

**POWELL RIVER REGIONAL DISTRICT**  
**LUND WATERSHED ZONING BYLAW NO. 172, 1989.**

A Bylaw to Establish Land Use Regulations in the Lund Watershed.

WHEREAS the Regional Board has given due regard to:

1. the need to ensure the sustained availability of sufficient quantities of good-quality water for domestic purposes;
2. the prevention of 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 sewage and other household wastes;
4. the avoidance of development which would generate industrial wastes harmful to water quality; and
5. the necessity of maintaining an adequate recharge area;

NOW THEREFOR the Board of the Powell River Regional District in open meeting assembled HEREBY ENACTS AS FOLLOWS:

SECTION 1 – TITLE

This Bylaw may be cited for all purposes as “Lund Watershed Zoning Bylaw No. 172, 1989”.

SECTION 2 - DEFINITIONS

"Accessory  
Building or  
Structure"

means a building or structure which is customarily incidental or subordinate to the principal use of the land, buildings or structures located on the same lot;

"Agriculture"

means cultivating and harvesting crops, selling crops produced on the same parcel, raising animals for consumption on that parcel, beekeeping, and greenhouse gardening, but specifically excludes the keeping, breeding or raising of animals or the growing of mushrooms as part of a commercial enterprise;

- "Bed and Breakfast Operation" means the use of a residential dwelling to provide lodging and meals to paying guests on a short-term basis which does not involve the rental of more than two (2) rooms at any one time for guest sleeping accommodation;
- "Building" means any structure that encloses and shelters use;
- "Community Water System" means a use of land for the construction, maintenance and operation of a system of waterworks which serves two (2) or more parcels and which is owned, operated and maintained by an improvement district, municipality or regional district under the Municipal Act or the Water Act, or which is regulated under the Water Utility Act;
- "Contour Level" means that line above a body of water representing a certain constant elevation above, around or along a watercourse, which contour line in respect of Thulin Lake is shown on Schedule B attached hereto;
- "Contractor's Storage Yard" means the use of a parcel of land for the storage of a maximum of three pieces of heavy equipment which are accessory to a Home Occupation use located on the same property;
- "Cottage" means a use of land for a building containing a dwelling unit where the total floor area of the building does not exceed fifty-five (55) square metres;
- "Deleterious Substance" means:
- a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious for use by man; or
  - b) any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed by heat or other means from a natural state which, if added to any other water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to the use by man.
- "Dwelling Unit" means one (1) or a set of self-contained, habitable and inter-connected rooms occupied or intended to be occupied for residential and domestic purposes by not more than one (1) family and containing not more than one (1) set of cooking facilities;

"Family"	means one (1) or more persons related by blood, marriage, adoption, foster parenthood, or a common-law couple sharing one (1) dwelling unit; or not more than seven (7) unrelated persons sharing one (1) dwelling unit;
"Family Daycare"	<p>means the use of a dwelling unit</p> <p>a) licensed under the <u>Community Care Facility Act</u> for the care of a minimum of three (3) children and a maximum of seven (7) children in addition to the children of the caregiver, of whom not more than five (5) may be less than six (6) years of age; or</p> <p>b) not licensed under the <u>Community Care Facility Act</u> for the care of not more than two (2) children in addition to the children of the caregiver;</p>
"Forest Management"	means all activities associated with forest preservation or development, including clearcut logging, slash burning and other silviculture procedures;
"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 Occupation"	means the use of a dwelling unit or accessory building or structure for the administrative, clerical or professional operations of a business or personal service use, or for the studio of an artist, music teacher, musician or craftsperson, as long as no outdoor storage is associated with the use;
"Home Occupation Workshop"	means a use wholly contained within an enclosed building or structure which does not exceed one hundred and fifty (150) square metres of total floor area for the machining, fabricating or welding of metal; woodworking or boat building; which is accessory to a Home Occupation use and is clearly secondary to the use of land for residential occupancy and does not change the character thereof.

"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;
"One-family Residential"	means the use of a parcel of land for a residential dwelling;
"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;
"Personal Service Use"	means a use whereby professional or personal services are provided, and includes hairdressing salons, photography studios, travel agents, consultants, offices of health care professionals, small appliance repairs, and the incidental retail sale of goods commonly associated with these uses;
"Provincial Forest"	has the meaning assigned to it in the <u>Forest Act</u> , R.S.B.C. 1979, c.140, namely, forest land designated as a Provincial Forest by the Lieutenant-Governor in Council;
"Public Park"	means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the <u>Park Act</u> or the <u>Park (Regional) Act</u> and also includes land designated under other provincial statutes for purposes of preservation, habitat protection and passive, non-commercial 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 the one-family residential use which is used to protect the pump and related works necessary to supply water to a residential dwelling, the total floor area of which building shall not exceed nine (9) square metres.
"Regional District"	means the Powell River Regional District;

- "Residential Dwelling" means a building containing not more than one (1) dwelling unit;
- "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;
- "Watercourse" means a natural watercourse or source of water supply, whether usually containing water or not, and includes a lake, river, creek, spring, ravine, swamp and gulch and does not include ditches or artificially created watercourses;
- "Watershed Area" means that area enclosed by heavy hatched lines on the Zoning Map;
- "Zoning Map" means that map which is attached hereto as Schedule A.

### SECTION 3 - BASIC PROVISIONS

#### APPLICATION

- 3.1 (a) All provisions hereof apply to the Watershed Area defined herein and delineated on the Zoning Map attached as "Schedule A".
- (b) Notwithstanding subsection 3.2, this Bylaw shall apply only insofar as and to the extent that its operation is not suspended or limited by any enactment of the Province of British Columbia.

#### GENERAL PROHIBITION

- 3.2 No person shall develop, use or occupy any land, building or structure in contravention of the provisions of this Bylaw.

#### ENFORCEMENT AND INSPECTION

- 3.3 The Regional Board or its designate is authorized to enter at all reasonable times on any property subject to this Bylaw to ascertain whether the regulations and directions of this Bylaw are being observed.
- 3.4 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; is guilty of an offence under this Bylaw.
- 3.5 Each day that an offence exists or is permitted to exist shall constitute a separate offence.
- 3.6 A person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000).

#### SEVERANCE

- 3.7 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 4 - GENERAL REGULATIONS APPLICABLE TO ALL ZONE

#### SETBACKS FROM WATERCOURSES

##### Slopes of 5% or Less

- 4.1 Where the land between a high water mark and a point thirty (30) metres inland has an average slope of five per cent (5%) or less, no building or any part thereof and no septic tank shall be sited or situated within the following setbacks:
- (a) within thirty (30) metres of the contour level one point five (1.5) metres above the high water mark around Thulin Lake as delineated on the contour map attached as Schedule B;
  - b) within thirty (30) metres of the high water mark of Lund or Petri Lakes or any other watercourses in the watershed area;

##### Slopes Greater Than 5%

- 4.2 Where the land between a high water mark and a point thirty (30) metres inland has an average slope greater than five per cent (5%), no building or any part thereof and no septic tank shall be sited or situated within the following setbacks:
- (a) within nine (9) metres inland from the top of the slope or the first significant and regular break in the slope as illustrated in Schedule C, attached; or
  - (b) within thirty (30) metres of the high water mark of Lund, Petri, or Thulin Lakes or any other watercourses in the watershed; whichever distance is greater.

### Other Setback Requirements

- 4.3 No sewage disposal absorption field or other approved means of sewage ground disposal or any part thereof shall be permitted within sixty (60) metres of the high water mark of any watercourse.
- 4.4 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.
- 4.5 No Home Occupation Workshop or Contractor's Storage Yard shall be sited within sixty (60) metres of any creek, stream, lake or watercourse and shall not be conducted within fifteen (15) metres of any interior side lot line.

### SITING EXCEPTIONS

- 4.6 Except as otherwise provided in particular zones, the setback requirements of this Bylaw do not apply with respect to:
- (a) works necessary for the operation of a pumphouse or community water 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

- 4.7 All buildings and structures associated with an agriculture use shall be deemed to be accessory buildings.
- 4.8 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.
- 4.9 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 ha.	200 square metres
(b) 1 ha. up to 2 ha.	250 square metres
(c) greater than 2 ha.	250 square metres for the first 2 ha. and 250 square metres for each additional 2 ha., up to a maximum of 2500 square metres

## PARCEL SIZE AND AREA REGULATIONS

### Compliance with Minimum Parcel Size

- 4.10 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.
- 4.11 Where a parcel on record in the Land Title Office prior to the enactment of this Bylaw is less than the minimum parcel size permitted in the applicable zone, the parcel may be used for the uses permitted in the zone provided that no more than one (1) residential dwelling shall be permitted on the parcel.

### Parcels Adjacent to Lakes

- 4.12 Where a parcel being created has a boundary defined by lakeshore, either of Lund, Petri, or Thulin Lakes, 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

- 4.13 Where a parcel to be subdivided is split by a zone boundary, a separate calculation of the number of parcels permitted shall be made for each portion.

### Parcel Size Exceptions

- 4.14 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 community water system and where no sewage would be generated;
  - (b) to a lot being created for park purposes where such lot is to be shown as park on the plan of subdivision;
  - (c) where two (2) or more lots are being combined into a single lot;
  - (d) where existing parcel boundaries are being adjusted, providing no parcel is enlarged to a size which will permit further subdivision.

## DWELLING CONFORMANCE

- 4.15 Where one (1) or more dwellings have been lawfully constructed on a parcel in any zone at the time of adoption of this Bylaw, the dwellings are deemed to conform with this Bylaw.

## CALCULATION OF DENSITY

- 4.16 Where, in this Bylaw, the calculation of the permitted number of residential dwellings per parcel by hectare results in a fractional number, a fraction of one-

half or less shall be rounded down to the nearest whole number above zero and a fraction of more than one-half shall be rounded up to the next whole number.

#### RESTRICTIONS ON USE

- 4.17 All permitted uses are subject to the following restrictions:
- (a) no use of land is permitted which results in the escape or disposal of a waste product which would constitute a deleterious substance harmful to the sustained purity and flow of water in the watershed;
  - (b) no use of land is permitted which results in the storage of materials which produces a leachate which would constitute a deleterious substance harmful to the sustained purity and flow of water in the watershed.
- 4.18 No Home Occupation Workshop or Contractor's Storage Yard is permitted on parcels less than one (1) hectare in area.
- 4.19 No more than one Home Occupation Workshop or Contractor's Storage Yard is permitted on one (1) legal parcel.

#### SECTION 5 - CREATION AND DEFINITION OF ZONES

##### ZONING DISTRICTS

- 5.1 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>Abbreviated Designation</u>	<u>Zone</u>
PF1	Provincial Forest One
WP1	Watershed Protection One
WR1	Watershed Rural One
WR2	Watershed Rural Two
LP1	Lakes Protection One

the boundaries of which, together with any explanatory legends, notations and references, are shown, described and delineated on the Zoning Map which is attached hereto as Schedule A.

- 5.2 Schedule A forms part of this Bylaw.

#### SECTION 6 - PF1 ZONE (PROVINCIAL FOREST ONE)

##### INTENT

Land within the PF1 zone lies within the Provincial Forest and, subject to the

Forest Act, the intent of this zone is to encourage the Ministry of Forests to use lands within the Provincial Forest for uses compatible with watershed protection. The permitted uses, parcel size and density provisions of the PF1 zone apply only to land within the PF1 zone at the time the land is removed from the Provincial Forest and/or becomes privately owned.

#### PERMITTED USES

6.1 The following and no other uses are permitted in a PF1 Zone:

- (a) One-family Residential;
- (b) Agriculture;
- (c) Home Occupation;
- (d) Home Occupation Workshop;
- (e) Contractor's Storage Yard;
- (f) Forest Management;
- (g) Public Utility;
- (h) Public Park.

#### PARCEL SIZE

6.2 The minimum parcel size is ten (10) hectares.

#### DENSITY

6.3 No more than one (1) residential dwelling shall be permitted on a parcel.

### SECTION 7 - WP1 ZONE (WATERSHED PROTECTION ONE)

#### INTENT

The intent of this zone is to protect the Lund Watershed from deleterious activity and uses which would tend to result in erosion, siltation and pollution of essential water resources.

#### PERMITTED USES

7.1 The following and no other uses are permitted in a WP1 Zone:

- (a) One-family Residential;
- (b) Agriculture;
- (c) Forest Management;
- (d) Home Occupation;
- (e) Bed and Breakfast Operation;
- (f) Family Daycare;
- (g) Public Utility;
- (h) Public Park.

## 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.

## SECTION 8 - WR1 ZONE (WATERSHED RURAL ONE)

### INTENT

The intent of this zone is to permit increased use and development of land commensurate with the less sensitive nature of this portion of the watershed.

### PERMITTED USES

8.1 The following and no other uses are permitted in a WR1 Zone:

- (a) One-family Residential;
- (b) Cottage;
- (c) Agriculture;
- (d) Home Occupation;
- (e) Home Occupation Workshop;
- (f) Contractor's Storage Yard;
- (g) Forest Management;
- (h) Family Daycare;
- (i) Public Utility;
- (j) Public Park;
- (k) Bed and Breakfast Operation.

### PARCEL SIZE AND DENSITY

8.2 The maximum permitted density for subdivision in a WR1 zone shall be one (1) lot per two (2) hectares.

8.3 Subdivision is permitted in accordance with either Option 1 or Option 2.

#### Option 1

The minimum parcel size shall be one point seven five (1.75) hectares with no parcel greater than three point nine (3.9) hectares.

#### Option 2

A parcel with an area exceeding three point nine (3.9) hectares may be created provided that the average size of all remaining parcels is a minimum of two (2) hectares with no parcel smaller than one point seven five (1.75) hectares.

## RESIDENTIAL DENSITY

- 8.4 On each parcel one (1) residential dwelling and one (1) cottage are permitted on the first one point seven five (1.75) hectares of land, and for each additional two (2) hectares of land within the parcel one (1) additional residential dwelling is permitted; PROVIDED THAT no parcel shall have more than ten (10) residential dwellings.

## SECTION 9 - WR2 ZONE (WATERSHED RURAL TWO)

### INTENT

The intent of the zone is to permit increased flexibility in subdivision pattern and parcel areas.

### PERMITTED USES

- 9.1 The following and no other uses are permitted in a WR2 Zone:
- (a) One-family Residential;
  - (b) Cottage;
  - (c) Agriculture;
  - (d) Home Occupation;
  - (e) Home Occupation Workshop;
  - (f) Contractor's Storage Yard;
  - (g) Forest Management;
  - (h) Family Daycare;
  - (i) Public Utility;
  - (j) Public Park;
  - (k) Bed and Breakfast Operation.

### PARCEL SIZE AND DENSITY

- 9.2 The maximum permitted density for subdivision in a WR2 Zone is one (1) lot per two (2) hectares.
- 9.3 Subdivision is permitted in accordance with either Option 1 or Option 2.

#### Option 1

The minimum parcel size shall be one (1) hectare with no parcel greater than three point nine (3.9) hectares provided that the average size of all parcels created by the subdivision plan is a minimum of two (2) hectares.

#### Option 2

A parcel with an area exceeding three point nine (3.9) hectares may be created provided

that all other parcels in the proposed subdivision total an average of two (2) hectares with no parcel smaller than one (1) hectare.

#### RESIDENTIAL DENSITY

- 9.4 No more than one (1) residential dwelling and one (1) cottage shall be permitted on any legal parcel which is two (2) hectares or smaller. On parcels greater than two (2) hectares one (1) residential dwelling and one (1) cottage are permitted on the first two (2) hectares of land, and for each additional two (2) hectares of land within the parcel one (1) additional residential dwelling is permitted; PROVIDED THAT no parcel shall have more than ten (10) residential dwellings.

#### SECTION 10 - LP1 ZONE (LAKES PROTECTION ONE)

##### INTENT

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

##### PERMITTED USES

- 10.1 The following uses of land are permitted and all other uses are prohibited in the LP1 Zone:
- (a) public utility;
  - (b) private floats, wharfs, piers and walkways for providing access to the parcel immediately abutting the lakeshore, 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.

##### PARCEL SIZE

- 10.2 No regulations

##### DENSITY

- 10.3 No regulations

# LUND WATERSHED ZONING BYLAW

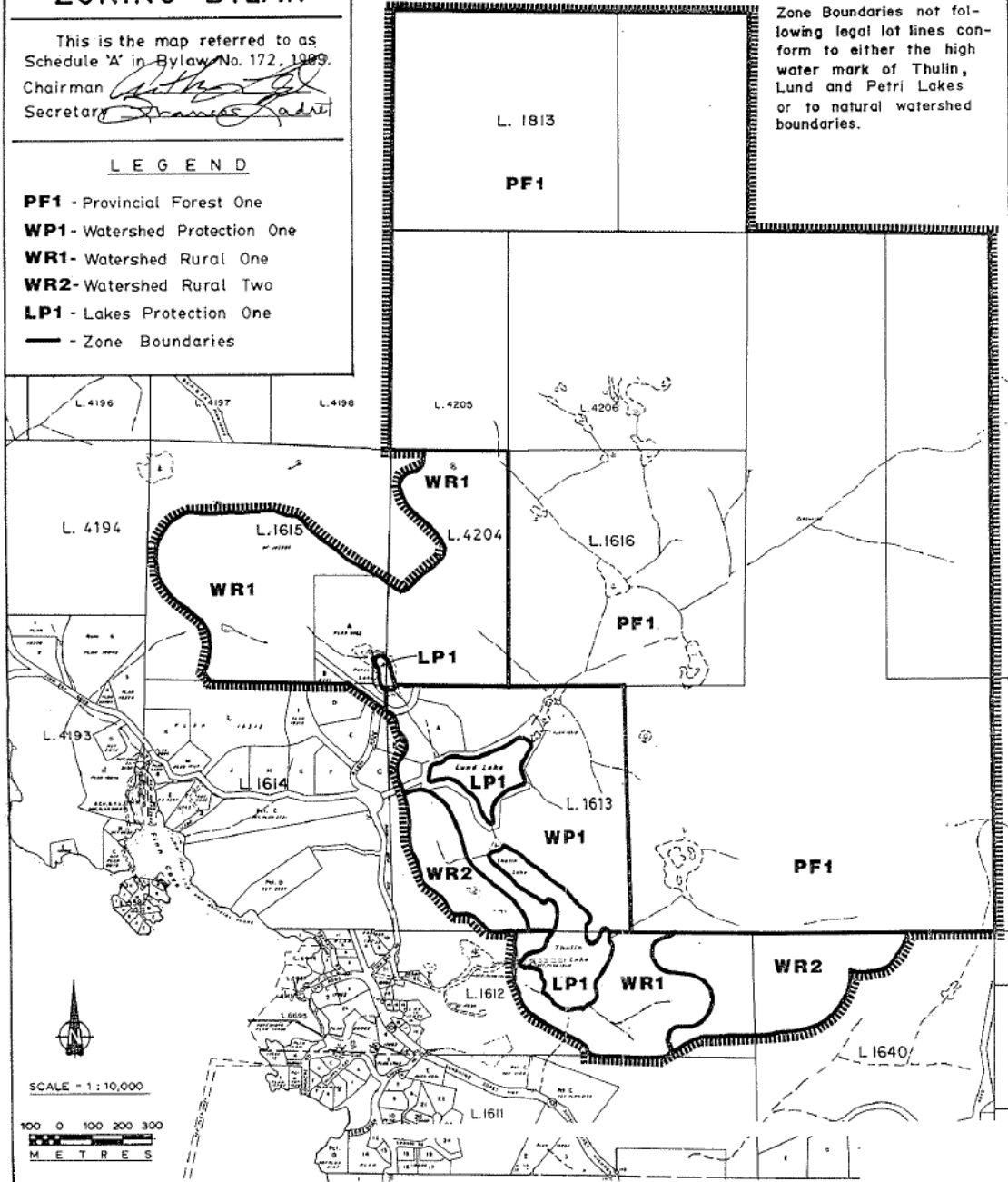
This is the map referred to as Schedule 'A' in Bylaw No. 172, 1989.  
 Chairman *[Signature]*  
 Secretary *[Signature]*

## LEGEND

- PF1** - Provincial Forest One
- WP1** - Watershed Protection One
- WR1** - Watershed Rural One
- WR2** - Watershed Rural Two
- LP1** - Lakes Protection One
- - Zone Boundaries

## EXPLANATORY NOTE

Zone Boundaries not following legal lot lines conform to either the high water mark of Thulin, Lund and Petri Lakes or to natural watershed boundaries.

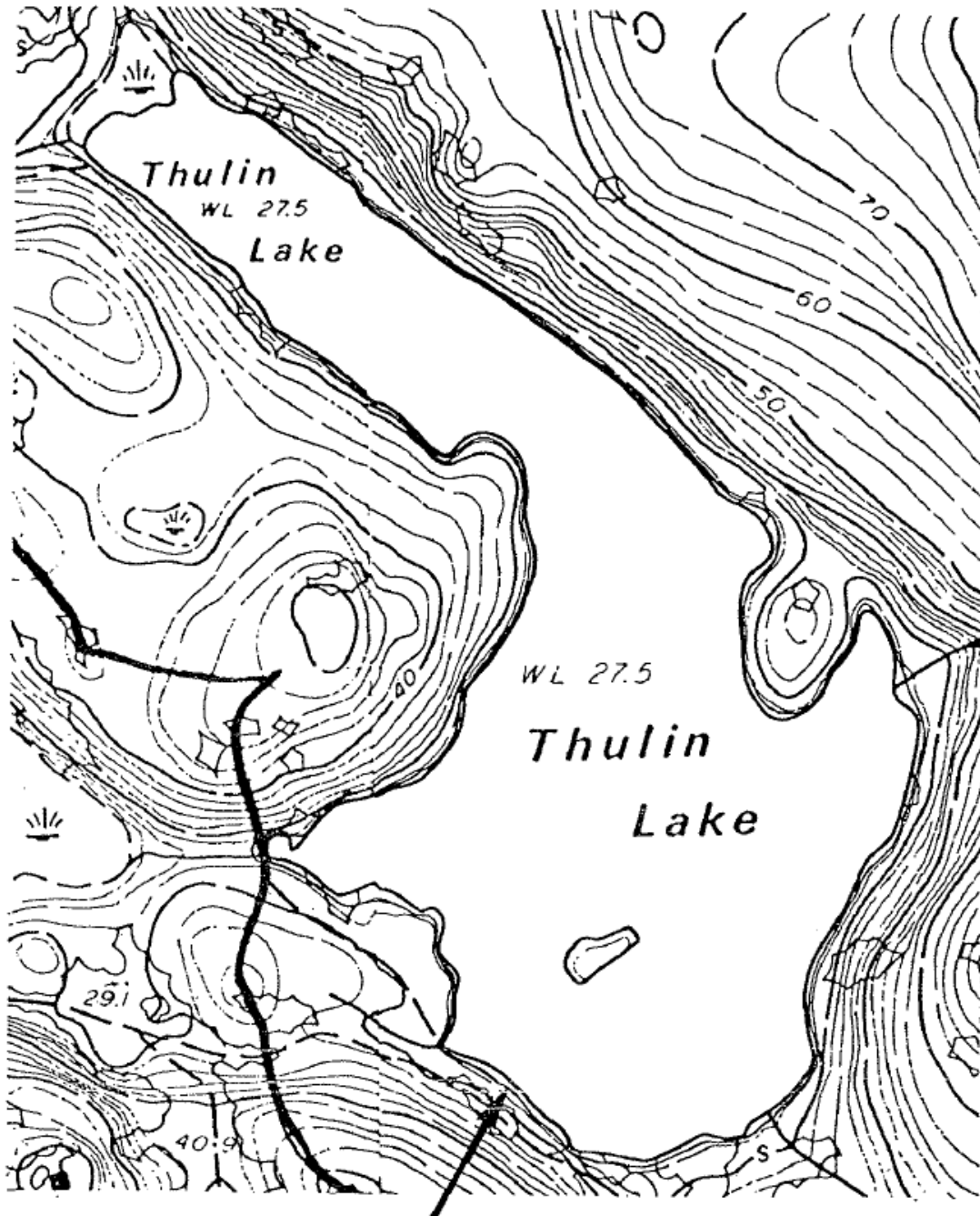


Powell River Regional District

Bylaw No. 172

Schedule B

Thulin Lake Contour Map



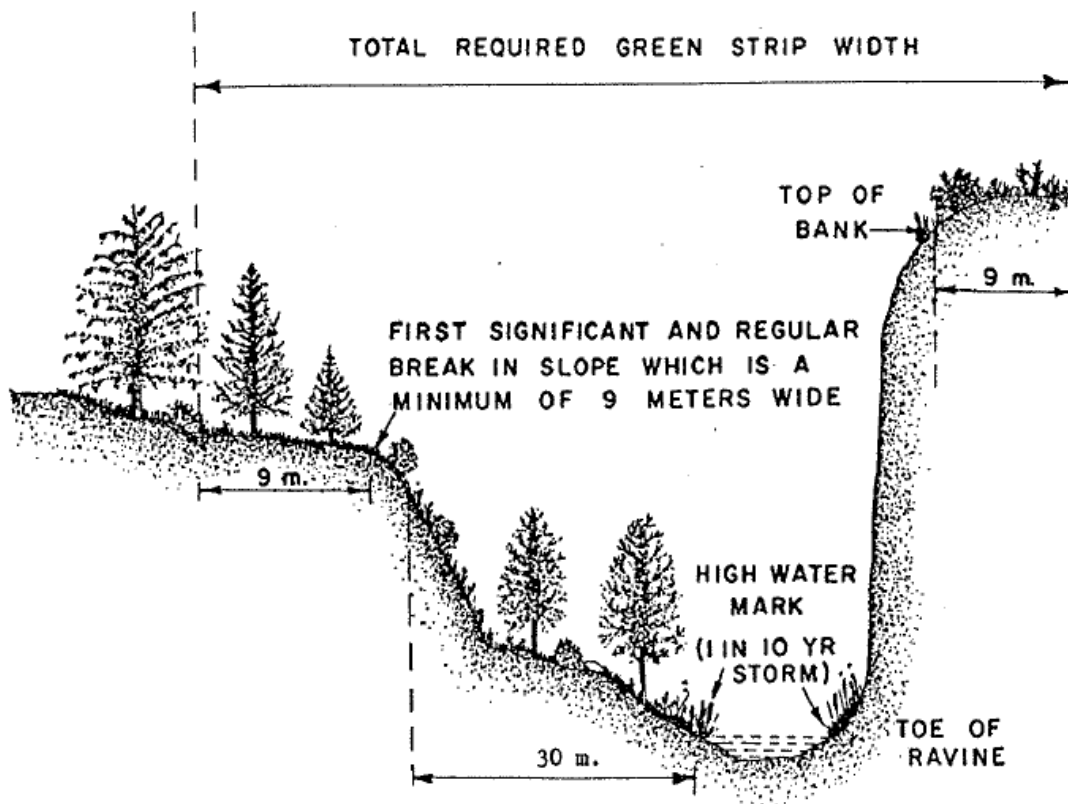
THULIN LAKE 1.5 METRE CONTOUR LEVEL

POWELL RIVER REGIONAL DISTRICT

Bylaw No. 172

Schedule C

Setback From Watercourses  
on Slopes Greater Than 5%



NOT TO SCALE

READ A FIRST TIME the 22nd day of June, 1989.

READ A SECOND TIME the 24th day of January, 1991.

PUBLIC HEARING HELD the 11th day of April, 1991.

READ A THIRD TIME the 25th day of April, 1991.

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS the 15th day  
of July, 1991.

RECONSIDERED, FINALLY PASSED AND ADOPTED BY THE REGIONAL BOARD  
the 5th day of September, 1991.

  
ART LLOYD, CHAIRMAN

  
FRANCES LADRET, SECRETARY-TREASURER