters.

THRIFT STORE means any store or business operated by a registered non-profit society selling second-hand or used goods, the entire proceeds of which, above the actual bona-fide expenses, are devoted to any charitable purpose.

TOP OF BANK means the natural topographical break where elevation of land is at its peak. If the distance from the high water mark to the toe of the slope is less than 15.0 m, then setbacks should be measured from the first significant and regular break in slope which is at least 15.0 m wide. Terraces less than 15.0 m wide below the slope break shall be included in the leave strip area.

TOURIST CAMPSITE means development of land which has been planned and improved for the seasonal short term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles, and is not used as year round storage or accommodation for residential use for a period not to exceed 90 days in one year. Typical uses include but are not limited to tourist trailer parks, campsites, and tenting grounds.

TRUCK AND MANUFACTURED HOME SALES RENTAL means development used for the sale or rental of new or used trucks, motorhomes, manufactured homes, and automobiles together with incidental maintenance services and the sale of parts and accessories. Typical uses include but are not limited to truck dealerships, recreation vehicle sales, and manufactured home dealerships.

TWO DWELLING HOUSING means housing that contains two single family dwelling units, one of which may or may not be a permitted secondary suite.

U

URBAN SERVICES means the provision of utility infrastructure consisting of a community water system, a storm drainage system, a municipally provided sanitary sewer collection system, and paved roadways adjacent to the site.

USE means the purposes for which land or a building is arranged or intended, or for which either land, a building, or a structure is, or may be, occupied and maintained.

USE, ACCESSORY means a use that is normally ancillary, incidental, subordinate, and located on the same lot as the principal use. Parking may be an accessory use when it serves the principal use and does not serve uses on other sites. Accessory uses include recreational amenities in residential developments that are devoted to the exclusive use of residents living on the same site. Accessory uses are permitted only in conjunction with a permitted principal use.

USE, PRINCIPAL means the main or primary use of land, buildings or structures that is provided for in the list of permitted uses in the zones of this Bylaw.

USE, SECONDARY means those uses in the lists of secondary uses in the zones of this Bylaw which must be in conjunction with a principal use. For example, a Home Occupation is a secondary use, not a principal use.

USED GOODS STORE means development used for the retail sale of second-hand or used major and minor household goods, including the refurbishing and repair of the goods being sold. Typical uses include but are not limited to the re-sale of items such as antiques, used furniture, major appliances, and the resale of clothing, jewellery, stereos and musical instruments. This does not include the sale of used vehicles, recreation craft or construction and industrial equipment, or flea markets, auctioneering establishments, pawnshops or second-hand dealerships.

UTILITY SERVICES, MAJOR IMPACT means development for utility infrastructure purposes which is likely to have a major impact on the environment or adjacent uses by virtue of their potential emissions or effects, or their appearance. Typical uses include but are not limited to sanitary land fill sites, sewage treatment plants, water treatment plants, major pumphouses, water towers or tanks, sewage lagoons, snow dumping sites, sludge disposal beds, garbage transfer and compacting stations, power terminal and distributing stations, power generating stations, cooling plants, equipment and material storage yards for vehicles, utilities and services, District heating plants, incinerators, and waste recycling plants.

UTILITY SERVICES, MINOR IMPACT means development for utility infrastructure purposes which is likely to have only minor impact on the environment or adjacent land uses by virtue of its appearance, noise, size, traffic generation or operational characteristics. Typical uses in this class include but are not limited to telephone exchanges, wire centres, switching centres, surface reservoirs or storm water lakes including adjacent landscaping and walkways, minor pumphouses, communication towers, gate stations for natural gas distribution, and transit terminals.

V

VEHICLE means any motor vehicle as defined in the Motor Vehicle Act.

VEHICLE AND EQUIPMENT SERVICES, INDUSTRIAL means development used for the sale, rental, service, or repair of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oil field and mining construction, manufacturing, assembling and processing operations and agricultural production. This does not include truck and manufactured home sales rentals.

VEHICULAR ORIENTED USE means a use which predominantly caters to automotive vehicular traffic. Vehicular-oriented uses include but are not limited to gas bars, service stations, drive-ins, drive-through vehicle services, and similar developments providing drive-in services in which patrons generally remain within their vehicles.

VILLAGE means the whole of Fruitvale as defined by the legal municipal boundaries.

VILLAGE CENTRE means that area designated in the Official Community Plan as the core commercial area of the community.

W

WALKWAY means a street intended to carry pedestrian and non-motorized traffic only, except that a walkway may be designed to afford emergency vehicle use.

WAREHOUSE SALES means development used for the wholesale or retail sale of a limited range of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Typical uses include but are not limited to developments where principal goods being sold are such bulky items as furniture, carpet, major appliances, and building materials. This use does not include developments used for the retail sale of food or a broad range of goods for personal or household use.

WATERCOURSE means any natural depression with visible banks, that contains water at some time, and includes any lake, river, stream, creek, spring, ravine, swamp, gulch, coulee, wetland, or surface source of water, whether containing fish or not, including intermittent streams, and drainage works that contain fish.

WRECKING YARD means any land or building used for the collection, demolition, dismantlement, storage, salvage, recycling or sale of waste materials including scrap metal, vehicles, machinery, and other discarded materials.

Y

YARD means an area created by setback measured 0.5 m above grade.

YARD, FRONT means the area between side lot lines extending from the front lot line to the nearest wall or supporting member of a building or structure.

YARD, REAR means the area between the side lot lines extending from the rear lot line to the nearest wall or supporting member of a building or structure.

YARD REQUIRED means that portion of a lot situated between a lot line and the line established by the associated minimum site yard line.

YARD, SIDE means that part of the lot which extends from a front yard to the rear yard between the side lot line and the nearest wall or supporting member of a building or structure.

Z

ZONE means the areas into which the Village is divided in accordance with the maps attached as Schedule "A" of this Bylaw and for which specific regulations are outlined herein for each area.

SECTION 4 -- SEVERABILITY

4.1. Severability

- 4.1.1. If any section, paragraph or phrase of this Bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.



SECTION 5 -- ENFORCEMENT

5.1. General

- 5.1.1. Persons appointed by the Council of the Village of Fruitvale are hereby authorized to enforce this Bylaw.

5.2. Right of Entry

- 5.2.1. Building Inspectors, Bylaw Enforcement Officers and other persons appointed by the Council of the Village of Fruitvale shall have the right of entry and may enter onto any land or into any building at all reasonable hours in order to inspect the same and to ascertain whether the provisions of this Bylaw have been carried out.
- 5.2.2. No person shall interfere with or obstruct the entry of a Bylaw Enforcement Officer or any authorized Village representative onto any land or into any building to which entry is made or attempted pursuant to the provisions of this Bylaw.

5.3. Prohibitions

- 5.3.1. No person shall contravene, cause, suffer, or permit a contravention of this Bylaw.
- 5.3.2. No person shall commence an alteration of land or undertake a use which is not permitted by this Bylaw.
- 5.3.3. No person shall construct, make an addition to or alter a building or structure, which is not permitted by this Bylaw.
- 5.3.4. No person shall contravene a condition of a permit issued under this Bylaw.
- 5.3.5. No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by Council or delegated body or a Building Inspector.
- 5.3.6. No person shall authorize or do any development that is at variance with the description, specifications or plans that were the basis for the issuance of a building permit.
- 5.3.7. No owner, lessee, tenant, or person shall:
- a) place or permit a commercial vehicle in excess of 4,000 kg. licensed gross vehicle weight on a lot in a residential zone other than a Rural Residential zone for a period exceeding six hours in duration;
 - b) **place or permit a recreational vehicle in excess of 5,500 kg. licensed gross vehicle weight on a lot in a residential zone other than a Rural Residential zone;**

- c) permit a motor vehicle in a state of disrepair or derelict for more than 30 days on a lot in a residential zone;
- d) permit more than two recreational vehicles outdoors on a lot in a residential zone;
- e) permit a fuel storage tank exceeding 205 l on a lot in a residential zone;
- f) permit a shipping container on a lot in a residential zone;
- g) fail to deflect lighting away from adjacent property as required by Section 7.8; or
- h) permit a use in a zone where the use is not listed as a principal or secondary use in the zone.

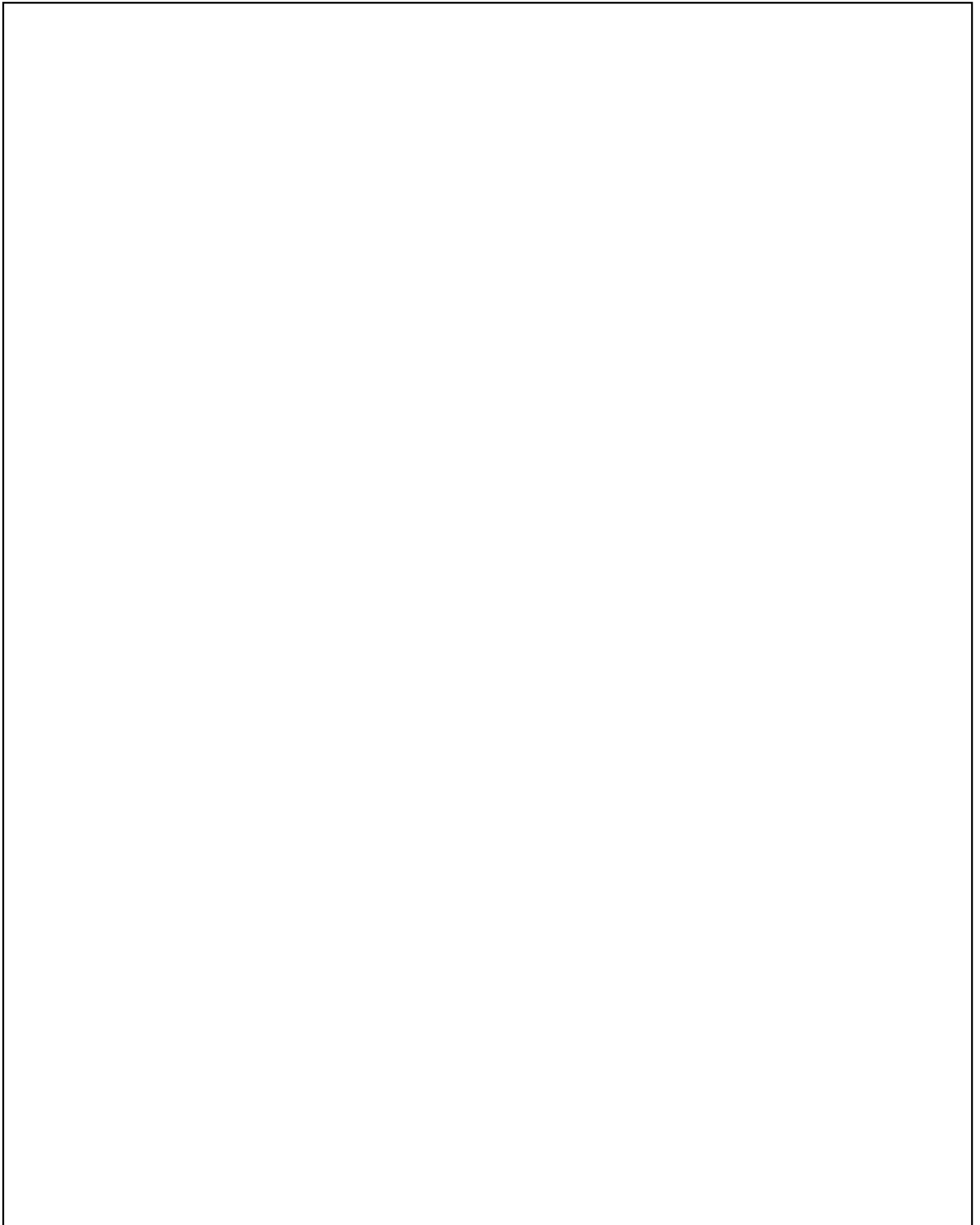
5.4. Penalties

- 5.4.1. Every person who violates a provision of this Bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) and the costs of prosecution.
- 5.4.2. Each day a violation of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.

SECTION 6 -- AMENDMENTS

6.1. Application

- 6.1.1. Any person applying to have any provision of this bylaw amended shall apply in writing by submitting an application in the form and manner prescribed in the Village of Fruitvale Development Application Procedures Bylaw currently in effect, and as amended from time to time.



SECTION 7 -- GENERAL DEVELOPMENT REGULATIONS

7.1. Swimming Pools

- 7.1.1. Swimming pools shall not be located in a required front yard.
- 7.1.2. Above ground swimming pools shall meet the siting requirements of accessory buildings.
- 7.1.3. At grade swimming pools shall be located at a minimum of 1.0 m from side and rear property lines and 1.5 m from any street, except for a required front yard.
- 7.1.4. Every private swimming pool or lot which contains a swimming pool shall be enclosed within a secure and sturdy fence not less than 1.2 m in height above grade level. The fence shall be equipped with a self-closing gate and secured by a spring lock not less than 1 m above grade, designed to open from inside the fence. The fence and gate shall be erected simultaneously with the excavation and construction of the swimming pool.
- 7.1.5. Minimum lot coverage requirements shall not apply to uncovered swimming pools.

7.2. Yards

- 7.2.1. A part of a lot reserved as a yard shall not be deemed to form part of any abutting lot for the purpose of computing the area available for building purposes or any other purpose.
- 7.2.2. Where a lot which is not a corner lot has frontage on more than one street, or fronts both a street and a lane which is used for primary access, any building, structure or accessory building shall be located on such lot to maintain a front yard on each street frontage so as to be consistent with the predominant front yard setback in the block.
- 7.2.3. In the case of a corner lot the front yard shall be the narrower of the two frontages.

7.3. Projections Into Yards

- 7.3.1. Chimneys, cornices, leaders, pilasters, sills, bay windows, a cantilevered section of a building or ornamental features may project into a required yard, provided such projections do not exceed 0.6 m. Structural projections, excluding purely architectural or aesthetic features, shall comprise not more than 20% of an exterior wall in which it is located. For buildings or structures that are more than one storey, the area of the structural projection shall be calculated per storey.
- 7.3.2. Unenclosed steps, eaves, awnings, decks, canopies, balconies, or porches may project into a required yard provided such projections do not exceed 0.6 m. Ramps for the purpose of allowing access for mobility challenged/disabled persons are not subject to this provision, and may project into a required yard as necessary to provide appropriate access.

- 7.3.3. Entrance canopies or awnings in RM zones for weather protection or building ornamentation may project no more than 3.0 m into a front yard or a flanking side yard or no closer than 1.5 m to a side lot line.
- 7.3.4. All canopies and awnings shall be designed to direct run-off and snow away from the sidewalk below.
- 7.3.5. Utilities, storage tanks, underground parking and similar structures constructed entirely beneath the surface of the ground may encroach into required yards provided such underground encroachments do not result in a grade inconsistent with abutting properties and the encroachments are covered by sufficient soil depth or surface treatment to foster landscaping, provided that storage tanks containing flammable materials shall be subject to the British Columbia Fire Code.

7.4. Undersized Lots

- 7.4.1. Where a lot is reduced in size as a result of a taking for public use by the Municipal, Provincial or Federal Government, the Board of School Trustees, or a Public Utility by dedication, expropriation, or purchase, the lot and buildings and structures thereon are deemed to conform with the provisions of this Bylaw and the lot shall be considered to exist as it did prior to the taking for the purpose of further development upon the lot under its existing zoning regulations, providing such taking:
 - a) does not reduce a minimum front, side or rear yard below 1.5 m unless this Bylaw does not require such yard;
 - b) the utility installation does not endanger the continuing use of the property as permitted by this Bylaw; and
 - c) does not result in the parcel being rendered unsuitable for any of the uses permitted in the zone in which the lot is located.
- 7.4.2. A principal or secondary use is permitted on a lot less than the minimum lot size in that zone provided that the development otherwise complies with all the regulations of this Bylaw.

7.5. Accessory Development

- 7.5.1. No person shall erect or permit to be erected a satellite dish, radio or television mast in a residential zone:
 - a) that is located in a required front or side yard or projects over any lot line; and
 - b) is higher than the height permitted for any accessory structure in that zone unless the property owner or tenant holds a current Amateur Radio License issued by Industry Canada.

7.5.2. Accessory buildings or structures in non-residential zones:

- a) An accessory building or structure in any non-residential zone is subject to the development regulations for that zone.
- b) Notwithstanding Section 7.5.2 (a), an accessory building or structure on a lot in a non-residential zone which abuts a lot in a residential zone shall not be less than 1.5 m from the boundary of the lot in a residential zone.

7.5.3. Accessory buildings or structures in residential zones:

- a) Accessory buildings or structures are not permitted in a required front yard and shall be a minimum of 1 m from the principal residence.
- b) An accessory building or structure shall not be used as a dwelling unless it is a permitted accessory suite.
- c) Lot coverage of accessory buildings or structures shall not exceed 14% or a maximum area of 90 m² for accessory buildings in the Residential Urban zones.
- d) Accessory buildings and structures shall be located on an interior lot as follows:
 - i.) an accessory building in an urban residential zone or a rural residential zone shall not be located closer than 18.0 m to the front lot line unless it complies with the side yard requirements for a principal building and is located at least two times the distance of the required front yard setback for that zone from the front lot line;
 - ii.) an accessory building in an urban residential zone or a rural residential zone shall be located no less than 1.0 m from the side lot line, except that where the accessory building does not exceed the fence height (2.0 m) and is less than 10.0 m² in area, it may be located within 0.0 m from the side lot line. Accessory buildings containing suites shall conform to the side yard setback requirements for the principal building in the zone;
 - iii.) mechanical equipment shall be located to comply with the side yard setback for the principal building.
- e) In addition to the provisions of Section 7.5.3(d), the distance between an accessory building and the side lot line abutting a flanking street, shall not be less than the side yard abutting a flanking street required for the principal building.
- f) An accessory building or structure on any through lot shall be sited as if a front yard is required on both lot lines abutting streets.

7.6. Height and Grade

- 7.6.1. In determining whether a development conforms to the maximum height permitted in any zone, structures such as chimney stacks, aerials, antennae, water towers, wind machines, monuments, observation and transmission towers, farm silos, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the height.
- 7.6.2. Walkout basements oriented to the rear yard shall not be considered for the purpose of determining height for single dwelling housing, duplex housing, or semi-detached housing. Where access is required through, and is limited to, a lane the yard abutting the lane may be considered the front yard.
- 7.6.3. No building or structure shall be erected in any zone without first obtaining the approval of the Building Inspector as to the proposed building grade. The proposed building grade shall to the extent possible, retain the natural grade of the land, minimize the necessity to use retaining walls and ensure positive drainage away from abutting properties.
- 7.6.4. Where the width of the dormer or dormers exceeds 50% of the width of the roof on which they are located, the height of the dormer will be measured as if it were the main roof.

7.7. Services

- 7.7.1. No building, structure, or lot in any zone shall be used for any purpose that requires street access or services unless:
- a) the owner has obtained proper authorization to have the required services installed and has installed such services in accordance with the Village of Fruitvale Subdivision and Development Servicing Bylaw currently in effect; and
 - b) the lot has actual physical access from the street.

7.8. Lighting

- 7.8.1. Any outdoor lighting for any development shall be located and arranged so that light rays are deflected downward to minimize impact on surrounding development and no direct rays of light are directed at any adjoining properties or interfere with the effectiveness of any traffic control device.
- 7.8.2. Site areas with public access shall be lit in keeping with the principles of crime prevention through environmental design and require site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings and streets of parking areas and walkways.

7.9. Housing Agreements

7.9.1. Council may consider entering into a Housing Agreement pursuant to the Local Government Act, as a condition of approval for special needs housing, and the Housing Agreement may contain contractual arrangements as to any, or all, of the following:

- a) the use of the lot in relation to any existing or proposed building or structure including the preservation of buildings, structures and environmental setbacks;
- b) the occupancy, form of tenure, availability, administration, management and rent provisions, of the housing units;
- c) the timing of the development; and
- d) such other conditions as may be considered reasonable under the circumstances.

7.9.2. Increases in the maximum specified density, or reductions in parking or loading requirements are permitted in the RM1, RM2, and C1 zones, provided:

- a) the owner enters into a Housing Agreement satisfactory to the Village of Fruitvale; and
- b) such public benefit, determined by the Village of Fruitvale, may include affordable or special needs housing for sale or rental at below market rates to qualifying purchasers or tenants or, amenities or amenity improvements to public spaces or community facilities.

7.9.3. All agreements entered into pursuant to Section 7.9. shall run with the land as a priority charge against the title of the subject lands at the Land Title Office.

7.10. Setback from Provincial Highways

7.10.1. All buildings and structures on lots abutting Highway 3B shall not be closer than 4.5 m to the Highway. A variance to no less than 3 m from the highway will require approval from Provincial Government Authorities (MOTI).

7.11. Rooftop Screening

7.11.1. Rooftop, mechanical, and electrical equipment shall be screened from view from a public roadway or adjacent property at grade.

7.12. Utility Cabinets

7.12.1. Minor utility cabinets for the provision of telephone, power, cable television or other utility services, when located outside a statutory right-of-way, shall comply with the following:

- a) a cabinet less than 1.8 m in height with no horizontal dimension exceeding 1.0 m need not comply with any yard requirements in any zone;

- b) a cabinet less than 1.8 m in height with a horizontal dimension between 1.0 m and 2.0 m must be set back at least 1.0 m from a lot line; and
- c) a cabinet greater than 1.8 m in height or with a horizontal dimension exceeding 2.0 m shall comply with the setbacks for accessory structures in that zone.

7.13. Distance from Watercourse, Bodies of Water

7.13.1. Notwithstanding any other provisions of this Bylaw, no building or any part thereof shall be constructed, reconstructed, moved or extended nor shall any dwelling, mobile structure, or structure be located:

- a) within 15.0 m of the natural boundary of a lake, swamp or pond, or any other nearby watercourse;
- b) with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a manufactured home or unit the ground level on which it is located: lower than 0.6 m above the two hundred year flood level where it has been determined; nor lower than 1.5 m above the natural boundary of any other nearby lake, swamp or pond.

7.13.2. Sub-section 7.13.1 (b) shall not apply to:

- a) a renovation of an existing building or structure used as a residence that does not involve an addition thereto;
- b) that portion of a building or structure to be used as a carport or garage;
- c) farm buildings other than dwelling units and closed-sided livestock housing.

7.13.3. The required elevation may be achieved by structural elevation of the said habitable, business, or storage area or by adequately compacted landfill on which any building is to be constructed or manufactured home located, or by a combination of both structural elevation and landfill.

7.13.4. Where landfill is used to achieve the required elevations stated in Sub-section 7.13.1 (b), no portion of the landfill slope shall be closer than the distances in Sub-section 7.13.1 (a) from the natural boundary, and the face of the landfill slope shall be adequately protected against erosion from floodwaters.

7.14. Storage of Materials

7.14.1. Storage of materials shall not be permitted in any required front yard.

7.15. Density Bonusing

- 7.15.1. The density of development within a zone may be increased as set out within a specific zone where the developer has provided an amenity in accordance with Table 7.1.

Table 7.1: Amenity Provisions for Density Bonusing

Zone	Approved Amenity
RM1	Provision of landscaped open space or amenity area accessible to the public during daylight hours, which may contain public art or other public benefit; Preservation of Heritage Buildings;
RM2	
C1	

7.16. Community Gardens

- 7.16.1. Community gardens are permitted in all zones in the Village of Fruitvale.

7.17. Moved On Buildings

- 7.17.1. No person shall relocate a manufactured home, structure, building or part thereof into the Village of Fruitvale, or from one property to another within the Village of Fruitvale unless the owner or agent has first obtained a building permit for that purpose as provided for in the applicable Village of Fruitvale Building Regulation Bylaw.
- 7.17.2. The relocation of manufactured homes factory constructed and assembled more than 20 years prior to the date of permit application is prohibited. The year, make, model and serial number shall be determined by the CSA Rating Plate and/or the Province of BC Mobile Home Registry.
- 7.17.3. A person applying to relocate a manufactured home, structure, building or part thereof shall require a pre-move inspection by the Building Inspector including a walk through survey to monitor the condition of the structure in relation to structural stability, life safety, fire safety and health requirements pursuant to the BC Building Code.
- 7.17.4. A Building inspector may require a report from an accredited restoration company or Registered Professional with experience in Environmental Engineering stating that there are no environmental issues or hazards regarding health and safety to the occupants prior to issuing a Building Permit to relocate a manufactured home, mobile home or other building.
- 7.17.5. Where a manufactured home or mobile home is less than 5 years old, the building evaluation may be waived by the Building Inspector.

- 7.17.6. The Building Inspector may issue a permit for construction involved in the moving of any building, structure or part thereof into or within the Village when the owner has deposited with the Village a security deposit in the sum of \$5000 in the form of cash or a letter of credit to insure that the building, structure or part thereof is moved onto the new parcel within the Village and all construction is completed as required by this Bylaw within 180 days from the date of issuance of the permit.

SECTION 8 -- LANDSCAPING AND SCREENING

8.1. Required Landscaping

- 8.1.1. The minimum level of landscaping required in each zone along all front, rear and side yards shall be determined from the Minimum Landscape Buffer Treatment Levels Schedule (Table 8.1). The landscaping details shall be as established in the Minimum Landscape Buffer provisions of Section 8.4.
- 8.1.2. In cases where property is to be developed in phases, landscaping need only be provided on that portion of the property to be developed in each phase. Landscaping shall be required in subsequent phases on the remainder of the property at the time that these are developed.
- 8.1.3. Notwithstanding Section 8.1.2, where the property is to be developed in phases, those portions of the property that will be developed in later phases shall have a minimum level of landscaping to ensure that no erosion of surface materials occurs through either wind or water action. The landscaping may be provided by either retention of existing vegetation or placement of new material.

8.2. Landscaping Standards

- 8.2.1. All required landscape areas and installations shall meet or exceed the British Columbia Nursery Trades Association Standards and be regularly maintained.
- 8.2.2. Required minimum landscape buffers in Section 8.6 shall be continuous along the affected property boundaries, except that they may be interrupted only by walkways and driveways providing access to the property and running perpendicular to the property line.
- 8.2.3. All required landscaped areas will be graded to meet the following criteria or as may be specified in an approved Development Permit:
 - a) Maximum 1:3 slope (33%) for lawn areas;
 - b) Maximum 1:2 slope (50%) for shrub or ground cover area;
 - c) Minimum 1:50 slope (2%) or cross slope for any landscaped area;
 - d) All site grading will direct overland drainage along or away from any landscape buffer to collection points on-site away from buildings;
 - e) All areas in which the existing slope exceeds 30% are to be identified;
 - f) All areas developed and adjacent lands impacted by development with slopes greater than 30% shall be rehabilitated using indigenous vegetation common to the site.

- 8.2.4. All outdoor storage areas shall have a dust-free surface.
- 8.2.5. All construction on-site must occur concurrently with erosion control measures to prevent the pollution, degradation, or siltation of natural areas and water courses. This includes the provision of temporary fencing prior to and during construction.
- 8.2.6. All required landscape buffer areas shall be watered by a fully automatic irrigation system. No run-off onto sidewalks, streets, or parking areas shall be permitted.
- 8.2.7. Notwithstanding Section 8.2.6, the following areas are exempt from having permanent fully automatic irrigation systems:
 - a) existing areas of undisturbed native vegetation which have been accepted as landscape buffer; and
 - b) landscape buffers which are established with drought resistant species to return the area to a natural condition.
- 8.2.8. Where the retention of native trees and ground cover is required or permitted, a letter from a registered professional landscape architect or registered professional forester shall be submitted, indicating the mitigation measures required during and after the construction to ensure the health of the vegetation.
- 8.2.9. New trees and shrubs shall follow a consistent lateral placement and be set back a minimum of 1.0 m from all underground utilities.
- 8.2.10. New trees and shrubs planted as part of landscaping requirements shall not be pest host species.

8.3. Refuse and Recycling Bins and Shipping Containers

- 8.3.1. When any development is proposed, provisions for garbage storage, recycling and collection shall be provided on the same site as the development.
- 8.3.2. All site refuse and recycling bins, including all other large receptacles used for the temporary storage of materials, and shipping containers where permitted, require opaque screening from adjacent lots and streets.
- 8.3.3. All screening will be a minimum of 2.0 m in height to a maximum height that is equivalent to the height of the refuse or recycling bin, or shipping container where permitted.
- 8.3.4. All sides open to public view shall be screened by the additional planting of shrub and groundcover material at least 1.5 m in height.
- 8.3.5. Notwithstanding Sub-section 8.3.2, a refuse or recycling bin or shipping container where

permitted, located within a property and screened from adjoining lots will not require any screening or landscape buffer.

- 8.3.6. All refuse or recycling bins or shipping containers where permitted, shall be located a minimum of 3.0 m from any abutting residential zone so as to not obstruct pedestrian or vehicle traffic.
- 8.3.7. An unobstructed access lane with a minimum width of 3.0 m and a minimum vertical clearance of 4.6 m shall be provided to provide access to a required garbage and recycling room or enclosure.

8.4. Minimum Landscape Buffers

- 8.4.1. Landscape buffers, of a design as shown on the Minimum Landscape Buffer Treatment Drawings (Levels 2 through 4), the front yard, side yards, and rear yard depending upon the zone as indicated by Table 8.1.

Table 8.1: Minimum Landscape Buffer Treatment Levels Schedule			
Location	Front Yard	Rear Yard	Side Yard
Large Holdings Zones			
RLP 1	1	1	1
Rural Residential Zones			
RR1	1	1	1
Urban Residential Zones			
RU1, RU2	1	1	1
RM1, RM2,	2	3	3
RMP	2	3	3
Commercial Zones			
C1, C2,	2	3	3
Industrial Zones			
I1,	2	3	3
Public and Institutional Zones			
P1, P2	2	3	3
P3	3	3	3
Special Mixed Use Zones			
RMU	2	3	3

Minimum Landscape Buffer Treatment Level Schedule and Diagrams 8.1, 8.2, and 8.3, are as follows:

- a) Level 1: no specific guidelines for the design of the landscape buffer;
- b) Level 2: a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer where no continuous opaque barrier is required;
- c) Level 3: a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer or a continuous opaque barrier; and
- d) Level 4: a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of coniferous tree or shrub species or native vegetation to provide a continuous opaque screen for parking areas.

8.4.2. Trees shall be spaced, on average, to the dimensions specified in the approved drawings. Deciduous trees shall have a minimum calliper of 60 mm with a minimum clear stem height of 1.5 m. Conifers shall be a minimum of 2.5 m high. Irrigated No. 2 pot shrubs are to be placed at a maximum spacing of 1.0 m on centre, with 10 cm ground cover at a maximum spacing of 450 mm.

8.4.3. Trees or shrubs higher than 60 cm shall not be located in the visual triangle indicated in Diagrams 8.1, 8.2, and 8.3.

8.4.4. Where a visual screen is required it may consist of either vegetation or decorative fence or wall. The minimum height of the screen is 1.2 m for Level 3, and 1.5 m for Level 4 at maturity.

8.4.5. Notwithstanding paragraph 8.4.1, buffer widths between a building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section.

8.4.6. Where a side yard Landscape Buffer Treatment is required and an opaque barrier is included in the Landscape Buffer Treatment Design, the opaque barrier may be located at the property line.

8.4.7. Landscape Buffer Treatments for school sites may be amended from the standards indicated in Table 8.1 – Minimum Landscape Buffer Treatment Levels Schedule. Where changes to the standards are proposed, supporting documentation from a registered landscape architect must be provided that confirms that the following objectives have been met:

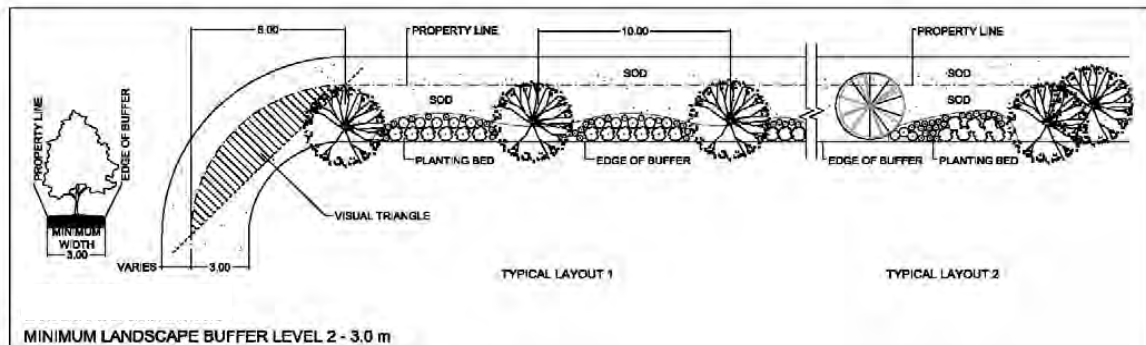
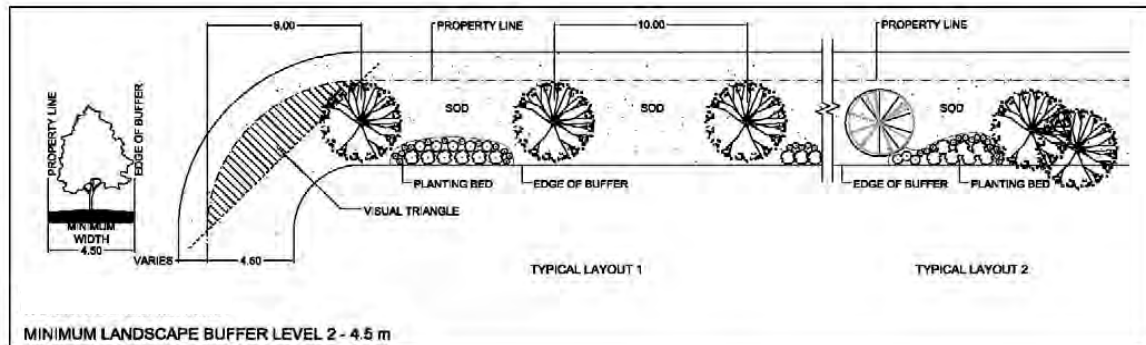
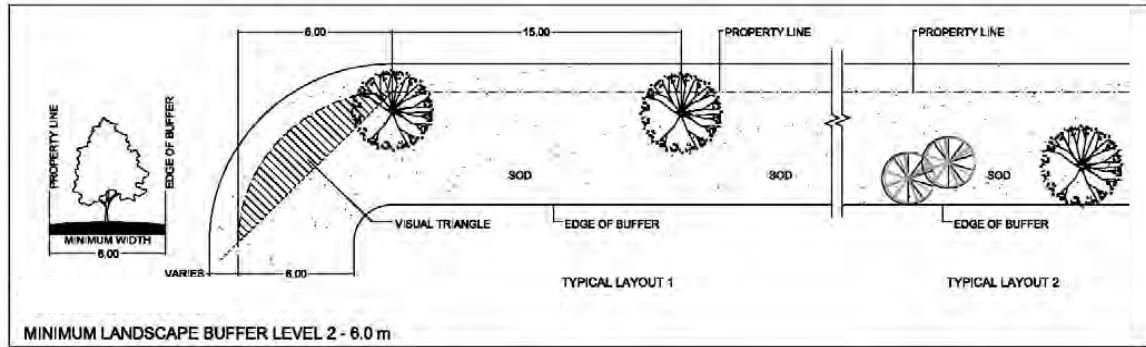
- a) that sufficient screening to adjacent residential properties has been achieved;
- b) that adequate landscaping has been provided to provide shade for buildings and play areas;
- c) driveway entrances and parking areas have been appropriately landscaped for optimization of screening and vehicular sight lines; and,

- d) landscaping around active play areas ensures safety to children on the school grounds.
- 8.4.8. Where perimeter landscaping cannot be provided due to any of the above noted objectives, the School District will be required to provide or upgrade boulevard trees on all abutting roads.
- 8.4.9. In addition to the minimum landscape buffer treatment levels above:
 - a) all lands adjacent to Highway 3B, except those within the Village Centre, are required to have Level 4 landscape buffer treatment unless superseded by Development Permit guidelines;
 - b) all non-accessory surface parking lots in a the Village Centre shall have a level 2 buffer zone;
 - c) required landscape islands in parking areas shall have the same level of landscaping as a Level 2 buffer zone;
 - d) recreational vehicle parking compounds in residential zones shall have a Level 4 buffer zone;
 - e) on corner lots, or lots having more than one street frontage, front yard landscape buffers shall apply to all street frontages; and
 - f) for development in industrial zones with parking located in front of the building, level 4 buffers shall apply for the front yard, and in the case of a corner lot, for the front yard and the flanking side yard.
- 8.4.10. Notwithstanding Section 8.4.1, all landscape areas should reflect the character and intent of the Official Community Plan and the Development Permit Guidelines contained therein.

Bylaw No. 846, 2013

Date of Revision: October 6, 2014
Village of Fruitvale

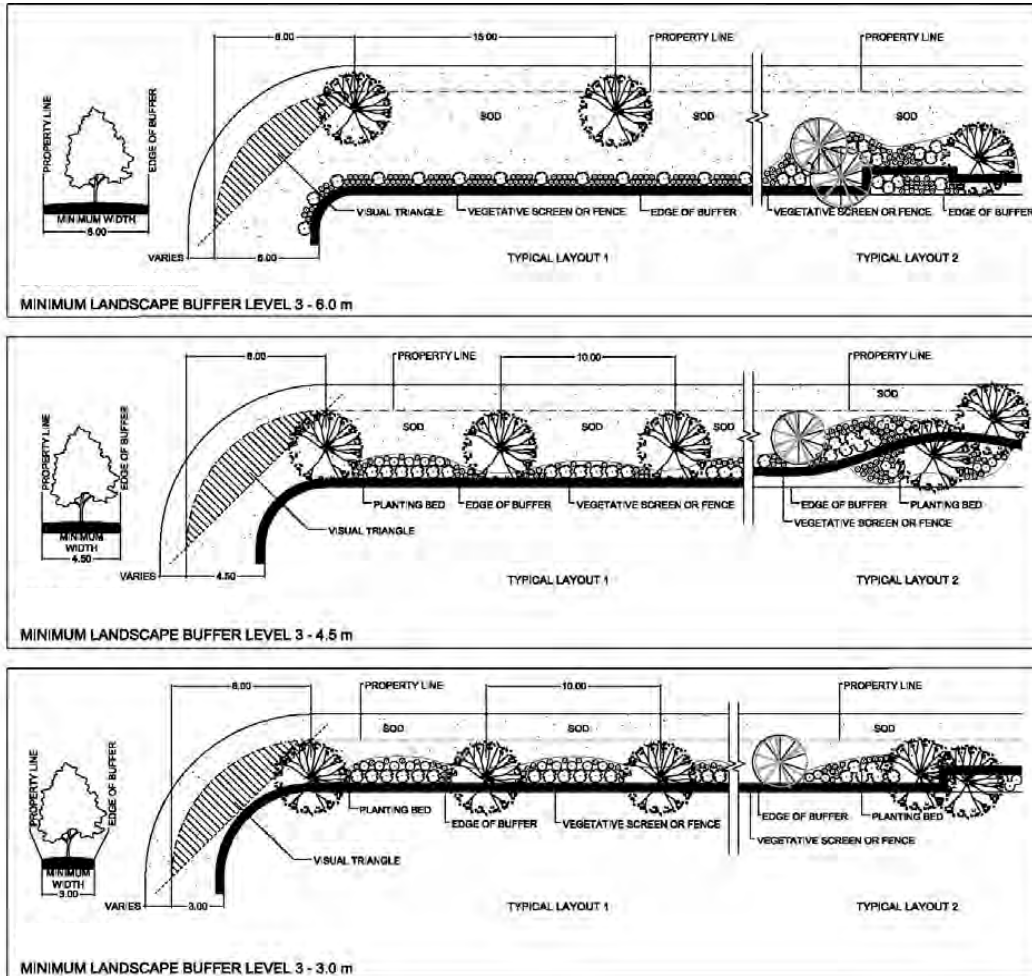
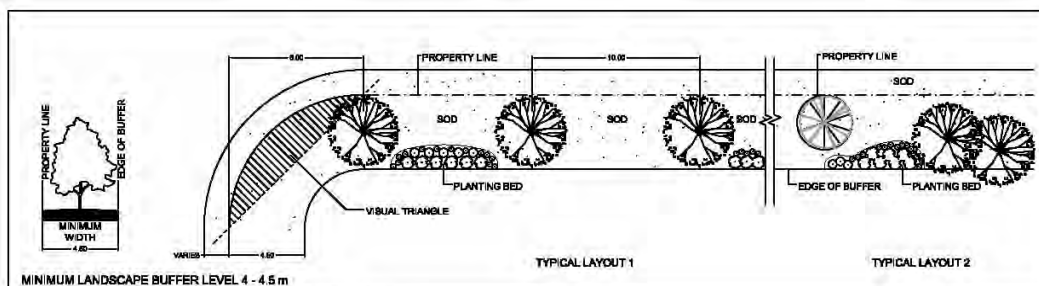
See Provisions of Section 8.4 for landscape buffer explanation.

Diagram 8.1: Minimum Landscape Buffer Treatment – Level 2

Bylaw No. 846, 2013

Date of Revision: October 6, 2014
Village of Fruitvale

See Provisions of Section 8.4 for landscape buffer explanation.

Diagram 8.2: Minimum Landscape Buffer Treatment – Level 3**Diagram 8.3: Minimum Landscape Buffer Treatment – Level 4**

8.5. Fencing and Retaining Walls

- 8.5.1. Screen fences shall be consistent with the quality of building design and materials of the principal building.
- 8.5.2. Screening fences shall be opaque double-sided construction. Where screen fences are allowed or required by this Bylaw, they shall be of an opaque or a combination of opaque and lattice design. Materials may also include natural hedge planting or must be approved manufactured fences.
- 8.5.3. Fencing which is less than 2.0 m in height may be sited on any portion of a lot provided that it is less than 1.3 m in height when sited closer to any street than the building setbacks for the zone in which the fence is located.
- 8.5.4. No fence constructed at the natural grade in rural residential or residential zones shall exceed 2.0 m in height except where abutting a commercial or industrial zone, the maximum height is 2.4 m. On a sloping site, where fence panels are used, the height of each section shall be measured at the mid-point of each panel.
- 8.5.5. No fence in a non-residential zone shall exceed 2.4 m.
- 8.5.6. Industrial zones are to have an opaque 2.4 m high fence around all storage yards, along all property lines abutting non-industrial zones and around wrecking yards that are visible from a street abutting the property.
- 8.5.7. No barbed wire fencing shall be allowed in any zone except in Rural Large Parcel zone for use in livestock enclosures.
- 8.5.8. Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.5 m measured from grade on the lower side, and must be constructed so that any retaining walls are spaced to provide at least a 1.5 m horizontal separation between them. All horizontal separations between retaining walls must be landscaped.
- 8.5.9. Notwithstanding Section 8.5.8, a retaining wall may be higher than 1.5 m, measured from grade, where the natural grade of the subject property is lower than the abutting property (see Diagram 8.4).
- 8.5.10. In the case of a retaining wall constructed in accordance with Section 8.5.8, the combined height of a fence on top of a retaining wall at the property line or within 1.5 m of the property line shall not exceed 2.0 m, measured from natural grade at the abutting higher property (see Diagram 8.5).

- 8.5.11. Notwithstanding Section 8.5.10, where an affected property remains at natural grade and the subject property constructs a retaining wall and a fence within 1.5 m of the property line (see Diagram 8.5), the maximum height for a fence on the affected property shall be no greater than 1.8 m above the height of the retaining wall or 3.0 m, whichever is less.
- 8.5.12. In the case of a retaining wall constructed in accordance with Section 8.5.10, the maximum height of a fence, or portion of retaining wall extending above the natural grade of the abutting higher property, or combination thereof, shall be 2.0 m, measured from the natural grade of the abutting higher property (see Diagram 8.5).

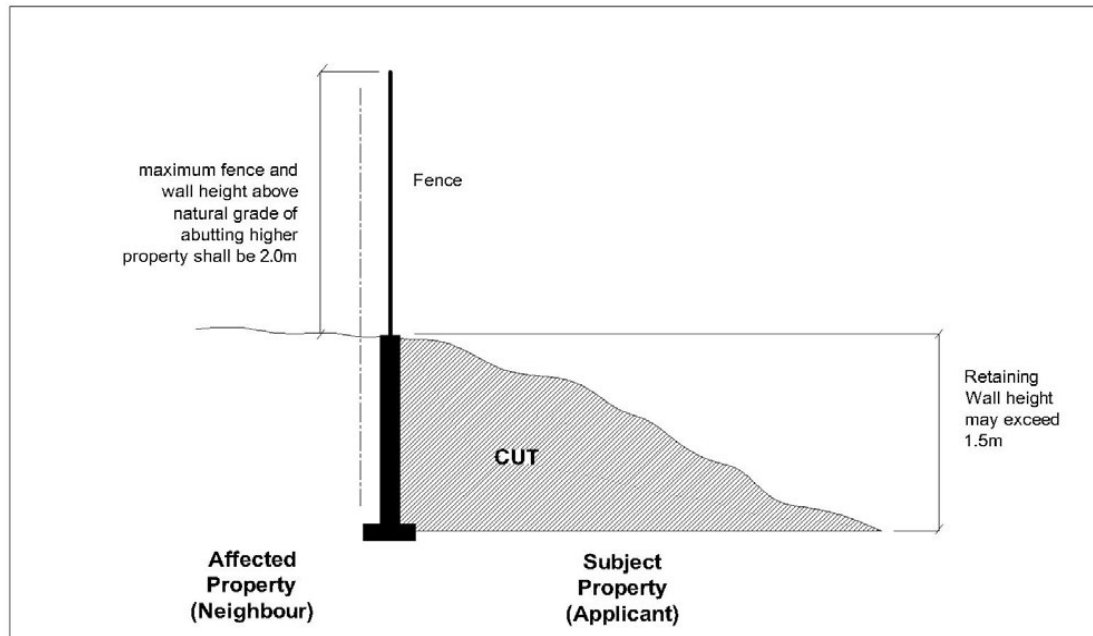


Diagram 8.4: Retaining Walls

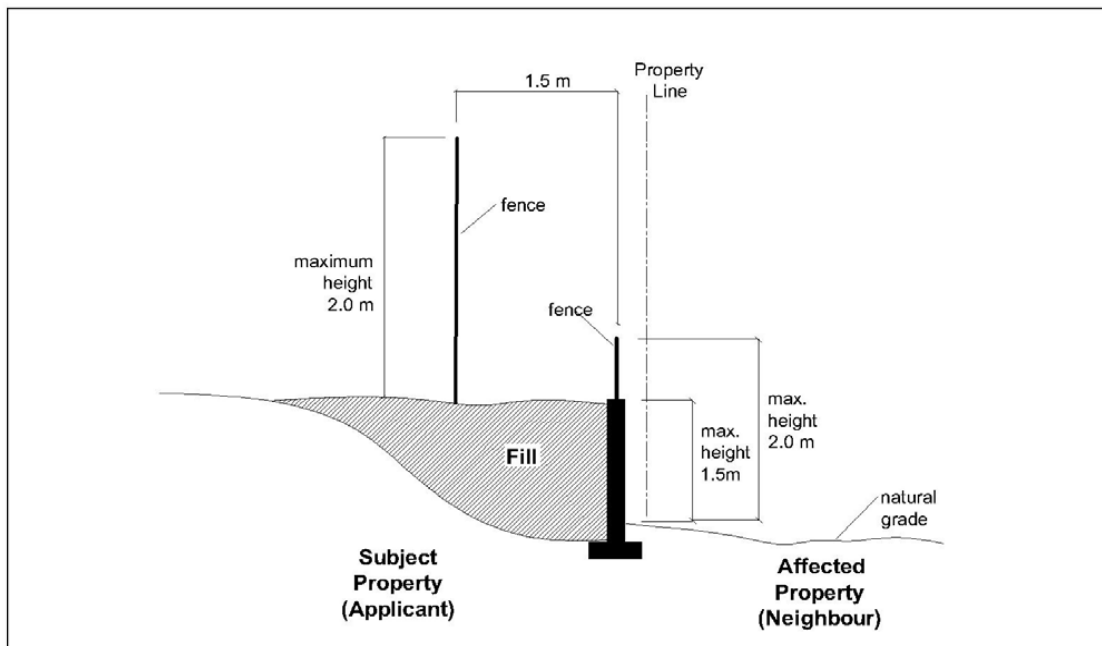


Diagram 8.5: Retaining Walls

SECTION 9 -- PARKING AND LOADING

9.1. Off-Street Vehicle Parking

9.1.1. Where any development is proposed, including new development, change of use of existing development, or enlargement of existing development, off-street vehicle parking (including parking for the disabled, and visitors) or cash-in-lieu of parking shall be provided by the property owner in accordance with the requirements of this Bylaw.

9.1.2. Number of Spaces:

- a) The minimum number of off-street vehicle parking spaces required for each use is specified in the Parking Schedule (Table 9.1) except where additional parking is required by the Ministry of Transportation if the site has direct access to a provincial highway.
- b) Where calculation of the total number of parking spaces yields a fractional number, the required number of spaces shall be the next highest whole number.
- c) Where more than one calculation of parking space requirements is specified for a land use, the greater requirement shall be applied.
- d) Where the Parking Schedule does not clearly define requirements for a particular development, the single use class or combination of use classes most representative of the proposed development shall be used to determine the parking requirements.
- e) Where a development consists of a mix of use classes, the total off-street parking requirement shall be the sum of the off-street parking requirements for each use class.

9.1.3. Parking Spaces for the Disabled:

- a) Shall be designated if the B.C. Building Code deems that disabled access to the development is required.
- b) Shall be designated as parking space for the disabled using appropriate signage.
- c) Shall be included in the calculation of the applicable minimum parking requirement.
- d) Shall be as close as practical to the building entrance.
- e) In the Commercial and Public and Institutional zones, shall comprise 2% of the required parking stalls with a minimum of 1 parking stall for the exclusive use by disabled persons.

9.1.4. Parking Spaces for Visitors:

- a) Parking spaces for visitors shall be provided in accordance with the Parking Schedule (Table 9.1) of this Bylaw.

9.1.5. Location:

a) For residential use classes:

- i.) all required off-street parking shall be located on the site of the development served by the parking;
- ii.) no off-street parking shall be located in the required front yard except that a maximum of two required spaces may be located on a driveway which provides access to a required off-street parking space that is not in the front yard;
- iii.) except for developments with 2 or less dwelling units, no off-street parking shall be located within 1.5 m of any side or rear property line or within 3.0 m of any flanking street; and
- iv.) all visitor parking is to be easily accessible to the access points of the corresponding development and or buildings.

b) For non-residential use classes:

- i.) some or all required off-street parking spaces may be provided on a site located remotely, but no further than 200.0 m (for C1 zones) or 120.0 m (for all other zones) measured along the shortest public pedestrian route from the nearest point of the parking to the nearest point of the site of the development served by the parking;
 - ii.) where required off-street parking is located on a site separate from the site of the development the owner of the remote off-street parking site shall covenant with the Village by agreement that the remote lands required for off-street parking shall be so used as long as required by this Bylaw, and the owner shall consent to pay the full cost of the preparation and registration of an agreement under Section 219 of the Land Title Act on the title to the remote lands; and remote parking shall be developed to the same standard as on-site parking;
 - iii.) unless otherwise stipulated, no off-street parking shall be located within 2.0 m of any front property line or any property line abutting a street; and
 - iv.) No off-street parking shall be located within 1.5 m of any side or rear property line abutting residential zones.
- c) At the option of the Village of Fruitvale, cash-in-lieu of parking spaces within the Village Centre may be accepted at an amount per space to be determined by Council, having regard to the cost of providing a paved public off-site parking space within the Village Centre area. No more than 50% of required parking spaces may be taken as cash-in-lieu.

9.1.6. Size:

a) Each required off-street parking space shall conform to the following provisions:

- i.) Except as provided below, each required off-street parking space shall be a minimum of 2.5 m in width with a minimum clear length of 6.0 m exclusive of access drives or aisles, ramps, or columns. Parking spaces shall have a vertical clearance of at least 2.0 m. For parallel parking, the length of the parking spaces shall be increased to 7.0 m, except that

an end space with an open end shall be 5.5 m. For parking spaces other than parallel parking spaces, up to 40% of the required parking spaces may be of a length shorter than that required above, to a minimum of 5.0 m.

- ii.) Where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be 3.0 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3 m. Where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.7 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.0 m.
- iii.) Disabled parking spaces shall be a minimum 3.7 m in width and minimum 6.0 m in length.
- iv.) Aisles shall be 7.0 m wide for all two way aisles and for all 90o parking. One way aisles shall be 5.5 m wide for 60o parking, 3.6 m wide for 45o parking and 3.5 m wide for parallel parking.

9.1.7. Tandem Parking:

- a) Parking spaces may be configured in tandem for single detached housing, semi-detached housing, and duplex housing.
- b) In housing developments containing three or more dwellings, tandem parking may be allowed provided each dwelling has one directly accessible parking space and guest parking is not in tandem.

9.2. Off-Street Loading

9.2.1. Where any development is proposed, including new development, change of use of existing development, or enlargement of existing development, off-street loading spaces shall be provided by the property owner in accordance with the requirements of this Bylaw.

9.2.2. Number of Spaces:

- a) The minimum number of off-street loading spaces, including bus loading spaces, required for each use is specified in the Loading Schedule (Table 9.2).
- b) Where calculation of the total number of loading spaces yields a fractional number, the required number of spaces shall be the next highest whole number.
- c) Where more than one calculation of loading space requirements is specified for a land use, the greater requirement shall be applied.
- d) Where the Loading Schedule does not clearly define requirements for a particular development, the single use class or combination of use classes most representative of the proposed development shall be used to determine the loading space requirement.

- e) Where a development consists of a mix of use classes, the total off-street loading requirement shall be the sum of the off-street loading requirements for each use class, unless there is a complementary demand or differences in periods of use for loading that warrants a different requirement.

9.2.3. Location:

- a) Off-street loading space shall be provided entirely within the property of the development being served, and shall be subject to all setbacks and yard requirements specified elsewhere in this Bylaw.
- b) Off-street loading space shall be oriented away from residential development.

9.2.4. Size and Access:

- a) Each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload, but in no case shall a loading space be less than 28 m² in area, less than 3.0 m in width, or have less than 4.0 m in overhead clearance.
- b) Each required bus loading space shall be a minimum of 3.6 m in width, a minimum of 12.2 m in length, and have a minimum clearance of 4.6 m.
- c) Access to any loading area shall be provided, wherever possible, internally to the development or from a lane abutting the development.
- d) Access to any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the site causes interference with traffic on the abutting streets or lanes.

9.3. Development Standards

9.3.1. Vehicle Parking and Loading:

- a) Every off-street parking or loading area required by this Bylaw to accommodate 3 or more vehicles, and every access road to such required parking or loading, shall have a durable, dust-free hard surface of concrete, asphalt or similar material, constructed such that surface drainage is directed to an approved drainage system or is contained on-site. Any requirement for concrete or asphalt does not apply to public parks and open space uses.
- b) Every off-street parking or loading area required by this Bylaw to accommodate 3 or more vehicles:
 - i.) shall clearly delineate individual parking spaces, loading spaces, spaces for the disabled, manoeuvring aisles, entrances, and exits with pavement markings, signs, and or other physical means;
 - ii.) shall direct surface drainage to the public storm sewer system, if available, or alternatively to approved planting areas or an approved on-site drainage system; and
 - iii.) shall be constructed with surface grades not exceeding 6%.

- c) No public street shall be used for the required aisle access to parking spaces. Where a lane is used for aisle access, the parking spaces shall be increased a minimum of 1.2 m in length.
- d) Where a parking or loading area is associated with a commercial or industrial use, and the development property abuts property in a rural residential zone, an urban residential zone, an institutional zone, or an abutting road right-of-way, the parking or loading area shall have a landscaped screen as required by Section 8.
- e) Every off-street parking or loading area required by this Bylaw to accommodate 50 or more vehicles at-grade shall incorporate landscaped open space within the parking area calculated on the basis of 2.0 m² of landscaped island area per required parking and loading space. This shall be landscaped in accordance with Section 8.
- f) Every off-street parking or loading area, and access thereto, shall have fencing, curbs, or secured wheel stops to prevent vehicles from encroaching upon property lines.
- g) Every off-street parking or loading area which is illuminated shall have all lighting positioned in such a manner that light falling onto abutting properties is minimized.
- h) Disabled parking shall be located as close to a main building entrance, on a level non-skid surface, as practical.
- i) Any trash storage or collection area co-existing with any parking or loading area:
 - i.) shall be clearly delineated as separate and in addition to required parking and loading spaces;
 - ii.) shall be located such that collection vehicles can gain access without undue interference with the operation of the parking and loading area; and
 - iii.) shall have a fenced or landscaped screen as required by Section 8.

9.4. Off-Street Bicycle Parking

9.4.1. Where any development is proposed, including new development, change of use of existing development, or enlargement of existing development, off-street bicycle parking shall be provided by the property owner in accordance with the requirements of this Bylaw.

9.4.2. Number of Spaces:

- a) The number of off-street bicycle parking spaces required for each use class is specified in the Bicycle Parking Schedule (Table 9.3).
- b) Where calculation of the total number of parking spaces yields a fractional number, the required number of spaces shall be the next highest whole number.
- c) Where more than one calculation of parking space requirements is specified for a land use, the greater requirement shall be applied.

- d) Where the Bicycle Parking Schedule does not clearly define requirements for a particular development the single use or combination of uses most representative of the proposed development shall be used to determine the parking requirement.

9.4.3. Development Standards:

- a) Bicycle parking stalls shall be a minimum of 0.6 m in width and a minimum of 1.8 m in length, shall have a vertical clearance of at least 1.9 m, and shall be situated on a hard surface.
- b) Aisles between parked bicycles should be a minimum of 1.2 m in width.
- c) Bicycle racks shall be constructed of theft resistant material, shall be securely anchored to the floor, building, or ground, shall support the bicycle frame above the centre of gravity, and shall enable the bicycle frame and front or rear wheel to be locked with a U-style lock.
- d) Bicycle racks shall be located in a convenient, well-lit location that is easily located and accessible by visitors and subject to casual surveillance by occupants of the building served by the rack.

9.5. General Provisions

- 9.5.1. Where provision of off-street parking or loading spaces is required by this Bylaw, a plan of the proposed site layout and landscape plan shall be included with the development permit application or building permit application if no development permit is required. The site plan must be drawn to scale and must clearly illustrate the lot size and configuration, building locations, parking spaces, loading spaces, on-site circulation, access driveways, landscaping, fences, and any other details relevant to the review of the development proposal.
- 9.5.2. Off-street parking spaces shall not be credited as off-street loading spaces or vice versa.

Table 9.1: Parking Schedule

*NOTE: GFA = Gross Floor Area

*NOTE: GLA = Gross Leasable Floor Area

Type of Development (Use)	Required Parking Spaces
Residential and Residential Related	
Apartment Hotels	1 per sleeping unit
Apartment Housing Row Housing Stacked Row Housing	1 per bachelor dwelling unit, plus 1.25 per 1-bedroom dwelling unit, plus 1.5 per 2-bedroom dwelling unit, plus 2 per 3-or-more bedroom dwelling unit 1 per dwelling unit in the C1 zone Of the total required spaces above, 1 parking space shall be designated visitor parking for every 7 dwelling units
Bed and Breakfast Homes	1 per sleeping unit, plus spaces required for the corresponding principal dwelling unit
Boarding or Lodging Houses	1 per 2 sleeping rooms, plus spaces required for the corresponding principal dwelling unit
Congregate Housing	1 per principal dwelling, plus 2 stalls per three bed spaces and 1 per resident staff member, minimum total of not less than 3 spaces
Group Homes, Major	1 per 3 beds
Group Homes, Minor Temporary Shelter Services	1 per principal dwelling, plus 1 stall per three bed spaces and 1 per resident staff member, minimum total of not less than 3 spaces
Home Occupation	1 in addition to that required for the principal dwelling unit
Secondary Suites or Accessory Suites	2 per suite, plus spaces required for the corresponding principal dwelling unit
Special Needs Housing	Pursuant to Section 7.10
Single Detached Housing Semi-Detached Housing Single Detached Housing in a Bareland Strata Duplex Housing Modular or Manufactured Homes Residential Security Operator Unit	2 per dwelling unit Of the required spaces, 1 per 7 dwelling units to be designated visitor parking (included in the total number of spaces to be provided) for bareland strata and strata developments

Table 9.1: Parking Schedule

Commercial	
All commercial uses combined in Shopping Centres in any zone except C1	4.4 per 100 m ² GLA
All commercial uses in the C1 zone even if listed separately below	2.0 per 100 m ² GFA
Animal Clinics, Major and Minor	2.0 per 100 m ² GFA
Animal Shelter	1 per employee on duty plus 2
Automotive and Equipment Repair Shops	2 per service bay
Automotive and Minor Recreation Vehicle Sales and Rentals, Truck and Manufactured Home Sales Service	2.0 per 100 m ² GFA
Broadcasting Studios	2.5 per 100 m ² GFA
Commercial Schools	1 per 10 students
Drive-In Food Services	2.5 per 100 m ² GFA; minimum 5
Financial Services	2.5 per 100 m ² GFA
Fleet Services	2.0 per 100 m ² GFA; or 1 per vehicle in fleet plus 1 per employee on duty
Eating and Drinking Establishment	1 per 4 seats of capacity
Gas Bars	1 per 2 employees on duty, plus 2 per service bay, plus additional required spaces for other associated uses (e.g. convenience retail)
Service Stations, Major and Minor Car Washes	
Health Services	5 per 100 m ² GFA
Hotels	1 per sleeping unit, plus requirements of other uses
Motels	1 per sleeping unit, plus requirements of other uses
Offices	2.5 per 100 m ² GFA
Personal Service Establishments	(a) 2.0 per 100 m ² GFA (b) 3.0 per 100 m ² GFA (c) 1 per 3 washing machines
Household Repair Services	
(a) GFA less than 1,000 m ² (b) GFA 1,000 m ² or greater (c) Laundromats	
Residential Sales Centre	2 per centre
Retail Liquor Sales Establishments	(a) 2.0 per 100 m ² GFA (b) 3.0 per 100 m ² GFA
(a) GFA less than 200 m ² (b) GFA greater than 200 m ²	

Bylaw No. 846, 2013

Date of Revision: October 6, 2014
Village of Fruitvale**Table 9.1: Parking Schedule**

Retail Store, Convenience Retail Store, General Flea Markets, and Second-Hand Stores (a) GFA less than 1,000 m ² (b) GFA greater than 1,000 m ²	(a) 2.0 per 100 m ² GFA (b) 3.0 per 100 m ² GFA
Warehouse Sales	2.5 per 100 m ² GFA
All other commercial uses not listed above (a) GFA less than 2,000 m ² (b) GFA 2,000 m ² to 20,000 m ² (c) GFA greater than 20,000 m ²	(a) 2.2 per 100 m ² GFA (b) 3.2 per 100 m ² GFA (c) 4.3 per 100 m ² GFA
Agricultural	
Greenhouses and Plant Nurseries	6.7 per 100 m ² GFA of retail sales structure
Agricultural and Garden Stands	5.0 per 100 m ² GFA, minimum 4
Industrial	
Bulk Fuel Depot	1 per employee on duty
General Industrial Uses	2.0 per 100 m ² GFA
Equipment Rentals Vehicle and Equipment Services, Industrial	2.0 plus 1 per 100 m ² GFA
Warehousing and Storage	.5 per 100 m ² GFA; minimum 5
Institutional and Basic Service	
Cemetery	1 per employee
Emergency and Protective Services	10.0 per 100 m ² GFA (excluding parking garages)
Extended Medical Treatment Services	1 per bed
Funeral Services	6.7 per 100 m ² GFA for chapel, plus 2.5 per 100 m ² GFA
Government Services	5.0 per 100 m ²
School, Elementary	2 per classroom
School, Secondary	5 per classroom
Universities or Colleges	10 per classroom

Table 9.1: Parking Schedule

Community, Recreational and Cultural	
Bowling Alleys	2 per alley
Care Centres, Intermediate Care Centres, Major Care Centres, Minor	1 per 10 children, plus 1 per 2 employees on duty; minimum of 4
Community Recreation Services Private Clubs	1 per 5 seating spaces; or or 20 per 100 m ² of floor area used by patrons, whichever is the greater
Cultural Facility (e.g. Museum, Art Gallery)	2.5 per 100 m ² GFA
Curling Rink	4 per curling sheet
Golf Course	6 per hole; plus the parking required for other secondary uses
Golf Driving Range	2 per tee
Library	10.0 per 100 m ² GFA
Public Park (a) greater than 2 ha. in area (b) less than or equal to 2 ha. In area (c) any size, associated with school site	(a) minimum 18 (b) minimum 6; on-street parking spaces abutting the park site may be used for all or some of the requirement (c) school parking requirement only
Participant Recreation Services, Outdoor (except golf courses) Participant Recreation Services, Indoor (except curling rinks and racquet clubs)	1 per employee on duty, plus 1 per 3 users
Racquet Clubs	3 per court
Recycled Materials Drop-off Centre	1 per recycling container, minimum of 2
Religious Assemblies	1 per 5 seats or 10 per 100 m ² of GFA whichever is the greater
Spectator Entertainment Establishment	1 per 4 seats
Spectator Sports Establishment	1 per 4 seats
Tourist Campsite	1.1 per camping space

Table 9.2: Loading Schedule

Type of Development (Use)	Required Parking Spaces
Care Centres, Minor	1 car loading space
Care Centres, Intermediate	2 car loading space
Care Centres, Major	3 car loading space
Commercial Uses	1 per 1,900 m ² GFA
Industrial Uses	1 per 1,900 m ² GFA
Community, Educational (except below), Recreational and Institutional Uses	1 per 2800 m ² GFA
Eating and Drinking Establishment	1 per 2,800 m ² GFA
Hotels	1 per 2,800 m ² GFA
Motels	1 per 2,800 m ² GFA
School, Secondary	1.5 car loading spaces per 100 students, minimum 5; plus
Universities or Colleges	3 bus loading spaces

Table 9.3: Bicycle Parking Schedule

Type of Development (Use)	Required Parking Spaces
Apartment Housing	
Row Housing (3 or more dwelling units)	0.5 per dwelling unit
Commercial	0.60 per 100 m ² GLA
Congregate Housing, Group Homes	1 per 25 employees
Major	
Educational Uses	2.5 per classroom
Eating and Drinking Establishment	0.10 per 100 m ² GFA; or 1 per 10 employees
General Industrial Uses	0.30 per 100 m ² GFA
Hotels	
Motels	1 per 20 sleeping units
Institutional Uses (except Educational Uses)	1 per 25 employees
Personal Service Establishments	0.10 per 100 m ² GFA; or 1 per 10 employees

SECTION 10 -- SPECIFIC USE REGULATIONS

10.1. Application

- 10.1.1. The specific use regulations shall apply to all development unless otherwise exempted in this section.
- 10.1.2. Where these regulations may be in conflict with any zone development regulations or general regulations, these specific use regulations shall take precedence.

10.2. Home Occupation

- 10.2.1. A Home Occupation is permitted within the principal dwelling or one accessory building in all residential zones.

- 10.2.2. Appearance:

- a) The character and appearance of the principal dwelling or an accessory building must remain residential.

- 10.2.3. Floor Area:

- a) The maximum floor area is 25 % of the total floor area of the principal dwelling to a maximum of 40 m².

- 10.2.4. Signage:

- a) The maximum number of signs to be located on the property is one non-illuminated sign with a maximum sign area of 0.3 m² and a maximum height of 1.5 m. for a free standing sign and is to be related to the home occupation business operated on the property.

- 10.2.5. Employees:

- a) A Home Occupation may employ only persons who permanently reside in a dwelling unit located on the subject property.

- 10.2.6. Prohibited Uses and Activities:

- a) The following uses and activities related to Home Occupation are prohibited:
 - i.) Exterior storage;
 - ii.) Business activities outside the principal or accessory use building;
 - iii.) Parking of commercial vehicles larger than 5500 kg gross vehicle weight;
 - iv.) Parking of heavy industrial equipment;

- v.) Automotive or motorized vehicle repair except that the repair of vehicle parts such as transmissions, starters, motors and other parts that have been removed from a vehicle off-site and transported to the site for repair is permitted;
- vi.) Marine repair except that the repair of canoes and kayaks or the repair of marine vessel parts or accessories removed off-site and transported to the site for repair is permitted;
- vii.) Auto-body repair including upholstering, detailing or cleaning;
- viii.) Wrecking yard;
- ix.) Eating or drinking establishment except that catering where consumption will take place off the residential premises is permitted;
- x.) Veterinary hospital or kennels;
- xi.) Welding and fabricating;
- xii.) Cutting, wrapping, processing, or smoking of meat, wild game or fish;
- xiii.) Crematorium or funeral homes except that funeral and estate planning or casket making is permitted.

10.2.7. Nuisances:

- a) The home occupation must not produce noise, vibration, smoke, dust, odour, litter or heat outside the confines of the principal or accessory building.
- b) The home occupation must not create off-site traffic congestion or parking congestion.
- c) The home occupation must not create a fire hazard, glare or electrical interference.

10.2.8. Compliance:

- a) Every home occupation carried out within the boundaries of the Village of Fruitvale must comply with the provisions of this bylaw.
- b) Retail sales are permitted onsite provided the product is produced on the premises.

10.3. Secondary Suites

- 10.3.1. Secondary suites, when permitted, are to be located only in a new or converted single detached house. No structural alterations or additions shall be undertaken that alters the existing character and form of the neighbourhood.
- 10.3.2. No more than one secondary suite shall be permitted per principal dwelling unit.
- 10.3.3. The maximum floor area of a secondary suite shall not exceed the lesser of 90 m² or 40% of the total floor area of the principal building.
- 10.3.4. Parking and signs shall be in conformance with the regulations of this Bylaw and any Signage Regulation Bylaw currently in effect.

- 10.3.5. A secondary dwelling unit shall be located in a building and on a property which is a single real estate entity. No strata titling will be permitted.
- 10.3.6. A secondary suite is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.

10.4. Accessory Suites

- 10.4.1. Accessory suites, when permitted, are to be located only in an accessory building, except in the RLP and RR1 zones, where a manufactured or mobile home may be considered an accessory suite.
- 10.4.2. No structural alterations or additions shall be undertaken that alters the existing character and form of the neighbourhood.
- 10.4.3. No more than one accessory suite shall be permitted per lot. It may be permitted within an accessory building. It shall not be allowed in conjunction with a bed and breakfast home or secondary suite.
- 10.4.4. No accessory suite will be allowed without connection to a community sanitary sewer unless the lot is at least 1.0 ha and meets the requirements of the Village for septic disposal capacity.
- 10.4.5. When the accessory suite is located in an accessory building, the maximum floor area of the accessory suite shall not exceed the lesser of 90 m² or 75% of the total floor area of the principal building.
- 10.4.6. If a manufactured or mobile home is being used as an accessory suite, the maximum floor area of the unit shall not exceed 90m².
- 10.4.7. Parking and signs shall be in conformance with the regulations of this Bylaw and any Signage Regulation Bylaw currently in effect.
- 10.4.8. An accessory suite shall be located in a building and on a property which is a single real estate entity. No strata titling will be permitted.
- 10.4.9. An accessory suite is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.

10.5. Bed and Breakfast Homes

10.5.1. Bed and breakfast homes shall comply with the following regulations:

- a) The bed and breakfast home shall be operated as a secondary use only within the principal building, with a maximum 4 sleeping units with accommodation for a maximum of two guests per sleeping unit, of a minimum area of 11 m² each; and
- b) Bed and breakfast homes shall not change the principal residential character or external appearance of the dwelling involved.
- c) The licensed operator of a bed and breakfast home must reside in the dwelling in which the bed and breakfast operation is located.
- d) One sign is permitted having a maximum sign area of 0.3 m², which must be attached to the building.
- e) Parking areas and open space to be used by guests of a bed and breakfast home shall be oriented away from abutting development to minimize the impact of the operation on neighbouring properties.
- f) All parking areas and open space to be used by guests of a bed and breakfast home are to be visually screened from abutting properties by opaque fencing or landscaping.

10.6. Vehicular Oriented Uses

10.6.1. Vehicular-oriented uses shall not adversely affect the functioning of surrounding public roadways or adversely impact on any adjacent residential uses.

10.6.2. The minimum site width for a vehicular-oriented use shall be 30.0 m.

10.6.3. Site area shall be provided as follows:

- a) The minimum site area for any development incorporating a vehicular-oriented use shall be 930 m² and the maximum site coverage shall be 30%.
- b) The minimum site area for a service station shall be 1,200 m² and the maximum site coverage, including pump islands, shall not exceed 30%.
- c) The minimum site area for a drive-through vehicle service shall be 140 m² of site area not covered by buildings for each service bay.
- d) Where two or more of these uses are part of a mixed use development on the same site, the total site area requirements shall be the sum of the requirements of the uses computed separately, unless there is a complementary use of space which would warrant a reduction in site area requirement.

10.6.4. Queuing space shall be provided as follows:

- a) For drive-through vehicle services, excluding car washes, a minimum of three in-bound and two out-bound queuing spaces shall be provided for each service bay.
- b) Each queuing space shall be a minimum of 6.0 m long and 3.0 m wide. Queuing lanes shall provide sufficient space for turning and manoeuvring.

10.6.5. Service stations and gas bars shall adhere to the following:

- a) All pump islands shall be located at least 6.0 m from any property line or parking area on the site, or laneways intended to control traffic circulation on the site;
- b) A canopy over a pump island shall not extend to within 3.0 m of the property line of the site;
- c) The canopy area for a service station or gas bar shall not constitute part of the site coverage; and
- d) Where the canopy is a sign, it must comply with the provisions of any Signage Regulation Bylaw currently in effect.

10.7. Car Washes

10.7.1. Car washing establishments shall provide vehicle storage for a minimum of 5 vehicles per washing bay at the entrance end of the facility, except it is a minimum of 2 vehicles where the washing bay is coin operated and the vehicle is manually washed by an occupant of the vehicle.

10.7.2. Storage spaces at the entrance end of the facility shall be a minimum of 6.5 m long and 3.0 m wide.

SECTION 11 -- SIGNS

The following regulations of this bylaw shall apply to signs in the Village of Fruitvale.

11.1. Application

No person shall construct, place, erect, display, alter, repair or re-locate a sign permitted by this bylaw except in accordance with these Signage Regulations currently in effect in the Village.

11.2. Definitions

- 11.2.1. For the purpose of this bylaw words and phrases shall have meanings set forth in this section. Words and phrases not defined in this section but defined in Section 3 – INTERPRETATION, shall have the meanings set forth in that section of the Zoning Bylaw.

11.3. Sign Definitions

- 11.3.1. A Sign is a structure, device or visual display which contains information and where the intent is to attract the attention of persons for the express purpose of the communication of that information. It does not include the following:

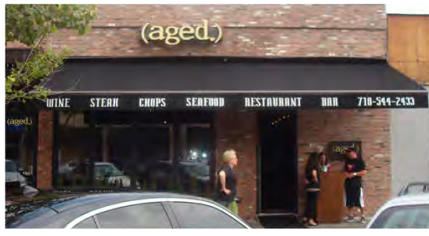
- Display of goods placed in a window;
- Gravestones or other markers placed for historical or memorial purposes;
- Private celebratory or holiday decorations;
- Murals;
- Traffic control devices.

The following is a list and associated definitions, of both Permanent and Temporary signs. A list of prohibited and permitted signs is provided in Section 11.4 and 11.5, respectively.

PERMANENT SIGNS

These signs must be constructed of durable materials and are intended to exist for the duration of time that the use or occupant is located in the premises. Building mounted signs are erected on, applied or attached to a building. Freestanding signs are entirely self supporting and are neither attached to nor form part of a building.

1. **Awning and Canopy Signs** – means a sign painted, stamped, perforated, stitched or otherwise applied to an awning or canopy (See General Definitions Section).



2. **Billboard** – means an exterior structure panel, board, or object designed exclusively to support text or advertising material that is posted, fastened, painted or otherwise affixed thereto by means permitting its ready removal or replacement, which customarily does not directly apply to the premises or uses where it is displayed.

Prohibited in Fruitvale



3. **Notice Board (Community)** – means a permanent sign used to display educational material, promoting non-profit community events and notices.



4. **Directory Sign** – means a sign listing four (4) or more businesses located on the same parcel or at four (4) or more adjoining parcels.



5. **Display Box** – means a sign that is enclosed within a case allowing the viewing of menus, recreational or entertainment events.



6. **Fascia Sign** – means a sign mounted or displayed parallel to the face of the building on which it is located and does not extend above the eaves, parapet or roof edge.



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- 7. Home Occupation Sign** – means a sign indicating the name and/or address of a home occupation on the premises where it is located.



- 8. Monument Sign** – means a sign which is supported by a solid base, as opposed to poles, posts or other supports that you would otherwise see in a pylon sign.



- 9. Parapet Sign** – means a sign erected on the portion of a building fascia or wall that rises above the roof level of the structure.



- 10. Pole/Pylon Sign** – means a freestanding sign with a visible support structure such as poles, columns, or posts that are permanently attached to the ground, and which is not connected in any way to any building or other structure.



- 11. Projecting Sign** – means a sign which is erected on and projects from the building face and is normally at right angles to the building face.



12. Public Information Sign – means any sign erected for or at the direction of a government authority, agency board or committee for the purpose of providing information to the public concerning such authority, agency, board or committee, or any proceedings thereof, and shall include signs that advertise applications for official community plan or zoning bylaw amendments.



13. Suspended Sign - means a sign suspended entirely underneath an awning, canopy or other similar structure.



14. Roof Sign - means a sign erected upon the roof of a building.

Prohibited in Fruitvale



15. Window Sign – means a sign that is painted on or attached to a window and is intended to be viewed from the exterior of the building.



TEMPORARY SIGNS

Temporary Signs are designed in such a manner that the sign can be readily relocated to provide advertising at another location, or taken on to or off a site.

16. Balloon Sign – means a sign that is inflatable, three dimensional device which affixed or anchored to the ground or a structure.

Prohibited in Fruitvale except for Special Event or opening of new premises, not to be placed or maintained for a period of greater than 7 days.



17. Banner – means a sign composed of lightweight material including cloth, canvas or similar fabric.



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18. Development Sign – means a sign advertising a new (land) development or group of lots for sale within a new subdivision. It may include, but not be limited to, the name, nature, and particulars of a new development project, the names of the owner(s), the contractors, the sub-contractors, and professional advisors and logos or symbols identifying the project.



21. Poster – means any paper, cardboard, or plastic sign or the like including any handbill, circular, leaflet, pamphlet, poster, flyer, paper, or other printed matter.



19. Election Sign – means a sign promoting a political candidate, political party or political cause prior to an election.



22. Real Estate Sign – means a sign which contains information indicating that property or premises on which it is located is for sale, lease, or rent.



20. Free Standing Portable Sign – means a temporary sign having independent supports, standing apart from a building, or mounted on a vehicle or trailer, and not permanently affixed to land.

Prohibited in Fruitvale



23. Sandwich Board (A-Board) – means a sign that is not permanently affixed to a building or base and stands on the ground without any additional support.



24. Special Event Sign – means a temporary sign advertising or notifying the public of a community event or special situation that requires alerting the public.



11.3.2. Additional and Related Definitions

Externally-lit (or Front-lit) – means a sign illuminated from an external source.

Internally-lit (or Rear/ Back-lit) – means a sign illuminated from an internal source.

Neon-lit – means a sign that uses exposed neon tubing as the principal illumination method.

Animated Sign – means a sign depicting action, motion, light or color changes through electrical or mechanical means.

Flashing Sign – means a sign containing an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

Revolving Sign – means a sign that has the ability to turn up to 360 degrees.

Abandoned Sign – means a sign or sign support structure that directs attention to an activity, business, product or service no longer conducted or available on the lot on which the sign is located or at the location stated on the sign.

Changeable Copy Signs – mean signs that allow for changes to be made to the sign copy, either electronically (i.e. by means of switches, lamps or illuminated tubes) or manually (through the use of attachable letters, numbers and/or graphics).

Copy – means the content of a sign surface, including letters, pictures, logos and/or symbols.

Erected – means attached, altered, built, constructed, or reconstructed and shall include the painting of signs but does not include copy changes on any changeable copy sign.

11.4. Prohibited Signs

Signs that are not expressly permitted in this Bylaw are prohibited within the municipal boundary of the Village of Fruitvale. The following signs are specifically prohibited:

- a) Billboards;
- b) Revolving or partly revolving signs (e.g. animated signs), other than hands on a clock or temperature indicator;
- c) Balloons or other gas-filled inflatable devices (Restricted – See Definitions);
- d) Roof signs and signs mounted or supported on the deck of a canopy or on any part of a balcony;
- e) Any sign that obstructs any part of a doorway, window, or balcony, with the exception of window signs as permitted in this Bylaw;
- f) Temporary free standing signs;
- g) Multi-sided signs;
- h) Changeable copy signs;
- i) Any sign that which projects into, on, or over a street or public property without the approval of the Village and an executed encroachment agreement;

11.5. Permitted Signs

Signs that are permitted subject to the regulations and specifications of this Bylaw include:

- a) Projecting Sign
- b) Canopy Sign
- c) Awning Sign
- d) Monument Sign
- e) Fascia Sign
- f) Parapet Sign
- g) Suspended (Hanging) Sign
- h) Window Signs
- i) Directories
- j) Display Box
- k) Election Sign

- l) Real Estate Sign
- m) Development Sign
- n) Pole/Pylon Sign
- o) Sandwich Board Sign

11.6. Meeting Design Guidelines

Over and above the expressed intent of this Bylaw, the proponent or applicant that desires to erect a sign must adhere to any municipal design guidelines that apply to the area and type of development under consideration. The Development Permit Area Guidelines that address form and character of buildings (including signs) are provided as official policy of the Official Community Plan of the Village of Fruitvale. The Village encourages adherence to a comprehensive sign plan intended to coordinate a number of signs pertaining to a development project, building or cluster of buildings. The size, location and number of signs shall generally conform to the standards for each category of sign.

11.7. Maintenance

- 11.7.1. All signs permitted in this Bylaw shall be continuously maintained so that at no time is there any danger from their supporting structures, surrounding framework or illumination;
- 11.7.2. Maintenance including replacement of structural elements, copy, lamps and refurbishing of signs may be undertaken **without** a sign permit;
- 11.7.3. Signs must be kept readable and in clean condition, and the site on which the sign is situated shall be kept free of weeds, debris and rubbish; and
- 11.7.4. Signs must be maintained in compliance with BC Building and Electrical Codes at all times.

11.8. Number of Signs

- 11.8.1. A maximum of two permanent signs per business are permitted per business frontage.
- 11.8.2. In addition to the permanent signs, the following may be permitted:
 - a) Temporary permitted signs
 - b) One extra hanging sign
- 11.8.3. In the case of multiple fascia signs for a single tenant building, the total area shall not exceed the area stipulated in Schedule B. For multi-tenant buildings, fascia or projecting signs are allowed for each tenant provided that the area of the sign(s) does not exceed the area stipulated in Schedule A.

11.9. Design Standards

- 11.9.1. The area of each sign shall conform to the regulations of this Bylaw for that particular type of sign, provided that the total sign area on one facade of a building or business frontage shall not exceed 10 percent of the area of that facade. (See Schedule 'B')
- 11.9.2. Exposed surfaces of signs may be constructed of any material with the exception of plastic, fiberglass, plywood or particle board either painted or unfinished.
- 11.9.3. Notwithstanding 11.8.2, individual plastic letters are only permitted as part of internally-lit permanent signs.
- 11.9.4. Colors should be coordinated with the building façade with which they are associated. Design Guidelines will be imposed by the Village in accordance to official policy of the Official Community Plan.
- 11.9.5. Fluorescent, luminous or reflective paint or similar products are prohibited except for private traffic control signs, where reflective paint may be used.
- 11.9.6. Lighting and Illumination must apply as follows:
 - a) All permitted permanent signs may incorporate front-lighting and limited rear-lighting as outlined in this section. Permitted temporary signs shall not be illuminated.
 - b) Limited use of back-lit lighting is permitted, provided it is restricted to the name of the building or principal business only.
 - c) Illumination should be limited to the greatest extent possible to the sign surface only, and the light source should not be visible from adjacent parcels, passing vehicles or pedestrians.
 - d) Light fixtures must be simple in form, not clutter the building façade, nor obscure the architectural details of the building.
 - e) Neon signs are not permitted except as "window signs" complying with the regulations of this Bylaw.
 - f) All wiring and conduits to electric signs must be placed below grade or otherwise concealed.
- 11.9.7. Unless otherwise provided by this Bylaw, a sign for a business premises may only be erected or placed on that side of the building fronting a street and on that portion of the building façade related to the area of the building occupied by the business or activity to which the sign relates.
- 11.9.8. Signs must be located no higher than the lesser of 7.6 meters, or the roof line of the building on which it is mounted.
- 11.9.9. Signs located over a pedestrian area or a sidewalk shall have a clearance of no less than 2.4 meters above grade.

11.10. Permits and Permit Fees**11.10.1. Signs Not Requiring a Permit**

The following signs are exempt from this Bylaw and accordingly do not require a permit:

- a) One real estate sign, pertaining to the sale, lease, rental or viewing of the property on which the sign is displayed.
- b) Any sign displayed pursuant to the Highways Act, the Motor Vehicle Act, the Local Government Act, or to any other statute of the Legislative Assembly or pursuant to any regulation, order, or bylaw made thereunder.
- c) Signs on private land directed toward the prevention of trespassing.
- d) Any sign displayed for the purposes of a Federal, Provincial or Municipal election, provided that:
 - i.) For a Municipal election, the candidate has filed his or her nomination papers with the Returning Officer;
 - ii.) The sign does not exceed an area of 1.5 square metres;
 - iii.) The sign is located on private property with the permission of the owner or on the municipal boulevard fronting private property, but only with the permission of the owner in front of whose private property the sign is placed;
 - iv.) Notwithstanding (iv) above, no sign may be placed in a location which may create a safety hazard to pedestrians or vehicles;
 - v.) The sign shall not be posted on public property nor on a boulevard fronting public property;
 - vi.) All signs shall be removed within three days after the date of election.
- e) Any fence sign located on any public outdoor sports ground.
- f) Any sign displayed from a dwelling, bearing the street number and name of the person residing in the dwelling, provided that the area of the display surface does not exceed 0.2 square metres (2.2 square feet).
- g) Any sign denoting access and parking for the disabled.
- h) Any window sign.

11.10.2. Contents of Permit Application

An application for a permit under this Bylaw shall be made in the form prescribed by the Village of Fruitvale and include the following:

- a) Name and address of the maker of the sign.
- b) Name and address of the owner of the sign.

- c) Name and address of the registered owner of, and the legal description and civic address of, the lot on which the sign is to be placed.
- d) Name, address, and telephone number of the installation contractor.
- e) Copies, in duplicate, of specifications and drawings to a scale of not less than 1:100 showing, amongst other things:
 - i.) The proposed location of the sign in relation to the face of the building, in front of which or above which it is to be erected;
 - ii.) The proposed location of the sign in relation to the boundaries of the lot upon which it is situated;
 - iii.) The size and location of all existing signs on the premises;
 - iv.) The footing details, if applicable, for the sign; and
 - v.) Electrical wiring and components.
- f) If the sign is to be illuminated or animated, the colours to be used and the technical means by which this is to be accomplished.
- g) A current photograph of the face of the building to which the sign is to be attached.

11.10.3. Issuance of Permit

The Village of Fruitvale shall issue the permit for which an application is made where:

- a) The proposed sign conforms to this Bylaw and all other applicable Bylaws of the Village.
- b) The applicant has paid to the Village the fee prescribed by this Bylaw.
- c) The applicant for a permit has agreed to indemnify and save harmless the Village of Fruitvale, its employees and agents, from and against all claims, demands, loss, costs, damages, actions, suits or other proceedings' in any way related to anything done or omitted to be done by the applicant in connection with a sign or a permit issued pursuant to this Bylaw; and has executed an indemnity agreement in a form provided by the Village; and has agreed to have the Village of Fruitvale added as a insured to the applicant's liability insurance policy by execution of the endorsement for insurance policy set out by the Village.

The permit shall expire if the work or activity authorized therein is not completed with a period of ninety (90) days from the date of the issuance of the permit.

The Village of Fruitvale may require, as a condition of the issuance of any permit, that all drawings and specifications, or any part thereof, be prepared and sealed by, and the construction carried out under the supervision of a Professional Engineer registered in the Province of British Columbia, and may refuse to issue a permit until he is provided with a letter by a Professional Engineer registered in the Province of British Columbia, undertaking to supervise the work or any part thereof authorized by such permit.

In addition to the Sign Permit, the connection of an electrical sign shall be authorized by a permit issued by the Electrical Safety Branch of the Province of British Columbia.

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11.10.4. Permit Fees

- a) All applicants for a sign permit shall pay a fee of \$0.00 for each sign authorized by permit.
- b) No sign permit application fee shall be refunded after the application has been approved or refused, but if the application is withdrawn, prior to processing, the Village may refund the fee to the applicant.

Schedule "B" attached.

SECTION 12 -- RURAL LARGE PARCEL ZONES

12.1. RLP 1 – Rural Large Parcel 1

12.1.1. Purpose

The purpose is to provide a zone for rural areas of the community that have limited services, and are not expected to be developed for more intense use within the foreseeable future.

12.1.2. Principal Uses:

- a) agriculture, extensive
- b) cemeteries
- c) greenhouses and plant nurseries
- d) group homes, minor
- e) hobby farms
- f) mobile homes
- g) single dwelling housing

12.1.3. Secondary Uses:

- a) agricultural and garden stands
- b) animal clinics, major
- c) animal clinics, minor
- d) animal shelter
- e) bed and breakfast homes
- f) care centres, minor
- g) forestry
- h) home occupations
- i) kennels and stables
- j) secondary or accessory suite
- k) tourist campsites
- l) utility services, minor impact

12.1.4. Buildings and Structures Permitted:

- a) one single detached house (which may contain a secondary suite) or one mobile home (as a principal use).

- b) accessory buildings or structures (which may contain an accessory suite if no secondary suite is located within the single detached house).
- c) a mobile or manufactured home as an accessory suite if no secondary suite is located in the single detached house.

12.1.5. Subdivision Regulations:

a) AREA

The minimum lot area is 30.0 ha

b) WIDTH

The minimum lot width is 100.0 m.

c) DEPTH

The minimum lot depth is 100.0 m.

12.1.6. Development Regulations:

a) SITE COVERAGE

The maximum site coverage is 2500 m² for residential development, and it is 35% for agricultural buildings and structures except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.

b) HEIGHT

The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 13.0 m for accessory buildings and 16.0 m for agricultural structures.

c) FRONT YARD

The minimum front yard is 6.0 m.

d) SIDE YARD

The minimum side yard is 3.0 m, except it is 4.0 m from a flanking street.

e) REAR YARD

The minimum rear yard is 10.0 m, except it is 3.0 m for accessory buildings.

f) FARM BUILDINGS

Notwithstanding subsections 12.1.6(c) to (e), buildings housing more than 4 animals, or used for the processing of animal products or for agricultural and garden stands, shall not be located any closer than 15.0 m from any lot line, except where the lot line borders a residential zone, in which case the area, building or stand shall not be located any closer than 30.0 m from the lot line.

12.1.7. Other Regulations:

a) ANIMAL CLINICS

Major animal clinics shall not be located on parcels less than 2.0 ha.

b) KENNELS/STABLES

Kennels and stables shall not be located on parcels less than 2.0 ha. and must be located a minimum of 50.0 m from all property lines.

c) FLOOR AREA

The maximum gross floor area of stands selling agricultural products shall be 50.0 m².

d) TOURIST CAMPSITES

Seasonal use for recreational purposes not to exceed 240 days in one year. Tourist campsites are allowed at a rate of 10 sleeping units/60 ha.

e) SECONDARY SUITE

A secondary suite, in accordance with Section 10.3, may only be located within a single detached dwelling.

f) ACCESSORY SUITE

- i.) An accessory suite, in accordance with Section 10.4, may only be located within an accessory building to a single detached dwelling which is no closer than 5.0 m to the principal building.
- ii.) A mobile or manufactured home may be considered an accessory suite in the RLP zone.
- iii.) One secondary suite or accessory suite is permitted per parcel.

g) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

SECTION 13 -- RURAL RESIDENTIAL ZONES

13.1. RR1 – Rural Residential 1

13.1.1. Purpose:

The purpose is to provide a zone for residential development, and complementary uses, on larger lots in areas of high natural amenity and rural services.

13.1.2. Principal Uses:

- a) agriculture, extensive
- b) group homes, minor
- c) hobby farms
- d) single dwelling housing

13.1.3. Secondary Uses:

- a) animal clinics, major
- b) animal clinics, minor
- c) bed and breakfast homes
- d) care centre, minor
- e) home occupations
- f) kennels and stables
- g) secondary suite or accessory suite
- h) utility services, minor impact

13.1.4. Building and Structures Permitted:

- a) one single detached house (which may contain a secondary suite);
- b) accessory buildings or structures (which may contain an accessory suite if no secondary suite is located within the single detached house).
- c) a mobile home or manufactured home as an accessory suite if no secondary suite is located within the single detached house .

13.1.5. Subdivision Regulations:

- a) AREA

The minimum lot area is 4.0 ha.

b) WIDTH

The minimum lot width is 40.0 m.

c) DEPTH

The minimum lot depth is 100.0 m.

13.1.6. Development Regulations:

a) COVERAGE

The maximum site coverage is 10%.

b) HEIGHT

The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 6.0 m for accessory buildings and 13.0 m for accessory structures.

c) FRONT YARD

The minimum front yard is 6.0 m.

d) SIDE YARD

The minimum side yard is 4.0 m, except it is 6.0 m from a flanking street.

e) REAR YARD

The minimum rear yard is 10.0 m, except it is 3.0 m for accessory buildings.

f) FARM BUILDINGS

Notwithstanding subsections 13.1.6(c) to (e), buildings housing more than 4 animals, or used for the processing of animal products or for agricultural and garden stands, shall not be located any closer than 15.0 m from any lot line, except where the lot line borders a residential zone, in which case the area, building or stand shall not be located any closer than 30.0 m from the lot line.

13.1.7. Other Regulations:

a) SECONDARY SUITE:

A secondary suite, in accordance with Section 10.3, may only be located within a single detached dwelling. One secondary suite or accessory suite is permitted per parcel.

b) ACCESSORY SUITE:

- i.) An accessory suite, in accordance with Section 10.4, may only be located within an accessory building to a single detached dwelling which is no closer than 5.0 m to the principal building.
 - ii.) A mobile or manufactured home may be considered an accessory suite.
 - iii.) One secondary suite or accessory suite is permitted per parcel.
- c) ANIMAL CLINICS:
Major animal clinics shall not be located on parcels less than 2.0 ha.
- d) KENNELS/STABLES:
Kennels and stables shall not be located on parcels less than 2.0 ha. and must be located a minimum of 50.0 m from all property lines.
- e) ADDITIONAL REGULATIONS:
In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

SECTION 14 -- URBAN HOUSING ZONES

14.1. RU1 –Single and Two Family Housing

14.1.1. Purpose:

The purpose is to provide a zone for single detached or two family housing, and compatible secondary uses on medium sized serviced urban lots.

14.1.2. Principal Uses:

- a) group homes, minor
- b) single dwelling housing
- c) duplex housing
- d) semi-detached housing

14.1.3. Secondary Uses:

- a) bed and breakfast homes
- b) care centres, minor
- c) home occupations
- d) secondary suite within single dwelling housing
- e) accessory suite within an accessory building
- f) utility services, minor impact

14.1.4. Buildings and Structures Permitted:

- a) one single detached house (which may contain a secondary suite)
- b) one duplex or semi-detached dwelling
- c) accessory buildings or structures (which may contain an accessory suite if no secondary suite is located within the single detached house)

14.1.5. Subdivision Regulations:

a) AREA:

The minimum lot area is 465 m² for single dwelling housing and 278m² per dwelling unit for duplex or semi-detached housing.

b) WIDTH:

The minimum lot width is 15.0 m for single dwelling housing and 18.0 m for duplex or semi-detached housing.

c) DEPTH:

The minimum lot depth is 30.0 m.

14.1.6. Development Regulations:

a) SITE COVERAGE:

The maximum site coverage is 40% and together with driveways and parking areas, shall not exceed 50%.

b) HEIGHT:

The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for accessory buildings and accessory structures.

c) FRONT YARD:

The minimum front yard is 4.5 m except it is 6.0 m to a garage door or carport entrance having vehicular entry from the front.

d) SIDE YARD:

The minimum side yard is 1.8 m, except that it is 4.5 m from a flanking street, and it is 6.0 m from a flanking street if the setback is to a garage door or carport entrance which is accessed from that street, or when required by subparagraph 14.1.6 (e).

e) REAR YARD:

- i.) The minimum rear yard is 6.0 m, except that it is 1.5 m for accessory buildings.
- ii.) Where the lot width exceeds the lot depth, the minimum rear yard is 4.5 m provided that one side yard shall have a minimum width of 4.5 m. This does not apply if the garage door or carport entrance faces the rear or side yard. In these cases, a 6.0 m setback will be required to the garage door or carport entrance.

14.1.7. Other Regulations:

a) SECONDARY SUITE:

- i.) A secondary suite, in accordance with Section 10.3, may only be located within a single detached dwelling. One secondary suite or accessory suite is permitted per parcel.

b) ACCESSORY SUITE:

- i.) An accessory suite, in accordance with Section 10.4, may only be located within an accessory building to a single detached dwelling which is no closer than 5.0 m to the principal building. One secondary suite or accessory suite is permitted per parcel.

c) HOUSING AGREEMENTS:

Where a housing agreement has been entered into pursuant to Section 7.9, smaller lot dimensions may be permitted.

d) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, setbacks, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

14.2. RU2 – Small Lot Single and Two Family Housing

14.2.1. Purpose:

The purpose is to provide a zone for single detached or two family housing, and compatible secondary uses on small serviced urban lots.

14.2.2. Principal Uses:

- a) group homes, minor
- b) single dwelling housing
- c) duplex housing
- d) semi-detached housing

14.2.3. Secondary Uses:

- a) bed and breakfast homes
- b) care centres, minor
- c) home occupations
- d) secondary suite within single dwelling housing
- e) utility services, minor impact

14.2.4. Buildings and Structures Permitted:

- a) one single detached house (which may contain a secondary suite)
- b) one duplex or semi-detached dwelling

- c) accessory buildings or structures

14.2.5. Subdivision Regulations:

- a) AREA:

The minimum lot area is 400 m² for single dwelling housing and 250m² per dwelling unit for duplex or semi-detached housing.

- b) WIDTH:

The minimum lot width is 13.0 m for single dwelling housing and 15.0 m for duplex or semi-detached housing.

- c) DEPTH:

The minimum lot depth is 30.0 m.

14.2.6. Development Regulations:

- a) SITE COVERAGE:

The maximum site coverage is 40% and together with driveways and parking areas, shall not exceed 50%.

- b) HEIGHT:

The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for accessory buildings and accessory structures.

- c) FRONT YARD:

The minimum front yard is 4.5 m except it is 6.0 m to a garage door or carport entrance having vehicular entry from the front.

- d) SIDE YARD:

The minimum side yard is 1.8 m, except that it is 4.5 m from a flanking street, and it is 6.0 m from a flanking street if the setback is to a garage door or carport entrance which is accessed from that street, or when required by subparagraph 14.2.6 (e).

- e) REAR YARD:

- i.) The minimum rear yard is 6.0 m, except that it is 1.5 m for accessory buildings.
- ii.) Where the lot width exceeds the lot depth, the minimum rear yard is 4.5 m provided that one side yard shall have a minimum width of 4.5 m. This does not apply if the garage door or carport entrance faces the rear or side yard. In these cases, a 6.0 m setback will be required to the garage door or carport entrance.

14.2.7. Other Regulations:**a) SECONDARY SUITE:**

A secondary suite, in accordance with Section 10.3, may only be located within a single detached dwelling.

b) HOUSING AGREEMENTS

Where a housing agreement has been entered into pursuant to Section 7.9, smaller lot dimensions may be permitted.

c) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, setbacks, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

14.3. RM1 – Low Density Multiple Housing**14.3.1. Purpose:**

The purpose is to provide a zone for low density multiple or row housing and compatible secondary uses on urban services.

14.3.2. Principal Uses:

- a) multiple dwelling housing
- b) two dwelling housing
- c) four dwelling housing
- d) row housing

14.3.3. Secondary Uses:

- a) care centres, minor
- b) home occupation
- c) utility services, minor impact

14.3.4. Buildings and Structures Permitted:

- a) duplex housing
- b) fourplex housing

- c) row housing
- d) semi-detached housing
- e) accessory buildings or structures

14.3.5. Subdivision Regulations:

a) WIDTH:

The minimum lot width is 30.0 m.

b) DEPTH:

The minimum lot depth is 30.0 m.

c) AREA:

The minimum lot area is 1000 m².

14.3.6. Development Regulations:

a) FLOOR AREA RATIO:

The maximum floor area ratio is 0.5, except it is 0.55 with a housing agreement pursuant to the provisions of Section 7.9 or where the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15. Where screened parking spaces are provided totally under habitable or common amenity areas, the floor area ratio may be increased by 0.08 multiplied by the ratio of such parking spaces to the total required up to a maximum of 0.08.

b) SITE COVERAGE:

The maximum site coverage is 45%, provided that the maximum site coverage of buildings, driveways and parking areas is not more than 50%.

c) HEIGHT:

The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for accessory buildings and structures.

d) FRONT YARD:

The minimum site front yard is 4.5 m, except it is 6.0 m to a garage door or carport entrance.

e) SIDE YARD:

The minimum site side yard is 4.0 m for a 1 or 1½ storey portion of a building or an accessory building or structure and 4.5 m for a 2 or 2½ storey portion of a building, except it is 4.5 m from

a flanking street unless there is a garage accessed from the flanking street, it is 6.0 m. Side yards are not required on a lot line that has a party wall.

f) REAR YARD:

The minimum site rear yard is 6.0 m for a 1 or 1 ½ storey portion of a building and 7.5 m for a 2 or 2 ½ storey portion of a building, except it is 1.5 m for accessory buildings.

g) No principal building shall be closer than 3.0 m to another principal building.

14.3.7. Other Regulations:

a) DWELLINGS:

No more than 6 dwellings may be located in a building.

b) PRIVATE OPEN SPACE:

A minimum area of 25 m² of private open space shall be provided per dwelling.

c) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, setbacks, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

d) DEVELOPMENT PERMIT REQUIREMENTS:

Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

14.4. RM2 – Medium Density Multiple Housing

14.4.1. Purpose:

The purpose is to provide a zone primarily for medium density apartments and compatible secondary uses on serviced urban lots.

14.4.2. Principal Uses:

- a) apartment housing
- b) boarding and lodging houses
- c) congregate housing
- d) four dwelling housing

- e) group home, major
- f) multiple dwelling housing

14.4.3. Secondary Uses:

- a) care centres, major
- b) home occupation
- c) utility services, minor impact

14.4.4. Buildings and Structures Permitted:

- a) apartment housing
- b) fourplex housing
- c) row housing
- d) stacked row housing
- e) accessory buildings and structures

14.4.5. Subdivision Regulations:

a) WIDTH:

The minimum lot width is 30.0 m.

b) DEPTH:

The minimum lot depth is 35.0 m.

c) AREA:

The minimum lot area is 1400 m².

14.4.6. Development Regulations:

a) FLOOR AREA RATIO:

The maximum floor area ratio is 1.0, except it is up to 1.3 where the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2. Where a Housing Agreement is provided pursuant to the provisions of Section 7.9, an amount of 0.1 may be added to the floor area ratio.

b) SITE COVERAGE:

The maximum site coverage is 40%, provided that the maximum site coverage of buildings, driveways, and parking areas is 60%.

c) HEIGHT:

The maximum height is the lesser of 12.4 m or 3 storeys, except it is 4.5 m for accessory buildings and structures. This height is increased to the lesser of 16.5 m or 4 storeys where the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15.

d) FRONT YARD:

The minimum site front yard is 6.0 m.

e) SIDE YARD:

The minimum site side yard is 4.5m for a portion of a building not over 2½ storeys, and 7.5m for portions of a building in excess of 2½ storeys, and 7.5 m from a flanking street.

f) REAR YARD:

The minimum site rear yard is 9.0 m, except it is 7.5 m where there is a rear lane. It is 6.0 m for accessory buildings.

g) SETBACK FOR ACCESSORY BUILDINGS:

The setback requirements for an accessory building containing recreational amenities for the use of all residents shall conform to the setback requirements for principal buildings.

14.4.7. Other Regulations:

a) PRIVATE OPEN SPACE:

A minimum area of 7.5 m² of private open space shall be provided per bachelor dwelling, congregate housing bedroom or group home bedroom, 15.0 m² of private open space shall be provided per 1 bedroom dwelling, and 25.0 m² of private open space shall be provided per dwelling with more than 1 bedroom.

b) BUILDING FRONTAGE:

No continuous building frontage shall exceed 40.0 m for a 3 or 4 storey building, or 65.0 m for a 2 storey building. If the frontage is interrupted by an open courtyard equivalent in depth and width to the building height, the maximum continuous 3 storey building frontage may be 80.0 m provided that no building section exceeds 40.0 m. The building must be designed so the portion adjacent to neighbouring development is no more than ½ storey higher.

c) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

d) **DEVELOPMENT PERMIT REQUIREMENTS:**

Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

14.5. RMP – Mobile Home Park

14.5.1. Purpose:

The purpose is to provide a zone for mobile homes on individual spaces in a mobile home park setting on serviced urban lots.

14.5.2. Principal Uses:

- a) mobile home park

14.5.3. Secondary Uses:

- a) care centres, minor
- b) home occupations
- c) offices
- d) utility services, minor impact

14.5.4. Buildings and Structures Permitted:

- a) mobile homes
- b) accessory buildings and structures

14.5.5. Subdivision Regulations:

a) **WIDTH:**

The minimum site width is 50.0 m.

b) **DEPTH:**

The minimum site depth is 50.0 m.

c) **AREA:**

The minimum site area is 2.0 ha.

14.5.6. Development Regulations:

a) DENSITY:

The maximum density is 20 dwellings/ha.

b) HEIGHT:

The maximum height is the lesser of 7.6 m or 1 storey.

c) FRONT YARD:

The minimum site front yard is 6.0 m.

d) SIDE YARD:

The minimum site side yard is 4.5 m.

e) REAR YARD:

The minimum site rear yard is 6.0 m.

14.5.7. Other Regulations:

a) MOBILE HOME SPACES:

- i.) Each mobile home shall be provided with an individual mobile home space, of not less than 325.0 m², with a minimum width of 12.0 m and a minimum depth of 25.0 m, and internal road access.
- ii.) No mobile home shall be located closer than 3.0 m to the back of curb of an internal roadway or parking area, no closer than 6.0 m to another mobile home unless permitted by fire protection regulations, but in no case closer than 1.5 m to the edge of the mobile home space.
- iii.) For the legally non-conforming property described as Lot C, Plan NEP20853, District Lot 1236, Land District 26 Kootenay, PID 018-482-686; civic address 1790 Barrett Drive; section i.) above regarding minimum mobile home space area shall not apply. There shall be allowed a maximum of sixteen (16) individual mobile home spaces on the property; and replacement of mobile homes shall be allowed on the non-conforming mobile home spaces to accommodate sixteen (16) mobile homes. The front yard setback is reduced to 3.35 m for mobile home space 1 at the north-west site of the park entrance. All other regulations shall apply.
- iv.) For the legally non-conforming property described as Lot 1, Plan NEP86064, District Lot 1236, Land District 26 Kootenay, PID 027-411-397 ; civic address 10 Nelson Avenue; section i.) above regarding minimum mobile home space area shall not apply. There shall be allowed a maximum of four (4) individual mobile home spaces on the property;

and replacement of mobile homes shall be allowed on the non-conforming mobile home spaces to accommodate four (4) mobile homes. All other regulations shall apply.

b) OFFICES

Offices are limited to one office for the management and operation of the manufactured home park.

c) CARE CENTRES

Minor care centres are restricted to one per mobile home park site.

d) PRIVATE OPEN SPACE

A minimum of 5% of the site area shall be private open space.

e) ACCESSORY BUILDING

One accessory building per mobile home space, compatible in finishing materials, is permitted to a maximum area of 10.0 m² and a maximum height of 2.5 m.

f) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

SECTION 15 -- COMMERCIAL ZONES

15.1. C1 – Village Centre Commercial

15.1.1. Purpose:

The purpose is to designate and preserve land for the orderly development of the financial, retail, entertainment, governmental and cultural core of the Village.

15.1.2. Principal Uses:

- a) accounting services
- b) animal daycare
- c) apartment hotels
- d) boarding or lodging houses
- e) broadcasting studios
- f) business support services
- g) care centres, major
- h) commercial schools
- i) community recreation services
- j) congregate housing
- k) custom indoor manufacturing
- l) eating and drinking establishment
- m) emergency and protective services
- n) farmers market
- o) financial services
- p) funeral services
- q) gaming facilities
- r) government services
- s) health services
- t) hotels
- u) household repair services
- v) insurance services
- w) legal services

- x) liquor licensed premises
- y) non-accessory parking
- z) offices
- aa) participant recreation services, indoor
- bb) personal service establishments
- cc) private clubs
- dd) private education services
- ee) public libraries and cultural exhibits
- ff) public parks
- gg) religious assemblies
- hh) retail stores, convenience
- ii) retail stores, general
- jj) spectator entertainment establishments
- kk) spectator sports establishments
- ll) temporary shelter services
- mm) thrift stores
- nn) used goods stores

15.1.3. Secondary Uses:

- a) apartment housing
- b) care centres, intermediate
- c) care centres, minor
- d) home occupation
- e) mobile catering food services
- f) utility services, minor impact

15.1.4. Subdivision Regulations:

a) WIDTH:

The minimum lot width is 6.0 m.

b) DEPTH:

The minimum lot depth is 30.0 m.

c) AREA:

The minimum lot area is 200 m².

15.1.5. Development Regulations:

a) FLOOR AREA RATIO:

The maximum floor area ratio for developments having only commercial uses is 1.5. For mixed use developments, the maximum floor area ratio is 3.0, except it is up to 3.5 where the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15. Where parking spaces are provided totally beneath the habitable space of a principal building or beneath useable common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2. Where a Housing Agreement is provided pursuant to the provisions of Section 7.9, an amount of 0.1 may be added to the floor area ratio.

b) HEIGHT:

- i.) Apartment/Apartment Hotels: the lesser of 12.4 m or 3 storeys, except when the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15, the maximum height is the lesser of 22.0 m or 6 storeys;
- ii.) Other Uses: the lesser of 12.4 m or 3 storeys, except when the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15, the maximum height is the lesser of 16.5 m or 4 storeys.

c) FRONT YARD:

The minimum front yard is 2.0 m.

d) SIDE YARD:

The minimum side yard is 0.0 m.

e) REAR YARD:

The minimum rear yard is 0.0 m.

15.1.6. Other Regulations:

a) PRIVATE OPEN SPACE:

A minimum area of 6.0 m² of private open space shall be provided per bachelor dwelling, 10.0 m² of private open space shall be provided per 1 bedroom dwelling, and 15.0 m² of private open space shall be provided per dwelling with more than 1 bedroom.

b) MIXED USE:

A mixed use building incorporating residential and other uses shall provide a commercial use on the first floor which must occupy a minimum of 90% of any street frontage and a minimum of 50% of the gross floor area of the main floor.

c) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

d) DEVELOPMENT PERMIT REQUIREMENTS:

Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

15.2. C2 – Highway Commercial

15.2.1. Purpose:

The purpose is to designate and preserve land for the orderly development of a range of commercial uses located adjacent to Highway 3B primarily cater to the needs of the travelling public.

15.2.2. Principal Uses:

- a) amusement establishments, outdoor
- b) animal daycare
- c) automotive and minor recreation vehicle sales/rentals
- d) automotive and equipment repair shops
- e) car washes
- f) drive-in businesses
- g) drive-in food services
- h) eating and drinking establishment
- i) hotels
- j) household repair services
- k) motels
- l) participant recreation services, indoor

- m) retail stores, convenience
- n) service stations, major
- o) service stations, minor

15.2.3. Secondary Uses:

- a) amusement arcades, minor
- b) gas bar
- c) liquor licensed premises
- d) outdoor storage
- e) utility services, minor impact

15.2.4. Subdivision Regulations:

a) WIDTH:

The minimum lot width is 30.0 m, except it is 40.0 m if not abutting a lane.

b) DEPTH:

The minimum lot depth is 30.0 m.

c) AREA:

The minimum lot area is 1200 m².

15.2.5. Development Regulations:

a) FLOOR AREA RATIO:

The maximum floor area ratio is 0.50, except it is 1.5 for hotels and motels.

b) SITE COVERAGE:

The maximum site coverage is 60%.

c) HEIGHT:

The maximum height is the lesser of 11.0 m or 2 storeys, or 22.0 m or 6 storeys for hotels and motels.

d) FRONT YARD:

The minimum front yard is 6.0 m.

e) SIDE YARD:

The minimum side yard is 3.0 m, except it is 6.0 m when abutting a flanking street, and 4.5 m when adjacent to a residential, or institutional zone.

f) REAR YARD:

The minimum rear yard is 3.0 m, except it is 4.5 m for lots adjoining a residential zone with no intervening lane or street.

15.2.6. Other Regulations:

a) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

b) DEVELOPMENT PERMIT REQUIREMENTS:

Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

SECTION 16 -- INDUSTRIAL ZONES

16.1. I1 – General Industrial

16.1.1. Purpose:

The purpose is to provide for general industrial uses.

16.1.2. Principal Uses:

- a) auctioneering establishments
- b) automotive and equipment repair shops
- c) automotive and minor recreation vehicle sales/rentals
- d) bulk fuel depots
- e) car washes
- f) commercial storage
- g) contractor services, general
- h) contractor services, limited
- i) custom indoor manufacturing
- j) drive-in businesses
- k) eating and drinking establishment
- l) emergency and protective services
- m) equipment rentals
- n) fleet services
- o) general industrial uses
- p) household repair services
- q) high technology research and product design
- r) outdoor storage
- s) participant recreation services, indoor
- t) private clubs
- u) recycling depots
- v) recycled materials drop-off centres
- w) service stations, minor
- x) service stations, major

- y) truck and manufactured home sales rentals
- z) vehicle and equipment services, industrial
- aa) warehouse sales

16.1.3. Secondary Uses:

- a) care centres, major
- b) gas bars
- c) liquor licensed premises
- d) residential security operator unit
- e) utility services, minor impact

16.1.4. Subdivision Regulations:

a) WIDTH:

The minimum lot width is 40.0 m.

b) DEPTH:

The minimum lot depth is 35.0 m.

c) AREA:

The minimum lot area is 1.0 ha unless a connection to the community sanitary sewer system, in accordance with the requirements of the Village of Fruitvale Subdivision and Development Bylaw currently in effect, has been installed. If a connection to a community sanitary sewer system in accordance with the requirements of the Village of Fruitvale Subdivision and Development Bylaw currently in effect has been installed, the minimum lot area is 4000 m².

16.1.5. Development Regulations:

a) FLOOR AREA RATIO:

The maximum floor area ratio is 1.5.

b) SITE COVERAGE:

The maximum site coverage is 60%.

c) HEIGHT:

The maximum height is 14.0 m.

d) FRONT YARD:

The minimum front yard is 7.5 m.

e) SIDE YARD:

The minimum side yard is 4.5 m, except it is not required abutting a lot in the C or I zones, and it is 6.0 m on a flanking street.

f) REAR YARD:

The minimum rear yard is 0.0 m where adjacent to commercial or industrial zones, except that it is 6.0 m abutting other zones.

16.1.6. Other Regulations:

- a) No use shall produce dust, or other emissions that exceed standards set by provincial legislation, without written authorization from the appropriate provincial agency.
- b) No use shall produce odour, glare, or noise that creates a nuisance.
- c) There shall be no outdoor storage of toxic, noxious, explosive, odorous, or radio-active materials.
- d) Only one residential security operator unit is permitted on a site.

e) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

f) DEVELOPMENT PERMIT REQUIREMENTS:

Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

SECTION 17 -- PUBLIC & INSTITUTIONAL ZONES

17.1. P1 – Public Park and Open Space

17.1.1. Purpose:

The purpose is to provide a zone primarily for public parks and recreational open space.

17.1.2. Principal Uses:

- a) community recreation services
- b) participant recreation services, indoor
- c) participant recreation services, outdoor
- d) public parks
- e) spectator sports establishments

17.1.3. Secondary Uses:

- a) one residential security operator unit
- b) farmers market
- c) mobile catering food services
- d) utility services, minor impact

17.1.4. Subdivision Regulations:

a) WIDTH:

The minimum lot width is N/A.

b) DEPTH:

The minimum lot depth is N/A.

c) AREA:

The minimum lot area is N/A.

17.1.5. Development Regulations:

a) HEIGHT:

The maximum height is 13.5 m or 3 storeys.

b) FRONT YARD:

The minimum front yard is 6.0 m.

c) SIDE YARD:

The minimum side yard is 3.0 m, except it is 6.0 m to a flanking street.

d) REAR YARD:

The minimum rear yard is 3.0 m.

17.1.6. Other Regulations:

a) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

17.2. P2 – Administration, Public Service and Assembly

17.2.1. Purpose:

The purpose is to provide a zone for administrative, institutional, public service, public administration service and assembly uses.

17.2.2. Principal Uses:

- a) care centres
- b) cemeteries
- c) community recreation services
- d) congregate housing
- e) emergency and protective services
- f) extended medical treatment services
- g) government services
- h) group homes, major
- i) health services
- j) participant recreation services, indoor
- k) private clubs
- l) spectator sports establishments

- m) temporary shelter services

17.2.3. Secondary Uses:

- a) eating and drinking establishment
- b) farmers market
- c) liquor licensed premises
- d) public parks
- e) residential security operator unit
- f) retail stores, general
- g) utility services, minor impact

17.2.4. Subdivision Regulations:

- a) WIDTH:

The minimum lot width is 18.0 m.

- b) DEPTH:

The minimum lot depth is 30.0 m.

- c) AREA:

The minimum lot area is 700 m².

17.2.5. Development Regulations:

- a) FLOOR AREA RATIO:

The maximum floor area ratio is 2.0.

- b) SITE COVERGE:

The maximum site coverage is 50% for buildings and 75% for buildings, parking areas and roads.

- c) HEIGHT:

The maximum height is 13.5 m or 3 storeys.

- d) FRONT YARD:

The minimum front yard is 6.0 m.

e) SIDE YARD:

The minimum side yard is 3.0 m, except it is 6.0 m from a flanking street.

f) REAR YARD:

The minimum rear yard is 7.5 m.

17.2.6. Other Regulations:

a) ACCESSORY BUILDINGS:

Accessory buildings and structures used for maintenance and or storage (both temporary and permanent structures) must have a level 3 landscape buffer. No outdoor storage is permitted in this zone.

b) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

17.3. P3 – Utilities

17.3.1. Purpose:

The purpose is to provide a zone for private and public utilities.

17.3.2. Principal Uses:

a) utility services, major impact

17.3.3. Secondary Uses:

a) outdoor storage

b) participant recreation services, outdoor

c) utility services, minor impact

17.3.4. Subdivision Regulations:

a) WIDTH:

The minimum lot width is N/A.

b) DEPTH:

The minimum lot depth is N/A.

c) AREA:

The minimum lot area is N/A.

17.3.5. Development Regulations:

a) HEIGHT:

The maximum height is 10.0 m for principal buildings or structures and 23.0 m for accessory buildings or structures. There is no maximum height for mechanical structures.

b) FRONT YARD:

The minimum front yard is 6.0 m.

c) SIDE YARD:

The minimum side yard is 4.5 m, except it is 7.5 m when adjacent to a residential zone.

d) REAR YARD:

The minimum rear yard is 4.5 m, except it is 7.5 m when adjacent to a residential zone.

17.3.6. Other Regulations:

a) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

SECTION 18 -- SPECIAL MIXED USE ZONES

18.1. RMU- Residential Mixed Use Zone

18.1.1. Purpose:

The purpose is to provide a zone for primarily low to medium density residential mixed-use developments, with limited commercial, institutional, office and service uses distributed on-site in a manner sensitive to the street environment and adjacent residential areas.

18.1.2. Permitted Uses:

- a) apartment housing
- b) row housing
- c) duplex housing
- d) multi-plexes (3 or 4 units)
- e) congregate care housing
- f) public and private education services
- g) Convenience retail stores
- h) government services
- i) minor home occupations
- j) personal service shops
- k) professional, financial and office support services
- l) public libraries and cultural exhibits
- m) religious assembly
- n) public park

18.1.3. Secondary Uses:

- a) care centers
- b) neighbourhood pubs, for less than 100 occupants and 120 m2 of public space
- c) boarding and lodging houses
- d) child care services
- e) group homes
- f) health service

- g) hotels (small inns)
- h) household repair services
- i) indoor participant recreation services
- j) home occupations (major)
- k) private clubs/club house
- l) residential sales center

18.1.4. Buildings and structures permitted:

- a) apartment housing
- b) three and fourplex housing
- c) one duplex or semi-detached dwelling on a lot
- d) one single detached house on a lot or bareland strata lot
- e) row housing
- f) stacked row housing
- g) accessory buildings and structures

18.1.5. General Regulations

The following regulations shall apply to permitted and secondary uses:

- a) floor area ratio, site coverage, and the distribution of building heights and building setbacks on the site will be as approved by development permit, having due regard to the sensitive integration of building location and massing and other elements of form and character with the surrounding neighbourhood.

b) FLOOR AREA RATIO

The maximum floor area ratio is 1.0, except it is up to 1.3 where the developer has provided an amenity in compliance with the density bonusing provisions contained in section 7.15. Where parking spaces are provided totally beneath habitable space of a principal building or beneath usable common amenity areas providing in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2. Where a Housing Agreement is provided pursuant to the provisions of section 7.9, an amount of 0.1 may be added to the floor area ratio.

c) SITE COVERAGE

The maximum site coverage is 50% for buildings and 75% for all buildings, parking areas and roads.

d) HEIGHT

The maximum height is the lesser of 12.4 m or 3 storeys, except it is 4.5 m for accessory buildings and structures. This height is increased to the lesser of 16.5 m or 4 storeys where the developer has provided an amenity in compliance with the density bonusing provisions contained in section 7.15.

18.1.6. Other Regulations

a) ACCESSORY BUILDINGS

Accessory buildings and structures used for maintenance and or storage (both temporary and permanent structures) must have a 3 level landscape buffer.

b) OUTDOOR STORAGE

No outdoor storage is permitted in this zone.

c) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

d) Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

18.1.7. Additional Regulations for Specific Uses

a) Apartment housing with commercial uses on the main floor shall have access at grade which is separate from the commercial component.

b) Within this zone, surface parking lots shall not be permitted directly abutting the adjacent streets.

Bylaw No. 846, 2013

Date of Revision: October 6, 2014
Village of Fruitvale

SECTION 19 -- EFFECTIVE DATE

This Bylaw comes into force and takes effect on the date of adoption.

READ A FIRST TIME this 4th day of November , 2013.

READ A SECOND TIME as amended this 21st day of July, 2014.

Advertised on the 28th of August and the 4th day of September, 2014 and a Public Hearing held pursuant to the provisions of Section 890 of the Local Government Act on the 8th day of September, 2014.

READ A THIRD TIME this 6th day of October, 2014.

RECONSIDERED AND ADOPTED this 6th day of October, 2014.

Mayor

Chief Administrative Officer

I hereby certify the foregoing to be a true and correct copy of the Bylaw cited as "Village of Fruitvale Zoning Bylaw No. 846, 2013" as adopted by the Council of the Village of Fruitvale on the 6th day of October, 2014.

Dated at Fruitvale, BC

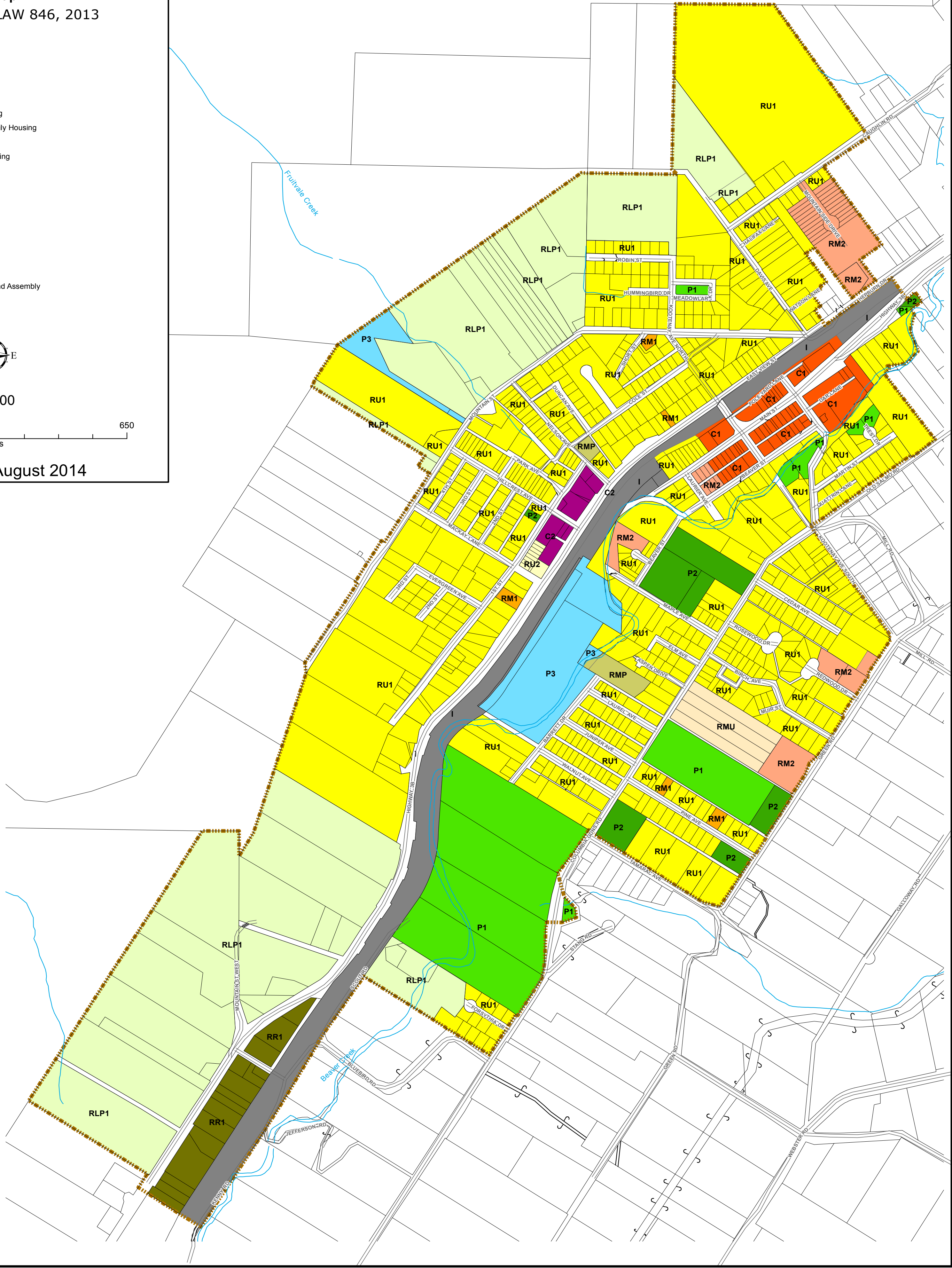
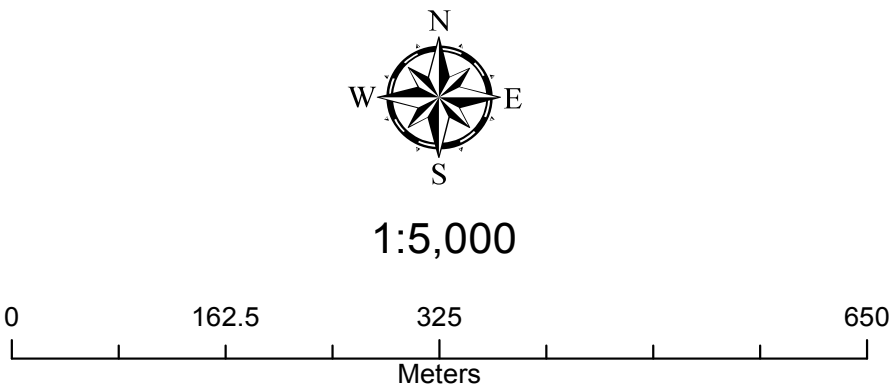
Chief Administrative Officer

VILLAGE OF FRUITVALE

Zoning Map

SCHEDULE A TO BYLAW 846, 2013

- RU1 - Single and Two Family Housing
- RU2 - Small Lot Single and Two Family Housing
- RM1 - Low Density Multiple Housing
- RM2 - Medium Density Multiple Housing
- RMP - Mobile Home Park
- RMU - Residential Mixed Use
- C1 - Village Centre Commercial
- C2 - Highway Commercial
- RLP1 - Rural Large Parcel 1
- RR1 - Rural Residential 1
- I - General Industrial
- P1 - Public Park and Open Space
- P2 - Administration, Public Service and Assembly
- P3 - Utilities



Schedule “B” – SIGN SPECIFICATIONS**Part 1 – DOWNTOWN COMMERCIAL ZONE (Development Permit Area) (VILLAGE CENTRE)****1. Projecting Sign**

- i. No sign shall be internally illuminated.
- ii. No sign shall exceed 0.56 square metres (6 square feet) in area, with the width of and sign being no greater than 1.0 metres (3.2 feet).
- iii. The sign shall hang under the projecting bar, supporting the sign, by 0.3 metres (0.98 feet).
- iv. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 10.16 centimetres (4 inches).
- v. No sign shall be located less than 1.0 metres (3.28 feet) from any part of the vehicular portion of any street.
- vi. No sign shall be higher than 3.66 metres (12 feet), nor lower than 2.4 metres (7.9 feet) from the ground directly underneath.

2. Canopy Sign

- i. The message area of a sign shall not exceed 0.2 square metres (2.2 square feet), for each 0.3 metres (0.98 feet) comprised in the length measured horizontally of that side of the canopy on which it is displayed.
- ii. No part of a sign, including an attached Marquee Sign, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iii. No part of a sign shall project above the top of the canopy.
- iv. Any lighting mechanism shall not directly or primary illuminate the canopy or its signage from within or underneath it.

3. Awning Sign

A sign may be permitted on an awning if:

- i. The sign is not illuminated, except that an indirect light from an artificial source, so shielded that no direct illumination for it is visible elsewhere than on the sign and in the immediate proximity thereof is permitted.
- ii. The sign does not extend vertically or horizontally beyond the limits of the awning.
- iii. The sign is painted or affixed flat to the surface of the awning.

4. Fascia Sign

- i. No sign shall be internally illuminated.
- ii. The display area of a sign shall not exceed 0.67 square metres (7.2 square feet) for each lineal metre (3.28 feet) of building face upon which the sign is mounted, with no vertical dimension being greater than 0.6 metres (1.97 feet).
- iii. No sign, including its fastenings and supports, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iv. No part of a sign shall extend beyond the width or height of the wall to which it is attached.
- v. The display area of the sign shall be parallel, throughout its length, to the plane of the building to which it is attached, and no part of the sign shall be further distant than 0.15 metres (0.5 feet) from the building face.

5. Parapet Sign (Downtown/Commercial Areas)

- i. Proof of the structural stability of the sign and assembly upon which the sign is to be erected shall be provided by the owner.
- ii. May not extend vertically or horizontally beyond the limits of the parapet wall.
- iii. Shall contain only the name of the business and/or the business logo.
- iv. Maximum area 0.3 square metres per linear meter of building frontage.

6. Suspended Sign

- i. The minimum height of an under canopy (suspended) sign shall be 2.5 metres (8 feet).
- ii. No under canopy sign shall extend horizontally beyond the limits of the canopy or marquee.
- iii. The maximum vertical dimension of an under canopy sign shall not exceed 300mm (12 inches).
- iv. The maximum sign area of an under canopy sign shall be 0.4 square metres (4.3 square feet).

7. Window Sign

- i. A Window Sign may be painted on, etched or installed on the inside of a window, and shall be limited to windows located on the first and second stories of a building.
- ii. Only Window Signs which identify the name of a business, including the professional designation, are permitted above the first storey of a building.
- iii. Window Signs are limited to a maximum of 1.5 square metres (16 square feet), or 20% of the total Window Area in which it is placed, whichever is less.
- iv. In the case of window door signs, the Window Sign shall not exceed 50% of the glass area.
- v. Miscellaneous business signs such as credit card stickers, open/closed signs and hours of operation are not included in this calculation, provided they do not exceed 0.20 square metres (2.25 square feet).
- vi. Window displays, including merchandise displays, graphics and text that are located more than 20 centimetres (1 foot) from the face of a window are not considered signs.

- vii. An internally illuminated Window Sign may comprise of a maximum of 8% of the Window Area, or 1.8 square metres (20 square feet), whichever is less.

8. Display Box

- i. Limit of one per principal entrance to a building or business frontage, provided it is located within 4.0 metres (13.1 feet) of the principal entrance of the business to which it relates.
- ii. Shall be building mounted (fascia).
- iii. Sign area may not exceed 0.6 square metres (6.45 square feet).
- iv. Height may not exceed 2.0 metres (6.5 feet).
- v. Maximum depth of 100 mm.

9. Sandwich Board Sign

An A-Board or Sandwich Board Sign is a permitted use in all commercial and industrial land use areas provided the sign:

- i. Does not exceed 0.8 square metres (8.6 square feet) in sign area per side.
- ii. Does not exceed 1.2 metres (4 feet) in height.
- iii. Is placed along the curb on the outside edge of the sidewalk and shall allow a minimum of 1.0 metres (3.2 feet) width for pedestrian traffic.
- iv. Is not placed so that it extends beyond the sidewalk edge.
- v. Is only placed on concrete sidewalks and not on grassed areas.
- vi. Does not impede or obstruct the view of pedestrians or street traffic.
- vii. Is only allowed on sidewalks during the hours when the business is open to the public.
- viii. A-Board signs are limited to one per business and are to be placed directly in front of the business subject to the requirement that an A-Board sign maintain a minimum separation distance of 10 metres (32 feet) from any other A-Board sign.

A-Board signs shall be constructed of a rigid material such that a rigid and stable frame is created.

A real estate A-Board directional sign is a permitted use in all residential districts provided the signs are only used in conjunction with an Open House or Show Home by a realtor and are only displayed on the days that the property is open to the public and are subject to the provisions under Real Estate Directional Signs. (See Part 2)

10. Notice Board Sign

- i. May be displayed in all commercial zones or as erected by the Village on public property.
- ii. Limit of one such sign per property.
- iii. Sign area may not exceed 2.0 square metres (21.5 square feet).
- iv. Height may not exceed 2.0 metres (6.5 feet).
- v. Maximum depth of 100mm.

PART 2 – HIGHWAY COMMERCIAL ZONE (Development Permit Area) (HIGHWAY 3B)**1. Awning Sign**

As in Part 1 of this Schedule.

2. Canopy Sign

- i. The message area of a sign shall not exceed 0.2 square metres (2.2 square feet), for each 0.3 metres (0.98 feet) comprised in the length measured horizontally of that side of the canopy on which it is displayed.
- ii. No part of a sign, including an attached Marquee Sign, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iii. No part of a sign shall project above the top of the canopy.

3. Monument Sign

- i. No sign shall project over a street.
- ii. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 0.3 metres (0.98 feet).
- iii. The display area of a sign shall not exceed 1.8 square metres (19.4 square feet) if one-sided or 3.6 square metres (38.8 square feet) if two-sided.
- iv. No sign shall exceed a height of 1.8 metres (5.9 feet).
- v. No sign shall be located within 1.0 metres (3.2 feet) of adjoining property.

4. Fascia Sign

- i. The display area of a sign shall not exceed 0.67 square metres (7.2 square feet) for each lineal metre (3.28 feet) of building face upon which the sign is mounted, with no vertical dimension being greater than 0.6 metres (1.97 feet).
- ii. No sign, including its fastenings and supports, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iii. No part of a sign shall extend beyond the width or height of the wall to which it is attached.
- iv. The display area of the sign shall be parallel, throughout its length, to the plane of the building to which it is attached, and no part of the sign shall be further distant than 0.3 metres (0.98 feet) from the building face.
- v. Shall not be located within 3.0 metres (9.8 feet) of an interior side lot line, within 1.0 metres (10.75 feet) of a building, or within 30.0 metres (98.5 feet) of another monument sign on the same lot.
- vi. Shall be placed in a landscaped area or planter at least twice as large as the sign area.
- vii. Shall be installed within the middle 2/3 of the business frontage.

5. Parapet Sign

- i. Proof of the structural stability of the sign and assembly upon which the sign is to be erected shall be provided by the owner.
- ii. May not extend vertically or horizontally beyond the limits of the parapet wall.
- iii. Shall contain only the name of the business and/or the business logo.

6. Pole/Pylon Sign

- i. No sign shall be permitted on a property less than 929 square metres (10,000 square feet) in area.
- ii. No sign shall project over a street.
- iii. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 0.3 metres (0.98 feet).
- iv. The display area, of each face, shall not exceed 0.09 square metres (1 square foot) for every 0.3 lineal metres (0.98 feet) of the front lot line, to a maximum of 9.3 square metres (100 square feet).
- v. No sign shall be wider than 10% of the front lot line.
- vi. No sign shall exceed a height of 6.1 metres (20 feet).
- vii. No sign shall be located within 3.0 metres (9.8 feet) of adjoining property lines, with the exception of properties abutting the highway which shall be setback a minimum of 7.5 metres (24 feet) from a property line abutting the highway.
- viii. No sign shall have the lowest part of its display area between an elevation of 1.0 metres (3.2 feet) and 2.0 metres (6.4 feet) above the surface of the ground underneath.

7. Election Sign

- i. Not permitted on public property.
- ii. May be placed on private property with the permission of the property owner.
- iii. Sign area may not exceed 1 square metre (10.8 square feet).
- iv. Height may not exceed 1.8 metres (5.9 feet).
- v. Shall be removed within 3 days of the date of the election.

8. Real Estate Sign

- i. May be displayed in any zone.
- ii. Limit of two such signs per property offered for sale, rent or lease.
- iii. Signs shall be placed on the property to which the sign relates.
- iv. Sign area may not exceed 0.6 square metres (6.45 square feet).
- v. Height may not exceed 1.0 metres (3.2 feet).
- vi. Where more than one unit or premises within a property is offered for sale, lease or rent at one time, the permitted sign area for each unit or premises may be combined to a maximum sign area of 1.5 square metres (16.15 square feet) and maximum height of 3.0 metres (9.8 feet), provided no other signs are erected relating to those properties.

- vii. Shall be removed no more than 14 days after the sale, rental, or lease of the advertised property, or 3 days from the date which it is taken off the market.

9. Development Sign

- i. May be displayed in any zone.
- ii. Limit of one such sign per development project.
- iii. Sign area may not exceed 1 square metre (10.8 square feet).
- iv. Height may not exceed 2.0 metres (6.5 feet).
- v. Shall be removed within 30 days of project completion.

10. Other (e.g. Poster Board)

Poster Board sign holders are permitted in all commercial and industrial zones in association with approved commercial developments provided that the sign:

- i. Does not exceed 0.8 square metres (8.6 square feet) in sign area per side.
- ii. Does not exceed 1.2 metres (4 feet) in height.
- iii. Is not placed so that it extends beyond the property line.
- iv. Does not impede or obstruct the view of pedestrians or street traffic.
- v. Poster board signs are limited to two per business.

PART 3 – MULTIPLE/MEDIUM DENSITY/MIXED RESIDENTIAL ZONES

1. Fascia Sign

- i. No sign shall be internally illuminated.
- ii. Nothing other than the name and address of the building complex shall be displayed on a sign.
- iii. The display area of a sign shall not exceed 1.0 square metres (10.8 square feet).
- iv. No sign shall be located on a building wall facing an interior side or rear property line.

2. Temporary Sign

- i. No sign shall be illuminated.
- ii. The display area shall not exceed 5.0 square metres (53.8 square feet) or have any single dimension that exceeds 3.0 metres (9.8 feet).
- iii. No sign shall be located less than 3.0 metres (9.8 feet) from any lot line.
- iv. The placement of such a sign shall be limited to a six-month period, at the end of which the sign must be removed.

3. Monument Sign

- i. No sign shall be internally illuminated.
- ii. Nothing other than the name and address of the building complex shall be displayed on a sign.
- iii. The display area of a sign shall not exceed 1.0 square metres (10.8 square feet) if one-sided or 2.0 square metres (21.5 square feet) if two-sided.
- iv. No sign shall exceed a height of 1.8 metres (5.9 feet).
- v. No sign shall be located within 3.0 metres (9.8 feet) of adjoining property lines.

4. Real Estate Sign

- i. May be displayed in any zone.
- ii. Limit of two such signs per property offered for sale, rent or lease.
- iii. Signs shall be placed on the property to which the sign relates.
- iv. Sign area may not exceed 0.6 square metres (6.45 square feet).
- v. Height may not exceed 1.0 metres (3.2 feet).
- vi. Where more than one unit or premises within a property is offered for sale, lease or rent at one time, the permitted sign area for each unit or premises may be combined to a maximum sign area of 1.5 square metres (16.15 square feet) and maximum height of 3.0 metres (9.8 feet), provided no other signs are erected relating to those properties.
- vii. Shall be removed no more than 14 days after the sale, rental, or lease of the advertised property, or 3 days from the date which it is taken off the market.
- viii. No permit required.

5. Development Sign

- i. May be displayed in any zone.
- ii. Limit of one such sign per development project.
- iii. Sign area may not exceed 1 square metre (10.75 square feet).
- iv. Height may not exceed 2.0 metres (6.5 feet).
- v. Shall be removed within 30 days of project completion.

6. Home Occupation Sign

- i. May be displayed in any residential zone where home occupantions are permitted with a valid municipal business license and providing the sign conforms with this Zoning Bylaw.

PART 4 – INDUSTRIAL ZONE**1. Monument Sign**

- i. No sign shall project over a street.
- ii. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 0.3 metres (0.98 feet).
- iii. The display area of a sign shall not exceed 2.32 square metres (25 square feet) if one-sided or 4.65 square metres (50 square feet) if two-sided.
- iv. No sign shall exceed a height of 1.8 metres (5.9 feet).
- v. No sign shall be located within 3.0 metres (9.8 feet) of adjoining property lines.

2. Pole/Pylon Sign

- i. No sign shall be permitted on a property less than 929 square metres (10,000 square feet) in area.
- ii. No sign shall project over a street.
- iii. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 0.3 metres (0.98 feet).
- iv. The display area, of each face, shall not exceed 0.09 square metres (0.97 square feet) for every 0.3 lineal metres (0.98 feet) of the front lot line, to a maximum of 9.3 square metres (100 square feet).
- v. No sign shall be wider than 10% of the front lot line.
- vi. No sign shall exceed a height of 6.1 metres (20 feet).
- vii. No sign shall be located within 3.0 metres (9.8 feet) of adjoining property lines, with the exception of properties abutting the highway which shall be setback a minimum of 7.5 metres (24.6 square feet) from a property line abutting the highway.
- viii. No sign shall have the lowest part of its display area between an elevation of 1.0 metres (3.2 feet) and 2.0 metres (6.5 feet) above the surface of the ground underneath.

3. Fascia Sign

- i. The display area of a sign shall not exceed 0.67 square metres (7.2 square feet) for each lineal metre (3.28 feet) of building face upon which the sign is mounted, with no vertical dimension being greater than 0.6 metres (1.97 feet).
- ii. No sign, including its fastenings and supports, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iii. No part of a sign shall extend beyond the width or height of the wall to which it is attached.
- iv. The display area of the sign shall be parallel, throughout its length, to the plane of the building to which it is attached, and no part of the sign shall be further distant than 0.3 metres (0.98 feet) from the building face.

4. Canopy Sign

- i. The message area of a sign shall not exceed 0.2 square metres (2.2 square feet), for each 0.3 metres (0.98 feet) comprised in the length measured horizontally of that side of the canopy on which it is displayed.
- ii. No part of a sign, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iii. No part of a sign shall project above the top of the canopy.

5. Projecting Sign

- i. No sign shall exceed 0.56 square metres (6 square feet) in area, with the width of and sign being no greater than 1.0 metres (3.2 feet).
- ii. The sign shall hang under the projecting bar, supporting the sign, by 0.3 metres (0.98 feet).
- iii. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 0.3 metres (0.98 feet).
- iv. No sign shall be located less than 1.0 metres (3.28 feet) from any part of the vehicular portion of any street.
- v. No sign shall be higher than 3.66 metres (12 feet), nor lower than 2.4 metres (7.9 feet) from the ground directly underneath.

6. Window Sign

- i. A Window Sign may be painted on, etched or installed on the inside of a window, and shall be limited to windows located on the first and second stories of a building.
- ii. Only Window Signs which identify the name of a business, including the professional designation, are permitted above the first storey of a building.
- iii. Window Signs are limited to a maximum of 1.5 square metres (16 square feet), or 20 percent of the total Window Area in which it is placed, whichever is less.
- iv. In the case of window doors, the Window Sign shall not exceed 50 percent of the glass area;
- v. Miscellaneous business signs such as credit card stickers, open/closed signs and hours of operation are not included in this calculation, provided they do not exceed 0.20 square metres (2.25 square feet).
- vi. Window displays, including merchandise displays, graphics and text that are located more than 20 centimetres (1 foot) from the face of a window are not considered signs.
- vii. An internally illuminated Window Sign may comprise of a maximum of 8 percent of the Window Area, or 1.8 square metres (20 square feet), whichever is less.

7. Others (Flags/Banners/Temporary Signs)

- i. No sign shall be illuminated;
- ii. The display area shall not exceed 5.0 square metres (53.8 square feet) or have any single dimension that exceeds 3.0 metres (9.8 feet);
- iii. No sign shall be located less than 3.0 metres (9.8 feet) from any lot line; and

Bylaw No. 846, 2013

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Village of Fruitvale

- iv. The placement of such a sign shall be limited to a six month period, at the end of which the sign must be removed.
- v. No sign shall be located on public property.
- vi. The display area of a sign shall not exceed 0.56 square metres (6 square feet) in area per advertising face and have dimensions not exceeding 0.6 metres (1.97 feet) in width by 1.0 metres (3.2 feet) in height.
- vii. The sign shall be hinged along the sign's upper edges, with not more than two advertising faces.
- viii. Sandwich Board Signs that have been placed on a municipal right-of-way, or are located on private property where such signs are prohibited; or are without the required permit, may be removed by the Village. Impounded signs will be held for a period of 30 days, at which time they will become the property of the Village unless returned to their owner upon payment of a Fifty (\$50.00) Dollar impound fee.

Schedule

10

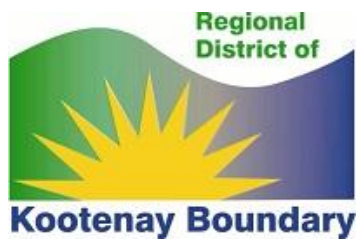
Bylaw No. 846, 2013

Date of Revision: October 6, 2014
Village of Fruitvale

Schedule “C” – SCHEDULES OF AMENDMENTS

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Schedule

**STAFF REPORT****Date:** 10 Oct 2014**File**ES Administration -
Water**To:** **Chair Worley and Members,
Electoral Area Services
Committee****From:** Bryan Teasdale, Manager of
Infrastructure and Sustainability**Re:** Christina Waterworks District - Water
Transition Study**Issue Introduction**

A Staff Report from Bryan Teasdale, Manager of Infrastructure and Sustainability, regarding a draft proposal from MMM Group to complete a Water Transition Study for the Christina Waterworks District Water System

History/Background Factors

In early 2014, RDKB Staff submitted an application for an Infrastructure Planning Grant Study in order to complete a Water Transition Study for the Christina Waterworks District. Recently, the RDKB has received approval on this grant application and as such, approached MMM Group to provide an engineering proposal to complete the study in 2015 and would involve completing the following general tasks:

1. Review current operations, costs and fees associated with the Christina Waterworks District water system,
2. Review long-term water supply delivery options for the current water system,
3. Determine possible future capital upgrades for the water system that may be required,
3. Determine future rate structures and their impact on rate payers based on possible future operations and capital costs of the water system, and
4. Review possible future administrative service delivery models for the water system.

The above-noted information is required for the RDKB to make a sound decision in embarking on the possibility of acquiring ownership of the water system should the RDKB become responsible for providing administrative, operational and maintenance services as per current and future IHA standards.

Implications

The MMM Group proposal falls within the allocated budget of this project, which is \$15,000. Additionally, as the RDKB will receive funds totaling \$10,000 through the province as per the above-mentioned grant program, a maximum contribution of \$5,000 will be required from the RDKB to complete the study.

This maximum contribution amount has been included within the Draft 2015-2019 Financial Plan

Advancement of Strategic Planning Goals

Completing this study would provide sound information to the RDKB Board and would ensure that any possible transition activities related to this core service would include extensive review of current Strategic Planning goals related to Exceptional Cost Effective and Efficient Services and Organizational Excellence.

Background Information Provided

1. MMM Group Engineering Proposal - Christina Water Transition (October 9, 2014)

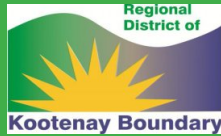
Alternatives

1. Receive the Staff Report.
2. Receive the Staff report and approve Staff to enter into a contract with MMM Group to complete the Christina Waterworks District Water Transition Study in 2015 for an amount not to exceed \$15,0000.
3. Receive the Staff report and request staff to obtain additional quotes.
4. Receive the Staff Report and direct Staff not to proceed with completing the Study.
5. Not to receive the Staff Report.

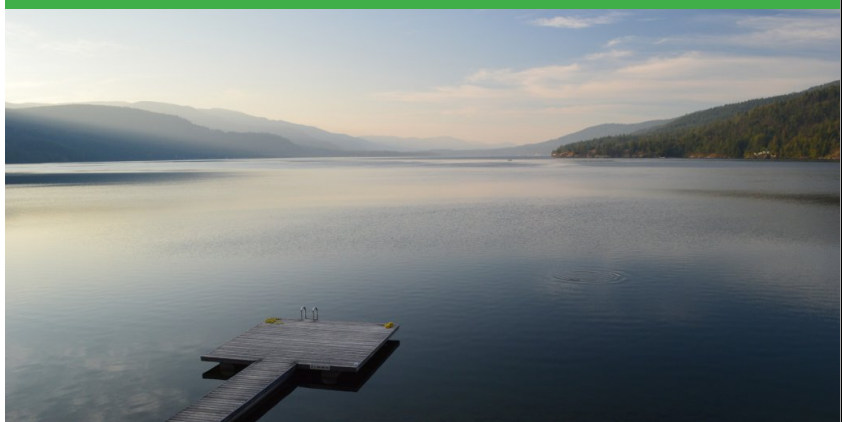
Recommendation(s)

That the Staff Report from Bryan Teasdale, Manager of Infrastructure and Sustainability, regarding a draft proposal from MMM Group to complete a Water Transition Study for the Christina Waterworks District Water System be received.

That the Electoral Area Services Committee recommend to the RDKB Board of Directors to approve Staff to enter into a contract with MMM Group to complete the Christina Waterworks District Water Transition Study in 2015 for an amount not to exceed \$15,0000.



Regional District of Kootenay Boundary



Request for Proposal

October 09, 2014

Christina Waterworks District Water Transition Study

MMM Contact:
Jim Roe, ASCT
540 Leon Avenue
Kelowna, BC V1Y 6J6
250.869.1334
RoeJ@mmm.ca



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1.0 INTRODUCTION

MMM Group Limited (MMM) has prepared the following proposal in response to the Regional District of Kootenay Boundary (RDKB) email request for proposal dated October 6, 2014 for the completion of the Christina Waterworks District Water Transition Study. The RDKB is seeking a qualified professional consultant to complete the review and assessment of the water utility that services the area of Christina Lake which is located East of Grand Forks in Area 'C' of the RDKB.

MMM understands that the objective of this assignment is to complete the transition study of the water utility and identify upgrades that may be required so that the RDKB can determine its acquisition viability. Our team will review the system for regulatory compliance, and assess the systems current and future operations, capital improvements and financial costs.

MMM is well qualified to complete this project. Over the past several years we have performed similar assessments for municipalities and regional districts and played key roles for numerous improvement projects where the main components (civil, structural, mechanical, electrical, permitting, ownership and environmental services) have been required for successful completion of the project. In this proposal, we will show examples of our successfully completed similar projects.

The strength of MMM's team is our local project manager and engineer who both have extensive experience in municipal infrastructure and the review, operations and expansion of water systems. This team will be supported by two senior advisors who will review the works and provide further recommendations and a quality control review of the project deliverables.

2.0 PROJECT UNDERSTANDING

The RDKB is looking to retain a consultant to review and complete transition study for the Christina Waterworks District water system located within the RDKB in a rural area east of the City of Grand Forks. This study is the first step in the potential utility transfer process.

The Christina Waterworks District Board of Trustees approached the RDKB to consider taking over operations of the water system. The Christina Lake area is a popular tourist destination and the water system services approximately 800 people in the winter and 6,000 people in the summer.

MMM is very familiar with providing water and utility assessments and understands that this assessment will help guide the RDKB forward in the acquisition process. Our team will complete the following tasks for this assessment:

- ▶ Review the systems legal documents (legal property, rights of ways, water licenses etc.)
- ▶ Current compliance regulatory agencies such as Ministry of Environment, Interior Health Authority, Water Utility Act and Utilities Commission Act
- ▶ Review existing operation and maintenance
- ▶ Assess current asset life expectancy
- ▶ Identify capital improvements required to meet current regulations or which may be required over the next 20 years
- ▶ Determine financial implications to users and the RDKB to maintain and/or improve the system

3.0 WORK PLAN

We have developed a work plan that implements the requirements for data collection, preparation and reporting. Our program was developed to optimize the RDKB's time and financial resources, while also optimizing use of MMM's resources.

We understand that good communication and coordination with the RDKB during all phases of this project is essential to its successful completion. We will endeavor to keep the RDKB informed and obtain their input on all aspects of the project through regular meetings, emails, and verbally throughout the project to ensure that the RDKB forms an integral part of the team and contributes during all stages.

In addition, as part of our project management commitment, MMM will provide monthly progress reports. The reporting will be based on the tasks identified in the work plan, and will summarize the work to date, task percentage complete and up-to-date project expenditures. In addition, the report will outline budget, schedule and scope issues for resolution.

3.1 Phase One: Project Initiation

3.1.1 Project Initiation Meeting

Objective

We will meet with the RDKB staff, on-site to go over the work plan, schedule and budget. We will ensure that it meets your needs, and will add or revise elements that you feel would better fit the program. The key issue will be to get clear direction on intended outcomes of the analysis processes.

Tasks

- ▶ Gather all background information, plans, policies and regulatory documents.
- ▶ Meet with the RDKB to clearly define stakeholders and protocol for interaction, to confirm work plan and to confirm / refine the project schedule.
- ▶ Confirm any RDKB policies that are to be incorporated into the utility assessment.
- ▶ Confirm system design criteria and objectives.

3.1.2 Background Review

Our consulting team will review the relevant background material, including mapping, system models (if available), studies, reports, Tangible Capital Asset (TCA) inventory, utility rates, utility structure, legal plans, conditions on permit, and all other available information.

3.2 Phase Two: Existing Infrastructure Review

Based on the review of background material, our team will analyse the existing infrastructure with respect to its ability to meet current and future community needs. This exercise will include analysis of infrastructure condition, system capacity and system operations. We will conduct a tour with RDKB and operations staff to assist in understanding local perspectives, issues and opportunities. Infrastructure recommendations / solutions will be made within the requirements of the current regulatory bodies of the Ministry of Environment and Interior Health Authority.

The distribution system will be reviewed against available record drawings to determine if any utilities are not located in rights of way. The location of key features will be located with our hand held GPS unit and geo-referenced photographs. If there are too many discrepancies between the drawings and in field verification a detailed survey may be required at which point our project manager will discuss available options with the RDKB.

3.3 Phase Three: Financial Plan

The key objective of the financial review is to determine if the system is operating as a financially viable standalone utility. The financial plan will confirm where the Christina Waterworks District is doing the right things; from an operational perspective and in what areas it can improve. The financial analysis will evaluate financing options for capital improvements. We will determine the appropriate utility rates to fund current operations, ongoing capital investments and system improvements, such as infrastructure replacement and conservation. We will review historical revenues and expenditures to establish a base case financial model and to develop a capital expenditure forecast from the recommended infrastructure improvement projects.

The financial analysis will provide a summary of the existing systems with a long-term projection (20 year) to address financial and economic impacts of:

- ▶ Improvements to the existing water, distribution and treatment systems;
- ▶ Expansion to address projected development and expansion in residential growth;
- ▶ Impact on utility rates;
- ▶ The investment (and timing thereof) required to operate sustainable utilities; and
- ▶ Rate forecasts

Our perspective will be to define the utility as a fully independent operation from other RDKB services, reliant upon generating its own resources to offset expenditures and to deliver operational goals. This will allow us to compartmentalize the utilities and to determine the true cost for providing service. The result of the financial modeling will be a financial plan that will address three primary goals for the utilities, namely to:

- ▶ Identify sustainable rates packages for users, which account for system upgrades and renewal into the future;
- ▶ Propose a funding plan for conservation initiatives and system improvements; and
- ▶ Provide guidance to improve or sustain acceptable service delivery.

We will draft a complete copy of the financial plan for review and comment by the RDKB. After the RDKB has reviewed the draft plan, our team will make any necessary revisions, as identified by staff.

3.4 Phase Four: Summary Report

A summary report will be prepared and presented to the RDKB. In the report MMM will summarize all findings for the utility. A draft table of contents showing the expected headings may be as follows:

- ▶ General Utility Description
 - Location, History and Service Area
 - Governance
 - Administration
 - Permits, Licenses, Registrations and Certificates
- ▶ Current Utility Infrastructure Conditions and Conformance with RDKB and Government Regulations
 - Source
 - Source Protection
 - Well
 - Treatment
 - Storage
 - Distribution System
 - Communication System
- ▶ Financial Status
 - Revenue
 - Expenditure
 - Asset Value
 - Reserves
- ▶ Operation and Maintenance Considerations
 - Maintenance Activities
 - Sampling and Reporting
 - Emergency Response Procedures
- ▶ Land Use Plans and Growth Projections

- Official Community Plan
- Zoning Bylaw
- ▶ Future Upgrades to meet RDKB and Government Regulations
 - Infrastructure Upgrading Plan
 - Operations and Maintenance Plan

3.5 Project Management and Advisory Services

Communication with project manager – For this project all formal communication will be between our project manager and the RDKB representative. We will provide **weekly updates** and a monthly summary report (in either electronic or a hard copy format depending on the client's desire) that will identify:

- ▶ The status of the project
- ▶ A comparison of the actual versus planned schedule
- ▶ Our cost control spreadsheet
- ▶ Any approved extra work
- ▶ Any issues of concern
- ▶ The anticipated activity for the following weeks

A follow up telephone conversation will take place between the project manager and RDKB's representative for each report.

3.6 Deliverables

Our submissions for the project will be based on these requirements:

- ▶ Meeting facilitation – the meeting agenda and previous minutes will be submitted to the RDKB project manager within three (3) days of the meeting.
- ▶ Drawing submissions – completed full size drawings, reduced (11x17) drawings and digital files in AutoCAD 2014 and Adobe PDF formats.
 - All drawing shall use a geodetic datum and UTM Nad 83 coordinates.
 - Drawing will use SI units throughout.
 - Be acceptable to the Regional District's Geographical Information Systems department.
- ▶ Summary Report – one copy will be submitted in hard copy (8.5 x 11) format in digital MS Word, MS Excel and Adobe PDF format.

- ▶ Quality Control Plan - as a component of our in-house QA/QC program, MMM Group assigns a senior staff member to review all reports, drawings, specifications and other documents prior to being issued. The review process is company policy for all the documents that we prepare. This will be part of the quality control plan for this project.

MMM's goal is to provide consulting service in complete conformance with the stated requirements of its clients, and achieve total client satisfaction through delivery of error-free services on time and within budget. In order to achieve this objective, MMM established, implemented and maintains a quality management system that references ISO 9001 requirements. Our quality plan includes mechanisms for change control, corrective action, and quality assurance. It serves as a framework for us to meet our obligations as professional engineers and provide first-class client service.

4.0 SCHEDULE

4.1 Project Schedule

We commit to having the project areas deliverables provided by mid-2015 in accordance with the timeline expectations of the RDKB.

MMM has the resources required to achieve these dates. It is assumed that RDKB will expedite design comments and return comments back within seven (7) days to MMM once receiving our submittals so that these timelines can be met. The following shows a summary of the expected key project milestone dates to completion of the report, assuming a project start date of January 5, 2015.

Project Stage	Date
Start-up Meeting	January 5, 2015
Background Information	January 16, 2015
Water System Demand Analysis and Condition Assessment	January 30, 2015
Draft Report Submittal	February 27, 2015
Draft Report Review Meeting	March 13, 2014
Capital Improvement Plan and Financial Impacts	March 27, 2015
Final Report Submittal	April 17, 2015
Final Report Review Meeting	April 24, 2015
Final Submittal and Project Closeout	May 1, 2015

This schedule may be expedited depending on the availability of information, and RDKB's ability to review and provide comments on submittals. In the event of a later project start date, the milestone dates would need to be adjusted accordingly.

5.0 CORPORATE PROFILE AND PROJECT PERSONNEL

5.1 MMM Group Limited

MMM will be the prime consultant for this project. MMM is a privately held Canadian company with over 2,000 staff offering comprehensive consulting services in project management, engineering, planning, and geomatics to government and private sector clients across Canada and overseas.

This assignment will be led by our Kelowna team; our personnel will work closely with RDKB staff to ensure an on-time and on-budget project. Our office is located in downtown Kelowna and will serve as the lead project office for this assignment.

Our Kelowna office has a staff of 30 employees and our facilities include videoconferencing capability with other MMM offices, contract document and drawing production capability, accounting, and IT support staff. Additionally, our Vancouver office has approximately 180 engineers and support staff to provide assistance to our Kelowna team if necessary.

Full detailed resumes on each of our project personnel are available upon request.

Identified key project team members shall only be replaced with written approval of the RDKB.

5.2 Why are we Interested?

We are interested in RDKB as a client, and this assignment in particular, because:

- ▶ Our corporate philosophy of achieving long-term professional relationships and developing sustainable solutions for communities is part of our culture.
- ▶ The type of work that the RDKB requires is well within our capability and is part of our core business. Our team has been working on three similar assignments over the last year.
- ▶ Many of our key personnel have been involved in the planning, operation, design and construction of municipal infrastructure including local service area improvements and water master planning for small to medium sized municipal or provincial clients. We enjoy working on these assignments and with these clients because our corporate and personal abilities are very much appreciated and in line with this service.

5.3 Advantages of our Team

MMM brings the capabilities necessary to fulfill and exceed the objectives of RDKB. We offer a fresh approach with:

- ▶ **Local Government Experience** – our team members in the BC Interior office have 100 years of combined experience in local government consulting, providing engineering, planning, operations and corporate services solutions.
- ▶ **Real Experience with Similar Assignments** – Our team members have recently completed and are currently engaged in planning, engineering, of water system related projects for many municipalities, regional districts and the province.
- ▶ **Personal Service from Our Core Team** – We will attend meetings and be available in person when required. Our goal, as with all of our assignments, is to provide the client with outstanding service and products, on time and within budget.

5.4 Project Personnel

Our project team is comprised of individuals with extensive project management, research, planning, system modelling, financial, design, construction and operations experience who will work closely with RDKB staff to deliver this plan. For effective project delivery, we can offer additional depth of technical support in addition to the key individuals identified in the areas of land use planning, mechanical, electrical and structural engineering. With the following proposed project team we have:

- ▶ Identified key personnel with appropriate expertise who can commit to the assignment as a priority
- ▶ Included personnel with a demonstrated ability to plan, research, design, monitor, control and administer projects to minimize costs and maintain the schedule
- ▶ Appointed a strong project manager and project engineer who can apply the experience gained from recent assignments in utility analysis and assessment
- ▶ Included personnel and teams members who have successfully completed numerous assignments within the BC Interior.

The proposed water utility transition study will require an experienced and diverse team with a wide range of skills and expertise, such as:

- ▶ Project management
- ▶ Water system analysis/design
- ▶ System planning operations
- ▶ Letters patent and regulatory reviews
- ▶ Survey (legal and topographic)
- ▶ Report writing

Jim Roe, ASCT

MMM Project Manager (Client Liaison)

For this assignment, Jim Roe will be the project manager for all phases of the project providing day-to-day direction and guidance to the project team. He will be the liaison between MMM's project team and the RDKB project manager.

Jim is a project manager in the MMM Kelowna office. He specializes in municipal administration, project management, municipal infrastructure design and operations and capital planning. He has spent a majority of his career completing retro fit projects for local government clients. Prior to joining MMM, Jim was the public works manager at RDCO where he was involved in the sewer and water capital plan.

Over the past 30 years Jim has worked in consulting and local government, municipal engineering and land development, as well as all aspects of project management. He has exceptional local government and regulatory knowledge, technical expertise in public works operations, municipal engineering and planning.

Some of Jim's relevant project experience includes:

- ▶ Village of Lumby Water Utility 20 Year Financial Master Plan
- ▶ Anaconda Water System Assessment
- ▶ Greenwood Wastewater Utility Financial Master Plan
- ▶ Deer Park Estates Phase 4 Utility Upgrade

Sean Wren, P.Eng.

MMM Project Engineer

Sean Wren is a civil engineer who has demonstrated a commitment to excellence and leadership in engineering. Sean is currently leading a water master-planning report for the Village of Lumby and similar exercises with the RDKB for the unincorporated area of Anaconda and with the Regional District of Okanagan-Similkameen for the unincorporated area of Willowbrook, north-west of the Town of Oliver. Sean is also working on a wastewater master-planning report for the City of Greenwood. Sean's background in planning and design will make him a good fit for this assignment.

Sean will be the project engineer responsible for the technical review and asset assessment of the water system.

David Gibson, P.Eng.

MMM Advisor / Quality Control

For this assignment David will work with the project team as an expert advisor and quality control specialist.

David is a civil engineer who has demonstrated a commitment to excellence and leadership in the engineering industry since 1984. He has extensive experience with water systems of all scopes, from design and contract administration to water system assessment and water use

studies. David has proven success with a range of stormwater management and drainage / irrigation projects, including studies, design, and construction. He also has proven experience with a myriad of sanitary sewer system design, contract administration, feasibility studies, and pre-design reports. He has successfully led numerous transportation and road upgrading projects throughout British Columbia and Alberta.

Some of Dave's relevant project experience includes:

- ▶ Project manager, Harvey Avenue Water and Sewer, City of Kelowna, British Columbia
- ▶ Project manager, Arrow Creek Water Transmission Main Repair / Replacement, Creston, British Columbia, Regional District of Central Kootenay
- ▶ Project manager, Pinnacle Ridge Subdivision Booster Pump Station and Reservoir, Anmore, British Columbia, The Bowra Group
- ▶ Project manager, Silver Star Water Supply, Vernon, British Columbia, Silver Star Ski Resort
- ▶ Project manager, North Thompson, Monck, Shuswap and Herald Water Systems, Thompson Okanagan Region, British Columbia, Ministry of the Environment / BC Parks

Tyler Fox, P.Eng., ALS, BCLS, Associate

Surveyor

Tyler will conduct any survey work, if required, and legal title research for the utility. He has managed public works surveys, ranging from legal boundary placement to pre-construction and construction layout surveys, and natural boundary definition to evidence restoration and re-establishment. Tyler had been involved in several projects requiring the research of right-of-ways and boundary establishment.

5.5 Availability and Commitment

The RDKB's timing for issuing the RFP and awarding the successful consultant is ideal as it allows MMM to keep its proposed personnel available for this project as a priority.

MMM's project team is a skilled and experienced group available to commit sufficient time and resources to this project. With our team located in Kelowna and will be close enough to deal with any immediate concerns during the assignment.

6.0 FIRM EXPERIENCE AND REFERENCES

MMM has provided consulting services on several similar projects throughout the region. For many consecutive years, we have retained strong working relationships with the same clients, providing consistent client satisfaction through complete design execution and efficient project management. MMM’s quality management program helps to ensure that projects are completed on-time, on-budget and with total client satisfaction.

Willowbrook Water System Assessment

MMM is currently working with the Regional District of Okanagan-Similkameen, in coordination with Willowbrook Utilities, in performing an analysis of the water system for the unincorporated area of Willowbrook. This exercise will provide recommendations for the phasing and funding of recommended infrastructure upgrades to the system, as well as a proposed ownership model and rate structure.

City of Greenwood Wastewater Utility Financial Master Plan

MMM is currently working with the City of Greenwood in developing a financial master plan for the wastewater utility. This exercise will provide recommendations for the phasing and funding of recommended infrastructure upgrades to the collection and treatment systems.

Village of Lumby Water Utility Financial Master Plan

MMM is currently working with the Village of Lumby in developing a financial master plan for the water utility. This exercise will provide recommendations for the phasing and funding of recommended infrastructure upgrades to the supply, storage and distribution systems.



Anaconda Water System Assessment

MMM is currently working with the Regional District of Kootenay Boundary, in coordination with the City of Greenwood in performing an analysis of the water system for the unincorporated area of Anaconda. This exercise will provide recommendations for the phasing and funding of recommended infrastructure upgrades to the system, as well as a proposed ownership model and rate structure.



City of Merritt Integrated Growth Strategy

MMM worked with the City of Merritt in developing an integrated growth strategy. This document integrates land use, infrastructure, community services, economic development, finance and operations. The document serves to chart the future of the community and give the decision makers the tool to balance the infrastructure investment with economic development initiatives.

City of Williams Lake Water Management Bylaw, Emergency Response Plan and Water Utility Business Plan

MMM completed a series of studies associated with planning for the City's water system. These assignments included development of a water conservation plan, new water management bylaw to comply with the Drinking Water Protection Act, updating the emergency response plan and finally a comprehensive review of the City's water rate structure as part of the business plan for the utility.

6.1 References

Regional District of Okanagan-Similkameen Liisa Bloomfield, Engineer t: 250.490.4229 e:lbloomfield@rdos.bc.ca	City of Greenwood Randy Smith, Public Works Superintendent t: 250.528.5288 e:publicworks.greenwoodcity@shaw.ca
Village of Lumby Jeremy Sundin, Director of Finance t: 250.547.2171 e:jeremys@lumby.ca	City of Trail John Howes, Engineering Technician t: 250.364.1262 e:jhowes@trail.ca
Ministry of Environment (misc. water system assessments and improvements since 2007) Dave Richmond t: 250-490-8259 e: Dave.Richmond@gov.bc.ca	

7.0 FEES

MMM will provide the services described in this proposal for a lump sum fee of **\$15,000.00** including disbursements, plus applicable taxes.

7.1 Cost Control

Cost control for this assignment will include monthly monitoring of the status of the project and a comparison to the schedule. The time and cost spent will be compared to our fee spreadsheet on a monthly basis.

7.2 Invoicing

Invoices for the work shall be submitted monthly. The invoices will be based on the hourly rates quoted and the actual work performed that month. The invoices shall be due and payable within 30 days of receipt of the invoice.

7.3 Additional or Optional Services

In the event that optional or additional services are required, we will prepare a budget and work plan for approval. The hourly rates quoted, as well as disbursement rates, will be fixed for the project during the 2015 calendar year and will also apply to any extra services that may arise.

7.4 Assumptions

Our proposed fees are based on the following assumptions:

- ▶ Receipt of all information identified in Section 3.1.2
- ▶ RDKB providing complete and accurate digital base plan and aerial photography
- ▶ RDKB providing existing water information, mapping, and model (model, if available)
- ▶ RDKB providing digital versions of reports and information from previous consultants work
- ▶ That the provided information is adequate to assess the system

		M E M O R A N D U M		
TO:	Director Ali Grieve, Area "A"			
FROM:	Beth Burget - Financial Services Manager			
RE:	Grants-In-Aid 2014			
Balance Remaining from 2013			\$	9,860.00
2014 Requisition			\$	31,467.00
Less Board Fee 2014			\$	(1,167.00)
Total Funds Available:			\$	40,160.00
RESOLUTION #	DATE	RECIPIENT	AMOUNT	
49-14	Jan-14	CFDC - Greater Trail - Junior Dragons' Den	\$	500.00
74-14	Feb-14	J.L. Crowe - In Memory of Fallen Firefighters - scholarship	\$	500.00
74-14		B.V. Communities In Bloom	\$	2,500.00
110-14	Mar-14	BV Cross Country Ski Club - equipment garage floor repair	\$	500.00
110-14		Village of Montrose - Montrose Family Fun Days	\$	500.00
110-14		B.V. NiteHawks Hockey Club - jersey advertising	\$	1,500.00
110-14		BV Golf & Recreation Society - replace bridge approaches	\$	3,000.00
110-14		Champion Lakes Golf Course - tee box advertising	\$	224.00
110-14		Beaver Valley May Days - sponsorship	\$	4,000.00
154-14	Apr-14	Western Financial Group - fund raising	\$	100.00
154-14		Father's Day Charity Golf - Golf Hole sponsorship	\$	600.00
154-14		BV Citizen of the Year - award & reception	\$	100.00
154-14		B.V. Age Friendly Committee - promotion of programs	\$	1,000.00
154-14		BV Lanes - Marketing & promotions	\$	500.00
154-14		Zone 6 - BC Seniors Games - participation in Langley	\$	400.00
154-14		Bike to Work - Week of May 26 - June 1	\$	1,000.00
154-14		KBRH Health Foundation - Critical Care Campaign	\$	1,000.00
154-14		LCCDTS - 2014 support	\$	1,584.00
190-14	May-14	J.L. Crowe Grad Committee - grad activities	\$	500.00
190-14		Take A Hike Youth at Risk Foundation - support for program	\$	1,000.00
310-14	Aug-14	City of Trail Communities in Bloom- provincial conference	\$	500.00
365-14	Sep-14	Beaver Valley Nite Hawks - updating equipment/bus maintain	\$	1,100.00
365-14		5 Tenets Marshall Arts Society - 3rd Annual Championships	\$	500.00
365-14		Village of Fruitvale - Heritage Walk Concept plan	\$	10,000.00
365-14		Village of Fruitvale - B.v. Seniors Salute to Hollywood Classics Calandar	\$	1,000.00
365-14		Beaver Valley Age Friendly - hosting of wine & cheese	\$	750.00
365-14		Fruitvale Community Chest - Christmas hampers	\$	1,500.00

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Total			\$ 36,358.00
BALANCE REMAINING			\$ 3,802.00

		MEMORANDUM	
TO:	Director Linda Worley, Electoral Area 'B'/ Lower Columbia-Old Glory		
FROM:	Beth Burget - Financial Services Manager		
RE:	Grants-In-Aid 2014		
Balance Remaining from 2013			\$ 20,692.00
2014 Requisition			22,744.00
Less Board Fee 2014			(844.00)
Total Funds Available:			\$ 42,592.00
RESOLUTION #	DATE	RECIPIENT	AMOUNT
49-14	Jan-14	CFDC - Greater Trail - Junior Dragons' Den	\$ 500.00
49-14		WINS Transition House	\$ 1,000.00
74-14	Feb-14	J.L. Crowe - In Memory of Fallen Firefighters - scholarship	\$ 500.00
74-14		BC Special Olympics - Trail - special olympics program	\$ 500.00
74-14		Kootenay Columbia Learning Centre - 2014 Scholarship	\$ 500.00
110-14	Mar-14	J.L. Crowe Grad 2014 - 2014 Dry Grad	\$ 500.00
110-14		BC Seniors Games - Zone 6 - participation in games in Langley	\$ 400.00
110-14		Genelle Senior's Club - new chairs/tables & 2 carts	\$ 2,800.00
154-14	Apr-14	Rivervale Recreation - retractable awning	\$ 4,589.54
154-14		Beaver Creek Soccer Park Society - goalie posts & net replacement	\$ 2,500.00
154-14		Bike to Work - Week of May 26 - June 1	\$ 1,000.00
154-14		LCCDT - 2014 support	\$ 987.00
154-14		Rossland Golden City Days	\$ 1,500.00
190-14	May-14	Take A Hike Youth At Risk Foundation - support for program	\$ 2,500.00
190-14		Casino Recreation - community hall upgrades	\$ 8,000.00
190-14		Mad Trappers Annual Fundraiser - Critical Care Campaign	\$ 1,000.00
310-14	Aug-14	Genelle Recreation - Adult Outdoor Fitness Equipment	\$ 1,800.00
365-14	Sep-14	5 Tenets Marshall Arts Society - 3rd Annual Championships	\$ 500.00
365-14		BlackJack Ski Club - upgrade of waxing sheds	\$ 3,500.00
Total			\$ 34,576.54
BALANCE REMAINING			\$ 8,015.46

		M E M O R A N D U M		
TO:	Director Grace McGregor, Electoral Area 'C'/Christina Lake			
FROM:	Beth Burget, Financial Services Manager			
RE:	Grants-In-Aid 2014			
Balance Remaining from 2013				\$ 6,819.00
2014 Requisition				60,450.00
Less Board Fee 2014				(2,150.00)
Total Funds Available:				\$ 65,119.00
RESOLUTION #	DATE	RECIPIENT	AMOUNT	
49-14	Jan-14	Christina Lake Community Hall - use by non-profits	\$ 1,000.00	
49-14		Christina Gateway Comm. Develop. - C.L. Homecoming	\$ 15,000.00	
49-14		Christina Gateway Comm. Develop. - C.L. Promotion	\$ 3,255.00	
49-14		Christina Gateway Comm. Develop. - Wedding Promotions	\$ 1,500.00	
49-14		Christina Gateway Comm. Develop. - Boundary Economic Devel.	\$ 4,000.00	
49-14		Christina Gateway Comm. Develop. - Community Activities	\$ 1,000.00	
49-14		City of Grand Forks - Family Day Event	\$ 500.00	
49-14		Boundary Chamber of Commerce - projects & initiatives	\$ 2,500.00	
49-14		Christina Lake Community Assoc. - Winterfest	\$ 1,000.00	
74-14	Feb-14	Grand Forks ATV Club - multi use trail system	\$ 1,500.00	
110-14	Mar-14	South Okanagan Minor Hockey - Midget Rep Tier 3 provincials	\$ 400.00	
110-14		BC Seniors Games - Zone 6 - participation in games in Langley	\$ 400.00	
110-14		Christina Gateway Development - non-profit advert. Assistance	\$ 3,000.00	
110-14		Christina Gateway Development - Temporary Use Permit	\$ 735.00	
110-14		Christina Gateway Development - 2014 Easter Egg Hunt	\$ 300.00	
110-14		Boundary Youth Soccer Association - upgrading of equipment	\$ 2,000.00	
154-14	Apr-14	Christina Gateway - Economic Development Workshop	\$ 3,000.00	
154-14		Christina Gateway - Pens w logo for Welcome Centre	\$ 250.00	
154-14		Zone 6 - BC Seniors Games - participation in Langley	\$ 400.00	
154-14		C.L Recreation - Triathlon & jerseys	\$ 1,500.00	
154-14		Phoenix Foundation - 'Vital Signs 2014'	\$ 1,000.00	
154-14		Grand Forks International Baseball - annual tournament	\$ 700.00	
249-14	Jun-14	Christina Lake Boat Access Society - annual 'dump' day	\$ 400.00	
249-14		Christina Gateway Development - Cops for Kids	\$ 300.00	
249-14		Columbia Basin for Literacy - Family Literacy Program	\$ 700.00	
272-14	Jul-14	C.L. Community Association - 2 fresh water coolers for center	\$ 500.00	
272-14		C.L. Ladies Golf Open - annual golf tournament	\$ 300.00	
272-14		Cascade Cemetery Volunteers - completion of sign	\$ 500.00	

365-14	Sep-14	Selkirk College - Grand Forks - 3 Agricultural workshops	\$ 500.00
Total			\$48,140.00
BALANCE REMAINING			\$ 16,979.00

M E M O R A N D U M			
TO:	Roly Russell - Acting Director, Electoral Area 'D'/Rural Grand Forks		
FROM:	Beth Burget - Financial Services Manager		
RE:	Grants-In-Aid 2014		
Balance Remaining from 2013			\$7,682.00
2014 Requisition			38,375.00
Less Board Fee 2014			(1,375.00)
Total Funds Available:			\$44,682.00
RESOLUTION #	DATE	RECIPIENT	AMOUNT
49-14	Jan-14	CFDC - Greater Trail - Junior Dragons' Den	\$ 500.00
49-14		Boundary Dog Sled Association - dog sled races at Jewel Lake	\$ 1,500.00
49-14		Community Futures Boundary - Fred Marshall attend Vancouver meeting	\$ 1,408.02
49-14		City of Grand Forks - Family Day event	\$ 500.00
74-14	Feb-14	Boundary Horse Association - licence fee renewal	\$ 3,460.00
110-14	Mar-14	Boundary Youth Soccer Association - upgrading of equipment	\$ 2,000.00
154-14	Apr-14	Sunwind Solar Industries - annual Solar Car contest	\$ 303.33
249-14	Jun-14	Columbia Basin for Literacy - Family Literacy Program	\$ 700.00
249-14		Grand Forks Art Gallery Society - G.F. Visitor Center signage	\$ 1,550.00
249-14		Grand Forks ATV Club - staging area signage	\$ 4,000.00
249-14		Boundary Invasive Species Society - summer student wage/etc.	\$ 1,000.00
249-14		Phoenix Foundation Boundary - community forums/data sourcing	\$ 1,000.00
249-14		Phoenix Interpretive Forest Society - Marshall Lake Shorline	\$ 3,000.00
272-14	Jul-14	Grand Forks & District Fall Fair - annual fall fair	\$ 3,500.00
310-14	Aug-14	Grand Forks Citizens on Patrol - gas & radios	\$ 1,000.00
310-14		Grand Forks Community Trails Society - redecking Nursery Trestle	\$ 4,000.00
365-14	Sep-14	Selkirk College - Grand Forks - 3 Agricultural workshops	\$ 1,500.00
Total			\$30,921.35
Balance Remaining			\$ 13,760.65

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M E M O R A N D U M			
TO:	Director Bill Baird, Electoral Area 'E' West Boundary		
FROM:	Beth Burget, Financial Services Manager		
RE:	Grants-In-Aid 2014		
Balance Remaining from 2013			\$ 22,225.00
2014 Requisition			\$ 86,426.00
Less Board Fee 2014			(3,026.00)
Total Funds Available:			\$ 105,625.00
RESOLUTION #	DATE	RECIPIENT	AMOUNT
49-14	Jan-14	Boundary Chamber of Commerce - projects & initiatives	\$ 2,000.00
49-14		Boundary Dog Sled Association - dog sled races at Jewel Lake	\$ 2,500.00
49-14		Community Futures Boundary - Fred Marshall attend Vancouver meet	\$ 1,408.02
49-14		Phoemix Mountain Ski Society - ski hill operations	\$ 5,000.00
49-14		Midway Trails Society - directional signage	\$ 2,000.00
49-14		Kettle River Seniors #102 - "Wellness Car"	\$ 5,000.00
49-14		Beaverdell Community Club Library - purchase of books	\$ 1,000.00
49-14		Kettle River Museum Society - on-going costs	\$ 2,000.00
49-14		Greenwood Heritage Society - photo copy machines	\$ 1,500.00
49-14		West Boundary Elementary School	\$ 1,500.00
49-14		Kettle River Racing Society - Snowmobile races	\$ 1,000.00
49-14		B.W.Fire Dept - Beaverdell Fire Dept - upgrade recruitment & training programs	\$ 10,000.00
49-14		West Boundary Rescue - training for first responder	\$ 5,000.00
49-14		Greenwood Community Christmas Dinner	\$ 400.00
49-14		Midway Community Association - sage theatrical lighting equip.	\$ 1,000.00
49-14		B.W. Community Policing Society - operating funds	\$ 4,000.00
49-14		RCMP West Boundary Community Consulting - New years eve family fun skate	\$ 200.00
49-14		Art E'scape - ongoing operating costs	\$ 2,500.00
74-14	Feb-14	B.W. Fire Dept Auxiliary - fridge/freezer & chafing dishes	\$ 2,500.00
110-14	Mar-14	Greenwood Elementary School - JR Golf development	\$ 1,500.00
110-14		City of Greenwood - municipal pool	\$ 4,500.00
110-14		Rock Creek & Boundary Fair - upgrade kitchen facilities	\$ 5,000.00
110-14		Village of Midway - arena upgrades	\$ 1,200.00
110-14		Boundary Women's Softball - windup tourn/prized, insurance, etc.	\$ 1,000.00
110-14		Rock Creek Ladies Fastball - Softball BC Insurance	\$ 500.00
154-14	Apr-14	Discover Rock Creek - 2014 Business Directory	\$ 25.00
154-14		Boundary Creek Times - 2014 Business directory	\$ 262.50

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154-14		Riverside Artist Society - Art & Culture Show	\$ 385.00
154-14		Greenwood Fire Department - AED purchase	\$ 3,500.00
154-14		Greenwood Community Association - hall renovations	\$ 800.00
154-14		Greenwood Board of Trade - Founders Day celebrations	\$ 800.00
154-14		Greenwood Board of Trade - Canada Day celebrations	\$ 500.00
154-14		King Edward Masonic Lodge - cancer car operations	\$ 600.00
	Mar-14	Woodstove top ups	\$ 750.00
190-14	May-14	Boundary Martial Arts Club - operating funds	\$ 3,000.00
249-14	Jun-14	Boundary Invasive Species Society - summer student wage/etc.	\$ 1,000.00
249-14		Rock Creek Community Medical Society - addition to historic site	\$ 3,000.00
249-14		Beaverdell Community Club - baseball equipment	\$ 1,000.00
272-14	Jul-14	West Boundary Road Rescue - Radios & Batteries	\$ 2,300.00
272-14		Beaverdell Carmi Fire & First Responder - re-register society	\$ 4,000.00
272-14		Big White Community School PAC - new soccer nets	\$ 400.00
272-14		Midway and Beyond Little Theatre - drop curtain	\$ 850.00
272-14		B.W. Mountain Chamber of Commerce - sept. Longweekend	\$ 2,000.00
272-14		B.W. Tourism Society - 6 bear proof garbage bins/etc.	\$ 2,000.00
310-14	Aug-14	Kettle River Museum - upgrading of electronic equipment	\$ 1,000.00
365-14	Sep-14	Selkirk College - Grand Forks - 3 Agricultural workshops	\$ 500.00
365-14		Big White Chamber of Commerce - strategic plan	\$ 2,800.00
365-14		Beaverdell Fire Dept. - command tower	\$ 2,500.00
365-14		Art'Escape - operating costs and venue rental	\$ 2,500.00
365-14		Big White Community School PAC - freestyle youth ski team	\$ 1,000.00
Total			\$ 101,680.52
Balance Remaining			\$ 3,944.48

**Regional District of Kootenay Boundary
Status Report - Gas Tax Agreement
October 10, 2014**

A

ELECTORAL AREA 'A'

	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$ 96,854.94
Allocation to Dec 31, 2008	Received	46,451.80
Allocation to Dec 31, 2009	Received	91,051.00
Allocation to Dec 31, 2010	Received	89,796.00
Allocation to Dec 31, 2011	Received	89,788.04
Allocation to Dec 31, 2012	Received	87,202.80
Allocation to Dec 31, 2013	Received	87,168.00
Allocation to Dec 31, 2014	Estimated	84,209.00

TOTAL AVAILABLE FOR PROJECTS

\$ 672,521.58

Expenditures:

Approved Projects:

2009	Columbia Gardens Water Upgrade	Completed	\$ 250,000.00
2011	South Columbia SAR Hall	Completed	2,665.60
2013	BV Family Park Solar Hot Water	Approved	28,000.00
451-13	Beaver Valley Arena	Approved	69,000.00
26-14	LWMP Stage II Planning Process	Approved	805.88

TOTAL SPENT OR COMMITTED

\$ 350,471.48

TOTAL REMAINING

\$ 322,050.10

**Regional District of Kootenay Boundary
Status Report - Gas Tax Agreement
October 10, 2014**

ELECTORAL AREA 'B' / LOWER COLUMBIA/OLD GLORY

	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$ 69,049.93
Allocation to Dec 31, 2008	Received	33,116.46
Allocation to Dec 31, 2009	Received	64,912.00
Allocation to Dec 31, 2010	Received	64,017.00
Allocation to Dec 31, 2011	Received	64,010.00
Allocation to Dec 31, 2012	Received	65,936.00
Allocation to Dec 31, 2013	Received	65,907.00
Allocation to Dec 31, 2014	Estimated	63,670.00

TOTAL AVAILABLE FOR PROJECTS

\$ 490,618.39

Expenditures:

Approved Projects:

8547	GID - Groundwater Protection Plan	Completed	\$ 10,000.00
11206	GID - Reducing Station (Advance)2008	Completed	16,000.00
2009	GID - Reducing Station (Balance)	Completed	14,000.00
2009	GID - Upgrades to SCADA	Completed	22,595.50
2009	Casino Recreation - Furnace	Completed	3,200.00
Phase 1	GID - Pipe Replacement/Upgrades	Completed	60,000.00
Phase 2	Looping/China Creek	Completed	18,306.25
2012	Rivervale Water SCADA Upgrade	Completed	21,570.92
2013	Rossland-Trail Country Club Pump	Advanced	20,000.00
261-14	Rivervale Water & Streetlighting Utility	Approved	20,000.00
262-14	Genelle Imp. District - Water Reservoir	Approved	125,000.00
263-14	Oasis Imp. District - Water Well	Approved	35,000.00

TOTAL SPENT OR COMMITTED

\$ 365,672.67

TOTAL REMAINING

\$ 124,945.72

**Regional District of Kootenay Boundary
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ELECTORAL AREA 'C' / CHRISTINA LAKE

	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$ 69,877.75
Allocation to Dec 31, 2008	Received	33,513.49
Allocation to Dec 31, 2009	Received	65,690.00
Allocation to Dec 31, 2010	Received	64,785.00
Allocation to Dec 31, 2011	Received	64,778.00
Allocation to Dec 31, 2012	Received	65,746.00
Allocation to Dec 31, 2013	Received	65,718.00
Allocation to Dec 31, 2014	Estimated	63,488.00

TOTAL AVAILABLE FOR PROJECTS

\$ 493,596.24

Expenditures:

Approved Projects:

11207	Christina Lake Community and Visitors Centre	Advanced	\$ 50,000.00
2009	CLC&VC	Advanced	25,000.00
2010	CLC&VC	Advanced	25,000.00
2010	Living Machine	Advanced	80,000.00
2010	Kettle River Watershed Study	Remaining	5,040.14
2012	Kettle River Watershed Study	Funded	5,000.00
2011	Solar Aquatic System Upgrades	Completed	7,325.97
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded	2,000.00
418-13	Christina Lake Chamber of Commerce (Living Arts Centre Sedum/Moss Planting Medium)	Funded	20,697.00
2013	Kettle River Watershed Project	Funded	9,959.86
106-14	Christina Gateway Community Development Association	75% Funded	20,000.00
264-14	Christina Lake Solar Aquatic System Upgrades	Approved	5,000.00

TOTAL SPENT OR COMMITTED

\$ 255,022.97

TOTAL REMAINING

\$ 238,573.27

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**Regional District of Kootenay Boundary
Status Report - Gas Tax Agreement
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**ELECTORAL AREA 'D' / RURAL GRAND FORKS**

	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$ 154,656.26
Allocation to Dec 31, 2008	Received	74,173.40
Allocation to Dec 31, 2009	Received	145,389.00
Allocation to Dec 31, 2010	Received	143,385.00
Allocation to Dec 31, 2011	Received	143,370.00
Allocation to Dec 31, 2012	Received	150,634.00
Allocation to Dec 31, 2013	Received	150,571.00
Allocation to Dec 31, 2014	Estimated	145,460.00

TOTAL AVAILABLE FOR PROJECTS

\$ 1,107,638.66

Expenditures:

Approved Projects:

8549	City of GF - Airshed Quality Study	Completed	\$ 5,000.00
2010	Kettle River Watershed Study	Remaining	49,790.87
2010	Kettle River Water Study	Funded	25,000.00
2012-1	Kettle River Watershed Study	Funded	15,000.00
2012-2	Kettle River Watershed Study	Funded	10,000.00
2010	Boundary Museum Society - Phase 1	Approved	13,000.00
2011	Boundary Museum Society - Phase 2	Completed	30,000.00
2012	Boundary Museum Society - Phase 2	Completed	8,715.00
2011	Phoenix Mnt Alpine Ski Society	Completed	63,677.00
2012	Phoenix Mnt Alpine Ski Society	Completed	1,323.00
2012	Phoenix Mnt Alpine Ski Society	Additional	12,600.00
2012	Grand Forks Curling Rink	Completed	11,481.00
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded	2,000.00
2013	Kettle River Watershed Project	Funded	24,899.66
27-14	Boundary Museum	Funded	77,168.50
2014	Kettle River Watershed Study	Funded	309.47

TOTAL SPENT OR COMMITTED

\$ 349,964.50

TOTAL REMAINING

\$ 757,674.16

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**Regional District of Kootenay Boundary
Status Report - Gas Tax Agreement
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E

ELECTORAL AREA 'E' / WEST BOUNDARY

	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$ 108,785.28
Allocation to Dec 31, 2008	Received	52,173.61
Allocation to Dec 31, 2009	Received	102,266.68
Allocation to Dec 31, 2010	Received	100,857.14
Allocation to Dec 31, 2011	Received	100,846.00
Allocation to Dec 31, 2012	Received	93,112.00
Allocation to Dec 31, 2013	Received	93,074.00
Allocation to Dec 31, 2014	Estimated	89,914.00

TOTAL AVAILABLE FOR PROJECTS

\$ 741,028.71

Expenditures:

Approved Projects:

283	Greenwood Solar Power Project	Completed	\$ 3,990.00	
8548	Kettle Valley Golf Club	Completed	20,000.00	
8546	West Boundary Elementary School Nature Park	Completed	13,500.00	} 28,500.00
8546E	2010 WBES - Nature Park (expanded)	Completed	15,000.00	
2009/10	Kettle Wildlife Association (heatpump)	Completed	35,000.00	
2010	Rock Creek Medical Clinic (windows/doors)	Completed	18,347.56	
2010	Kettle Valley Golf Club (Pumps)	Completed	24,834.63	} 41,368.00
2011	Kettle Valley Golf Club (Pumps)	Completed	10,165.37	
2011	Kettle Valley Golf Club (Pumps)	Completed	6,368.00	
2010	Rock Creek Fairground Facility U/G	Completed	14,235.38	} 44,000.00
2011	Rock Creek Fairground Facility U/G	Completed	22,764.62	
2011	Rock Creek Fairground Facility U/G	Completed	7,000.00	
2010/11	Beaverdell Community Hall Upgrades	Completed	47,000.00	
2010	Kettle River Watershed Study	Remaining	44,581.74	
2010	Kettle River Water Study	Funded	25,000.00	
2012-1	Kettle River Watershed Study	Funded	15,000.00	
2012-2	Kettle River Watershed Study	Funded	40,000.00	
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded	2,000.00	
2013	Kettle River Watershed Project	Funded	49,799.31	
145-14	Rock Creek & Boundary Fair Association (Electrical Lighting & Equipment Upgrade)	75% Funded	35,122.00	
2014	Kettle River Watershed Study	Funded	618.95	

TOTAL SPENT OR COMMITTED

\$ 450,327.56

TOTAL REMAINING

\$ 290,701.15

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