

Toad River Land Use Policy



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1. Definitions

1.1.1 The following definitions shall apply throughout this Bylaw:

Accessory Building or Structure - means a Building or Structure separate from and subordinate to the Principal Building, the Use or intended Use of which is incidental to or customarily associated with that of the Principal Building, and is located on the same Lot as the Building to which it is accessory;

Accessory Use - means a Use customarily incidental and subordinate to the Principal Use, and which is located on the same Lot with the Principal Use to which is accessory;

Agriculture - means the growing, producing, keeping or harvesting of farm products, and includes the processing and sale on an individual farm of farm products produced on the farm, and the storage of farm machinery and implements used on that farm;

Agri-tourism - means the conduct of agricultural activities to provide a tourist experience including fruit and vegetable stand sales, winery, orchard, garden and alpaca tours, hay rides, harvest festivals, farmer's markets and cattle drives;

Auto Body Repairs - means a use of a Building or clearly defined space on a Lot for the storage, repair and servicing of motor vehicles including body repair, painting and engine rebuilding, not including a Service Station or auto sales;

Automotive and Light Truck, Recreational Vehicle Service and/or Repair - means the general repair and service of vehicles including, oil changes, engine repair and rebuilding, general maintenance, tire service and sales, not including Auto Body Repair;

Auction Sales - means the sale of goods, wares, merchandise, or equipment, but not livestock, to the general public at auction;

Bed and Breakfast - means a business operation carried on as a Home Occupation in which bedrooms are rented on a daily basis or weekly basis, with a breakfast meal being provided, to the travelling public only;

Boarding House Use - means a Use that is carried out within a Dwelling Unit in which rooms are rented on a month to month or yearly basis, with or without meals being provided, to persons other than members of the Family of the occupant of the Dwelling Unit;

Building - means a Structure having a roof supported by columns or walls used for the shelter or accommodation of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection to the ground; includes a Mobile Home when so affixed;

Building and Garden Supplies - means the sale of building materials, fixtures, hardware, garden furniture, equipment and supplies, and animal feed; includes a lumber yard, building supply outlet, and home improvement centre;

Care Facility - means a Building which contains sleeping units for persons receiving care or assistance licensed by provincial agencies, including personal care and intermediate care as defined under the Community Care and Assisted Living Act;

Card Lock Fuel Sales - means a Use providing for the sale of motor fuels (to a maximum of 1200 litres per fill) by way of a card lock and membership arrangement that has no bulk fuel dispensing capabilities, which can include, as accessory uses, the retail sale of lubricating oils and motor vehicle accessories, food stuffs and convenience goods in premises with a floor area not exceeding 140 sm;

Child Care Centre - means a care facility for children which includes group day care, family day care, preschool, out-of-school, child minding, specialized day care and emergency child care licensed under the Community Care and Assisted Living Act;

Commercial Campground - means the Use of a Lot for the temporary accommodation of travelers in travel trailers, tent-trailers, tents or similar transportable accommodation other than Manufacture Homes, which is operated as a commercial enterprise;

Commercial Recreation - means a golf course, driving range, ice arena, bowling alley, billiard/snooker/pool hall, roller rink, curling rink, dance or other hall, gymnasium, fitness club, Licensed Establishment, theatre (not including drive-in theatre) and other similar Uses operated as a business;

Community Service - means a Use providing information, referral, counseling, advocacy, physical or mental health services on an out-patient basis, dispensing aid in the nature of food or clothing, or providing drop-in or activity space;

Contractor, Trade - means the use of a Building or land by a contractor engaged in plumbing, heating, air conditioning, painting, decorating, electrical, mechanical, masonry, ironwork, carpentry, cabinet-making, drywall and similar construction trades and includes machinists, upholsterers, taxidermists, custom meat-cutters, and similar contractors;

Cultural Use - means a facility which provides for social, cultural and educational opportunities and includes museums and art galleries;

Drive Thru Business - means an establishment providing services to customers traveling in motor vehicles where the customer normally remains in the vehicle for service, not including car washes or Service Stations;

Duplex - means a Building containing two Dwelling Units, each of which is separated from the other by an unpierced wall extending from ground to roof, or an unpierced ceiling and floor extending from exterior wall to exterior wall;

Dwelling, Single Family - means a Building intended for occupancy by one Family which is supported on a permanent foundation or Basement but does not include Manufactured Homes of any kind whether standing on wheels, or supported by blocks, jacks or any other temporary or permanent foundation;

Dwelling Unit - means self-contained living premises for one Family with cooking, sleeping and sanitary facilities;

Eating Establishment - means a commercial establishment providing prepared food to the public for consumption on or off the premises and includes coffee shop, Restaurant and catering establishments but excludes neighbourhood pubs;

Equestrian Centre - means facilities to accommodate horses, donkeys, and mules on a commercial basis and includes horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations, and gymkhana and rodeo grounds;

Family - means two or more individuals occupying a Dwelling Unit who are related by marriage or common law, blood relationship or legal guardianship, or a group of not more than three (3) unrelated persons living together in a single Dwelling Unit;

Gaming Centre - means a facility for the purpose of playing or operating games of chance or of mixed chance and skill on which money can be wagered, and for which a license has been issued the Province of British Columbia; includes bingo and slot machine gaming, and tele-theatre off-track betting.

Gas Bar - means premises for the retail sale of automotive fuels, other petroleum products and incidental auto accessories, not providing for the servicing or repair of Motor Vehicles;

Hobby Farm – means the production, principally for the use or consumption of the property owner, of plants, animals or their products and for sale to others where such sales are incidental, including gardening, food production, keeping of poultry, livestock and horses;

Home Industry - means a Use that is Accessory to the residential Use on the Lot and may involve limited retail activity and outdoor storage, including, but not limited to, trucking contractors, Trade Contractor, construction contractors, oil field service contractors, repair and storage of contracting equipment, welding shop, portable sawmills and small scale manufacturing and fabricating industries, and not including auto-wrecking or salvage operations;

Home Occupation - means any occupation, trade, profession or craft, including a Bed and Breakfast carried on by an occupant of a residential Building as a Use secondary to the residential Use of the Building and which does not change the character thereof or have any exterior evidence of such secondary Use and does not employ persons other than occupants of the Dwelling Unit in which a Home Occupation is carried on;

Hotel - means a Building used exclusively for the accommodation of the travelling public which may include a lobby, a public dining room, café, or Restaurant, banquet rooms, liquor stores, lounges, beer parlours, neighbourhood pubs, nightclubs, convention facilities, indoor recreation and personal service uses, which access to and from the majority of the rooms or units through an interior hallway;

Industrial, Light - means the processing, fabricating, manufacture, storage, transportation, distribution, wholesaling, testing, servicing, repairing, wrecking, or salvaging of goods, materials or, things; includes the selling of heavy industrial equipment, and incidental office facilities;

Institutional Use - means a church, library, school, hospital, auditorium, land used for assembly purposes, arenas, hospital, cemetery, tennis courts, swimming pools and other indoor and outdoor recreational activities, including office uses and maintenance yards;

Kennel - means a commercial establishment for the keeping, training, breeding or boarding of domestic animals, and not including livestock;

Licensed Establishment - means an establishment licensed under the Liquor Control and Licensing Act [RSBC], other than a Liquor Store;

*****Livable Dwelling** - means a dwelling of not less than 500 sq feet which must provide reasonable shelter and security and have minimum facilities which would support habitation. (Definition to be finalized by the Toad River Planning Committee)

Lot - means a single parcel of land registered as such in the Land Title Office and shall include a strata lot created by bare land strata subdivision;

Lot Area - means the total area of a Lot measured on a horizontal plane;

Manufactured Home - means a Dwelling Unit built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than of its manufacture, and includes Mobile Homes and Modular Homes;

Mini Storage - means the use of land and Buildings to provide walk-in sized cubicles for the storage of goods on a rental basis;

Mobile Home - means a transportable, single or multi-sectional Dwelling Unit conforming to the CAN/CSA Z240 MH Series at the time of manufacture;

Modular Home - means finished section(s) of a complete Manufactured Home built in a factory for transport to a Lot for installation, constructed and certified as meeting the CAN/CSA A277-90 Standard;

Motel - means a Building or group of Buildings in which lodging is provided to transient guests, and in which access to and from each room or unit is through an exterior door;

Neighbourhood Convenience Store - means the Use of a Building or portion thereof, with a floor area of not more than 190 sm, for the sale of foodstuffs and convenience goods which may include the accessory sale of prepared foods for consumption off premises;

Nursery/Greenhouse - means the growing, producing, keeping, harvesting of bedding plants, flowers, nursery stock, forest seedlings, or vegetables produced on a Lot for retail sale and includes the retail sale of landscaping materials or garden furniture, equipment or supplies;

Pound - means a facility or enclosure, for the care, containment or euthanasia of domestic animals and livestock;

Principal Building - means a building in which is conducted the principal use of the Lot on which it is located;

Principal Use - means the primary purpose for which a Building or Lot is used;

Private Club or Lodge - means a Building used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations;

Public Utility - means facilities for the provision of water, sewer, electrical, telecommunication and similar services;

Recreational Vehicle - means vehicles designed as a temporary dwelling for travel, recreational, and vacation use and which is either self propelled or mounted on, or pulled by another vehicle. Examples include, but are not limited to a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer and camper van;

Recycling Depot - means a Building which is used for or intended to be used for the collecting, sorting, refunding and redistributing recyclable materials but excluding processing of such materials;

Retail Store - means premises used for the retail sale of consumer goods including groceries and beverages, electronic goods, furniture and appliances, household goods, printed matter, confectionery, pharmaceutical and personal care items, office supplies, stationery, wine and liquor, books, coffee, music, pets, sporting goods and toys, and other similar goods and includes variety stores, photography studios, bakeries, antique stores, pawn shops, consignment stores, souvenir stores, clothing stores and may include small scale, on-site production and repair of, but not limited to the aforementioned goods;

Retail Warehouse - means retail sale of goods in bulk quantities and the retail sale of household goods such as furniture and carpeting;

Salvage or Wrecking Yard - means the storage, wrecking, dismantling or sale of inoperable motor vehicles, Recreational Vehicles, trailers, farm or industrial equipment and the parts thereof, or recyclable, reusable or discarded goods or materials of any kind or parts thereof, and includes incineration, heat recovery and recycling of materials;

Seasonal/Transitional Accommodation Dwelling – means a Manufactured Home up to two sections in width, containing up to four (4) bedrooms, a kitchen and washroom facilities placed on pilings or screw jacks and used to accommodate transitional or seasonal employees;

Secondary Dwelling Unit - means a:

- i. Secondary Suite,
- ii. Coach House,
- iii. Granny Flat, or
- iv. Single Family Dwelling;

Secondary Suite - means a Dwelling Unit added to and wholly contained within a Single Family Dwelling, for use as a complete, independent living facility with provision within the Secondary Suite for cooking, eating, sanitation and sleeping;

Service and Repair Shop- means a Building or part of a Building used for the repair and servicing of electric appliances, television sets, radios, furniture and similar articles or goods but not motor vehicles;

Service Station - means a use providing for the retail sale of motor fuels and lubricating oils including the servicing or repair of motor vehicles other than body repair, the sale of automobile accessories, food stuffs and convenience goods, and the rental of trailers and motor vehicles;

Single Family Residential – means the use of a Single Family Dwelling or Manufactured Home by one or two Families for residential occupancy;

Surveillance Suite – means a Dwelling Unit, with a maximum of two bedrooms, contained entirely within the Principal Use Building, used for providing security for the property and the Building in which it is located;

Use - means the purpose for which a Building, Structure or land is used, designed, arranged or intended, or for which it is occupied or maintained.

2. Purpose

The purpose of the Toad River Land Use Policy (TRLUP) is to provide non-regulatory planning guidance that is consistent with the Northern Rockies Regional Municipality (NRRM) Official Community Plan (OCP) to guide planning and land use development decisions that impact the Toad River Area and thus the Regional Municipality.

Furthermore, this Policy specifically will guide land development disposition within the Toad River area of the Northern Rockies Regional Municipality.

The Toad River Land Use Policy is not a regulatory control for existing lots, nor is it a form of regulatory bylaw. The intent is to maintain and enhance the character and lifestyle already established within the area.

3. Background

3.1 Policy Origins

This land use policy originates from the Toad River community's desire for a document that provides guidance for land use development considering issues both currently and in the future. This land use policy project includes work and dialogue over three years; and this product is the result of work completed as a progression and development of past and current input/work.

3.2 Planning Process

The planning process includes steps that are key components to successful, appropriate, and a fully-participatory policy. This is done to ensure that the policy is communicated in a clear and transparent way that has buy-in or support from the stakeholders involved. These components include: visioning, consultations and discussions, presentations, mapping, and written.

The visioning process was initiated in 2004, and produced ideas from the community about their vision for Toad River and opportunities for development in the future.

Dialogue and the participation process for this policy began with discussions between Planning staff and the Toad River Area Club, Council, consultants, and most importantly the Toad River community members.

Presentations to the community and Council were also performed at the beginning preliminary draft stage, as well as the final draft stage to update and inform persons on the development of the TRLUP.

The task of producing maps that accurately represent the community has started from the outset of this process, and has changed according to feedback and research about the area. The series of maps that show the general planning area context, and more specifically, land use designations, is a vital visual part accompanying the written component of this policy.

Finally, the written component provides guidance for land use development that is consistent with NRRM's OCP, as general guidelines.

3.3 Planning Area

The community of Toad River is located in Northeastern BC at Mile 422 on the Alaska Highway approximately 200km east of Fort Nelson.

In a provincial geographic and regional planning context, Toad River is within the Muskwa-Kechika Management Area (M-KMA). This is an identified resource management area consisting of several types of management zones that designates special resource management in order to maintain significant wilderness, wildlife and cultures. Toad River falls within an Enhanced Resource Management Zone, centred on the Alaska Highway. This zone recognizes the already developed nature of the highway and stresses recreation and tourism, though extractive resource development is also permitted.

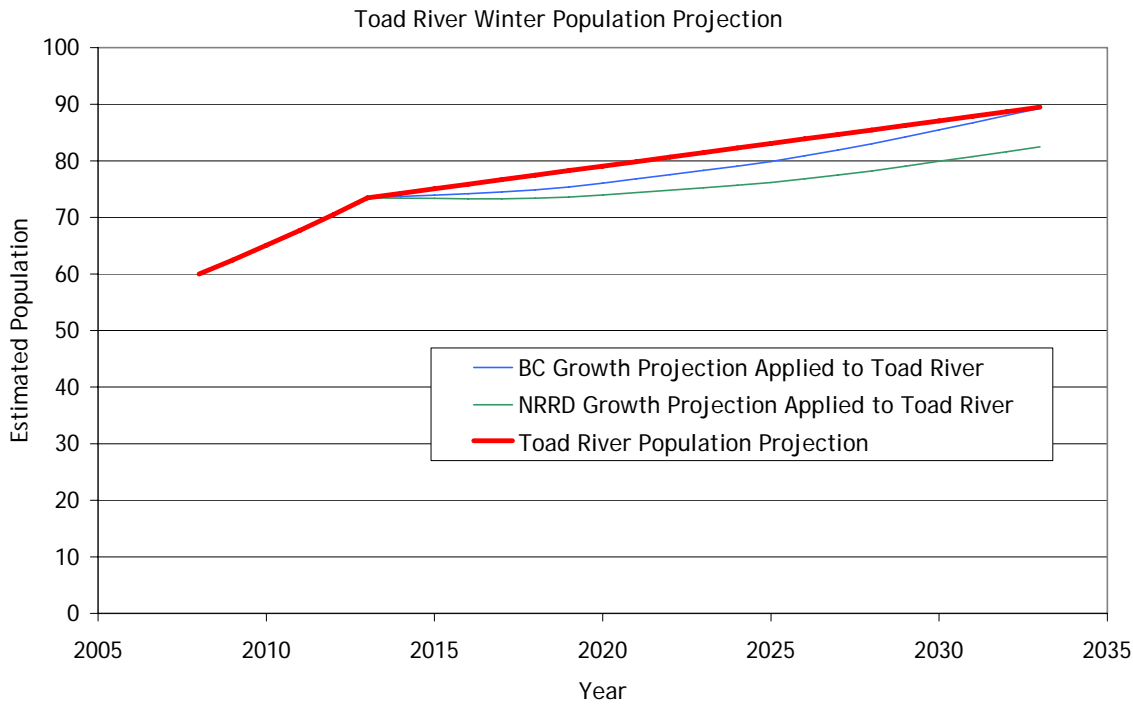
Toad River is a community of approximately 30 permanent residents and originated as a highway maintenance camp. The local economy is supported by a highway maintenance operation, hunting and guide outfitting, and tourism services that include lodges, restaurants, and an RV park. While the population is modest, the community includes other important services such as a school, post office, and Greyhound bus stop and gas station.

3.4 Population Growth

The population growth estimate is derived from community feedback, though consideration was also given to BC Government population projections for the Northern Rockies Regional District as well as the province overall.

A growth rate of 2 houses every five years is approximated.

Toad River's population density currently sits at a winter average of two persons per household; assuming this remains constant, this growth rate translates into an estimated population increase of four individuals in a five year period.



Please note: The population projections are approximate. The initial growth shown in the chart represents the anticipated population increase from the new development over 5 years.

This is a moderate estimate in keeping with community predictions. It recognizes community feedback indicating that preservation of lifestyle is deemed of greater value to Toad River residents than growth, though some growth is anticipated to follow from the Land Use Policy as well as the arrival of electric utility service.

This estimate of Toad River’s growth agrees reasonably well with projections for the overall province and for the NRRM; with the Toad River estimate falling closer to the provincial rate.

Source: NRRD and BC population projections by BC STATS, Service BC, BC Ministry of Labour and Citizens' Services.

4. Policy Boundaries

There are two areas to which this Policy will apply. Firstly is the Context Area, and secondly, the Specific Area.

Context Area:

The Context Area applies to the area flanked by Stone Mountain Provincial Park to the east and west to Muncho Lake Provincial Park (attached as Schedule A). This area is identified as being a Regional Municipality Referral Area where all applications on crown land are to be referred to the Regional Council for comment.

Additionally, this map provides a reference for future land use options within the Toad River area.

Specific Area:

More specifically, the Policy applies to the area bounded by the Racing River to the east and to Muncho Lake Provincial Park to the west (attached as Schedule B). This area is the primary focus of land development and disposition for the Toad River area and to which the majority of the policies are applicable.

This map also provides land use 'zoning' for existing parcels located within Toad River.

5. Land Use Concept Policies

The following land use concept policies shall adhere to the area to shape the future landscape pattern for Toad River. The general pattern of land use shall be divided into five major areas:

- Agricultural
- Residential
- Commercial
- Industrial
- Institutional
- Parks and Open Space

5.1 Agricultural

Agriculture is a strong component of stable, sustainable communities and is an important component of Toad River. While it is generally known that most of the arable land within the area has been settled, other forms of small acreage agriculture may develop. The intent of the Agricultural section is to allow small scale agriculture to occur on lots of approximately 4 hectares (10 acres) for grazing and subsistence agriculture.

Policy 5.1.1 Agricultural opportunities should be protected and maintained within the Specific Area of Toad River.

Policy 5.1.2 Agricultural opportunities should be further identified.

5.2 Residential

The residential character of Toad River is important to establishing a long term, stable population base to sustain services for the community. The residential character of Toad River should be permanent residential development contributing to the overall health of the community.

Strategies to encourage a stable population base include promoting agriculture and home based business to occur on residential properties.

Policy 5.2.1 Residential development should promote a stable population base by allowing agriculture and hobby farming to occur within residential properties.

Policy 5.2.2 Home based businesses are encouraged to locate as an accessory use on residential properties. Home based businesses may include bed and breakfast operation and tourism related business such as guide outfitting.

Policy 5.2.3 Residential lot sizes should complement and encourage multiple uses of the land.

Policy 5.2.4 Mobile home parks are a viable housing option for the Toad River community and could be considered as part of a larger commercial or industrial operation to house employees.

Policy 5.2.5 The minimum building size that may be erected for residential use shall be 47 square metres (506 square feet).

5.3 Commercial

The commercial activity in Toad River is characterized by small scale services catering predominantly to the travelling public. Because the locally generated demand is limited, most of the commercial establishments rely on the travelling public. Commercial activity includes accommodation, convenience and food and beverage establishments.

Tourism is an important component of the economy of Toad River. There are many guide outfitters located in Toad River and vicinity which attract tourists from around the world.

Policy 5.3.1 Encourage commercial activity within the core of Toad River and adjacent to the Alaska Highway.

Policy 5.3.2 Home based businesses are encouraged.

Policy 5.3.3 Agri-business is encouraged as a means to meet the local food demands of residents and the travelling public.

Policy 5.3.4 Encourage and support local tourism opportunities

5.4 Industrial

Industry in Toad River is limited as are the opportunities for industrial development. Currently, the only industry located in Toad River is the Public Works Canada yard located adjacent to the Alaska Highway which employs a fair number of local residents.

Policy 5.4.1 Encourage a greater diversity of Light Industrial uses in Toad River.

Policy 5.4.2 Establish a community stockpile yard for materials such as gravel to be transported to and stored for use by the residents.

Policy 5.4.3 Heavy Industrial activities, such as mining and oil and gas extraction activities should be discouraged within the Context Area (Map 1).

5.5 Institutional

Institutional land uses are key to keeping a community together and offer many social benefits for a community.

Policy 5.5.1 Protect and enhance existing Institutional infrastructure such as the school, community hall and outdoor ice rink.

5.6 Open Space

Policy 5.6.1 Identify and designate areas that will be protected as open space for the passive enjoyment of residents and visitors.

6. Land Use “Zoning”

Land use regulations shall be based on the Northern Rockies Regional Municipality Zoning Bylaw No. 729, 2008 for definitions, land uses and densities. Other Zoning regulations shall not apply unless specifically identified within the Policy.

6.1 Agriculture Zoning

Policy 6.1.1 All Agriculture “zoned” lots shall be based on the Agricultural Small Holdings (A-2) Zone where the following regulations shall apply:

Permitted Uses

The following Principal Uses are permitted in the Agriculture Zone:

1. Agriculture,
 2. Commercial Greenhouse,
 3. Equestrian Centre,
 4. Forest Harvesting,
 5. Kennel,
 6. Pound,
 7. Trapping, Guide and Outfitting Operations,
- and
8. One (1) Single Family Dwellings, or
 9. One (1) Modular Home, or
 10. One (1) Duplex

The following Accessory Uses are permitted in the Agriculture Zone:

1. Agri-Tourism,
 2. Hobby Farm,
 3. Oil and Gas Wells and Pipelines,
 4. Oil and Gas Production Facilities,
 5. Outdoor Recreation,
- and
6. Four (4) Accessory Buildings,
- and
7. One (1) Home Occupation, or
 8. One (1) Home Industry,
- and
9. One (1) Secondary Dwelling Unit or
 10. One (1) Seasonal/Transitional Accommodation Dwelling, or
 11. Boarding House Use, or
 12. Bed and Breakfast.

Where an Agriculture Building is being used for an Agricultural Use, it is considered a Principal Use and more than one Principal Building may be sited on the property.

6.2 Residential Zoning

Policy 6.2.1 Rural Residential “zoned” lots shall be based on the Rural Residential - Large (RR-1) Zone where the following regulations shall apply:

Permitted Uses

The following Principal Uses are permitted in the Residential Zone:

1. One (1) Single Family Dwelling, or
2. One (1) Duplex, or
3. One (1) Manufactured Home
4. One (1) Mobile Home

The following Accessory Uses are permitted in the Residential Zone:

1. Two (2) Accessory Buildings,
and
2. One (1) Home Occupation, or
3. One (1) Home Industry, or
4. Veterinary Clinic
and
5. One (1) Secondary Dwelling Unit or
6. Boarding House Use, or
7. Bed and Breakfast,
and
8. Agriculture Use
9. Hobby Farm
10. Kennel

6.3 Commercial Zoning

Policy 6.3.1 Commercial “zoned” lots shall be based on the Highway Commercial (C-2) Zone where the following regulations shall apply:

Permitted Uses

The following Principal Uses are permitted in the Commercial Zone:

1. Automotive and light truck, Recreational Vehicle sales and/or rental,
2. Automotive and light truck, Recreational Vehicle service and/or repair,
3. Auction Sales,
4. Building and Garden Supplies,
5. Bus terminal,
6. Car or truck wash,
7. Commercial Campground
8. Cultural Use,
9. Drive-through business,
10. Eating Establishment,
11. Gaming Centre,
12. Gas Bar
13. Equipment rentals, leasing and sales,
14. Hotel,
15. Laundromat and Dry Cleaning,
16. Licensed Establishment,
17. Manufactured Home Sales,
18. Mixed Commercial/Residential Use
19. Motel,
20. Neighbourhood Convenience Store,
21. Nursery and/or Greenhouse,
22. Private Club or Lodge,
23. Radiator Repair,
24. Recycling Depot,
25. Retail Store,
26. Retail Warehouse,
27. Service and Repair Shop,
28. Service Station
29. Taxidermy,
30. Tire Sales or Repair,
31. Trade Contractor,
32. Tourist information,
33. Veterinary Clinic.

The following Accessory Uses are permitted in the Commercial Zone:

1. Two (2) Accessory Buildings,
2. One (1) Surveillance Suite

6.4 Industrial Zoning

Policy 6.4.1 Industrial “zoned” lots shall be based on the Light Industrial (M-1) Zone where the following regulations apply:

Permitted Uses

The following Principal Uses are permitted in the Industrial Zone:

1. Animal Hospital,
2. Animal Shelter,
3. Auction Sales,
4. Auto Body Repairs,
5. Building and Garden Supplies,
6. Car and Truck Washing,
7. Card Lock Fuel Sales,
8. Cartage, Hauling, Moving and Storage,
9. Trade Contractor,
10. Equipment Rental including Industrial Equipment,
11. Funeral Parlour,
12. Heavy Equipment Sales, Repair and or Storage,
13. Industrial, Light,
14. Mini Storage,
15. Nursery or Greenhouse,
16. Public Utility,
17. Radiator Repair,
18. Recreational Vehicle Sales,
19. Recycling Depot,
20. Concrete Mixing and Transportation,
21. Salvage or Wrecking Yard,
22. Tire Sales or Repair,
23. Vehicle Rental, Repair or Maintenance,
24. Veterinary Clinic,
25. Vehicle Storage and Parking Facilities including Truck and Recreational Vehicles,
26. Warehouse and Storage,
27. Wholesale Business.

The following Accessory Uses are permitted in the Industrial Zone:

1. Two (2) Accessory Buildings,
and
2. One (1) Surveillance Suite, or
3. One (1) Seasonal/Transitional Accommodation Dwelling

6.5 Institutional Zoning

Policy 6.5.1 Institutional “zoned” lots shall be based on the Public Institutional (PI) Zone where the following regulations apply:

Permitted Uses

The following Principal Uses are permitted in the Institutional Zone:

1. Institutional Use,
2. Child Care Centre,
3. Community Service,
4. Cultural Use

The following Accessory Uses are permitted in the Institutional Zone:

1. Two (2) Accessory Buildings.

6.6 Open Space

Policy 6.6.1 Open Space “zoned” lands shall be based on the Parks and Recreation (PR) Zone where the following regulations apply:

Permitted Uses

The following Principal Uses are permitted in the Open Space Zone:

1. Commercial Recreation
2. Parks, Passive Recreation,
3. Institutional Use

The following Accessory Uses are permitted in the Open Space Zone:

1. Two (2) Accessory Buildings.

7. Disposition of Land

The disposition of land is a considerable factor in the growth, sustainability, and long term viability for the community Toad River. While most of the land available to develop is under Crown ownership, it is imperative that land releases meet the objectives of the Policy as stated. Land disposition shall consider the following factors

7.1 Location

Policy 7.1.1 Disposition of land shall only occur within the Specified Area (Schedule B) to encourage a sense of community.

Policy 7.1.2 Disposition of land within the Specified Area is encouraged in areas that are identified as below the 800m contour and with a slope of less than 33% slope.

7.2 Demand

Policy 7.2.1 The NRRM supports the minimum number of residential lots to be released at 3 residential lots at a time.

Policy 7.2.2 There shall be no minimum, or maximum, number of lots released for uses other than residential.

Policy 7.2.3 New lots shall only be considered for release when 80% of existing available lots have been sold or when only one lot remains in the planning area.

Policy 7.2.4 Demand Policies do not preclude individuals from applying to Integrated Land Management Bureau (ILMB) for individual lots.

7.3 Lot Size

Policy 7.3.1 Each new lot created by subdivision shall adhere to the minimum lot sizes as prescribed in Section 6 Land Use "Zoning".

Policy 7.3.2 Consideration shall be given to existing land owners to extend their holdings subject to logical extensions and must meet the minimum parcel sizes advised within the Land Use 'Zoning' portion of this Policy.

7.4 Land Sale Considerations

- Policy 7.4.1** As per the discretion of the Toad River Planning Committee, newly released residential lots should consider a covenant on title ensuring a lot has a livable dwelling with a minimum size of 500 sq feet and is built upon within 3 years of sale to avoid land speculation and empty lots.
- Policy 7.4.2** New lots shall be advertised locally, within Toad River and Fort Nelson, a minimum of two months prior to being released for sale on a wider basis and to the public.
- Policy 7.4.3** Prior to releasing new lot(s), ILMB shall consult with NRRM and the Toad River Area Residents with regard to the selected method of land release and shall give consideration to all of the parties' comments.
- Policy 7.4.4** Newly released lots shall be limited to one lot per person or at the approval of the Toad River Planning Committee.

7.5 Covenant Areas

- Policy 7.5.1** Consideration shall be given to placing “no build” covenants on the following land features prior to approval of any development and as determined by ILMB for provincial land:
- Land with slope greater than 33%.
 - Land that is susceptible to flooding.
 - Land within 30m of top of bank of any watercourse.
- Policy 7.5.2** For releasing land that is subject to a “no build” covenant, such release must be supported by a professional geotechnical report in respect to land that is susceptible to the following:
- debris flow,
 - avalanche,
 - slumping,
 - erosion,
 - landslides,
 - rock fall, or
 - slope of 33% or greater.

8. Roles

It is vital to clearly define the roles of the stakeholders that are involved with the processes within Toad River.

8.1 Northern Rockies Regional Municipality

- Policy 8.1.1** All land proposals that are located within the Context Area (Schedule A) must be approved by the NRRM Council with notification being provided to the Toad River Planning Committee.
- Policy 8.1.2** NRRM staff shall be responsible for subdivision approvals as role of Approving Officer, including lot layout.
- Policy 8.1.3** Building inspection services shall be the sole responsibility of the land owner and is an optional requirement for any building or structure. All costs shall be borne by the land owner.

8.2 Crown/Integrated Land Management Bureau (ILMB)

- Policy 8.2.1** The Integrated Land Management Bureau shall refer all land use applications to the NRRM for comment prior to any action being taken.
- Policy 8.2.2** The Integrated Land management Bureau shall supply to the NRRM a plan of subdivision for comment prior to any release of lots to ensure new subdivisions do not hinder or retard future subdivision potential.

8.3 Toad River Planning Committee (Proposed)

The Policy recommends the creation of a Toad River Planning Committee.

- Policy 8.3.1** The Toad River Planning Committee should be small enough to be functional and be large enough to have good representation of the local community. Therefore the following mix is recommended:
- 2 NRRM Councillors and 1 Alternate to be appointed annually by the Mayor
 - 6 Toad River Residents (landowners)

Staff members shall provide a supporting role on the Committee with no voting privileges.

- Policy 8.3.2** All land applications within the Specific Area (Schedule B) shall be referred to the Toad River Planning Committee for comment via NRRM staff, prior to NRRM Council making the final decisions regarding applications.

9. Appendices

Schedule A - Context Area Map 1

Schedule B - Specific Area Map 2

Schedule C - Specific Area Map 3

Schedule D - Toad River Electrification Service Area Map 4