

qathet REGIONAL DISTRICT

BYLAW NO. 582, 2022

**BEING A BYLAW TO ESTABLISH LAND USE REGULATIONS FOR THE
PROTECTION OF PRIEST LAKE AND CRANBY LAKE COMMUNITY WATERSHEDS**

WHEREAS the Regional Board has given due regard to:

1. The need to ensure that the Van Anda Improvement District and the Gillies Bay Improvement District have sufficient and sustained quantities of potable water for domestic use and fire fighting purposes;
2. The importance of preventing the degradation of community water supplies through erosion and consequent siltation of watercourses by:
 - (a) minimizing large-scale clearing of land;
 - (b) minimizing road construction; and
 - (c) minimizing unnecessary disturbance to natural drainage patterns;
3. The need to safeguard watercourses from contamination from sewage and other forms of household wastes;
4. The importance of minimizing and/or avoiding land use development in community watersheds which would generate wastes harmful to water quality; and
5. The need to maintain an adequate water recharge area in order to sustain a sufficient quantity of water for community water supply systems;

AND WHEREAS the Regional Board specifically acknowledges that in addition to compliance with this bylaw, land uses and activities within the community watersheds may be subject to, and must meet, provincial standards for the protection of domestic water sources.

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

SECTION 1 - CITATION

This Bylaw may be cited as the "Texada Island Community Watershed Zoning Bylaw No. 582, 2022".

SECTION 2 - APPLICATION

This Bylaw applies to the areas shown in Schedule A and Schedule B.

SECTION 3 - INTERPRETATION

In this Bylaw:

ACCESSORY AIRPORT RECREATION means a recreation use accessory to and incidental to an AIRPORT use and specifically includes temporary camping by the airport users and a golf driving range.

ACCESSORY AIRPORT RESIDENTIAL means a single DWELLING UNIT solely for the use of an AIRPORT Caretaker.

ACCESSORY BUILDING OR STRUCTURE means a BUILDING or STRUCTURE which is customarily incidental or subordinate to the principal use of a PARCEL.

AGRICULTURE means cultivating and harvesting of crops, greenhouse gardening, bee keeping, and/or the raising of animals; includes the storage and sale on a farm of the primary agricultural products cultivated and/or raised on that farm, and the storage and repair of farm machinery, implements, and agricultural supplies used on that farm; specifically excludes INTENSIVE AGRICULTURE and all manufacturing, processing, storage and repairs not specifically included in this definition.

AIRPORT means a use which includes all services and buildings customarily associated with a facility for the landing and taking off of aircraft, but specifically excludes the bulk sale and storage of fuel except for quantities not exceeding 80 litres stored in approved 20 litre containers for personal use.

BUILDING means any STRUCTURE that encloses and shelters a use.

CANNABIS PRODUCTION AND SALES means a business that uses land, buildings or structures to cultivate, process, package, store, distribute, or sell cannabis or cannabis related substances.

COMMUNITY WATERSHED means land affected by a provincially designated watershed reserve and in this bylaw specifically refers to the Priest Lake COMMUNITY WATERSHED that is the source of water for properties within the Van Anda Improvement District and the Cranby Lake COMMUNITY WATERSHED which is the source of water for properties within the Gillies Bay Improvement District.

DWELLING UNIT	means a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.
FOREST MANAGEMENT AND HARVESTING	means all activities associated with forest preservation or development, including clearcut logging, slash burning and other silviculture procedures carried out in accordance with provincial watershed guidelines.
HIGH WATER MARK	means the visible high water mark of any lake river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks in vegetation as well as in the nature of the soil itself.
HOME-BASED BUSINESS	means a business that is accessory to the occupation of a RESIDENTIAL DWELLING and is carried out by the resident(s) of the dwelling.
HOUSEHOLD ANIMAL	means a domesticated animal kept by a household, which is used or the product of which is primarily and directly used by the household and is not for sale or profit, and includes fowl and poultry but specifically excludes livestock.
INTENSIVE AGRICULTURE	means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms.
LOW-IMPACT RECREATION	means non-commercial day use, outdoor recreation opportunities in association with natural amenities and includes walking, hiking, climbing, fishing, non-motorized or electrically powered boating, but specifically excludes playing fields, golf courses, picnic areas, campgrounds, and commercial recreation opportunities providing overnight accommodation.
NON- COMMERCIAL AGRICULTURE	means cultivating and harvesting of crops, and/or the raising of animals produced on a parcel for consumption on that same parcel, includes beekeeping and greenhouse gardening, but specifically excludes the keeping, breeding or raising of animals or the cultivating and harvesting of crops, greenhouse gardening, or the growing of mushrooms as part of a commercial enterprise.
PARCEL	means the smallest unit into which an area of land is held or divided, whether that unit be a lot, block or other division of land, but does not include a highway.

PUBLIC PARK	means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the <i>Local Government Act</i> , the <i>Community Charter</i> or the <i>Park Act</i> and includes land designated under other provincial statutes for purposes of conservation, habitat protection, and LOW-IMPACT RECREATION.
PUBLIC UTILITY	means the provision of electrical, gas, sewage disposal, water, storm drainage, transportation or any other similar service for the benefit of the community as a whole and includes all works and construction incidental thereto.
PUMPHOUSE	means a building accessory to a RESIDENTIAL DWELLING which is used to protect the pump and related works necessary to supply water to a RESIDENTIAL DWELLING.
RESIDENTIAL DWELLING	means a BUILDING containing not more than one (1) DWELLING UNIT, or not more than two (2) DWELLING UNITS, if one of the dwelling units is a SECONDARY SUITE.
SECONDARY SUITE	means a separate, fully-habitable accessory DWELLING UNIT located entirely within a RESIDENTIAL DWELLING, with its own entrance.
STRUCTURE	means anything constructed or erected, whether fixed to, supported by or sunk into land or water, but does not include concrete or asphalt paving or similar surfacing of a PARCEL.
TOTAL FLOOR AREA	means the total area of all floors of all stories contained within the exterior walls of a BUILDING or STRUCTURE.
WATER SUPPLY SYSTEM	means a domestic water system, other than a domestic water system that serves only one (1) RESIDENTIAL DWELLING.
WATERCOURSE	means a natural body of water flowing on or under the earth and includes rivers, streams, brooks, and creeks, but not artificially-created bodies of water or drainage ditches.
WETLAND	means land that is covered mostly by water and includes lakes, swamps, marshes, bogs, and fens.

SECTION 4 - BASIC PROVISIONS

GENERAL PROHIBITION

- 4.1 No person shall subdivide, develop, use or occupy any land, BUILDING or STRUCTURE in contravention of the provisions of this Bylaw.

ENFORCEMENT AND INSPECTION

- 4.2 The Manager of Planning is authorized to enter at all reasonable times on any property subject to this Bylaw to ascertain whether the regulations, prohibitions and requirements of this Bylaw are being observed.

- 4.3 Every person 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 development in a manner prohibited by or contrary to any of the provisions of this Bylaw; or
- (e) fails to comply with an order, direction or notice given under this Bylaw;

commits an offence under this Bylaw.

- 4.4 Each day that an offence exists or is permitted to exist shall constitute a separate offence.
- 4.5 A person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000).

SEVERABILITY

- 4.6 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

SECTION 5 - GENERAL REGULATIONS APPLICABLE TO ALL ZONES

SETBACK REQUIREMENTS

- 5.1 No BUILDING or STRUCTURE or any part thereof and no septic tank shall be sited or situated within thirty (30) metres of the HIGH WATER MARK of any WATERCOURSE or WETLAND.
- 5.2 No sewage disposal absorption field or any other means of sewage ground disposal or any part thereof shall be permitted within sixty (60) metres of the HIGH WATER MARK of any WATERCOURSE.
- 5.3 Notwithstanding any other provision of this Bylaw, no BUILDING used to house animals, other than HOUSEHOLD ANIMALS, shall be located within sixty (60) metres of the HIGH WATER MARK of a WATERCOURSE or a well.

SITTING EXCEPTIONS

- 5.4 Except where specifically regulated by another provision of this Bylaw, the setback requirements of this Bylaw do not apply with respect to:
 - (a) works necessary for the operation of a PUMPHOUSE or WATER SUPPLY SYSTEM;
 - (b) chimneys, bay windows or ornamental features which project beyond the face of the BUILDING;
 - (c) eaves, stairways, balconies, or fences.

ACCESSORY BUILDINGS AND STRUCTURES

- 5.5 Accessory BUILDINGS and STRUCTURES are permitted in all zones, except the LP1 zone, provided that:
 - (a) the principal use is being performed on the PARCEL; or
 - (b) a BUILDING for the purpose of the principal use has been or is being constructed on the PARCEL.
- 5.6 The maximum combined TOTAL FLOOR AREA of all ACCESSORY BUILDINGS and STRUCTURES permitted on a PARCEL is determined according to PARCEL size as follows:

<u>PARCEL Size</u>	<u>Maximum Combined TOTAL FLOOR AREA Permitted</u>
(a) less than 1 hectare	200 square metres
(b) 1 hectare up to 2 hectares	250 square metres
(c) greater than 2 hectares	250 square metres for the first 2 hectares and 250 square metres for each additional 2 hectares, up to a maximum of 2500 square metres

PARCEL SIZE AND AREA REGULATIONS

Compliance with Minimum PARCEL Size

- 5.7 No PARCEL shall be created which is less than the minimum PARCEL size specified for the zone in which the land is located unless this Bylaw specifically permits a smaller PARCEL size.

PARCELS Adjacent to Lakes

- 5.8 Where a PARCEL being created has a boundary defined by lake shore, the minimum frontage measured along the lake's HIGH WATER MARK shall measure not less than one hundred (100) metres.

PARCELS Divided by a Zone Boundary

- 5.9 Where a PARCEL to be subdivided is split by a zone boundary, the zone boundary shall be treated as a PARCEL boundary for the purposes of determining PARCEL size.

PARCEL Size Exceptions

- 5.10 The PARCEL size provisions for each zone do not apply:
- (a) where a PARCEL is created solely for locating unattended equipment necessary for the operation of a PUBLIC UTILITY or WATER SUPPLY SYSTEM and where no sewage would be generated;
 - (b) to a PARCEL being created for park purposes where such PARCEL is to be shown as park on the plan of subdivision;
 - (c) where two (2) or more PARCELS are being combined into a single PARCEL;
 - (d) where existing PARCEL boundaries are being adjusted, providing no PARCEL is enlarged to a size which will permit further subdivision.

PERMITTED USES

5.11 In addition to the uses specifically listed as permitted uses in any particular zone, the following uses shall be permitted in all zones:

- (a) PUBLIC PARK
- (b) PUBLIC UTILITY

SECTION 6 - CREATION AND DEFINITION OF ZONES

ZONING DISTRICTS

6.1 The lands to which this Bylaw is applicable are hereby classified and divided into zones and such zones are hereby designated and described as:

<u>Abbreviations</u>	<u>Zone</u>
AG	Agricultural
AP	Airport
RS	Resource
WR	Watershed Rural
LP	Lakes Protection

The boundaries of these zones are shown on Schedule A and Schedule B of this Bylaw.

6.2 Where a PARCEL of land is included in more than one zone, each portion of the PARCEL shall be subject only to the zoning regulations applicable to the zone in which the portion is situated as if it were a separately registered PARCEL of land.

SECTION 7 - AG ZONE (AGRICULTURAL)

INTENT

The AG Zone applies to land affected by the provincially designated Agricultural Land Reserve (ALR). The intent of the AG zone is to promote the use of land within the ALR for agricultural production, strengthen the island's food system, and encourage environmentally sound farm practices.

PERMITTED USES

7.1 The following and no other uses are permitted in the AG Zone:

- (a) AGRICULTURE
- (b) RESIDENTIAL DWELLING
- (c) HOME-BASED BUSINESS
- (d) CANNABIS PRODUCTION AND SALES
- (e) Mineral extraction
- (f) FOREST MANAGEMENT AND HARVESTING
- (g) LOW-IMPACT RECREATION

PARCEL SIZE

7.2 The minimum PARCEL size is four (4) hectares.

DENSITY

7.3 No more than one (1) RESIDENTIAL DWELLING shall be permitted on a PARCEL, unless otherwise permitted or exempt under the *Agricultural Land Commission Act* and Regulation.

SECTION 8 - AP ZONE (AIRPORT)

INTENT

The intent of the AP zone is to recognize the existing Texada Island (Gillies Bay) Airport (CYGB) located in the Cranby Lake Community Watershed. Fuel storage and sale is restricted in order to minimize the risk of having the community water supply contaminated by a fuel spill.

PERMITTED USES

8.1 The following and no other uses are permitted in the AP Zone:

- (a) AIRPORT
- (b) ACCESSORY AIRPORT RESIDENTIAL
- (c) ACCESSORY AIRPORT RECREATION

PARCEL SIZE

8.2 The minimum PARCEL size is four (4) hectares.

SECTION 9 - RS ZONE (RESOURCE)

INTENT

The RS Zone applies to provincial Crown land, private managed forest land, and private land with mineral resources, limestone quarries, and surface mines. The intent of this zone is to advocate to provincial approving authorities and private land owners that all uses of these lands meet provincial standards for the protection of domestic water sources.

PERMITTED USES

9.1 The following and no other uses are permitted in the RS Zone:

- (a) FOREST MANAGEMENT AND HARVESTING
- (b) Mineral extraction
- (c) LOW-IMPACT RECREATION

PARCEL SIZE

9.2 The minimum PARCEL size is four (4) hectares.

SECTION 10 - WR ZONE (WATERSHED RURAL)

INTENT

The intent of this zone is to permit residential use of land on large rural PARCELS where on-site servicing may be required.

PERMITTED USES

10.1 The following and no other uses are permitted in the WR Zone:

- (a) RESIDENTIAL DWELLING
- (b) HOME-BASED BUSINESS
- (c) NON-COMMERCIAL AGRICULTURE

PARCEL SIZE

10.2 The minimum PARCEL size is four (4) hectares.

DENSITY

10.3 On each PARCEL one (1) RESIDENTIAL DWELLING and one (1) HOME-BASED BUSINESS is permitted on the first four (4) hectares of land; and for each additional four (4) hectares of land within the PARCEL or portion thereof one (1) additional RESIDENTIAL DWELLING and one (1) HOME-BASED BUSINESS is permitted.

SECTION 11 - LP ZONE (LAKES PROTECTION)

INTENT

The intent of this zone is to permit only those uses and activities on the lakes that are compatible with the maintenance of the water in the lakes in a natural state.

PERMITTED USES

11.1 The following and no other uses are permitted in the LP Zone:

- (a) LOW-IMPACT RECREATION
- (b) Private floats, wharfs, piers and walkways for providing access to the PARCEL immediately abutting the lake shore, except
 - i. no BUILDING or STRUCTURE, including boat shed or shelter, shall be erected on any private float or wharf other than posts to carry lighting fixtures or supports for safety; and
 - ii. private floats or wharfs shall be used for private access only and no commercial or industrial activity or use shall be permitted.

READ A FIRST TIME this 24th day of November, 2022.

READ A SECOND TIME this 24th day of November, 2022.

PUBLIC HEARING held the 11th day of July, 2023.

READ A THIRD TIME this 23rd day of August, 2023.

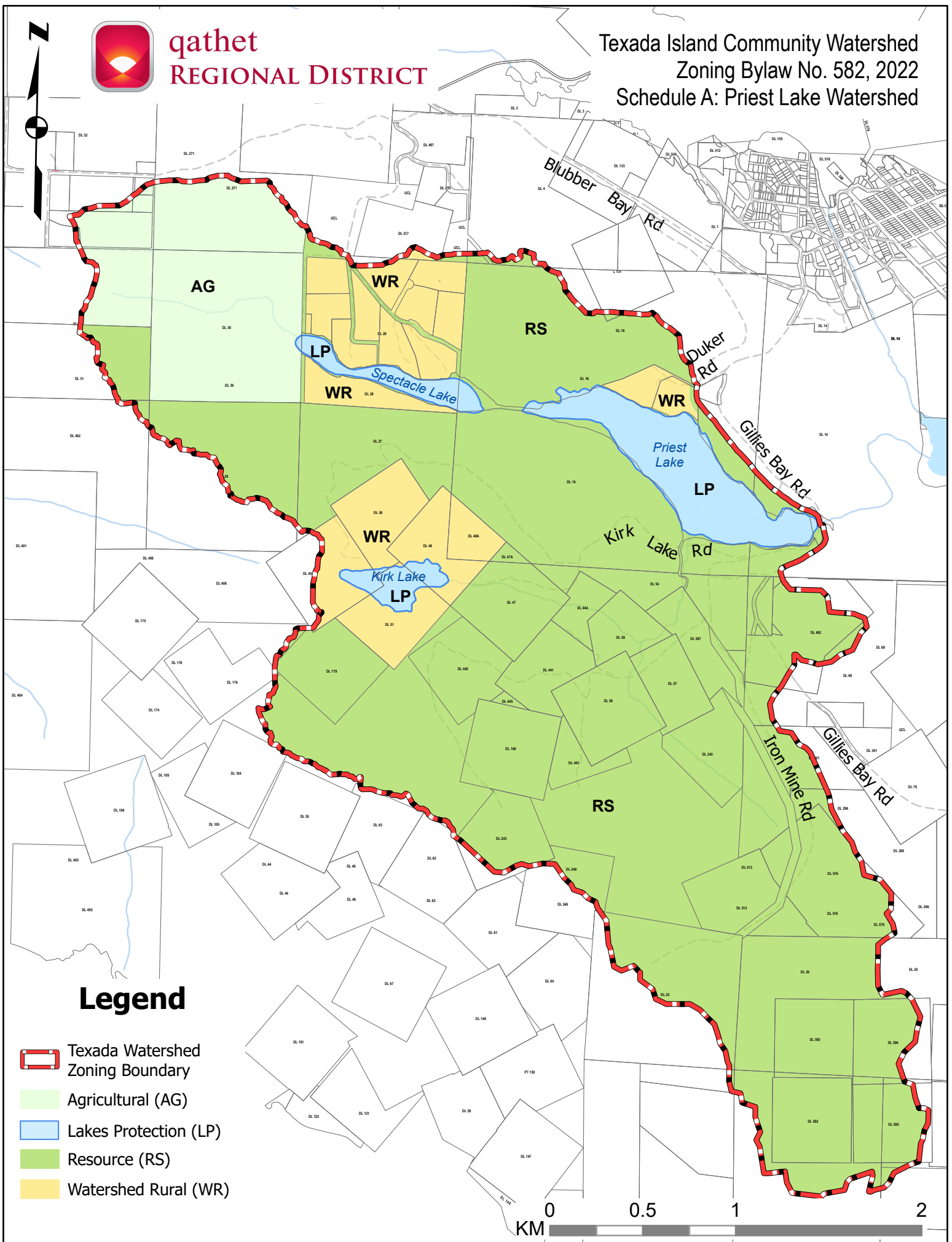
ADOPTED this 23rd day of August, 2023.

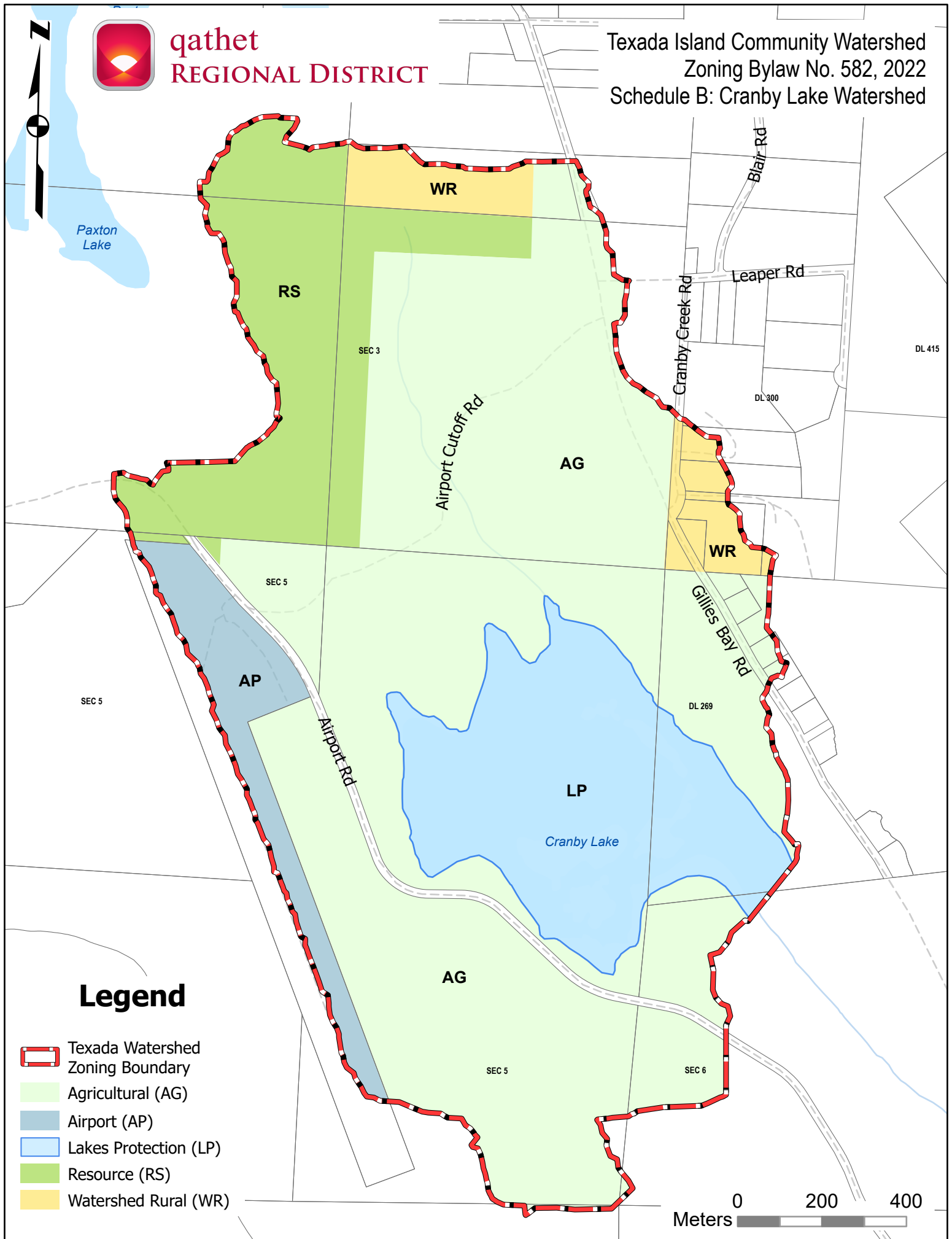


Chair



Corporate Officer





Legend

- Texada Watershed Zoning Boundary
- Agricultural (AG)
- Airport (AP)
- Lakes Protection (LP)
- Resource (RS)
- Watershed Rural (WR)

0 200 400
Meters