

## Electoral Area Services Committee

Thursday, September 20, 2018 - 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) September 20, 2018

**Recommendation:** That the September 20, 2018 Electoral Area Services Agenda be adopted.

3. MINUTES

A) April 12, 2018 and May 17, 2018  
[Electoral Area Services Committee - 12 Apr 2018 - Minutes - Pdf](#)  
[Electoral Area Services Committee - 17 May 2018 - Minutes - Pdf](#)

**Recommendation:** That the April 12 and May 17, 2018 Electoral Area Services meeting minutes be adopted.

4. DELEGATIONS
5. UNFINISHED BUSINESS

A) **Memorandum of EAS Committee Action Items**  
[ToEndOfAugustforSeptember2018](#)

**Recommendation:** That the Memorandum of Committee Action Items be received.

6. NEW BUSINESS

A) **Chinook Scaffolding**

**RE: Development Permit**

1140 Lower China Creek Road, Genelle

RDKB File: B-7187-08838.500

[2018-09-20-Chinook-DP-EAS](#)

**Recommendation:** That the staff report regarding the Development Permit application submitted by WSA Engineering, on behalf of North Country Holdings Ltd., to add a structure and increase the size of an existing building on a property within the Industrial Development Permit Area on the parcel legally described as Lot 2, District Lot 7187, Plan NEP12287, KD, Electoral Area 'B'/Lower Columbia-Old Glory, be received.

B) **Stella Jones Canada Inc.**

**RE: Marijuana Production Facility**

775 Highway 395, Christina Lake, BC

RDKB File: C-312-02632.315

[2018-09-20 StellaJones EAS](#)

**Recommendation:** That the staff report regarding the Development Permit application submitted by Jason Taylor of Smokey Mountain Craft Cannabis on behalf of Stella Jones Canada Inc., to construct a 20,000ft<sup>2</sup> building to propagate, dry, process and store cannabis within the Industrial Development Permit Area on the parcel legally described as Lot 2, District Lot 312, Plan KAP39263, SDYD, Except Plan KAP60786, KAP 80226, Electoral Area C/Christina Lake, be received.

C) **Judith Campbell**

**RE: MOTI Subdivision**

48 Kingsley Road, Christina Lake

RDKB File: C-970-04413.000

[2018-09-20 Campbell MOTISub EAS](#)

**Recommendation:** That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed subdivision on the parcel legally described as Lot 11, Plan KAP5313, DL 970, SDYD, Electoral Area C/Christina Lake, be received.

D) **Cannabis Legalization - Zoning Bylaw Considerations**

RDKB File: C-56

[2018-09-10 Cannabis EAS](#)

**Recommendation:**

**Electoral Area 'A'**

That the following bylaw amendments be supported: amend the Electoral Area 'A' Official Community Plan Bylaw No. 1410 to add a policy regarding the prohibition of cement based cannabis production on ALR land and add a policy outlining the requirements of a zoning bylaw amendment to allow cannabis retail sales and to amend the Area 'A' Zoning Bylaw No. 1460 to prohibit cannabis retail sales and cement based cannabis production in the ALR and further that staff be directed to draft amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

**Electoral Area 'B'/ Lower Columbia-Old Glory**

That the following bylaw amendments be supported: amend the Electoral Area 'B'/ Lower Columbia-Old Glory Official Community Plan Bylaw No. 1470 to add a policy regarding the prohibition of cement based, cannabis production on ALR land and add a policy outlining the requirements of a zoning bylaw amendment to allow cannabis retail sales and to amend the Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540 to prohibit cannabis retail sales and cement based cannabis production as a prohibited use and further that staff be directed to draft amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

**Electoral Area 'C'/Christina Lake**

That the following bylaw amendment be supported: amend the Electoral Area 'C'/Christina Lake Official Community Plan Bylaw No. 1250 to add a policy regarding the prohibition of cement based, cannabis production on ALR and to amend the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300 to prohibit cement based cannabis production in the ALR and that staff be directed to draft amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

**Electoral Area 'D'/Rural Grand Forks**

That the following bylaw amendment be supported: amend the Electoral Area 'D'/Rural Grand Forks Official Community Plan Bylaw No. 1555 to add a policy regarding the prohibition of cement based, cannabis production on ALR land and to amend the Electoral Area 'D'/Rural Grand Forks Zoning Bylaw No. 1299 to prohibit cement based cannabis production in the ALR and that staff be directed to draft amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

**Electoral Area 'E' – Jewel Lake**

That the following bylaw amendments be supported: amend the Electoral Area 'E' Jewel Lake Bylaw No. 855 to add a policy regarding the prohibition of cement based, cannabis production on ALR land and add a policy outlining the requirements of a zoning bylaw amendment to allow cannabis retail sales, and to prohibit cannabis retail sales and cement based cannabis production in the ALR and further that staff be directed to draft the amendment bylaw for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaw.

**Electoral Area 'E' – Mt. Baldy**

That the following bylaw amendments be supported: amend the Electoral Area 'E'/ Mt. Baldy Ski Resort Official Community Plan Bylaw No. 1335 to add a policy outlining the requirements of a zoning bylaw amendment to allow for cannabis retail sales and to amend the Electoral Area 'E'/ Mt. Baldy Ski Resort Zoning Bylaw No. 1340 to prohibit cannabis retail sales and further that staff be directed to draft the amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

**Electoral Area 'E' – Big White**

That the following bylaw amendments be supported: amend the Electoral Area 'E'/ Big White Ski Resort Official Community Plan Bylaw No. 1125 to add a policy outlining the requirements of a zoning bylaw amendment to allow for retail sales and to amend the Electoral Area 'E'/ Big White Ski Resort Zoning Bylaw No. 1166 to prohibit cannabis retail sales and further that staff be directed to draft the amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.



E) **Electoral Area 'C'/Christina Lake**  
**RE: Zoning Amending Bylaw 1680**

RDKB File: C-49

[2018-09-20 EAS PotentialZoningAmendments](#)

**Recommendation:** That the proposed amendments presented in this staff report "Options to Consider Amending the Electoral Area C/Christina Lake Zoning Bylaw No. 1300" be supported and further that staff be directed to draft an amendment bylaw for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed bylaw amendments.

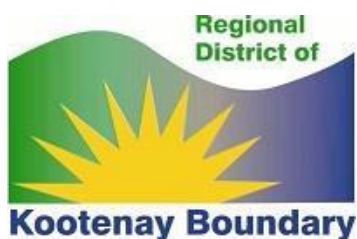
F) **Gas Tax Update**  
[Gas Tax Agreement EA Committee 2018](#)

**Recommendation:** That the Gas Tax update be received.

G) **Grant in Aid update**  
[2018 Grant in Aid](#)

**Recommendation:** That the Grant in Aid update be received.

7. LATE (EMERGENT) ITEMS
8. DISCUSSION OF ITEMS FOR FUTURE AGENDAS
9. CLOSED (IN CAMERA) SESSION
10. ADJOURNMENT



## **Electoral Area Services**

**Thursday, April 12, 2018 - 4:30 pm**

**The Regional District of Kootenay  
Boundary Board Room,  
843 Rossland Ave., Trail, BC**

### **MINUTES**

#### **Directors Present:**

Director Grace McGregor, Vice-Chair  
Director Ali Grieve  
Director Roly Russell via teleconference  
Director Vicki Gee via teleconference

#### **Directors Absent:**

Director Linda Worley, Chair

#### **Other Directors:**

Bill Edwards, Alternate Director

#### **Staff Present:**

Mark Andison, CAO  
Donna Dean, Manager of Planning and Development  
Jennifer Kuhn, Recording Secretary  
Chris Marsh, Manager of Emergency Programs

#### **1. CALL TO ORDER**

Vice-Chair McGregor called the meeting to order at 4:30 pm.

## 2. **ACCEPTANCE OF AGENDA (ADDITIONS/DELETIONS)**

### **April 12, 2018**

The agenda for the April 12, 2018 Electoral Area Services Committee was presented.

There were additions to the agenda as follows:

- 4. Delegations – Chris Marsh, Manager of Emergency Operations
- 7. A) Airbnb – Director Gee
- B) Forest Practices Board Paper – Director Gee

Moved: Director Grieve

Seconded: Alternate Director Edwards

That the April 12, 2018 Electoral Area Services Agenda be adopted as amended.

Carried.

## 3. **MINUTES**

### **March 15, 2018**

The Minutes of the March 15, 2018 Electoral Area Services Committee meeting were presented.

Moved: Director Russell

Seconded: Alternate Director Edwards

That the March 15, 2018 Electoral Area Services Minutes be adopted as presented.

Carried.

## 4. **DELEGATION** – Chris Marsh, Manager of Emergency Programs

Chris Marsh informed the Committee that a News Release was issued on April 12<sup>th</sup> with respect to emergency preparedness activities and the website has been updated to include this information as well as river levels and sandbagging information.

The past couple of weeks have been busy with local issues including: a landslide in Trail, a creek overflow in the Genelle area, and a blocked culvert in the Manley Meadows area.

Director Russell would like emergency information available to directors to distribute to those who request it. Chris Marsh has discussed this matter with a community member in Grand Forks who has offered to help organize ahead of time. He is also working with the Kettle River Watershed Authority on communications.

Vice-Chair McGregor thanked Chris Marsh for coming to the meeting.

## **5. UNFINISHED BUSINESS**

### **A) Memorandum of Committee Action Items**

The Electoral Area Services Committee Memorandum of Action Items for the period ending March 2018 was presented.

Director Gee questioned if there is progress with regard to the new funding stream item. As there has not been time during the budgeting process, this item has not been finalized yet. Director Gee remarked that it is time-consuming to search for funding streams that do not qualify for the Gas Tax or Grant in Aid.

Moved: Alternate Director Edwards      Seconded: Director Gee

That the Memorandum of Electoral Area Services Committee Action Items be received.

Carried.

### **B) Bylaw Enforcement Considerations RPT-1208**

A staff report from Mark Andison, Chief Administrative Officer, provided information regarding the potential for enhanced bylaw enforcement services for the Regional District of Kootenay Boundary.

Director Gee mentioned that her interests lie with invasive species and soil removal and deposit, and their impact on economic systems and disruptors. Directors McGregor, Grieve, and Alternate Director Edwards expressed concern with noise and derelict

vehicles. Director Russell suggested that consideration should be given to how current bylaws are enforced before adopting new bylaws.

Mark Andison described the enforceable bylaws that are currently in place and what is done in other jurisdictions to enforce bylaws. Generally, the RDKB tries to seek compliance from people by letting them know the consequences of non-compliance which can be costly to them.

Director McGregor suggested that the BCDC would be a good place for the Boundary directors to discuss this issue. Director Russell thought that a description of bylaw enforcement and the applicable bylaws that are in place could be posted on the website. Director Russell stated that the bylaw adjudication process should be completed before entertaining new bylaws.

It was generally agreed that the adjudication process will need to be completed before any nuisance bylaw referendums can be held, and that it was not likely any bylaw referendums will be able to be presented this year.

Director Russell asked if it would be onerous on staff to prepare the bylaw information on the website similar to RDOS' website and whether it would take a long time. Mark Andison replied that it probably would not take too much time or be a burden to staff to add this information to the website.

Director Russell suggested that as it may not eliminate any complaints they would not ask for this information to be on the website yet.

Moved: Director Grieve

Seconded: Director Russell

That the Bylaw Enforcement Considerations report be received.

Carried.

**C) "Share Your Ideas for Revitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC)"**

<https://engage.gov.bc.ca/agriculturallandreserve/>

Director Russell advised that there are two weeks left to review the discussion paper and complete the on-line survey.

There was discussion regarding the history of the two zones for ALR land in the province and how it impacts decisions on the application.

Director McGregor suggested that the directors complete the on-line survey.

## 6. **NEW BUSINESS**

### A) **Braeden and Melina Black**

#### **RE: Development Variance Permit**

1692 Columbia Gardens Road, Electoral Area 'A'

RDKB File: A-1236-05301.010

The Development Variance Permit application submitted by Braeden and Melina Black to allow for a 2.5 metres side yard and 1.0 metre rear yard variance to construct a garage on the property legally described as Lot 2, Plan NEP4628, DL 1236, KD, Electoral Area 'A' was presented.

The APC had concerns about potential impacts on adjacent property owners and recommended that the application be deferred until the applicants can provide more information about their plans.

Moved: Director Russell

Seconded: Alternate Director Edwards

That the Development Variance Permit application submitted by Braeden and Melina Black to allow for a 2.5 metres side yard and 1.0 metre rear yard variance to construct a garage on the property legally described as Lot 2, Plan NEP4628, DL 1236, KD, Electoral Area 'A' be deferred to allow the applicant to address the concerns raised by the APC.

Carried.

### B) **Big Whiskey Guest Ranch**

#### **Brock Pendergraft - Pendergraft Professional Land Surveying Inc.**

#### **RE: MoTI Subdivision**

12300 Brown Creek Road, Electoral Area 'D'/Rural Grand Forks

RDKB Files: D-3292-07129.005 and D-3292-07132.005

Director Russell pointed out that this application is to move an interior lot line, noting that it is bypassing the ALC in this application.

Donna Dean explained that a few applications have used this piece of legislation. In this case, the farm buildings are at the south end of the property and the applicants are

wishing to subdivide off the top piece. The Ministry of Transportation and Infrastructure has agreed with that.

Mark Andison stated that these provisions have been in the ALC Act for a long time and emphasized the importance of having an agrologist involved.

Moved: Director Russell

Seconded: Director Grieve

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed subdivision, for the parcels legally described as Lot A, Plan KAP55440, SDYD, and Lot 1, Plan KAP55440, SDYD, Electoral Area 'D'/Rural Grand Forks, be received.

Carried.

**C) David and Diana Veitch**

**Chad Nugent - Nugent Contracting and Design**

**Development Variance Permit**

371 Rock Ridge Road, Big White, Electoral Area 'E'/West Boundary

RDKB File: BW-4109s-07909.415

Director Gee shared that the Big White APC supported this application, since the roof design showed it was a very narrow roof that should not cause any snow load issues.

Donna Dean suggested changing the recommendation to specify that the variance is specific to the lower roof on the left side of the building.

Moved: Director Gee

Seconded: Alternate Director Edwards

That the Development Variance Permit application submitted by Nugent Contracting and Design on behalf of David and Diana Veitch, to vary Section 303.1(a)(ii) of Zoning Bylaw No. 1166 to permit an increase in the maximum allowable projection for eaves within an interior side yard setback, from 0.6 metres to 1.06 metres - a 0.46 metre variance for the lower, westerly roof line on the parcel legally described as Lot 3, Plan KAS2476, DL4109s, SDYD, Electoral Area 'E'/West Boundary, be forwarded to the Regional District of Kootenay Boundary Board of Directors, with a recommendation of support.

Carried.

**D) David and Diana Veitch**

**Chad Nugent - Nugent Contracting and Design****RE: Development Permit**

371 Rock Ridge Road, Big White, Electoral Area 'E'/West Boundary  
 RDKB File: BW-4109s-07909.415

Director Gee stated that the APC were in support of the Landscape Plan. Donna Dean mentioned that the applicants did not include the ground cover like grass or wildflower mix. The Planning Department is waiting for ground cover information from the applicant that would be necessary before the permit can be issued.

Moved: Director Gee

Seconded: Director Grieve

That the Staff Report regarding the Development Permit application submitted by Chad Nugent of Nugent Contracting and Design, on behalf of David and Diana Veitch to construct a single family dwelling in the Alpine Environmentally Sensitive Landscape Reclamation Development Permit Area on the parcel legally described as Lot 3 Plan KAS2476 District Lot 4109s, SDYD, Big White, Electoral Area 'E'/West Boundary, be received.

Carried.

**E) Grant in Aid Report**

Moved: Alternate Director Edwards

Seconded: Director Russell

That the Grant in Aid report be received.

Carried.

**F) Gas Tax Update**

Moved: Alternate Director Edwards

Seconded: Director Russell

That the Gas Tax Update be received.

Carried.

**7. LATE (EMERGENT) ITEMS**

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 Electoral Area Services  
 April 12, 2018



### **A) Airbnb – Director Gee**

Director Gee discussed recent reports in the media about Airbnb in Vancouver, and the requirement for business license. She suggested that we could be getting questions about the requirements for business licences for short-term rentals.

Mark Andison pointed out that Big White should not be an issue, as the RDKB has made no distinction in multiple family dwellings between commercial and residential designations, which is unique to Big White. There have been very few complaints regarding short-term rentals at Big White. Mark Andison also said that the RDKB regularly gets questions about business licences and informs people that while there are no business licences required, there are zoning requirements.

### **B) Forest Practices Board Paper – Director Gee**

Director Gee mentioned that with regard to land use plan referrals, there is concern about the watersheds in Area 'E'/West Boundary. Director Gee discussed the matter with staff at the Forest Practices Board Booth and they have a fair amount to say about strengthening requirements for drinking water protection regarding forest activity. Director Gee wanted to bring this information to the Electoral Area Services Committee's attention.

## **8. DISCUSSION ITEMS**

### **A) Occupancy Permits – Director Grieve**

Director Grieve mentioned that the development permit for the WAX Expansion Project, which included drainage designs, might have not been followed through. Director Grieve asked where the responsibility lies with drainage plans, who has the authority, and what does the RDKB do when drainage plans are not followed.

Mark Andison replied that there is no requirement to submit a drainage plan in the Columbia Gardens Development Permit Area, and that the granting of the permit does not rely on a drainage plan. A site plan was submitted, which was required, however, it happened to show how the WAX partnership group was planning to drain the property. Mark Andison mentioned that they might have used different drainage plans from which were submitted initially. The building inspectors did not need to check the drainage plan.

Director Grieve wanted to know who has the authority regarding the drainage plan and Mark Andison responded that any problems that arise from drainage issues would be a civil matter between property owners.

### **B) Expense Reimbursement and Taxation (Late-Emergent)**

Director McGregor had a question regarding expense claims and if they were non-taxable. Director Russell replied that the allowance for the non-taxable stipend would no longer be in effect as of 2019. Mark Andison will direct staff to provide a report to outline the implications of the taxable expenses. Director Gee also questioned whether she could claim part of her home office expenses.

### **9. CLOSED (IN CAMERA) SESSION**

There was no in camera session.

### **10. ADJOURNMENT**

There being no further business to discuss, Vice-Chair McGregor adjourned the meeting at 5:37 pm.



## **Electoral Area Services Committee Minutes**

Thursday, May 17, 2018  
RDKB Board Room, 843 Rossland Avenue, Trail, BC

### **Directors Present:**

Director Linda Worley, Chair  
Director Ali Grieve  
Director Grace McGregor-via teleconference  
Director Vicki Gee-via teleconference

### **Directors Absent:**

Director Roly Russell

### **Staff Present:**

Mark Andison, Chief Administrative Officer-via teleconference  
Ken Gobeil, Planner  
Maria Ciardullo, Recording Secretary

### **CALL TO ORDER**

Chair Worley called the meeting to order at 4:30 p.m.

### **ACCEPTANCE OF AGENDA (ADDITIONS/DELETIONS)**

May 17, 2018

Item 6I was added to the agenda - Floodplain in Electoral Area 'E'

Moved: Director Grieve

Seconded: Director McGregor

That the May 17, 2018 Electoral Area Services Agenda be adopted as amended.

Carried.

**Electoral Area Services  
May 17, 2018  
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## **MINUTES**

**April 12, 2018**

The April 12, 2018 Electoral Area Services Committee meeting minutes were not available at the time the agenda was published.

## **DELEGATIONS**

No Delegations were in attendance.

## **UNFINISHED BUSINESS**

### **Memorandum of EAS Committee Action Items**

Moved: Director Grieve

Seconded: Director Gee

That the Memorandum of Committee Action Items be received.

Carried.

### **Braeden and Melina Black**

#### **RE: Development Variance Permit**

1692 Columbia Gardens Road, Electoral Area 'A'

RDKB File: A-1236-05301.010

Moved: Director Grieve

Seconded: Director McGregor

That the Development Variance Permit application submitted by Braeden and Melina Black to allow for a 2.5 metre side yard and 1.0 metre rear yard variance to construct a garage on the property legally described as Lot 2, Plan NEP4628, DL 1236, KD, Electoral Area 'A', be presented to the Regional District of Kootenay Boundary Board of Directors for consideration, with a recommendation of support.

Carried.

**NEW BUSINESS****Big White Resort Ltd.****RE: Bylaw Amendment**

Unsurveyed Crown land SE of Big White Road and Black Forest Way

RDKB File: BW-4253-Temp. Black Forest

Director Gee expressed her and the Big White APC's concern regarding parking requirements for staff housing versus hostel use. There was discussion on this issue and Mark Andison, CAO, explained the different requirements for dwelling units and for hostels. There was also discussion on obtaining the floor plans for the structure.

Moved: Director Gee

Seconded: Director McGregor

That the application submitted by Brent Harley and Associates Inc. on behalf of Big White Resort Ltd. to amend the Big White Official Community Plan Bylaw No. 1125 and the Big White Zoning Bylaw No. 1166 to allow for staff housing and a Hostel on unsurveyed Crown Land south east of Big White Road and Black Forest Way, be supported, and further, that staff be directed to draft amendment bylaws for presentation to the Regional District of Kootenay Boundary Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed bylaw amendments.

Carried.

**Michael Strelbisky and Darcy Milligan****RE: Development Variance Permit**

12 Chase Road, Christina Lake

RDKB File: C-317-02535.930

Director McGregor mentioned that the Electoral Area 'C'/Christina Lake APC has no issues with this application.

Moved: Director McGregor

Seconded: Director Grieve

That the Development Variance Permit application submitted by Michael Strelbisky and Darcy Milligan to allow for a reduced interior side yard setback for an accessory building greater than 10m<sup>2</sup> in area from 3 metres to 1.5 metres – a 1.5 metre variance and an increase to the maximum height for an accessory building from 4.6 metres to 5.5 metres – a 1.1 metre variance, on the property legally described as Parcel F, Plan KAP28028, DL 317, SDYD, Electoral Area 'C'/Christina Lake be presented to the

**Electoral Area Services**

**May 17, 2018**

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Regional District of Kootenay Boundary Board of Directors for consideration, with a recommendation of support.

Carried.

**RAVESTEIN, Hendrik and SMIENTK, Johannes**

**RE: Industrial Development Permit**

301 and 305 Courtesy Road, Genelle

RDKB File: B-2404-06180.200

Moved: Director Grieve

Seconded: Director McGregor

That the staff report regarding the Development Permit application submitted by Johannes Smienk and Hendrik Ravestein to construct a meter building in the Genelle/Rivervale Industrial Development Permit Area on the parcel legally described as District Lot 2404, KD, Genelle, Electoral Area 'B'/Lower Columbia-Old Glory, be received.

Carried.

**David Heubner and Daniel Kaufman**

**RE: MOTI Subdivision Referral**

28 Mulher Road, Beaverdell

RDKB File: E-1545-00118.050

Ken Gobeil, Planner, explained that the ALR portions will be unaffected.

Moved: Director Gee

Seconded: Director McGregor

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed subdivision, for the parcel legally described as District Lot 1545, SDYD Beaverdell, Electoral Area 'E'/West Boundary be received.

Carried.

**Electoral Area Services**

**May 17, 2018**

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### **Gas Tax Application**

#### **RE: Boundary Museum Society Exhibition Extension Project**

Moved: Director McGregor

Seconded: Director Gee

That the gas tax funding application by the Boundary Museum Society in the amount of \$60,000 to build a 40' x 60' addition to the existing Black Hawk Livery building be deferred to the next Electoral Area Services meeting.

Carried.

### **Grant in Aid Report**

Moved: Director Grieve

Seconded: Director McGregor

That the Grant in Aid Report be received.

Carried.

### **Gas Tax Update**

Moved: Director McGregor

Seconded: Director Gee

That the Gas Tax Update be received.

Carried.

### **Real Estate Speculation Regarding Large Agricultural Parcels Discussion (Director Gee)**

Director Gee expressed her concern with foreign agencies who are buying agricultural land and not using it for agriculture. There was a question about the number of foreign buyers and whether realtors have any data on that. Director Gee to follow-up at the next meeting.

Mark Andison mentioned that 'vacant non-resident owned properties' may be owned by a BC registered numbered company, but the funds could be coming from overseas, therefore it could be difficult to obtain accurate data on the number of foreign buyers.

### **Floodplain in Electoral Area 'E'/West Boundary**

Director Gee expressed her concern about homes that are allowed to be built with the floodplain area. She also stated that the RDKB should be stricter on exemptions due to the recent flooding in the Boundary Area. Mark Andison explained that engineers provide reports to the RDKB that certify the structure is safely constructed within a floodplain. He also explained that the nature of floodplains are always changing and therefore updated floodplain mapping is required for accurate data.

### **LATE (EMERGENT) ITEMS**

There were no late items.

### **DISCUSSION OF ITEMS FOR FUTURE AGENDAS**

Foreign Buyers Speculation

### **CLOSED (IN CAMERA) SESSION**

A closed (in camera) session was not required.

### **ADJOURNMENT**

There being no further business to discuss, Chair Worley adjourned the meeting at 5:10 p.m.



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

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

**Pending Tasks**

Date	Item/Issue	Actions Required/Taken	Status – C / IP
Mar. 16/17	New funding streams for projects that don't Qualify for Gas Tax or GIA	CAO Mark Andison (staff) will look into options	IP
Apr. 13/17	Bylaw Enforcement	EAS direct Staff to outline process and implications	IP
	0980131 BC Ltd. - MoTI Subdivision	Dedication of cash in lieu of park land-Monashee – previously known as High Forest	IP
June 15/17	Service budgets on web	Staff to initiate	IP
Sept. 14/17	George DVP (extension expires Sept. 26)	Sent to Staff to discuss with applicant	IP
Jan. 12/18	Logging in Watersheds	Staff to contact forestry companies operating in the Kelly Creek Watershed to request referrals	IP
	RDKB Swag	Incorporate use of swag into Corporate Communications Plan	IP
Feb. 15/18	643249 BC/Strege – MoTI Subdivision	Staff forward comments to MoTI and discuss park dedication requirements with applicant	IP
	Browne-Clayton – MoTI Subdivision	Staff work with applicant re park dedication	IP
	Marijuana Issue	Staff forward information packages to Area A, B, C and E APC's	C

**Tasks from Electoral Area Services Committee Meeting May 17, 2018**

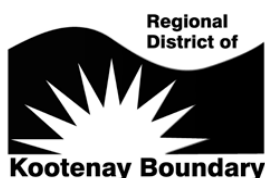
Date	Item/Issue	Actions Required/Taken	Status – C / IP
May 17/18	Black DVP	Sent to Board for approval	C
	Big White Resort Ltd. Bylaw amendment	Sent to Board for adoption	C
	Strelbisky/Milligan DVP	Sent to Board for approval	C

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**Memorandum of Committee Action Items**

**Electoral Area Services to the End of August 2018**

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## Electoral Area Services (EAS) Committee Staff Report

<b>Date:</b>	September 20, 2018	<b>File #:</b>	B-7187-08838.500
<b>To:</b>	Chair Worley and members of the Electoral Area Services Committee		
<b>From:</b>	Carly Rimell, Senior Planner		
<b>RE:</b>	Development Permit Application – North Country Holdings Ltd.		

### ISSUE INTRODUCTION

WSA Engineering, on behalf of North Country Holdings Ltd, has applied for a Development Permit to add a structure and increase the size of an existing building on a property within the Industrial Development Permit Area (see Site Location Map, Subject Property Map, and Applicant's Submission).

### HISTORY / BACKGROUND INFORMATION

Property Information	
<b>Owner(s):</b>	North Country Holdings Ltd.
<b>Agent:</b>	WSA Engineering
<b>Location:</b>	1140 Lower China Creek Road, Genelle
<b>Electoral Area:</b>	Electoral Area B/Lower Columbia-Old Glory
<b>Legal Description(s):</b>	Lot 2, District Lot 7187, Plan NEP12287, KD
<b>Area:</b>	2.2 hectares
<b>Current Use(s):</b>	Chinook Scaffold
Land Use Bylaws	
<b>OCP Bylaw No. 1470</b>	Industrial
<b>DP Area</b>	Industrial Development Permit Area
<b>Zoning Bylaw No. 1540</b>	Industrial 2 (I2)

### HISTORY / BACKGROUND FACTORS

The subject property is located at 1140 Lower China Creek Road, on the south eastern corner of the intersection of Highway 22, and Lower China Creek Road.

The property is not within the Genelle Improvement District service area; however it is noted as a location for possible expansion of the water system in the Official Community Plan (OCP).

#### *Land Use History*

A history of the use of the property is provided below.

- Prior to 1980 the subject property was zoned Rural 1.
- 1980 the property was re-zoned to Industrial 1A for a proposed truss manufacturing plant.
- 1987 an application for subdivision (for 3 parcels) was processed however, this subdivision was not registered.
- 1982 building permits were issued for a residence, and later for an alteration to that dwelling.
- 1994 a Building Permit application was issued for the storage, rental and sales of mobile homes and modular construction buildings.
- 1998 an application was received to amend the OCP and Zoning Bylaw to develop a garden centre and other retail uses on the subject property.
- 1999 the bylaw amendments were endorsed and the property was zoned to 'Industrial 3' to permit a greenhouse/building centre.
- 2004 a demolition permit was issued for the existing building on the property.
- 2008 Development Permit No. 355-08D was issued to construct the following buildings for a scaffold business:
  - A 40' by 50' office building
  - A 60' by 40' shop.

The Development Permit (355-08D) was issued on April 14, 2008. One of the conditions of the permit is if the construction authorized by the permit does not commence within 2 years of issuance the permit shall lapse.

#### *Building Permit History*

A history of the building permits issued on the property is provided below.

- 2008 a Building Permit (08-0483B) was issued for a mobile office building to be placed on the property. This structure was intended as a temporary office while the property was being developed, however the building is still in use on the property.
- 2011 a Building Permit (11-0556B) was issued for the office building referenced in the Development Permit.
- 2012 a Building Permit (12-004B) was issued for a sign on the property. A site plan was included as part of the building permit application which indicated the location of the office had changed since the site plan which was included as part of Development Permit No. 355-08D. This site plan did not include the second building and included a revised parking layout.

### *Current Land Use, Buildings and Structures*

In January 2013, OCP Bylaw 1470 was adopted which updated the Development Permit requirements within the Industrial Development Area. In July 2015 the Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540 was adopted. The property is currently in the Industrial 2 Zone.

In 2018 a Building Permit application was submitted for a 60' by 80' building. This proposed building was for the 40' x 60' building included in Development Permit No. 355-08D, with two 20' x 60' roof extensions on either side. A building permit was issued for construction of the 40' x 60' storage building in compliance with Development Permit No. 355-08D (Building Permit No. 18-0061B). It was noted that a new Development Permit application was required for the amendment to the storage building (two roof extensions).

The applicant was notified that once a new development permit was issued, a building permit could be issued for the roof extensions to create the proposed 60' x 80' building.

During the inspections for this building permit it was noted by the Building Inspector that a sea-can structure and 3 storage structures constructed of metal tubing were also located on the property.

It is not known when these buildings and structures were added to the property.

### **PROPOSAL**

The applicants have applied for a Development Permit for the following:

- Addition of a 20' roof extension onto each side of the 60' x 40' shop building to permit for a 60' x 80' building,
- existing sea-can structure,
- existing 3 storage buildings (northern, eastern and covered storage); and
- existing sign from 2012.

It was noted that the purpose of these buildings/structures are for parking and storage.

The office trailer is to be removed once construction is complete on the proposed building.

### **IMPLICATIONS**

#### ***Official Community Plan – Industrial Development Permit Area Guidelines***

In accordance with the requirements of the Industrial Development Permit guidelines, the applicant has provided information regarding the following aspects of the proposed development (See, Applicant's Submission):

#### ***Revegetation***

The applicant notes that other than the building envelope for the proposed building (60' x 80') and sea-can structure there is no planned ground disturbance; therefore, no revegetation will be required.

### *Landscaping*

The applicant notes that landscaping has already been completed on the property. There are no proposed changes to existing landscaping and no additional landscaping as part of this application (see Applicants Submission and Site Plan).

### *Screening*

There is no additional screening proposed in this application. The applicant notes that there are existing mature trees and fencing that screen the property.

Per Section 404 (Screening and Fencing) of the Zoning Bylaw, all outdoor storage areas must be enclosed in a solid fence or landscape screen at least 1.8 meters in height.

- All property lines on the developed portion of the property are screened with a chain link fence, with the exception of the property line that abuts Highway 22.
  - The portion of the fence visible from China Creek Road has privacy slats within the chain link.
  - The portion of the fence that sits at a lower elevation from China Creek Road which is not visible from Lower China Creek road does not have privacy slats within the chain link.
- The storage structure outside of the fenced area (see, applicant submission) is screened by existing trees and no additional screening is proposed.

### *Access*

There is no proposed change to the existing road access.

### *Parking*

There are no additional parking areas proposed with this development. It has been noted that the proposed covered areas on each side of the existing building will be used as "storage parking" and that existing parking areas have asphalt surface. The property satisfies Part 5 (Parking and Loading) of the Zoning Bylaw.

### *Buildings*

The applicant notes that the proposed addition to the existing building is compliant with the guidelines noted in the Industrial Development Permit Area. The new building is permanent, with a blue and grey steel finish that will match the rest of the building.

The sea-can building is noted as temporary, but there are no plans for its removal. The building appears to be sided with wood paneling, which encloses the majority of the white metal sea-can.

The storage structures which are made of steel tubing were not addressed in this application.

### *Lighting and Signage*

Existing lighting on the steel building will remain. There is no additional lighting proposed for the canopy additions.

The sea-can structure has a sign and lighting installed. The lighting appears to be positioned to illuminate the entire property. The written supporting document for this application notes that yard lights are programmed to run from dusk to dawn and that these lights are oriented to face downward and do not produce a glare.

#### *Noise*

There is no additional noise anticipated as a result of this development proposal. The structures are to be used for storage purposes only. The applicant's submission states that site hours are 7 am to 3:30 pm Monday to Friday.

#### ***Zoning Bylaw***

The proposed buildings and structures are compliant with the Industrial 2 Zone. The structures meet the required setbacks, and the proposed development would still be under the 50% maximum parcel coverage. There is sufficient screening of the property and storage is a permitted use in this zone.

#### ***Building Permits***

The Building Inspection Department is aware of the sea-can structure and the steel tubing buildings used for storage on the property. Interpretation of the RDKB Building Bylaw and enforcement of the Building Bylaw are their jurisdiction.

### **ADVISORY PLANNING COMMISSION (APC)**

The Electoral Area 'B'/Lower Columbia-Old Glory APC supported the application at their September 4, 2018 meeting.

### **RECOMMENDATION**

That the staff report regarding the Development Permit application submitted by WSA Engineering, on behalf of North Country Holdings Ltd., to add a structure and increase the size of an existing building on a property within the Industrial Development Permit Area on the parcel legally described as Lot 2, District Lot 7187, Plan NEP12287, KD, Electoral Area 'B'/Lower Columbia-Old Glory, be received.

### **ATTACHMENTS:**

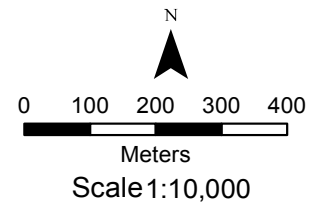
Site Location Map  
Subject Property Map  
Applicant's Submission





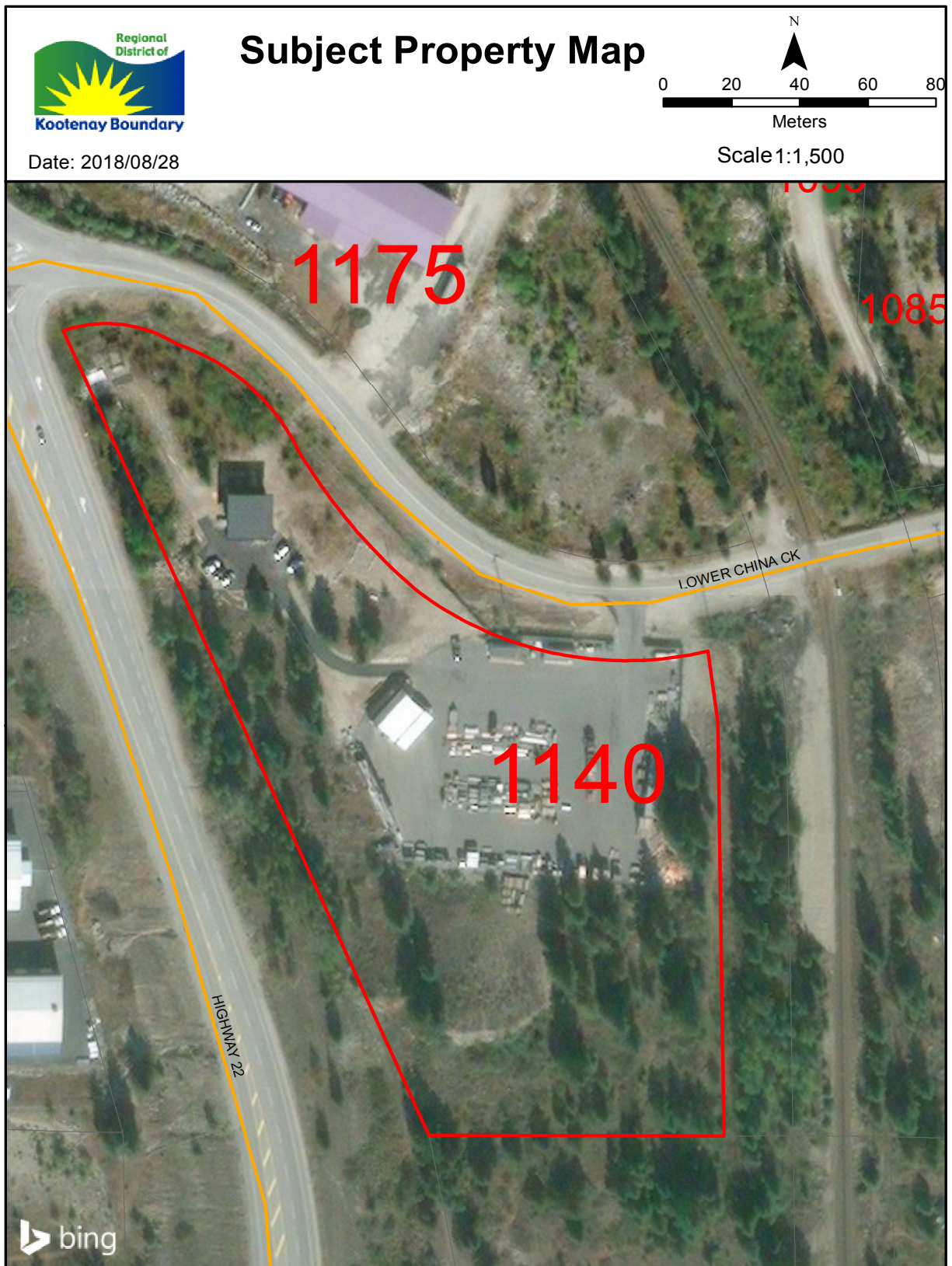
## Site Location Map

Date: 2018/08/28



Document Path: C:\Users\CRimell\Desktop\2018-09-24\_SLM\_Chinook.mxd





Document Path: C:\Users\CRimell\Desktop\2018-09-24\_SPM\_Chinook.mxd





**ENGINEERING (2012) LTD**  
2248 Columbia Avenue Castlegar, BC V1N 2X1

Tel 1-888-617-6927  
e-mail: mail@wsaeng.ca

August 21, 2018

WSA File Number: C18001 – 021R2

RDKB Planning and Development Department  
843 Rossland Avenue,  
Trail, BC  
V1R 4S8

Attn: Planning Department

***RE: CHINOOK SCAFFOLD – LOT 2, D.L. 7187, KOOTENAY DISTRICT, PLAN NEP12287  
PID 009-695-389 – DP APPLICATION – RESPONSE TO COMMENTS***

The following is in response to comments received August 20, 2018 from Ken Gobeil in regard to the Development Permit Application for Chinook Scaffold, located at 1140 Lower China Creek Road, Genelle, BC.

1. Existing Structures.

- a. Sign. The Chinook Scaffold Sign was constructed under Building Permit 12-0004B and has been added to the site plan. See Attached Drawing for Sign Location.



Figure 1: Chinook Scaffold Sign

- b. Sea Can Storage. Distances from the Sea Can Structure to property lines have been added to the site plan. See Attached Drawing. The Sea Can structure is not a permanent structure, though there are no current plans to move it, it is a future possibility that it will be moved or taken down. Should it be moved, the alternate location of this structure is outside of the paved yard area near the south covered storage. See Attached Drawing for the alternate location.



Figure 2: Sea Can Structure

- c. Northern Scaffold. The Northern Scaffold Structure is 71' x 12'. Distances from the Scaffold Structure to the property line have been added to the site plan. See Attached Drawing. This Scaffold is often set up, taken down and moved around the site as needed. It was last erected in the Fall of 2017 to provide cover for scaffold decking and tarps from the snow and elements. It is expected that this structure will move again once the Atco Trailer and Deck have been removed. Alternate locations for this structure are noted on the attached site plan.



Figure 3: Northern Scaffold Structure

- d. Eastern Scaffold Structure. The Eastern Scaffold Structure is 60' x 12'. Distances from the Scaffold Structure to the property line have been added to the site plan. See Attached Drawing. This Scaffold, like the Northern Scaffold Structure is often set up, taken down and moved around the site as needed. As it is not on wheels it is not moved as frequently. It was last erected in the Fall of 2017 to provide cover for scaffold decking from the snow and elements. Alternate locations for this structure are noted on the attached site plan.



Figure 4: Eastern Scaffold Structure

- e. Covered Storage. The Covered Storage Area is 35' x 27'. Distances from the Scaffold Structure to the property line have been added to the site plan. See Attached Drawing. This Scaffold, like the others is set up and taken down as required. It was last erected in the Fall of 2017 to provide cover for supplies from the snow and elements.



Figure 5: Covered Storage Structure

August 21, 2018

Chinook Scaffold – WSA Engineering (2012) Ltd. – Response to DP Application Comments

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2. Setbacks. Due to the size of all structures they are considered Structures and fall under the building/structure setback requirements of Industrial 2 lots per Bylaw 1540 (Front and Exterior Side Setbacks = 7.5m, Exterior and Interior = 3.0m). Setbacks are labeled on the attached Site Plan.
3. Parcel Coverage.
  - Site Area: 22333m<sup>2</sup>
  - Buildings/Structures: 1130m<sup>2</sup>
  - Pavement: 6500m<sup>2</sup>
  - Landscape: 15082m<sup>2</sup>
  - Lot Coverage =  $(1130/22333)100\% = 5.05\%$
4. Landscape. No additional landscaping is proposed as part of this development permit and no changes are to be made to the existing landscaping. Trees shown on site plan are not surveyed. They are shown as approximate locations to give an understanding of where trees and shrubs are located onsite.
5. Screening. All sides of the developed portion of the site are bordered by a chain link fence with the exception of the property line adjacent to Highway 22..

Lower China Creek Road is at the same elevation as the site at the site entrance, as the road heads towards the intersection with Highway 22 it climbs up and is at a higher elevation than the site. The portion of the fence that is visible where the site and road meet is chain link with slats. The portion that sits at a lower elevation and is not visible from the road is chain link. No changes are proposed to this screening.



Figure 6: Screening from Lower China Creek Road.

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Chinook Scaffold – WSA Engineering (2012) Ltd. – Response to DP Application Comments

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The Covered Storage Structure sits outside of the fence line at the rear of the lot. In this location the site sits lower in elevation from the adjacent highway, there are mature trees and landscaping in place to screen the site from the road. No additional screening is proposed.



Figure 7: Screening from Highway 22



Figure 8: Screening from Highway 22

August 21, 2018

Chinook Scaffold – WSA Engineering (2012) Ltd. – Response to DP Application Comments

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6. Site Access.

- a. Covered Storage Structure. The Covered Storage Structure is accessed through the site via a gate in the rear fence line. See attached Site Plan for Gate location.
- b. Mobile Scaffold Structures. The Northern and Eastern Scaffold Structures are moved around the site as required but they are always erected with the rear of the structure adjacent to a property line. As such, they will never block internal access or traffic. Emergency vehicles access the site from Lower China Creek Road. Emergency personnel will not be hindered by these structures.
- c. Gate. The Gate noted in DP 355-08D has been added to the Site Plan along with the gate in the rear fence line.

7. Parking: Stalls are show on the attached Site Plan at 2.5m x 5.5m

8. Building Finishes. The Steel Building has grey metal roofing with blue metal siding on the ends of the building and brown metal siding on the sides under the canopies. This siding matches what is on the Existing Office Building.



Figure 9: Steel Building



Figure 10: Office Building

The Sea Cans are white and the structure around them is finished in brown wood paneling.



Figure 11: Sea Can Building

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Chinook Scaffold – WSA Engineering (2012) Ltd. – Response to DP Application Comments

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9. Lighting.

All existing yard lights are oriented to face downward illuminating the yard and not creating a glare for adjacent roadways or properties. The lot is bounded by Highway 22, Lower China Creek Road and an undeveloped road right of way adjacent to a CPR right of way. The rear of the lot is adjacent to undeveloped park land. There are no adjacent residential properties. The yard lights are programmed to run from Dusk to Dawn.

10. There is minimal noise caused by day to day site operations. Typical work day activities include loading and unloading of scaffolding materials which may result in noise from vehicles driving on site and clanking of materials as they are moved. The site hours are 7am – 3:30pm Monday to Friday; any noise made on site occurs during business hours so as not to negatively impact adjacent properties.

We trust that the above answers any questions related to the development. Should you have any questions or comments please feel free to contact our office at 1.888.617.6927.

Sincerely,

**WSA ENGINEERING (2012) LTD.**



Angela Jack  
Project Manager

AJ:ds

August 21, 2018

Chinook Scaffold – WSA Engineering (2012) Ltd. – Response to DP Application Comments

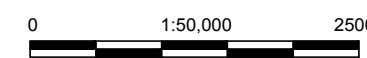
Page: 6

LOT 2, DL 7187, KD, PLAN 12287

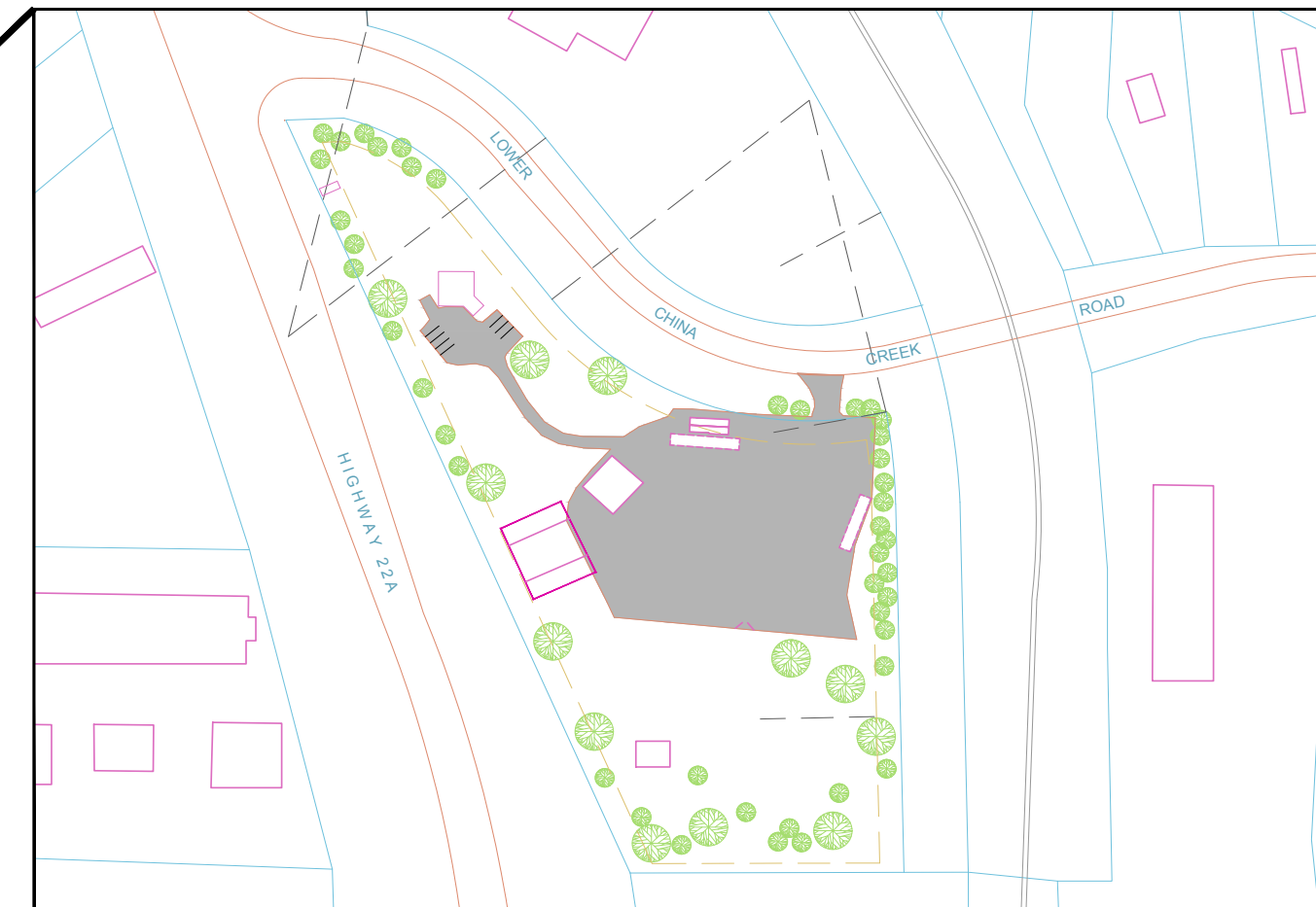
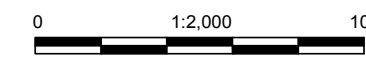
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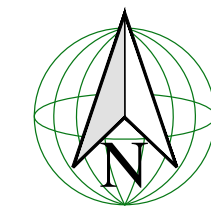
CITY OF CASTLEGAR AND GENELLE



LOCATION - LARGE SCALE DETAIL



C1 - LOCATION PLAN AND DRAWING INDEX  
C2 - SITE PLAN



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BE ONE CALL.

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A	12/06/2018	SC	FOR DEVELOPMENT PERMIT	DS
No.	DD/MM/YYYY	BY	ISSUE	ENG.

3	22/08/2018	AJ	NOTES & DIMS, REVISED/ADDED	DS
2	30/07/2018	AJ	COVERED STORAGE ADDED	DS
1	24/07/2018	AJ	TRAILER, SCAFFOLDS AND NOTE ADDED TO SHEET C2	DS
No.	DD/MM/YYYY	BY	REVISIONS FOR ISSUE A	ENG



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Civil and Structural Engineering  
2248 Columbia Ave. Castlegar, B.C. V1N 2X1 Ph:1-888-617-6927

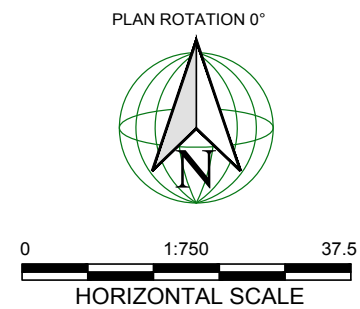
LOT 2, DL 7187, KD, PLAN 12287

LOCATION PLAN  
AND DRAWING INDEX

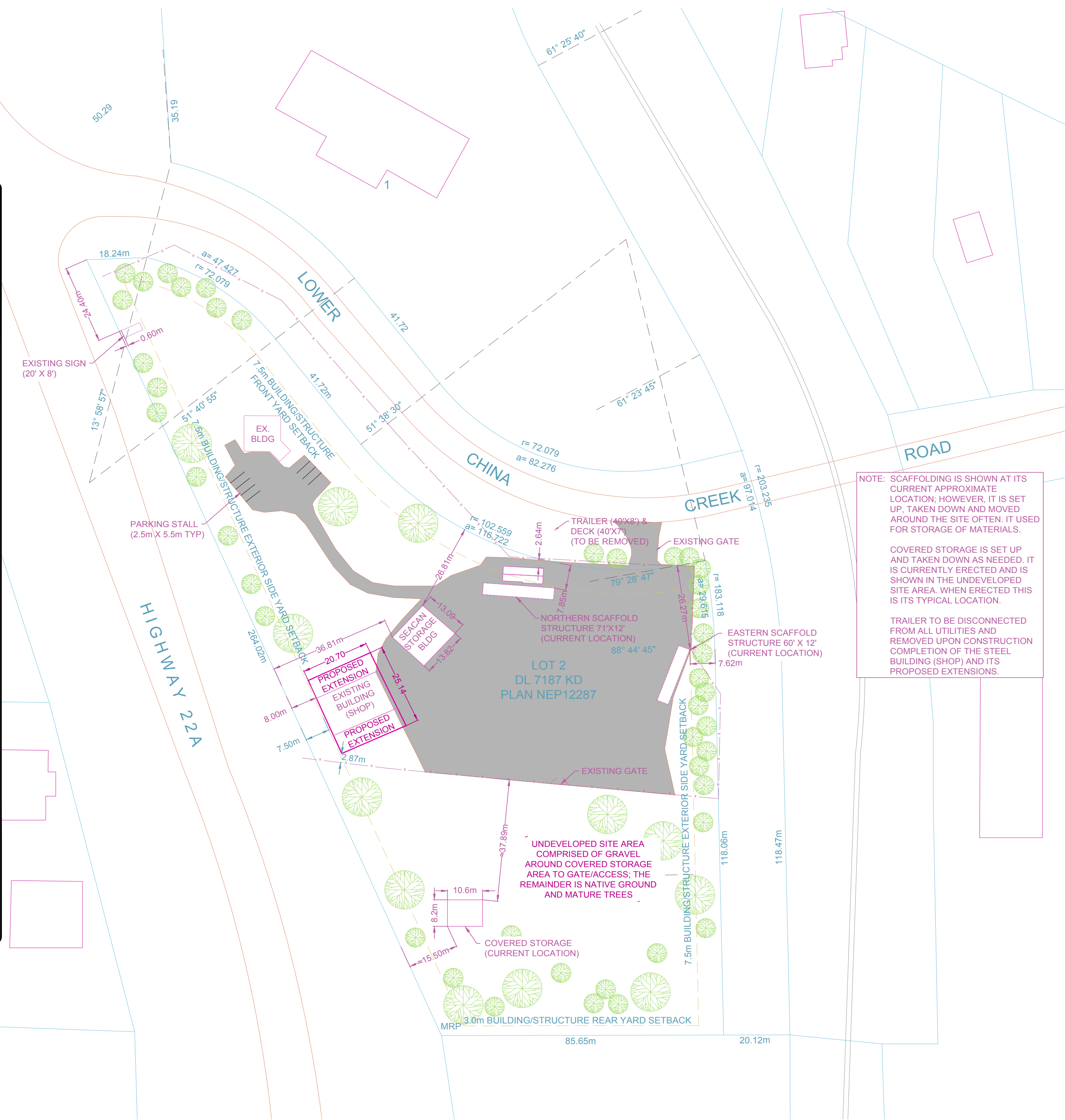
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	DS	12/06/2018

<p>REFERENCE DRAWINGS</p>     	HOR. SCALE	AS NOTED	VERT. SCALE
	PROJECT FILE No. <b>C18001-021</b>		
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	ISSUE <b>A</b>	REV.	<b>3</b>





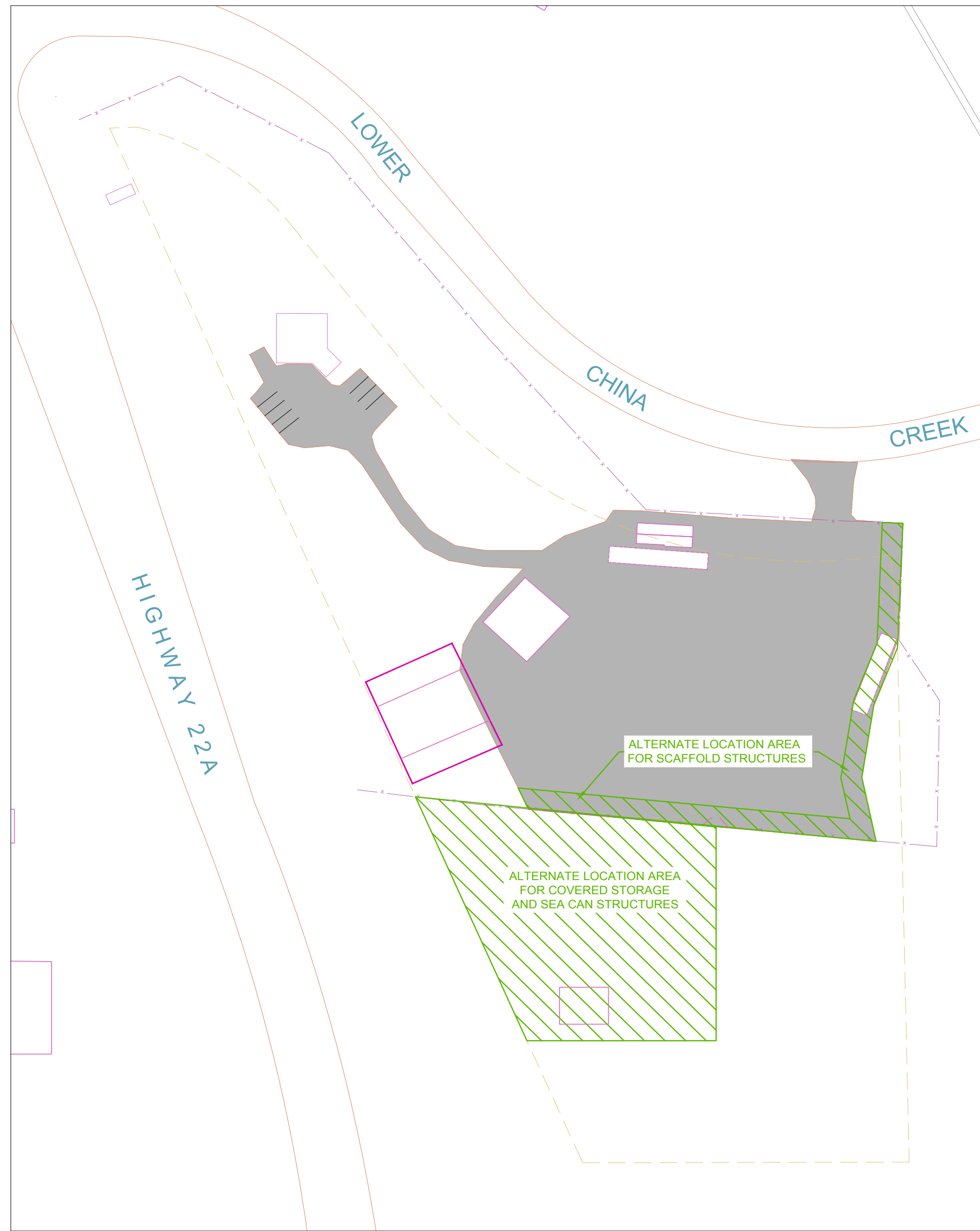
LEGEND	
EXISTING	PROPOSED
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SANITARY CLEANOUT	SANITARY CLEANOUT
STORM MANHOLE	STORM MANHOLE
CATCH BASIN, TOP INLET	CATCH BASIN, TOP INLET
CATCH BASIN, SIDE INLET	CATCH BASIN, SIDE INLET
FIRE HYDRANT	FIRE HYDRANT
BLOWOFF	BLOWOFF
WATER VALVE	WATER VALVE
TRANSFORMER	TRANSFORMER
ELECTRICAL SERVICE BOX	ELECTRICAL SERVICE BOX
CABLE BOX	CABLE BOX
TELLS JUNCTION BOX	TELLS JUNCTION BOX
TELLS MANHOLE	TELLS MANHOLE
STREET LIGHT	STREET LIGHT
EXISTING	
UTILITY POLE	UTILITY POLE
POLE ANCHOR	POLE ANCHOR
SIGN	SIGN
WATER MAIN	WATER MAIN
WATER SERVICE	WATER SERVICE
SANITARY SEWER MAIN	SANITARY SEWER MAIN
SANITARY SEWER SERVICE	SANITARY SEWER SERVICE
STORM SEWER MAIN	STORM SEWER MAIN
STORM SEWER SERVICE	STORM SEWER SERVICE
GAS MAIN	GAS MAIN
U/G CABLE	U/G CABLE
U/G TEL	U/G TEL
U/G ELECTRICAL	U/G ELECTRICAL
DITCH LINE	DITCH LINE
TOP OF BANK	TOP OF BANK
PROPOSED	
UTILITY POLE	UTILITY POLE
POLE ANCHOR	POLE ANCHOR
SIGN	SIGN
WATER MAIN	WATER MAIN
WATER SERVICE	WATER SERVICE
SANITARY SEWER MAIN	SANITARY SEWER MAIN
SANITARY SEWER SERVICE	SANITARY SEWER SERVICE
STORM SEWER MAIN	STORM SEWER MAIN
STORM SEWER SERVICE	STORM SEWER SERVICE
GAS MAIN	GAS MAIN
U/G CABLE	U/G CABLE
U/G TEL	U/G TEL
U/G ELECTRICAL	U/G ELECTRICAL
DITCH LINE	DITCH LINE



NOTE: SCAFFOLDING IS SHOWN AT ITS CURRENT APPROXIMATE LOCATION; HOWEVER, IT IS SET UP, TAKEN DOWN AND MOVED AROUND THE SITE OFTEN. IT USED FOR STORAGE OF MATERIALS.

COVERED STORAGE IS SET UP AND TAKEN DOWN AS NEEDED. IT IS CURRENTLY ERECTED AND IS SHOWN IN THE UNDEVELOPED SITE AREA WHEN ERECTED THIS IS ITS TYPICAL LOCATION.

TRAILER TO BE DISCONNECTED FROM ALL UTILITIES AND REMOVED UPON CONSTRUCTION COMPLETION OF THE STEEL BUILDING (SHOP) AND ITS PROPOSED EXTENSIONS.



ALTERNATE LOCATION AREAS FOR TEMPORARY STRUCTURES

**WSA ENGINEERING (2012) LTD.**  
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BC ONE CALL: 1-800-474-8888 <https://www.bconeill.ca/>

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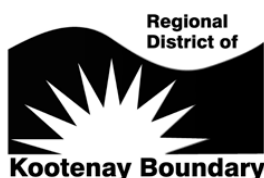
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APPROVED BY	DATE
DS	08/06/2018

**CHINOOK STEEL BUILDING ADDITION**  
**GENELLE, BC**  
LOT 2 DISTRICT LOT 7187 KOOTENAY DISTRICT PLAN NEP12287

**LOT LOCATION AND SITE PLAN**

HOR. SCALE	1:750	VERT. SCALE	
PROJECT FILE No.	C18001-021		
SHEET	C2	# IN SET	2
ISSUE	A	REV.	3





## Electoral Area Services (EAS) Committee Staff Report

<b>Date:</b>	September 20, 2018	<b>File #:</b>	C-312-02632.315
<b>To:</b>	Chair Worley and members of the Electoral Area Services Committee		
<b>From:</b>	Carly Rimell, Senior Planner		
<b>RE:</b>	Industrial Development Permit – Stella Jones Canada Inc.		

### ISSUE INTRODUCTION

Jason Taylor of Smokey Mountain Craft Cannabis, on behalf of Stella Jones Canada Inc., has applied for a Development Permit to construct a 20,000ft<sup>2</sup> building to propagate, dry, process and store cannabis. The subject property is located at 775 Highway 395 in the Ponderosa area of Electoral Area 'C'/Christina Lake. As the property is located in the Industrial Development Permit Area, a development permit is required (see Site Location Map; Subject Property Map; Applicant Submission).

### HISTORY / BACKGROUND INFORMATION

Property Information	
<b>Owner(s):</b>	Stella Jones Canada Inc.
<b>Agent:</b>	Jason Taylor, Smokey Mountain Craft Cannabis Inc.
<b>Location:</b>	775 Highway 395
<b>Electoral Area:</b>	Electoral Area C/Christina Lake
<b>Legal Description(s):</b>	Lot 2, District Lot 312, Plan KAP39263, SDYD, Except Plan KAP60786, KAP 80226
<b>Area:</b>	13 hectares
<b>Current Use(s):</b>	Truck Transport Company and Repair Facility
Land Use Bylaws	
<b>OCP Bylaw No. 1250</b>	Industrial
<b>DP Area</b>	Industrial Development Permit Area
<b>Zoning Bylaw No. 1300</b>	Industrial 1 (IN1)
<b>Minimum Parcel Size</b>	1 hectare
Other	
<b>Waterfront / Floodplain</b>	NA
<b>ALR</b>	NA

Page 1 of 7

P:\PD\EA\_'C'\C-312-02632.315 Stella Jones Canada Inc\2018-09-DP\EAS\2018-09-20\_StellaJones  
EAS.docx

### *Historical Use*

The property was zoned as Industrial 1 in the first Electoral Area C/Christina Lake Zoning Bylaw No. 164, 1978 and was used as a rail to truck transport reload site.

In 1995, the property owners made an application to exclude the property from the Agricultural Land Reserve (ALR). The RDKB supported the application, as a key goal of the OCP it was to find suitable locations for industrial development to broaden the economic base of the community. The exclusion was approved by ALC Resolution #1017/95.

The property was subsequently used for a scale and milling operation. The operation received a development variance permit (156-99V) to allow the manufacturing use, of 'pole peeling' to take place outside (as opposed to within a wholly enclosed building) within the Industrial 1 zone in Zoning Bylaw No. 900.

In July 2005, the RDKB received an application for an Industrial Development Permit for a proposed finger-jointing plant<sup>1</sup>. There was a concurrent application submitted to subdivide the lot, (a 1 lot subdivision, with remainder), which proposed the finger-jointing plant be placed on the eastern half of the property. The development permit (291-05D) was issued in July 2005 and the property was subdivided in January 2006.

### *Current Use*

The subject property has one 3,000ft<sup>2</sup> (279m<sup>2</sup>) building which houses a truck and transport and repair facility, as well as a dwelling unit.

The applicant notes that presently the ground is dry and compacted, consisting of mostly rock, gravel and sand with little to no vegetation.

## **PROPOSAL**

The applicant proposes to:

- Construct a 20,000ft<sup>2</sup> steel-framed building to dry, process and store cannabis. The building would also include:
  - A laboratory for the testing of cannabis.
  - The manufacturing of various cannabis derivatives using a pressurized carbon dioxide extraction process on its own and in conjunction with a fractional still.
- Use the existing building (3,000ft<sup>2</sup>) for a nursery for the propagation of seedlings.
- Cultivate cannabis outdoors on 15 acres (6 hectares) in 25 gallon pots, using a self regulating drip line irrigation system.
- Install high security wire mesh fencing (8 feet tall chain link), vinyl fencing and exterior lighting at the access gate.
- Drill one new water well.

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<sup>1</sup> Finger jointing plant is a process whereby short lengths of low quality lumber are machined in a finger profile and glued together.

## IMPLICATIONS

A Development Permit is required for all new buildings and structures in the Industrial Development Permit Area. This development permit area is intended to ensure all industrial noise, vibration, odours, glares and similar consequences of industrial activity are not detectable beyond the boundaries of an industrial property. Another objective is to ensure industrial activities are screened from all other land uses. Wording in italics relate to this development proposal.

### ***Development Permit Area Guidelines***

The guidelines require a report prepared by an accredited professional(s) which describes measures to mitigate effects of the proposed industrial activity. The report must state that the noise, odours, glare, dust and similar consequences of the activity will not be detectable beyond the property boundary.

#### *Odour*

*Agriculture, excluding intensive agriculture, is a principal permitted use in the Industrial 1 Zone therefore odor from the cultivation of cannabis is not something that the Development Permit would address. Concerns were raised regarding odor in the report to the APC, but the minutes do not suggest there was any discussion about it. While not part of the Development Permit process, concerns about odor from outdoor cultivation may be raised at some point in the future.*

*The application includes a submission from Brian Taylor, a court qualified expert witness in relation to cannabis aromas. The submission outlines measures to mitigate odours when the cannabis is being processed in the 20,000ft<sup>2</sup> steel-framed building. He recommends internal air be circulated through HEPA filters prior to the air being vented outside the facility. He speculates that with typical wind conditions and proximity to adjacent residential properties that this is likely all that would be required.*

*If odours are seen as a consistent, reoccurring problem he suggests negative ion generation as an effective mitigation option. If concerns were to still persist, the addition of active carbon scrubbers would eliminate all cannabis aromas escaping the building, as well as the property itself.*

*As the cannabis is processed (CO<sub>2</sub> extraction and flower curing) odours naturally diminish. He outlines at this stage of processing it would be unlikely to require mitigation measures at all. He also asserts in the event more mitigation measures are required, HEPA filters should be more than sufficient to ensure no odour escapes.*

*The final stages of processing and packing typically have little to no aromas.*

*The agent notes that regular cleaning and replacement of HEPA filters is part of the Standard Operating Procedures for Smokey Mountain Craft Cannabis Ltd. The developer asserts that a negative ion generator would be installed in the facility's ventilation system to ensure these odours are quickly and adequately addressed.*

### Noise

*The applicants' submission notes that the chiller is  $\pm 90$  decibels<sup>2</sup> and the hydraulic motor is between 50-70 decibels<sup>3</sup>. The chiller at  $\pm 90$  decibels would be considered loud, however it is proposed to be attached to the exterior of the new building close to the north east corner of the structure, well set back from Highway 395. The chiller is proposed to be mostly enclosed, in order to mitigate noise and protect the equipment.*

### Glare

The applicant must demonstrate that lighting from the proposed industrial activity will not adversely impact adjacent properties.

*The applicants' submission notes that the exterior lighting along the perimeter of the property will be limited to the access gate where security cameras will also be in operation, in accordance with Health Canada regulations. Federal regulations stipulate that all access gates are adequately lit at night. The developer does not anticipate this causing any disturbance to the area as the additional lighting will be minimal and could be mitigated through lightshades.*

*The applicant does not anticipate any additional lighting being required beyond that already in use. The new building will be located behind the existing structure and as a result ... "the additional lighting required around the doorway will not be appreciable and offers little to no prospect of creating light pollution that could be detected beyond the industrial property."*

### Dust

*The applicants' submission suggests that with irrigation of portions of the parcel, dust suppression will be better than what occurs on the site now. There are no current plans to resurface the parking and access areas.*

The applicant must demonstrate that the proposed industrial activity is located within a wholly enclosed building.

*The applicants' submission outlines that the manufacturing of the cannabis will take place within the 20,000ft<sup>2</sup> building.*

The applicant must demonstrate that the industrial building is adequately screened from adjacent lands.

*The applicant's submission outlines that the perimeter of the property will be fenced with wire mesh fencing (chain link) standing at 8 feet tall. The vinyl fencing is proposed along front parcel line which abuts Highway 395.*

Appropriate emergency vehicle access must be provided. Development Permit applications are referred to the local Fire Department for comment. Any

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<sup>2</sup> 90 decibels is similar to power mower or a motorcycle at 25 feet

<sup>3</sup> 50 decibels is similar to a quiet suburb; 60 decibels is conversation in a restaurant or office; 70 decibels is similar to a vacuum cleaner

recommendation made by the local Fire Department may be incorporated as a condition into a development permit approval.

*The applicant's submission notes that they have legal road access and several internal service roads on the property. The site plan shows one existing gate at Highway 395, which will stay in place. Staff will look for direction from the Fire Department regarding whether they would like to see a lock box in place for the gate.*

### ***Other Considerations***

#### ***Use***

The proposal for the development outlines the following uses which are permitted within the Industrial 1 Zone; agriculture, warehouse, wholesale warehouse, commercial greenhouse and/or nursery, laboratory and research facility, and manufacturing provided that it is conducted entirely within a wholly enclosed building.

Permission to use the property to grow cannabis commercially and any requirements specific to that use would be granted by Health Canada.

Surrounding land uses include other industrial operations and rural properties with dwellings on them. The closest homes are on the south side of Highway 395 adjacent to the highway.

#### ***Servicing***

The subject property is not serviced with community water or community sewer. The applicants propose to drill a new well. No additional water or sewage infrastructure is proposed at this time.

#### ***Parking and loading***

The Site Plan, submitted with the application shows 7 parking spaces including one that is the required size to accommodate those with a physical disability. The applicant anticipates a total of 15 individuals would work at the subject property in 2 daytime shifts. One parking space is required for every 3 employees resulting in a requirement of 5 spaces, suggesting that the proposed parking would be more than adequate. It appears that there is adequate space to expand the parking should it be needed in the future.

The applicant's submission states that the company intends to employ up to 134 individuals; however not all would work on the subject property.

#### ***Access***

If the ownership changes as part of this proposal, a new commercial access permit will be required from Ministry of Transportation and Infrastructure.

#### ***Height***

The applicants' submission does not include a height for the proposed 20,000ft<sup>2</sup> building; however, permitted maximum height in the IN1 zone is 12 meters. Any

building permit application will be checked for compliance with the regulations for building height and setback.

*Compliance with the Environmental Management Act (Site Profile)*

The Site Profile that was submitted as part of the applicant's submission has been forwarded to the Ministry of Environment (MOE) according to Section 40 of the *Environmental Management Act*. A site profile is a screening system to identify potentially contaminated sites and see that remediation takes place if required.

The Province has contacted the applicant and determined that further site investigation is required. As such, the current development permit application cannot be approved until the applicant meets the specified requirements and either obtains a ministry instrument (Certificate of Compliance or Determination), or requests and obtains a release letter. The applicant submitted a release request on September 12<sup>th</sup>. The applicant is awaiting response from MOE at this time.

## **ADVISORY PLANNING COMMISSION (APC)**

Five representatives of the proponent attended the September 4, 2018 Advisory Planning Commission (APC) meeting to present information on the proposal and to answer questions.

Additional information provided to the APC by the proponent included the following:

- Purchase of the property closes on October 13, 2018.
- Cannot apply to Health Canada until the purchase/property transfer is completed.
- Permit from Health Canada cannot be issued until the building is constructed, inspected and approved.
- Hope to start construction on November 1<sup>st</sup>.
- Anticipates building in 3 phases; expansion to two additional properties at some point and to grow outdoors.
- Does not anticipate an impact to the on-site sewage disposal system since no solvents or chemicals will be used. A carbon dioxide pressurized system would be used to extract derivatives.
- Ultimately hopes to be a year round operation.

The APC unanimously supports the Development Permit application.

## **PLANNING AND DEVELOPMENT DEPARTMENT STAFF COMMENTS**

Staff will work with the applicant regarding any outstanding issues that have been raised in this staff report or could be raised at the Electoral Area Services Committee meeting. The applicant is responsible to obtain from Health Canada all permitting

Page 6 of 7

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related to cannabis cultivation and production.

### **RECOMMENDATION**

That the staff report regarding the Development Permit application submitted by Jason Taylor of Smokey Mountain Craft Cannabis on behalf of Stella Jones Canada Inc., to construct a 20,000ft<sup>2</sup> building to propagate, dry, process and store cannabis within the Industrial Development Permit Area on the parcel legally described as Lot 2, District Lot 312, Plan KAP39263, SDYD, Except Plan KAP60786, KAP 80226, Electoral Area C/Christina Lake, be received.

### **ATTACHMENTS**

Site Location Map

Subject Property Map

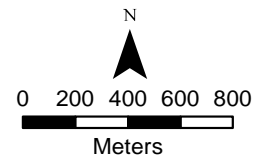
Applicant's Submission



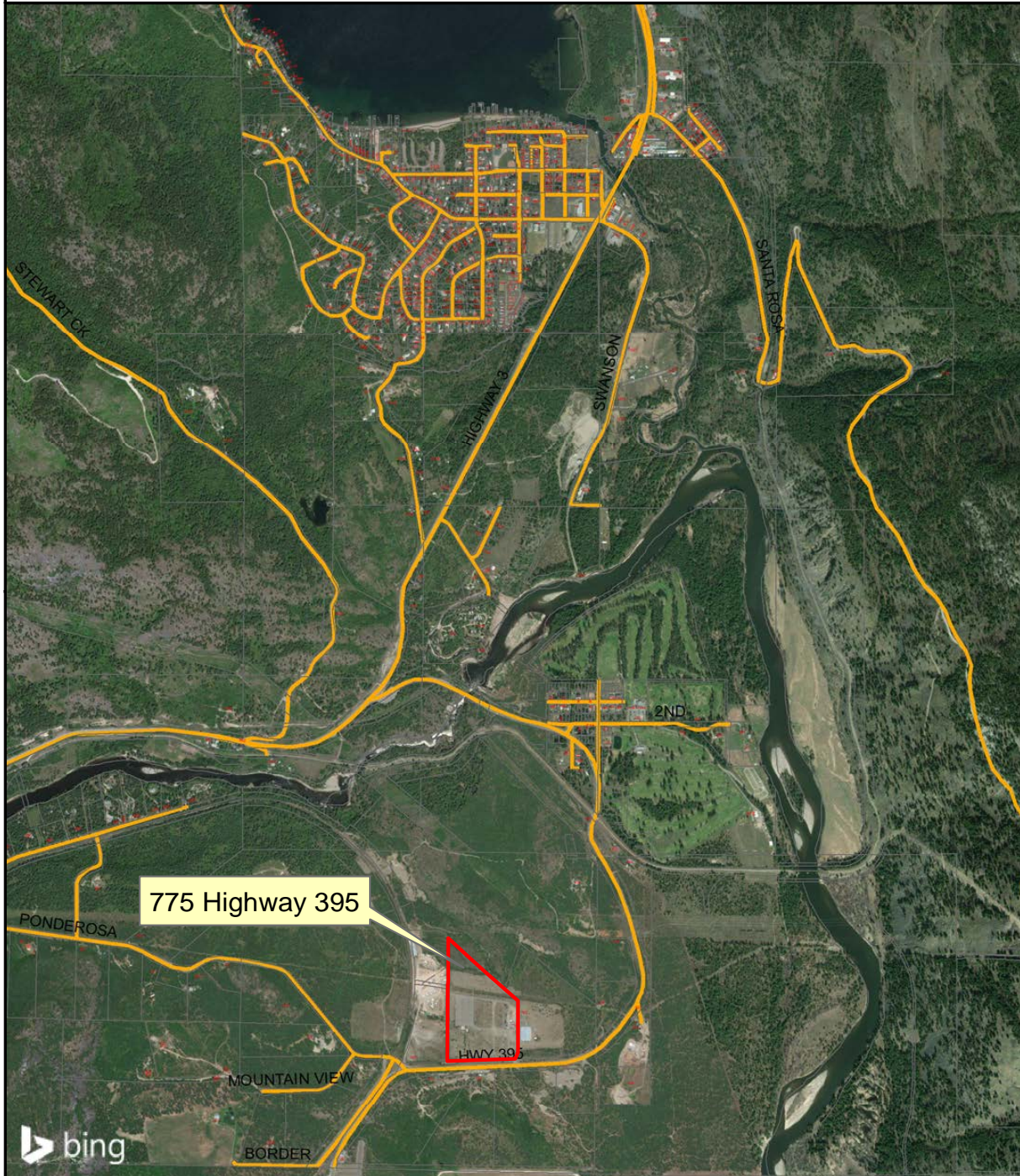


# Site Location Map

Date: 2018/08/25



Scale 1:25,000



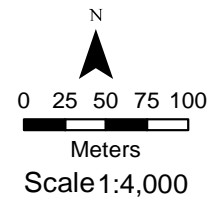
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Date: 2018/08/25

## Subject Property Map



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Development Application Description, pursuant to s. 3.5 of the Area 'C'  
*Official Community Plan-Bylaw No. 1250, 2004, Area 'C' Zoning Bylaw No. 1300, 2007* and s. 919.1(1)(f) of the *Local Government Act [RSBC 1996]* C.  
 323

Legal Description: Lot 2, District Lot 312 Similkameen Division, Yale District Plan  
 39263, Except Plans KAP60786 and KAP80226

Parcel ID: 010-030-263

Civic Address: 775 Highway 395, Christina Lake, B.C. V0H 1E0

I. Current Use

Subject property has been occupied by Bolster & Sons Transport Corporation for several years as a residence and as a place of business for the operation of a truck transport company and repair facility. The property has a single existing building, of approximately 3,000 square feet, which houses the repair facility, trucking operations and residence.

At present, the land on the property is hard and very dry ground, primarily consisting of rock, gravel and sand and is largely devoid of vegetation other than scrub brush and like growth. The property also contains several piles of scrap metal that appear to be detritus from the current tenant's trucking and repair operations. There are several piles of wood remaining on the property that appear to have resulted from the operation of a finger joint plant that existed prior to the severance of the parcel at issue, noted above. As a result of the foregoing, the property is very dusty, unsightly and produces a significant amount of noise from the aforementioned business related operations.

II. Proposed Use

In accordance with and pursuant to s. 418 of *Area 'C' Zoning Bylaw No. 1300*, the developer intends to develop the property as follows:

- i. Cultivate cannabis on approximately 15 of the 32 acres on the property, in accordance with ss. 418(1)(a);
- ii. Erect a 20,000 square foot steel framed building to dry, process and store cannabis in accordance with ss. 418(1)(a),(x) and/or (y), respectively;



- iii. The pre-existing building will hold a nursery for the propagation of seedlings in accordance with ss. 418(1)(i);
- iv. The 20,000 square foot building will also hold a laboratory for the testing of cannabis in accordance with ss. 418(1)(m), respectively; and
- v. The 20,000 square foot building will also be used for the manufacturing of various cannabis derivatives using a pressurized carbon dioxide extraction process on its own and in conjunction with a fractional still, in accordance with s. 418(1)(o).

### III. Property Developments

- i. The developer will erect a 20,000 square foot, steel framed building on the property, directly behind the existing building at a cost of approximately \$600,000. Please note that in one of the site plans attached hereto, this structure is misplaced due to a technical error and does not align with the pre-existing structure as actually intended and correctly described in the subsequent site plan, also attached hereto;
- ii. The developer intends to cultivate in 25-gallon pots, using a self-regulating drip line irrigation system, which is a flexible, a plastic tube that sits above ground and only distributes water into the growing pots. As a result, most if not all of the irrigation water will be consumed by the plants and the rest will evaporate. Any excess water that escapes the pots will be as a result an unanticipated fault in the irrigation system but is not of concern as water conservation will a high priority for the developer and the land will easily absorb any such water spill(s);
- iii. The developer will completely encircle the subject property in high security wire mesh fencing as required by Health Canada regulations. The fencing along the property facing Highway 395 will include vinyl fencing to preclude a view of the property's interior from all public rights of way;
- iv. Exterior lighting along the property's perimeter will be limited to the access gate where security cameras will also be in operation, in accordance with Health Canada regulations. Although federal regulations stipulate that all access gates are adequately lit at night, the developer does not anticipate this causing any disturbance to the area as a result due to the fact that any additional lighting will be minimal and only for recognized security concerns and regulatory compliance. In addition, the developer does not believe that any additional lighting, beyond that already deployed will be required. Nevertheless, any disturbance caused by the required lighting of the gate

access, can be ameliorated through various means including lightshades that direct the light to the specific area that needs it and minimize light pollution;

- v. The developer will drill one new water well.
- vi. Aside from the requirement for one new water well, the developer will not require any additional water or sewage infrastructure. The workforce on the property is slated grow from 8 people to 15 over the next 24 months. In three years, additional water and sewage infrastructure could be required when we intend to expand our workforce to approximately 134 individuals as a result of offering outsourced processing services to craft growers in the area.
- vii. Legal road access to the property exists and is anticipated to be more than adequate for emergency vehicle access and no new access is anticipated now or in the future. There are several service roads currently on the property and the developer has no requirement for additional roadways.

#### IV. Industrial Use

The only proposed industrial activity is referred to above, in paragraph II. (v.), and will consist solely of the manufacture of cannabis derivatives in the form of oils, tinctures, distillates, topical creams etc.

Any noise or vibrations caused by the manufacture of cannabis derivatives which will be wholly performed and contained within the building, will not be significant and will not arise to the levels caused by the property's current use and as such, will not be detectable beyond the boundaries of the property. Since all industrial activities will be wholly performed and contained within the building, all views of the industrial activities will be completely screened from all adjoining lands and uses.

The manufacturing of cannabis derivatives does produce an odour or smell as a natural consequence of processing wholly non-toxic, non-combustible organic compounds. As we are dealing with organic compounds, it is expected that they will disperse quickly but such dispersion is not consistently uniform or predictable and is subject to many variables. Although some people view this particular smell as a pleasant one, some people are disposed to view the smell as objectionable. As such, the developer intends to install high efficiency particulate air filters (HEPA filters) on the processing facility's ventilation system to ensure that any smells or odours are not detectable beyond the property.

We are informed by various professionals (a report from one is attached hereto for your consideration) that the HEPA filters will be sufficient to ensure any smell or odour does not escape the property on a regular basis. However, we are also informed by industry professionals that the performance of HEPA filters can degrade over time and with length of use and can be affected on occasion by changes in ambient weather conditions and in the agricultural product being processed. As such, the developer, as

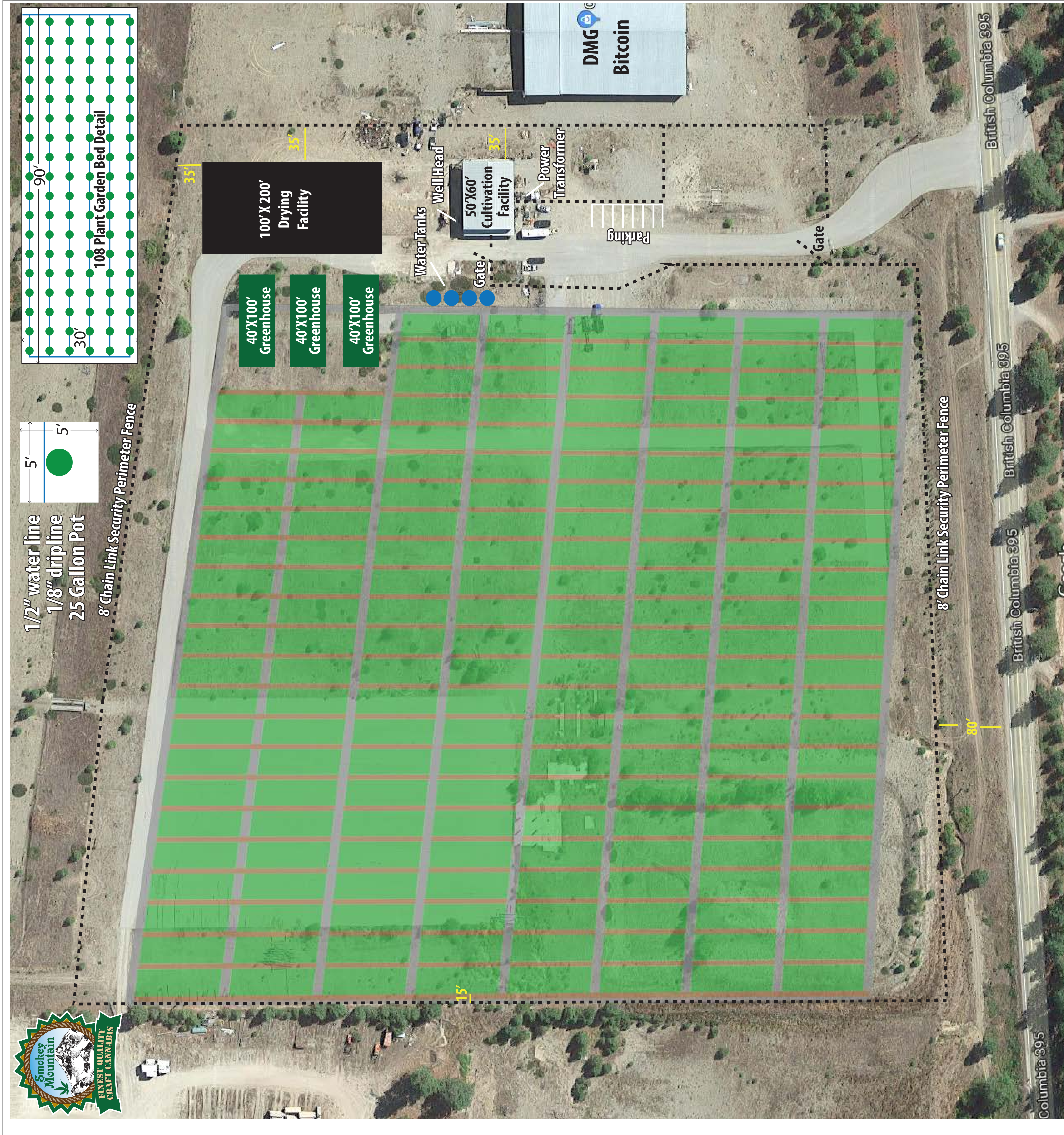
part of its Standard Operating Procedures, included regular cleaning and replacement of its HEPA filters to assist in ensuring no smell or odour escapes the confines of the property. To address any potential for a smell that might escape the property due to variations in ambient weather conditions, dispersal patterns and unforeseen changes in the composition of volatile organic compounds or other unforeseen conditions, the developer will install a negative ion generator in the facilities ventilation system to ensure that any odours or smells that do escape the property as a result of unforeseen circumstances are quickly and adequately addressed.

In the unlikely event that any odour or smell is not consistently addressed by the foregoing mitigation measures, the developer will install active carbon filters on the processing facility's ventilation system which will ensure the processing is completely odourless on the subject property as well as all adjoining properties.

Submitted by:

Jason Taylor, CEO  
Smokey Mountain Craft Cannabis Ltd.  
250.800.0363  
email: [smokeymountaincraftcannabis@gmail.com](mailto:smokeymountaincraftcannabis@gmail.com)











The Supreme Court of British Columbia has accredited the writer, Brian Taylor, as a court qualified expert witness in relation to cannabis aromas on multiple occasions.

Cannabis aromas are emitted primarily from terpenes and terpinoids, present in greater and lesser amounts in all cannabis strains. Some cannabis aromas are perceived as pleasant, such as pine, lemon, and tropical fruit, while others, like skunk, are less pleasant to some. It is important to note that the organic compounds that create these aromas in cannabis are the exact same compounds that give pine trees, for example, a pine scent and lemons the taste of lemon. Therefore, it should be noted that the smells produced by cannabis are chemically identical to the organic compounds we are all familiar with, albeit in combinations that most of us are unfamiliar with. Nevertheless, the aroma of cannabis processing, unlike the odour of a pig farm, is composed of entirely non-toxic organic compounds that pose no health concerns whatsoever.

In Stage # 1 of the proposed manufacturing processing process, dry product will enter the processing areas which will be located within a 20,000 square foot steel framed building. All processing activities will also take place in a closed building. Those activities include initial rough trimming of cannabis, separation for extraction using a pressurized carbon dioxide process and a fractional distilling process.

Initially, in order to ensure no odour or smell escapes the property, I recommend starting with internal air circulated through hepa filters prior to the air being vented outside the facility. Depending on typical wind conditions, and proximity to houses this likely all that will be required.

If aromas are seen as a consistent, recurring problem, further cleaning by negative ion generation is an effective mitigation option.



Should any further concerns exist, the addition of active carbon scrubbers will eliminate all cannabis aromas escaping the building, as well as the property itself.

In Stage 2 activities of the business process, being Co2 extraction, and flower curing, will result in diminished aromas which are unlikely to require mitigation measures at all. In the event that mitigation measures are required, hepa filters should be more than sufficient to ensure no odour or smell escapes the property.

In Stage 3 of the processing, which includes packaging and bulk, packaging for wholesale, will result in little or no aromas.

Stage 4, shipping will have no emissions.

In conclusion I recommend starting with internal hepa filters and adding, a negative ion generator with the use of active carbon filters as an extreme last option.

Brian Taylor

From: **Brad Morgan** brad.morgan@vitaliset.com  
Subject: **Odour and Noise - considerations**  
Date: **August 13, 2018 at 11:59 AM**  
To: **SmokeyMountainCraftCannabis@gmail.com**



As requested, I talked to our engineering team to identify odour and noise considerations surrounding our equipment:

Odour: The only odor from the machine will come from the CO2 exhaust vented through the exhaust manifold, but it is minimal and only occurs when you are depressurizing. Most of our customers do not have odor mitigation.

Noise:

The chiller is around 90 db.

The hydraulic motor is between 50-70 db

To date we have not heard of any issues surrounding noise or odours caused by our systems.

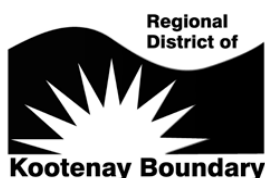
Thank you,

**Brad Morgan**

**Strategic Accounts Manager**

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102-480 Neave Ct, Kelowna, BC, Canada V1V 2M2



## Electoral Area Services (EAS) Committee Staff Report

<b>Date:</b>	September 20, 2018	<b>File #:</b>	C-970-04413.000
<b>To:</b>	Chair Worley and members of the Electoral Area Services Committee		
<b>From:</b>	Carly Rimell, Senior Planner		
<b>RE:</b>	Subdivision Referral (MOTI) - Campbell		

### ISSUE INTRODUCTION

We have received a referral from the Ministry of Transportation and Infrastructure (MoTI) for a proposed subdivision in Electoral Area C/Christina Lake (see Site Location Map; Subject Property Map; Applicant's Submission).

### HISTORY / BACKGROUND INFORMATION

Property Information	
<b>Owner(s):</b>	Judith Campbell
<b>Agent</b>	Douglas MacAskill
<b>Location:</b>	48 Kingsley Road
<b>Electoral Area:</b>	Electoral Area C/Christina Lake
<b>Legal Description(s):</b>	Lot 11, Plan KAP5313, DL 970, SDYD
<b>Area:</b>	±4560m <sup>2</sup> (1.127 acres)
<b>Current Use(s):</b>	Vacant
Land Use Bylaws	
<b>OCP Bylaw No. 1250</b>	Residential
<b>Service Area</b>	Sutherland Creek Waterworks District
<b>Zoning Bylaw No. 1300</b>	Single Family Residential 1 (R1)
<b>Minimum Parcel Size</b>	2000m <sup>2</sup> when connected to a community water system, or 1 hectare when not connected to a community water system.
<b>Development Permit Area</b>	NA

Page 1 of 2

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The subject property is located near the intersection of Kingsley Road and Tambellini Road and has no or limited improvements on it.

## **PROPOSAL**

The applicant wishes to subdivide the property into two parcels (2005.7m<sup>2</sup> and 2406.9m<sup>2</sup>). Each proposed lot would have approximately 35.1 metres of frontage along Kingsley Road. The applicant also proposes a water utility connection for each property (see Applicant's Submission).

## **IMPLICATIONS**

The proposed subdivision meets the minimum size requirements for subdivision provided the Sutherland Creek Waterworks District approves the water connections. Proof of connection to the waters service would be a requirement of the Ministry of Transportation and Infrastructure.

Parkland dedication is not required with this subdivision.

## **ADVISORY PLANNING COMMISSION (APC)**

The Electoral Area C/Christina Lake APC supported the application at their September 4, 2018 meeting.

## **RECOMMENDATION**

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed subdivision on the parcel legally described as Lot 11, Plan KAP5313, DL 970, SDYD, Electoral Area C/Christina Lake, be received.

## **ATTACHMENTS**

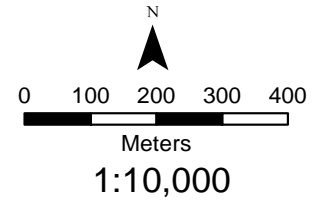
*Site Location Map*  
*Subject Property Map*  
*Applicant Submission*





Date: 8/24/2018

## Site Location Map



Subject Property  
48 Kingsley Road

**CHRISTINA LAKE**



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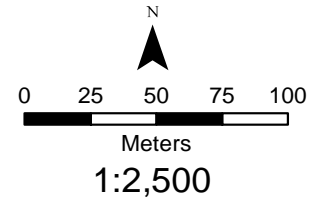




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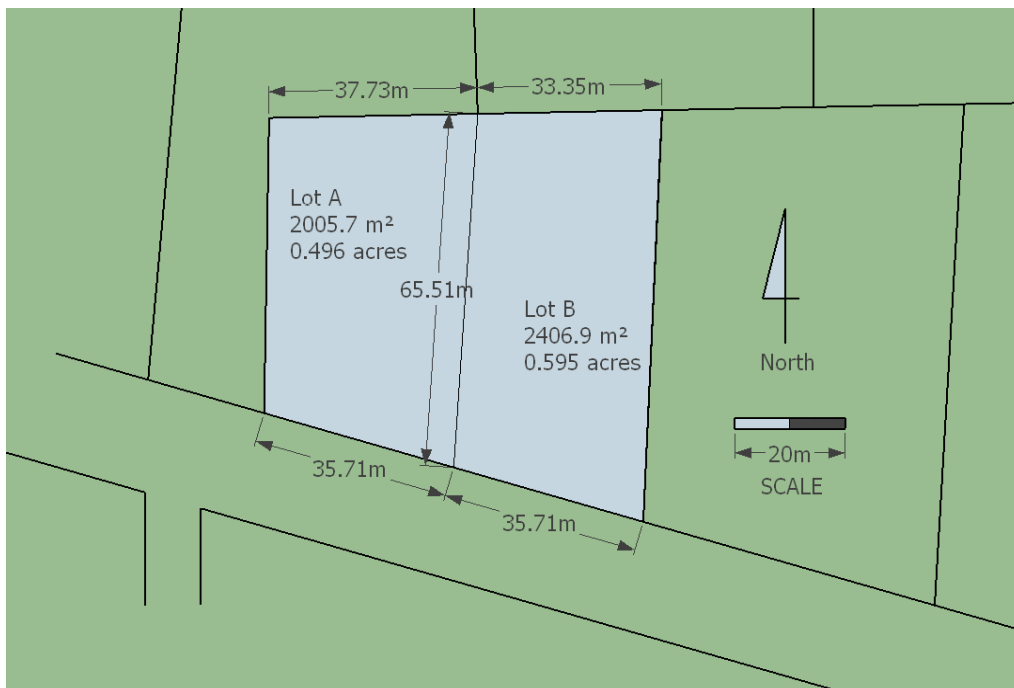
# Subject Property Map

Lot 11, Block 1, Plan KAP5313  
District Lot 970  
Similkameen Div of Yale Land District

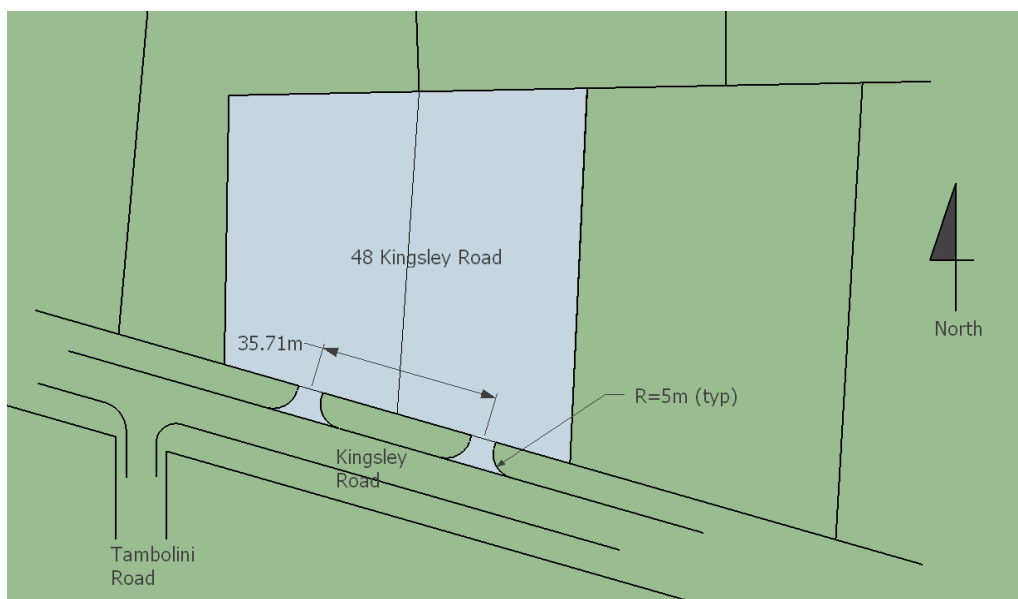


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Proposed Subdivision of 48 Kingsley Road, Christina Lake, BC V0H 1E2  
Judith Campbell, Owner



Proposed Subdivision of Lot 11, Block 1, Plan KAP5313, DL 970, DL 970, Similkameen Div of Yale District  
48 Kingsley Road, Christina Lake, BC

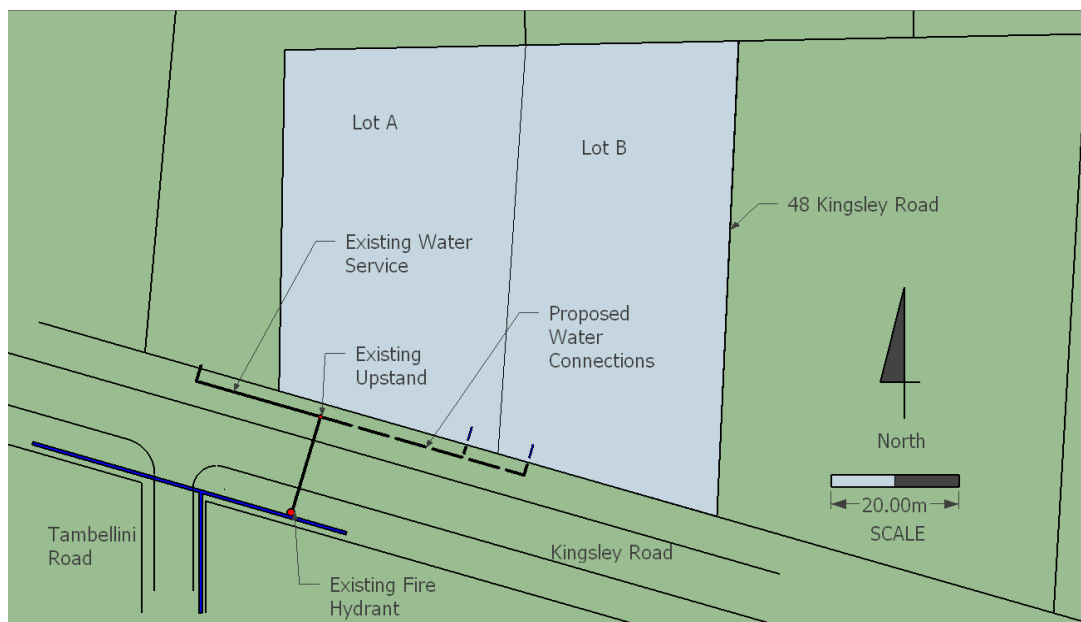


Proposed Driveway Access to Kingsley Road

Drawn: 19<sup>th</sup> July 2018

Proposed Subdivision of 48 Kingsley Road, Christina Lake, BC V0H 1E2  
Judith Campbell, Owner

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Existing & Proposed Utilities

Drawn: 19<sup>th</sup> July 2018





**S.C.W.D.**



Sutherland Creek Waterworks District  
Box 466, Christina Lake, B.C. V0H 1E0  
Phone/Fax 250-447-6188  
Email: [rwblack@shaw.ca](mailto:rwblack@shaw.ca)

July 25, 2018

**To Whom It May Concern:**

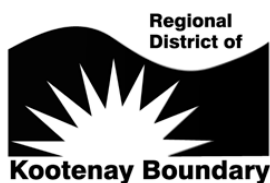
**Re: L11 DLK 1 DL970 Plan 5313 being 48 Kingsley Rd, Christina Lake B.C.**

Sutherland Creek Waterworks District has no objection to the subdivision of the above noted property registered to Judith Campbell into two lots. Sutherland Creek Waterworks District has sufficient water supply for this subdivision.

Regards

A handwritten signature in cursive script that reads "J. Black".

Judith C. Black,  
Administrator



## Electoral Area Services (EAS) Committee Staff Report

<b>Date:</b>	September 20, 2018	<b>File #:</b>	C-56
<b>To:</b>	Chair Worley and Members of the EAS Committee		
<b>From:</b>	Carly Rimell, Senior Planner		
<b>RE:</b>	Cannabis Legalization – Zoning Bylaw Considerations		

### ISSUE INTRODUCTION

Bill C-45 (the *Cannabis Act*) will come into on force in October 17, 2018, thereby making recreational (non-medical) cannabis legal in Canada. The federal and provincial governments will hold most jurisdiction. However, there is some opportunity for regulation by local governments, specifically regarding retail sales and cultivation on non-ALR lands.

Staff prepared reports for the Advisory Planning Commissions (APC) for each electoral area corresponding the land use bylaws. The comments provided by the APC's are included within this report.

### BACKGROUND INFORMATION

On June 19<sup>th</sup>, 2018 the Senate approved Bill C-45 (*The Cannabis Act*), which subsequently received Royal Assent. The next day, the Senate approved Bill C-46, while the federal government announced that recreational cannabis would be legalized on October 17, 2018.

Bill C-45 will make the federal government responsible for licensing cannabis producers, regulating production, product standards, safety, compliance and enforcement.

Under Bill C-45, each province will decide how cannabis will be distributed in its jurisdiction, specifically whether it will be:

- Public retail distribution
- Private retail distribution (direct distribution), or
- Some combination of those.

Other priority policy areas that the provincial government will have jurisdiction over include: minimum legal age for consumption, public consumption, personal cultivation, possession limits, and drug-impaired driving.

### **Commercial Cultivation:**

The federal government will be responsible for licensing cannabis producers. Until recently, the provincial government defined the production of a cannabis as a type of farming, which means the commercial cultivation of recreational and medical cannabis was permitted in the Agricultural Land Reserve (ALR), and could not be prohibited by a local government.

The Union of BC Municipalities (UBCM) members have opposed these rules, requesting, local governments be allowed to regulate the production of cannabis within the ALR through land use regulations. Local governments have identified a number of concerns related to medical cannabis production on ALR, including:

- Production may be detrimental to food security/supply
- Increasing speculation that has led to rising land prices
- Policing and security requirements identified in the federal licensing scheme may fall to local governments
- Odour and light pollution from cannabis production

The UBCM Executive at its May 18<sup>th</sup>, 2018 meeting, agreed to support a moratorium on the production of recreational cannabis on ALR land until the provincial government undertakes a comprehensive review and broad consultation with local governments.

Local governments now are able to prohibit cannabis production in the ALR within their communities, unless it is grown in ways that preserve the productive capacity of agricultural land.

The regulatory change, effective immediately gives authority to local governments to prohibit cement based, industrial style, cannabis production bunkers on ALR land in their communities while clarifying that cannabis production in the ALR cannot be prohibited if grown lawfully:

- In an open field;
- In a structure that has a soil base;
- In a structure that was either fully constructed or under construction, with required permits in place, prior to July 13<sup>th</sup>, 2018; or
- In an existing licensed operation.

The regulation allows local governments to prohibit the altering of existing structures to increase the size or material used as the base of the structure, and applies, or will apply to licensed medical and recreational facilities in the ALR. The new framework allows

local governments to make decisions regarding cannabis production that align with local planning and priorities in their communities.

The regulatory change pertains only to land in the ALR. Local governments can regulate or prohibit cannabis production on lands outside of the ALR.

### **Retail Sales (Distribution):**

In April 2018, the provincial government announced that citizens of legal age (19 or older) will be able to purchase non-medical cannabis through privately run retail stores or government-operated retail stores and online sales.

The BC Liquor Distribution Branch (LDB) will be used to operate the public retail stores, and Liquor and Cannabis Regulation Branch (LCRB)<sup>1</sup> will be responsible for licensing private stores and monitoring the retail sector. The operating rules governing public and private retail stores will be similar to those currently in place for liquor.

As a first step, the Province will open opportunities to apply for regular retail licenses. Once the regional distribution of retail recreational cannabis stores is known, the province will consider issuing licenses to service rural or remote areas that are not sufficiently served by existing retail cannabis stores (see Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores).

## **IMPLICATIONS**

Implications for each set of land use bylaws are discussed below.

### **Electoral Area 'A'**

For Electoral Area 'A', the Official Community Plan Bylaw No. 1410 and Zoning Bylaw No. 1460 regulate land use and could be proposed for amendment depending on the direction from the Electoral Area Services (EAS) Committee.

### Cultivation

Due to the provincial government including cannabis production in their definition of agriculture, this would permit the commercial production of cannabis in any zone where agriculture is a permitted use, including those not within the ALR (see list of zones below).

- Rural Residential 1
- Rural Residential 2
- Rural Zone

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<sup>1</sup> The Liquor Control and Licensing Branch (LCLB) has been renamed to the Liquor and Cannabis Regulation Branch (LCRB) to represent its new additional responsibility of licensing and monitoring the retail sale of recreational cannabis in British Columbia.

- Rural Resource 1
- Agricultural Resource 1 (ALR)
- Agricultural Resource 2 (ALR)
- Agricultural Resource 3 (ALR)
- Forest Resource
- Industrial 2
- Industrial 4
- Airport
- Rail/Trail Corridor

#### Retail Sale (Distribution)

Many zones that permit agriculture also permit the sale of products grown on the farm. The ALC also regulates the sale of products grown on the farm.

Retail stores are listed as permitted uses in most commercial zones in Electoral Area 'A' (see list of zones below). Without separating out the sale of cannabis from retail sales, the sale of cannabis would be permitted wherever 'retail store' or a similar use is listed as a permitted use.

- Rural Residential 1 (allows retail sales of products grown on the property)
- Rural Residential 2 (allows retail sales of products grown on the property)
- Rural (allows retail sales of products grown on the farm)
- Rural Resource 1 (allows retail sales of products grown on the farm)
- Agricultural Resource 1 (allows retail sales of products grown on the farm)
- Agricultural Resource 2 (allows retail sales of products grown on the farm)
- Agricultural Resource 3 (allows retail sales of products grown on the farm)
- Commercial 1
- Commercial 2
- Industrial 1
- Industrial 2 (allows retail sales associated with a principal agricultural use)
- Industrial 4 (allows retail sales associated with a principal agricultural use)
- Industrial 6
- Airport

#### Advisory Planning Commission Comments

The Electoral Area 'A' APC provided the following comments;

"It was agreed by the commission that further research and information was required and how other areas are dealing with the pending change. Staff agreed to provide updated information as it became available."

### **Electoral Area 'B' / Lower Columbia-Old Glory**

For Electoral Area 'B', the Official Community Plan Bylaw No. 1470 and Zoning Bylaw No. 1540 regulate land use and could be proposed for amendment depending on the direction from the EAS Committee.

#### Cultivation

Within the Zoning Bylaw, the term agriculture has been defined to separate, intensive agriculture, and the agricultural production of a controlled substance from regular farming practices as defined by the *Agricultural Land Commission Act*.

Due to the provincial government including cannabis production in their definition of agriculture, this would permit the commercial production of cannabis in lands within the ALR. The following list of zones will permit production of cannabis.

- Agricultural Resource 1 (ALR)
- Agricultural Resource 2 (ALR)
- Agricultural Resource 3 (ALR)
- Industrial 3

#### Retail Sale (Distribution)

The ALC also protects the right to sell products grown on the farm, and sets out regulations for that. It is unlikely that a facility cultivating cannabis will also sell cannabis, as it will probably conflict with the conditions of a federal approval for cultivation.

Retail stores are listed as permitted uses in most commercial zones in Electoral Area 'B' (see list of zones below). Without separating out the sale of cannabis from retail sales, the sale of cannabis would be permitted wherever 'retail store' or a similar use is listed as a permitted use.

- Agricultural Resource 1 (allows retail sales of products grown on the farm)
- Agricultural Resource 2 (allows retail sales of products grown on the farm)
- Agricultural Resource 3 (allows retail sales of products grown on the farm)
- Industrial 3
- Commercial
- Light Industrial 1
- Light Industrial 2
- Industrial 3

#### Advisory Planning Commission Comments

The Electoral Area 'B' / Lower Columbia-Old Glory provided the following comments:

"These matters are covered so far as we have jurisdiction in the Official Community Plan. Federal and Provincial governments will have final jurisdiction. The Agricultural Land Commission supersedes the Regional District"

### **Electoral Area 'C'/Christina Lake**

For Electoral Area 'C'/Christina Lake, the Official Community Plan Bylaw No. 1250 and Zoning Bylaw No. 1300 regulate land use and could be proposed for amendments depending on the direction from the EAS Committee.

#### Cultivation:

Due to the Provincial government including cannabis production in their definition of agriculture, this would permit the commercial production of cannabis on lands within the ALR. The following list of zones that permit agriculture include:

- Rural 1
- Natural Resource 1
- Industrial 1
- Industrial 2

Portions of the following zones are within the ALR, and therefore permit agriculture regardless of whether the use is listed in the Zoning Bylaw.

- Rural Residential 3
- Parks and Recreation
- Rail/Trail Corridor 1
- Campground Commercial 7

Therefore, even if RDKB Bylaws do not permit agriculture within these zones, these parcels would still be permitted to commercially produce cannabis as ALR authority supersedes local government. In the next comprehensive review of the zoning bylaw it is anticipated that the zones will better reflect the ALR boundaries.

#### Retail Sales (Distribution)

The ALC also protects the right to sell products grown on the farm, and sets out regulations for that.

Retail stores are listed as permitted uses in most commercial zones in Electoral Area 'C'/Christina Lake (see list of zones below). Without separating out the sale of cannabis from retail sales, the sale of cannabis would be permitted wherever 'retail store' or a similar use is listed as a permitted use.

- Core Commercial 1
- Core Commercial 1A
- Highway Commercial 2
- Highway Commercial 3
- Neighbourhood Commercial 4
- Seasonal Resort Commercial 5

### Advisory Planning Commission Comments

The Electoral Area 'C'/Christina Lake APC provided the following comments:

- "Cultivation: recommend to define the use, but not have the use listed within any zone therefore would require a bylaw amendment for cultivation on non-ALR lands; supported by majority
- Distribution: recommended to permit in same zones which already allow retail sales; supported by majority
  - Recommendations: more details requested if there are LCLB regulations for operation distance from institutions such as schools and daycare
  - LCLB signage regulation for retail sales shops
- Public Consumption: bylaws can be created but there is still no enforcement capacity at the moment"

The Electoral Area 'C'/Christina Lake OCP survey was sent to all property owners which included the following question.

Would you support the retail sale of recreational cannabis in Electoral Area 'C'/Christina Lake, upon federal legalization later this year?

Yes	No	Total
244	231	475
51%	49%	100%

### **Electoral Area 'D'/Rural Grand Forks**

For Electoral Area 'D'/Rural Grand Forks, the Official Community Plan Bylaw No. 1555 and Zoning Bylaw No. 1299 regulate land use and could be proposed for amendments depending on direction from the EAS Committee.

#### Cultivation

Due to the Provincial government including cannabis production in their definition of agriculture, this would permit the commercial production of cannabis on lands within the ALR.

The following list of zones that permit agriculture in Bylaw 1299 include:

- Estate Lot Residential 3 (partially within the ALR)
- Agricultural Resource 1
- Agricultural Resource 1A
- Agricultural Resource 1B
- Agricultural Resource 2
- Agricultural Resource 3
- Agricultural Resource 4
- Rural Resource 1 (partially within ALR)
- Rural Resource 1A (non ALR)



- Recreational Commercial 2 (non ALR)

Another consideration is that this zoning bylaw is undergoing a comprehensive review and it is anticipated to be adopted this fall, therefore the proposed zoning bylaw should also be considered within this report. Agriculture is permitted within the following zones within the proposed zoning bylaw.

- Residential 4 (non ALR, and does not list agricultural production of a controlled substance as a permitted use)
- Agricultural Resource 1 (ALR)
- Agricultural Resource 2 (ALR)
- Agricultural Resource 3 (ALR)
- Agricultural Resource 4 (ALR)
- Agricultural Resource 5 (ALR)
- Rural Resource 1 (non ALR)
- Rural Resource 2 (non ALR)
- Rural Resource 3 (non ALR and does not list agricultural production of a controlled substance as a permitted use)
- Commercial 2 (ALR)
- Parks (partially within ALR)

The proposed zoning bylaw defines also 'agricultural production of a controlled substance' within the proposed bylaw, however this definition should be reviewed as cannabis is no longer to be considered a controlled substance.

#### Retail Sales (Distribution)

The ALC also protects the right to sell products grown on the farm, and sets out regulations for that.

Retail stores are listed as permitted uses in most commercial zones in Electoral Area 'D'/Rural Grand Forks Zoning Bylaw No. 1299 (see list of zones below). Without separating out the sale of cannabis from retail sales, the sale of cannabis would be permitted wherever 'retail store' or a similar use is listed as a permitted use.

- Commercial 1
- Recreational Commercial 2

The proposed zoning bylaw is drafted to permit retail sales in the following zones:

- Commercial 1

#### Advisory Planning Commission

A staff report did not go to the APC, however cannabis legalization was discussed at their April meeting. The following comments were included within their minutes.

"With legalization of cannabis for recreational purposes expected to go through in September, it was noted that we had wording in the new OCP and the draft zoning bylaw regarding the growing of it. Legalization regarding dispensaries is not yet in place."

### **Electoral Area 'E' / West Boundary - Jewel Lake**

For Jewel Lake, the Jewel Lake Rural Land Use Bylaw No. 855 regulates land use and could be considered for amendments depending on the direction from the EAS Committee.

#### Cultivation

The provincial government includes cannabis production in their definition of agriculture. Therefore, even if RDKB Bylaws do not permit agriculture within these zones, these parcels would still be permitted to commercially produce cannabis as ALR authority supersedes local government. (see list of zones below).

- Rural Resource 2 (RUR2)
- Rural Resource 3 (RUR3)
- Commercial 3 Golf Course (C3)

#### Retail Sales (Distribution)

Retail stores are listed as permitted uses in most commercial zones in Jewel Lake (see list of zones below). Without separating out the sale of cannabis from retail sales, the sale of cannabis would be permitted wherever 'retail store' or a similar use is listed as a permitted use. The sale of cannabis as a home-based business would not be permitted.

- Commercial 1 Resort (C1)

#### Advisory Planning Commission Comments

The APC provided the following recommendation.

"That there be consultation with citizens of Jewel Lake and Mount Baldy to determine whether changes to the local bylaws are required to deal with the retail sales and production of cannabis"

### **Electoral Area 'E' / West Boundary – Mt. Baldy**

For Mt. Baldy, the Official Community Plan Bylaw No. 1335 and Zoning Bylaw No. 1340 regulate land use and could be considered for amendments depending on the direction from the EAS Committee.

#### Cultivation

There is no ALR within Mt. Baldy, and agriculture is not a permitted use in any zone within the Zoning Bylaw. As a result, the commercial production of cannabis is not permitted in Mt Baldy.

Retail Sales (Distribution)

Retail stores are listed as permitted uses in commercial zones in Mt. Baldy (see list of zones below). Without separating out the sale of cannabis from retail sales, the sale of cannabis would be permitted wherever 'retail store' or a similar use is listed as a permitted use.

- Village Core Mixed Use 1 (M1)
- Recreational Resource 1 (REC1)
- Institutional and Community Facilities 1 (ICF1)

Advisory Planning Commission Comments

The APC provided the following recommendation that:

"That there be consultation with the citizens of Jewel Lake and Mt. Baldy to determine whether changes to the local bylaws are required to deal with the retail sales and production of cannabis."

**Electoral Area 'E' / West Boundary – Big White**

For Big White, the Official Community Plan Bylaw No. 1125 and Zoning Bylaw No. 1166 regulate land use and could be considered for amendments depending on the direction from the EAS Committee.

Cultivation

There is no ALR within Big White, and agriculture is not a permitted use in any zone within the Zoning Bylaw. As a result, the commercial production of cannabis is not permitted in Big White.

Retail Sales (Distribution)

Retail stores are listed as permitted uses in commercial zones in Big White (see list of zones below). Without separating out the sale of cannabis from retail sales, the sale of cannabis would be permitted wherever 'retail store' or a similar use is listed as a permitted use.

- Village Core 6 (VC6)
- Limited Village Core 6A (VC6A)
- Village Core 6B (VC6B)
- High Density Mixed Residential/Commercial 8 (R8)

Advisory Planning Commission Comments

The Big White APC provided the following comments.

- "There should be no smoking of cannabis in public areas similar to open alcohol rules"

- In our rural environment local beer and wine merchants should be able to sell in the same store as additional store front space might be too expensive to be viable
- With multiple people sharing residences the four plants per household should apply. Any more and the smell when harvesting is taking place can be quite overpowering."

"There should be bylaws put in place from the introduction of the law that address the cultivation, only four plants per household and no medicinal licenses, the selling and the use, no smoking in public places as it is with alcohol."

### **Electoral Area 'E' / West Boundary – Bridesville**

For Bridesville, the Bridesville Townsite Land Use Plan Bylaw No.1485 regulates land use and could be considered for amendments depending on the direction from the EAS Committee.

#### Cultivation

No lands within the plan area (townsite) are within the ALR. There is no definition for agriculture within the bylaw. The following zones (listed below) permit agricultural uses, however it outlines the provisions of these agricultural uses within the perspective zones.

- Residential 1
- Residential 2

As such there is no opportunity for commercial cultivation within the plan area.

#### Retail Sales (Distribution)

There is no zone which lists retail sales as a permitted use in any zone within the Bylaw. As a result, the retail sale of cannabis is not permitted in Bridesville.

### **NEIGHBOURING LOCAL GOVERNMENTS APPROACH**

#### Regional District of Central Okanagan (RDCO)

The RDCO Board has proposed bylaw amendments prohibiting the retail sale of cannabis as well as regulating production on agricultural land within its two electoral areas.

There have been no applications for recreational cannabis shops that have been presented to the RDCO. The RDCO is aiming to get up to speed with the surrounding municipalities on regulations, and will handle any applications after the legalization on a case by case basis (by a zoning amendment application).

This is a proactive approach and applications would be subject to further review of cannabis for regulations related to retail sales.

#### Regional District of Central Kootenay (RDCK)

The RDCK Board has created several bylaw amendments as they have multiple electoral areas (see attached RDCK Electoral Area 'A' Amendment Bylaw).

A summary of these amendments are provided below:

- Added a section which has specific regulations for setbacks and heights for cannabis facilities
- Included the use of micro cultivation, standard cultivation and cannabis nursery within agricultural zone(s)
- Included the micro and standard processing of cannabis the light industrial zone. A development permit area also accompanies this zone, therefore a cannabis cultivating or processing facility would require a development permit.
- Included cannabis retail store as a permitted use in the Commercial 1 and Commercial 2 zone
- Added the following definitions: cannabis, cannabis retail store, micro cultivation cannabis, micro processing cannabis, nursery cannabis, retail cannabis license, standard cultivation cannabis, standard processing cannabis

#### Regional District of East Kootenay (RDEK)

The RDEK Board amended the zoning bylaws to permit recreational cannabis production in the same zones where medical cannabis production is currently permitted.

The RDEK has a policy for LCRB referrals. As part of this policy an application must be made by the proponent to add recreational cannabis retail as a permitted use for the property that is subject of the proposed license.

#### Regional District of Okanagan Similkameen (RDOS)

The RDOS Board chose to define cannabis, cannabis production, cannabis products with an amendment bylaw. RDOS included the production of cannabis as a permitted form of manufacturing use in the Industrial 1 and 2 zones. The definition of agriculture acknowledges that the zoning bylaws already allow cannabis production as a type of agriculture.

### **PLANNING AND DEVELOPMENT DEPARTMENT COMMENTS**

#### **1. Prohibit cement based, industrial style, cannabis production bunkers on ALR land.**

The new framework from the ALC allows local governments to make decisions regarding cannabis production in the ALR which align with local planning and priorities in their communities (see Information Bulletin 04 Cannabis Production in the ALR).

Specifically for example, local governments are now able to prohibit cannabis production when grown in ways that do not preserve the productive capacity (cement based, industrial style, cannabis production bunkers) in the ALR. Amending the bylaws to align the policies to restrict these operations should be considered

while clarifying that cannabis production in the ALR cannot be prohibited if grown lawfully:

- In an open field;
- In a structure that has a soil base;
- In a structure that was either fully constructed or under construction, with required permits in place, prior to July 13<sup>th</sup>, 2018; or
- In an existing licensed operation.

Staff suggests implementing a policy within each OCP and regulations within the associated land use bylaws in order to prohibit cement based, industrial style, cannabis production bunkers on ALR land.

**2. Allow commercial cannabis production where agriculture is a permitted use.**

When the *Cannabis Act* comes into force on October 17<sup>th</sup> commercial cannabis production would be permitted anywhere where agriculture is listed as a permitted use within RDKB Bylaws.

This would align with the current definition of agriculture and interpretation of our bylaws. Therefore staff suggests that there is no need to amend the bylaws to restrict production of cannabis in areas which permit already permit agriculture.

**3. Allow retail sales of cannabis in selected areas only.**

When the *Cannabis Act* comes into force on October 17<sup>th</sup> the retail sale of cannabis would be permitted anywhere where retail sales are listed as a permitted use within RDKB Bylaws.

Based on the feedback staff has received we recommend allowing retail sales in Electoral Area 'C'/Christina Lake and Electoral Area 'D'/Rural Grand Forks and prohibiting retail sales of cannabis in the remainder of the bylaws.

We will still have the opportunity to review where retail sale can operate through the LCRB referral process in Electoral Area 'C'/Christina Lake and Electoral Area 'D'/Rural Grand Forks.

The approach to prohibit retail sales in the remainder of the land use bylaws would allow the opportunity to evaluate impacts on the subject property, impacts on neighbouring properties, community members, service availability and incorporate tools (increased setbacks, development permit area guidelines) to mitigate any associated concerns with such proposals on a case by case basis as part of a rezoning application.

**4. Allow manufacturing of cannabis where light manufacturing or manufacturing is a permitted use.**

When the *Cannabis Act* comes into force on October 17<sup>th</sup> the manufacturing of cannabis would be permitted anywhere where light manufacturing or manufacturing are listed as a permitted use within RDKB bylaws.

Based on the feedback staff has received we recommend allowing manufacturing of cannabis in all zones which currently permit manufacturing. For the most part manufacturing is permitted within Rural Resource and Industrial zones.

We will still have the opportunity to review where retail sale can operate through the LCRB referral process.

Staff reviewed the bylaws and feel that the manufacturing of cannabis is not anticipated to be an overly invasive use considering most of the bylaws require light manufacturing take place within a wholly enclosed building. Even if the definition of manufacturing does not require manufacturing take place within a wholly enclosed building due to the processing requirements it is anticipated it would take place indoors. Manufacturing is currently permitted within some Industrial and some Rural Resource zones.

Industrial Development Permit Areas exist within Electoral Area 'A', Electoral Area 'B'/ Lower Columbia-Old Glory, and Electoral Area 'C'/Christina Lake which would also provide additional oversight regarding development on these lands related to dust, glare and odour.

## RECOMMENDATIONS

### Electoral Area 'A'

That the following bylaw amendments be supported: amend the Electoral Area 'A' Official Community Plan Bylaw No. 1410 to add a policy regarding the prohibition of cement based cannabis production on ALR land and add a policy outlining the requirements of a zoning bylaw amendment to allow cannabis retail sales and to amend the Area 'A' Zoning Bylaw No. 1460 to prohibit cannabis retail sales and cement based cannabis production in the ALR and further that staff be directed to draft amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

### Electoral Area 'B'/ Lower Columbia-Old Glory

That the following bylaw amendments be supported: amend the Electoral Area 'B'/ Lower Columbia-Old Glory Official Community Plan Bylaw No. 1470 to add a policy regarding the prohibition of cement based, cannabis production on ALR land and add a policy outlining the requirements of a zoning bylaw amendment to allow cannabis retail sales and to amend the Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540 to prohibit cannabis retail sales and cement based cannabis production as a prohibited use and further that staff be directed to draft amendment bylaws for presentation to the



RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

Electoral Area 'C'/Christina Lake

That the following bylaw amendment be supported: amend the Electoral Area 'C'/Christina Lake Official Community Plan Bylaw No. 1250 to add a policy regarding the prohibition of cement based, cannabis production on ALR and to amend the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300 to prohibit cement based cannabis production in the ALR and that staff be directed to draft amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

Electoral Area 'D'/Rural Grand Forks

That the following bylaw amendment be supported: amend the Electoral Area 'D'/Rural Grand Forks Official Community Plan Bylaw No. 1555 to add a policy regarding the prohibition of cement based, cannabis production on ALR land and to amend the Electoral Area 'D'/Rural Grand Forks Zoning Bylaw No. 1299 to prohibit cement based cannabis production in the ALR and that staff be directed to draft amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

Electoral Area 'E' – Jewel Lake

That the following bylaw amendments be supported: amend the Electoral Area 'E' Jewel Lake Bylaw No. 855 to add a policy regarding the prohibition of cement based, cannabis production on ALR land and add a policy outlining the requirements of a zoning bylaw amendment to allow cannabis retail sales, and to prohibit cannabis retail sales and cement based cannabis production in the ALR and further that staff be directed to draft the amendment bylaw for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaw.

Electoral Area 'E' – Mt. Baldy

That the following bylaw amendments be supported: amend the Electoral Area 'E'/ Mt. Baldy Ski Resort Official Community Plan Bylaw No. 1335 to add a policy outlining the requirements of a zoning bylaw amendment to allow for cannabis retail sales and to amend the Electoral Area 'E'/ Mt. Baldy Ski Resort Zoning Bylaw No. 1340 to prohibit cannabis retail sales and further that staff be directed to draft the amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

Electoral Area 'E' / - Big White

That the following bylaw amendments be supported: amend the Electoral Area 'E'/ Big White Ski Resort Official Community Plan Bylaw No. 1125 to add a policy outlining the

requirements of a zoning bylaw amendment to allow for retail sales and to amend the Electoral Area 'E' / Big White Ski Resort Zoning Bylaw No. 1166 to prohibit cannabis retail sales and further that staff be directed to draft the amendment bylaws for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed amendment bylaws.

**ATTACHMENTS**

B.C. Cannabis Private Retail Licensing Guide

Municipal Guide to Cannabis Legalization. A roadmap for Canadian local governments

RDCK Document - Legal Framework for Cannabis in Canada

RDCK Document – Cannabis Act Anticipated Changed for Local Government Consideration

Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores

RDCK Electoral Area 'A' Amendment Bylaw

Information Bulletin 04 Cannabis Production in the ALR

B.C. Cannabis

# **PRIVATE RETAIL LICENSING GUIDE**

Applications and Operations



**BRITISH  
COLUMBIA**

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B.C. Cannabis **PRIVATE RETAIL LICENSING GUIDE** Applications and Operations

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# B.C. Cannabis

## **PRIVATE RETAIL LICENSING GUIDE**

### Applications and Operations

In B.C., the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor Control and Licensing Branch (LCLB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

The rules governing retail stores will be similar to those currently in place for liquor, and public and private retailers will have similar operating rules. Note that while this document sets out Government's intentions for B.C.'s retail framework, it is subject to legislation yet to be passed at both the federal and provincial levels.

### Who is this guide for?

This guide provides information for those who are considering applying for a provincial licence to retail non-medical cannabis. It contains preliminary information to help applicants make business decisions and describes the application process. This information will also assist local governments in preparing for potential retail store applications within their communities.

The Province recognizes that retail access in rural areas will require a different approach than the one employed in urban communities. There is a separate section related to rural areas at the end of this document.

Engagement with Indigenous governments and organizations is an important element in the development of the provincial regulatory framework for non-medical cannabis. To ensure the retail model appropriately addresses the unique considerations that must be taken into account with respect to Indigenous peoples, the Province remains committed to working in partnership with Indigenous peoples, governments and organizations. These discussions are ongoing and will continue beyond the initial date of federal legalization of cannabis.

### Who is eligible?

All applicants will be assessed using the same evaluation criteria, which includes obtaining local government support and background checks of police/criminal records which will be examined on a case by case basis.

# Application Process

In spring 2018, the Province will launch an online application portal for individuals and businesses who are interested in applying for a non-medical cannabis retail licence. Additional information on applicant registration will be posted on the website <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/cannabis-regulation> as it becomes available.

## ■ What is the process for applying for a non-medical cannabis retail licence?

When the application portal opens, you may start the application process by entering the required information and documents. This will allow you to provide the required information early so that the assessment of your application can begin as soon as possible once the applicable legislation is passed.

## ■ How long will the application process take?

The Province is committed to conducting thorough reviews of applicants and applications in order to ensure that licensed retailers will operate in a safe and lawful manner. A significant number of applications are anticipated, and plans are being put in place to enable the applications to be processed as efficiently as possible.

## ■ Will there be an application fee?

Yes, each applicant will be required to pay an application fee and a licensing fee. The amount of the fees has not yet been determined. Once the fees have been determined, they will be posted here <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/cannabis-regulation>.

## Eligibility

### ■ If I operated an illegal dispensary prior to legalization, am I prohibited from receiving a licence to operate legally?

Having operated an illegal dispensary will not, on its own, exclude you from being considered for a licence. All applicants will be assessed using the same evaluation criteria, including background checks and local government support. Persons who have operated dispensaries prior to legalization will not receive preferential treatment in the provincial application process.

### ■ Does having a record of criminal activity exclude me, or a shareholder in my company, from obtaining a non-medical cannabis retail licence?

Having a record of criminal activity will not necessarily exclude you from obtaining a licence. As part of the required background check, police/criminal records will be examined on a case by case basis and evaluated in relation to their relevance to the application and the recentness of the activity or offence(s) committed. For example, low risk criminal activity may not exclude a person from becoming a licensee whereas associations with organized crime will exclude a person from becoming a licensee.



■ **I already have a liquor and/or tobacco licence. Am I automatically allowed to sell non-medical cannabis at my liquor store?**

No, you must apply for a non-medical cannabis retail licence. In addition, if you are granted a licence, you will be required to operate the non-medical retail cannabis store in a completely separate business location from any liquor and/or tobacco sales.

■ **If I, a family member, or a business partner, have an interest in a federally licensed producer or processor, can I be considered for a retail licence?**

Yes, a person or company may have an interest in both a producer and a retailer. However, the LCLB will place restrictions on the business relationship between the producer and the retailer. Where there is a close association (financial or otherwise) between a licensed producer and a non-medical cannabis retail business, the retail business will be prohibited from selling any products from the licensed producer. This restriction ensures that the market remains diverse and larger participants do not consolidate and control the market. The Province may create exceptions in the future to support micro-producers.

## *Application: Required Information*

■ **Will I have to undergo a background check?**

Yes, you will be required to consent to a background check in order to be considered for a licence. Policy work is currently underway to determine which members of a corporation, partnership, or other legal business will be required to undergo a background check.

■ **What kind of information do I need to supply to the Province about my company?**

Depending on the type of entity your company is (corporation, partnership, society, etc.) the application system will prompt you to supply the related documents and names of partners, shareholders, directors, officers, and/or senior management.

■ **What information do I have to provide about my proposed location?**

You will need to provide the parcel identifier number (PID), proof of ownership or a copy of a fully executed lease that does not expire for at least 12 months from the date of licence approval, and a floor plan. If additional information is necessary it will be requested during the application process.

■ **Does my store have to be a certain distance from schools or other retailers?**

The Province will not impose distance requirements for non-medical cannabis retailers. However, local governments will have the authority to impose additional requirements. Therefore, you should inquire with your local government about local requirements before committing to a location.

■ **Are there any rules about what I can name my store?**

Your store name must be approved by the LCLB. The name of your store cannot be misleading as to what type of business you operate. As a non-medical cannabis retailer, you cannot choose a name that would lead people to believe you are a provider of medical cannabis. For example, the words “pharmacy”, “apothecary”, and “dispensary” all have meanings linked to the selling of medicines, so these words cannot be used in association with a non-medical cannabis store.

You must also comply with federal legislation and regulations respecting advertising and promotion.

## ***Application: Local Government Requirements***

The Province will permit local governments to decide whether they wish to have a non-medical cannabis retail store in their community. For the Province to issue a licence, applicants must have the support of the local government in the community where the proposed store would be located.

### ■ **What is the process for obtaining local government support?**

The local government must ask residents in the vicinity of the proposed retail location to comment on how the store would impact the community. The local government must consider this public input when deciding whether or not to support the application and must notify the LCLB of their decision by way of a council resolution.

### ■ **Can I get local government support in advance of the provincial application?**

The Province is working with local governments and the Union of B.C. Municipalities to develop the application process, including what information local governments will need to have in order to provide informed comments on the application. Further details will be announced once they are available. In the interim, it is recommended you check with your local government to ensure that you meet any criteria that are specific to your jurisdiction and to ensure that proper zoning is in place.

### ■ **Do public stores have to go through the local government process?**

Yes, public stores must also have local government support.

## **Licences**

To sell non-medical cannabis in British Columbia, retailers will be required to obtain a licence from the Province. There will be two types of retail licences for:

- ▶ self-contained cannabis stores, and
- ▶ stores in rural communities.

### ■ **Will there be a cap on the number of non-medical cannabis retail licences issued in B.C.?**

The Province is not capping the number of licences issued. However, local governments will have the authority to make local decisions based on the needs of their communities. This means that some local governments may choose not to allow retail cannabis stores, while others may choose to cap the number of stores that are permitted to operate within their jurisdiction.

### ■ **I only want to sell medical cannabis; can I apply for a medical cannabis retail licence?**

No, medical cannabis will continue to be sold online by federally licensed producers only. However, like other Canadians, medical users will be able to buy cannabis from retailers of non-medical cannabis.

The federal government has committed to conducting a review of the medical cannabis system in five years.

■ **Will there be any restrictions on where a non-medical cannabis retail outlet can be located?**

The Province is not regulating the location of stores. However, local governments may choose to do so. For example, local governments may set requirements about the proximity of a store to another cannabis store, schools, daycares or other places.

■ **Will the Province be licensing consumption lounges?**

No, not at this time. The Province is focussed on introducing a safe and responsible retail non-medical cannabis sector; consideration will be given to other types of licences at a later date.

■ **Will sales of non-medical cannabis be permitted at outdoor festivals and other events?**

Initially, non-medical cannabis sales will only be permitted at the licenced retail site. Offsite sales may be considered in the future.

## Operations

Provincial and federal governments are committed to ensuring that non-medical cannabis is sold in a lawful, responsible manner. To this end, a range of requirements will be put in place; from who a retailer can buy product from, to who may enter a store, to what type of products may be sold.

### *Operations: Physical store*

■ **Are there any rules about the physical layout or construction of my store?**

To protect youth, the federal government requires that cannabis products must not be visible from outside your store. There will be many different ways for you to achieve this requirement (e.g. window designs). In addition, please remember that you must comply with federal requirements respecting advertising and promotion.

■ **Are there any security requirements for my location?**

You have a strong incentive to secure your premises both during and after operating hours to protect your inventory from theft. The Province is considering what security requirements will be necessary. In addition, local governments may also choose to impose security requirements.

■ **Can I sell non-medical cannabis as part of another business such as a liquor store or pharmacy?**

Not at this time. The Province may consider exceptions in the future, but for now, your non-medical cannabis retail store must be a self-contained business.

There will be exceptions for rural stores, similar to rural liquor stores. The criteria for determining rural areas are currently under development.

## Operations: General

### ■ Can minors enter my store?

No. Unlike liquor stores, where minors are permitted if they are accompanied by a parent or guardian, minors must not enter your cannabis retail store.

There will be exceptions for rural stores to allow entrance by minors. The criteria for determining rural areas are under development.

### ■ What hours can I be open?

Cannabis retail stores can operate between 9 am to 11 pm unless further restrictions are put in place by your local government.

### ■ Are there any rules around pricing?

Policy work is ongoing and information on pricing will be made available as soon as possible.

### ■ Is there a limit on how much non-medical cannabis I can sell to a person?

The proposed federal *Cannabis Act* prohibits an individual from possessing in a public place a total amount of non-medical cannabis, in any authorized form, that is equivalent to more than 30 grams of dried cannabis. Non-medical cannabis must not be sold in amounts greater than this.

This means that if you sell different forms of non-medical cannabis to a single customer, the combined total amount sold must not exceed the equivalent amount of 30 grams of dried cannabis.

Equivalent amounts to 30 grams of dried non-medical cannabis for other cannabis products are listed in Schedule 3 of the proposed federal *Cannabis Act*.

### ■ Can I sell products online?

No, only the public retailer will be permitted to sell non-medical cannabis products online at this time. Consideration may be given to allowing private online sales in the future.

### ■ Can people consume non-medical cannabis in my store?

No. Consumption of any kind will not be permitted in the store, and providing samples will not be permitted.

### ■ Can I deliver my products?

No, retailers will not be permitted to offer a delivery service.

### ■ Do my employees and/or I need any special training or background checks?

In collaboration with industry, the Province will develop a mandatory training program for non-medical cannabis retail employees, which will be implemented over time. The Province will also be developing a registration requirement for employees which will include background checks. Details of this program are still being developed. Information will be provided as soon as that work is complete.

### ■ **Where do I have to store my inventory?**

All cannabis products will be required to be stored at your retail site. No offsite storage will be permitted.

### ■ **Will I be required to have a certain product tracking/inventory control system?**

The federal government has committed to creating a national seed-to-sale tracking system. This is currently under development and more information on retailers' responsibilities in relation to this system will be announced as it becomes available.

### ■ **Can I advertise my product?**

The federal government is regulating the advertisement of cannabis under the proposed *Cannabis Act* (Bill C-45). See the "Further Resources" section at the end of this document for a link to the Bill.

### ■ **Can my store sponsor events or teams?**

The federal government is regulating sponsorship under the proposed *Cannabis Act* (Bill C-45). See the "Further Resources" section at the end of this document for a link to the Bill.

## Supply

### ■ **How do I obtain non-medical cannabis to sell in my store?**

The LDB will be the only source of legal wholesale non-medical cannabis. Retailers will not be permitted to purchase any cannabis products directly from licensed producers or any other source.

### ■ **Can I make financial arrangements with federally licensed producers?**

You cannot accept or request any inducement from a producer. This means you must not:

- ▶ pay money to secure access to a supplier's product;
- ▶ request money from a supplier in return for providing benefits such as preferential shelf space;
- ▶ accept money in exchange for agreeing not to stock a competitor's product.
- ▶ make agreements that give a retailer exclusive access to a producer's product, or product line.

### ■ **What types of non-medical cannabis can I sell?**

You can sell dried cannabis, cannabis oils and seeds that comply with federal requirements.

### ■ **Can I sell edibles?**

No, the proposed federal *Cannabis Act* does not permit the commercial production of edibles at this time. Therefore, you cannot legally sell them. The federal government has stated that edibles will be regulated within 12 months of legalization.

### ■ What else can I sell besides dried cannabis and cannabis oil?

You may sell “cannabis accessories,” as defined in the proposed federal *Cannabis Act*:

*“Cannabis accessory” means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis.*

You cannot sell snacks, tobacco or other non-cannabis related items.

### ■ What format will cannabis products be distributed in?

LDB will distribute pre-packaged product only, with labelling compliant with federal standards, in ready-to-sell formats (no bulk products). The product brands belong to the licensed federal producers.

Retailers will not be authorized to re-package the product with their own branding. Information about specific size formats will be confirmed at a later date.

## Inspections and Compliance

To ensure that non-medical cannabis is being sold in a lawful and responsible manner, the Province will establish a compliance program that will include education, inspection and enforcement activities. The focus will be on encouraging voluntary compliance.

### ■ How often will I be inspected?

Your store will be inspected at least once annually and any time the LCLB investigates a complaint about your store.

### ■ What happens if I am found to be out of compliance?

If an inspector observes a contravention of the provincial legislation at your establishment, you will be issued a Contravention Notice and the inspector may recommend enforcement action. Penalties for contraventions are under development, but could include a monetary penalty or a licence suspension or cancellation. There will be a reconsideration process for licensees that wish to challenge the result of an enforcement hearing.

### ■ Can the police enter and inspect my store?

Yes, police can enter and inspect your store to ensure you are operating in compliance with the legal requirements.

### ■ What should I do with any product I have obtained from unlicensed sources?

Once you have been issued your licence you must not sell cannabis obtained from a source other than the LDB.

## Rural Areas

The Province is aware that it may be necessary to introduce special provisions for rural areas in order to provide access to non-medical cannabis to rural populations.

- **Can an existing business in a rural area be authorized to sell non-medical cannabis, like they are for liquor?**

The Province is considering this possibility because a self-contained non-medical cannabis retail store may not be a viable business in some rural areas.

- **Will the rural agency store model (RAS) used for liquor be used for cannabis?**

Many of the operational requirements of the RAS model used for liquor may be applied to non-medical cannabis. However, the Province is still evaluating how to best meet the need for rural access.

- **If I operate a RAS, will I automatically be able to sell non-medical cannabis?**

No, if a current RAS operator is interested in retailing non-medical cannabis, they will be required to apply for a licence specifically for non-medical cannabis.

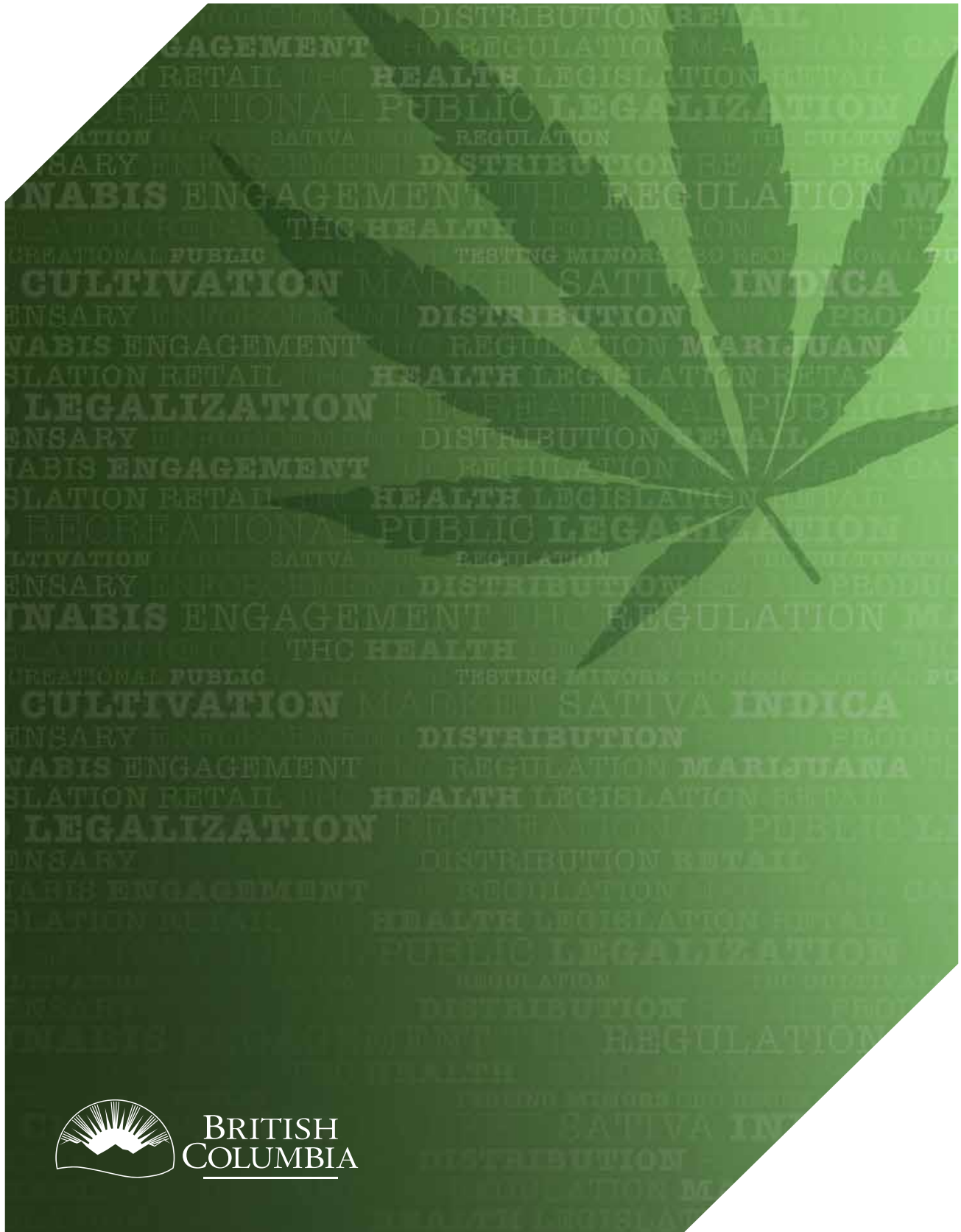
## Further Resources

Bill C-45 the draft federal Act can be found here <http://www.parl.ca/LegisInfo/BillDetails.aspx?billId=8886269>

Contact information: [cannabisregs@gov.bc.ca](mailto:cannabisregs@gov.bc.ca)







A close-up photograph of vibrant green cannabis leaves with serrated edges, filling the upper portion of the page. A semi-transparent dark green rectangle is overlaid on the lower part of the leaves, containing the title and subtitle. A small maroon triangle is visible on the left edge of the green rectangle.

# Municipal Guide to Cannabis Legalization

A roadmap for Canadian  
local governments

**Disclaimer**

This guide provides general information only. It is not meant to be used as legal advice for specific legal problems. This guide should not be used as a substitute for obtaining legal advice from a lawyer licensed or authorized to practice in your jurisdiction.

Information about the law in this guide has been checked for legal accuracy at the time of its publication, but may become outdated as laws or policies change. Links to non-FCM resources are provided for the convenience of readers of this guide. FCM does not create or maintain these non-FCM resources, and is not responsible for their accuracy.

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# Rising to the local challenge of cannabis legalization



## To municipal leaders and staff across Canada,

The nationwide legalization of non-medical cannabis by the summer of 2018 presents major challenges for all orders of government.

And of course, municipalities form the order of government closest to daily life and commerce—building more livable communities, handling crises, and doing what it takes to keep residents safe and well-served. We are also very much on the front lines of implementing this new federal commitment. Our cities and communities, after all, are the places where non-medical cannabis will be legally sold and consumed.

Getting this right is a big job.

Local governments will face significant new enforcement and operational challenges in the months and years ahead. And those challenges don't end with policing. There is a world of bylaws to develop and business licensing rules to review. There are processes to adopt across as many as 17 municipal departments. And that's where this guide comes in.

FCM worked with legal, land-use planning and policy experts to develop a roadmap for how municipalities might choose to adapt and develop bylaws in domains ranging from land use management to business regulation to public consumption.

Building on last summer's [Cannabis Legalization Primer](#), this guide offers policy options and practical suggestions for local rules and by-laws. And this roadmap was strengthened by technical and financial contributions from your provincial and territorial municipal associations across the country.

As you forge ahead locally, FCM continues to advocate at the federal level for deeper engagement with municipalities. Municipalities also need new financial tools—and we're making progress on accessing a fair share of cannabis excise tax revenues. While local policing is largely outside the scope of this guide, its costs are inside the scope of many municipal budgets. Those costs, layered onto the new administrative costs you will face, need to be sustainable.

This work and this guide are designed to help you do what you do best: protect and strengthen your communities as sustainably and durably as possible. Legalizing non-medical cannabis across this country requires a strong partnership among orders of government. And your tireless efforts, in communities of all sizes, from coast to coast to coast, are central to getting the job done.

**Jenny Gerbasi**

Deputy Mayor of Winnipeg  
President, FCM



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Finally, FCM thanks its nearly 2,000 members—Canadian municipalities of all sizes and regions, from coast to coast to coast. These are the local governments on the front lines of implementing the federal commitment to legalize non-medical cannabis. They are the fuel that powers FCM's policy and advocacy work.

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# 1 Federal framework

On April 13, 2017, the federal government tabled two bills to legalize and regulate cannabis in Canada:

- [Bill C-45](#), *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts (the “Cannabis Act”)*.
- [Bill C-46](#), *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*.

With a planned Summer 2018 adoption date, the *Cannabis Act* creates a regulatory framework for the production, distribution, sale, cultivation, and possession of cannabis across Canada. Bill C-46 addresses offences relating to cannabis trafficking, and focuses on strengthening impaired-driving measures.



## 1.1 Bill C-45, the proposed *Cannabis Act*

As outlined by the federal government, the *Cannabis Act* seeks to achieve the following objectives:

- ▶ Restrict youth access to cannabis.
- ▶ Regulate promotion or enticements to use cannabis.
- ▶ Enhance public awareness of the health risks associated with cannabis.
- ▶ Impose serious criminal penalties for those breaking the law, especially those who provide cannabis to young people.
- ▶ Establish strict product safety and quality requirements.
- ▶ Provide for the legal production of cannabis.
- ▶ Allow adults to possess and access regulated, quality-controlled, legal cannabis.
- ▶ Reduce the burden on the criminal justice system.

For local governments, the *Cannabis Act* has significant implications for local land use regulation, business regulation and licensing, and the regulation of public consumption and personal cultivation of cannabis. There will also be, to a certain extent, variations across provincial and territorial jurisdictions. The most significant variance will be whether these jurisdictions choose to distribute non-medical cannabis through a government or a privately run system.

When implementing a strategy to regulate cannabis locally, municipal governments should first consider and work within any existing or anticipated provincial/territorial and federal initiatives that affect the public consumption of cannabis. Under the *Cannabis Act*, the federal government proposed significant restrictions on the marketing

and promotion of cannabis products. We address this in [CHAPTER 2: LAND USE MANAGEMENT](#) and [CHAPTER 4: PUBLIC CONSUMPTION](#).

Public smoking and alcohol consumption legislation varies greatly across provinces and territories. We anticipate that many will extend existing legislation to public cannabis consumption.

Local governments should be attuned to where consumption of cannabis is, or is not, permitted in their province or territory. Local governments should also be aware of what cannabis consumption regulations the federal and provincial/territorial governments introduce. This will help them determine whether or how the local government wishes to contribute to and work within those regulations in their community.

## 1.2 Bill C-46, on impaired driving

While the *Cannabis Act* and Bill C-46 were proposed at the same time and relate to the regulation of cannabis, they have distinct focuses. Bill C-46 addresses offences relating to cannabis conveyancing and trafficking, as well as enhancing impaired-driving investigation and enforcement measures.

Bill C-46 has significant implications for law enforcement as well as individual rights protected by the Charter. A brief summary of the proposed legislation follows, but Bill C-46 is otherwise outside the scope of this guide.

- ▶ **Part 1 creates three new offences** for having specified levels of a drug in the blood within two hours of driving. The penalties would depend on the drug type and the levels of drug or the combination of alcohol and drugs, with the drug levels to be set by regulation.

► Federal framework



For THC, the main psychoactive compound in cannabis, a person found driving with a blood content of 2 or more nanograms of THC would be subject to a summary conviction criminal offence. A person found driving with higher THC blood content levels, or a combined alcohol and THC blood content level, would be subject to even more severe criminal penalties.

- **Part 2 replaces the current Criminal Code** regime dealing with transportation offences. It would allow for mandatory alcohol and drug screening by police at roadside stops, as well as increased minimum fines for impaired driving.

Under the proposed mandatory alcohol and drug screening provisions, law enforcement officers would

be able to demand an oral fluid sample at roadside if they suspect a driver has a drug, including THC, in their body. For alcohol, if law enforcement officers have an “approved screening device” at hand, they will be permitted to demand breath samples of any drivers they lawfully stop without first suspecting that the driver has alcohol in their body.

The proposed legislation would also allow for police officers to provide opinion evidence in court, as to whether they believe a driver was impaired by a drug at the time of testing. This is without the need for an expert witness in each trial.

▶ **Law enforcement practices by local police forces and the RCMP will be affected if Bill C-46 is enacted.**

Many of the legislative changes in Bill C-46 relate to amending the Criminal Code or involve policing and law enforcement practices. The focus of this Guide is to assist local governments in the regulation of cannabis under the *Cannabis Act*. If a local government is concerned about the impact of Bill C-46, consultation with local police forces and the RCMP is recommended.

## 1.3 Medical vs. non-medical cannabis regimes

The laws regarding cannabis do not change until the *Cannabis Act* has passed. Until such time, the [Access to Cannabis for Medical Purposes Regulations](#) (ACMPR), released August 2016, remain the authority for lawful cannabis production and possession. Currently, cannabis may be grown by registered persons and licensed producers for medical purposes only, unlicensed possession of any cannabis is illegal, and the retail distribution of cannabis in “dispensaries” and other storefront operations is also illegal.

Although the federal government has indicated it may revisit the ACMPR regime if the *Cannabis Act* becomes law, the current ACMPR regime continues under the Act. Medical practitioners will continue to be able to prescribe cannabis for medical purposes. Individuals with a prescription, including those under 18, will continue to

be able to access medical cannabis. The *Cannabis Act* also provides that those licensed under the ACMPR for commercial medical cannabis production will continue to be authorized to produce medical cannabis under the *Cannabis Act*, and be deemed to hold licenses for the production of non-medical cannabis.

## Definitions: Cannabis vs marihuana

Cannabis is commonly used as a broad term to describe the products derived from the leaves, flowers and resins of the *Cannabis sativa* and *Cannabis indica* plants, or hybrids of the two. These products exist in various forms, such as dried leaves or oils. They are used for different purposes, including medical, non-medical, and industrial purposes. Under the *Cannabis Act*, cannabis is broadly defined and includes:

- ▶ Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- ▶ Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- ▶ Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Marihuana (marijuana) is commonly used to refer to parts of a cannabis plant, such as the leaves or flowers. It is not a defined term under the *Cannabis Act*. Under the *Controlled Drugs and Substances Act*, marihuana is referred to as a form of cannabis.

“Cannabis” is preferable to “marihuana” for the regulatory context. Furthermore, “marihuana” is often seen spelled two different ways: the “h” is common in federal communications, while the “j” is associated with a phonetic Mexican Spanish usage—which has also drawn critique for a xenophobic association. Although cannabis and marihuana have historically been used interchangeably, the definition for cannabis is broader, and better able to include cannabis products and other substances than marihuana.



► Federal framework

## 1.4 Jurisdictional issues

### Federal responsibilities

Under the *Cannabis Act*, the federal government is responsible for establishing and maintaining a comprehensive and consistent national framework for regulating production of cannabis. This also includes setting standards for health and safety and establishing criminal prohibitions. Under the *Cannabis Act*, the federal government is specifically responsible for:

- Individual adult possession of cannabis, including determining the maximum allowable cannabis possession and home cultivation quantities.
- Promotions and advertising, including regulating how cannabis or cannabis accessories can be promoted, packaged, labelled and displayed.
- Licensing commercial cannabis production.
- Industry-wide regulations on the quantities, potency, and ingredients in the types of products that will be allowed for sale.
- Registration and tracking of cannabis from seed to sale.
- Minimum conditions for provincial/territorial distribution and retail sale; and allowing for the federal government to license distribution and sale in any province/territory that does not enact such legislation.
- Law enforcement at the border.
- Criminal penalties for those operating outside the legal system.

### Provincial and territorial responsibilities

Under the proposed federal legislation, the provinces and territories are authorized to license and oversee the distribution and sale of cannabis, subject to minimum federal conditions. Some of these minimum conditions are that cannabis, including cannabis accessories and other products, may only be sold if it:

- qualifies as fresh cannabis, cannabis oil, cannabis plants or seeds;
- does not have an appearance, shape or attribute that could be appealing to a young person;
- does not contain ingredients such as caffeine, alcohol, or nicotine; and
- has not been recalled.

Edibles, or foods such as candy and baked goods that have been infused with cannabis, are not currently authorized under the proposed federal regime. Although these additional forms of cannabis may be authorized and regulated in the future.

All retailers must be authorized to sell cannabis under the proposed federal Act, or by provincial legislation that meets the minimum federal conditions on retail sale. These minimum conditions are that an authorized retailer can only sell cannabis produced by a federally authorized producer that is sold:

- to a person older than 18;
- with appropriate record-keeping measures in place;
- under conditions to prevent diversion to an illegal market or activity; and
- not through a self-service display or vending machine.

### Delegation of authority

Many of the activities involved in cannabis legalization fall within the exclusive jurisdiction of provinces. Federal enabling legislation may grant similar legislative powers to the territorial governments. In some circumstances, provincial or territorial governments have further delegated or recognized local government authority to address certain matters. As a general principle, a federal role does not necessarily oust provincial/territorial or local government jurisdiction. Throughout this guide, we examine how jurisdictional authority is applied in the context of non-medical cannabis.

Municipal governments should examine their enabling legislation, as well as federal legislation and regulations, to understand the full extent of their potential scope of action.

### Summary of possible roles and responsibilities

Federal	Provincial/Territorial	Municipal
Cannabis production Cannabis possession limits Trafficking Advertising Minimum age limits (18) Oversight of medical cannabis regime, including personal cultivation registration	Wholesale and retail distribution of cannabis Selection of retail distribution model Workplace safety Discretion to set more restrictive limits for: <ul style="list-style-type: none"> <li>• minimum age for consumption</li> <li>• possession amount</li> </ul>	Zoning (density, location) Retail locations Home cultivation Business Licensing Building Codes Nuisance Smoking restrictions Odours Municipal workplace safety Enforcement Regulations around public consumption Personal possession Municipal cost considerations related to local policing

### Charter issues

Over the past few years, the *Controlled Drugs and Substances Act* provisions dealing with the possession of medical cannabis have been held to be contrary to the *Canadian Charter of Rights and Freedoms*. But there currently does not appear to be a basis in the Charter for a challenge on local government restrictions applying to the production, distribution, retail sale or consumption of cannabis for non-medical purposes. Neither the right to life, liberty and security of the person, nor any other right guaranteed by the Charter, would be infringed by such restrictions.

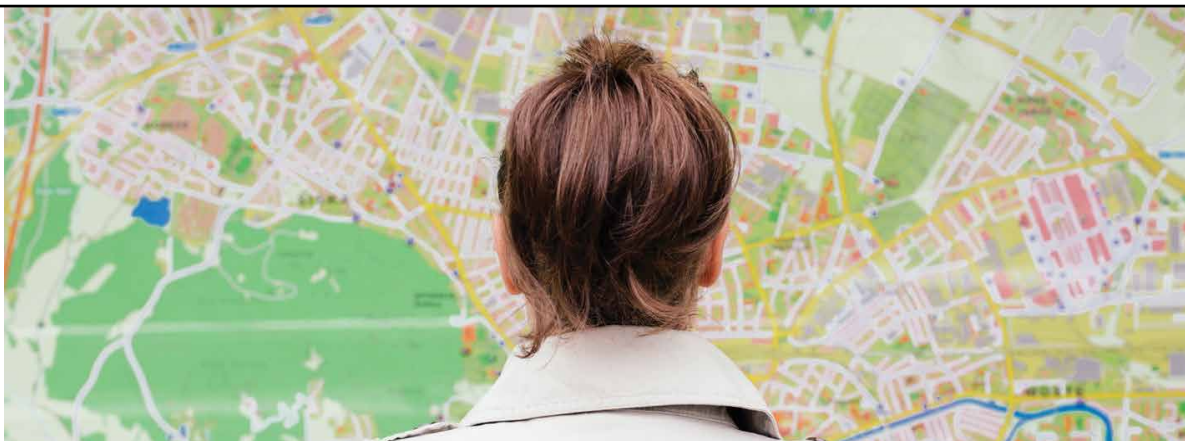
As an example, the Charter should not prevent local governments from enforcing building construction and safety standards in relation to home cultivation of cannabis. These would likely qualify as “reasonable limits” on any Charter right to access a supply of non-medical cannabis. We note other specific Charter considerations in subsequent sections of this guide.



## 2 Land use management

**T**he location, scale and density of cannabis cultivation and retail facilities will have real impacts for local communities. Commercial cultivation presents challenges ranging from odours to use of public water and energy utilities. Retail facilities influence the social and economic character of neighbourhoods, and residents have concerns about proximity to parks and schools.

Local governments' ability to manage land use with tools like zoning will depend on the authority that provinces and territories delegate, as will as the retail models they choose to adopt. Personal cultivation of cannabis is an issue that will require extensive public consultation—and municipalities will face difficult decisions about whether to develop a regulatory response.



## 2.1 Jurisdictional issues

Planning and zoning regulations fall within the scope of matters for which the *Constitution Act*, 1867 assigns exclusive jurisdiction to the provinces. This includes matters of a merely local and private nature, and property and civil rights. Federal enabling legislation grants similar legislative powers to the territorial governments.

In most circumstances, local government regulations addressing land use activities related to the cultivation, processing, retail sale and consumption of non-medical cannabis would fall within the scope of these provincial/territorial matters. They could fall to local governments, depending on the extent to which the relevant provincial or territorial government delegates appropriate powers.

If a business obtains a federal licence under the *Cannabis Act*, it will not mean that the company will not be subject to provincial/territorial or local government regulations dealing with land use management. Locally, this constitutional arrangement can provide municipalities with the authority to prohibit particular land uses. We recommend that municipalities consult their individual provincial/territorial enabling land use laws for specific direction. But generally, there is no obligation for municipalities to permit cannabis cultivation in specific areas.

### Delegation of land use regulation

The provinces and territories have largely delegated their authority over planning and land use management to local and, in some cases, regional governments. The wording of the enabling legislation defines the precise scope of planning and land use management authority. This can be done through stand-alone legislation like Prince Edward Island's

*Planning Act*, or through a more general statute like Alberta's *Municipal Government Act*.

Local governments are entitled to interpret enabling legislation broadly enough to address emerging issues and respond effectively to community objectives. However, they cannot extend its scope beyond what the wording of the legislation can reasonably bear. Some enabling legislation across Canada may allow local governments to deal with particular uses on a "conditional use" or "direct control" basis, which might be particularly appropriate in the case of new land use activities (such as those associated with cannabis) whose impacts are not well-understood at the outset.

Note that a provincial or territorial government might choose to exercise its jurisdiction over planning and land use management to control cannabis-related activities directly. For example, as a matter of general policy, the government might not wish to allow the use of residential premises for the cultivation of cannabis plants for non-medical use, as is the case in Quebec. This is despite the federal government's willingness to allow that type of private production under the *Cannabis Act*. Municipal governments should monitor the development of the relevant provincial or territorial regime before initiating their own regulations.

### What does this mean for municipalities?

None of the land use activities that are expected to result from the legalization of cannabis are likely to diverge from the existing enabling legislation and interpretations noted above. The land use activities contemplated relative to the *Cannabis Act* are similar to activities associated with other consumable commodities such as food, beverages and tobacco.

## ► Land use management

Given the existing regulatory framework and role of municipal governments, there are several issues related to land use management that local governments may have to address.

## 2.2 Location and scale of commercial cultivation and processing

This section addresses commercial-scale cannabis production. For information on personal cultivation of cannabis for non-medical consumption, see [SECTION 2.4: PERSONAL CULTIVATION](#).

### Typical land use impacts: agriculture and production

Producing cannabis for non-medical use at a commercial scale is an activity that has some similarities to certain agricultural uses carried out in greenhouses, usually but not necessarily in agricultural zones. Greenhouse agriculture is sometimes carried out in industrial zones and business parks as well.

Federal authorization for commercial cannabis cultivation under the *Cannabis Act* will address two scales of cultivation: standard cultivation and micro-cultivation. It will authorize activities typically associated with this type of land use, including research and development, product storage and transportation—but not packaging, labelling or retail sale to the public.

Whether local government regulations should distinguish between standard and micro-cultivation will depend, in part, on whether the distinction the federal licensing regime is making would be practical as a local government distinction. It might be if it is based on cultivation area, but might not be if it is based on product weight or volume. This issue is addressed in greater detail below.

### Municipally-operated utilities

As a type of intensive agriculture, cannabis production needs a supply of water for irrigation, of electricity for lighting, and of energy for heating. The availability of adequate utilities is a basic land use management consideration.

As a result, zoning regulations whether for agricultural or industrial zones should always be in step with the capacity of utility systems to support the permitted land uses.

Cannabis production has some special impacts in relation to odour emissions and a need for heightened security that can be associated with high-value crops. All of these factors can reasonably inform locational criteria for land use management purposes.

There are currently around 90 commercial-scale facilities in Canada licensed by Health Canada for medical cannabis production, and many more worldwide. Municipalities may wish to examine these existing facilities to identify and evaluate likely land use impacts and assess the need for a local regulatory framework. Locations of licensed Canadian facilities can be found on the [Health Canada website](#).

### Other considerations

Commercial-scale processing of cannabis may give rise to additional considerations. Extraction of cannabis oil, for example, can involve the use of butane, which is explosive at ordinary temperatures. This is an industrial-type activity, which may be appropriate only in industrial zones, or in buildings with particular design and construction characteristics.

The federal government is proposing to license cannabis processing separately from cultivation and retail sales. These authorizations will include research and development activities, product storage and transportation, and the sale of product to licensed retail distributors. Again, both standard-scale and micro-scale processing facilities might be authorized. This suggests that land use regulations should address cannabis production and cannabis processing as separate activities. In addition, local regulations could distinguish between different scales of processing reflecting the federal licensing regime, if such a distinction is practical to enforce.

### Typical land use restrictions

As noted earlier, commercial-scale cannabis production is a form of agriculture. Most zoning bylaw definitions of agriculture would include it, unless the cultivation of this particular crop has been carved out of the permitted use category.

A carve-out for cannabis would have been rare prior to the enactment of federal legislation permitting the cultivation of

## Land use management ◀

cannabis for medical use. In general, most zoning bylaws are designed to prohibit land uses in particular zones unless the regulations expressly permit the use.

For clarity, some bylaws also contain a list of expressly prohibited uses, to avoid any doubt. Explicitly forbidding a specific land use would provide more certainty than relying on an omission in the list of permitted activities.

**The Land Use Bylaw of Grande Prairie, AB,** is typical and defines an “agricultural operation” as *“An agricultural activity conducted for gain or reward or in the hope of expectation of gain or reward, and includes, but is not limited to ... the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops.”*

Municipalities can write land use regulations to make very fine distinctions, for example between manufacturing plants for furniture and manufacturing plants for automobiles, if the uses have different land use impacts and there is accordingly a policy reason for making the distinction. Likewise, a local government could distinguish between the cultivation of cannabis and the cultivation of other types of crops—prohibiting one but not others.

Similarly, regulations can reflect distinctions that the federal government may be making between standard-scale cannabis production and micro-production facilities run by small-scale growers. Enforcing such a distinction could be difficult, though, if the federal distinction is based on a revenue or production criterion rather than plant numbers or growing area. It is a good practice to establish a basis for such distinctions by documenting and analyzing a comparison between potential impacts.

## Proximity and clustering restrictions

Once Health Canada began licensing commercial production facilities for medical cannabis, some local governments amended their land use regulations to address community concerns. This included clustering cannabis businesses in certain districts by imposing minimum distances between the facilities. In some cases, cities established minimum distances between the production facilities and land uses involving children, such as parks and schools. In

these cases, municipalities did not feel that the equivalent federal licensing criteria were sufficient.

To this extent, the facilities were being dealt with in the same manner as pawnshops and adult entertainment venues. Applying similar criteria should be considered carefully in the context of local considerations, including health, safety, and economic development. This is an example of an instance where the federal role does not necessarily oust provincial/territorial or local government's jurisdiction.



## What can municipalities do?

### Policy options

- ▶ Simply allow the activities to occur within the rubric of existing land use regulations, as agricultural or industrial activities in the case of production and industrial or manufacturing activities in the case of processing.
- ▶ Carve the activities out from existing permitted use categories, to be permitted only at locations specified in the regulations or under the authority of a special use permit.
- ▶ Carve the activities out from existing permitted use categories, with an exception for existing cannabis production operations that were established under the medical cannabis regime.
- ▶ Prohibit the activities entirely, as activities that the local government simply does not wish to permit within its jurisdiction, if the enabling legislation permits prohibition of uses.

### Regulatory options

- ▶ Make no regulatory change, or amend existing regulations to make it clear that activities related to the commercial production or processing of cannabis are included in permitted or permissible use categories.
- ▶ Amend existing permitted or permissible use categories to exclude commercial cannabis production or processing activities, except at specific locations or under the authority of a special permit.
- ▶ As immediately above, but limit production to the scale that is appropriate to supply cannabis for medical uses.

## ► Land use management

- Add these activities to a list of prohibited uses, or amend all permitted or permissible use categories that could conceivably include them, to specifically exclude the activities.

### Possible regulatory language

A land use bylaw definition of “agriculture” usually refers to the cultivation of crops. A definition could be modified to reflect a local regulatory choice about cannabis cultivation, adding wording that excludes “the cultivation of cannabis, other than cultivation authorized under either Part 1 or Part 2 of the Access to Cannabis for Medical Purposes Regulations under the *Controlled Drugs and Substances Act* (Canada).”

The reference to the ACMPR would reflect a policy choice to allow this use only to the extent that it serves a medicinal market. The exclusion could be narrowed to refer to specific locations where cannabis cultivation or processing is allowed, or to a local conditional use permit or other discretionary authorization being obtained.

Under the *Cannabis Act*, Part 1, authorizations are for commercial-scale operations. Part 2 deals with personal use and designated person production as originally authorized under the [Medical Marihuana Access Regulations](#). Excluding cannabis production from permitted “agricultural” uses could either permit or forbid both types of production—or allow one of them but not the other.

## 2.3 Location and density of retail facilities

### Anticipated land use impacts

One of the key variations in provincial/territorial frameworks is the type of retail model that will be implemented. There are exclusively public models where the province or territory takes control of the entire retail system. There are hybrid models where a mix of private retailers and government

run stores will be present. There is also the option of an exclusively private model where the province controls distribution but private businesses are responsible for retail sale.

### Diverse retail sales models

At the time of writing, six provinces/territories are moving toward a Crown corporation (public) distribution model for cannabis retail sales. Four other jurisdictions signalled they will develop a private retail system. One territory will run a public retail system but with no bricks and mortar storefronts—online sales only. Another two provinces/territories will have a hybrid system with both private and public retail distribution.

Municipalities should consult their specific provincial/territorial cannabis legislation as well as general enabling land use planning legislation to better understand where their own municipal roles and responsibilities will originate on the issue of non-medical cannabis.

The storefront sale of cannabis for non-medical use is essentially a type of retail trade with similarities to the sale of other consumable commodities such as food and beverages. Cannabis is already being sold in Canada, in illegal storefront dispensaries that some local governments have tolerated in mixed-use neighbourhoods.

The use does not appear to have any unusual characteristics in relation to functional aspects such as deliveries of product, off-street parking or signage requirements. It has some similarity to pharmacy uses and banks in relation to the need for secure storage. Hours of operation may be different from other types of business, but would usually be addressed via business regulations. See [CHAPTER 3: BUSINESS REGULATION](#) for more information.

Local governments will have to consider what behaviours they wish to incent. And they may be limited in this regard by restrictions set out in a specific province or territory. For example, if a municipality wants to use the availability of non-medical cannabis to promote tourism, they may wish to focus on creating tourist commercial districts.



Local governments would benefit from speaking with municipal staff members from U.S. cities where retail cannabis sale is already permitted. Even some bigger Canadian cities have a good sense of the challenges associated with cannabis clientele, based on their experience with storefront dispensaries. This could help guide Canadian municipalities in deciding whether to enact special land use restrictions to either encourage or control the growth of cannabis-related businesses.

## Commercial consumption facilities

Smoking tobacco is illegal in most enclosed public places in Canada. The legalization of cannabis use for non-medical purposes will mean that municipalities must clarify whether smoking laws automatically include cannabis. This would mean examining both provincial/territorial and municipal laws.

In Vancouver, for example, the Public Health Bylaw is drafted in such a way that cannabis is likely covered.

**Vancouver's Health Bylaw No. 9535** defines "smoking" as including *"burning a cigarette or cigar, or burning any substance using a pipe, hookah pipe, lighted smoking device or electronic smoking device."*

Municipalities may have to amend smoking bylaws that contain narrower definitions restricting their scope to tobacco use. The same policy concerns that gave rise to this type of public health bylaw, including second-hand tobacco smoke, would presumably extend equally to cannabis.

Assuming that provincial/territorial health laws allow local governments the flexibility to consume publicly, local governments wishing to allow smoking in particular types of premises such as "cannabis cafés" may need to make an exception in their own smoking bylaws. This is in addition to addressing this land use category in zoning and business regulations.

Provincial and territorial occupational health and safety regulations that require employers to protect workers from second-hand smoke in the workplace may complicate the operation of such premises, or even make it impossible.

**Alberta's proposed *Act to Control and Regulate Cannabis*** provides that: *"No person may smoke or vape cannabis ... in any area or place where that person is prohibited from smoking under the Tobacco and Smoking Reduction Act or any other Act or the bylaws of a municipality."*

## Proximity and clustering restrictions

Municipalities can use local land use regulations to prevent the clustering of too many of one kind of business. They can also keep similar types of businesses or activities in one place, and/or away from other land uses. Common candidates for such treatment are so-called "adult" businesses, arcades, pawnshops and thrift stores.

In terms of restrictions on cannabis consumption and sales or production, regulations about minimum distance from other facilities like schools should be specific. Does the distance requirement refer to a school site on which a school might be built? Or is a school scheduled to be built there? Does the regulation refer to an unused school building, or only a school that is actually in operation? Also, regulations should address what kind of school needs to be a minimum distance away from a cannabis business—public, private, commercial, technical or post-secondary.

In the case of spacing between retail cannabis sales outlets, local governments should consider several questions as they develop regulations:

- ▶ When exactly does a "cannabis sales use" start, and therefore become subject to proximity or clustering considerations?
- ▶ Is a building permit or business licence sufficient, or must the use actually be in operation?
- ▶ Is an application for a building permit or business licence sufficient?

In all cases, details on how the requisite distance is to be measured need to be defined and could include how the distance is calculated, and how variances will be approached.



## ► Land use management

Some local governments will be permitted by their land use management enabling legislation to deal with retail cannabis sales as a conditional use. This would allow them to use direct control as well as or in the place of zoning, taking clustering and spacing considerations into account when issuing site-specific land use approvals. In these cases, they will not need to address those matters in generally applicable regulations. The one-off nature of such approvals does not eliminate the need, though, for conditions to be grounded in an evidence-based land use impact analysis and for the clustering and spacing requirements to be communicated clearly to stakeholders.

### Considerations for medical cannabis

Prohibitions and regulations regarding retail sales of cannabis will have to acknowledge that sales of cannabis for medical purposes will continue. Pre-legalization, pharmacists in some jurisdictions were allowed to dispense cannabis to patients with appropriate prescriptions, though most preferred not to stock or dispense the drug. This may change after legalization if the black market for cannabis is substantially reduced and having the drug in inventory no longer constitutes a special security risk. Local governments should therefore be careful not to restrict this type of cannabis sales with overly broad regulations.

### Retail signs

Retail trade facilities require signage. Under the *Canadian Charter of Rights and Freedoms*, there is a right to freedom of commercial expression. Local government regulations that limit the types and sizes of signs that can be used in commercial areas are generally acceptable. Examples include prohibitions on large window signs and other types of signage that detract from the visual attractiveness of an area, or restrictions on temporary signage associated with the opening of a new business.

Sign regulations that attempt to directly control the message conveyed by a commercial sign could, however, potentially risk interfering with the right to freedom of commercial expression under the Charter.

The federal government intends to address the packaging and labelling of cannabis products with regulations under the *Cannabis Act*. These regulations will have to respect provincial and territorial jurisdiction over land use management, and are therefore unlikely to touch on retail signage.

For their part, provincial and territorial governments may choose to address advertising issues as they create their own cannabis distribution regimes. Neither of these regimes is likely to deprive local governments of their entire jurisdiction over the use of commercial signage.

Typically, local government signage regulations address the types of signs that are permitted on particular premises—whether freestanding or mounted on a building, for example. These regulations can also specify the extent of sign area permitted in relation to the size of the business premises. Business operators are often subject to land-lord controls as well, such as those requiring a consistent signage format or theme in a retail mall.

Quebec's proposed ***Cannabis Regulation Act*** contains the following: *"All direct or indirect advertising for the promotion of cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer is prohibited where the advertising ... is disseminated otherwise than ... in printed newspapers and magazines that have an adult readership of not less than 85%; or ... by means of signage visible only from the inside of a cannabis retail outlet."*

Another aspect of signage relates to public health and the desire to reduce public consumption through marketing and advertising. We address this in [CHAPTER 4: PUBLIC CONSUMPTION](#).



## What can municipalities do?

### Policy options

- ▶ Allow and issue authorization for cannabis shops. Permit this as you would any other business in a commercial district.
- ▶ Carve this type of retail sales out of existing permitted use categories. Only permit cannabis businesses at particular locations or under the authority of a special permit.
- ▶ Prohibit cannabis retail stores completely if the enabling legislation permits prohibition of uses.

### Regulatory options

- ▶ Make no regulatory change, or amend existing regulations to make it clear that retail cannabis sales are included in permitted retail trade land use categories.
- ▶ Amend existing permitted use categories to exclude retail cannabis sales activities, except at specific locations or under the authority of a special permit, from all land use categories that could conceivably include the use.
- ▶ Add these activities to a list of prohibited uses.

### Possible regulatory language

- ▶ “Retail trade” means the sale of consumer goods at retail, including retail trade in bakeries, but excludes the retail sale of cannabis other than in licensed pharmacies.

## 2.4 Personal cultivation

### Personal use and designated personal cultivation

The use of residential premises for the cultivation of medical cannabis plants has caused major problems for Canadian municipalities over the past several decades. It has meant a significantly compromised housing stock, heavy demands on policing resources, local nuisance complaints, and erosion of the culture of compliance on which the effectiveness of local bylaws largely depends.

These problems were exacerbated because people holding Health Canada production licenses failed to adhere to the terms of their licence regarding plant quantities. Health Canada also failed to enforce those terms. And many of these licences actually authorized cannabis production at a scale (hundreds of plants) that is simply inappropriate for a typical residential dwelling.

Residential buildings are usually not designed or constructed to accommodate cannabis production. The mechanical systems in non-industrial buildings are usually not appropriate to support this kind of use without modifications (that are often carried out by unqualified persons and without permits). The location of dwellings where cannabis is being grown exposes neighbours to odours and other impacts. The federal government’s initiatives in commercial production of medical cannabis were, in part, an attempt to alleviate these problems by shifting cannabis production from residential premises to properly designed and constructed facilities.

### Personal use under the *Cannabis Act*

The *Cannabis Act* permits people over 18 to grow up to four cannabis plants within a “dwelling-house.” Provincial and territorial governments will be able to exercise their own jurisdiction to prohibit or regulate this scale of production, although only Manitoba and Quebec have announced the intention to do so.

► Land use management



The relevant definition of “dwelling-house” makes no distinction between a detached dwelling and a dwelling in a multiple-unit building. It also includes any adjacent yard or garden where the plants could be grown outdoors. No federal permit or licence would be required.

The *Cannabis Act* prohibits the use of residential premises for the production of cannabis for non-medical use at a larger scale. Health Canada will continue to authorize,

however, the production of medical cannabis under Part 2 of the ACMPR, including production under up to four registrations per production site.

Local regulation of medical cannabis production in residential premises will continue to engage Charter issues. We suggest that you carefully consider these issues before attempting to further regulate medical cannabis production.

## Land use management ◀

The courts have found that commercial-scale cannabis production facilities were not a complete answer, constitutionally, to patients' needs for medical cannabis, and assumed that cannabis production, distribution and possession were otherwise illegal. Legalization profoundly undermines that assumption, and will likely result in broad availability of the drug across the country.

Ordinary land use regulations prohibiting cannabis production in residential premises may, over time, become a reasonable limit on access to medical cannabis, and therefore wholly constitutional, if there are plentiful alternative sources of supply.

**Manitoba's proposed *Safe and Responsible Retailing of Cannabis Act*** provides that *"a person must not cultivate cannabis at his or her residence."* The Act does not apply to the *"cultivation of cannabis for medical purposes that occurs in accordance with the requirements of the applicable federal law."*

## Land use impacts

Local governments in provinces and territories that have not prohibited this activity will need to consider whether personal use cannabis production in a dwelling, at the minor scale permitted by the *Cannabis Act*, will raise land use management issues.

Residence-based cannabis production under the federal medical cannabis regime did cause certain challenges from a municipal health and safety perspective. But this regime is likely not an accurate predictor of how non-medical personal cultivation will be taken up by the public at large.

Regardless, municipalities may be skeptical about whether or not people will comply with the four-plant limit and if federal government will enforce the rule. Personal-use cannabis production at the scale permitted by the *Cannabis Act* would seem to engage no different land use management issues than the cultivation of other types of domestic plants. Possible exceptions could be odour issues and those associated with the risks of outdoor cultivation to children and domestic pets.

This all assumes an adequate commercial supply of cannabis that will eliminate the black market. In an ideal world, an adequate legal supply would eliminate the security issues associated with cannabis production in residential premises. The incentive to obtain a licence to produce medical cannabis and then violate the terms of that licence, may significantly reduce after legalization.

Local governments might consider whether any of this could be addressed by requiring licences for personal home cultivation. A registration system could help identify where cannabis production is actually occurring—though it is worth evaluating whether citizens would be likely to comply with such a requirement.

In the land use management context, growing four cannabis plants either indoors or outdoors in residential premises would probably be like growing other types of domestic plants. It would constitute an ordinary incidental, accessory or ancillary use of the premises not requiring express authorization in the relevant land use regulations.

Local governments contemplating a regulatory response to this aspect of the *Cannabis Act* should examine their accessory or ancillary use regulations. If the regulations already address in detail the types of plant cultivation that is permitted and cannabis is not mentioned, the regulations might be interpreted, by implication, to prohibit the cultivation of this particular plant species.

**The *Land Use Bylaw* of the Town of Truro, NS** defines an *"accessory use"* as *"the use or uses which take place on the same site as the principal use, and of a nature customarily and clearly secondary and incidental to the principal use."*

## Nuisance regulation

An alternative approach to the issue would be to address the actual impacts of cannabis cultivation in residential areas. This would mean enacting regulations that deal directly with the physical impacts of the activity. A local government may have nuisance regulation and abatement powers that have already been, or could be, exercised in

## ► Land use management

relation to odour-producing activities. In that case, cannabis production would not need to be addressed at all via land use regulations. We examine nuisance regulations in greater detail in the [CHAPTER 6: ENFORCEMENT ISSUES](#).

**B.C.'s *Community Charter*** authorizes local governments, under their authority to deal with nuisances, to regulate, prohibit and impose requirements in relation to *"the emission of smoke."*

### Proprietary jurisdiction of other entities

Cultivation of cannabis in residential premises, while potentially subject to local government regulation, is also subject to supervision by other interested parties including landlords, condominium corporations and co-operative boards. They deal more directly with complaints from neighbours and may therefore seek to regulate its cultivation or use to some degree.

**Saskatchewan's *Condominium Property Act***, Section 47(1)(e), gives a condominium corporation the authority to pass bylaws *"governing the management, control, administration, use and enjoyment of the units, common property and common facilities."*

Landlords, including local governments that manage their own rental housing portfolio, have an interest in ensuring that their premises are not used in a manner that is inherently damaging or unsafe. Boards composed of owners

have a similar interest in ensuring that multi-unit buildings are not used in such a way as to create nuisances or unsafe conditions. Local governments with concerns about this use in multiple-unit buildings might reasonably conclude that they can manage the four-plant scenario in their own rental housing portfolio via tenancy agreements. They may also choose to leave the management of home cannabis cultivation in other buildings for owners to deal with as they see fit.

### Choosing to regulate

The issue of home cultivation of cannabis—even with a four-plant limit in place—is one that will require public consultation. It is also the issue that will be the most challenging for municipalities to decide on whether to develop a regulatory response. The impacts of cannabis cultivation at this scale are perhaps minor, and other actors may be likely to address them via separate mechanisms such as tenancy agreements and strata association bylaws.

Citizens expect governments to enforce regulations. The issue of how to regulate home cultivation of cannabis will apply to the greatest number of properties. Of all the regulations that might be considered in relation to the legalization of cannabis, this one has the potential to generate the greatest number of enforcement complaints.



## What can municipalities do?

### Policy options

- ▶ Accept minimum-scale plant cultivation (four plants) in residential premises without a local regulatory response.
- ▶ Require some type of permit for this scale of cannabis cultivation in residential premises. Clarify that this is not a commercial activity that would require a business licence. Local government permit records would be public.
- ▶ Regulate the activity by permitting indoor production only, or by permitting it only in certain areas such as detached-dwelling zones.
- ▶ Prohibit the activity in all residences. (Accepting that such a prohibition could be unenforceable in relation to individuals who hold a personal use production licence for medical cannabis.)

### Regulatory options

- ▶ Do nothing.
- ▶ Amend the zoning regulations to require a land use permit for the cultivation of cannabis in residential premises, and establishing a permit application procedure.
- ▶ Amend the zoning regulations to specify that accessory cultivation of cannabis is permitted only in certain zones, or is only permitted indoors.
- ▶ Amend the zoning regulations by adding a prohibition on cannabis cultivation in residential premises generally, or by excluding cannabis cultivation from the “accessory use” category that is permitted in residential zones.

### Possible regulatory language

This suggested language could support the options above. A definition of the term “cannabis” could be included, referring to its definition in the *Cannabis Act*, or it could be left undefined. Consider these options for amending the land use regulations:

- ▶ Add a regulation along these lines: “No person, other than a person who is authorized to do so under Part 2 of the Access to Cannabis for Medical Purposes Regulation under the *Controlled Drugs and Substances Act* (Canada), shall use any residential premises for the growing of a cannabis plant, unless the person has registered the premises with the [municipality] as a residential cannabis production site.”
- ▶ Establish a registration process that includes a registration fee sufficient to cover the costs of administering the process.
- ▶ Specify that the use of residential premises for the growing of a cannabis plant is permitted only if the premises are [a detached dwelling] [located in a single-family residential (RS1) or two-family residential (RS2) zone].
- ▶ Specify that the use of residential premises for the growing of a cannabis plant is permitted only if the plant is located within a dwelling unit.
- ▶ Specify that the use of residential premises for the growing of a cannabis plant is prohibited, except in the case of premises in respect of which a registration has been issued by Health Canada under Part 2 of the Access to Cannabis for Medical Purposes Regulation under the *Controlled Drugs and Substances Act* (Canada).



# 3

## Business regulation

**L**ocal governments expect to have some scope to regulate cannabis cultivation, processing and retail businesses in their communities. Once again, that scope will depend on the specific regulatory authority that individual provinces and territories choose to delegate to municipalities in their enabling legislation.

Local governments may use tools like business licensing to protect public health and safety, to protect youth and restrict their access to cannabis, to deter illicit activities, to mitigate public nuisances, and more. In doing so, it will be essential to strike an effective balance between empowering legal cannabis businesses to operate and addressing legitimate community concerns.



## 3.1 Jurisdictional issues

### *Constitution Act*

Business regulations are exclusively the domain of provinces. According to the [\*Constitution Act, 1867\*](#), provinces have 1) the power to regulate particular trades or callings under “property and civil rights”; and 2) the power to make laws in relation to “shop, saloon, tavern, auctioneer and other licences in order to the raising of a revenue for provincial, local, or municipal purposes.”

Federal enabling legislation grants similar legislative powers to territorial governments. In many cases, provinces or territories have delegated this authority to local governments. In these cases, municipalities are free to regulate business activities related to the cultivation, processing, retail sale and consumption of non-medical cannabis.

### Provincial/territorial delegation of regulation

The extent to which provinces and territories delegate their authority over business regulation to local governments will depend on the wording of the enabling legislation. For example, in British Columbia, local governments but not regional governments have been delegated the authority to regulate businesses. The authority does not include the authority to prohibit businesses. It also requires that before council adopts a business regulation bylaw, it give notice and provide an opportunity for people who say they are affected to make representations to council.

In New Brunswick, local governments do not have the broad general powers to make business licensing bylaws but do have the power to regulate and license only certain businesses. In Winnipeg, the municipal charter states that a bylaw passed under the general authority to regulate businesses must not require a licence to be obtained for “selling agricultural produce grown in Manitoba if the sale is made by the individual who produced it, a member of the immediate family of the individual or another individual employed by the individual.”

### Conflicts with legislation

Business regulations would only be rendered inoperative if there is a conflict with federal or provincial/territorial legislation regulating the same subject matter. In this regard, a conflict may arise where one enactment says “yes” and the other says “no.” In these cases, citizens are being told to do inconsistent things. The exception is in cases in where the relevant provincial/territorial legislation specifies a different legal test.

This is another example where the mere existence of federal or provincial/territorial legislation does not oust local government jurisdiction to regulate the same subject matter. Thus, as discussed in [CHAPTER 2: LAND USE MANAGEMENT](#), a federal licence does not automatically mean a business is immune from local business regulations.

Local government business regulations may, for example, enhance the statutory scheme by complementing or filling in certain gaps in the federal or provincial/territorial legislation. They may also impose higher standards of control than those in related federal or provincial/territorial legislation.

## ► Business regulation

### Federal and provincial lands and cannabis businesses

One restriction on a local government's delegated authority in relation to business regulation is in relation to any cannabis businesses operated by the federal government or on land owned by the federal government. The *Constitution Act* gives exclusive jurisdiction over the use of federal lands to the federal government. As a result, neither the provincial/territorial governments nor local governments may regulate in relation to the use of federal lands.

A further restriction in some provinces/territories is in relation to cannabis businesses operated by the provincial/territorial government or on land owned by the provincial/territorial government. As noted in [CHAPTER 2: LAND USE MANAGEMENT](#), at least six provinces/territories will run public retail distribution models, meaning there is likely to be legislation that grants provincial/territorial governments immunity from some or all local government regulations. In most cases this will mean a limited role on the land management and business licensing aspects of retail cannabis sales in jurisdictions with government run stores as the exclusive retail distributor.

In Ontario, the *Legislation Act* is broadly worded such that no Act or regulation binds or affects the provincial Crown unless it expressly states an intention to do so. This would include local government business regulations. In contrast, in British Columbia, the *Interpretation Act* only makes local government regulations inapplicable to the provincial Crown in its use and development of land.

## 3.2 Business regulation power

### Scope and municipal purpose

To the extent that a province or territory has delegated business regulation powers to local governments, local governments may place restrictions on businesses. This is true even if those restrictions may adversely affect the

profitability of the business in some circumstances. Local governments should ensure, however, that such regulations are enacted for a proper municipal purpose.

There are several “municipal purposes” that support regulating cannabis businesses. For example, a local government may wish to regulate such businesses to protect public health and safety, to protect youth and restrict their access to cannabis, to deter illicit activities, and to mitigate nuisances.

### Types of business regulations

One of the most common business regulations is a requirement that people obtain a licence from the local government in order to run a business. The local government may establish in the bylaw terms and conditions that must be met for obtaining, continuing to hold or renewing a business licence. It can also designate someone to impose these terms and conditions. The bylaw may suspend or cancel a business licence for failing to comply with the terms and conditions.

The local government may set out in the bylaw specific regulations for certain types of businesses. Types of regulations may include, for example: the days and hours of operation of the business, the age of individuals on the premises, the keeping of records, or the display and advertising of products at the premises.

#### **The City of Whitehorse's Business Licence Bylaw**

requires every person who offers adult books, adult magazines or adult videos for sale where such items are on display to the public to place such items:

- at a distance not less than 1.5 meters above the floor;
- in display cases in such a manner that only the title is displayed; and
- in display cases that are within clear view of the area
- where payment is made for purchased items.

Another common type of business regulation is a requirement in the bylaw that the business comply with all applicable federal and provincial laws. In British Columbia,

local governments have been successful in enforcing such a provision in their business licence bylaws against storefront medical cannabis retailers. The business licence applications were rejected on the basis that the retail sale of cannabis was unlawful under the federal law.

In this regard, the business bylaw may be a helpful tool to address any ongoing issues with cannabis retail businesses that are operating without a business licence.

Business bylaws may also require that the business comply with all applicable municipal bylaws such as zoning and building bylaws. Local governments should be careful, however, not to use their business regulation powers to prevent, for land use management reasons, a particular type of business that is permitted by the applicable zoning regulations.

It is usually also a general requirement in the bylaw for people to pay a fee to obtain a business licence. Such a fee should be calculated to correspond with the cost of administering and enforcing the regulatory scheme, to preserve its constitutionality as a regulatory charge.

### 3.3 Cannabis retail businesses

#### Typical business regulations

As noted in [CHAPTER 2: LAND USE MANAGEMENT](#), storefront cannabis retailers have been lawful in some U.S. states for several years now. Despite their illegal status in Canada, these storefront operations have proliferated under many local governments. To manage these businesses, some jurisdictions have enacted specific regulations. Others may choose to do so before cannabis becomes legal in 2018.

Many of these regulations parallel alcohol and tobacco related regulations. For example, Alberta, Manitoba and Newfoundland and Labrador are proposing to amend their

liquor legislation to impose a licensing regime for the sale of cannabis with some similarities to liquor sales. These provinces are considering allowing private retailers to sell cannabis administered through the applicable liquor commission or corporation.

The manner and extent to which the applicable provincial/territorial government intends to regulate such businesses may prevent or influence a local government's decision whether to implement its own regulations. An example is how the LCBO in Ontario will have the exclusive right to sell cannabis.

Typical business regulations for cannabis retail businesses might include:

- ▶ Requiring the applicant to submit certain documents such as a security plan, proof of a security alarm contract, 24/7 contact information, a list of employees and a police information check.
- ▶ Prohibiting minors on the premises, limiting the hours of operation and requiring security measures.
- ▶ Prohibiting consumption on the premises.
- ▶ Restricting the sale of other products on the premises.
- ▶ Prohibiting the display and advertising to minors.
- ▶ Prohibiting online sales and home delivery.
- ▶ Requiring business owners to keep records of all business activities.
- ▶ Restricting the number of licences that may be issued to each person and the total number of licences that may be issued in the jurisdiction.
- ▶ Requiring that a minimum number of employees with specific qualifications be on the premises when open.
- ▶ Restricting the advertising and signs visible from the outside of the premises.
- ▶ Requiring a transparent storefront.
- ▶ Requiring measures to prevent nuisances.

## ► Business regulation

**The City of Vancouver's Licence Bylaw** requires the following security measures to be installed and maintained on the business premises of a medical marijuana-related retail business:

- Video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times.
- Video camera data must be retained for at least 21 days after it is gathered.
- A security and fire alarm system must be monitored at all times.
- Valuables must be removed from the business premises or locked in a safe on the business premises at all times when the business is not in operation.

Local governments should monitor the development of the relevant provincial or territorial regime and may wish to seek legal advice before initiating their own business regulations.



## What can municipalities do?

### Policy options

- Simply allow the activities to occur within existing business regulations as business activities, which may or may not require a business licence under the applicable regime and which are not subject to any particular regulations.
- Specifically regulate cannabis retail businesses to address issues related with these types of businesses, if the provincial/territorial enabling legislation permits this.

### Regulatory options

- Make no regulatory change, or amend existing regulations to specify the applicable business licence fee for this category of business, if the enabling legislation permits this.
- Amend existing regulations to set out specific business regulations for cannabis retail businesses, if the enabling legislation permits this.

## 3.4 Commercial cultivation and processing facilities

### Typical business regulations

Most municipal governments have yet to enact specific regulations for cannabis-related businesses. It could be because the [Access to Cannabis for Medical Purposes Regulations](#) (ACMPR) already addresses the commercial cultivation and processing of cannabis for medical purposes. Regulations under ACMPR include:

- Requiring a criminal record check.
- Security features such as video surveillance cameras and an intrusion detection system.
- Detailed record-keeping.
- Air filter equipment to prevent the escape of odours.

At the time of writing, the proposed Health Canada *Cannabis Act* regulations have established similar licensing requirements related to location, physical and personal security, record keeping and good production practices.

This does not mean local governments cannot also manage such businesses. Some of the types of business regulations for cannabis retailers noted above may be equally



applicable to cannabis cultivation and processing businesses. In the U.S., some states and local governments have enacted specific regulations to manage these businesses, including:

- ▶ Prohibiting minors on the premises.
- ▶ Prohibiting consumption on the premises.
- ▶ Restricting the advertising and signs on the premises.

Local governments may also wish to enact specific regulations in relation to cannabis cultivation and processing businesses to:

- ▶ Prevent nuisances by requiring the annual maintenance and documentation of odour control equipment.
- ▶ Support community aesthetics by prohibiting the outdoor storage of production or processing equipment.



## What can municipalities do?

### Policy options

- ▶ Allow the activities to occur within the existing regulations as business activities, which may or may not require a business licence under the applicable regime and which are not subject to any particular regulations.
- ▶ Specifically regulate cannabis cultivation and processing businesses to address any related issues.

### Regulatory options

- ▶ Make no regulatory change, or amend existing regulations to specify the applicable business licence fee for this category of business.
- ▶ Amend existing regulations to set out specific business regulations for cannabis cultivation and processing businesses.





## 4 Public consumption

**T**he public consumption of cannabis is associated with a range of potential public harms, from health impacts of second-hand smoke to behavioural modelling effects for children and youth. The tools and options available to municipalities to mitigate potential harms will depend on the space of authority that provinces and territories choose to delegate.

Established practices in regulating tobacco and alcohol consumption offer a foundation for developing a strategy that reflects local priorities. Many factors other than the law influence how and when people consume cannabis—from social customs to product availability—and no single regulatory approach eliminate all harmful public impacts.



## 4.1 Jurisdictional issues

As with most local governance matters, municipalities must consider the extent to which they are authorized to regulate cannabis consumption. This chapter addresses how local governments can regulate public consumption through bylaws and policies. As the factors influencing public consumption of cannabis are diverse, we recommend that municipalities consider a combination of these approaches, alongside consultation with legal counsel.

Public consumption cannot be regulated by a local government on the moral grounds that cannabis consumption should be considered a criminal activity. Under the constitutional division of powers, the federal government has the exclusive authority to regulate with respect to criminal law matters. Local bylaws or regulations that are based on a moral position, or perceptions and stereotypes about people who consume cannabis, are unlikely to withstand a challenge before the courts.

Many aspects of cannabis consumption, such as possession, advertising and smoking, are regulated by the federal and provincial/territorial orders of government. Most local governments are able to regulate cannabis only as it relates to a power that has been granted to the local government by the provincial or territorial government.

In assessing how to effectively address issues associated with public cannabis consumption, local governments must first consider the aspects of public cannabis consumption it intends to regulate, and determine whether it is authorized, or necessary, to do so.

## 4.2 Provincial smoking restrictions

Across Canada, provincial and territorial governments have regulated, or indicated they will regulate, aspects of public consumption of cannabis. They plan to use a combination of cannabis-specific legislation, tobacco smoking legislation, as well as occupational health and safety regulations.

Smoking is the most common form of cannabis consumption, and most provincial/territorial governments have sought to incorporate cannabis into the legislation addressing tobacco smoking. Some provinces have done so through expanding the definition of “smoke” to include cannabis as well as tobacco and other vapour products. This approach results in existing tobacco smoke restrictions also applying to cannabis.

**New Brunswick's *Smoke-Free Places Act*** contains a broad definition for smoking that extends to cannabis. Specifically, “smoke” means:

- (a) to smoke, hold or otherwise have control over an ignited tobacco product or another ignited substance that is intended to be smoked, or
- (b) to inhale or exhale vapour from, or to hold or otherwise have control over, (i) an activated electronic cigarette, (ii) an activated water pipe, or (iii) another activated device containing a substance that is intended to be inhaled or exhaled.

## ► Public consumption

In addition to including cannabis in the relevant definitions under the smoking legislation, many provincial/territorial governments have enacted specific legislation or regulations to restrict the places in which cannabis may be consumed.

In some cases, these prohibitions on the public consumption of cannabis are broader than the prohibitions on smoking tobacco. In Ontario's *Cannabis Act*, for example, consuming cannabis for non-medical purposes is specifically prohibited in all public places in the province. This applies in workplaces under the *Occupational Health and Safety Act*, as well as in vehicles or boats. By comparison, the prohibitions under the *Smoke-Free Ontario Act*, establish that tobacco smoking is prohibited in enclosed public places and enclosed workplaces, and that no person shall smoke tobacco in a vehicle while another person who is less than 16 years old is present in the vehicle.

Put simply, someone accustomed to walking through an Ontario town smoking a tobacco cigarette will not be able to do the same with non-medical cannabis. But how local rules will be enforced remains to be clarified (see [CHAPTER 6: ENFORCEMENT ISSUES](#).)

In other regions, occupational health and safety regulations address the public consumption of cannabis by limiting the places in which a person may smoke any substance. In the Northwest Territories, smoking in public is primarily regulated in this way. Under those regulations, smoking is prohibited in almost all enclosed workplaces, within a buffer zone around those workplaces, as well as in outdoor bus shelters.

**Ontario's *Cannabis Act*, 2017**, Section 11, prohibits the non-medical consumption of cannabis in public places, workplaces, vehicles or boats, or any other place prescribed by the regulations. A “public place” is defined as “any place to which the public has access as of right or by invitation, whether express or implied, and whether or not a fee is charged.” These prohibitions are broader than those in the provincial tobacco smoking legislation.

**New Brunswick's *Cannabis Control Act*** (Bill 16) proposes restrictions on the places in which cannabis may be consumed in addition to those in the provincial smoking legislation:

17 (1) No person who is 19 years of age or older shall consume cannabis unless the person is in lawful possession of the cannabis and

- a) is in a private dwelling and has obtained the consent of the occupant,
- b) is on vacant land and has obtained the consent of the owner or occupant, or
- c) is in a place prescribed by regulation and in the circumstances prescribed by regulation, if any

(2) For greater certainty, no person who is 19 years of age or older shall consume cannabis in a place to which the public has access as of right or by express or implied invitation, or any other place prescribed by regulation.

[...]

19 Despite any other provision of this Act or the regulations, no person shall smoke cannabis or medical use cannabis in a place where smoking is prohibited under the *Smoke-free Places Act*.

## 4.3 Public health and welfare

Where a local government has been empowered to regulate the public health or welfare of its community, it may be able to further regulate the public areas in which cannabis may be consumed.

In British Columbia and Ontario, many of the municipal bylaws regulating the areas in which smoking is permitted

have been enacted through such authority. Generally, the understanding that tobacco consumption can be harmful to respiratory health and contribute to cancers, and that second-hand smoke can have similar negative health impacts, has qualified as health-related reasons for municipal restrictions on tobacco consumption. Local governments are likely to be able to draw on a similar approach for cannabis consumption where authorized.

**In Vancouver, the Parks Board** was delegated authority to enact bylaws to regulate smoking in parks to protect and promote public health—adopting language like the following:

3.1 A person must not smoke:

- (a) in a park;
- (b) on a sea wall or beach in a park;
- (c) in a building in a park, except in a caretaker's residence;
- (d) in a customer service area in a park;
- (e) in a vehicle for hire in a park;
- (f) on public transit in a park; or
- (g) in an enclosed or partially enclosed shelter in a park where people wait to board a vehicle for hire or public transit.

3.2 Except as permitted by Section 3.1, a responsible person must not suffer or allow a person to smoke in:

- (a) a building in a park;
- (b) customer service area in a park; or
- (c) a vehicle for hire in a park.

## 4.4 Municipally-owned or managed property

Local governments can also regulate the locations in which cannabis may be consumed as owners or operators of property. In the event that provincial/territorial smoking legislation does not already prohibit cannabis consumption in a park, a local government may be able to enact such a prohibition through its authority as the owner of that park. A similar approach can be taken to municipally-operated property, such as community centres or recreational facilities.

### Community events and municipal alcohol policies

The approach many municipalities have taken in developing a municipal alcohol policy could be adapted to apply to cannabis. For example, an agreement for the use of municipal property for special events, such as festivals or sporting events, could also be used to manage the public consumption of cannabis. This could also apply to community centre and arena rentals.



## ► Public consumption

The City of Ottawa's **Municipal Alcohol Policy** applies to all City Staff, volunteers, community partners who either manage or have control over City property, rental clients, and organizers of events, on City property, at which alcohol will be sold, served or consumed. This Policy applies to the sale, serving and consumption of alcohol on City property, or at locations or for events under the City's control (collectively "City Property"), whether or not a facility is operating under a liquor licence issued by the Alcohol and Gaming Commission of Ontario (AGCO), a Special Occasion Permit, a liquor licence with a Catering Endorsement, or any other approval that has been issued by the AGCO.

City Property includes the following:

- All City-owned properties,
- All properties leased by the City,
- City Highways (including the travelled portion of the Highway (roadway), boulevards, side-walks or other areas of the Highway),
- Properties controlled by local boards over which City Council may require that general policies be followed,
- Events held by the City at partner or third-party premises, and,
- City Properties under a Public-Private Partnership Agreement, as determined on a case-by-case basis by the General Manager of Recreation, Cultural and Facility Services

## Special challenges for municipalities

Regulating cannabis consumption presents multiple challenges and options for local governments. Their authority to regulate smoking cannabis in public depends on provincial or territorial legislation. Their authority, and need, to regulate smoking also varies greatly across the provinces and territories.

Regulating the public consumption of cannabis that is not smoked presents further challenges as identifiable markers of consumption, such as smoke or odours, are not as easy to detect. The health risks associated with smoking are also less present.

In regulating public consumption, local governments should be aware that cannabis may be consumed in many different forms. The *Cannabis Act* allows the production of cannabis as fresh, dried or oil-based products. While smoking remains the most common, consumption methods that do not produce smoke, including herbal vaporizers or e-cigarettes, or other cannabis-oil based products such as skin creams, are also available.

"Edibles," or foods such as candy and baked goods that have been infused with cannabis, are not currently authorized under the proposed federal regime, although such additional forms of cannabis may be authorized and regulated in the future.

Public consumption exceptions for the use of cannabis for medical purposes, or for traditional ceremonial practices, must also be considered.



## What can municipalities do?

### Policy options

- Allow cannabis smoking within the framework of the existing provincial and federal regulations.
- Regulate the conditions under which the smoking of cannabis may occur in public places.
- Prohibit the locations in which the smoking of cannabis may occur in public places.

**Regulatory options**

- ▶ Make no regulatory changes to public place policies or bylaws.
- ▶ Amend existing bylaws and policies to clarify that smoking cannabis is only permitted in accordance with the regulations and policies.
- ▶ Specifically regulate conditions under which the smoking of cannabis may occur in public places, or specific public places.
- ▶ Prohibit the smoking of cannabis on specific public places, such as parks, community centres, and sports arenas.
- ▶ For special events, develop policies regarding an event host's responsibility to control and be accountable for the smoking of cannabis.

- ▶ Uses testimonials or endorsements.
- ▶ Uses depictions of real or fictional characters.
- ▶ Presents cannabis brand elements as glamorous, risky, exciting or daring.
- ▶ Induces the purchase of cannabis through monetary incentives, lotteries, or contests.
- ▶ Is misleading about the characteristics, safety, and health effects of cannabis.

The federal government has also proposed restrictions on the venues in which advertising for cannabis may occur. The *Cannabis Act* prohibits the use of cannabis branding elements in locations where people under the age of 18 are permitted, in sponsorships for people, events and facilities, as well as in foreign media.

## 4.5 Promotions, advertising and signage

Local governments should also be aware of how other orders of government have responded to concerns relating to public consumption of cannabis. Similar to the *Tobacco Act*, the federal government has set standards on how cannabis can be marketed across Canada, as well as minimum standards for the packaging of cannabis products. When a local government is concerned about how promotion and advertising may influence public consumption, an important first step is to be aware of the federal regulations on these matters.

### Federal regulation of cannabis promotions

Under the *Cannabis Act*, the federal government has prohibited cannabis products from being promoted in a manner that:

- ▶ Refers to its price or distribution.
- ▶ Is appealing to young people.

### Marketing regulation and content

Local governments may have the authority to regulate business and public health regulations and business marketing options when it comes to cannabis. But the rules must be consistent with the federal *Cannabis Act* and any related federal or provincial enactments.

Awareness of the impact of cannabis consumption on human functioning and development can influence and reduce the consumption of cannabis. Some local governments may have the ability to regulate aspects of how cannabis is promoted, which may indirectly affect cannabis consumption levels.

In considering this approach, municipal governments should be aware that regulating expressive content, which includes advertising, has the potential to conflict with the right to freedom of expression under the *Canadian Charter of Rights and Freedoms*.

Any content-related signage regulations must be connected to a proper municipal purpose and should not infringe on this right. This is an area where it is extremely important to consult legal counsel familiar with the applicable municipal regulatory framework and expression rights.



# 5 Cannabis in the workplace

**A**s employers, municipalities have a duty to ensure safe workplaces—and a cannabis-impaired employee can pose safety risks to co-workers and the public. This duty may sometimes collide with an employer's duty to accommodate people with medical needs or disabilities. Achieving the right balance is vital.

Municipalities will face practical and policy challenges here. Cannabis impairment remains difficult to establish objectively. Banning cannabis use among all employees is problematic because some may be using it as prescribed by a doctor. Fundamentally, human resources policies and interventions need to be based on an employee's ability to do their job, rather than stereotypes or moral judgements about cannabis use.



## 5.1 Maintaining safe municipal workplaces

Employers are required to ensure a safe workplace, and an impaired employee can pose a safety risk to themselves, their co-workers, or the public. Whether an employee consumes a substance that may cause impairment for medical or non-medical purposes, the basic principles around impairment in the workplace continue to apply.

It is generally acceptable to maintain a policy that all employees arrive at work fit for duty and to conduct themselves in a safe and lawful manner while on duty.

When considering changes to human resource policies with respect to non-medical cannabis, municipal employers should not make any decisions about impairment based on assumptions about cannabis use and its impact on an employee's ability to do their job. Employers must rely on their observations to establish reasonable grounds to determine whether an employee is impaired or not.

## 5.2 Existing medical cannabis regime

Access to medical cannabis is currently permitted only under the terms and conditions set out in the Access to Cannabis for Medical Purposes Regulations (ACMPR). Although the federal government has indicated it will revisit the ACMPR regime if and once the *Cannabis Act* becomes law, the current ACMPR regime would continue under the *Cannabis Act*.

An employer should treat medically prescribed cannabis similar to other prescription medication. As outlined below, there are additional considerations for cannabis consumption for non-medical purposes.

## 5.3 Determining impairment

The legalization of non-medical cannabis does not affect an employer's duty to ensure a safe workplace—as well as to accommodate employees with disabilities who are being prescribed medical cannabis or employees with disabilities stemming from an addiction to cannabis. These duties to accommodate are addressed in [SECTION 5.8](#).

If an employer suspects that an employee is impaired, they must observe that the employee's conduct in the workplace and their ability to perform their work-related duties are compromised.

Employers must not make decisions based on assumptions about the use of cannabis and its impact on an employee's ability to do their jobs. On its own, information about the consumption of an impairment-causing substance, or whether it has been consumed for non-medical or medical purposes, will not determine whether an employee is impaired or not.

Accurately assessing whether a person is impaired as a result of consuming cannabis is difficult. There are limited methods to determine impairment from cannabis through testing. The effects of an average dose of cannabis for an average user will vary. And unlike the use of a blood-content level to determine impairment from alcohol, THC levels in bodily fluids cannot reliably indicate the degree of current impairment.

## ► Cannabis in the workplace

As it stands, blood-content levels for THC (the main psychoactive compound in cannabis) are considered under Bill C-46 in the context of impaired driving offences. Bill C-46 proposes to create three new Criminal Code offences for having specified levels of THC within two hours of driving.

However, there is no universally agreed-upon standard of measurement to determine whether a person is impaired as a result of consuming cannabis. The proposed blood content thresholds under Bill C-46 are of limited relevance

for employers, as a determination of impaired driving requires different considerations than determining that an employee is impaired in the performance of their job duties.

In considering whether an employee is impaired, a supervisor of the employee should be able to respond to the issues outlined in the following table.

### Reasonable grounds for impairment: Five factors to consider

<b>1</b> Impairment	<ul style="list-style-type: none"> <li>• Are there facts to indicate that the employee has shown a form of impairment?</li> <li>• Is there a change in physical appearance, behaviour, actions or work performance?</li> <li>• Observations may include: slurred speech, tardiness, unsteadiness, yelling, odours, admissions of use.</li> </ul>
<b>2</b> Reliable facts	<ul style="list-style-type: none"> <li>• Are the facts reliable?</li> <li>• Did you witness a situation personally, or are you sure that the witness(es) are reliable and have provided first-hand information?</li> </ul>
<b>3</b> Reasonable facts	<ul style="list-style-type: none"> <li>• Can you explain the facts?</li> <li>• Would you be able to describe the observations to another person who does not know the people involved?</li> </ul>
<b>4</b> Documentation	<ul style="list-style-type: none"> <li>• Are the facts capable of documentation?</li> <li>• Can the dates, times, names and locations be documented?</li> </ul>
<b>5</b> Timeliness	<ul style="list-style-type: none"> <li>• Is the impairment situation current, today, while on the job or company property?</li> <li>• Is this a repeated or ongoing situation?</li> </ul>

– Adapted from the City of Edmonton ‘Drug and Alcohol Operating Procedures’, March 2016

Once a supervisor can reasonably demonstrate that an employee may be impaired, an employer should consider the following questions:

- ▶ Is there a safety risk, or a risk of injury, illness or incident in the workplace?
- ▶ Is the safety risk based on an employee's change in behaviour or ability?
- ▶ Is the change in the employee's behaviour or ability related to the consumption of cannabis?

As the effects of cannabis will vary among consumers, employers must assess people on a case-by-case basis. The specific performance requirements of a position, as well as the individual's capacity to fulfill those requirements, must be taken into consideration.

In evaluating whether there is a safety risk as a result of an employee's consumption of cannabis, the Canadian Centre for Occupational Health and Safety has recommended employers consider additional questions such as:

- ▶ Does the person have the ability to perform the job or task safely while impaired? For instance, is the employee driving, operating machinery or equipment, or using of sharp objects?
- ▶ Is there an impact on cognitive ability or judgment while impaired?
- ▶ Are there other side effects of the medical condition or the treatment that need to be considered?

## 5.4 Zero-tolerance policies

A zero-tolerance policy on the use of a substance in the workplace can result in discrimination against employees who are prescribed that substance. A person who has a medical prescription for a substance, including cannabis, is generally entitled to consume that substance in accordance with their prescription.

Whether the prescribed substance is available for non-medical or medical purposes does not affect an employee's entitlement to use it in accordance with their prescription.

### Zero tolerance: alcohol vs. cannabis

In most cases, the non-medical use of cannabis and alcohol can be regulated similarly in the workplace. However, the history of cannabis as a medically prescribed substance provides context for why implementing a zero-tolerance policy toward cannabis is not as straightforward as a similar prohibition on alcohol.

In developing a regulatory framework for the non-medical use of alcohol, its treatment as a medical necessity has been given significantly less attention than it has for cannabis. The regulation of alcohol has largely been developed from the perspective that it is a non-medical substance. Alcohol regulation has taken place without comparable judicial commentary on the right to access it for medical purposes, or a comparable legislative regime to enable such access.

When alcohol became regulated for non-medical consumption, the existence of a right to access it for medical purposes was unclear, and there were significantly fewer people who were prescribed alcohol for medical purposes in the first place.

Workplace policies that include a prohibition on alcohol consumption are generally justified on workplace health and safety considerations. As outlined below, a policy that is *prima facie* discriminatory may be justified on the basis of being a bona fide occupational requirement (BFOR).

An actual safety risk as a result of impairment from a substance can justify a prohibition on the use of that substance in the workplace. With alcohol, there are generally accepted methods and standards—such as a blood alcohol content and a *per se* limit—for determining an impairment threshold. As there is an accepted correlation between alcohol consumption and impairment, as well as

## ► Cannabis in the workplace

established thresholds to determine impairment, a specific prohibition on the use of alcohol in the workplace may be justified with regard to those standards and workplace safety considerations.

Comparable methods or norms to determine impairment do not yet exist for cannabis. It is generally accepted that the effects of cannabis consumption differ from person to person. If two people consume the same amount of cannabis within the same time frame, there is the potential that this would result in one person not being impaired and other being significantly impaired. This environment underlines the need for an observation-based approach to determining impairment.

### Bona fide occupational requirements

A zero-tolerance policy may be relevant in a workplace where the employer can demonstrate that sobriety is a bona fide occupational requirement (BFOR). A BFOR is a requirement that is essential to the safe and proper performance of the job.

As a BFOR is an exception to the general prohibition against discrimination, whether a policy meets the standard of a BFOR will be given very close consideration by the courts, human rights tribunals, and labour arbitrators. A BFOR will only be valid where the employer is able to demonstrate that the requirement meets three conditions:

- It was adopted for a purpose rationally connected to the performance of the job.
- It was adopted in an honest and good faith belief that it was necessary to the fulfillment of that legitimate work-related purpose.
- It is reasonably necessary to the accomplishment of the legitimate work-related purpose, in the sense that the employer cannot accommodate the affected employee without incurring undue hardship.

A BFOR must clearly relate to the needs and performance of the job. A requirement to be able to lift a certain amount of weight may discriminate against people who have a physical disability, but may qualify as a BFOR in the context of a care home where staff are required to assist people with mobility issues. Similarly, minimum eyesight

and hearing requirements can discriminate on the basis of physical disability but may qualify as a BFOR in the context of a position as a vehicle driver.

In establishing a job requirement as a BFOR, an employer should be able to demonstrate, with credible evidence, they have considered the specific requirements of the job, and have explored alternatives to fulfill these requirements that did not result in a discriminatory effect.

## 5.5 Disclosure of cannabis consumption

### Non-medical cannabis use

The general rule is that employers have no authority over what employees do outside working hours, unless it can be shown that an employer's legitimate business interests are affected in some way. An employee's decision to frequent a particular pub on a Monday night, for example, should not affect their employment, unless their Monday night activities impaired the employee's ability to do their job when they reported for work on Tuesday morning.

General practice suggests that a workplace standard of requiring employees to show up fit for work is acceptable. A requirement that employees self-disclose to their supervisor, or not attend work, if they believe they are impaired as a result of consuming a substance is also consistent with an employer's duty to maintain a safe workplace.

An employer is generally not entitled to request information about an employee's use of substances while off-duty. An important consideration in dealing with employees who use cannabis is to not make decisions based on assumptions about the use of cannabis and its impact on an employee's ability to do their job. An employer may, however, investigate an employee's off-duty conduct if the employer has reasonable grounds to believe that the employee's off-duty conduct is negatively affecting their ability to fulfil the requirements of their job. An employer's reasonable grounds must be based on observations of the employee in the workplace, and a connection between the alleged off-conduct impairing the employee while on-duty.

## Medical cannabis use

Employers may be able to require that employees disclose their use of medical cannabis in the same manner as other prescription drugs that cause impairment. In obtaining this information, an employer's right to medical information does not typically extend to the right to learn about specific illness or conditions for which an employee may have a drug prescription.

The focus of any employer enquiries should be on the impact on the ability of the employee's ability to perform their job duties. Questions about the likelihood of the prescribed medication causing impairment while on duty are more likely to be acceptable than those that ask for information about why the medication was prescribed.

If there are reasonable concerns about impairment, employers may be able to request confirmation from the doctor that the prescribed cannabis usage does not impair an employee's ability to perform their job duties safely. Depending on the requirements of an employee's position, the employer may also be able to request medical information about the amount and type of cannabis that has been prescribed, as well as the frequency of use. The more safety-sensitive the workplace or position is, the more medical information an employer will be able to justify requesting.

If an employer has reasonable concerns that an employee is impaired while at work, even if as a result of consuming cannabis for medical purposes, the employer may be able to require the employee to provide medical information about their consumption of impairment-causing substances. Decisions on any further actions should be based on the nature of the job duties and appropriate medical evidence.

## 5.6 Substance use policies

Employers should update their substance use policies to address any changes to the legal status of cannabis possession and consumption. Any substance use policy must focus on impairment, and what it means to be fit for duty.

At a minimum, substance use policies should address:

- ▶ Employee conduct standards.
- ▶ Guidelines for the use of substances that may cause impairment.
- ▶ Standards and procedures for supervisors and managers to address impairment.
- ▶ Consequences of violating the policy.

## Employee conduct standards

A workplace standard requiring employees to show up fit for work is acceptable. Similar to alcohol or smoking, employers may be able to prohibit the consumption of cannabis for non-medical purposes while in the performance of one's employment duties or on a worksite.

Employer policies prohibiting alcohol consumption in the workplace and during work hours can be amended to include the use of non-medical cannabis once it is legal. Anti-smoking laws will likely apply to cannabis as they do to tobacco, in that smoking in most enclosed workplaces is likely to be prohibited.

Local governments should review such legislation from their province/territory to evaluate the extent to which, if at all, cannabis smoking may be permissible in the workplace.

## Guidelines for employee use of substances

A substance use policy should identify the circumstances in which an employee should report the use of substances that may cause impairment. It should also specify any requirements to provide appropriate medical information. A standard that employees self-disclose to their supervisor—or not attend work—if they believe they are impaired as a result of consuming a substance is consistent with an employer's duty to maintain a safe workplace.

## Addressing substance-related impairment

Guidelines for supervisors and managers to assist in evaluating whether an employee is impaired in the workplace should be included in a substance use policy ([SEE REASONABLE GROUNDS FOR IMPAIRMENT: FIVE FACTORS](#)). Employers may wish to establish a documentation or



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reporting procedure, such as a checklist, to help determine whether indicators of impaired behaviour are present in the workplace.

Where an employer has reasonable grounds to believe that an employee is impaired in the workplace, they may request additional information from that employee. The level of information that can be requested, including medical documents where appropriate, will depend on the circumstances and must be assessed case-by-case. Policies will need to incorporate flexibility and focus on impairment and safety, not the use of cannabis or other substances.

Employers are also required to accommodate employees with disabilities. Substance use policies should provide managers and supervisors with guidelines for situations where an employee may be misusing substances in connection with a substance dependence.

The policy should outline any consequences of a policy violation, including disciplinary action, or assessment and rehabilitation measures. For unionized workplaces, consultation with the union regarding any proposed changes to the current substance use policies is recommended.

### 5.7 Substance testing

We strongly suggest that municipalities consult with legal counsel if they are considering a workplace substance testing policy.

#### Workplace safety concerns vs. privacy interests

Privacy and safety are highly sensitive and significant workplace interests that are occasionally in conflict. The right to privacy and the related right to security of the person are fundamental individual rights protected by the *Canadian Charter of Rights and Freedoms*. A workplace substance testing policy will often infringe on some aspect of these individual rights. This is because substance testing typically involves some

form of bodily intrusion and surrender of bodily substances in a coercive environment, and can result in disciplinary consequences or public embarrassment.

Employer substance testing policies tend to be motivated by employer perceptions of workplace safety risks. Any substance testing policy must balance an employee's privacy and human rights with an employer's ability to require personal information to achieve worksite safety.

The courts, arbitrators and tribunals have overwhelmingly rejected employer-imposed substance testing policies, particularly those involving mandatory random testing of employees. The only exception is if there is evidence of enhanced safety risks, including evidence of workplace substance misuse problems.

Employers should also be aware there is a growing body of research questioning the efficacy of drug testing programs for establishing impairment. Drug testing indicates the presence of a substance, not how the body interacts with it. With cannabis, it is recognized that a standard dose will affect individuals differently. Technology to establish a standard mechanism to determine impairment from cannabis consumption is being researched and developed, particularly in the context of tools to assist law enforcement in determining impaired driving in a roadside stop. But at this point, there is no reliable measurement on which employers can rely.

In considering any workplace substance testing policy, the onus is on the employer to establish the reasonableness of its policy. The evidence to demonstrate that the extent of the safety risk justifies the imposition of a substance testing policy will depend on the circumstances of the specific case. The jurisprudence has outlined that, where a substance testing policy is motivated by safety concerns, those concerns must be real and tangible. Uncertain or speculative health and safety risks, including those based on stereotypes or perceptions of substances or disabilities, will not justify such an invasion of employee privacy.

## When substance testing policies may be permitted

Substance testing policies have been upheld by the courts in situations where they represent a proportionate response to legitimate safety concerns as well as privacy interests. In those cases, evidence of the following factors has supported the implementation of a substance testing policy:

- ▶ The workplace or industry is safety-sensitive.
- ▶ There are known problems involving impaired employees in the workplace.
- ▶ The procedures for and methods of testing for substance are minimally invasive.
- ▶ Affected employees are given advance notice of the substance testing policy, including prior to the commencement of their employment.

Workplace substance testing for individual employees may be justifiable for individual employees as part of a post-incident response. A post-incident substance test should only be conducted when the employee's actions or lack of actions have contributed to the cause of the incident, a "near-miss" or a potentially dangerous situation.

Prior to any testing, an employer should have a post-incident substance testing protocol in place that identifies the specific circumstances in which testing will take place. Language should not be retaliatory, or discourage the reporting of illnesses or injuries.

Workplace substance testing may also be permissible as part of a return-to-work program, including a last-chance agreement or a contingency behaviour contract. For example, substance testing may be part of return-to-work conditions for an individual employee who is returning to a safety-sensitive job after treatment for a substance addiction.

In safety-sensitive worksites, reasonable cause testing may be permitted. Individual employees may be required to undergo substance testing where the employer believes on reasonable grounds that an employee is impaired while on duty or their actions are in contravention of an established workplace substance use policy.

In all cases, the onus is on the employer to establish the reasonableness of any workplace substance testing policy, and employers must ensure that any substance testing procedures and methods are reasonable, not onerous, and minimally invasive.

**The Halifax Regional Municipality's Substance Abuse Prevention Policy** specifies that alcohol and drug testing is appropriate for employees working in safety sensitive positions and are subject to testing for alcohol and drugs, as funded by the applicable business unit, under the following situations:

- Post-accident, near miss, or potentially dangerous incidents;
- Reasonable grounds;
- Return to work program after primary treatment;
- Return to work program while in aftercare.

The policy contains checklists to assist in documenting observations about the potential impairment of an employee, as well as procedures for testing based on reasonable grounds or post-incidents.

Whether a particular risk is sufficient to justify an employer's drug-testing policy will depend on a variety of circumstances and considerations, including the employer's evidence to demonstrate these factors. Legal counsel is strongly encouraged if an employer is considering a workplace substance testing policy.

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## 5.8 Duty to accommodate

Employers are required to accommodate employees with disabilities. With cannabis, this duty is likely to arise in two ways in the workplace:

- The employee is addicted to cannabis, which is a disability in and of itself under the [\*Canadian Human Rights Act\*](#).
- An employee is not addicted to cannabis, but uses cannabis to treat a disability.

The laws in regard to employees who are addicted to cannabis will not necessarily change when it is legalized, as employers already have the duty to accommodate employees addicted to substances like alcohol and prescription drugs. Where an employee has a legal prescription for medical cannabis, there are three requirements to trigger an employer's duty to accommodate:

- the employee has a disability;
- the employee has been legally prescribed cannabis by a medical practitioner in accordance with the relevant regulations to treat the disability; and
- the employee is using cannabis in accordance with the prescription.

Accommodations for the use of medical cannabis will need to be treated in the same manner as when other employees are prescribed medication that could cause impairment. That the prescribed medication is cannabis as opposed to another type of prescription medication does not change the employer's obligations in the consideration of whether an employee can be accommodated. This is the case even for employees in safety-sensitive positions, though the duty to accommodate may be different than for employees who are not in safety-sensitive positions.

Cannabis in the workplace ◀



# 6 Enforcement issues

**F**or years, local governments have faced enforcement issues arising from illegal cannabis production and sale. While enforcing federal law on controlled substances falls to local police and the RCMP, municipalities have also developed by-laws to address community impacts. Though the former is beyond this guide's scope, we explore interplays between local police and bylaw services.

With legalization, municipal enforcement roles will include inspection and compliance with provincial building codes and municipal bylaws, including regulating neighbourhood disputes over nuisance issues. Critically, in designing new bylaws and tools, municipalities must carefully weigh how practical they will be to enforce, and how well they can align with the work of police services.



## 6.1 Cultivation: Building code and bylaw enforcement

Building code compliance issues related to illegal cannabis production are well known to local governments. Cannabis production in residential premises has been associated with shoddy construction, overloaded or bypassed electrical wiring, and private security measures that block required fire exits. Other dangers include unauthorized municipal water connections that risk back-flow into municipal water services, and mould and air quality issues that endure even after cannabis production has ended.

Local governments have had a role to play in inspecting such operations, and enforcing building codes and other construction standards. Some local governments have passed bylaws specifically aimed at addressing these building code, fire, health and safety issues—recovering investigation and enforcement costs from building owners.

### Context: medical cannabis

With the advent of the Access to Cannabis for Medical Purposes Regulations (ACMPR) and predecessor federal regulations, some cannabis cultivation for medical purposes within residences became legal under federal law. Under the ACMPR, a registered person is permitted to grow up to five indoor cannabis plants for each daily gram of dried cannabis they have been prescribed for medical purposes.

A registered person may grow cannabis plants themselves, or assign a designated person to do so. A designated person may grow plants for up to two registered persons, and any particular civic address can be used for production under up to four registrations. This can result in a significant number of cannabis plants being cultivated by one or more designated people, including within residential premises. While the ACMPR regime may be amended or replaced at some point, there has been no indication that these arrangements will change once non-medical cannabis is legalized.

As this level of cannabis cultivation is completely legal under federal law, there is no reason (other than avoiding costs) for those engaged in the activity not to comply with applicable building construction and safety standards. They don't need to stay “under the radar” of law enforcement. Nevertheless, building code compliance issues in relation to such matters as electrical safety and air quality may continue to arise in these lawful production sites, as owners and tenants attempt to alter their premises to accommodate activities for which they were not originally designed or constructed.

If the *Cannabis Act* has its desired effect, the commercial availability of an adequate, quality supply of cannabis will reduce the need for people to grow the plants themselves. Local governments may, however, wish to consider how they will inspect for and properly enforce building code requirements in relation to large scale indoor operations that the ACMPR allows in residential premises.

Provincial/territorial or municipal building construction and safety laws could be found to infringe a person's right under



## ► Enforcement issues

the *Canadian Charter of Rights and Freedoms* to a reasonable supply of medical cannabis. But this infringement would have a good chance of being found to be a justifiable limit of that right under Section 1 of the Charter, given the compelling rationale for building safety requirements. Local governments have little reason to be timid about enforcing these types of standards.

### Non-medical cannabis

The non-medical cannabis regime will authorize a maximum of four plants per household for personal cultivation, which may be indoors or outdoors. Provincial and territorial regimes may further restrict or prohibit this type of cannabis production, which may pose risks for young children and domestic pets, particularly if carried on outdoors.

This minor scale of production may not ordinarily create health or safety issues or lead to contraventions of building safety standards. There are no *Charter of Rights and Freedoms* issues with laws restricting or prohibiting the production of cannabis that has no medical purpose.

The extent to which federal officials will police and enforce the four-plant limit is unknown. For the same reasons that federal officials may have little inclination to enforce this limit, local governments should carefully consider whether they have the resources to monitor compliance with any overlapping local limit, whether enacted in a zoning bylaw or some other regulatory bylaw.

### Unlawful production operations

One of the goals of the legalization of non-medical cannabis is to undermine its unlawful production. However, local governments may still be called upon to inspect illegal cannabis production facilities operating without federal permits or at a scale that exceeds the federal authorization.

Municipalities should take care both to protect the safety of inspectors and to act within the authority they have to inspect and enforce bylaws, without allowing the inspection to become an unlawful search and seizure for the purposes of enforcing federal law. However, these operations may be unlawful under applicable local government land use and/or business regulations, or may involve contraventions of building construction or fire safety standards. Inspections are wholly appropriate for those purposes.

Many local governments have found it helpful to coordinate inspections of known or suspected unlawful cannabis production operations with police and provincial health inspectors. While police cannot participate in inspections for enforcement of federal law without a warrant, they can accompany other inspectors for the purposes of ensuring their safety. In some cases, a warrant may also be advisable. This is an example of the interplay between local police and municipal bylaw services that will need to drive successful enforcement approaches.

#### **The Coordinated Safety Response Team (CSRT) in**

**Calgary** provides a coordinated approach to identifying potentially unsafe conditions on construction sites or buildings and conducts comprehensive joint reviews, inspections and investigations of these sites. CSRT members include:

- City of Calgary: Safety Response Unit, Calgary Community Standards, Calgary Police Service
- Occupational Health and Safety Alberta
- ALERT: Green Team South and Safer Communities and Neighbourhoods
- Alberta Health Services

The team is designed to quickly respond to incidents and help ensure public safety. It also builds strategies to help the construction industry decrease risk, including through the remediation and demolition of cannabis grow-op sites.

### Local government permits and licences

Permit and licence issuance remains an important part of the bylaw enforcement function for many local governments. Its application will vary across provinces and territories depending on the regulations and authorities they

provide to local governments. Broadly speaking, building permit and business licence applications are a significant opportunity for local governments to review bylaw compliance. This includes a review of zoning, provincial and local building and fire safety standards. In the case of business licences, local governments may review any federal and provincial/territorial authorizations that may be required.

## 6.2 Nuisance bylaws and enforcement issues

Local governments are key regulators when it comes to neighbourhood disputes over nuisance issues. Many local governments have special powers in this regard, and may even be able to make nuisance abatement orders. As a starting point, though, local governments should be cognizant of all nuisance management aspects of regulations from other orders of government.

As noted in [CHAPTER 3: BUSINESS REGULATION](#), federal government authorizations for medical cannabis production facilities have, from the outset, required the installation of odour control equipment. This suggests that local governments might wish to focus efforts on proper use and operation of the equipment—a matter that the federal government may tend to leave unaddressed.

### Odours

As local governments anticipate an increase in nuisance complaints with legalized cannabis, odour issues rank among their top concerns—and these are notoriously difficult to regulate and remediate.

Because odours are hard to quantify objectively in terms of strength or character, setting regulatory standards is challenging. While some odour testing labs exist in Canada, their usefulness for regulatory purposes is questionable, and testing can be onerous and expensive. Even if and when the quantification of odour can be satisfactorily addressed, an odour's source can be challenging to prove to the standard needed in court.

Proactive approaches to cannabis-related odour and nuisance abatement are therefore preferable. For example,

odour impact assessments and control plans might be included in requirements for rezoning applications or development approvals in circumstances where these are authorized and warranted.

Zoning setbacks, landscaping, buffer or similar requirements may be considered for certain types of facilities that are anticipated to cause odour or other nuisances. This is in addition to the basic locational criteria that have traditionally restricted problem activities to their own special zones.

Municipalities may also want to set business licence conditions that could reduce nuisance concerns around cannabis production and retail facilities. For more on this, see [CHAPTER 3: BUSINESS REGULATION](#). In addition, public consumption regulations, where authorized, may be used to contain or limit public exposure to odours and smoke. For more on this, see [CHAPTER 4: PUBLIC CONSUMPTION](#).

## 6.3 Potential liability and non-enforcement

Given the potential nuisance, health and safety issues that might arise, responsibility for cannabis-related regulation and enforcement has led to some concern over potential liability issues for local governments. However, the liability potential in this area is no more significant than any other area of local government regulation.

It is sometimes alleged in lawsuits against local governments that failure to enforce local regulations in relation to a nuisance has depressed the value of adjacent properties. These lawsuits claim that the local government is under a legal duty to enforce its regulations to prevent the nuisance, and that it must therefore compensate property owners for the reduced value. Generally, this legal proposition is not sound. (The property owner may have a good claim in nuisance against their neighbour, however.)

Local governments can decide, for *bona fide* reasons, not to enforce particular regulations in relation to particular factual circumstances, even if non-enforcement might cause financial harm to affected neighbours or owners. *Bona fide* reasons include such factors as the severity, scale or duration of the contravention and the cost to the local government of securing compliance with the regulation.

## ► Enforcement issues

Further, enforcement is sometimes suspended while a regulation is under review or in the process of being amended or repealed. However, the position of any citizen complainant must also be considered. Good governance suggests that the maker of a valid complaint is entitled to an explanation of any local government decision not to investigate or enforce.

Building inspection is an established area where local governments owe a duty of care to those who may occupy or purchase property. Ensuring a consistent level of care in monitoring building code compliance will be important once non-medical cannabis is legalized. No local government is required to establish any particular type of regime for inspection and enforcement of building standards, except in some jurisdictions in relation to fire safety inspections. However having established a particular regime, such as one based on complaints from tenants or neighbours, local governments should be diligent about following that regime in relation to each individual complaint.

## 6.4 Enforcement tools and policies

### Bylaw drafting

Residents will likely expect enforcement of any regulations that have been adopted with regard to the legalization of cannabis. This expectation should be kept in mind as regulations are drafted and considered for enactment. Enacting regulations that the local government has no realistic intention or ability to enforce is not a good governance practice. It can lead to reduced voluntary compliance with respect to that regulation as well as other enforcement areas.

Having elected to regulate, local governments should keep enforcement practicalities in mind when drafting the regulations, consulting with legal counsel as to the elements of any offence that will have to be proven to obtain a conviction or fine.

### Enforcement practices

Enforcement policies are an important tool for managing expectations and resources. Local governments should consider whether to implement proactive enforcement and investigations, or only to investigate where complaints have been made.

Any complaints made under a complaint-based enforcement policy should be documented. Proactive enforcement practices should also be documented so staff, elected officials and the public know what they can expect, and the extent of resources that may be invested.

Generally speaking, prompt attention to bylaw contraventions once discovered, whether by complaint or proactive investigation, will result in better compliance rates overall.

Enforcement remedies for cannabis-related complaints and contraventions may vary greatly, depending on the enactment that has been breached. Self-help remedies are often attempted first.

Businesses breaching zoning or business licensing conditions, or even federal or provincial/territorial enactments—depending on how the business licensing regulations have been drafted—may be subject to licence suspension or revocation.

Building permits may be withheld or stop-work orders issued if proposed or actual construction does not respect applicable building codes or bylaw standards—including those pertaining to signage on retail premises. Remedial action orders can be considered for existing buildings in which contraventions are detected, such as bypassed electrical breaker panels or barricaded exit doors.

Municipal ticketing, injunctions and other court proceedings are usually a last resort. These remedies are almost always more expensive, and to some degree take the matter out of the local government's hands, exposing it to procedural delays.







RDCK Document  
Legal Framework for Cannabis in Canada

**Table 1: Legal Framework for Cannabis in Canada**

Legal Framework	Production and Distribution Model	Local Government Role
Section 56 Exemptions under <i>Controlled Drugs and Substances Act</i> (1999)	Medical Access to Marihuana first established on a case by case basis using exemptions	None
<i>Marihuana Medical Access Regulations</i> (MMAR) 2001	Enabled individuals with the authorization from health care practitioner to access dried marijuana for medical purposes by producing their own marijuana plants, designating someone to produce for them or purchasing directly from Health Canada	No notification or approvals were required from local governments and production often occurred in residential dwellings or accessory buildings causing public health and safety concerns
<i>Marihuana for Medical Purposes Regulation</i> (MMPR) 2013	Enabled the creation of a commercial industry responsible for the production and distribution of marijuana for medical purposes (specific to dried marijuana product) – 2015 amendments allowed for licensed production of other cannabis products – licensed producers were required to establish secure indoor facilities and sales directed at registered medical users through secure mailing of product – no store front retail enabled	Licensed producers were required to notify local governments (RCMP and fire departments) of their intention to apply. Local governments in BC were enabled to regulate through zoning and through the issuance of building permits to ensure public safety and security measures were met  Licensed production facilities were restricted to secured indoor facilities with no residential accommodation permitted on site
<i>Access to Cannabis for Medical Purposes Regulations</i> (ACMPR) 2016	Federal response to the <i>Allard v. Canada</i> (2016) decision which determined that requiring individuals to access marijuana from licensed producers violated liberal and security rights to 'reasonable access' under the <i>Canadian Charter of Rights and Freedoms</i>  Framework for licensed producers (LPs) similar to the	Local governments continue to be notified and licensed producers will still be required to meet applicable local government land use regulations (as above)  Health Canada will continue to accept and process applications to become a licensed producer under the ACMPR and applications that were



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Legal Framework for Cannabis in Canada

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above and includes transitional provisions which will allow continuation and expansion of licensed activities under the former MMPR.	submitted under the former MMPR and all licenses granted under the MMPR will continue
As of August 2016, Health Canada also accepted applications from individuals who wish to register to produce a limited amount of cannabis for their own medical purposes or to designate someone to produce for them.	Individuals that have obtained a 'registration certificate' from Health Canada as of August 2016 are not required to provide notification to local government and are not subject to the same local government regulatory tools as licensed producers (LPs)
The 'registration certificate' will include information required for legal authorities, such as law enforcement to determine the registered location and maximum limits of production and storage. Designated producers will also be required to obtain a 'registration certificate' and will only be enabled to produce for a maximum of two individuals	Local governments may want to consider obtaining a copy of the 'registration certificate' as part of the building permitting process for any structures in which such production has been indicated as the intended purpose.
Production can occur both indoors and outdoors (in limited quantity and under specific circumstances of location)	Possession limits is the lesser of a 30 day supply or 150 grams of dried product. For every 1 gram of dried product authorized will result in the production of five (5) plants indoors or two (2) plants outdoors or a maximum of 750 plants indoors and 300 plants outdoors or partially in both

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Cannabis Act Anticipated Changes for Local Government Consideration

**Table 2: Cannabis Act: Anticipated Changes for Local Government Consideration**

Provisions	Role of Local Government	Local Government Considerations
<i>Standard Cultivation</i> Would authorize large scale growing of cannabis plants and harvesting materials	Notice to Local Government, Fire Departments and RCMP similar to current LPs	The proposed regulations for cultivation licenses are anticipated to include both indoor and outdoor cultivation in secured locations. Licensed activities will not be permitted in dwellings.
<i>Micro Cultivation</i> Would authorize small scale growing of cannabis plants and harvesting materials	Notice to Local Government, Fire Departments and RCMP similar to current LPs	Where cultivation is authorized indoors, it is expected that the regulations will require reasonable measures to prevent the escape of odours and pollen.
<i>Industrial Hemp</i> Would authorize the growing of industrial hemp plants (less than 0.3% THC)	Notice to Local Governments Not Required	Under the current system LPs can not be authorized on lands in which there is residential occupancy. It is unknown at this time whether this restriction will remain in place and whether micro-cultivation will be permitted as an accessory use to residential or other land uses.
<i>Nursery</i> Would authorize the growing of cannabis plants to produce starting material (seeds and seedlings)	Notice to Local Government, Fire Departments and RCMP similar to current LPs	Further detail on production licensing is expected to be released by the federal government in April 2018  Local Governments may want to consider which types of land use designations are appropriate for each class of cultivation license and if a setback or height restriction may be appropriate to mitigate potential impact to adjacent property owners. To date, many local governments have restricted production and cultivation to 'agricultural' and 'industrial' zoned areas. Other anticipated impacts that Local Governments should consider will be impacts to available water supply, energy, waste management, security and

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Cannabis Act Anticipated Changes for Local Government Consideration

		visual impacts. It is anticipated that Standard Cultivation sites may have significant site area requirements that may result in a net loss of arable land in agricultural areas over time. Greenhouse production has a significantly lower energy and water needs and has been implemented successfully in Ontario and Quebec
<i>Standard Processing</i> Would authorize large scale manufacturing, packaging and labelling of cannabis products and distribution	Notice to Local Government, Fire Departments and RCMP similar to current LPs	It is anticipated that the processing and storage of cannabis products will be within secured indoor facilities. It is likely that many of these licenses will be in conjunction with cultivation licensing.
<i>Micro Processing</i> Would authorize large scale manufacturing, packaging and labelling of cannabis products and distribution	Notice to Local Government, Fire Departments and RCMP similar to current LPs	There will be no restriction in the ability of a single person or organization to be authorized to conduct a multitude of activities on one site.
<i>Sale for Medical Purposes</i> Would authorize the sale of cannabis products to registered clients for medical purposes	Notice to Local Government, Fire Departments and RCMP similar to current LPs	The sale of cannabis for medical purposes will continue to be from licensed processing facilities directly to registered clients as established under the current system (over the phone, online or via written order with secure delivery by mail or courier). There is no anticipated change that would impact Local Government responsibilities.
<i>Sale for Non-Medical Purposes</i> Would authorize the sale of cannabis to adults in Provinces or Territories that have not enacted a framework for distribution and sale	Notice to Local Government, Fire Departments and RCMP similar to current LPs unless no cannabis is stored on site	The sale of cannabis products for non-medical purposes will be through public and private retailers through the LCBO. This will include dedicated store fronts and direct to consumer mail order. Retail or farm gate sales will not be permitted in conjunction with licensed production facilities.

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Cannabis Act Anticipated Changes for Local Government Consideration

There are many dispensaries already in place throughout BC, including in member municipalities and rural electoral areas of the RDCK. Some have been issued Temporary Use Permits (TUPs) until such a time as a retail framework is established. Existing retailers will need to obtain licensing from the LCBO and will be subject to local land use regulations and business licensing. A 'Private Retail Licensing Guide' is currently available from the province for those wishing to pursue licensing.

Local Governments will need to consider the location of such storefront establishments as they relate to schools, public spaces and other locations that may put youth at risk.

*Analytical Testing/Research*  
Would authorize third parties to test or conduct research on cannabis for purposes of meeting regulatory requirements

Notice to Local Governments  
Not Required

It is expected that analytical testing and research will be conducted in under existing licenses.

*Cannabis edibles and other cannabis value added products*

Currently not under consideration by the federal government

It is anticipated that guidelines for cannabis edibles and other cannabis value added products will be addressed at a later date. Local governments may consider this activity similarly to small scale food production and enable as an accessory use to agriculture or as a commercial or industrial use for large scale facilities.

Note: It is proposed that all licenses issued under the *Cannabis Act* will be valid for a period no longer than five (5) years



## **Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores**

If you have any questions about this document, please contact the Liquor and Cannabis Regulation Branch toll-free at 1-866 209-2111, or email [cannabisregs@gov.bc.ca](mailto:cannabisregs@gov.bc.ca). NOTE: This document will be updated from time to time as additional information surrounding the regulatory framework for cannabis retail sales becomes available.

### **Branch name change**

The Liquor Control and Licensing Branch has been renamed to the Liquor and Cannabis Regulation Branch (LCRB) to represent its new additional responsibility of licensing and monitoring the retail sale of non-medical cannabis in British Columbia.

### **Non-medical cannabis retail licence**

The province will be issuing licences for non-medical cannabis retail stores. A cannabis retail store must be a standalone business. This licence requires input and a positive recommendation from a local government in whose area the proposed store is located.

The province recognizes the importance of ensuring carefully regulated access to non-medical cannabis in all areas of the province, including rural areas.

As a first step, the province will open opportunities to apply for regular retail licences. Once the regional distribution of retail non-medical cannabis stores is known, the province will consider issuing licences to service rural or remote areas that are not sufficiently served by existing retail cannabis stores.

### **The role of local governments in the cannabis retail store licensing process**

Applicants for a non-medical cannabis retail store licence must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store will be located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the LCRB cannot issue a licence unless the local government gives the LCRB a positive recommendation that the licence be issued)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence. Note that:
  - if the local government chooses to make a comments and recommendation on the licensee's application to the LCRB, it must gather the views of residents

- if it makes a recommendation to deny the application then the LCRB may not issue the licence
- if it makes a recommendation in favour of the application, then the LCRB has discretion whether or not to issue the licence, but must consider the local government's recommendation.

Local Governments (municipalities, regional districts or Islands Trust local trust committees) have some or all of the following regulatory powers in respect of cannabis retail store licences:

- Impose restrictions in its zoning bylaws regarding the location of cannabis retail stores
- Regulation of business (municipalities only): by terms and conditions in its business licensing bylaw, a municipality may limit the hours that cannabis retail stores can operate or impose other conditions such specifications regarding signage
- Charge the applicant fees if choosing to assess an application.

The above process applies to all relocations of existing cannabis retail stores.

### **Gathering residents' views**

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- Receiving written comment in response to a public notice of the application
- Conducting a public hearing in respect of the application
- Holding a referendum, or
- Using another method the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered.

Please note: Gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

### **What must the local government's recommendation include?**

The recommendations and comments the local government provides to the LCRB must:

- be in writing (this may or may not be in the form of a resolution)
- show that the local government has considered the location of the proposed store
- include the views of the local government on the general impact on the community if the application is approved
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments.



### **What if the local government does not want to provide a recommendation?**

If a local government does not want to accept the notice of application and provide a recommendation for the proposed retail location, they should notify the LCRB. A licence for a cannabis retail store will not be issued without a positive recommendation from a local government. If a response is not received, LCRB will not consider the application any further.

### **What if the recommendation does not meet the regulatory requirements?**

If the recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

### **How long does the local government have to provide comments?**

Unlike in the process for liquor licensing, local governments are not required to provide a recommendation on a cannabis retail store application within a specific time period. Please note that delays in the application process can have a significant impact on the applicant. If the applicant is the reason for the delay, please notify the LCRB. If the applicant is not trying to move an application forward, the application can be cancelled.

### **Can the local government recommend approval subject to certain conditions?**

In some circumstances, the local government can recommend that the LCRB approve the application as long as certain restrictions (e.g. hours of operation) are placed on the licence. In these situations, the recommendation should clearly explain the rationale for placing restrictions.

If the local government intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the local government should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

The local government may also have the ability to impose other operating rules on the proposed store through the terms and conditions of the applicant's business licence, zoning or bylaw. The local government is responsible for enforcing these rules.

### **Floor Plans**

Applicants must submit a floor plan with their licence application for approval so the LCRB can identify store features such as sales, storage and delivery areas. Unlike for some kinds of liquor licence applications, local governments are not required to provide occupant load stamps or approve the applicant's floor plans as part of the provincial licensing process for cannabis retail stores.

**A municipal council or regional district board can delegate authority to their staff to provide comments and a recommendation to the LCRB**

A municipal council or regional district board may delegate its powers and duties to provide comments and a recommendation to the LCRB regarding a cannabis retail store licence application. If a council or board has delegated this authority, a cannabis retail store applicant may ask for comments and recommendations made by delegated staff to be reconsidered by the local government.

**Council as defined in the Vancouver Charter:**

A Council, as defined in the *Vancouver Charter*, choosing to delegate to its staff must establish procedures for a reconsideration of comments and recommendations made by delegated staff, including how a cannabis retail store applicant may apply for reconsideration. In undertaking a reconsideration, the Council will have the same authority as it delegated to staff.

**Right of reconsideration:**

Delegated local government staff must advise the cannabis retail store licence applicant that the applicant has the right of reconsideration of the staff's recommendation by the council or board.

**How local governments inform the LCRB of delegation:**

A local government that has delegated authority to staff should send a copy of the delegation to the LCRB at [cannabisregs@gov.bc.ca](mailto:cannabisregs@gov.bc.ca).

**REGIONAL DISTRICT OF CENTRAL KOOTENAY  
BYLAW No. 2619**

**A Bylaw to amend Regional District of Central Kootenay Electoral Area A  
Comprehensive Land Use Bylaw No. 2315**

WHEREAS it is deemed expedient to amend the Regional District of Central Kootenay Electoral Area A Comprehensive Land Use Bylaw No. 2315, 2013, and amendments thereto.

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

1. That under Division 16 Development Permit Area No. 3: Industrial Development Permit (IDP) Area that the following be removed:

**Area**

The IDP area is comprised of all privately owned or leased lands designated as Industrial (M) or Quarry (Q) on Schedule 'B'.

**Exemptions**

The IDP area does not apply to the following:

1. Development associated with agricultural, residential, commercial or institutional land uses and activities; and
2. Existing construction, alteration, repair, demolition and maintenance of industrial buildings.

And replaced with:

**Area**

The IDP area is comprised of all privately owned or leased lands designated as Industrial (M) or Quarry (Q) on Schedule 'B' and any lands in which a Cannabis Facility involving cultivation and/or processing is proposed.

**Exemptions**

The IDP area does not apply to the following:

3. Development associated with agricultural, residential, commercial or institutional land uses and activities, with the exception of facilities for the purposes of cannabis cultivation and/or processing; and
4. Existing construction, alteration, repair, demolition and maintenance of industrial buildings.

2. That under Division 17 Interpretation that the following definitions be removed:

**LICENSED MEDICAL MARIHUANA PRODUCTION FACILITY** means the use of land, buildings or structures for the cultivation, processing, testing, research and development, destruction, packaging, storage and shipping of marihuana used for medical purposes as permitted and licensed by Canada. A licensed facility also includes office functions that are directly related to and in support of growing and cultivation activities;

**LICENSED MEDICAL MARIHUANA RESEARCH AND DEVELOPMENT FACILITY** means a facility to be used for the research and development of medical marihuana only in a fully enclosed building as lawfully sanctioned by Canada under the Controlled Drugs and Substances Act (as amended from time to time);

3. That under Division 17 Interpretation that the following definitions be added:

**CANNABIS** means cannabis as defined in the *Cannabis Act* (Canada);

**CANNABIS RETAIL STORE** means the premises specified in a *retail cannabis license* where the retail sale of cannabis is authorized;

**MICRO CULTIVATION, CANNABIS** means the authorized small scale growing of cannabis plants and harvesting material from those plants, and associated activities;

**MICRO PROCESSING, CANNABIS** means the authorized small scale manufacturing, packaging and labelling of cannabis products destined for sale to customers and intra-industry sales of those products, including to provincially authorized distributors, as well as associated activities;

**NURSERY, CANNABIS** means the authorized growing of cannabis plants to produce the starting material (seed and seedlings) and associated activities;

**RETAIL CANNABIS LICENSE** means a license issued under the Liquor Control and Licensing Branch of British Columbia;

**STANDARD CULTIVATION, CANNABIS** means the authorized large scale growing of cannabis plants and harvesting material from those plants, as well as associated activities;

**STANDARD PROCESSING, CANNABIS** means the authorized large scale manufacturing, packaging and labelling of cannabis products destined for sale to customers and intra-industry sales of those products, including to provincially authorized distributors;

4. That under Division 25 (Agriculture – AG) that the following Permitted Uses under Section 1 be removed:

Licensed Medical Marihuana Production Facilities

And replaced as follows:

Micro Cultivation, Cannabis

Nursery, Cannabis

Standard Cultivation, Cannabis

5. That under Division 25 (Agriculture – AG) that the following Development Regulations be removed:

**Development Regulations for Licensed Medical Marihuana Production Facilities**

15. The minimum lot area shall be three (3) hectares.
16. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
17. All principal and accessory buildings or structures, except fences shall be set back a minimum of 30 metres from all property lines/
18. The maximum height of a principal building shall be 15 metres.

And replaced as follows:

**Development Regulations for Cannabis Facilities**

15. All principal and accessory buildings or structures, except fences shall be set back a minimum of 30 metres from all property lines.
  16. The maximum height of a principal building shall be 15 metres.
  17. The maximum height of an accessory building shall be 6 metres.
  18. Landscaping shall comply with the requirements of Division 18 (92) to (105) of this Bylaw.
6. That under Division 26 (Neighbourhood Commercial – C1) and Division 27 (General Commercial – C2) that the following Permitted Use under Section 1 be added:
- Cannabis Retail Store
7. That under Division 29 (Light Industrial – M1) that the following Permitted Use under Section 1 be removed:
- Licensed Medical Marihuana Research and Development Facility
- And replaced with:
- Micro Processing, Cannabis
- Standard Processing, Cannabis
8. This Bylaw shall come into force and effect upon its adoption.

READ A FIRST TIME this       day of       , 2018.

READ A SECOND TIME this       day of       , 2018.

READ A THIRD TIME this       day of       , 2018.

ADOPTED this       day of       , 2018.

\_\_\_\_\_  
Karen Hamling, RDCK Board Chair

\_\_\_\_\_  
Mike Morrison, Corporate Officer

I hereby certify that this is a true and correct copy of **Regional District of Central Kootenay Amendment Bylaw No. 2619, 2018** as read a third time by the Regional District of Central Kootenay Board, on the  
day of       , 2018.

DATED at Nelson, B.C. this       day of       , 2018.

\_\_\_\_\_  
Mike Morrison, Corporate Officer

I hereby certify that this is a true and correct copy of the **Regional District of Central Kootenay  
Amendment Bylaw No. 2619, 2018.**

DATED at Nelson, B.C. this       day of       , 2018.

\_\_\_\_\_  
Mike Morrison, Corporate Officer





**INFORMATION BULLETIN 04  
CANNABIS PRODUCTION IN THE ALR**

**August 15, 2018**

**SCOPE OF THIS INFORMATION BULLETIN**

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, BC Reg. 171/2002 (the **ALR Regulation**), in relation to cannabis production in the agricultural land reserve (**ALR**). The ALCA and ALR Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Regulation. All other applicable laws, regulations and bylaws related to cannabis production must also be complied with.

**RECENT REGULATORY CHANGES**

The ALR Regulation has recently been amended. The changes came into force on July 13, 2018. Section 2(2)(p) of the ALR Regulation, which designated as farm use "the production of marihuana in accordance with the Marihuana for Medical Purposes Regulation, SOR/2013-119 (Canada)", has been repealed. The following has been added as **section 2(2.5)** to the ALR Regulation:

The lawful production of cannabis is designated as farm use for the purposes of the [ALCA] if produced outdoors in a field or inside a structure

- (a) that has a base consisting entirely of soil, or
- (b) that was, before the date on which this section came into force,
  - (i) constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis, or
  - (ii) under construction for the purpose referred to in subparagraph (i), if that construction
    - (A) was being carried out in accordance with all applicable authorizations and enactments, and
    - (B) continues without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry, and

that has not been altered since that date to increase the size of its base or to change the material used as its base.

Section 2(1.1) of the ALR Regulation provides:

The activities designated under [section 2 of the ALR Regulation] as farm uses for the purposes of the [ALCA] must not be prohibited

- (a) by any local government bylaw except a bylaw under section 552 of the *Local Government Act*, or
- (b) by a law of the applicable treaty first nation government, if the activity is undertaken on treaty settlement lands.

#### GENERAL INTERPRETATIVE PRINCIPLES

The ALCA prohibits “non-farm use” of land in the ALR unless the owner of the land successfully makes an application to the Agricultural Land Commission for permission to undertake that use or that use is expressly permitted under section 3 of the ALR Regulation: ALCA, section 20. Sections 20(3), 25 and 34 of the ALCA and Part 10 of the ALR Regulation are among the provisions relevant to non-farm use applications.

A “non-farm use” is a “use of land other than a farm use”: ALCA, s. 1.

The form of cannabis production described in section 2(2.5) of the ALR Regulation is designated as farm use. Therefore, producing cannabis on the ALR in the manner described in section 2(2.5) of the ALR Regulation does not require a non-farm use application to the Agricultural Land Commission.

However, section 2(2.5) of the ALR Regulation does not designate as farm use:

- cannabis production that does not meet the description in section 2(2.5). Having regard to the regulatory framework, this information bulletin treats forms of cannabis production that are not described in section 2(2.5), together with all activities associated with forms of cannabis production not described in section 2(2.5), as non-farm uses.
- non-production activities associated with the cannabis production described in section 2(2.5). Having regard to the regulatory framework, this information bulletin treats those activities as non-farm uses except to the extent that they fall into exceptions found elsewhere in section 2 or 3 of the ALR Regulation.

#### PLACEMENT OF FILL IN THE ALR

Placement of fill onto land in the ALR for any reason related to cannabis production, **whether it is a form of production described in section 2(2.5) of the ALR Regulation or not**, cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission. That is, if a producer wishes to place fill on the land even for the purpose of cannabis production described in section 2(2.5) of the ALR Regulation, he or she will not be able to do so without obtaining permission from the Agricultural Land Commission through a non-farm use application.

This is because section 20(2) of the ALCA generally defines the placement of fill as a non-farm use, subject to certain exceptions. Those exceptions do not apply to cannabis production.

Though sections 2(4) and (5) of the ALR Regulation designate as farm use certain fill placement related to uses designated under sections 2(2)-(2.2) of the ALR Regulation, cannabis production is addressed in section 2(2.5), so sections 2(4) and (5) do not apply. Please consult the Agricultural Land Commission's Bylaw No. 2 – Placement of Fill in the ALR and Policy L-23 – Placement of Fill for Soil Bound Agricultural Activities.

### **CANNABIS PRODUCTION IN THE ALR**

Section 2(2.5) of the ALR Regulation requires that to be designated as farm use, production of cannabis must meet various requirements including that the production is "lawful". The production of cannabis is not lawful unless it is licensed by the Government of Canada (excluding exemptions for personal cultivation). As such producers need to be very careful about taking steps in reliance on section 2 of the ALR Regulation without first ensuring that federal preconditions (as well as preconditions that other governments may impose) are or will be met before production occurs.

#### **Field Production**

Lawful production of cannabis in the ALR **outdoors in a field** is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission.

#### **Soil Based Structure Production**

Lawful production of cannabis in the ALR **inside a structure that has a base consisting entirely of soil** is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. Note:

- The base – that is, what the structure rests on – must be "entirely" of soil in order for production in it to qualify under section 2(2.5)(a) of the ALR Regulation. Production in a structure that has a base consisting partly of a material other than soil, even if the non-soil material constitutes a very small portion of the base, does not qualify under section 2(2.5)(a) of the ALR Regulation. Structures that do not have a base consisting entirely of soil are structures that have a base consisting partly or entirely of other materials, such as structures with cement footings or a cement floor.
- "Soil" means material native to the property, not material brought onto the property for the purpose of creating the base or for any other purpose. If imported onto the property, the material is "fill", the placement of which requires a non-farm use application: ALCA, section 20.

#### **Production in Existing Structures**

Lawful production of cannabis in the ALR **inside a structure that had been, before July 13, 2018, constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis**, is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. Note:

- Existing structures used for the lawful production of cannabis do not have to have a base made entirely of soil.



- The structure must not have been altered on or after July 13, 2018 to increase the size of its base or to change the material used as its base.
- The structure must have been built for the purpose of growing "crops". Livestock are not crops and, as such, production of cannabis in a converted livestock barn is not designated as farm use under section 2(2.5) of the ALR Regulation.

#### **Production in Structures that Were Under Construction**

If the requirements outlined in the bullet points set out later in this paragraph are met, lawful production of cannabis **inside a structure** (even if its base is not entirely soil) **that was under construction before July 13, 2018 for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis**, is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. For a structure to have been "**under construction**" before July 13, 2018, ground disturbance (such as excavation for laying foundation) must have commenced before that date; it would not be sufficient for the property owner to have made a permit application or received a permit for construction before July 13, 2018. The further requirements for lawful cannabis production to be designated under this portion of section 2(2.5) of the ALR Regulation are as follows:

- The pre-July 13, 2018 construction was being carried out in accordance with all applicable authorizations and enactments.
- The construction must continue without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry.
- The construction must not be altered on or after July 13, 2018 to increase the size of the structure's base or to change the material used as its base.

#### **Other Cannabis Production**

Cannabis production not described in section 2(2.5) of the ALR Regulation is not designated as farm use. Neither that production nor activities related to that production (such as the construction, maintenance or operation of a building or structure, or processing of the cannabis) can be undertaken without a successful non-farm use application to the Agricultural Land Commission.

#### **CONSTRUCTING, OPERATING OR MAINTAINING CANNABIS PRODUCTION FACILITIES**

A non-farm use application to the Agricultural Land Commission is not required in order to construct, maintain or operate a building, structure, driveway, ancillary service or utility that is **necessary for the lawful production of cannabis described in section 2(2.5) of the Regulation**: ALR Regulation, section 2(3). Note:

- Section 2(2.5)(a) of the ALR Regulation refers to lawful production of cannabis inside a structure "that has a base consisting entirely of soil". Construction, maintenance or operation of the soil-based structure necessary for that production can be undertaken without applying to the Agricultural Land Commission.

- Section 2(2.5)(b) refers to lawful production of cannabis inside a structure that meets certain requirements addressed earlier in this information bulletin. Completion of the structure referred to in section 2(2.5)(b)(ii), and maintaining and operating either that structure or the structure referred to in section 2(2.5)(b)(i), can be undertaken without applying to the Agricultural Land Commission.
- Other than as described in section 2(2.5) of the ALR Regulation, a building or structure is unlikely to be necessary for the form of cannabis production described there, as section 2(2.5) already addresses where the production is located. Possible exceptions may be a small washroom facility or small office for a required supervisor no greater than necessary for that form of cannabis production to occur on the land.
- Though associated with the form of cannabis production described in section 2(2.5), construction, maintenance or operation (including for a conference centre) of a building, structure, driveway, ancillary service or utility that is not necessary for that production on the land, may not occur without a successful non-farm use application to the Agricultural Land Commission. Proponents of such uses should be prepared to justify in their application materials why such use, both in that nature/scale and at all, is appropriate in the ALR rather than, for example, in an industrial park outside the ALR.

Construction, maintenance or operation of a building, structure, driveway, ancillary service or utility necessary for a form of cannabis production that is not described in section 2(2.5) of the ALR Regulation cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission.

#### **STORING, PACKING, PREPARING OR PROCESSING CANNABIS**

Storing, packing, preparing or processing cannabis yielded by the form of cannabis production described in section 2(2.5) of the ALR Regulation (and construction, maintenance or operation of a building, structure, driveway, ancillary service or utility necessary for that storing, packing, preparing or processing) can be undertaken without a non-farm use application to the Agricultural Land Commission if at least 50% of the cannabis being stored, packed, prepared or processed is produced on the "farm" (for this purpose being one or several parcels of land or tenured areas of Crown land that are being occupied or used together for designated or other farm uses), or produced by an association as defined in the *Cooperative Association Act* to which the owner of the farm belongs: section 2(2)(c) of the ALR Regulation.

Storing, packing, preparing or processing cannabis yielded by a form of production not described in section 2(2.5) of the ALR Regulation is not designated as farm use. These activities cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission.

## LOCAL GOVERNMENT

Local governments can have an important role to play in the regulatory framework related to cannabis production.

However, local government bylaws may not prohibit the lawful production of cannabis in the ALR if it is produced as described in section 2(2.5) of the ALR Regulation.

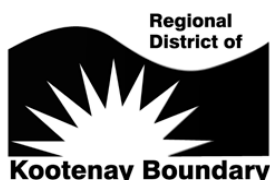
Local governments also play a role when non-farm use applications related to cannabis production and associated activities are made to the Agricultural Land Commission. Sections 25 and 34 of the ALCA are among the relevant provisions that they should consult.

## FURTHER EXPLANATORY NOTES

Also note the following:

- The word "necessary" (for a designated farm use) figures in several of the above-discussed scenarios. It is within the purview of the Agricultural Land Commission to determine whether and to what extent activities are "necessary".
- In determining whether an activity is "necessary" to a designated farm use, the Agricultural Land Commission may consider whether the nature and size of the activity are proportionate to the designated farm use.
- If someone claims that an activity is "necessary" for a designated farm use that has not yet commenced, the Agricultural Land Commission may require satisfactory evidence that the proposed use is in fact going to occur, and that the nature and size of activity characterized as "necessary" (such as construction of a driveway) will in fact be necessary to that use.
- Except for exemptions for personal cultivation, the "lawful" production of cannabis required for section 2(2.5) of the ALR Regulation requires licensing at the federal level. As noted earlier in this information bulletin, producers need to be very careful about taking steps in reliance on section 2 of the ALR Regulation without first ensuring that federal preconditions (as well as preconditions that other governments may impose) are or will be met before production occurs.
- For the purposes of sections 2(2)(o) and 4 of the ALR Regulation, structures in which cannabis is produced are not considered to be "greenhouses". Section 2(2.5) of the ALR Regulation does not use the term "greenhouse" for any of the structures it describes. This indicates that under the ALR Regulation the concepts were to be treated as distinct and not to be confused.





## *Electoral Area Services (EAS) Committee Staff Report*

<b>Date:</b>	September 20, 2018	<b>File #:</b>	C-49
<b>To:</b>	Chair Worley and Members of the EAS Committee		
<b>From:</b>	Carly Rimell, Senior Planner		
<b>RE:</b>	Options to Consider Amending in the Electoral Area C/Christina Lake Zoning Bylaw No. 1300		

### **ISSUE INTRODUCTION**

The Electoral Area C/Christina Lake Zoning Bylaw No. 1300 was adopted in 2007 (see Bylaw 1300). Staff have received feedback from the Advisory Planning Commission (APC) as well as from the public that certain sections of the bylaw should be considered for amendment prior to the comprehensive review scheduled to follow review of the Official Community Plan (OCP). Amendments recommended by staff to add clarity to the bylaw are also included.

### **CHANGES FOR CONSIDERATION**

Sections of the Bylaw proposed for review are:

- Parcel coverage definition.
- Height definition clarification.
- Minimum parcel area exceptions.
- Minimum floor area for a dwelling unit.
- Setbacks for accessory buildings.
- Density regulations to include secondary suites.
- Single family dwellings versus dwelling units.
- Map amendments to show roads.

#### *Parcel Coverage Definition*

The majority of zones include restrictions on parcel coverage, which is the area of a parcel which may be covered by buildings and structures, however the bylaw does not include a definition for parcel coverage. This leads to confusion as to what should be included in the calculation.

Parcel coverage is defined in the Electoral Area A, Electoral Area B/ Lower Columbia-Old Glory, Electoral Area E/ Big White Zoning Bylaws. Electoral Area D/Rural Grand Forks does not include a definition; however the draft revised bylaw does.

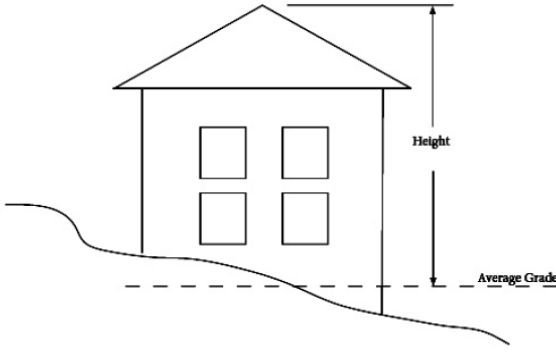
Staff suggests considering adding the same definition for parcel coverage which is included within the other electoral area bylaws as shown below:

**“means the total horizontal area within the vertical projection of the outside of the outermost walls of all buildings on the parcel, expressed as a percentage of the parcel”**

The Advisory Planning Commission (APC) supported the proposed amendment to include a definition for parcel coverage.

#### Height Definition Clarification

Currently height is defined within the Zoning Bylaw, however staff receive inquiries requesting clarification on the current definition. Staff have noted it is helpful to include a graphic as part of the definition. See proposed definition in red in the table below:

Current definition	“height of a building or structure means the vertical distance measured from the finished grade at the exterior perimeter of the building or structure to its highest point, determined by averaging the height of each exterior face of the building, with each exterior face height being the average of the height at each corner of the face”
Proposed Definition	<p><b>“height (of a building) means the vertical distance measured from the average grade at the perimeter of the building or structure to the highest point thereof”</b></p> 

As part of this proposed definition, the removal of the definition of ‘finished grade’ is proposed to be replaced by ‘average grade.’

Current Definition	"Finished grade means the elevation of the ground at any point on a parcel of a completed development between the parcel boundaries and the building.
Proposed Definition	"Average grade means the finished level of ground averaged at the perimeter of the exterior foundation of a building or structure, as determined by the Building and Plumbing Official"

The APC supports the proposed new definition for height; and the removal of the definition for finished grade and inclusion of a definition for average grade.

#### Minimum Parcel Area Exceptions

Section 2.9 (Subdivision Control) of the OCP includes a policy (Policy 2.9.2.6) regarding circumstances where an exception to the minimum parcel size regulation for new parcels created by subdivision would be considered. The policy reads as follows:

"Subdivision below the minimum parcel size in any land use designation area may be permitted in the implementing zoning bylaw where a property is effectively split into two or more pieces by a public road, railway right-of-way, or a major body of water, provided that each new parcel would be viable for development".

The policy is implemented in the Zoning Bylaw in Section 306 Minimum Parcel Area Exceptions; however it does not include 'a major body of water' as an parcel exception.

Initially when this report went to the APC it was suggested to amend 306.6 to include 'a major body of water' to align with the OCP policy. This initiative to review the discrepancy was brought to staff by a resident, presumably who would be able to subdivide if Section 306.6 was amended to include a 'major body of water'.

The APC noted the following concerns:

- The APC discussed what is 'a major body of water', furthermore how should it be defined within the bylaw.
- The APC was not interested in this exemption applying to any parcel which fronts Christina Lake.
- They APC raised concerns about parcels which are separated by an existing improved highway, and/or railway right of way and/or a major body of water, whereas multiple new parcels could be created by this exemption. The APC would like to see the policy modified so that only one new parcel could be created through this exemption, as opposed to multiple parcels.

#### Staff Comments

Planning and Development staff have further reviewed the concerns raised by the APC. In addition to Christina Creek, the outflow of the lake, there are 42 streams that flow

into Christina Lake. Although it is not known how many parcel owners could potentially take advantage of the exemption if it is added to the exemption, it could have a number of implications including increased density in the floodplain; riparian and environmentally sensitive areas; and natural hazards areas (channel bank erosion and debris flows).

After consideration of the implications, staff suggest not to include 'a body of water' within the exemption Policy 306.6. Staff suggest it would be more appropriate to review and discuss the OCP Policy (2.9.2.6) at the Steering Committee table as part of the comprehensive OCP review.

#### Minimum Floor Area for a Dwelling Unit

Currently there is a minimum gross floor area requirement per dwelling unit of 60m<sup>2</sup> (646 ft<sup>2</sup>) (Section 308). A dwelling unit is defined as "one or more rooms used or capable of being used for the residential accommodation of one family and contains sleeping, cooking and washroom facilities where washroom facilities may be located in a separate building for boat access properties only".

There have been two Development Variance Permit applications in Electoral Area C/Christina Lake to allow for a smaller dwelling unit. The first application was received in 2006 for a boat access parcel. Zoning Bylaw 900, 1996 was in effect at that time, which had a 60m<sup>2</sup> minimum floor area requirement.

The APC recommended that the 2006 application be approved to allow for a variance of 6.5m<sup>2</sup> to permit a 53.5m<sup>2</sup> single family dwelling. The APC at the time questioned why a minimum floor area was included in the Zoning Bylaw. The minimum floor area was reviewed by the APC when the Planning Department drafted the current zoning bylaw but the minimum floor area requirement remained in the new bylaw. The provision may have been included over time in order to provide a form of control for form and character of residences.

A second application was received in January 2018 for a secondary suite on West Lake Drive. The variance request was for a 24.3m<sup>2</sup> variance - from 60m<sup>2</sup> to 35.7m<sup>2</sup>, in order to convert an existing garage into a secondary suite.

The APC supported the variance application and made a separate resolution recommending the minimum dwelling size requirement be removed from the zoning bylaw, although not all members were in agreement.

With current trends towards smaller homes including secondary suites, and the increasing popularity of 'tiny homes' it is suggested that this regulation be revisited as it is restrictive to these type of proposals. As part of the OCP review a question was included in the survey as to whether residents would like to see this regulation removed considering the trend toward smaller homes and living areas. The survey question had 436 responses and the majority, 254 or 58 percent were in favor of removing it.

Options which the APC considered were:

- Do not amend the bylaw, leave the minimum gross floor area requirement of 60m<sup>2</sup> for a dwelling unit.
- Amend the bylaw so that the minimum gross floor area requirement of 60m<sup>2</sup> for a dwelling unit would apply only to single family dwellings and not secondary suites.
- Amend the bylaw to remove the minimum dwelling unit requirement.

The APC supported the third option, to amend the bylaw to remove Section 308, the minimum dwelling unit requirement of 60m<sup>2</sup>.

#### Setbacks for Accessory Buildings

Currently the setbacks in the residential zones require a greater setback for accessory structures than for the principal use of a single family dwelling from the front and interior side parcel line (See table Existing Subsection 6 Setbacks). The following setbacks are in place for the; Single Family Residential 1 (R1), Single Family Residential 1A (R1A), Waterfront Residential 2 (R2) and Rural Residential 3 (R3) Zones.

#### Existing Subsection 6 Setbacks

<i>Parcel Line</i>	<i>Principal buildings</i>	<i>Accessory buildings and structures 10m<sup>2</sup> or less in size</i>	<i>Accessory buildings and structures &gt;10m<sup>2</sup> in size</i>
<i>Front</i>	4.5	7.5	7.5
<i>Exterior side</i>	4.5	4.5	4.5
<i>Interior side</i>	1.5	0.6	3.0
<i>Rear</i>	7.5	0.6	3.0

Since the adoption of Bylaw 1300 in 2007, we have received 22 development variance permit applications. See table below.

#### Development Variance Permit applications received in R1, R2 and R3 Zones since 2007

<b>Front</b>	<b>Interior side</b>	<b>Front &amp; Interior</b>	<b>Total</b>
6	10	6	22

Residents have questioned the rationale behind the larger setback requirement for accessory uses. The provision may have been implemented to provide a control for form and character of residences, so that the principal use would screen accessory uses. The proposed amendments for setbacks to the front and interior side parcel lines are outlined in the table below in red.

#### Proposed Subsection 6 Setbacks

<i>Parcel Line</i>	<i>Principal buildings</i>	<i>Accessory buildings and structures 10m<sup>2</sup> or less in size</i>	<i>Accessory buildings and structures &gt;10m<sup>2</sup> in size</i>
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<i>Front</i>	4.5	4.5	4.5
<i>Exterior side</i>	4.5	4.5	4.5
<i>Interior side</i>	1.5	0.6	1.5
<i>Rear</i>	7.5	0.6	3.0

The APC supports the proposed reduction of setbacks for accessory structures from the front parcel line and the interior side parcel line.

#### Density Regulations to include Secondary Suites

Secondary suites were added as a permitted secondary use to several zones with amendment bylaw 1399, 2009; however, secondary suites were not included in 'Density' in subsection 4 of the following zones;

- Single Family Residential 1 Zone (R1)
- Single Family Residential 1A Zone (R1A)
- Waterfront Residential 2 Zone (R2)
- Rural Residential 3 Zone (R3) and
- Rural 1 Zone (RUR1)

The proposed amendment for the zones noted above is outlined in the table below.

Existing: Density	Maximum one single family dwelling and one sleeping quarter per parcel.
Proposed: Density	Maximum one single family dwelling, <b>one secondary suite</b> and one sleeping quarter per parcel.

*The APC supported the proposed amendment to include 'secondary suite' in the density section in the R1, R1A, R2, R3 and RUR 1 zones.*

#### Single Family Dwellings versus Dwelling Units

A 'single family dwelling' is a permitted secondary use in the following commercial and industrial zones:

- Highway Commercial 2 (C2)
- Highway Commercial 3 (C3)
- Neighbourhood Commercial 4 (C4)
- Seasonal Resort Commercial 5 (C5)
- Marina Commercial 6 (C6)
- Campground Commercial 7 (C7)
- Industrial 1 (I1)



- Industrial 2 (I2)
- Parks and Recreation 1 (P1)

Within the density section of each zone it reads 'single family dwelling' as opposed to 'dwelling unit'. Staff suggest in order to be consistent in these zones to replace 'single family dwelling' with 'dwelling unit' as a permitted secondary use in the commercial and industrial zones. This way a dwelling unit could still be in the form of a single family dwelling but the proposed amendment would allow for more flexibility in that it could be contained within or attached to a building used for another permitted use on the property.

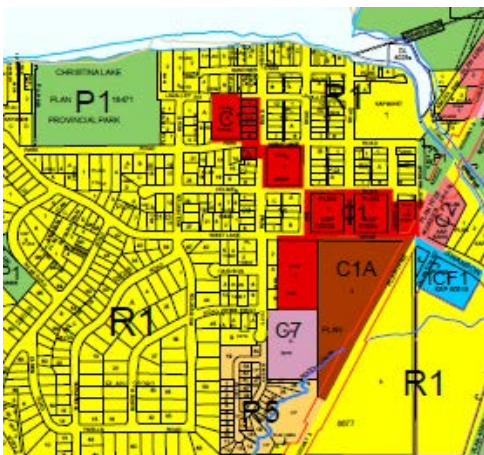
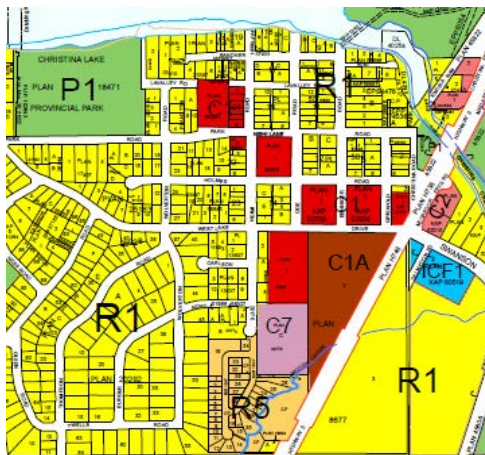
The APC supports the proposed amendment to replace 'single family dwelling' with 'dwelling unit' for consistency and to provide for more flexibility in the type of dwelling unit.

#### Map Amendment to show roads

Currently the zone maps, which include Schedules 1, 2, 3 and 4 do not include a separate colour for roads, which is usually white. In processing comprehensive reviews of zoning bylaws roads have been consistently made white in other electoral areas. These maps as they currently are can also cause conflict with the language in Section 401.4. (Zones)

"Notwithstanding the colour schemes on the Zoning Maps, where a zone boundary is shown as abutting a highway or a watercourse, the centre-line of such highway or watercourse is the zone boundary. The proposed amendment would help identify road ends which lead to public access of the lake.

An inset of the Schedule 2 map is provided for example in the table below.

Existing	Proposed
	

### **RECOMMENDATION**

That the proposed amendments presented in this staff report "Options to Consider Amending the Electoral Area C/Christina Lake Zoning Bylaw No. 1300" be supported and further that staff be directed to draft an amendment bylaw for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed bylaw amendments.

### **ATTACHMENTS**

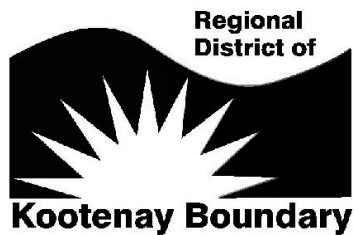
Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007

Schedule 1 – Index Map

Schedule 2 – South Map

Schedule 3 – English Point Map

Schedule 4 – North Map



**Electoral Area 'C'**  
**ZONING Bylaw No. 1300**

Regional District of Kootenay Boundary  
202-843 Rossland Avenue  
Trail, BC V1R 4S8  
Telephone: 250.368.9148  
Toll Free in BC: 800.355.7352  
Fax: 250.368.3990

*Adopted by*  
The Regional District of Kootenay Boundary Board of Directors  
June 28, 2007

**REGIONAL DISTRICT OF KOOTENAY BOUNDARY****Electoral Area 'C' / Christina Lake  
Zoning Bylaw****Bylaw No. 1300, passed on the 28<sup>th</sup> day of June, 2007  
Together with Amendment Bylaws**


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 Replacing Electoral Area 'C' Zoning Bylaw No. 900, 1996
 

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**CONSOLIDATED FOR CONVENIENCE ONLY**

Consolidated bylaws are consolidated for convenience only and are merely representative. Each consolidated bylaw consists of the original bylaw text and maps, together with current amendments which have been made to the original version. Copies of all bylaws (originals and amendments) may be obtained from the RDKB Planning and Development Department.

**AMENDMENT BYLAW NO:****DATE OF ADOPTION**

1350 (Map & Text Amendments) <i>Thomas/Swanson (C-316-0510.300)</i>	April 24, 2008
1355 (Text Amendment) <i>Split Zoned Lots (C-41)</i>	February 28, 2008
1356 (Text Amendment) <i>Moody Creek Estates (C-317-02536.300)</i>	February 28, 2008
1399 (Text Amendment) <i>Secondary Suites (C-41)</i>	May 28, 2009
1413 (Text Amendment) <i>Gordon Planedin / Cascade Cove Campground (RDKB File # C-268-02384.325)</i>	July 30, 2009
1404 (Text Amendment) <i>Rail/Trail Corridor (C-41)</i>	April 29, 2010
1441 (Map & Text Amendments) <i>Craney/PS Enterprises (C-317-02541.000) Christina Lake Motor Inn to Senior's Housing</i>	June 24, 2010
1445 (Text Amendment) <i>7.5m Setback from Natural Boundary (C-41)</i>	July 29, 2010
1444 (Text Amendment) <i>Add uses excluded from the definition of 'manufacturing' (C-41)</i>	October 28, 2010
1570 (Text Amendment) <i>Minimum parcel size exceptions RDKB File # C-313-02632.305</i>	April 30, 2015
1602 (Text Amendment) <i>Remove section 315 Docks</i>	May 26, 2016
1624 (Text Amendment) <i>Add medical &amp; dental clinic</i>	April 10, 2017

*Although RDKB Planning Department staff attempt every effort to provide the most up-to-date version of this Bylaw (text and associated maps), this existing document may be somewhat out of date; particularly if the Bylaw is presently being amended. Persons viewing this reproduction of the Bylaw (text and maps) are cautioned that it should not, in any case, be relied on for legal purposes or to make important decisions.*

**REGIONAL DISTRICT OF KOOTENAY BOUNDARY**  
**Electoral Area 'C' Zoning Bylaw No. 1300, 2007**

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The Regional District of Kootenay Boundary Board of Directors in open meeting assembled enacts as follows:



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**Area 'C' Zoning Bylaw No. 1300, 2007**

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## **PART ONE INTERPRETATION**

### **101. Title**

This Bylaw may be cited as "Regional District of Kootenay Boundary Electoral Area 'C' Zoning Bylaw No. 1300, 2007".

### **102. Application**

This Bylaw only applies to all lands, including the surface of water and all uses, **buildings** and structures located within Electoral Area 'C', whose boundaries are described in the letters patent of the Regional District of Kootenay Boundary.

### **103. Definitions**

In this Bylaw all words or phrases have their normal or common meaning with the exception of those that have been changed, modified or expanded by the definitions below. Note that terms for which a definition has been provided are in **bold italic** text throughout the document.

ACCESSORY BUILDING AND STRUCTURE means a **building** or structure which is customarily incidental to and clearly subordinate to a **principal use** situated on the same **parcel**;

ACCESSORY USE means the use of land which is customarily incidental to and clearly subordinate to a **principal use** situated on the same **parcel**;

AGRICULTURE means any of the following activities involved in carrying on a farm business:

- (a) Growing, producing, raising or keeping animals or plants, or the primary products of those plants or animals;
- (b) Clearing, draining, irrigating or cultivating land;
- (c) Using farm machinery, equipment, devices, materials and structures;
- (d) Applying fertilizers, manure, pesticides and biological control agents, including by ground and aerial spraying;
- (e) The ancillary sale of produce raised or grown on the same farm; or
- (f) Conducting any other agricultural activity on, in or over agricultural land, excluding **intensive agriculture**;

ANIMAL SHELTER means a **building**, structure, compound or group of pens or cages where dogs, cats, other domestic pets or exotic pets are, or are intended to be, cared for, and is operated by a registered society or government agency;

AUTOMOBILE WRECKING YARD means an outdoor area where motor vehicles are disassembled, dismantled or where inoperable motor vehicles or used parts of motor vehicles are stored;

BED AND BREAKFAST means a **single family dwelling** in which bedrooms are rented to paying customers for **temporary accommodation** with no more than one meal served daily, before noon; the entire service to be included in one stated price; and must be

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**Note: This Bylaw is amended periodically.**

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**1**

**Area 'C' Zoning Bylaw No. 1300, 2007**

operated by the permanent residents of the **single family dwelling**;

BEDROOM means a room used for sleeping, and may also include other rooms such as a den or living room, which may be approved for sleeping purposes by the Building Inspector in an occupancy permit;

BOARDING USE means the **accessory use** of a **single family dwelling** for rental of sleeping accommodation without individual cooking facilities;

BUILDING means a structure wholly or partly enclosed by a roof or roofs supported by air, walls, or columns and used for the shelter or accommodation of persons, animals, chattels or things, excluding tents, trailers or recreational vehicles;

BULK FUEL DEPOT means the use of a **parcel** for the wholesaling in bulk of gasoline, fuel oil, heating oil, petroleum, propane, kerosene, coal, coke, fuel wood, natural gas or similar fuels;

CABIN means a **building** with a **gross floor area** of 56m<sup>2</sup> or less and, unless otherwise specified, used for **commercial guest accommodation**;

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:

Bylaw No.  
1413, 2009

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

COMMERCIAL GUEST ACCOMMODATION means a commercial enterprise, other than a **Bed and Breakfast** where **temporary accommodation** is provided in **commercial guest accommodation units**, or campsites to travelers or vacationers whose permanent domicile or home life is elsewhere;

COMMERCIAL GUEST ACCOMMODATION UNIT means a room, a set or rooms or a **cabin** that is let as a single unit for **commercial guest accommodation**;

COMMUNITY SEWER SYSTEM means a common sewer, or system of sewerage or sewage disposal, which serves two (2) or more **parcels**;

COMMUNITY WATER SYSTEM means a water supply system within the meaning of the Drinking Water Protection Act that is owned, operated and maintained by Local Government, Improvement District, Irrigation District, Utility or an incorporated entity, where the owner is responsible to manage and monitor to current best water management practices and has the ability to set rates, invoice or has taxation ability to collect fees or revenue to ensure the viability of the water supply system to provide potable water;

CONCEALED means located within a **building**, underground or enclosed by a **landscape screen** a minimum of 1.5 metres in height;

CONTROLLED ACCESS HIGHWAY means a highway designated as a controlled access

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**Area 'C' Zoning Bylaw No. 1300, 2007**

highway under Section 48 of the Transportation Act i.e. a provincial public highway;

CROWN FORESHORE means the land between the **natural boundary** and low water marks of bodies of water and **watercourses**;

DERELICT VEHICLE means any vehicle which has not been licensed for a period of one (1) year and which is not **concealed** or housed in a garage or carport, excluding farm machinery in working condition;

DWELLING UNIT means one or more rooms used or capable of being used for the residential accommodation of one **family** and contains sleeping, cooking and washroom facilities where washroom facilities may be located in a separate **building** for boat only access properties;

Bylaw No.  
1399, 2009

DWELLING, SINGLE FAMILY means any detached **building** consisting of not more than one **dwelling unit**, except where a **secondary suite** is permitted as a secondary use under this bylaw.

DWELLING WIDTH means the average width of a **building** containing a **dwelling unit**, excluding vestibules, garages, decks or other additions that may be added to the **dwelling unit**;

FAMILY means two or more persons related by blood; marriage; adoption or foster parenthood; or a maximum of four unrelated persons;

FINISHED GRADE means the elevation of the ground at any point on a **parcel** of a completed development between the **parcel** boundaries and the **building**;

GROSS FLOOR AREA means the sum of the areas of each storey in each **building** on a **parcel** measured between the exterior walls of such **buildings**;

GUEST RANCH means the **accessory use** of land, **buildings** and structures, for a maximum of ten (10) attached sleeping units or detached guest cabins, or combination, providing **temporary accommodation** in conjunction with a principal agricultural use;

HEIGHT of a **building** or structure means the vertical distance measured from the **finished grade** at the exterior perimeter of the **building** or structure to its highest point, determined by averaging the height of each exterior face of the **building**, with each exterior face height being the average of the heights at each corner of the face;

HIGHWAY includes a street, road, lane, bridge, viaduct and any other way open to public use, excluding a private right of way on private property, or a private or public recreational trail;

HOTEL means a **building** containing **commercial guest accommodation units**, and a lobby area for guest registration and access to the accommodation units; and may contain **accessory uses** such as a restaurant and assembly, entertainment and recreation facilities;

HOME-BASED BUSINESS means an occupation carried on for gain by the residents of the **parcel**, where the occupation is an extension of a trade, profession, service, hobby, or similar undertaking which is clearly secondary to the use of the **parcel** for residential purposes;

**Note: This Bylaw is amended periodically.**

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**3**

**Area 'C' Zoning Bylaw No. 1300, 2007**

HOUSEBOAT means a watercraft which has been primarily designed for residential purposes;

HOUSEBOAT STORAGE means the moorage of a **houseboat** for a continuous period of more than 14 days per calendar year regardless of the number of locations;

INSTITUTIONAL USE means a use providing for: day care centres, customs houses, art galleries, religious institutions, schools, government offices, museums, community halls, libraries and similar uses;

INTENSIVE AGRICULTURE means the use of land, **buildings** and other structures by a commercial enterprise or an institution for:

- (a) The confinement of poultry, livestock or fur bearing animals, or
- (b) The growing of mushrooms.

JUNKYARD means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, abandoned, handled, or kept, including, but not limited to metal, paper, rags, rubber tires, bottles, and other recyclable materials, regardless of whether or not such activity is done for profit;

KENNEL means a **building**, structure, compound or group of pens or cages where dogs, cats, other domestic pets, or exotic pets are, or are intended to be, trained, cared for, bred, boarded or kept for commercial purposes;

LANDSCAPE SCREEN, OPEN a continuous fence, wall, compact evergreen hedge at least 1 metre in height when planted, berm or combination thereof that is transparent, i.e. has a minimum of 70% open space;

LANDSCAPE SCREEN, SOLID means a continuous fence, wall, compact evergreen hedge at least 1 metre in height when planted, berm or combination thereof that would effectively screen the property which it encloses and is broken only by access drives, walks and lanes;

LANE means a **highway** not less than 3 metres or more than 10 metres in width which provides secondary access to any abutting **parcel**;

MANUFACTURED HOME means a transportable, factory-built **single family dwelling** that is:

- a) Designed to provide year-round living accommodation for one **family**; and
- b) Able to be connected to utility services; and
- c) Exempt under Section 1.1.2.2(1)(g) of the *British Columbia Building Code*; and
- d) In conformity with the CAN/CSA-Z240 MH Series;

MANUFACTURED HOME PARK means a **parcel** under single management, which has been planned for the placement of three (3) or more **manufactured homes** for residential use;

Bylaw No.  
1444, 2010

MANUFACTURING means the action or process of creating a product by physical labour or machinery **excluding**:

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**Area 'C' Zoning Bylaw No. 1300, 2007**

- a) Gasification industries producing synthesis gas (syngas) and similar products by incineration, thermal treatment, or other means from materials including, but not limited to, hazardous waste, municipal solid waste, wood waste, compost or other biomass;
- b) Hazardous waste (as defined in the Hazardous Waste Regulation) processing, recycling, or treatment facilities;
- c) Hammer mills, rolling mills, blast furnaces, foundries, drop forges, brick kilns, and flour mills;
- d) The distilling, incinerating, processing, rendering or canning of fish, animal or vegetable products, and the manufacture of matches, paper or rubber;
- e) The manufacture, processing, refining, mixing or bulk storage of bitumen, coal or tar products or derivatives and corrosive, noxious, highly flammable or explosive minerals, chemicals, gasses and fission or fusion products;
- f) The manufacture, processing, refining and mixing of petroleum and petroleum products including asphalt plants;
- g) The smelting, refining and reducing of minerals and metallic ores;
- h) The operation of stockyards, the slaughtering of animals or poultry and the manufacture of fertilizers; or
- i) Pulp and paper plants.

MARINA means a **building**, structure or place, including docking facilities which is located on a navigable waterway, where boats and boat accessories are stored, serviced and repaired or kept for sale or rent; and where facilities for the sale of marine fuels and lubricants may be provided;

MINI-STORAGE WAREHOUSE means a **building** used for the temporary storage of household items and seasonal, recreational or commercial vehicles, boats, trailers, etc.;

MOTEL means a **building** or group of **buildings** containing **commercial guest accommodation units**, each of which has a separate entrance from the exterior of the **building**; and also includes an office for motel administration; and may contain **accessory uses** such as one manager's **dwelling unit**; a restaurant; and assembly, entertainment and recreation facilities;

NATURAL BOUNDARY means the visible high watermark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself, and also includes the best estimate of the edge of dormant or old side channels and marsh areas;

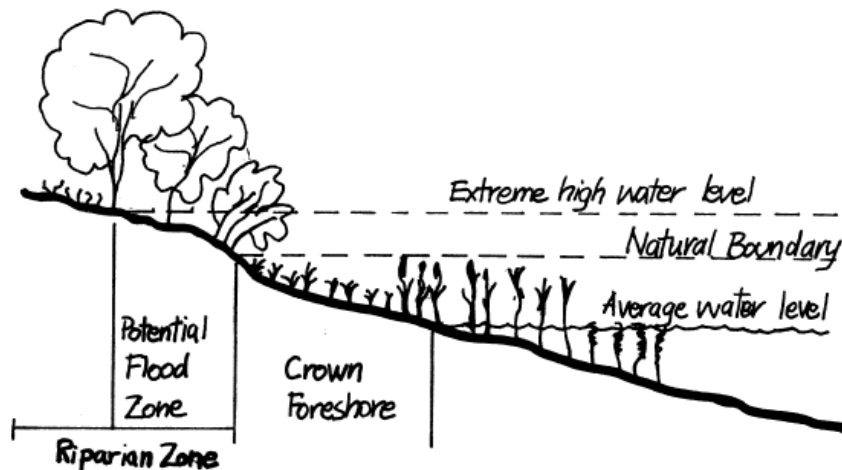
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## Area 'C' Zoning Bylaw No. 1300, 2007



OFFICE means the occupancy or use of a **building** for the purpose of carrying out business or professional activities, but specifically excludes retail activities and personal service use;

OFF-STREET PARKING means a use providing parking spaces for the temporary storage of vehicles and which is located off a **highway**;

OUTDOOR STORAGE means an area outside an enclosed **building** where material and equipment used by or associated with the **principal use** of the **parcel** are kept;

PARCEL means any lot, block or other area in which land is held, or into which it is subdivided, excluding a **highway**;

PARCEL LINE, EXTERIOR SIDE means the **parcel** line(s) not being the **front** or **rear parcel line** and common to the **parcel** and a **highway**;

PARCEL LINE, FRONT means

- a) the **parcel** line common to the **parcel** and a fronting street, or where there is more than one fronting street, the **parcel** line common to the **parcel** and the fronting street towards which the majority of the **buildings** on adjacent **parcel** are faced; or
- b) the waterfront where the **parcel** is not accessible by a **highway**;

PARCEL LINE, INTERIOR SIDE means the **parcel** line(s), not being the **front parcel line**, **rear parcel line** or **exterior side parcel line**;

PARCEL LINE, REAR means the **parcel** line opposite to and most distant from the **front parcel line**, or where the rear portion of the **parcel** is bounded by intersecting **side parcel lines**, is the point of the intersection;

PASSENGER AND FREIGHT TERMINALS, DEPOTS, DISTRIBUTION AND

**Note: This Bylaw is amended periodically.**

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6

**Area 'C' Zoning Bylaw No. 1300, 2007**

REDISTRIBUTION FACILITY means the shipping and/or redistribution of passengers or freight either by rail or **highway**;

PERSONAL SERVICE ESTABLISHMENT means a business where professional or personal services are provided for gain and where the sale of retail merchandise is only accessory to the provisions of such services, including but without limiting the generality of the foregoing, the following: to barbers shops, beauty salons, laundromats, minor electrical appliance repair shops, financial institutions, photography studios, shoe repair shops, ticket and travel agencies, insurance agencies, pet shops and pet grooming shops;

PRINCIPAL BUILDING means the main **building** on a **parcel** and where at least 75% of the total floor space is used for a **principal use**;

PRINCIPAL USE means the main purpose for which land, **buildings** or structures are ordinarily used;

PUBLIC UTILITY USE means a use which provides essential services such as water, sewer, electricity, telephone, natural gas, cable television and similar services, where such use is established by the Regional District of Kootenay Boundary Board of Directors, by another government body, or by a company operating under the Utilities Commission Act. Public utility uses also include broadcast transmission facilities excluding: exterior storage, vehicle and equipment repair facilities and administrative offices;

RECREATION CENTRE means a **building** located on common property which is for the use of residents and accompanied guests only, in which no commercial sales are permitted;

RESIDENTIAL RESORT means a group of **buildings** containing one or more **dwelling units**, together with laundry, sanitary, recreation and similar services for the sole use of residents of the resort and excludes occupancy from November 1 to May 2 of any given year;

RESORT CAMPGROUND means any land where sites are provided for **seasonal accommodation** in tents or recreational vehicles and may include, in conjunction with sites:

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

SEASONAL ACCOMMODATION means occupancy for a period of less than 180 days per calendar year;

Bylaw No.  
1399, 2009

SECONDARY SUITE means an additional dwelling unit located upon a parcel as a secondary use of land that is contained either within a single family dwelling building or an accessory building thereto.

SECONDARY USE means a use of land, **buildings** or structures which is clearly not the main purpose for which land, buildings or structures are ordinarily used;

**Note: This Bylaw is amended periodically.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

Bylaw No.  
1441, 2010

**SENIORS SUPPORTIVE HOUSING** means housing in the form of multiple sleeping units where residents are provided with common living facilities, meal preparation/dining service, laundry services, and room cleaning services, and where one resident occupying each sleeping unit is 55 years of age or older.

**SERVICE STATION** means any **building** or land used for the retail sale of motor fuels and lubricants and may include automobile diagnostic centres, the servicing and minor repair of motor vehicles, and the sale of automotive accessories; and does not include automobile body repair shops;

**SHOPPING CENTRE** means a group of three or more commercial establishments which are planned, designed and developed as an entity and having an off-street parking area provided on the same **parcel**;

**SIGN** means a device, display or illustration which is affixed to or represented directly or indirectly upon a **building**, structure or **parcel** and which directs viewers' attention to an object, product, place, activity, person, institution, business or organization;

**SLEEPING QUARTER** means a structure with a maximum floor area of 20m<sup>2</sup>, that includes a maximum of one **bedroom** with or without one bathroom, and must be connected to an approved on-site sewage disposal system if it contains a bathroom;

Bylaw No.  
1441, 2010

**SLEEPING UNIT** means a habitable room not equipped with self-contained cooking facilities, providing accommodation for residents.

**TAKE-OUT RESTAURANT** means an eating establishment that actively promotes and provides for the removal of prepared food from the premises by way of advertising, menu selection, preparation processes, packaging, delivery and similar techniques; and may also have eat-in facilities;

**TEMPORARY ACCOMMODATION** means occupancy by a series of occupiers whose residence or domicile is elsewhere;

**VETERINARY CLINIC** means a facility designed for the care and treatment of animals under the supervision of a Doctor of Veterinary Medicine;

**WAREHOUSE** means the use of a wholly enclosed **building**, or portion thereof, for the storage of goods, material, machinery, or equipment, excluding storage that is accessory to a **principal use** of the **parcel**;

**WATERCOURSE** means any natural or man-made depression with well defined banks and a bed zero point six (0.6) metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of two (2) square kilometres or more up stream of the point of consideration;

**WHOLESALE WAREHOUSE** means the use of a **parcel** for the wholesaling or renting of merchandise in bulk to retailers, other businesses, institutions or government agencies for their own use or for resale.

**Note: This Bylaw is amended periodically.**

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## **PART TWO ADMINISTRATION**

### **201. Enforcement**

1. The Building Inspector, Director of Planning and Development, Planner, Assistant Planner, or other such person that may be appointed by the Board of Directors of the Regional District of Kootenay Boundary may enforce this Bylaw.
2. Persons appointed under subsection (1) above are hereby authorized to enter, at all reasonable times, upon any properties subject to this Bylaw to ascertain whether the provisions of this Bylaw are being complied with.

### **202. Prohibition**

1. Land must not be used contrary to the provisions of this Bylaw.
2. **Buildings** or structures must not be used, constructed, reconstructed, altered, moved, placed or extended contrary to the provisions of this Bylaw.

### **203. Violation**

A person is deemed to have committed an offence who:

- a) Violates any of the provisions of this Bylaw;
- b) Causes or permits, any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- c) Neglects or omits to do anything required under this Bylaw;
- d) Carries out, causes or permits to be carried out any use, construction or subdivision in a manner prohibited by or contrary to any of the provisions of this Bylaw;
- e) Fails to comply with an order, direction or notice given under this Bylaw; or
- f) Prevents or obstructs or attempts to prevent or obstruct the authorized entry on property of a person authorized to enforce this Bylaw under Section 201.

### **204. Penalty**

Any person who violates any of the provisions of this Bylaw is, upon summary conviction, liable to the maximum fine provided in the Offence Act, plus the cost of prosecution for each offence.

### **205. Severability**

If any portion of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, that portion is severed and the remaining portions of this Bylaw continue with full force and effect.

### **206. Appeal**

The Board of Variance as established by the Regional District of Kootenay Boundary must hear and determine any application pursuant to Section 901 of the Local Government Act.

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**Note: This Bylaw is amended periodically.**

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**207. Amendment**

1. All applications for amendment to this Bylaw must be made in accordance with the requirements outlined in the Regional District of Kootenay Boundary Fees and Procedures Bylaw.
2. Amendments made to the Parking Requirements and Landscape Screening sections of this Bylaw, or either, do not require a public hearing.

**208. Effective Date**

This Bylaw is effective upon adoption.

**209. Repeal**

Regional District of Kootenay Boundary Electoral Area 'C' Zoning Bylaw No. 900, 1996, and all amendments thereto, are hereby repealed.

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***Note: This Bylaw is amended periodically.  
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## PART THREE GENERAL REGULATIONS

### 301. Application

This Part is applicable to all zones, unless expressly stated otherwise in a specific zone.

### 302. Permitted Uses of Land, Buildings and Structures in all Zones

1. Except as otherwise stated in this Bylaw, the following uses are permitted in all zones:
  - a) **Highways;**
  - b) **Landscape screening;**
  - c) Parks, playgrounds and similar active or passive recreational areas including **buildings** and facilities associated therewith;
  - d) **Public utility use** excluding offices, maintenance garages, storage areas, dams or hydroelectric generating stations;
  - e) Railroad tracks;
  - f) Temporary **buildings** and structures, for non-residential use, and the storage of materials required for an approved construction project located on the same **parcel** provided the temporary **buildings** and structures are removed within thirty days of completion of the approved construction;
  - g) Telephone booths;
  - h) Site preparation to accommodate or enhance a permitted use;
  - i) Storage **buildings**, including garages, may be located on a **parcel** that does not have a **principal use** or **building** provided they are only to be used for the non-commercial/industrial storage of personal goods or vehicles. Such **buildings** are subject to the regulations for accessory **buildings** in the zone within which they are located and the **gross floor area** must not exceed 30m<sup>2</sup> for boat access only **parcels** and 60m<sup>2</sup> for all other **parcels**;
  - j) Waste disposal and transfer facilities operated by or with the consent of, the Regional District pursuant to an approved Solid Waste Management Plan;
  - k) A facility for the collection and transfer of recyclables by or with the consent of the Regional District pursuant to an approved Solid Waste Management Plan;
  - l) The non-commercial use of one recreational vehicle or tent for **seasonal accommodation**.
2. Uses permitted in this section, are subject to the regulations of the zone within which they are located with the exception of Minimum **Parcel** Area requirements.

### 303. Prohibited Uses

1. All uses not expressly permitted by the Bylaw are prohibited.
2. Any use subsequently added to this Bylaw by rezoning, whether initiated by the Regional District or private applicant, is deemed to have been a prohibited use until adoption of such amendment.
3. Any use described as a separate use in this Bylaw but which is not expressly included as a permitted use in any zone is not permitted in that zone.

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**Note: This Bylaw is amended periodically.  
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**Area 'C' Zoning Bylaw No. 1300, 2007**

4. The unloading, storage and loading of hazardous wastes (as defined in the Hazardous Waste Regulation) and other similar hazardous products are prohibited.
5. The storage of the following goods is also prohibited:
  - i. Waste pest control product containers and wastes containing pest control products, including wastes from the application of pest control products to wood;
  - ii. Radioactive dangerous goods;
  - iii. Waste wood products treated with wood preservatives;
  - iv. Used tires;
  - v. Used batteries.
6. Except where specifically permitted within a zone established by this Bylaw, no **parcel** may be used for the wrecking, salvage or storage of **derelict vehicles** or as a **junkyard**.
7. Occupancy of tent sites, tents, recreational vehicles and similar shelters for commercial purposes is only permitted in those zones which expressly list such a use.
8. The use of houseboats and floating homes for residential purposes.
9. **Houseboat storage** within the Open Space 1 and adjacent to the Parks and Recreational 1 Zone or Crown Land is prohibited.

Bylaw No.  
1444, 2010

**304. Siting Exceptions**

Selected structures are excluded from the setback requirements of this Bylaw; however, a separate approval from the Ministry of Transportation may be required where the setback is adjacent to a **highway**. The exceptions are regulated as follows:

- a) Steps, eaves, sunlight control projections, canopies, chimneys, bay windows, and balconies may project:
  - i) 1.2m within a required **front, rear or exterior side parcel line** setback; and
  - ii) 0.6m within an **interior side parcel line** setback.
- b) An underground structure may be sited on any portion of a **parcel** provided that the top surface of such structure does not extend more than 0.5 metres above the average finished ground elevation within the relevant setback area of the zone in which it is located.
- c) Free standing lighting poles, warning devices, antennas, poles, masts, utility poles, wires, flag poles, signs and sign structures, except as otherwise limited in this or other Bylaws may be sited on any portion of a **parcel** at the sole responsibility of the owner or utility company.
- d) Except as otherwise limited in this or other bylaws, a **landscape screen** (solid or open) may be sited on any portion of a **parcel**.

**305. Height Exceptions**

The maximum allowable **height** of **buildings** and structures may be exceeded for industrial cranes, silos, windmills, towers, tanks, retaining walls, radio and television antennas, church spires, belfries and domes, monuments, chimney stacks, flag poles,

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**Area 'C' Zoning Bylaw No. 1300, 2007**

lighting poles, and elevator shafts. Where such structures are located on top of a **building** they may not occupy more than 10% of the horizontal plane of the roof area.

**306. Minimum Parcel Area Exceptions**

1. **Parcels** in existence prior to the effective date of this Bylaw, or **parcels** which have been created after that date in compliance with the provisions of this section of this Bylaw, are not required to comply with the minimum **parcel** area requirements set out for the respective zone within which they are located. However, such **parcels** or any further subdivision of such **parcels** must comply with all other provisions of this Bylaw as well as any other pertinent bylaws or Provincial Acts, statutes, orders or regulations.
2. A **parcel** which is reduced in size by expropriation or purchase of land by or to a public body in order to accommodate a necessary public service, utility, facility or **highway**, subsequent to the approval date of this Bylaw is deemed to be in conformity with the minimum **parcel** area requirements of this Bylaw.
3. Where as a result of land acquisition for a public use after this Bylaw comes into force by:
  - a) the Regional District;
  - b) a municipality;
  - c) the Provincial Government;
  - d) the Federal Government;
  - e) an Improvement District;
  - f) an Irrigation District;
  - g) the Board of School Trustees; or
  - h) a Public Utility:
  - i) the **parcel** of land that could have been subdivided into two or more **parcels** under this Bylaw when the land was acquired, and
  - ii) the **parcel**, as a result of the acquisition, can no longer be subdivided into the same number of **parcels**,

the **parcel** is deemed to conform to this Bylaw for the purposes of subdivision as though the land acquisition had not occurred, but only to the extent that none of the **parcels** that would be created by the subdivision would be less than 90% of the area that would otherwise be permitted by this Bylaw.
4. A **parcel** in existence at the time this Bylaw was adopted upon which there are located two or more **buildings** containing a **dwelling unit** or units, which were legally established, may be subdivided such that the above-mentioned **buildings** are located on separate **parcels**. In the event of a subdivision in the aforementioned circumstances, **parcel** size must not be less than 2000m<sup>2</sup> when connected to a **community water system** and 1ha when not connected to a **community water system**.
5. The minimum **parcel** area requirements of this Bylaw do not apply to the consolidation of existing **parcels** or the addition of closed streets to an existing **parcel**, except that where a consolidation of exiting **parcels** would include lands located within the 'Rail/Trail Corridor 1 (RTC1) Zone' the minimum **parcel** area requirement under this bylaw shall apply.

Bylaw No.  
1404, 2009

**Note: This Bylaw is amended periodically.**

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6. **Parcels** that are physically separated by an existing improved **highway** or railway right-of-way are permitted to be subdivided into **parcels** smaller than the minimum parcel area requirements in the zone in which they are located. **Parcels** to be created must not be less than 2000m<sup>2</sup> when connected to a **community water system** and 1 hectare when not connected to a **community water system**. All new **parcels** created by way of subdivision after the date of the adoption of this Bylaw cannot be further subdivided pursuant to the provisions of this section.
7. The alteration of one or more interior **parcel** lines between two or more **parcels** is permitted provided that:
- a) No additional **parcels** are created upon completion of the alteration;
  - b) The alteration does not infringe within the required setbacks for an existing **building** or structure located on the **parcel**;
  - c) The alteration does not reduce the site area required for a sewage disposal system on any **parcel** being consolidated;
  - d) All **parcels**, except those in DL1021s, that are the subject of the alteration are entirely within the same zone.
  - e) If the alteration applies to land within the 'Rail/Trail Corridor 1 (RTC1) Zone', a corridor must be maintained within that zone that is a minimum of 30 metres wide and is suitable for railway use.

Bylaw No.  
1404, 2009

8. The minimum parcel size at subdivision in any zone established under this bylaw does not apply:

Bylaw No.  
1570, 2015

a)	where the parcel being created is to be used solely for the unattended equipment necessary for operation of
i)	public utility uses with no exterior storage of any kind;
ii)	radio or television broadcasting antennae, or other similar communications infrastructure
iii)	air or marine navigation aids; and
b)	where no sewage is generated, and
c)	where the owner agrees in writing to registering a condition or covenant pursuant to section 219 of the <i>Land Title Act</i> in favour of the Regional District of Kootenay Boundary at the time the subdivision is registered, and such condition or covenant shall be satisfactory to the approving officer and shall restrict the use of any parcel.

**307. Minimum Parcel Sizes for Section 946 Subdivision**

Parcels to be created by subdivision pursuant to Section 946 of the Local Government Act (subdivision for a relative) must not be less than 20 ha. This regulation does not apply within the Provincial Agricultural Land Reserve (ALR).

**308. Minimum Floor Area**

**Note:** This Bylaw is amended periodically.

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**Area 'C' Zoning Bylaw No. 1300, 2007**

Minimum 60m<sup>2</sup> **gross floor area** per **dwelling unit**.

**309. Home-Based Business Uses**

1. Where a **home-based business** use is expressly permitted, the following regulations apply:
  - a) The **home-based business** must be carried out solely within a **single family dwelling** or wholly enclosed accessory **building** including all storage areas;
  - b) The **home-based business** must not give any exterior indication that the **building** or **parcel** is being utilized for any purpose other than that of a **dwelling unit**, or **accessory use**, and no **building**, structure, fence or enclosure other than those in conformity with permitted residential uses in the zone in which it is located, may be erected;
  - c) The **home-based business** must not produce any odorous, toxic or noxious matter, noise, vibration, smoke, heat, dust, litter, glare or radiation other than that normally associated with a **dwelling unit** nor will it create or cause any fire hazard, electrical interference or traffic congestion on the **highway**;
  - d) The **home-based business** use must not give an exterior indication that the **building** is being utilized for any purpose other than that of a residential use other than a maximum of one sign per **parcel**, which identifies the home occupation. The maximum visible surface area is 0.6m<sup>2</sup> per side;
  - e) All storage of materials, equipment containers or finished products must be **concealed**;
  - f) Notwithstanding the above, a **home-based business** in the I2 Zone is not required to be conducted within a wholly enclosed **building**.
2. The **home-based business**, including associated storage areas, must not occupy or use more than 60m<sup>2</sup> of **gross floor area** per **parcel** in total. This total floor area limit applies to the entire **parcel** regardless of the number of **home-based business**.
3. The primary operator of the **home-based business** must be a permanent resident of the subject **parcel**. Notwithstanding the preceding, a maximum of one additional person, who is not a resident of that **parcel**, may be employed or engaged in conjunction with a **home-based business**, per **parcel**.

**310. Bed and Breakfast and Boarding Use**

1. No more than three (3) bedrooms in a **dwelling unit** can be dedicated for a **bed and breakfast** or **boarding use**.
2. Only one (1) **dwelling unit** per **parcel** can be used for the purposes of **bed and breakfast** or **boarding use**.

**311. Community Sewer System**

The use of a property for a **Community Sewer System** as a **principal use** is subject to re-zoning.

**312. Setbacks from Bodies of Water**

*Note: This Bylaw is amended periodically.*

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In addition to all other setback requirements, setback requirements from bodies of water are specified in the Regional District's Floodplain Bylaw, which was created pursuant to Section 910 of the Local Government Act. Site specific exemptions to the Floodplain Bylaw may apply to individual **parcels**.

**313. Setback Distance for Pit Privies**

The minimum setback distance for pit privies is 30m from the **natural boundary** of any **watercourse**.

**314. Crown Foreshore**

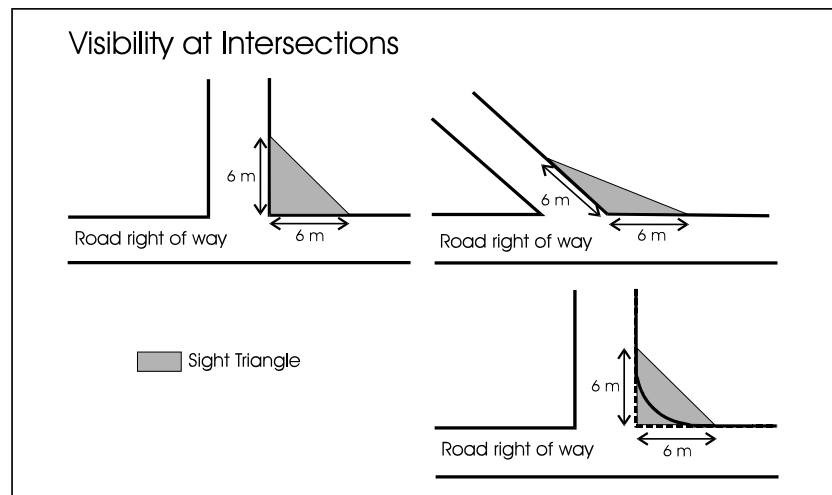
**Buildings** or structures other than docks, which encroach into the **Crown foreshore** as of the date of adoption of this Bylaw are deemed to be in conformance with the provisions of this Bylaw and may be reconstructed, added to, maintained and structurally altered. No enlargement to any such **building** or structure may exceed an area equal to 10% of the ground floor area (i.e. the footprint) of the original encroachment into the **Crown foreshore**. Siting will be subject to the Regional District's Floodplain Bylaw.

**315. Docks**

Removed by Bylaw 1602

**316. Visibility**

No person being the owner, occupier or lessee of any **parcel** located at the intersection of any two highways, may, without the consent of the Minister of Transportation or his designate, place or permit to be placed or grow any tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.6m within the sight triangle an elevation such that an eye 0.9m above the surface elevation of one **highway** cannot see an object 0.9m above the surface elevation of the other **highway**.

**317. Landscape Screening**

Except where provided otherwise in this Bylaw:

**Note: This Bylaw is amended periodically.**

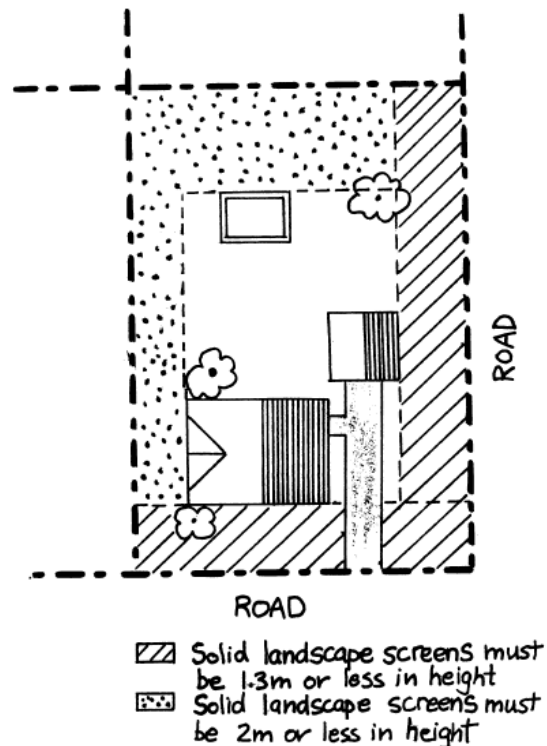
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- a) **Solid landscape screens** sited within the required setback from a **front parcel line** and **exterior side parcel line** for a **principal building** must be 1.3 metres or less in height;
- b) **Solid landscape screens** sited within the required setback from a **rear parcel line** and **side parcel line** for a **principal building** must be 2 metres or less in height;
- c) **Solid landscape screens** that are not sited within a required setback from a **parcel line** for a **principal building** are subject to the maximum height restriction for structures within the applicable zone;
- d) The height of **open landscape screens** is subject to the maximum height restriction for structures within the applicable zone;
- e) The use of barbed wire for fencing within or abutting the R1, R2, R3, R4, R5, and R6 Zones is prohibited.

**318. Signs**

1. No **parcel** may be used for the display of any exterior signs other than:
  - a) Those that advertise a use of land, **buildings** or structures that is permitted and is occurring on the **parcel** upon which the sign is located;

**Note: This Bylaw is amended periodically.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

- b) Those permitted pursuant to the **home-based business** section of this Bylaw;
  - c) Those installed by the Ministry of Transportation for the purpose of traffic control;
  - d) Temporary signs such as election signs;
  - e) "For Sale" and "For Rent" signs provided the signs are placed on the **parcel** to which they refer;
  - f) Advisory signs such as "No Trespassing", "No Hunting" and "Beware of Dog", not limited as to number, provided each does not exceed 0.3m<sup>2</sup> per side.
2. Motion or flashing lights or a mechanical device, which causes a sign to move, are not permitted in any zone.
  3. Internal illumination of signs in the R1, R2, R3, R4, R5, R6, RUR1, NR1 and OS1 Zones is not permitted.
  4. The maximum visible surface area of a sign must not exceed 3m<sup>2</sup> per side unless otherwise permitted or restricted elsewhere in this Bylaw.
  5. The maximum number of signs permitted per **parcel** is two unless otherwise permitted or restricted elsewhere in this Bylaw.
  6. A maximum of two non-commercial and two commercial signs may be displayed per **parcel** in the RUR1 and NR1 Zones.
  7. A maximum of one sign with a maximum visible surface area of 0.3m<sup>2</sup> per side is permitted per **dwelling unit** in the R4, R5, and R6 Zones; and a maximum of two signs with a maximum visible surface area of 0.6m<sup>2</sup> per side is permitted per **parcel**.
  8. A maximum of one sign with a maximum visible surface area of 0.3m<sup>2</sup> per side is permitted per moorage facility in the OS1 Zone.
  9. The maximum visible surface area of a sign must not exceed 0.6m<sup>2</sup> per side in the R1, R2, and R3 Zones.
  10. The maximum visible surface area of a non-commercial sign must not exceed 0.6m<sup>2</sup> in the RUR1 Zone.
  11. The maximum visible surface area of a non-commercial sign must not exceed 1m<sup>2</sup> in the NR1 Zone.
  12. The maximum combined surface area of signs must not exceed an area equal to 15% of the wall or walls facing the **front parcel line** in the C1, C2, C3, and C4 Zones.
  13. The maximum combined surface area of signs in the C5, C7, I1, I2, and SF1 Zones must not exceed 4.6m<sup>2</sup>.
  14. The maximum combined surface area of signs in the C6 Zone must not exceed 10m<sup>2</sup>.

**319. Parking Requirements**

1. Minimum off-street parking spaces and facilities must be provided in accordance with the following table. Where a specific use is not identified, a similar use to one listed in the table will be selected as an applicable standard.

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## Area 'C' Zoning Bylaw No. 1300, 2007

CATEGORY	USE	REQUIREMENT
RESIDENTIAL	<i>Single family dwellings</i>	Two spaces, which may be in tandem
	<i>Bed &amp; Breakfast</i> and <i>Boarding Use</i>	One space for each <i>bedroom</i> in addition to the requirements for a <i>single family dwelling</i>
Bylaw No. 1399, 2009	<i>Secondary Suite</i>	One space per <i>secondary suite</i>
Bylaw No. 1441, 2010	<i>Seniors Supportive Housing</i>	One space per <i>sleeping unit</i>
COMMERCIAL	Financial institutions; retail stores & shops; <i>personal service establishment</i> ; <i>service stations</i> ; bus depots and similar transportation facilities	5 spaces per 100m <sup>2</sup> of <i>gross floor area</i> used for retail
	Business, administrative and professional <i>offices</i> ; medical & dental clinics; <i>animal shelters</i> and <i>veterinary clinics</i>	4 spaces per 100m <sup>2</sup> of <i>gross floor area</i>
	Bowling alleys, pool halls, arcades and similar recreational and entertainment centres	4 spaces per 100m <sup>2</sup> of <i>gross floor area</i>
	Eating and drinking establishments which do <u>not</u> have, or specifically provide for take-out services	1 space per 3 seats
	Eating and drinking establishments having, or specifically providing for take-out services and which have more than 6 seats	1 space per 3 seats, plus 5 spaces; plus 6 spaces in tandem as magazine storage where drive-through facilities are also provided
	Eating and drinking establishments having, or specifically providing for take-out services and which have less than 6 seats	5 spaces; plus 6 spaces in tandem as magazine storage where drive-through facilities are also provided
	<i>Hotels, motels, campgrounds</i> , & similar accommodation uses	One space per <i>commercial guest accommodation unit</i> or site
	Theatres	One space per 5 seats
	Vehicle rental, sales & associated service facilities	5 spaces or one space for 3 employees on a maximum working shift, whichever is

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		greater
	Commercial greenhouse and/or nursery	7 spaces per 100m <sup>2</sup> of <b>gross floor area</b> used for a sales station
<b>INDUSTRIAL</b>	Industrial uses including <b>warehouses</b>	One space for every 3 employees on a maximum working shift but <u>not</u> less than 5 spaces per establishment
<b>INSTITUTIONAL</b>	Community halls; churches & church halls; lodges & similar fraternal organizations & places of assembly	One space per 4 seats or 3 spaces per 100m <sup>2</sup> available for patrons, whichever is greater
	Day schools where the student body is younger than the legal driving age	Ten spaces plus 1 additional space per employee
	Other day school & educational facility	Ten spaces plus 1 space per employee, plus one space per 10 students
	Public service uses; public utility uses & government works yards & maintenance facilities	One space per 3 employees on a maximum working shift
<b>RECREATIONAL</b>	Arenas, rinks, swimming pools, tennis courts, stadiums, race tracks, golf courses, rodeo grounds & similar recreational uses	One space per 4 seats plus 1 space per 4 players or participants (based on estimated utilization rates).
	Campgrounds	One space per site
	Playing fields, amusement parks, parks & similar land extensive recreational uses	Off-street parking is at the discretion of the owner

2. Where a **building** or **parcel** contains more than one function or use, the required number of parking spaces is the sum of the requirements of each function.
3. Required spaces must be provided on the same **parcel** as the **building** or use. Notwithstanding this regulation, **parcels** which are accessible by boat only are not required to provide on-site parking.
4. Each parking space must be at least 2.5 metres wide, 5.5 metres long and 2.5 metres high. The width of each parking space must be increased to 3 metres where adjacent to any side wall, post, pillar or other such obstruction.
5. Each parking space must be located so as to permit unobstructed access to and egress from that space to a **highway** at all times with the exception of in tandem spaces for **single family dwellings**.
6. The maximum number of access points from a parking area to a fronting street is two. Ministry of Transportation approval may be required for more than one access point.
7. Development abutting a **Controlled Access Highway** is subject to the provisions of Part 6 of the Transportation Act.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007****320. Off-street Loading Facilities**

1. Off-street loading facilities for commercial or industrial uses involving the receipt and delivery of goods or materials by vehicles must be 1 space for the first 12,000m<sup>2</sup> of **gross floor area** or fraction thereof, plus 1 additional space for each additional 2,000m<sup>2</sup> of **gross floor area** or fraction thereof.
2. Off-street loading facilities must:
  - a) Be provided on the same **parcel** as the use it serves;
  - b) Be set back a minimum of 6 metres from the **front parcel line**;
  - c) Be a minimum of 30m<sup>2</sup> in area, at least 3m in width and 4m in height for each space;
  - d) Not project into any **highway**;
  - e) Have unobstructed vehicular access to a **highway**; and
  - f) Have a durable dust free surface.

**321. Parking or Storage of Large Vehicles**

The parking or storage of vehicles with a gross vehicle weight of more than 4500 kg is prohibited in the R1, R2, R3, R4, R5, or R6 Zones, excluding service calls, and licensed recreational vehicles.

**322. Agricultural Land Commission Act**

1. In addition to compliance with the provisions of this Bylaw, the use of **buildings** and structures, and the use and further subdivision of land located in the Agricultural Land Reserve, unless otherwise exempted, is subject to the Agricultural Land Commission Act and the orders of the Agricultural Land Commission.
2. In the event of differences between the Agricultural Land Commission Act or the orders of the Provincial Agricultural Land Commission and the regulations of this Bylaw, the more restrictive regulation will prevail.

**323. Mineral, Coal and Gravel Extraction**

A number of provincial acts pertaining to resource extraction activities supersede the authority of the Regional District of Kootenay Boundary over both Crown and private lands. These include the Mines Act, the Coal Act, and the Mineral Tenure Act. In view of this fact, mineral, gravel and coal exploration and/or mining activities cannot be in any way restricted by this Zoning Bylaw. The Ministry of Energy, Mines and Petroleum Resource has a review process which is used to address the public interest in such matters.

**324. Secondary Suites**

Bylaw No.  
1399, 2009

Where a secondary suite is expressly permitted as a secondary use within a zone, the following regulations apply:

- a) The secondary suite or the principal dwelling unit on a parcel upon which a secondary suite is located shall be occupied by the registered owner of the property;

**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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- b) The secondary suite shall have a floor area that does not exceed 90m<sup>2</sup> or 40% of the floor area of the single family dwelling building, whichever is less;
- c) Prior approval of the authority responsible for liquid waste disposal, pursuant to the relevant Provincial legislation, shall be obtained before issuance of building permit;
- d) For parcels located within an area served by a community water system, prior approval of the water purveyor shall be obtained before issuance of a building permit;
- e) Not more than one secondary suite shall be located on a parcel;
- f) No secondary suite may be stratified, subdivided, or otherwise legally separated from the principal single family dwelling use to which it is considered a secondary use, except where the subdivision is in conformity with the minimum parcel area requirements of this bylaw; and
- g) A secondary suite shall not be connected to a community water system which is subject to a Drinking Water Notification pursuant to the *Drinking Water Protection Act* under an order of the Drinking Water Protection Officer.

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**Note: This Bylaw is amended periodically.  
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## Area 'C' Zoning Bylaw No. 1300, 2007

**PART FOUR - ZONE DESIGNATIONS****401. Zones**

1. Electoral Area 'C' of the Regional District of Kootenay Boundary is classified and divided into the following zones:

SHORT FORM	ZONE DESIGNATION
<b>RESIDENTIAL</b>	
R1	Single Family Residential 1 Zone
R1A	Single Family Residential 1A Zone
R2	Waterfront Residential 2 Zone
R3	Rural Residential 3 Zone
R4	Seasonal Resort Residential 4 Zone
R5	Compact Residential 5 Zone
R6	Manufactured Home Park 6 Zone
<b>RURAL</b>	
RUR1	Rural 1
<b>RESOURCE</b>	
NR1	Natural Resource 1
OS1	Open Space 1
<b>COMMERCIAL</b>	
C1	Core Commercial 1
C1A	Core Commercial 1A
C2	Highway Commercial 2
C3	Highway Commercial 3
C4	Neighbourhood Commercial 4
C5	Seasonal Resort Commercial 5
C6	Marina Commercial 6
C7	Campground Commercial 7
<b>INDUSTRIAL</b>	
I1	Industrial 1
I2	Industrial 2
<b>PARKS AND RECREATIONAL</b>	
P1	Parks and Recreational 1
P2	Parks and Recreational 2
RTC1	Rail/Trail Corridor 1
<b>INSTITUTIONAL AND COMMUNITY FACILITIES</b>	
ICF1	Institutional and Community Facilities 1
SF1	Sewage Facility 1

2. The extent and boundary of each zone is shown on Schedules 1, 2, 3, and 4, which are attached to, and form part of this Bylaw.
3. All lands not specifically indicated as otherwise on Schedules 1 through 4 are zoned

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

"Natural Resource 1".

4. Notwithstanding the colour schemes on the Zoning Maps, where a zone boundary is shown as abutting a **highway** or a **watercourse**, the centre-line of such **highway** or **watercourse** is the zone boundary.
5. Where a zone boundary does not follow a legally defined line, the location of the zone boundary must be determined by scaling from the map.
6. Unless otherwise noted, the boundary of the Open Space 1 Zone coincides with the adjoining legal boundaries of privately owned **parcels** or alternatively the **natural boundary** of Christina Lake, or the Gladstone Provincial Park boundary.
7. **Split Zoned Lots** – Where a lot is included in more than one zone, the zone boundary as shown on Schedule 2, shall be deemed to be a lot boundary for the purposes of determining applicable uses and regulations other than building setbacks contained in this bylaw.

Bylaw No.  
1355, 2008

**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**402. SINGLE FAMILY RESIDENTIAL 1 ZONE****R1**

The following provisions apply to lands in the Single Family Residential 1 Zone:

**1. Permitted Principal Uses**

Only the following **principal use** is permitted:

- a) **Single family dwelling.**

**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;**  
 b) **Bed and Breakfast**, subject to Section 310;  
 c) **Boarding Use**, subject to Section 310;  
 d) **Home-based business**, subject to Section 309;  
 e) **Sleeping quarter**; and  
 f) **Secondary Suite.**

Bylaw No.  
1399, 2009

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than:

- a) 2000 m<sup>2</sup> when connected to a **community water system**;  
 b) 1 ha when not connected to a **community water system**.

**4. Density**

Bylaw No. 1399, 2009

Maximum one **single family dwelling** and one **sleeping quarter** per **parcel**.

**5. Minimum Building Width**

**Buildings** containing a **dwelling unit** must have a minimum **dwelling width** of 5.5 metres.

**6. Setbacks**

Minimum setbacks measured in metres:

<b>Parcel Line</b>	<b>Principal buildings</b>	<b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b>	<b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b>
<b>Front</b>	4.5	7.5	7.5
<b>Exterior side</b>	4.5	4.5	4.5
<b>Interior side</b>	1.5	0.6	3.0
<b>Rear</b>	7.5	0.6	3.0
<b>Exterior side that abuts an undeveloped highway access to Christina Lake</b>	1.5	1.5	1.5
<b>Natural Boundary of Christina Lake</b>	7.5	0.6	3.0

Bylaw No.  
1445, 2010

**Note:** This Bylaw is amended periodically.

Contact the Planning Department to ensure this is a current copy.

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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**7. Parcel Coverage**

Maximum 33% of the *parcel* area may be covered by *buildings* and structures combined.

**8. Height**

Maximum:

- a) 10 metres for *principal buildings*;
- b) 4.6 metres for *accessory buildings and structures*.

**9. Signs**

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

**10. Parking**

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

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**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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Area 'C' Zoning Bylaw No. 1300, 2007

Bylaw No.  
1350, 2007

## **402A SINGLE FAMILY RESIDENTIAL 1A ZONE**

**R1A**

The following provisions apply to lands in the Single Family Residential 1A Zone:

### **1. Permitted Principal Uses**

Only the following **principal use** is permitted:

- a) **Single family dwelling.**

### **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;**
- b) **Bed and Breakfast, subject to Section 310;**
- c) **Boarding Use, subject to Section 310;**
- d) **Home-based business, subject to Section 309;**
- e) **Sleeping quarter; and**
- f) **Secondary Suite.**

Bylaw No.  
1399, 2009

### **3. Parcel Area**

**Parcels** to be created by subdivision must not be less than:

- a) 2000 m<sup>2</sup> when connected to a **community water system**;
- b) 10 ha when not connected to a **community water system**.

### **4. Density**

Bylaw No. 1399, 2009

Maximum one **single family dwelling** and one **sleeping quarter** per **parcel**.

### **5. Minimum Building Width**

**Buildings** containing a **dwelling unit** must have a minimum **dwelling width** of 5.5 metres.

### **6. Setbacks**

Minimum setbacks measured in metres:

<b>Parcel Line</b>	<b>Principal buildings</b>	<b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b>	<b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b>
<b>Front</b>	4.5	7.5	7.5
<b>Exterior side</b>	4.5	4.5	4.5
<b>Interior side</b>	1.5	0.6	3.0
<b>Rear</b>	7.5	0.6	3.0
<b>Exterior side that abuts an undeveloped highway access to Christina Lake</b>	1.5	1.5	1.5

**Note:** This Bylaw is amended periodically.

Contact the Planning Department to ensure this is a current copy.

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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**7. Parcel Coverage**

Maximum 33% of the *parcel* area may be covered by *buildings* and structures combined.

**8. Height**

Maximum:

- a) 10 metres for *principal buildings*;
- b) 4.6 metres for *accessory buildings and structures*.

**9. Signs**

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

**10. Parking**

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

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**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**403. WATERFRONT RESIDENTIAL 2 ZONE****R2**

The following provisions apply to lands in the Waterfront Residential 2 Zone:

**1. Permitted Principal Uses**

Only the following **principal use** is permitted:

- a) **Single family dwelling.**

**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**, maximum of 30m<sup>2</sup> **gross floor area** for accessory buildings located on **parcels** that may be accessed by boat only;  
 b) **Bed and Breakfast**, subject to Section 310;  
 c) **Boarding Use**, subject to Section 310;  
 d) **Home-based business**, subject to Section 309;  
 e) **Sleeping quarter**; and  
 f) **Secondary Suite**.

Bylaw No.  
1399, 2009

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than 10 ha.

**4. Density**

Bylaw No. 1399, 2009

Maximum one **single family dwelling** and one **sleeping quarter** per **parcel**.

**5. Minimum Building Width**

**Buildings** containing a **dwelling unit** must have a minimum **dwelling width** of 5.5 metres.

**6. Setbacks**

Minimum setbacks measured in metres:

<b>Parcel Line</b>	<b>Principal buildings</b>	<b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b>	<b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b>
<b>Front</b>	4.5/7.5*	7.5	7.5
<b>Exterior side</b>	4.5	4.5	4.5
<b>Interior side</b>	1.5	0.6	3.0
<b>Rear</b>	7.5	0.6	3.0
<b>Exterior side that abuts an undeveloped highway access to Christina Lake</b>	1.5	1.5	1.5
<b>Natural Boundary of Christina Lake</b>	7.5	0.6	3.0

Bylaw No.  
1445, 2010

\*for boat access only properties

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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**7. Parcel Coverage**

Maximum 33% of the *parcel* area may be covered by *buildings* and structures combined.

**8. Height**

Maximum:

- a) 10 metres for *principal buildings*;
- b) 4.6 metres for *accessory buildings and structures*

**9. Signs**

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

**10. Parking**

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

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**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**404. RURAL RESIDENTIAL 3 ZONE****R3**

The following provisions apply to lands in the Rural Residential 3 Zone.

**1. Permitted Principal Uses**

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

- a) Field crops, horticulture and silviculture;
- b) **Single family dwelling.**

**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;**
- b) **Bed and Breakfast**, subject to Section 310;
- c) **Boarding Use**, subject to Section 310;
- d) **Home-based business**, subject to Section 309;
- e) **Sleeping quarter; and**
- f) **Secondary Suite.**

Bylaw No.  
1399, 2009

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than 1 ha.

**4. Density**

Bylaw No. 1399, 2009

Maximum one **single family dwelling** and one **sleeping quarter** per **parcel**.

**5. Minimum Building Width**

**Buildings** containing a **dwelling unit** must have a minimum **dwelling width** of 5.5 metres.

**6. Setbacks**

Minimum setbacks measured in metres:

<b>Parcel Line</b>	<b>Principal buildings</b>	<b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b>	<b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b>
<b>Front</b>	4.5	7.5	7.5
<b>Exterior side</b>	4.5	4.5	4.5
<b>Interior side</b>	1.5	0.6	3.0
<b>Rear</b>	7.5	0.6	3.0

**7. Parcel Coverage**

Maximum 33% of the **parcel** area may be covered by **buildings** and structures combined.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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**8. Height**

Maximum:

- a) 10 metres for ***principal buildings***;
- b) 4.6 metres for ***accessory buildings and structures***

**9. Signs**

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

**10. Parking**

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

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***Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.***

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## Area 'C' Zoning Bylaw No. 1300, 2007

**405. SEASONAL RESORT RESIDENTIAL 4 ZONE****R4**

The following provisions apply to lands in the Seasonal Resort Residential 4 Zone.

**1. Permitted Principal Uses**

Only the following **principal use** is permitted:

- a) **Residential Resort.**

**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 building and structures.**

**3. Parcel Area**

- a) **Parcels** to be created by subdivision must not be less than 10 ha;
- b) The Minimum **Parcel** Area Exceptions listed in the General Regulations do not apply within the Resort Residential 4 Zone.

**4. Density**

Maximum 66 **dwelling units** per **parcel** and a maximum of 5 **dwelling units** within one **building**.

**5. Setbacks**

- a) Minimum setback for **buildings** and structures is 6m of any **parcel** line; and
- b) Principal buildings must be setback a minimum of 7.5m from the natural boundary of Christina Lake.

Bylaw No.  
1445, 2010

**6. Parcel Coverage**

- a) Maximum 33% of the **parcel** area may be covered by **buildings** and structures combined;
- b) Maximum total habitable floor area of 4,000m<sup>2</sup> for residential use;
- c) Maximum total floor area of 300m<sup>2</sup> for **accessory buildings and structures**.

**7. Height**

Maximum:

- a) 7.5 metres for **principal buildings**;
- b) 4.6 metres for **accessory buildings and structures**.

**8. Minimum Floor Area**

Notwithstanding Section 308 of this Bylaw, the minimum **gross floor area** for a **dwelling unit** is 30m<sup>2</sup>.

**9. Signs**

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

**10. Parking**

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

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**406. COMPACT RESIDENTIAL 5 ZONE****R5**

This Compact Residential 5 Zone was created specifically for the Moody Creek Estate property, which is a bare land strata subdivision that has an on-site **community sewer system**. The following provisions apply to lands in the Compact Residential 5 Zone.

**1. Permitted Principal Uses**

Only the following **principal use** is permitted:

- a) **Single Family Dwelling**; *provided it is constructed to the CSA A277 standard for modular homes.*

**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**;
- b) **Home-based business**, *subject to Section 309*;
- c) **Recreation Centre**.

**3. Density**

Bylaw No.  
1356, 2008

Maximum 9 **dwelling units** per hectare.

**4. Parcel Area**

**Parcels** to be created by subdivision must not be less than 400m<sup>2</sup>.

**5. Parcel Coverage**

Bylaw No. 1356, 2008

Subject to **Section 406(6)**, a maximum of 40% of the **parcel** area may be covered by **buildings** and structures combined.

**6. Common Parcel Coverage**

Not more than 10% of the gross common property within a bare land strata subdivision may be covered by **buildings** and structures combined.

**7. Dwelling Units**

Maximum of one **dwelling unit** per **parcel**.

**8. Minimum Building Width**

**Buildings** containing a **dwelling unit** must have a minimum **dwelling width** of 5.5 metres.

**9. Recreation Centre**

Maximum one **recreation centre** with a maximum **gross floor area** of 170m<sup>2</sup>.

**10. Setbacks from Exterior Boundaries of a Bare Land Strata Plan**

Minimum setbacks for **buildings** and structures:

- a) 8 m from the exterior boundary of a bare land strata plan;
- b) 20 m from the exterior boundary of a bare land strata plan for a **recreation centre**;
- c) 6 m from the exterior boundary of a bare land strata plan for a **community sewer system**.

**Note:** *This Bylaw is amended periodically.*

*Contact the Planning Department to ensure this is a current copy.*

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**Area 'C' Zoning Bylaw No. 1300, 2007****11. Setbacks from Parcel Lines**

Subject to Section 406(10), the minimum setbacks for **buildings** and structures are:

- a) 1.5 m from an **interior side parcel line**;
- b) 1.5 m from a **front parcel line**;
- c) 1.5m from a **front parcel line** for an open carport;
- d) 0.3m from an **interior side parcel line** for an open carport;

Bylaw No.  
1356, 2008

**12. Screening Requirements**

A vegetative screen, composed of mixed evergreen and deciduous trees of various heights must be planted within 8m of the exterior boundary of a bare land strata plan.

**13. Storage**

Storage areas must be located within a wholly enclosed **accessory building**.

**14. Recreation Area**

Minimum 10% percent of the area within a bare land strata plan must be for the purpose of common property outdoor recreation.

**15. Height**

Maximum:

- a) 7.5 metres for **principal buildings**;
- b) 4.6 metres for **accessory buildings and structures**.

**16. Signs**

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

**17. Parking**

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

Notwithstanding the provisions of the parking regulations outlined in Part 3 of this Bylaw one parking space must be provided per 30m<sup>2</sup> of **gross floor area** in a **recreation centre** and the parking space(s) must be located within 50m of the **recreation centre**.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**407. MANUFACTURED HOME PARK 6 ZONE****R6**

The following provisions apply to lands in the Manufactured Home Park 6 Zone.

**1. Regional District of Kootenay Boundary Mobile Home Park Bylaw**

The provisions outlined in the applicable Regional District of Kootenay Boundary Mobile Home Park Bylaw apply to all **buildings**, structures, **manufactured homes** and uses in this zone.

**2. Permitted Principal Uses**

Only the following **principal use** is permitted:

- a) **Manufactured Home Park.**

**3. Permitted Secondary Uses**

Only the following **secondary uses** are permitted, and only in conjunction with a use listed in paragraph 2 above:

- a) **Accessory buildings and structures.**
- b) One non-residential service and/or recreational **building** with a total **gross floor area** of 100m<sup>2</sup> per **Manufactured Home Park**. *Such building must not contain any commercial uses other than coin laundries and similar facilities for the exclusive use of the residents of the **Manufactured Home Park**;*
- c) **Single family dwelling.**

**4. Density**

Maximum one **single family dwelling** that is not a **manufactured home** per **parcel**.

**5. Height**

Maximum:

- a) 7.5 metres for **principal buildings**;
- b) 4.6 metres for **accessory buildings and structures**.

**6. Signs**

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

**7. Parking**

Off-street parking must be provided in accordance with the applicable Regional District of Kootenay Boundary Mobile Home Park Bylaw.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**408. RURAL 1 ZONE****RUR1**

The following provisions apply to lands in the Rural 1 Zone.

**1. Permitted Principal Uses**

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

- a) **Agriculture**, subject to Section 408 (8);
- b) Commercial greenhouse and/or nursery;
- c) Forestry, logging and silviculture;
- d) **Intensive Agriculture**, provided the **parcel** is in the Provincial Agricultural Land Reserve;
- e) Processing and packing of agricultural products, provided a minimum of 50% of products are grown on-farm;
- f) Sales of agricultural products; provided a minimum of 50% of the products are grown on-farm and the sales floor area does not exceed 300m<sup>2</sup>. A greenhouse used only for the growing of plants is not considered a sales floor area for purposes of the above calculation;
- g) **Single family dwelling**.

**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**.
- b) **Bed and Breakfast**, subject to Section 310;
- c) **Boarding Use**, subject to Section 310;
- d) **Home-based business**, subject to Section 309;
- e) **Kennel**, subject to the use being secondary to a **single family dwelling**, and provided that all **buildings** and animal enclosures are located not less than 60m from all **parcel** lines;
- f) **Sleeping quarter**; and
- g) **Secondary Suites**.

Bylaw No.  
1399, 2009

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than 10ha.

**4. Density**

Bylaw No.  
1399, 2009

The following maximums apply:

- a) One **single family dwelling** per **parcel**, where the **parcel** is less than 20ha in area;
- b) Two **single family dwellings** per **parcel** where the **parcel** is 20ha in area or larger, provided the **single family dwellings** are sited in a manner that would allow future subdivision in conformity with Section 408(5). **Parcels** in the Provincial Agricultural Land Reserve are also subject to the regulations of the Agricultural Land Commission.
- c) One **sleeping quarter** per **parcel**.

**Note:** This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.

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**Area 'C' Zoning Bylaw No. 1300, 2007****5. Setbacks**

Minimum setbacks measured in metres:

<b>Parcel Line</b>	<b>Principal buildings</b>	<b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b>	<b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b>
<b>Front</b>	7.5	7.5	7.5
<b>Exterior side</b>	4.5	4.5	4.5
<b>Interior side</b>	1.5	0.6	3.0
<b>Rear</b>	7.5	0.6	3.0

**6. Parcel Coverage**

Maximum 33% or 10,000m<sup>2</sup>, whichever is less, of the **parcel** area may be covered by **buildings** and structures combined;

Maximum 75% of the **parcel** area may be covered by greenhouses, and other **buildings** and structures combined, provided the **parcel** is in the Agricultural Reserve.

**7. Height**

Maximum 12 m for **buildings** and structures.

**8. Animal Restrictions**

The following restrictions on animal density apply only to lands not in the Agricultural Land Reserve. Animal density must not exceed 2.0 Animal Units (AU) per hectare of land, where:

- i) the table below contains AU equivalencies for a variety of typical farm animals;
- ii) the 2.0 AU per hectare limit is the sum of all species kept on the land; and
- iii) where an animal is not specifically mentioned in the table, the AU equivalency is deemed to be that of the most similar animal listed in the table, based on species, then size.

Animal	AU	Animal	AU	Animal	AU
Ewe	0.14	Gilt	0.33	Turkeys, breeding	0.02
Yearling ewe	0.10	Bred gilt	0.33	Goose	0.02
Lamb ewe	0.07	Weaner pig (<18 kg)	0.10	Duck	0.015
Ram	0.14	Feeder pig (18-90 kg)	0.20	Horse	1
Yearling ram	0.10	Suckling pig	0.01	Foal, 1-2 years old	0.5
Lamb ram	0.07	Cow & calf	1	Pony	0.5
Nursing ram	0.05	2 yr. old cow/bull/steer	1	Llama	0.5
Feeder lamb	0.10	Yearling ox	0.67	Donkey	0.5
Breeding lamb	0.10	Calf	0.25	Goat	0.14
Sow	0.33	Bull	1	Mink	0.025
Boar 18-90 kg	0.20	Chicken	0.015	Rabbit	0.025
Boar >90 kg	0.33	Turkeys, raised	0.015		

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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**9. Signs**

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

**10. Parking**

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

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***Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.***

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## Area 'C' Zoning Bylaw No. 1300, 2007

**409. NATURAL RESOURCE 1 ZONE****NR1**

The following provisions apply to lands in the Natural Resource 1 Zone.

**1. Permitted Principal Uses**

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

- a) **Agriculture;**
- b) Commercial greenhouse and/or nursery;
- c) Forestry, logging and silviculture,
- d) **Intensive Agriculture**, provided the **parcel** is in the Provincial Agricultural Land Reserve;
- e) Portable shake, shingle and sawmill;
- f) Processing and packing of agricultural products, *only if the product is raised or grown on-farm*;
- g) Sales of agricultural products, *only if the product is raised or grown on-farm, and only if the sales floor area does not exceed 100m<sup>2</sup>. A greenhouse used only for the growing of plants is not considered a sales floor area for purposes of the above calculation*;
- h) **Single family dwelling.**

**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 building and structures;**
- b) **Bed and Breakfast**, subject to Section 310;
- c) **Boarding Use**, subject to Section 310;
- d) **Home-based business**, subject to Section 309;
- e) **Kennel**, subject to the use being secondary to a **single family dwelling**, and provided that all **buildings** and animal enclosures are located not less than 60m from all **parcel** lines;
- f) **Sleeping quarter**; and
- g) **Secondary Suites.**

Bylaw No.  
1399, 2009

**3. Parcel Size**

**Parcels** to be created by subdivision must not be less than 50ha.

**4. Density**

Bylaw No. 1399, 2009

The following maximums apply:

- a) One **single family dwelling** per **parcel**, where the **parcel** is less than 100ha in area;
- b) Two **single family dwellings** per **parcel** where the **parcel** is 100ha in area or larger, provided the **single family dwellings** are sited in a manner that would allow future subdivision in conformity with Section 409(5). **Parcels** in the Provincial Agricultural Land Reserve are also subject to the regulations of the Agricultural Land Commission.
- c) One **sleeping quarter** per **parcel**.

**Note:** This Bylaw is amended periodically.

Contact the Planning Department to ensure this is a current copy.

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**Area 'C' Zoning Bylaw No. 1300, 2007****5. Setbacks**

a) Minimum setbacks measured in metres:

<i><b>Parcel Line</b></i>	<i><b>Principal buildings</b></i>	<i><b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b></i>	<i><b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b></i>
<i><b>Front</b></i>	7.5	7.5	7.5
<i><b>Exterior side</b></i>	4.5	4.5	4.5
<i><b>Interior side</b></i>	1.5	0.6	3.0
<i><b>Rear</b></i>	7.5	0.6	3.0
<i><b>Natural Boundary of Christina Lake</b></i>	7.5	0.6	3.0

Bylaw No.  
1445, 2010

b) Notwithstanding the preceding setbacks, no **buildings** or structures may be located within 25m of a **parcel** line adjacent to the R1, R2, R3, R4, R5, R6, or RUR1 Zone for a **building** containing a **principal use** other than a **dwelling unit**.

**6. Parcel Coverage**

Maximum 33% or 10,000m<sup>2</sup>, whichever is less, of the **parcel** area may be covered by **buildings** and structures combined.

**7. Height**

Maximum 12 metres for **buildings** and structures

**8. Signs**

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

**9. Parking**

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

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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**410. OPEN SPACE 1 ZONE**

**OS1**

The following provisions apply to lands in the Open Space 1 Zone, which applies to the surface of Christina Lake.

**1. Permitted Principal Uses**

Only the following **principal use** is permitted:

- a) Water based recreational uses.

**2. Permitted Secondary Uses**

Only the following **secondary uses** are permitted and only with the consent of the upland property owner:

- a) Docks, launching ramps and similar moorage facilities; *subject to the provisions of Section 315.*

**3. Signs**

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

**4. Parking**

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

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**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

**411. CORE COMMERCIAL 1 ZONE**

**C1**

The following provisions apply to lands in the Core Commercial 1 Zone.

**1. Permitted Principal Uses**

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

- a) Club, lodge and facilities for fraternal or charitable organizations;
- b) Eating and drinking establishment including **take-out restaurants**;
- c) **Hotel**;
- d) Indoor recreation including bowling alley, pool hall, arcade, theatre or other similar uses;
- e) **Institutional Use**;
- f) Medical and dental clinic;
- g) **Office**;
- h) **Personal service establishment**;
- i) Printing and publishing establishment;
- j) Retail store;
- k) **Shopping centre**.

**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**;
- b) **Dwelling unit**, provided it is combined with a commercial use contained in the same **building**, is located above the first storey or to the rear of the commercial use, and has a separate entrance from the outside.

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than:

- a) 2,000 m<sup>2</sup> when connected to a **community water system**; and
- b) 1 ha when not connected to a **community water system**.

**4. Maximum Number of Dwelling Units**

Maximum one **dwelling unit** per **parcel**.

**5. Parcel Coverage**

Maximum 60% of the **parcel** area may be covered by **buildings** and structures combined.

**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007****6. Setbacks**

Minimum setbacks measured in metres:

<i><b>Parcel Line</b></i>	<i><b>Principal buildings</b></i>	<i><b>Accessory buildings and structures</b></i> 10m <sup>2</sup> or less in size	<i><b>Accessory buildings and structures</b></i> >10m <sup>2</sup> in size
<i><b>Front</b></i>	2.0	7.5	7.5
<i><b>Exterior side</b></i>	2.0	4.5	4.5
<i><b>Interior side</b></i>	1.5/3.0*	0.6	3.0
<i><b>Rear</b></i>	4.5	0.6	3.0

\*adjacent to the R1 Zone.

**7. Height**

Maximum 12m for **buildings** and structures.

**8. 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.

**9. Signs**

Signs are permitted in accordance with Section 318 of this Bylaw. Notwithstanding Section 318, in **buildings** with a combined commercial and residential use, signage or advertising is not permitted above the first storey of a **building**.

**10. 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.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**411A. CORE COMMERCIAL 1A ZONE****C1A**Bylaw No.  
1441, 2010

The following provisions apply to lands in the Core Commercial 1A Zone.

**1. Permitted Principal Uses**Only the following **principal uses** are permitted:

- a) Club, lodge and facilities for fraternal or charitable organizations;
- b) Eating and drinking establishment including **take-out restaurants**;
- c) **Hotel**;
- d) Indoor recreation including bowling alley, pool hall, arcade, theatre or other similar uses;
- e) **Institutional Use**;
- f) Medical and dental clinic;
- g) **Office**;
- h) **Personal service establishment**;
- i) Printing and publishing establishment;
- j) Retail store;
- k) **Shopping centre**; and
- l) **Seniors Supportive Housing**.

**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**; and
- b) **Dwelling unit**.

**3. Parcel Area****Parcels** to be created by subdivision must not be less than:

- a) 2,000 m<sup>2</sup> when connected to a **community water system**; and
- b) 1 ha when not connected to a **community water system**.

**4. Maximum Number of Dwelling Units**Maximum one **dwelling unit** per **parcel**.**5. Parcel Coverage**Maximum 60% of the **parcel** area may be covered by **buildings** and structures combined.

**Note: This Bylaw is amended periodically.**  
**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007****6. Setbacks**

Minimum setbacks measured in metres:

<i><b>Parcel Line</b></i>	<i><b>Principal buildings</b></i>	<i><b>Accessory buildings and structures</b></i> 10m <sup>2</sup> or less in size	<i><b>Accessory buildings and structures</b></i> >10m <sup>2</sup> in size
<i><b>Front</b></i>	2.0	7.5	7.5
<i><b>Exterior side</b></i>	2.0	4.5	4.5
<i><b>Interior side</b></i>	1.5/3.0*	0.6	3.0
<i><b>Rear</b></i>	4.5	0.6	3.0

\*adjacent to the R1 Zone.

**7. Height**

Maximum 12m for **buildings** and structures.

**8. 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.

**9. Signs**

Signs are permitted in accordance with Section 318 of this Bylaw. Notwithstanding Section 318, in **buildings** with a combined commercial and residential use, signage or advertising is not permitted above the first storey of a **building**.

**10. 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.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**412. HIGHWAY COMMERCIAL 2 ZONE****C2**

The following provisions apply to lands in the Highway Commercial 2 Zone.

**1. Permitted Principal Uses**

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

- a) Eating and drinking establishments including **take-out restaurants**;
- b) **Hotel**;
- c) Medical and dental clinic;
- d) **Motel**;
- e) Motorized and non-motorized vehicle sales and rental; and service facilities which are customarily associated therewith;
- f) **Office**;
- g) **Personal Service Establishment**;
- h) Plumbing, heating and upholstery shop;
- i) Printing and publishing establishment;
- j) Retail store;
- k) **Shopping centre**;
- l) **Service station**.

**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**;
- b) **Single family dwelling**.

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than:

- a) 2,000 m<sup>2</sup> when connected to a **community water system**; and
- b) 1 ha when not connected to a **community water system**.

**4. Maximum Number of Dwelling Units**

Maximum one **dwelling unit** per **parcel**.

**5. Parcel Coverage**

Maximum 60% of the **parcel** area may be covered by **buildings** and structures combined.

**6. Gross Floor Area Exception**

Notwithstanding the definition for **cabin** in Section 103, the maximum **gross floor area** permitted for **motel** use located on Lots 8 and 10, DL 498, SDYD, Plan KAP46442 shall be 110m<sup>2</sup>.

**Note:** This Bylaw is amended periodically.

Contact the Planning Department to ensure this is a current copy.

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**Area 'C' Zoning Bylaw No. 1300, 2007****6. Setbacks**

Minimum setbacks measured in metres:

<i><b>Parcel Line</b></i>	<i><b>Principal buildings</b></i>	<i><b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b></i>	<i><b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b></i>
<i><b>Front</b></i>	4.5	7.5	7.5
<i><b>Exterior side</b></i>	4.5	4.5	4.5
<i><b>Interior side</b></i>	1.5/3.0*	0.6	3.0
<i><b>Rear</b></i>	7.5	0.6	3.0

\*adjacent to the R1 Zone.

**7. Height**

Maximum 10 m in height for **buildings** and structures.

**8. Outdoor Storage Areas**

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

**9. Signs**

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

**10. 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.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

**413. HIGHWAY COMMERCIAL 3 ZONE**

**C3**

The following provisions apply to lands in the Highway Commercial 3 Zone.

**1. Permitted Principal Uses**

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

- a) Eating and drinking establishments including **take-out restaurants**;
- b) **Hotel**;
- c) Medical and dental clinic;
- d) **Mini-storage warehouse**;
- e) **Motel**;
- f) Motorized and non-motorized vehicle sales and rental; and service facilities which are customarily associated therewith;
- g) **Office**;
- h) **Personal Service Establishment**;
- h) Plumbing, heating and upholstery shop;
- i) Printing and publishing establishment;
- j) Retail store;
- k) **Shopping centre**;
- l) **Service station**.

**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**;
- b) **Single family dwelling**.

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than:

- a) 2,000 m<sup>2</sup> when connected to a **community water system**; and
- b) 1 ha when not connected to a **community water system**.

**4. Maximum Number of Dwelling Units**

Maximum one **dwelling unit** per **parcel**.

**5. Parcel Coverage**

Maximum 60% of the **parcel** area may be covered by **buildings** and structures combined.

**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007****6. Setbacks**

Minimum setbacks measured in metres:

<i><b>Parcel Line</b></i>	<i><b>Principal buildings</b></i>	<i><b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b></i>	<i><b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b></i>
<i><b>Front</b></i>	4.5	7.5	7.5
<i><b>Exterior side</b></i>	4.5	4.5	4.5
<i><b>Interior side</b></i>	1.5/3.0*	0.6	3.0
<i><b>Rear</b></i>	7.5	0.6	3.0

\*adjacent to the R1 Zone.

**7. Height**

Maximum 10 m for **buildings** and structures.

**8. Outdoor Storage Areas**

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

**9. Signs**

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

**10. 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.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**414. NEIGHBOURHOOD COMMERCIAL 4 ZONE****C4**

The following provisions apply to lands in the Neighbourhood Commercial 4 Zone.

**1. Permitted Principal Uses**

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

- a) **Campground;**
- b) Commercial greenhouse and/or nursery;
- c) Eating and drinking establishments including **take-out restaurants;**
- d) **Motel;**
- e) Retail store;
- f) Medical and dental clinic.

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**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;**
- b) **Single family dwelling.**

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than:

- a) 2,000 m<sup>2</sup> when connected to a **community water system**; and
- b) 1 ha when not connected to a **community water system**.

**4. Maximum Number of Dwelling Units**

Maximum one **dwelling unit** per **parcel**.

**5. Parcel Coverage**

Maximum 33% of the **parcel** area may be covered by **buildings** and structures combined.

**6. Setbacks**

Minimum setbacks measured in metres:

<b>Parcel Line</b>	<b>Principal buildings</b>	<b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b>	<b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b>
<b>Front</b>	7.5	7.5	7.5
<b>Exterior side</b>	4.5	4.5	4.5
<b>Interior side</b>	1.5/3.0*	0.6	3.0
<b>Rear</b>	7.5	0.6	3.0

\*adjacent to the R1 Zone.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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**7. Height**

Maximum 10m in height for **buildings** and structures.

**8. Outdoor Storage Areas**

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

**9. Density**

Maximum 80 recreational vehicle and/or camp sites per hectare, and each site must be a minimum 80m<sup>2</sup> in area.

**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.

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**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**415. SEASONAL RESORT COMMERCIAL 5 ZONE****C5**

The following provisions apply to lands in the Seasonal Resort Commercial 5 Zone.

**1. Permitted Principal Uses**

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

- a) **Resort Campground;**
- b) Eating and drinking establishment excluding take-out restaurants.

**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;**
- b) Indoor and outdoor recreation and amusement facilities, *which are for the sole use of occupants or attendees of a permitted principal use;*
- c) Watercraft servicing facilities, *which are for the sole use of occupants or attendees of a Resort Campground;*
- d) **Single family dwelling;**
- e) Retail store.

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than:

- a) 2,000 m<sup>2</sup> when connected to a **community water system**; and
- b) 1 ha when not connected to a **community water system**.

**4. Maximum Number of Dwelling Units**

Maximum one **dwelling unit** per **parcel**.

**5. Density**

- a) Maximum 80 recreational vehicle and/or camp sites per hectare, and each site must be a minimum 80m<sup>2</sup> in area;
- b) Notwithstanding the above, the **resort campgrounds** listed below may not expand beyond the density existing at the time this Bylaw was adopted:

Legal Description	Known as
Lot A, Plan KAP51316, DL970, SDYD	Kingsley's Resort
Lot 2, Plan KAP75840, DL317, SDYD	Silver Birch
Parcel 1, Plan DD10595, DL970, SDYD	Skands
Lot B, Plan 10408, DL750, SDYD	Willow Beach

**6. Parcel Coverage**

Maximum 33% of the **parcel** area may be covered by **buildings** and structure combined.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007****7. Setbacks**

a) Minimum setbacks measured in metres:

<b>Parcel Line</b>	<b>Principal buildings</b>	<b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b>	<b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b>	<b>RVs or Tents</b>
<b>Front</b>	7.5	7.5	7.5	0.5m
<b>Exterior side</b>	4.5	4.5	4.5	0.5m
<b>Interior side</b>	1.5/3.0*	0.6	3.0	0.5m
<b>Rear</b>	7.5	0.6	3.0	0.5m
<b>Natural Boundary of Christina Lake</b>	7.5	0.6	3.0	0.5m

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\*adjacent to the R1 Zone.

b) Notwithstanding all of the above, buildings and structures listed in Section 415.2(c) may be located within 0m of the **natural boundary** of Christina Lake provided that the owner holds a valid form of tenure from the Province for that portion of the Crown foreshore adjacent to the subject **parcel** and that this adjoining **parcel** of Crown foreshore is within a commercial zone.

**8. Height**

Maximum:

- a) 10 metres for **principal buildings**;
- b) 4.6 m for **accessory buildings and structures**.

**9. Signs**

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

**10. 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.

**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007****416. MARINA COMMERCIAL 6 ZONE****C6**

The following provisions apply to lands in the Marina Commercial 6 Zone.

**1. Permitted Principal Uses**

Only the following **principal use** is permitted:

- a) **Marina.**

**2. Permitted Secondary Uses**

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

- a) **Accessory buildings and structures;**  
 b) **Single family dwelling;**  
 c) Retail store;  
 d) Eating and drinking establishment.

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than:

- a) 2,000 m<sup>2</sup> when connected to a **community water system**; and  
 b) 1 ha when not connected to a **community water system**.

**4. Maximum Number of Dwelling Units**

Maximum one **dwelling unit** per **parcel**.

**5. Parcel Coverage**

Maximum 33% of the **parcel** area may be covered by **buildings** and structures combined.

**6. Setbacks**

- a) Minimum setbacks measured in metres:

<b>Parcel Line</b>	<b>Principal buildings</b>	<b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b>	<b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b>
<b>Front</b>	7.5	7.5	7.5
<b>Exterior side</b>	4.5	4.5	4.5
<b>Interior side</b>	1.5	0.6	3.0
<b>Rear</b>	5.0	0.6	3.0
<b>Natural Boundary of Christina Lake</b>	7.5	0.6	3.0

Bylaw No.  
1445, 2010

- b) Notwithstanding all of the above, **accessory buildings and structures**, which are used to secure, protect or service watercraft may be located within 0m of the **natural boundary** of Christina Lake provided that the owner holds a valid form of tenure from the Province for that portion of the Crown foreshore adjacent to the subject **parcel** and that this adjoining **parcel** of Crown foreshore is within a commercial zone.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

**55**

**Area 'C' Zoning Bylaw No. 1300, 2007**

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**7. Height**

Maximum 10 m for **building** and structures.

**8. Signs**

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

**9. 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.

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***Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.***

**56**

## Area 'C' Zoning Bylaw No. 1300, 2007

**417. CAMPGROUND COMMERCIAL 7 ZONE****C7**

The following provisions apply to lands in the Campground Commercial 7 Zone.

**1. Permitted Principal Uses**

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

- a) **Campground.**

**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;**  
 b) One convenience store, not exceeding 100m<sup>2</sup> in retail floor area;  
 c) **Single family dwelling.**

**3. Parcel Area**

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

**4. Maximum Number of Dwelling Units**

Maximum one **dwelling unit** per **parcel**.

**5. Density**

- a) Maximum 50 campsites per hectare, minimum 125m<sup>2</sup> per site;  
 b) Maximum 2 cabins per hectare, to a maximum of 10 cabins per campground.

Bylaw No.  
1413, 2009

**6. Parcel Coverage**

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

**7. Setbacks**

Minimum setbacks measured in metres:

<b>Parcel Line</b>	<b>Principal buildings</b>	<b>Accessory buildings and structures 10m<sup>2</sup> or less in size</b>	<b>Accessory buildings and structures &gt;10m<sup>2</sup> in size</b>
<b>Front</b>	7.5	7.5	7.5
<b>Exterior side</b>	4.5	4.5	4.5
<b>Interior side</b>	1.5/3.0*	0.6	3.0
<b>Rear</b>	7.5	0.6	3.0

\*adjacent to the R1 Zone.

**8. Height**

Maximum:

- a) 10m for **principal buildings**, and  
 b) 5m for **accessory buildings and structures**.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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**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.

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**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**418. INDUSTRIAL 1 ZONE****I1**

The following provisions apply to lands in the Industrial 1 Zone.

**1. Permitted Principal Uses**

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

- a) **Agriculture**, excluding **Intensive Agriculture**;
- b) **Animal shelter**;
- c) Auction mart;
- d) Automobile and truck wash;
- e) **Automobile wrecking yard**;
- f) Building supply and lumber yard;
- g) Building contractors office, shop and yard;
- h) **Bulk Fuel Depot**;
- i) Commercial greenhouse and/or nursery;
- j) Eating and drinking establishment excluding take-out restaurants;
- k) Home manufacturing businesses, *regardless of whether it is conducted within an enclosed building*;
- l) **Kenel**, subject to the enclosed runs being located a minimum of 60m from all **parcel** lines;
- m) Laboratory and research facility;
- n) Laundries, cleaners and dry cleaners;
- o) **Manufacturing**, *provided it is conducted entirely within a wholly enclosed building*;
- p) **Passenger and freight terminal, depot, distribution and redistribution facility** including the sale of fuels associated therewith;
- q) Plumbing, heating, air conditioning and refrigeration shop;
- r) Printing, publishing, film processing and similar reproduction facility;
- s) Works yard and maintenance facility;
- t) Rental, repair, sales and servicing of vehicles, machinery and equipment including auto body repairs;
- u) Sign painting;
- v) Tire and wheel sales and repair;
- w) **Veterinary Clinic**;
- x) **Warehouse**;
- y) **Wholesale Warehouse**;
- z) Window and glass shop.

**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**.
- b) **Single family dwelling**;
- c) Sales which are ancillary to permitted **principal uses** located on the same **parcel**.

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

**3. Parcel Area**

*Parcels* to be created by subdivision must not be less than 1 ha.

**4. Dwelling Units**

Maximum one *dwelling unit* per *parcel*.

**5. Parcel Coverage**

Maximum 33% of the *parcel* area may be covered by *buildings* and structures combined.

**6. Setbacks**

Minimum setbacks for *buildings* and structures:

- a) 7.5 m of any *parcel* line;
- b) Notwithstanding the above a 0m setback is permitted where the *parcel* line abuts a railway right of way.

**7. Height**

Maximum 12 m for *buildings* and structures.

**8. Signs**

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

**9. 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.

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**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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## Area 'C' Zoning Bylaw No. 1300, 2007

**419. INDUSTRIAL 2 ZONE****I2**

The following provisions apply to lands in the Industrial 2 Zone.

**1. Permitted Principal Uses**

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

- a) **Agriculture**, excluding **Intensive Agriculture**;
- b) Auction marts;
- c) Automobile and truck washes;
- d) **Automobile wrecking yards** *subject to paragraph 419.3*;
- e) Building contractors offices, shops and yards;
- f) Building supply and lumber yards;
- g) **Campground**;
- h) Commercial greenhouse and/or nursery;
- i) Eating and drinking establishments excluding take-out restaurants;
- j) Freight terminals excluding the transshipment of bulk chemicals and excluding the bulk storage of fuels;
- k) Forestry, logging, silviculture;
- l) Laboratories and research facilities;
- m) Log sort yards;
- n) **Manufacturing**, *provided it is conducted entirely within a wholly enclosed building*;
- o) Manufacturing of wood and forest products, excluding the storage of goods and materials directly associated with those uses; *and provided it is conducted entirely within a wholly enclosed building*);
- p) Plumbing, heating, air conditioning and refrigeration shops;
- q) Printing, publishing, film processing and similar reproduction facilities;
- r) Post, pole and tie operations, *provided it is conducted entirely within a wholly enclosed building*);
- s) Works yards and maintenance facilities;
- t) Rental, repair, sales and servicing of vehicles, machinery and equipment including auto body repairs, *provided it is conducted entirely within a wholly enclosed building*);
- u) Sales of agricultural products grown or raised in the area, *and only if the sales floor area does not exceed 112m<sup>2</sup>*;
- v) Sawmills and lumber mills with a maximum output of 120m<sup>3</sup> or 50mbf per day;
- w) Shake mill and shingle mill, *provided it is conducted entirely within a wholly enclosed building*);
- x) Sign painting;
- y) Tire and wheel sales and repairs;
- z) **Veterinary Clinic**;
- aa) **Warehouse**;
- bb) **Wholesale Warehouse**
- cc) Window and glass shop.

**2. Permitted Secondary Uses**

Only the following **secondary uses** are permitted, and only in conjunction with a use

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

listed in paragraph 1 above:

- a) **Accessory buildings and structures;**
- b) **Guest ranch, in conjunction with a principal agricultural use;**
- c) **Home-based business, subject to Section 309;**
- d) **Single family dwelling;**
- e) Sales which are ancillary to permitted uses located on the same **parcel**;
- f) Storage of goods, *subject to Section 303 Prohibited Uses*.

**3. Special Regulations – Automobile Wrecking and Automobile Salvage Yards**

**Automobile wrecking yards** must be entirely enclosed by a solid fence not less than 2.5 m in height. All elements of the **automobile wrecking yard**, including storage areas must be located within the fenced compound. Stacking of vehicles upon one another, whether or not they have been crushed or otherwise prepared for processing, is not permitted.

**4. Parcel Area**

**Parcels** to be created by subdivision must not be less than 1 hectare.

**5. Dwelling Units**

Maximum one **dwelling unit** per **parcel**.

**6. Parcel Coverage**

Maximum 33% of the **parcel** area may be covered with **buildings** and structures combined.

**7. Setbacks**

Minimum setbacks for **buildings** and structures:

- a) 100m to Ponderosa Drive; *the only uses or activities permitted within the 100m setback are driveways and **highways** that provide access to a permitted use, excluding: outdoor storage, the maneuvering of heavy equipment or parking;*
- b) 7.5m of any other **parcel** line;
- c) Notwithstanding any of the above, 0m setback where the **parcel** line abuts a railway right of way;

**8. Height**

Maximum 12 m for **buildings** and structures.

**9. Environmental Regulations**

- a) Industrial and commercial waste must not be permanently discharged on site to water or ground, nor shall any facility be permitted which is intended to be used, or is used, for the permanent discharge of industrial waste on site to ground or water.
- b) Subject to the provisions in Section 303.8, the temporary storage of industrial or commercial waste may be permitted on site.

*(Explanatory Note: The Environmental Regulations in this Section will be administered at the time of application by the owner for a Waste Discharge Permit. The responsible Provincial agency will be advised of these zoning regulations pertaining to the application and requested to ensure compliance therewith.)*

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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**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.

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***Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.***

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**Area 'C' Zoning Bylaw No. 1300, 2007**

**420. PARKS AND RECREATIONAL 1 ZONE**

**P1**

The following provisions apply to lands in the Parks and Recreational 1 Zone.

**1. Permitted Principal Uses**

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

- a) Arenas, rinks, swimming pools, tennis courts, bowling greens, stadiums, **marinas**, boat launching ramps, fairgrounds, rodeo and gymkhana grounds, playing and sports fields, golf courses, and similar open or enclosed recreational areas and facilities;
- b) Community centres and community halls;
- c) **Campgrounds**.

**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**;
- b) **Single family dwelling**.

**3. Setbacks**

Minimum setbacks for **buildings** and structures:

- a) 7.5 m of a **front parcel line**;
- b) 7.5 m of an **exterior side parcel line**;
- c) 3.0 m of an **interior side parcel line**;
- d) 7.5 m of a **rear parcel line**;

**4. Height**

Maximum 7.5 m for **building** and structures.

**5. Dwelling Units**

Maximum one **dwelling unit** per **parcel**.

**6. Signs**

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

**7. Parking**

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

**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

**64**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

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**421. PARKS AND RECREATIONAL 2 ZONE****P2**

The following provisions apply to lands in the Parks and Recreation 2 Zone.

**1. Permitted Principal Uses**

Only the following **principal uses** permitted:

- a) Organized Recreational Sports and Activities such as softball diamonds, lawn bowling; putting greens; tennis courts, skating rinks and other similar activities.
- b) Passive Outdoor Recreation such as hiking and walking trails, picnicking, habitat protection, bird watching, and other similar activities.

**2. Prohibition**

Permanent **buildings** are not permitted.

**3. Signs**

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

**4. Parking**

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

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**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007****422. RAIL/TRAIL CORRIDOR 1 ZONE****RTC1**

The following provisions apply to lands in the Rail/Trail Corridor 1 Zone.

**1. Permitted Principal Uses**

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

- a) Railways and recreational trails and corridors.

**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.**

**3. Setbacks**

Minimum setbacks for **buildings** and structures:

- a) 4.5 m of a **front parcel line**;
- b) 4.5 m of an **exterior side parcel line**;
- c) 3.0 m of an **interior side parcel line**;
- d) 4.5 m of a **rear parcel line**;

**4. Height**

Maximum 4.5 m for **building** and structures.

**5. Signs**

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

**6. Parking**

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

**7. Parcel Area**

Parcels created by subdivision must not be less than 100ha in area.

Bylaw No.  
1404, 2009

**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

**423. INSTITUTIONAL AND COMMUNITY FACILITIES 1 ZONE ICF1**

The following provisions apply to lands in the Institutional and Community Facilities 1 Zone.

**1. Permitted Principal Uses**

Only the following **principal use** is permitted:

- a) **Institutional Use.**

**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.**

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than:

- a) 2,000 m<sup>2</sup> when connected to a **community water system**; and
- b) 1 ha when not connected to a **community water system**.

**4. Parcel Coverage**

Maximum 33% of the **parcel** area may be covered by **buildings** and structures combined.

**5. Setbacks**

Minimum setbacks for **buildings** and structures:

- a) 7.5 m of a front **parcel** line;
- b) 4.5 m of an exterior side **parcel** line;
- c) 1.5 m of an interior side **parcel** line; and
- d) 7.5 m of a rear **parcel** line;

**6. Height**

Maximum 4.6m for **buildings** and structures

**7. Signs**

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

**8. 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.

**Note: This Bylaw is amended periodically.  
Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**

**424. SEWAGE FACILITY 1 ZONE**

**SF1**

The following provisions apply to lands in the Sewage Facility 1 Zone. This zone was created to accommodate a package treatment plant to service Christina Lakeside Resort (Plan B1407 B1605, DL750, SDYD) and the Tempo Service Station (Lot A, Plan 10408, DL750, SDYD).

**1. Permitted Principal Uses**

Only the following **principal use** is permitted:

- a) **Community sewer 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.**

**3. Parcel Area**

**Parcels** to be created by subdivision must not be less than 4000m<sup>2</sup>

**4. Parcel Coverage**

Maximum 33% of the **parcel** area may be covered by **buildings** and structures combined.

**5. Setbacks**

Minimum setbacks for **buildings** and structures:

- a) No **community sewer system** may be located within 60m of either the northerly or easterly property boundary of Plan B6035, DL 750, SDYD;
- b) 7.5 m of a **front parcel line**;
- c) 4.5 m of an **exterior side parcel line**;
- d) 1.5 m of an **interior side parcel line**;
- e) 7.5 m of a **rear parcel line**;
- f) 3 m of a **parcel** in the R1 Zone;

**6. Height**

Maximum 4.6m for **buildings** and structures

**7. Signs**

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

**8. 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.

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**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

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**Area 'C' Zoning Bylaw No. 1300, 2007**


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**READ A FIRST AND SECOND** time this 25<sup>th</sup> day of January, 2007.

**SECOND READING RESCINDED** this 22<sup>nd</sup> day of February, 2007

**READ A SECOND TIME AS AMENDED** this 22<sup>nd</sup> day of February, 2007

**PUBLIC HEARING NOTICE ADVERTISED** this 27<sup>th</sup> day of February 2007 and also this 6<sup>th</sup> day of March 2009 in the Christina Lake News.

**PUBLIC HEARING** held on this 13<sup>th</sup> day of March 2007.

**SECOND READING RESCINDED** this 29<sup>th</sup> day of March, 2007

**READ A SECOND TIME AS AMENDED** this 29<sup>th</sup> day of March, 2007

**READ A THIRD TIME** this 29<sup>th</sup> day of March, 2007.

I, Elaine Kumar, Director of Corporate Administration hereby certify the foregoing to be a true and correct copy of Bylaw No. 1300, cited as "Electoral Area 'C' Zoning Bylaw No. 1300, 2007" as read a third time by the Regional District of Kootenay Boundary Board of Directors this 29<sup>th</sup> day of March, 2007.

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Director of Corporate Administration

**APPROVED BY THE MINISTRY OF TRANSPORTATION** Approving Officer this 25<sup>th</sup> day of April, 2007.

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APPROVING OFFICER

**RECONSIDERED AND FINALLY ADOPTED** this 28<sup>th</sup> day of June, 2007.

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Director of Corporate Administration

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Chair

I, Elaine Kumar, Director of Corporate Administration of the Regional District of Kootenay Boundary, hereby certify that this is a true and correct copy of Bylaw No. 1300, cited as "Electoral Area 'C' Zoning Bylaw No. 1300, 2007".

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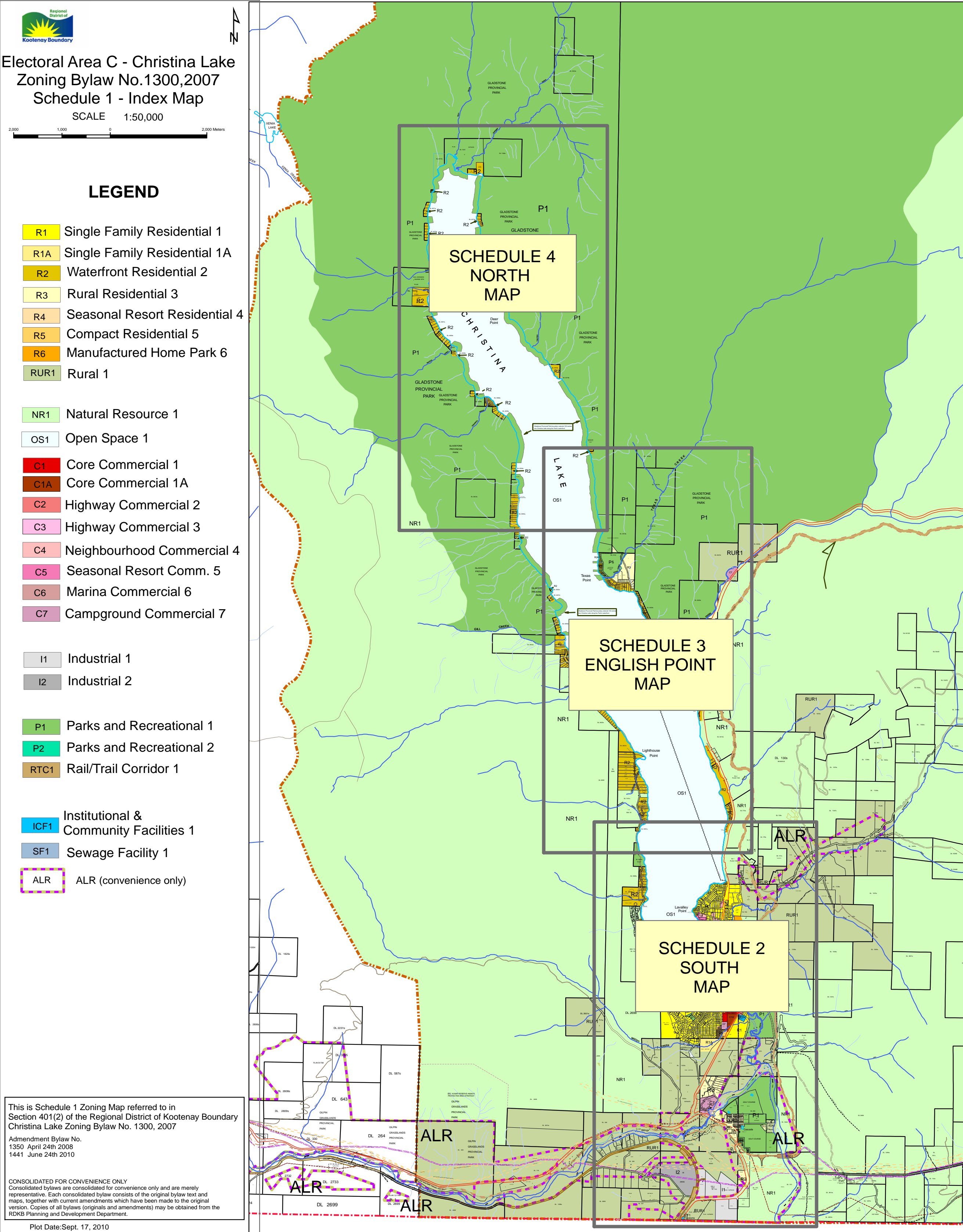
Director of Corporate Administration

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**Note: This Bylaw is amended periodically.**

**Contact the Planning Department to ensure this is a current copy.**

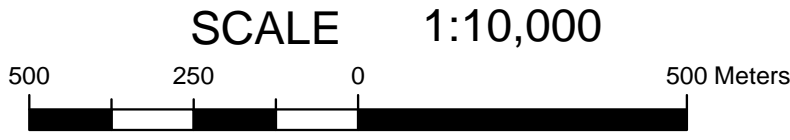
**69**





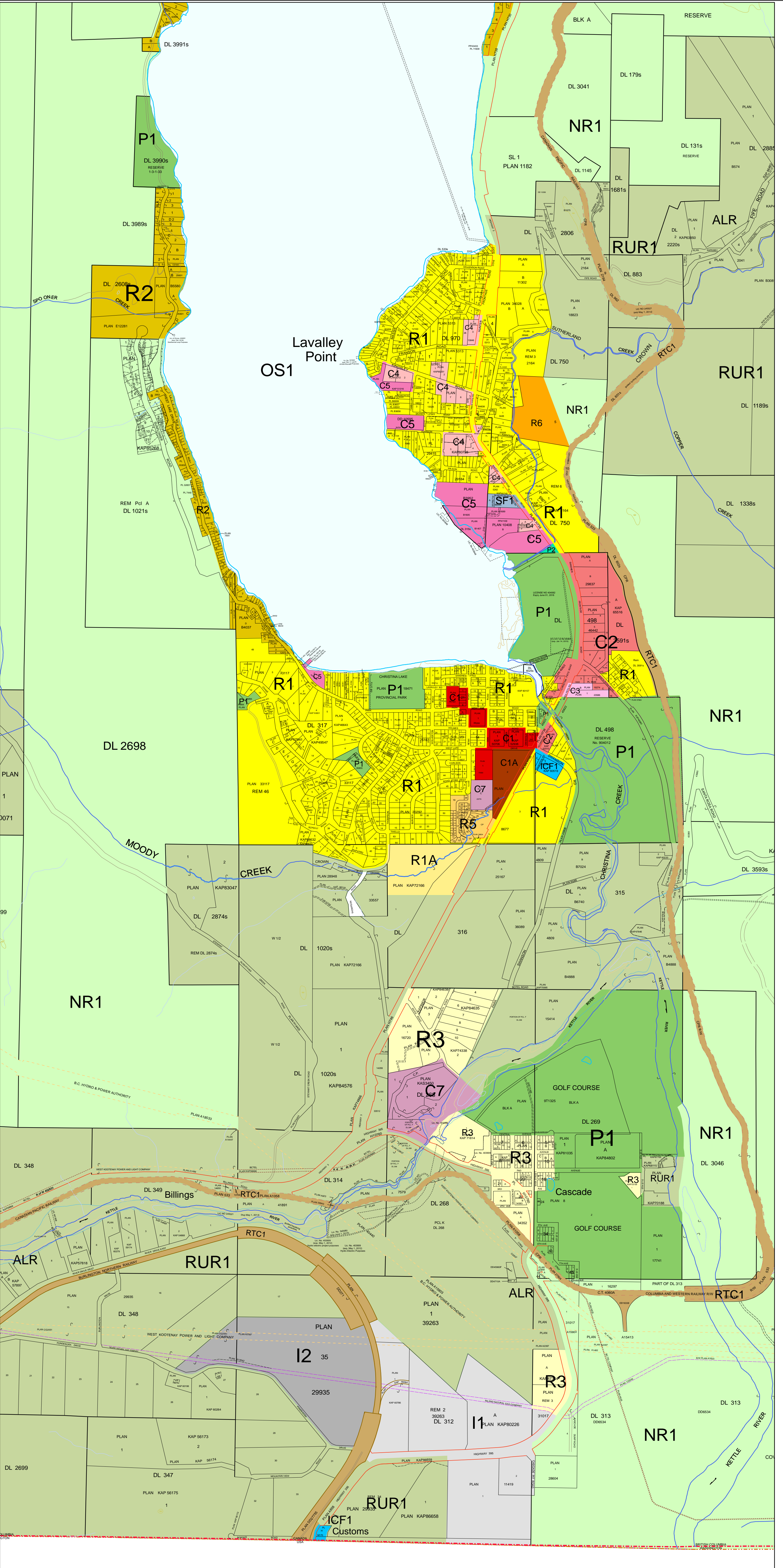


Electoral Area C - Christina Lake  
Zoning Bylaw No. 1300, 2007  
Schedule 2 - South Map



LEGEND

- R1 Single Family Residential 1
- R1A Single Family Residential 1A
- R2 Waterfront Residential 2
- R3 Rural Residential 3
- R4 Seasonal Resort Residential 4
- R5 Compact Residential 5
- R6 Manufactured Home Park 6
- RUR1 Rural 1
- NR1 Natural Resource 1
- OS1 Open Space 1
- C1 Core Commercial 1
- C1A Core Commercial 1A
- C2 Highway Commercial 2
- C3 Highway Commercial 3
- C4 Neighbourhood Commercial 4
- C5 Seasonal Resort Comm. 5
- C6 Marina Commercial 6
- C7 Campground Commercial 7
- I1 Industrial 1
- I2 Industrial 2
- P1 Parks and Recreational 1
- P2 Parks and Recreational 2
- RTC1 Rail/Trail Corridor 1
- ICF1 Institutional & Community Facilities 1
- SF1 Sewage Facility 1
- ALR ALR (convenience only)



This is Schedule 2 Zoning Map referred to in Section 401(2) of the Regional District of Kootenay Boundary Christina Lake Zoning Bylaw No. 1300, 2007

Amendment Bylaw No. 1350 April 24, 2008  
1441 June 24, 2010

CONSOLIDATED FOR CONVENIENCE ONLY  
Consolidated bylaws are consolidated for convenience only and are merely representative. Each consolidated bylaw consists of the original bylaw text and maps, together with current amendments which have been made to the original version. Copies of all bylaws (originals and amendments) may be obtained from the RDKB Planning and Development Department.

Plot Date: Sept 17, 2010





1

Electoral Area C - Christina Lake  
Zoning Bylaw No. 1300, 2007  
Schedule 3 - English Point Map



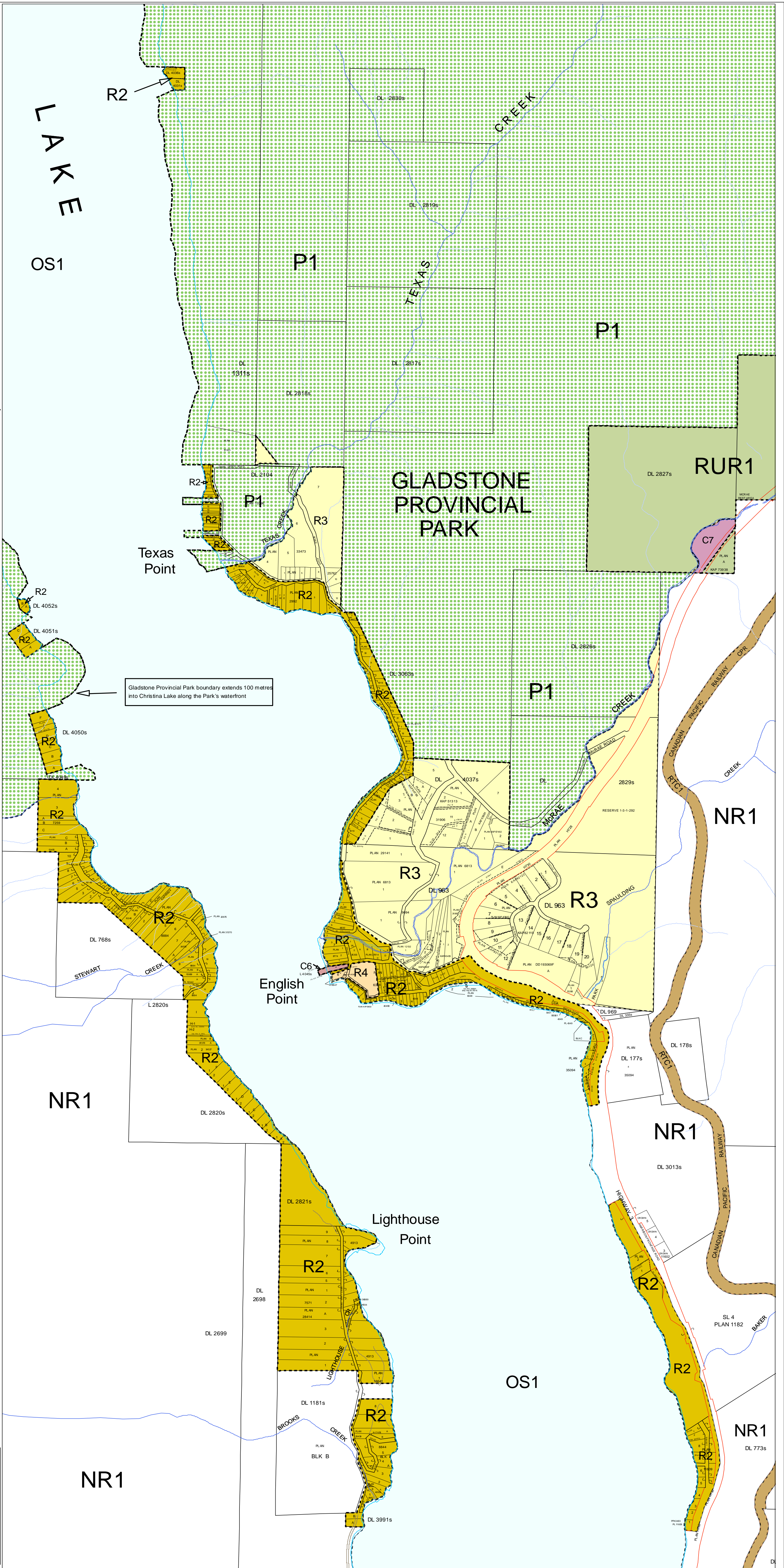
LEGEND

- R1** Single Family Residential 1
- R2** Waterfront Residential 2
- R3** Rural Residential 3
- R4** Seasonal Resort Residential 4
- R5** Compact Residential 5
- R6** Manufactured Home Park 6
- RUR1** Rural 1
- NR1** Natural Resource 1
- OS1** Open Space 1
- C1** Core Commercial 1
- C2** Highway Commercial 2
- C3** Highway Commercial 3
- C4** Neighbourhood Commercial 4
- C5** Seasonal Resort Comm. 5
- C6** Marina Commercial 6
- C7** Campground Commercial 7
- I1** Industrial 1
- I2** Industrial 2
- P1** Parks and Recreational 1
- P2** Parks and Recreational 2
- RTC1** Rail/Trail Corridor 1
- ICF1** Institutional & Community Facilities 1
- SF1** Sewage Facility 1
- ALR** ALR (convenience only)

This is Schedule 3 Zoning Map referred to in  
Section 401(2) of the Regional District of Kootenay Boundary  
Christina Lake Zoning Bylaw No. 1300, 2007

DIRECTOR OF CORPORATE ADMINISTRATION      DATE

PLOT DATE June 21, 2007

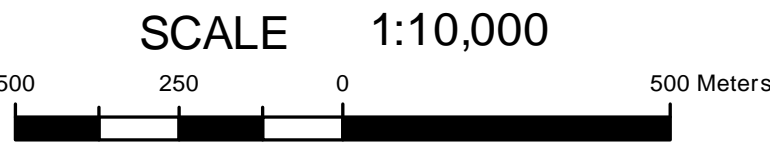






1

Electoral Area C - Christina Lake  
Zoning Bylaw No. 1300, 2007  
Schedule 4 - North Map



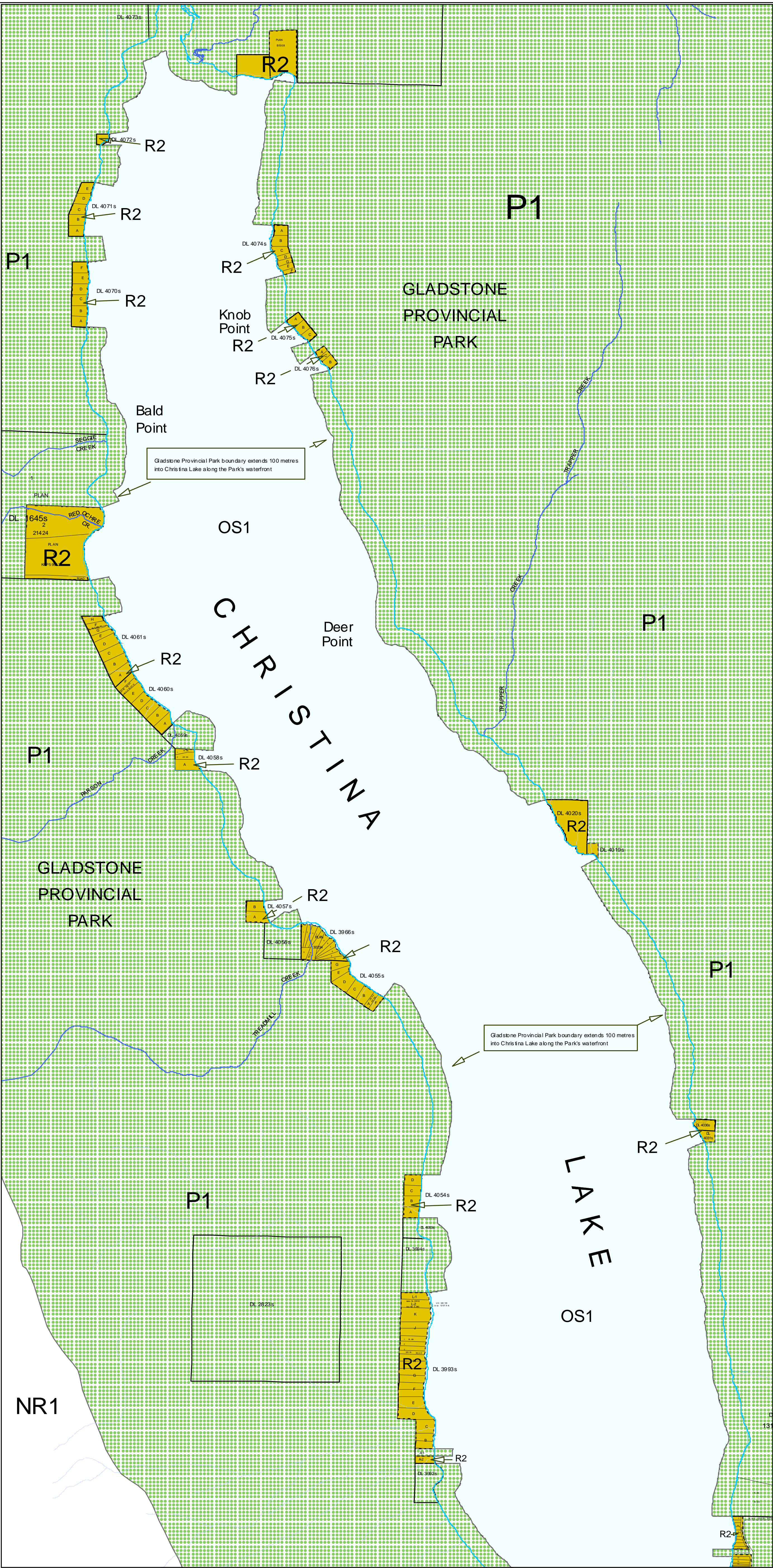
LEGEND

- R1 Single Family Residential 1
- R2 Waterfront Residential 2
- R3 Rural Residential 3
- R4 Seasonal Resort Residential 4
- R5 Compact Residential 5
- R6 Manufactured Home Park 6
- RUR1 Rural 1
- NR1 Natural Resource 1
- OS1 Open Space 1
- C1 Core Commercial 1
- C2 Highway Commercial 2
- C3 Highway Commercial 3
- C4 Neighbourhood Commercial 4
- C5 Seasonal Resort Comm. 5
- C6 Marina Commercial 6
- C7 Campground Commercial 7
- I1 Industrial 1
- I2 Industrial 2
- P1 Parks and Recreational 1
- P2 Parks and Recreational 2
- RTC1 Rail/Trail Corridor 1
- ICF1 Institutional & Community Facilities 1
- SF1 Sewage Facility 1
- ALR ALR (convenience only)

This is Schedule 4 Zoning Map referred to in  
Section 401(2) of the Regional District of Kootenay Boundary  
Christina Lake Zoning Bylaw No. 1300, 2007

DIRECTOR OF CORPORATE ADMINISTRATION DATE

PLOT DATE June 21, 2007





<p align="center"><b>Regional District of Kootenay Boundary</b>  <b>Status Report - Gas Tax Agreement</b>  <b>August 31, 2018</b></p>
---

**Revenue:**

Area A	\$ 1,026,175.81
Area B	\$ 759,181.95
Area C	\$ 751,766.74
Area D	\$ 1,714,576.39
Area E	\$ 1,131,606.30

TOTAL AVAILABLE FOR PROJECTS

**\$ 5,383,307.19****Expenditures:**

Area A	\$ 689,155.48
Area B	\$ 675,181.13
Area C	\$ 486,210.17
Area D	\$ 804,701.54
Area E	\$ 802,212.03

TOTAL SPENT OR COMMITTED

**\$ 3,457,460.35****TOTAL REMAINING****\$ 1,925,846.84**

**Regional District of Kootenay Boundary  
Status Report - Gas Tax Agreement  
August 31, 2018**

**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		87,167.87
Allocation to Dec 31, 2014	Received		84,868.70
Allocation to Dec 31, 2015	Received		84,868.70
Allocation to Dec 31, 2016	Received		87,726.69
Allocation to Dec 31, 2017	Received		88,649.64
Allocation to Dec 31, 2018	Estimated		91,749.63

TOTAL AVAILABLE FOR PROJECTS

\$ 1,026,175.81
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**Expenditures:**

Approved Projects:

2009	Columbia Gardens Water Upgrade	Completed	\$	250,000.00
2011	South Columbia SAR Hall	Completed		2,665.60
281-13	BV Family Park - Solar Hot Water	Completed		16,684.00
451-13	Beaver Valley Arena - Lighting	Completed		69,000.00
26-14	LWMP Stage II Planning Process	Completed		805.88
		Pending or		
17-15	Beaver Creek Park - Band Shell/Arbour	Committed		100,000.00
61-17	Fruitvale Elementary Playground -PAC LEAP Project	Funded		20,000.00
126-17	RDKB BVPART (Electrical Upgrade BV Family Park)	Funded		5,327.25
		Pending or		
	RDKB BVPART (Electrical Upgrade BV Family Park)	Committed		4,672.75
153-17	Village of Fruitvale (Fruitvale RV Park)	Funded		52,500.00
		Pending or		
	Village of Fruitvale (Fruitvale RV Park)	Committed		17,500.00
		Pending or		
77-18	Village of Fruitvale (Construction of Replica Train Static	Committed		150,000.00

TOTAL SPENT OR COMMITTED

\$ 689,155.48
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TOTAL REMAINING

\$ 337,020.33
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**Regional District of Kootenay Boundary  
Status Report - Gas Tax Agreement  
August 31, 2018**

**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	65,907.41
Allocation to Dec 31, 2014	Received	64,169.02
Allocation to Dec 31, 2015	Received	64,169.02
Allocation to Dec 31, 2016	Received	66,329.94
Allocation to Dec 31, 2017	Received	67,600.62
Allocation to Dec 31, 2018	Estimated	69,964.55

TOTAL AVAILABLE FOR PROJECTS

**\$ 759,181.95**

**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	Completed	20,000.00
261-14	Rivervale Water & Streetlighting Utility	Completed	20,000.00
262-14	Genelle Imp. District - Water Reservoir	Completed	125,000.00
263-14	Oasis Imp. District - Water Well	Completed	34,918.00
	Castlegar Nordic Ski Club (Paulson Cross		
251-15	Country Ski Trail Upgrade)	Completed	10,000.00
	Black Jack Cross Country Ski Club Society		
252-15	(Snow Cat)	Completed	10,000.00
	Rivervale Water & Streetlighting Utility (LED		
253-15	Streetlights)	Completed	14,417.00
254-15	Rivervale Oasis Sewer Utility (Flow Meters)	Completed	90,000.00
	Rivervale Oasis Sewer Utility - RDKB (Wemco		
190-16	Booster Pumps)	Pending or	88,159.66
221-16	Area 'B' Recreation - RDKB (Rivervale Shed)	Committed	8,632.00
	Rossland Historical Museum and Archive		
152-17	Association (Rossland Museum Upgrades)	Funded	18,750.00
	Rossland Historical Museum and Archive		
	Association (Rossland Museum Upgrades)	Pending or	6,250.00
	Visions for Small Schools Society (Broadband	Committed	
296-17	Installation)	Funded	13,381.80
	Birchbank Golf Club (Upgrade Irrigation Satellite		
111-18	Controller)	Funded	37,500.00
	Birchbank Golf Club (Upgrade Irrigation Satellite		
	Controller)	Pending or	12,500.00
		Committed	

TOTAL SPENT OR COMMITTED

**\$ 675,181.13**

TOTAL REMAINING

**\$ 84,000.82**

Status Report - Gas Tax Agreement  
Electoral Area 'C' / Christina Lake

Regional District of Kootenay Boundary  
Status Report - Gas Tax Agreement  
August 31, 2018



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		65,718.43
Allocation to Dec 31, 2014	Received		63,985.02
Allocation to Dec 31, 2015	Received		63,985.02
Allocation to Dec 31, 2016	Received		66,139.74
Allocation to Dec 31, 2017	Received		62,678.25
Allocation to Dec 31, 2018	Estimated		64,870.04

TOTAL AVAILABLE FOR PROJECTS

\$ 751,766.74

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
2012	Kettle River Watershed Study	Funded		5,000.00
2013	Kettle River Watershed Project	Funded		9,959.86
2014	Kettle River Watershed Project	Funded		3,548.77
2015	Kettle River Watershed Project	Funded		1,371.07
2016	Kettle River Watershed Project	Funded		754.04
2017	Kettle River Watershed Project	Funded		2,068.54
2018	Kettle River Watershed Project	Funded		228.57
	Kettle River Watershed Study	Pending or Committed		69.15
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded		2,000.00
2011	Solar Aquatic System Upgrades	Completed		7,325.97
418-13	Christina Lake Chamber of Commerce (Living Arts Centre Sedum/Moss Planting Medium)	Completed		20,697.00
106-14	Christina Gateway Community Development Association	Funded		20,000.00
264-14	Christina Lake Solar Aquatic System Upgrades	Completed		4,227.29
16-15	Christina Lake Nature Park - Riparian and Wetland Demonstration Site and Native Plant Nursery	Completed		42,763.11
18-15	CL Elementary Parent Advisory Council - Hulitan/Outdoor Classroom	Funded		36,880.00
256-15	Christina Lake Recreation Commission (Pickle Ball & Pump Bike Park)	Completed		65,235.18
360-15	Christina Lake Community Association (Design & Installation Make-Up Air System)	Completed		17,000.00
361-15	Christina Lake Boat Access Society (Redesign Texas Point Boat Launch Parking)	Completed		25,000.00
80-16	Christina Lake Community Association (Installation Make-Up Air System Shortfall)	Completed		6,263.75

Status Report - Gas Tax Agreement  
Electoral Area 'C' / Christina Lake

271-16	RDKB (Boundary Agricultural & Food Project)	Funded	1,714.76
	RDKB (Boundary Agricultural & Food Project)	Pending or Committed	414.95
269-16	RDKB C.L. Solar Aquatic System (Plant Rack)	Completed	7,384.83
404-17	RDKB CL PARTS (New Washrooms @ Pickleball/Tennis Courts)	Funded	15,000.00
76-18	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined )	Funded	3,830.80
	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined )	Pending or Committed	7,472.53
TOTAL SPENT OR COMMITTED			\$ 486,210.17
TOTAL REMAINING			\$ 265,556.57

Status Report - Gas Tax Agreement  
Electoral Area 'D' / Grand Forks Rural

Regional District of Kootenay Boundary  
Status Report - Gas Tax Agreement  
August 31, 2018



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		150,571.27
Allocation to Dec 31, 2014	Received		146,599.76
Allocation to Dec 31, 2015	Received		146,599.76
Allocation to Dec 31, 2016	Received		151,536.57
Allocation to Dec 31, 2017	Received		151,187.25
Allocation to Dec 31, 2018	Estimated		156,474.12

TOTAL AVAILABLE FOR PROJECTS

\$ 1,714,576.39

Expenditures:

Approved Projects:

8549	City of GF - Airshed Quality Study	Completed	\$	5,000.00
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
2013	Kettle River Watershed Project	Funded		24,899.66
2014	Kettle River Watershed Study	Funded		41,490.99
2015	Kettle River Watershed Study	Funded		7,857.50
2016	Kettle River Watershed Study	Funded		4,237.38
2017	Kettle River Watershed Study	Funded		11,377.02
2018	Kettle River Watershed Study	Funded		1,257.14
	Kettle River Watershed Study	Pending or Committed		380.31
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded		2,000.00
		Pending or Committed		
2010	Boundary Museum Society - Phase 1	Completed		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
27-14	Boundary Museum	Funded		77,168.50
178-15	Grand Forks Rotary Club (Spray Park)	Completed		25,000.00
426-15	Jack Goddard Memorial Arena (LED Lights)	Completed		40,000.00
7-16	RDKB (Hardy Mountain Doukhobor Village)	Funded		38,165.19
	Grand Forks Aquatic Center (LED Lights for			
144-16	Natatorium)	Completed		10,565.83
180-16	Grand Forks BMX Society (Track Upgrade)	Completed		5,000.00
246-16	RDKB (Kettle River Heritage Trail)	Funded		100,000.00
271-16	RDKB (Boundary Agricultural & Food Project)	Funded		5,430.11
	RDKB (Boundary Agricultural & Food Project)	Pending or Committed		1,314.04
268-16	Grand Forks Community Trails Society (New Surface Trans Canada Trail Westend Station)	Completed		24,648.45
	Grand Forks Aquatic Center (Underwater LED			
293-16	Light Replacement)	Funded		11,508.76

Status Report - Gas Tax Agreement Electoral Area 'D' / Grand Forks Rural			
451-16	Phoenix Cross Country Ski Society (Trail Grooming Machine)	Completed	20,512.33
467-17	RDKB (Boundary Transit Capital Funding)	Funded	5,889.00
468-17	RDKB (Boundary Trails Master Plan)	Funded	13,108.73
	RDKB (Boundary Trails Master Plan)	Pending or Committed	6,891.27
76-18	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined )	Funded	3,830.82
	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined )	Pending or Committed	7,472.51
112-18	Grand Forks Community Trails Society (North Fork Trans Canada Trail Surface Installation)	Funded	37,500.00
	Grand Forks Community Trails Society (North Fork Trans Canada Trail Surface Installation)	Pending or Committed	12,500.00
258-18	Boundary Museum Society (Black Hawk Livery Addition (40' x 60') Phase 1)	Funded	45,000.00
	Boundary Museum Society (Black Hawk Livery Addition (40' x 60') Phase 1)	Pending or Committed	15,000.00
298-18	RDKB Grand Forks Curling Rink (Facility Condition Assessment)	Pending or Committed	8,900.00
TOTAL SPENT OR COMMITTED			\$ 804,701.54
TOTAL REMAINING			\$ 909,874.85

Status Report - Gas Tax Agreements  
Electoral Area 'E' / West Boundary

Regional District of Kootenay Boundary  
Status Report - Gas Tax Agreement  
August 31, 2018



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		93,073.54
Allocation to Dec 31, 2014	Received		90,618.62
Allocation to Dec 31, 2015	Received		90,618.62
Allocation to Dec 31, 2016	Received		93,670.24
Allocation to Dec 31, 2017	Received		101,025.90
Allocation to Dec 31, 2018	Estimated		104,558.67

TOTAL AVAILABLE FOR PROJECTS	\$	1,131,606.30
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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 (heat pump)	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 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	
2013	Kettle River Watershed Project	Funded		49,799.31	
2014	Kettle River Watershed Study	Funded		33,201.82	
2015	Kettle River Watershed Study	Funded		10,946.27	
2016	Kettle River Watershed Study	Funded		5,805.60	
2017	Kettle River Watershed Study	Funded		15,514.16	
2018	Kettle River Watershed Study	Funded		1,714.29	
	Kettle River Watershed Study	Pending or Committed		518.55	
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded		2,000.00	
145-14	Rock Creek & Boundary Fair Association (Electrical Lighting & Equipment Upgrade)	Completed		35,122.00	
221-15	Greenwood Heritage Society (Zee Brick Replacement)	Completed		6,000.00	
222-15	Big White Chamber of Commerce (Tourist Trails Information Sign)	Funded		2,085.70	
	Big White Chamber of Commerce (Tourist Trails Information Sign)	Pending or Committed		695.23	
255-15	Rock Creek & Boundary Fair Association (Irrigation Upgrades)	Completed		20,866.89	
341-15	Greenwood Heritage Society (Install 2 Electric Car Charging Stations)	Completed		2,527.56	
342-15	Kettle River Museum (Install 2 Electric Car Charging Stations)	Completed		2,743.50	



Status Report - Gas Tax Agreements Electoral Area 'E' / West Boundary			
343-15	Trails to the Boundary Society (Trans-Canada Trail Between Mcculloch and Eholt)	Funded	29,574.09
81-16	Kettle Valley Golf Club (Pump House Renovation Project)	Completed	10,123.48
110-16	Kettle Wildlife Association (Parking/Water/Electrical Upgrades)	Completed	24,717.57
182-16	Rock Creek Community Medical Society (Roof and Floor Replacement RC Health Centre)	Completed	22,675.68
183-16	Kettle Wildlife Association (Parking/Water/Electrical Upgrades Addiitonal)	Completed	3,744.15
271-16	RDKB (Boundary Agricultural & Food Project)	Funded	11,461.94
	RDKB (Boundary Agricultural & Food Project)	Pending or Committed	2,771.20
451-16	Phoenix Cross Country Ski Society (Trail Grooming Machine)	Completed	10,256.17
166-17	Beaverdell Community Club & Recreation Commission (Bleachers Beaverdell Ball Park)	Funded	7,178.90
	Beaverdell Community Club & Recreation Commission (Bleachers Beaverdell Ball Park)	Pending or Committed	2,392.96
198-17	Westbridge Recreation Society (Replace Kitchen Westbridge Hall)	Funded	20,699.41
468-17	RDKB (Boundary Trails Master Plan)	Funded	13,108.74
	RDKB (Boundary Trails Master Plan)	Pending or Committed	6,891.26
76-18	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined )	Funded	3,830.83
	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined )	Pending or Committed	7,472.51
153-18	Westbridge Recreation Society (Door Upgrades/ LED Conversion/Curtains & Tracking System)	Funded	5,675.03
	Westbridge Recreation Society (Door Upgrades/ LED Conversion/Curtains & Tracking System)	Pending or Committed	1,891.67
154-18	Bridestville Community Club (Hall Addition)	Funded	52,500.00
	Bridestville Community Club (Hall Addition)	Pending or Committed	17,500.00
296-18	Rock Creek & Boundary Fair Association (Assembly Hall Upgrades)	Pending or Committed	20,000.00
297-18	Kettle River Museum (Bunkhouse Upgrades)	Pending or Committed	20,000.00
TOTAL SPENT OR COMMITTED			\$ 802,212.03
TOTAL REMAINING			\$ 329,394.27

## M E M O R A N D U M

TO: Director Ali Grieve, Electoral Area 'A'

FROM: Melissa Zahn - Accounting Clerk

RE: Grants-In-Aid 2018

Balance Remaining from 2017	-\$	1,066.32
2018 Requisition	\$	31,516.00
Less Board Fee 2018	\$	(1,216.00)

Total Funds Available: \$ 29,233.68

RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
405-17	Oct-17	Beaver Valley Nitehawks	Cost of repairs to bus	\$ 1,500.00
28-18	Jan-18	Tourism Rossland Society	Donation level advertising on Ski Bus	\$ 100.00
28-18		Beaver Valley May Days Society	May Day events	\$ 4,000.00
28-18		Village of Fruitvale	Annual Jingle Down Main events	\$ 1,500.00
78-18	Jan-18	Diane Langman	"Us and Them" movie	\$ 250.00
78-18		Beaver Valley Nitehawks	Assist with operating budget	\$ 1,300.00
78-18		Village of Montrose	BC Family Day events	\$ 300.00
78-18		Zone 6 Kootenay Boundary 55+ Games	Assist with preparation/participation costs	\$ 500.00
113-18	Feb-18	Beaver Valley Recreation	Senior's dinner & dance catering	\$ 1,600.00
113-18		Arthritis Society	Assist with cost of Arthritis Walk	\$ 375.00
156-18	Mar-18	Community Futures Development Corp. Trail	Assist with costs of the 4th Junior Dragon Den	\$ 500.00
156-18		Special Olympics BC - Trail	Assist with funding for Special Olympics Programming	\$ 500.00
156-18		Champion Lakes Golf Course	Assist with improvement to patio	\$ 1,000.00
156-18		Beaver Valley Golf & Country Club	Renewal of one year of fee box advertisement	\$ 210.00
156-18		JL Crowe Secondary	2018 Grad Scholarship	\$ 750.00
170-18	Mar-18	Trail Minor Baseball	2018 Little League Provincials	\$ 500.00
170-18		Village of Montrose	Montrose Family Fun Day	\$ 500.00
180-18		Village of Fruitvale	Senior's Gym	\$ 3,100.00
180-18		Beaver Valley Blooming Society	Filling the flower tubs	\$ 2,000.00
222-18	Apr-18	BV Avalanche Hockey Club	KBRH Health Foundation Fundraising	\$ 1,000.00
222-18		Trail Curling Association	BC Senior Games	\$ 1,000.00
253-18	May-18	Beaver Valley Dynamic Aging Society	Sips & Sparkles	\$ 2,000.00
253-18		Nelson & Fort Sheppard Railway Co.	To assist with 2018 community train rides	\$ 2,000.00
386-18	Aug-18	Rally in the Beaver Valley - Generation to Generation and Women in Need	Assist with charity work	\$ 250.00

Total \$ 26,735.00

Balance Remaining \$ 2,498.68

## M E M O R A N D U M

TO: Director Linda Worley, Electoral Area 'B' /Lower Columbia-Old Glory

FROM: Melissa Zahn - Accounting Clerk

RE: Grants-In-Aid 2018

Balance Remaining from 2017	\$	1,911.62
2018 Requisition	\$	22,779.00
Less Board Fee 2018	\$	(879.00)

Total Funds Available: \$ 23,811.62

RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
78-18	Jan-18	Diane Langman	"Us and Them" movie	\$ 250.00
78-18		Zone 6 Kootenay Boundary 55+ Games	Assist with preparation/participation costs	\$ 750.00
113-18	Feb-18	Arthritis Society	To assist with cost of Arthritis Walk	\$ 375.00
156-18	Mar-18	Special Olympics BC - Trail	To assist with funding for Trail Special Olympics Programming	\$ 2,500.00
156-18		JL Crowe	2018 Grad Scholarship	\$ 750.00
170-18	Mar-18	Trail Minor Baseball	2018 Little League Provincials	\$ 500.00
170-18	Mar-18	West Kootenay Smoken Steel Car Club	Food, promotions, etc...	\$ 4,000.00
222-18	Apr-18	Trail Curling Association	BC Senior Games	\$ 2,000.00
253-18	May-18	Holy Trinity Parish	To assist with Skool-Aid	\$ 1,800.00
253-18		Rossland Golden City Days	To assist with Golden City Days	\$ 1,000.00
253-18		Woodstove Exchange Top Up	Tyler Hwalstad	\$ 250.00
253-18		Woodstove Exchange Top Up	Deb Borsato	\$ 250.00
306-18	Jun-18	Castlegar Skating Club	To assist with competition	\$ 500.00
341-18	Jul-18	Kootenay Columbia Learning Centre	Assist with 2018 Class Scholarships	\$ 750.00
341-18		Silver City Trap & Skeet Club	Assist with the Re-design of Shooting Field	\$ 4,500.00
386-18	Aug-18	Rally in the Beaver Valley - Generation to	Assist with charity work	\$ 250.00
386-18		Generation and Women in Need		
386-18		Columbia and Western Trail Society	To assist with wheelchair access picnic table	\$ 1,875.00

Total \$ 22,300.00

Balance Remaining \$ 1,511.62

## M E M O R A N D U M

TO: Director Grace McGregor, Electoral Area 'C'/Christina Lake

FROM: Melissa Zahn - Accounting Clerk

RE: Grants-In-Aid 2018

Balance Remaining from 2017	\$	18,182.27
2018 Requisition	\$	60,640.00
Less Board Fee 2018	\$	(2,340.00)

Total Funds Available:	\$	76,482.27
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RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
28-18	Jan-18	Boundary Family & Individual Services Society	Help support the BF Café	\$ 1,000.00
78-18	Jan-18	Boundary Youth Soccer Association	Assist with operational costs	\$ 2,000.00
78-18		Zone 6 Kootenay Boundary 55+ Games	Assist with preparation/participation costs	\$ 750.00
113-18	Feb-18	Christina Lake Tourism Society	Assist with redesign of website	\$ 2,500.00
113-18		Boundary Museum Society	Assist with cost to upgrade basement office	\$ 4,000.00
156-18	Mar-18	Christina Lake Stewardship Society	Purchase of full size billboard	\$ 1,785.95
156-18		Christina Lake Stewardship Society	Assist with 18th annual lake Clean Up Day	\$ 1,500.00
		Christina Lake Stewardship Society	Assist with Christina Lake Watershed Management Plan	
156-18			Annual Review Meeting	\$ 2,500.00
156-18		Christina Lake Stewardship Society	Assist with Christina Lake Northern Pike Challenge	\$ 500.00
156-18		Little Lakers Learning Centre Society	Assist with Little Lakers Learning Centre Society	\$ 2,500.00
170-18	Mar-18	Boundary Country Regional Chamber of Commerce	Networking, training, workshops, etc....	\$ 2,500.00
222-18	Apr-18	Christina Lake Tourism Society	Business and Visitor Service Training Sessions	\$ 2,300.00
253-18	May-18	Christina Lake Ladies Golf	To assist with annual golf tournament	\$ 500.00
253-18		Christina Lake Elementary School	To assist with the swim program	\$ 3,000.00
		Christina Lake Gateway Community Development Association		
253-18		Christina Lake Gateway Community Development Association	To assist with the Herb Hammond presentation	\$ 200.00
253-18		Association	To assist with the Homecoming Summerfest	\$ 10,000.00
253-18		Kootenay Robusters Team	To assist with the Dragon Boat team fundraising	\$ 300.00
306-18	Jun-18	Boundary Girls Fastpitch	To assist with tournament	\$ 200.00
306-18		Christina Lake Arts & Artisans Society	To assist with Summer Concert Series	\$ 3,500.00
306-18		Christina Lake Boat Access Society	To assist with annual dump campaign	\$ 400.00
306-18		Christina Lake Community Association	To assist with pancake breakfast	\$ 450.00
306-18		Christina Gateway Community Development Assoc.	To assist with Homecoming	\$ 3,000.00
341-18	Jul-18	Cops For Kids c/o Joan Hiram	To assist with lunch and a donation	\$ 1,000.00
386-18	Aug-18	Christina Lake Community Association	To assist non-profit groups	\$ 1,500.00
386-18		Columbia & Western Trail Society	To assist with wheelchair access picnic table	\$ 1,875.00
387-18		Boundary Country Geocoin Challenge	To assist with Geocoin Challenge	\$ 200.00
387-18		Boundary Community Futures	To assist with Community Centre Study	\$ 2,000.00
<b>Total</b>				<b>\$ 51,960.95</b>
<b>Balance Remaining</b>				<b>\$ 24,521.32</b>

## M E M O R A N D U M

TO: Director Roly Russell, Electoral Area 'D'/Rural Grand Forks

FROM: Melissa Zahn - Accounting Clerk

RE: Grants-In-Aid 2018

Balance Remaining from 2017	\$	26,704.00
2018 Requisition	\$	38,485.00
Less Board Fee 2018	\$	(1,485.00)

Total Funds Available:	\$	63,704.00
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RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
28-18	Jan-18	Boundary Family & Individual Services Society	Help support the BF Café	\$ 1,000.00
78-18	Jan-18	Grand Forks & District Fall Fair	Storage area remedial work	\$ 1,317.00
113-18	Feb-18	Boundary Youth Soccer Association	Assist with operational costs	\$ 2,000.00
156-18	Mar-18	British Columbia Conservation Foundation	To expand the WildSafe Bc program	\$ 500.00
156-18		Boundary Musical & Theatre Society	Assist with Beauty and the Beast Production	\$ 500.00
156-18		Boundary Wood Workers Guild	Assist with Upgrading of Lighting	\$ 1,000.00
156-18		Rotary Club of Grand Forks	Assist with funding of 2017 Fireworks	\$ 2,000.00
156-18	Mar-18	British Columbia Conservation Foundation	Cancelled as unable to provide program in GF	-\$ 500.00
222-18	Apr-18	Grand Forks Art Gallery - Gallery 2	Assist with telephone system replacement	\$ 5,000.00
222-18		Boundary Country Regional Chamber of Commerce	Workshops, seminar, training	\$ 2,500.00
222-18		Grand Forks Junior Ultimate Program	Grand Forks Junior Ultimate Program	\$ 400.00
253-18	May-18	Boundary Invasive Species	To assist with education and monitoring	\$ 750.00
253-18		Christina Lake Gateway Community Development Association	To assist with the Herb Hammond presentation	\$ 200.00
253-18		Grand Forks & Boundary Regional Agricultural Society	To assist with the Grand Forks Learning Garden	\$ 500.00
306-18	Jun-18	Boundary Girls Fastpitch	To assist with team expenses	\$ 250.00
386-18	Aug-18	Kettle River Watershed Coordinator Authority Coordinator	To assist with coordinator training	\$ 1,655.00
387-18		Boundary Country Geocoin Challenge	To assist with Geocoin Challenge	\$ 200.00
387-18		Boundary Community Futures	To assist with Community Centre Study	\$ 4,000.00

Total	\$	23,272.00
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Balance Remaining	\$	40,432.00
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## M E M O R A N D U M

TO: Director Vicki Gee, Electoral Area 'E'/West Boundary

FROM: Melissa Zahn - Accounting Clerk

RE: Grants-In-Aid 2018

Balance Remaining from 2017	\$	24,657.51
2018 Requisition	\$	86,748.00
Less Board Fee 2018	\$	(3,348.00)

Total Funds Available: \$ 108,057.51

RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
28-18	Jan-18	Trails to Boundary Society	Support website administrator	\$ 1,000.00
113-18	Feb-18	Boundary Central Secondary School	Foodsafe training for 20 students	\$ 1,000.00
113-18		British Columbia Conservation Foundation	To expand the WildSafe Bc program	\$ 1,000.00
113-18		British Columbia Conservation Foundation	Cancelled as unable to provide program in Area	-\$ 1,000.00
222-18	Apr-18	Boundary All Nations Aboriginal Council	Celebration of National Indigenous Day	\$ 1,000.00
		West Boundary Sustainable Foods and Resources Society	To assist with seed savings in the West Boundary	
222-18				\$ 500.00
253-18	May-18	Big White Mountain Community Development	To assist with movie nights	\$ 1,500.00
253-18		Big White Mountain Community Development	To assist with volunteer t-shirts	\$ 450.00
253-18		Boundary Central Secondary School	To assist with Red Cross certifications	\$ 1,000.00
		Christina Lake Gateway Community Development Association	To assist with Herb Hammond presentation	
253-18				\$ 850.00
253-18		Discover Rock Creek	To assist with economic development	\$ 3,000.00
253-18		Greenwood Board of Trade	To assist with Founder's Day	\$ 1,500.00
253-18		Greenwood Board of Trade	To assist with tent purchase	\$ 1,000.00
253-18		Midway Community Association	To assist with Halloween and Christmas celebrations	\$ 500.00
253-18		Parkview Manor	To assist with Food Safe celebrations	\$ 120.00
253-18		Rock Creek & boundary Fair Association	To assist with projector screen purchase	\$ 400.00
253-18		West Boundary Elementary School	To assist with tip to Vancouver & Victoria	\$ 1,000.00
306-18	Jun-18	Boundary Invasive Species	To assist with education & monitoring	\$ 750.00
306-18		Boundary Woodlot Association	To assist with emergency preparedness	\$ 885.13
306-18		Greenwood & District Public Library	To assist with Summer Reading Club	\$ 300.00
306-18		Midway Public Library	To assist with opening membership to Area 'E'	\$ 4,000.00
306-18		Parkview Manor	To assist with Emerg. First Aid Training	\$ 120.00
306-18		Trails to Boundary Society	To assist with website & Insider project	\$ 9,100.00
386-18	Aug-18	Big White Mountain Community Development	To assist with community needs assessment	\$ 5,000.00
386-18		Big White Mountain Community Development	To assist with insurance	\$ 1,500.00
386-18		Big White Mountain Community Development	To assist with storage unit	\$ 3,000.00
386-18		Boundary Habitat Steward - Grandby Wilderness Society	To assist with West Boundary Wildlife Count	\$ 600.00
386-18		Greenwood Fire Department	To assist with Food safe training	\$ 120.00
386-18		Jewel Lake Environmental Protection	To assist with meeting costs	\$ 100.00
386-18		Kettle River Food Share Society	To assist with food safe course	\$ 60.00
386-18		Kings of New Testament Church	To assist with food safe training	\$ 120.00
387-18		City of Greenwood	To assist with municipal swimming pool	\$ 1,750.00
<b>Total</b>				<b>\$ 42,225.13</b>
<b>Balance Remaining</b>				<b>\$ 65,832.38</b>