



LAKESHORE DEVELOPMENT REGULATIONS AND POLICIES IN THE REGIONAL DISTRICT OF CENTRAL KOOTENAY

DEVELOPMENT SERVICES
DEPARTMENT

October 30, 2006





REGULATION REVIEW

- Floodplain Bylaw
- Terms of Reference for Floodplain Bylaw
- Building Bylaw
- Zoning Bylaw
- Manufactured Home Bylaw

The subdivision approval process occurs through the Ministry of Transportation in the RDCK





FLOODPLAIN BYLAW

- Applies to buildings, manufactured homes, and other structures on all lakeshore property
- Flood construction level on Kootenay Lake is 1760 feet (536.5 m) at the West Arm & drops to 535.2 m at Grohman
- Minimum building setback is 7.5 meters from natural boundary
- Flood construction level is generally 1.5 m above natural boundary
- New RDCK policy for Kootenay Lake requires an engineered foundation for any structure foundation (including non habitable structures) proposed in the flood plain or subject to wave action
- Specific geotechnical/engineering reports are required where a property is subject to moderate or high velocity flows, debris flows such as alluvial fan areas.
- All reports must meet the RDCK Terms of Reference





West Arm 1750.65 ft May 29/06

Flood Construction level 1760 ft.



Deemed non-habitable space



Floodplain Terms of Reference

- Property description
- Acknowledgement that the report is prepared for the Regional District of Central Kootenay as a pre-condition to the issuance of:
 - A Building Permit issued with any conditions in this report shall have a Restrictive Covenant filed against the title of the subject property under Section 56 of the *Community Charter*; or
 - A Site Specific Exemption from the provisions of Floodplain Management Bylaw 1650, 2004 under Section 910 of the *Local Government Act*, and any conditions in this report shall be included in a Restrictive Covenant under Section 219 of the *Land Title Act* and filed against the title of the subject property
- Acknowledgement report prepared for owner of property not for RDCK
- A detailed site plan
- Description of site, type and location of natural hazards that may affect the site.
- References to any previous geotechnical studies that are relevant

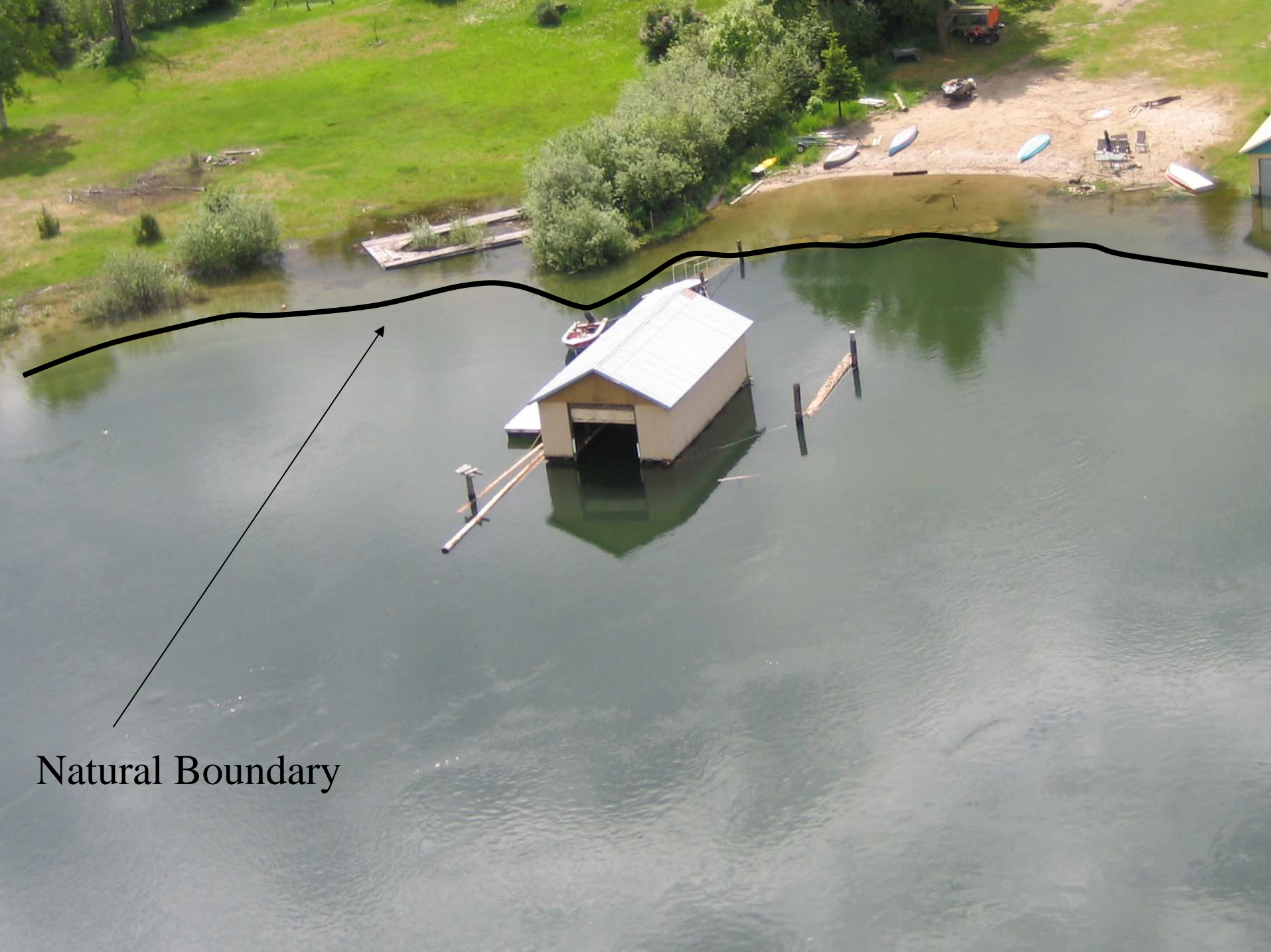




Floodplain Terms of Reference

- An assessment of the extent, frequency (probability) and potential effect of all flood and debris flow, including a description of the scientific methodology used to define the parameters. The methodology should be described in sufficient detail to facilitate a professional review of the study by RDCK
- Recommendations stating what mitigation, construction and maintenance is required to reduce the potential impact of the hazard
- For issuance of a *Building Permit*: Letters of Assurance B-1 and B-2, as required per Section 2.6 of the B.C. Building Code must be submitted
- A Schedule C-B, as per Section 2.6 of the B.C. Building Code shall be submitted to the Building Department by the Professional Engineer prior to occupancy of the subject structure
- Information must be provided in sufficient detail and clarity to permit inclusion in a Section 219 Covenant of the *Land Title Act*
- The report submitted must include the signature and seal of a B.C. Registered Professional Engineer, with qualifications for geotechnical engineering, ***verifying that the land may be used safely for the use intended***





Natural Boundary



BUILDING BYLAW

- All building construction, manufactured homes and major renovations require a building permit, unless the structure is smaller than 120 sf.
- The building permit triggers the floodplain bylaw requirements
- If the construction is within 15 m of the natural boundary, the Department of Fisheries and Oceans will have jurisdiction over any alterations to riparian habitat, regardless of building permit approvals





Issues here:

- Denuded site
- Riprap
- Access
- Habitable space



Issues here:

- Fill & soil compaction
- Riprap
- Access
- Habitable space

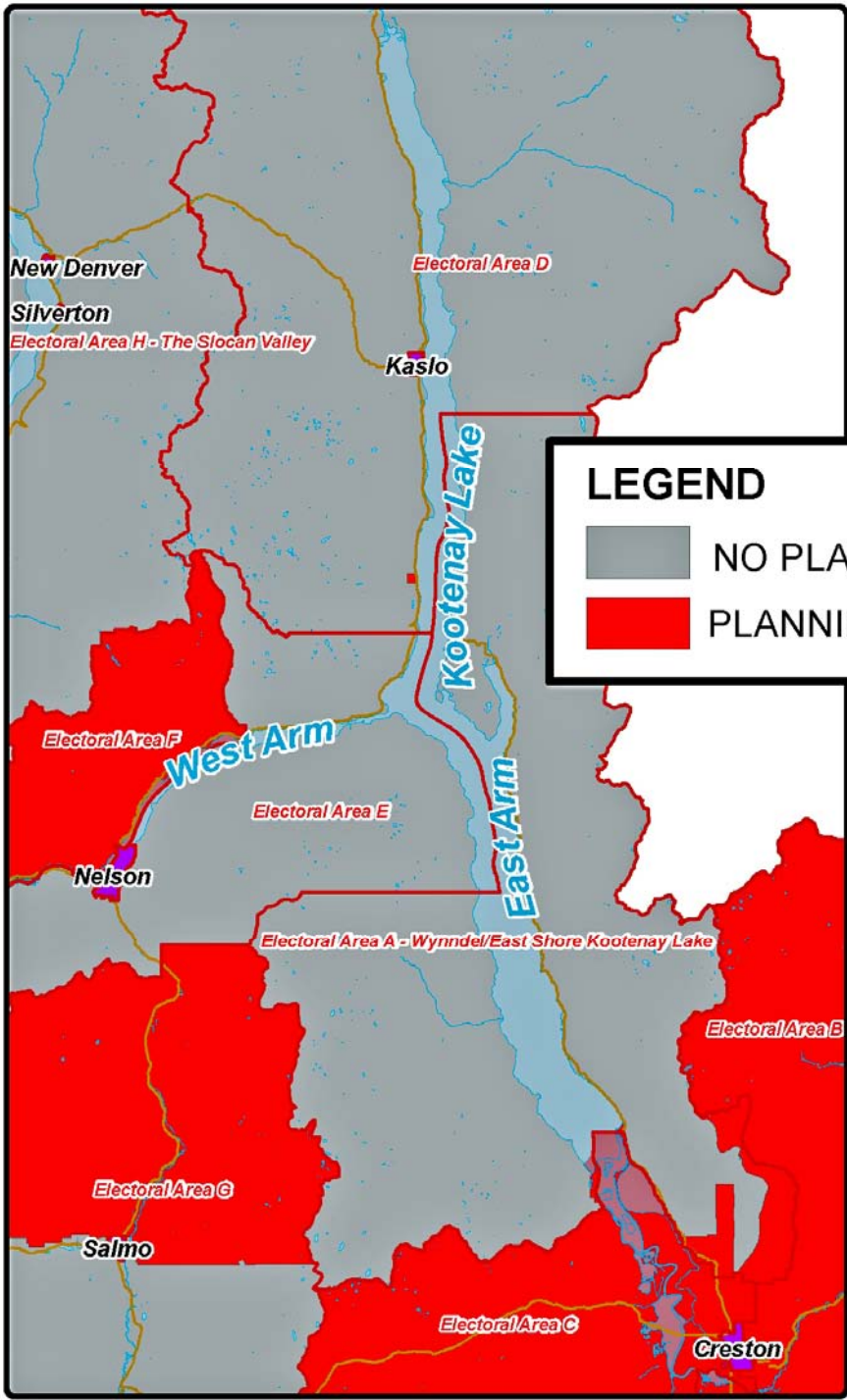


ZONING BYLAW

- Applies to Electoral Area F and Electoral Area C
- Land use in those areas is regulated by zoning designation – generally residential, commercial or industrial
- No other Kootenay lakeshore properties are subject to zoning (unless within municipalities of Nelson or Kaslo, or the Ainsworth portion of Area D) so no assurances on neighboring uses







LEGEND

- NO PLANNING
- PLANNING





MANUFACTURED HOME PARK BYLAW

- All RDCK properties, including Kootenay lakeshore properties, are subject to Manufactured Home Park bylaw
- Three or more manufactured homes on one site is defined as a MHP, if there is also a payment of a fee or rental to the owner(s)
- Site plan is required with locations of septic systems, source of water, refuse disposal area and locations of homes
- Bylaw has requirements for signs, minimum site area, access, roadway, water supply, sewage treatment, density, buffers, parking, street lighting and recreation area.





Manufactured Home
Park example