



# Q & A

## Zoning & Land Use

### Q & A

December 4, 2018

#### Need more information?

If you have any questions, comments or concerns, please contact:

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## Land Use Planning in the Northern Rockies

The regulations referred to throughout this document include:

The [Northern Rockies Regional Municipality Zoning Bylaw No. 119, 2016](#) (Zoning Bylaw), and the [Official Community Plan Bylaw No. 64, 2011](#) (OCP).

The Northern Rockies has received a significant amount of feedback regarding a recent zoning amendment request in a rural residential area west of Fort Nelson. Thank you to everyone who has submitted comments on this issue and for taking the time to be engaged in land-use policy decisions in the community. There were a number of questions raised in the correspondence about the nature of land-use planning in rural areas and home-based-business regulation which Regional Council would like to provide some clarification.

#### How do the NRRM's regulations reflect the community's needs and interests?

*In 2010/2011, through the creation of the Official Community Plan, significant input was gathered to ensure the perspectives of all residents were integrated to the vision, principles and creation of the document (which then became regulation through Bylaw). In its development and over the course of six months, more than two hundred residents provided [feedback](#) on what they envisioned Fort Nelson to become over the next five to ten years. Additionally, a sub-committee was formed to look specifically at home based businesses, providing [recommendations](#) on how the new OCP and subsequent Zoning Bylaw would address some of the unique features of Fort Nelson and the Northern Rockies.*

*Official Community Plans are forward-looking documents which enable Council to plan, coordinate and manage the community's social, economic and land uses over the long-term, providing a vision of the community and the goals and objectives for getting there. Updating an Official Community Plan, either in small scale or with wholesale change is a significant undertaking, spanning many months, and potentially at a sizable cost. The present Official Community Plan (2011) took nearly 18 months to complete.*

#### Are businesses permitted in residential areas?

*Within the Zoning Bylaw, Home Based Businesses (Minor) are permitted in all residential zones. Further, the Zoning Bylaw speaks to Home-Based Businesses (Major), in that they are permitted in rural residential and agricultural areas. The endorsement of Home-Based businesses within the Zoning*

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*Bylaw is consistent with the OCP, which outlines as a guiding principle the goal of promoting and supporting local businesses, including Home-Based Businesses, and encouraging entrepreneurship.*

### **What types of businesses are permitted in rural residential zones?**

*There are a great variety of occupations, crafts and trades that fulfill the definition of Home-Based Businesses, all of which must be secondary to the use of the residence as a home. The Northern Rockies has a relatively open approach to Home-Based Businesses within the Zoning Bylaw. The types of businesses permitted in residential areas as Home-Based Businesses must be consistent with the values of the residential areas in which they operate, with limited impact on the environment, air/noise, land and roads, traffic, safety and appearance.*

### **Why is it that there are existing industrial businesses operating on rural residential properties?**

*While it is true that there are many businesses operating in rural residential areas that are 'industrial' in nature, not all would be permitted if they were to start as new businesses today. In many of these cases, a use is deemed to be 'lawful non-conforming', acknowledging that they pre-existed legislation (the Zoning Bylaw) and are allowed to continue to operate as they are. Having a 'lawful non-conforming' status is not intended to exist indefinitely. Should the use (or business) discontinue for a period of six months or more or be destroyed in excess of 75% of its value, the property assumes the legal zoning designation in effect.*

### **Was the rural area west of Fort Nelson zoned for Industrial purposes?**

*Since the creation of the Fort Nelson Liard Regional District in 1987, the lands west of Fort Nelson (now the Old Alaska Highway) have been zoned Residential. In 1998, the Northern Rockies Regional District Rural Land Use Bylaw replaced the former legislation for the Regional District (in which our current rural area west was located), and while it permitted Home Occupations and Home Industries within Residential zones it specifically defined a limited range of businesses in those categories (Home Occupations: accounting/consulting/legal services, beauty and barber shops, arts and crafts, day care facilities, retail activities, and bed and breakfasts. Home Industries: logging truck operation, welding shop, small portable sawmill, truck contractors, oil and gas field service operations, small scale manufacturing and fabricating, and any retail related to those listed). Further, the Rural Land Use*

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*Bylaw (1998) identified the rural area west of Fort Nelson, on the Old Alaska Highway and Radar Road for example, as Residential. The Official Community Plan and Zoning Bylaw that exist today provide for a far greater range of Home-Based Businesses.*

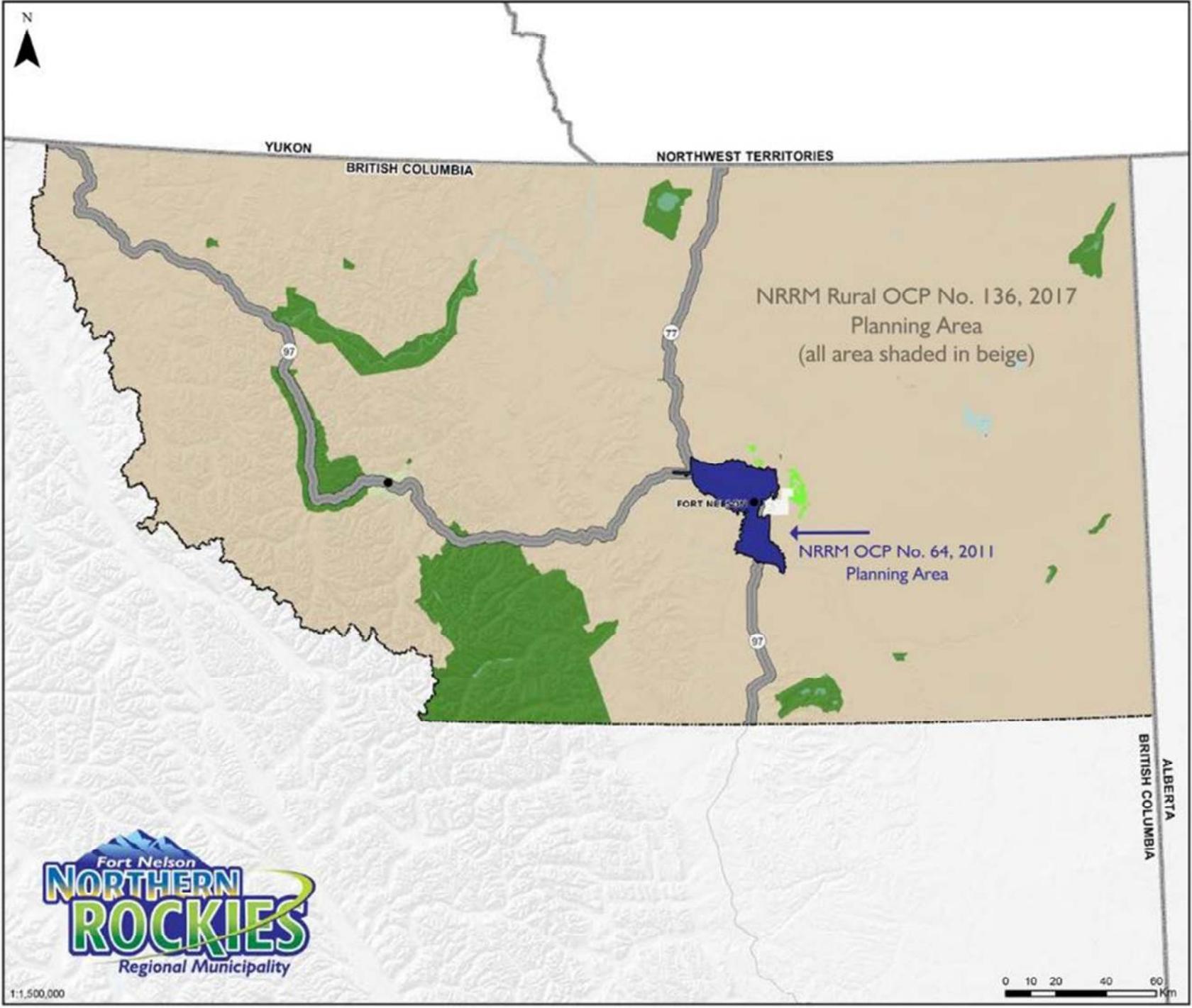
### **What bylaws govern land-use in rural areas?**

*While Fort Nelson and the Northern Rockies Regional District merged in 2009 to become the first Regional Municipality in the Province, it was recognized that the community's land use plan would require a fulsome review to reflect this significant change. It was also recognized that there would be certain values, challenges and priorities unique to the 'urban' Fort Nelson versus the larger rural area now that the NRRM represented almost 10% of the Province's landmass. In 2011, the NRRM adopted their Official Community Plan, providing the vision and strategy for the geographic area just west of the Highway 77/Alaska Highway junction, and east to the Muskwa River and Fort Nelson First Nation, north including McConachie Creek, and south to Andy Bailey Regional Park. The Zoning Bylaw, which effectively regulates the vision and strategies of the OCP, was adopted in 2016. More recently, in 2017 the Rural Official Community Plan and Rural Zoning Bylaw were developed to describe and realize the goals, objectives and policies related to land use in the Municipality's much larger, rural area (such as the Horn River, Cordova and Liard Basins, for example) not addressed within the OCP (2011).*

### **Do home-based businesses pay lower taxes because they operate on residential land?**

*While the cost to purchase rural residential land is typically lower than industrial, zoning has a limited relation to the tax class (and associated rate) applied to any particular parcel. The [BC Assessment Authority](#) estimates the value of properties based on market value and taking into a number of additional considerations. These additional considerations include permitted uses and occupation, which may affect the tax class applied to the (or a portion of) property.*

Regional Council would like to assure everyone that the Northern Rockies puts considerable focus on renewing the local economy by encouraging industry investment and the ongoing development of small business to create a sustainable, diversified economy for future generations. The Official Community Plan and Zoning Bylaws support this commitment, ensuring that businesses are supported to locate in areas appropriate for their operations. However, we encourage the public to continue to share their feedback on these bylaws so that they can continue to grow and evolve to reflect the needs of the community.



YUKON

BRITISH COLUMBIA

NORTHWEST TERRITORIES

NRRM Rural OCP No. 136, 2017  
Planning Area  
(all area shaded in beige)

FORT NELSON

NRRM OCP No. 64, 2011  
Planning Area

ALBERTA  
BRITISH COLUMBIA



1:1,500,000

