



Request for Decision

Electoral Area C
Zoning Amendment Bylaw No. 1549-
2017

Date of Meeting: Board Meeting – January 24, 2018

Recommendations:

THAT Bylaw No. 1549-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017” be read a second time.

THAT the Board direct staff to schedule and advertise a public hearing and delegate the holding of the public hearing to Electoral Area C Director Russell Mack with Chair Jack Crompton as alternate delegate pursuant to Section 469 of the *Local Government Act*, for the consideration of Bylaw No. 1549-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017”.

RELEVANT POLICIES:

Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002

Background:

Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 1484-2017 and Zoning Bylaw No. 1485-2017 were given second reading on July 26, 2017, and a public hearing was held on September 13, 2017. Both are comprehensive bylaws that were intended to replace the current Electoral Area C OCP Bylaw No. 689, 1999 and Electoral Area C Zoning Bylaw No. 765, 2002. “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017” is meant to address the agricultural zoning components contained in Bylaw 1485-2017, as well as to correct a mapping error from 2002, with the remainder of the Area C zoning matters to be addressed through a further process in 2018.

At the December 13, 2017 Board meeting (see staff report from that meeting attached as Appendix 2) the following resolutions were passed:

THAT first and second readings of Bylaw No. 1484-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 1484-2017” be rescinded; and

THAT first and second readings of Bylaw No. 1485-2017, cited as “Squamish-Lillooet Regional District Area C Zoning Bylaw No. 1485-2017” be rescinded.

THAT Bylaw No. 1549-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017” be amended to remove the new Bed and Breakfast definition and the general regulations regarding

Bed and Breakfasts and revert back to the Bed and Breakfast wording as it currently exists in Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002.

THAT Bylaw No. 1549-2017, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017" be amended to delete section 6.7.5 which is the requirement to provide a letter of credit in respect of temporary farm worker housing.

THAT Bylaw No. 1549-2017, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017" be amended to remove section 6.10.3 which limits the number of agritourism activities events per calendar year to 12; and

THAT staff be directed to look at options regarding the inclusion of wording to regulate the scale of agritourism activities events in Bylaw No. 1549-2017.

THAT section (c) of the GATHERING FOR AN EVENT definition of Bylaw No. 1549-2017, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017" be amended to provide for a limit of 10 gatherings for an event within a single calendar year or such other number as may be allowed by the Agricultural Land Commission.

THAT Bylaw No. 1549-2017, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017" be introduced as amended and read a first time.

Key Information:

Based on the resolutions from the December 13, 2017 meeting, the proposed Zoning Amendment Bylaw No. 1549-2017 has been revised and is presented to be considered for second reading and to schedule the public hearing. The following changes were made, and have been highlighted on the attached bylaw:

- Removed the new Bed and Breakfast definition and the new general regulations regarding Bed and Breakfasts and reverted back to the Bed and Breakfast definition as it currently exists in Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002.
- The general regulations for Bed and Breakfast are also returned to the current state to reflect the existing 'resident of a parcel' as the operator language, minus the "Bed and Breakfast Inn" provisions as noted below, and with updated provisions regarding the applicability of and need to comply with provincial regulations such as the BC Building Code, Fire Code, and ALC Act and Regulations, etc. These are necessary updates to provide clarity around bed and breakfasts and the need for an SLRD building permit, which has always been required) while addressing the main concern about the new B&B provisions regarding the operator of the B&B as per the Board's direction. It also provides an increase in the number of permitted bedrooms from 3 (6 guests) to 4 (8 guests), and the ability to include a separate commonly accessible kitchen for use by

all the guests, as these changes have been made to all other SLRD zoning bylaws with respect to bed and breakfasts.

- The Bed and Breakfast Inn use and references remains removed as a permitted use as it does not comply with the BC Building Code regulations for bed and breakfasts and the maximum number of permitted bedrooms. This does not affect anyone as the BC Building Code does not allow for this use and number of bedrooms. It is important to remove existing provisions such as the B&B Inn as it is a use that is not possible for anyone to actually undertake due to provincial regulations.
- Deleted section 6.7.5 which is the requirement to provide a letter of credit in respect of temporary farm worker housing.
- Removed section 6.10.3 which limits the number of agritourism activities events per calendar year to 12.
- Amended the definition of gathering for an event to provide for a limit of 10 gatherings for an event or such other number as may be allowed by the *Agricultural Land Commission Act* and Regulation.
- With respect to the resolution "*THAT staff be directed to look at options regarding the inclusion of wording to regulate the scale of agritourism activities events in Bylaw No. 1549-2017*" staff suggest that this will entail further work and community engagement and that this consultation would be more effectively conducted in association with the second phase of the Area C zoning project which will occur once Bylaw 1549-2017 is adopted. As such, this issue will not be addressed as part of Zoning Amendment Bylaw No. 1549-2017.

Options:

- (1) Give Bylaw No. 1549-2017 second reading and schedule the public hearing.
- (2) Refer back to staff for more information prior to giving the bylaw second reading.
- (3) Other decision, as determined by the Board.

Preferred Option: Option 1 is the preferred option as the proposed bylaw amendment includes the proposed Agricultural zoning and related provisions from the previous draft Zoning Bylaw No. 1485-2017, which have been extracted and presented here for inclusion into the existing Zoning Bylaw No. 765, 2002. Changes have been made to the proposed bylaw as per the SLRD Board resolutions of December 13, 2017.

Regional Considerations: The proposed bylaw would establish updated agricultural zoning in Electoral Area C, and rezone all the existing properties that are currently AGR or AGR_{PF} to the new AGR1 zone, as well as rezone those properties *in the ALR* between Birken and D'Arcy, and those in the Blackwater Road area. Those parcels have not been properly zoned in the past and with all the changes to the ALR regulations, it is necessary to ensure that all ALR land within Area C is properly zoned for agriculture and complies with the *ALCA* and Regulation.



Request for Decision

Electoral Area C
Zoning Amendment Bylaw No. 1549-2017

Attachments:

Appendix 1: Bylaw No. 1549-2017
Appendix 2: December 13, 2017 Staff Report

Submitted by: I. Holl, Senior Planner

Reviewed by: K. Needham, Director of Planning & Development Services

Approved by: L. Flynn, Chief Administrative Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1549-2017**

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District
Electoral Area C Zoning Bylaw No. 765, 2002

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002;

NOW THEREFORE, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017”.
2. Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002 is amended as follows:
 - (a) By rezoning the property identified by the I1 callout on Schedule 1, which is attached to and forms part of this bylaw, from AGR (Agriculture) to I1 (Industrial 1).
 - (b) By rezoning the property identified by the RR3 callout on Schedule 1, which is attached to and forms part of this bylaw, from RR1 (Rural 1) to RR3 (Rural 3).
 - (c) With the exception of the property noted in (a) above, by rezoning all properties currently zoned AGR (Agriculture) or AGR_{PF} (Agriculture Pemberton Fringe subzone) to the new AGR1 (Agriculture 1) zone as shown on Schedule 1, which is attached to and forms part of this bylaw.
 - (d) By rezoning those properties that are in the Agricultural Land Reserve (ALR) identified on Schedule 1, which is attached to and forms part of this bylaw, from RR1 (Rural 1) (between Birken & D’Arcy) or RR1_{RM} (Rural 1 Resource Management) (Blackwater) to AGR1 (Agriculture 1).
 - (e) By deleting the existing Section 6 AGR (Agriculture) zone and AGR_{PF} (Agriculture Pemberton Fringe subzone).
 - (f) By inserting the new AGR1 (Agriculture 1) zone as the new Section 6 - Agriculture Zone as shown on Schedule 3, which is attached to and forms part of this bylaw.
 - (g) By deleting the term “light industry” from Section 11.1(a) Permitted Uses in the I1 zone and renumbering the subsections accordingly.
 - (h) By deleting the phrase “combined commercial use and residential dwelling unit” from Section 11.1(q) Permitted Uses in the I1 zone and renumbering the subsections accordingly.
 - (i) By deleting the term “light industry” from Section 12.1(e) Permitted Uses in the I2 zone and renumbering the subsections accordingly.
 - (j) By deleting the existing section Part 1 - Interpretation in its entirety, and replacing it with a new Section 1 - Definitions as shown on Schedule 4, which is attached to and forms part of this bylaw.

- (k) By deleting the existing section Part 2 - Basic Provisions in its entirety, and replacing it with a new Section 2 - Administration & Zones as shown on Schedule 5, which is attached to and forms part of this bylaw.
- (l) By deleting the existing section Part 3 - General Subdivision Provisions and Regulations in its entirety, and replacing it with a new Section 3 - General Regulations as shown on Schedule 6, which is attached to and forms part of this bylaw.
- (m) By deleting the existing section Part 4 – General Zoning Provisions and Regulations in its entirety, and replacing it with a new Section 4 - Parking and Loading Regulations as shown on Schedule 7, which is attached to and forms part of this bylaw.
- (n) By replacing the existing term “farm use” with the term “agriculture” in the permitted uses section of the RR1 (Rural 1) zone.
- (o) By deleting the term “bed and breakfast inn” from sections 5.1(3)(b) and 10.1(e).
- (p) By replacing the existing Parking and Loading sections 5.13, 5.19, 7.7, 9.10, 9.11, 10.12, 11.10, 11.11, 12.9, 12.10, 14.7, 14.8, and 16.7 with the following new Parking & Load provision as follows:

Parking & Loading

Motor vehicle and bicycle parking and loading shall comply with the requirements of Section 4 of this Bylaw.

- (q) By updating the Summary of Amendments table to reflect this amendment bylaw as follows:

BYLAW NO.		DATE OF ADOPTION
1549-2017	Area C Agricultural and Housekeeping Zoning Updates	Month Day, 2017

- (r) By inserting a new heading section for each broad category of zones entitled Rural Zones, Residential Zones, Commercial Zones, Industrial Zones, Public and Institutional Zones, and Comprehensive Development Zones with the new heading style as follows:

SECTION - ZONE CATEGORY

- (s) By replacing the existing heading section of each of the RR1, RR3, R1, MHP, C1, TC, I1, I2, I3, PA1, CWP, CD zones with the new heading style as follows:

SECTION #.# - ZONE CODE – ZONE NAME

- (t) By inserting a new Table of Contents between the existing heading “Schedule A to Zoning Bylaw No. 765” and the new Section 1 Definitions, described by (h) above, and then deleting the “Schedule A to Zoning Bylaw No. 765” heading, as follows:

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Intent

- 6.1 The intent of this *zone* is to provide for agricultural development and to protect the agricultural integrity of land within the Agricultural Land Reserve.

Permitted Uses

- 6.2 In the AGR1 Zone the *use* of land, *buildings* and *structures* is subject to the *Agricultural Land Commission Act (ALCA)* and the Agricultural Land Reserve Use Subdivision and Procedure Regulation (Regulation), and restricted to:

- .1 On all *Parcels*:
 - (a) *agriculture*, including *intensive agriculture*
 - (b) *aquaculture*
 - (c) forestry practices, including silviculture and harvesting, but not including processing or manufacturing
 - (d) *brewery, cidery, distillery, meadery, or winery* subject *Liquor Control and Licensing Act*
 - (e) *farm residence*, subject to Section 6.5
 - (f) *agritourism activities*, subject to Section 6.10
 - (g) *farm retail sales*, subject to Section 6.6
 - (h) *secondary suite*
 - (i) *home office*
 - (j) *home craft*
 - (k) *farm employee residence*, subject to Section 6.5
 - (l) *temporary farm worker housing*, subject to Section 6.7
 - (m) *gathering for an event*, subject to Section 6.5 and 6.9
 - (n) construction and maintenance, for the purpose of drainage or irrigation or to combat the threat of flooding, of
 - i. dikes and related pumphouses, and
 - ii. ancillary works including access roads and facilities;
 - (o) *garden nursery*
 - (p) *accessory buildings* and *accessory uses*.
- .2 On *parcels* of 2 ha or greater, the additional permitted *uses* are:
 - (a) Operation of a *portable sawmill* if at least 50% of the volume of the timber is harvested from the farm or *parcel* on which the *portable sawmill* is located.
- .3 On *parcels* of 60 ha or greater, the additional permitted *uses* are:

(a) *medical marihuana production facility*.

Non-Farm Uses

- 6.3 All applications to permit non-farm uses not enabled by the regulations of the ALC, including for rezoning, Temporary Use Permits and variances must be accompanied by an Agricultural Impact Assessment prepared by a *licensed or accredited professional*, such as a professional Agrologist that assesses if a proposed use enhances agriculture.

Regulations

- 6.4 On a *parcel* located in the AGR1 Zone, no *use, building or structure* shall be established, constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I Matter to be Regulated		COLUMN II Regulations
.1	Minimum <i>parcel area</i> for new subdivisions	20 ha
.2	Maximum number of <i>dwellings</i> per <i>parcel</i>	- on <i>parcels</i> less than 4 ha: 1 <i>farm residence</i> in accordance with s. 6.5 - on <i>parcels</i> 4 ha or greater, one <i>farm employee residence</i> may be permitted in accordance with s. 6.5 and subject to the following conditions: (i) the property has farm class under the <i>BC Assessment Act</i>, and (ii) an application on the prescribed form has been submitted to, and approved by, the <i>SLRD</i>, in consultation with the Ministry of Agriculture and the Agricultural Land Commission, that provides evidence that there is a demonstrated need for a <i>farm employee residence</i> commensurate with the present level of <i>agriculture</i> occurring on the property.
.3	<i>Parcel Coverage</i>	The <i>parcel coverage</i> of all <i>buildings</i> and <i>structures</i> shall not exceed 5 percent except: (i) where the <i>parcel</i> is one (1) hectare or less, the <i>parcel coverage</i> shall not exceed 15 percent. (ii) Subsection (i) does not apply

COLUMN I Matter to be Regulated		COLUMN II Regulations
		where a <i>building</i> or <i>structure</i> is used in conjunction with a <i>bona fide agricultural operation</i> as long as that operation is in compliance with the ALCA and Regulation.
.4	Maximum number of <i>secondary suites</i> per <i>farm residence</i>	1
.5	Maximum <i>gross floor area</i> for the <i>farm residence</i>	350 m ²
.6	Maximum <i>gross floor area</i> for <i>farm employee residence</i> , if authorized under Section 6.5	180 m ²
.7	Minimum <i>setback</i> - from the <i>front parcel line</i> - from all other <i>parcel lines</i>	4.5 m 7.5 m
.8	Maximum <i>setback</i> for <i>farm residence</i> , and <i>farm employee residence</i> , where permitted, from the <i>front parcel line</i> to the rear of the <i>farm residence</i> , and the <i>rear of the farm employee residence</i>	75 m
.9	Maximum <i>setback</i> for the <i>farm residential footprint</i> from the <i>front parcel line</i> to the rear of the <i>farm residential footprint</i>	85 m
.10	Maximum <i>height</i> of <i>farm building</i> <i>farm residence</i> <i>farm employee residence</i>, if authorized under Section 6.5 <i>temporary farm worker housing</i>, if authorized under Section 6.7 <i>accessory building</i>	15 m 8 m 7.62 m 7.62 m 6 m
.11	Minimum <i>setback</i> for <i>medical marihuana production facility</i> (from all <i>parcel lines</i>)	25 m
.12	Maximum <i>height</i> for a <i>medical marihuana production facility</i>	15 m
.13	Maximum <i>gross floor area</i> for a <i>medical marihuana production facility</i>	2,500 m ²
.14	Minimum <i>setback</i> for <i>medical marihuana production facility</i> from any <i>watercourse</i>	30 m
.15	<i>Farm residential footprint</i>	See Section 6.5
.16	Maximum <i>gross floor area</i> for <i>temporary farm worker housing</i> - on parcels 4 ha or larger - per temporary farm worker	280 m ² 10 m ²
.17	Maximum <i>setback</i> for a <i>farm employee residence</i> or <i>temporary farm worker housing</i> from a <i>farm residence</i>	15 m

COLUMN I Matter to be Regulated		COLUMN II Regulations
.18	Maximum <i>gross floor area</i> of a <i>brewery, cidery, distillery, meadery or winery</i> provided that the size of the facility is commensurate with the agricultural operation supporting it and in accordance with the <i>ALCA and Regulation</i> .	500 m ²
.19	Maximum <i>gross floor area</i> of food and beverage lounge associated with a <i>brewery, cidery, distillery, meadery, or winery</i> - Indoor <i>gross floor area</i> - Outdoor <i>gross floor area</i>	50 m ² 50 m ²
.20	Maximum <i>gross floor area</i> of a tasting room associated with a <i>brewery, cidery, distillery, meadery or winery</i>	50 m ²
.21	Additional regulations pertaining to a <i>brewery, cidery, distillery, meadery or winery</i>	See Section 6.8
.22	Maximum <i>setback</i> for the <i>non-farm use footprint</i> from the <i>front parcel line</i> to the rear of the <i>non-farm use footprint</i>	40 m

- .23 The *setback* and *height* regulations elsewhere in Section 6.5 shall not apply to an existing *building* that is re-purposed for a *medical marihuana production facility*, so long as that *building* has been issued a valid building permit.
- .24 Any *medical marihuana production facility* that is 3,700 m² or larger requires a Ministry of Agriculture-approved rainwater management plan and agricultural liquid waste management plan.

Farm Residential Footprint, Farm Residence and Farm Employee Residence

- 6.5 The following *farm residential footprint*, *farm residence* and *farm employee residence* requirements shall apply to all *lots* within an Agriculture Zone and any other zone within the ALR and are subject to the provisions of the *Agricultural Land Commission Act* and Regulation.

General Requirements

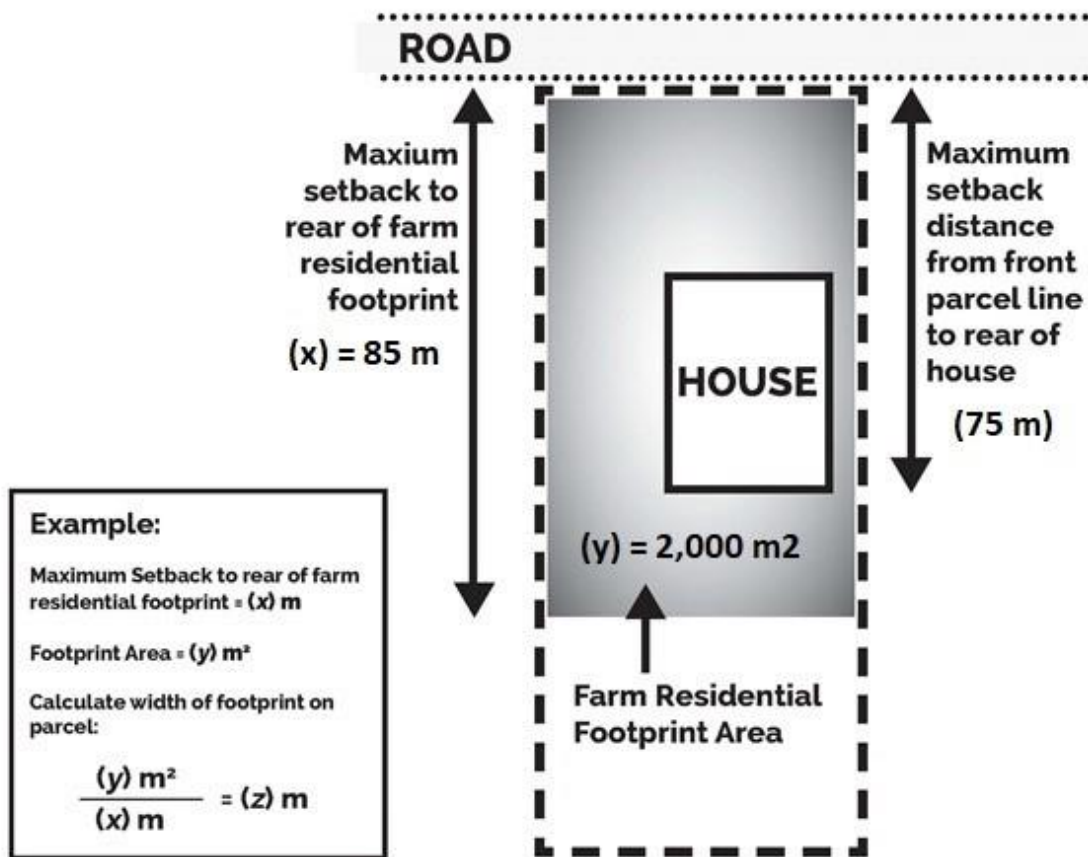
- .1 On all *lots* within the AGR1 Zone, the *farm residence*, *farm employee residence*, *home office*, *home craft*, *gathering for an event* and all accessory residential facilities must be located within the *farm residential footprint* area.
- .2 No non-agricultural or non-farm uses defined by the *Agricultural Land Commission Act* and Regulation are permitted outside the *farm residential footprint*.

Siting Requirements

- .3 The maximum area of a *farm residential footprint* containing one *farm residence* is 2,000 m².
- .4 A *farm residential footprint* containing a *farm employee residence* (where it has been approved by the SLRD) may be increased by a maximum of 500 m² to 2,500 m².
- .5 The maximum depth for a *farm residential footprint* is 85 m, measured from a dedicated road. If the road is not dedicated then the depth shall be measured from the constructed road.
- .6 One boundary of the *farm residential footprint* must be located at a property line fronting on a road from which vehicular access is obtained.
- .7 The rear face of a *farm residence* or *farm employee residence* must not be less than 10 m from the rear of the *farm residential footprint*.

See Figure 1 for a diagram describing *farm residential footprint* and *farm residence/farm employee residence setback*.

FIGURE 1



Farm Employee Residence

- .8 A person may apply for a *farm employee residence* by completing an application on the prescribed form and shall include a detailed site plan.
- .9 The property owner will be required to register a Section 219 covenant against the property title at the Land Title Office which will specify the *farm employee residence* details submitted in the application form and accompanying site plan.
- .10 A *farm employee residence* is not permitted on any lot less than 4 ha.
- .11 A maximum of one *farm employee residence* is permitted on any *lot*.

Farm Retail Sales

- 6.6 *Farm retail sales* shall be conducted in accordance with, and are subject to, the provisions of the *Agricultural Land Commission Act* and Regulation.
 - .1 Land, *buildings* and *structures* used for *farm retail sales* shall:
 - .1 where both farm products and off-farm or non-farm products are being sold, have a maximum gross floor area of 300 m², including both indoor and outdoor sales and display areas.
 - .2 dedicate at least 50% of the total retail sales area to the sale of farm products produced on the farm on which the retail sales are taking place.
 - .2 Off-street parking for *farm retail sales* must be located within the *farm residential footprint area*, and/or the *non-farm use footprint*, and be in accordance with Section 4 and Section 6.9.8 of this Bylaw.

Temporary Farm Worker Housing

- 6.7 *Temporary farm worker housing* shall be in accordance with the provisions of this Section 6.7.
- .1 A person may apply for *temporary farm worker housing* by completing an application on the prescribed form and shall include a detailed site plan.
 - .2 An assessment report from a professional agrologist regarding the agricultural need for farm worker housing must be submitted to and approved the SLRD.
 - .3 A statutory declaration must be filed with the SLRD annually, stating that the *temporary farm worker housing* building(s) will be used only for *temporary farm worker housing* for a specified period of time.
 - .4 The property owner will be required to register a Section 219 covenant against the property title at the Land Title Office which will specify the *temporary farm worker housing* details submitted in the application form and accompanying site plan. The covenant will state that the farm worker housing will be removed by the owner and the land restored to agricultural use if the farm worker housing is vacant for two consecutive years.
 - ~~.5 A deposit, in the form of an irrevocable letter of credit, sufficient to remove the *temporary farm worker housing* must be provided to the SLRD upon approval of the *temporary farm worker housing*; the cost of removing the *temporary farm worker housing*, if not removed by the property owner, will be recovered by the local government based on drawing down the letter of credit.~~
 - .5 *Temporary farm worker housing* must meet the standards in the *BC Public Health Act*, the *BC Building Code*, and the “Guidelines for the Provision of Seasonal Housing for Migrant Farm Workers in BC.” Inspections are required prior to initial occupancy, as per the above noted guidelines, and annually thereafter.
 - .6 A geotechnical report from a qualified professional must be submitted, in order to determine the Flood Construction Level (FCL) for the *temporary farm worker housing*.
 - .7 The *parcel* on which the *temporary farm worker housing* is located is classified as a farm under the *BC Assessment Act*.
 - .8 The *temporary farm worker housing* shall be used for the temporary accommodation of seasonal agricultural workers who are employed by the owner of the *parcel* to work in the owner’s farm operation.
 - .9 *Temporary farm worker housing* must be sited within the *farm residential footprint* area.

Brewery, cidery, distillery, meadery or winery

- 6.8 *Breweries, cideries, distilleries, meaderies or wineries* shall be in accordance with the provisions of this Section 6.8.
- .1 The number and frequency of special events, other than those that fall within the *gathering for an event* use, held at a *brewery, cidery, distillery, meadery, or winery* lounge (indoor and outdoor space) and a valid lounge endorsement shall be limited to:
 - .1 A maximum of 4 special events in a calendar year, that occur outside of regular approved business hours
 - .2 Of those 4 special events in a calendar year, no more than 1 special event per weekend.
 - .2 Off-street parking for a *brewery, cidery, distillery, meadery or winery* must be located within the *farm residential footprint* area, and/or the *non-farm use footprint*, and be in accordance with Section 4 and Section 6.9.8 of this Bylaw.

Gathering for an Event and the Non-Farm Use Footprint

- 6.9 The *gathering for an event* use shall be in accordance with the *Agricultural Land Commission Act* and Regulation, ALC Policy L-22 Gathering for an Event, and the provisions of this Section 6.9.
- .1 the farm must be located on land classified as a farm under the *BC Assessment Act*.
 - .2 *permanent facilities* must not be used, constructed or erected in connection with the event.
 - .3 parking for those attending the event must be available on the farm, but must not be permanent (asphalt, concrete, gravel, etc.) nor interfere with the farm's agricultural productivity.
 - .4 no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event.
 - .5 the event must be of no more than 24 hours duration.
 - .6 no more than 10 *gatherings for an event*, or such other number as may be allowed by the *Agricultural Land Commission Act* and Regulation, of any type may occur on the farm within a single calendar year.
 - .7 the *gathering for an event* use and uses accessory to it must be located entirely within the *farm residential footprint* and/or the *non-farm use footprint*.
 - .8 the *non-farm use footprint* shall be in accordance with the following:
 - .1 On parcels that are less than 4 ha, the *non-farm use footprint* shall be a maximum of 500 m².
 - .2 On parcels that are 4 ha or greater but less than 8 ha, the *non-farm use footprint* shall be a maximum of 1,500 m².
 - .3 On parcels that are 8 ha or larger but less than 16 ha, the *non-farm use footprint* shall be a maximum of 2,000 m².
 - .4 On parcels that are 16 ha or greater, the *non-farm use footprint* shall be a maximum of 2,500 m².

Agritourism Activities

- 6.10 The following *agritourism activities* requirements shall apply to all lots within the ALR and are subject to the provisions of the *Agricultural Land Commission Act* and Regulation.

General Requirements

- .1 *Agritourism Activities*
 - .1 can only occur on a property that has farm class under the *BC Assessment Act*.
 - .2 only include those specific activities included in the definition of *agritourism activities* in this Bylaw.
 - .3 must be accessory to and related to the *principal use* of the farm.
 - .4 must promote or market farm products from the farm.
 - .5 must be *temporary* and *seasonal*.
 - .6 *permanent facilities* must not be used, constructed, or erected in connection with the *agritourism activity*.
 - .7 do not include any overnight accommodation.
 - .8 excludes permanent commercial kitchen facilities.

Siting Requirements

- .2 Off-street parking for *agritourism activities* must be located within the *farm residential footprint* area and/or the *non-farm use footprint* area, and be in accordance with Section 4 and Section 6.9.8 of this Bylaw.

Timing and Frequency Requirements

- ~~.3 *Agritourism activities* are limited to a maximum of 12 events per calendar year.~~

Parking & Loading

- 6.11 Motor vehicle and bicycle parking and loading shall comply with the requirements of Section 4 of this Bylaw.

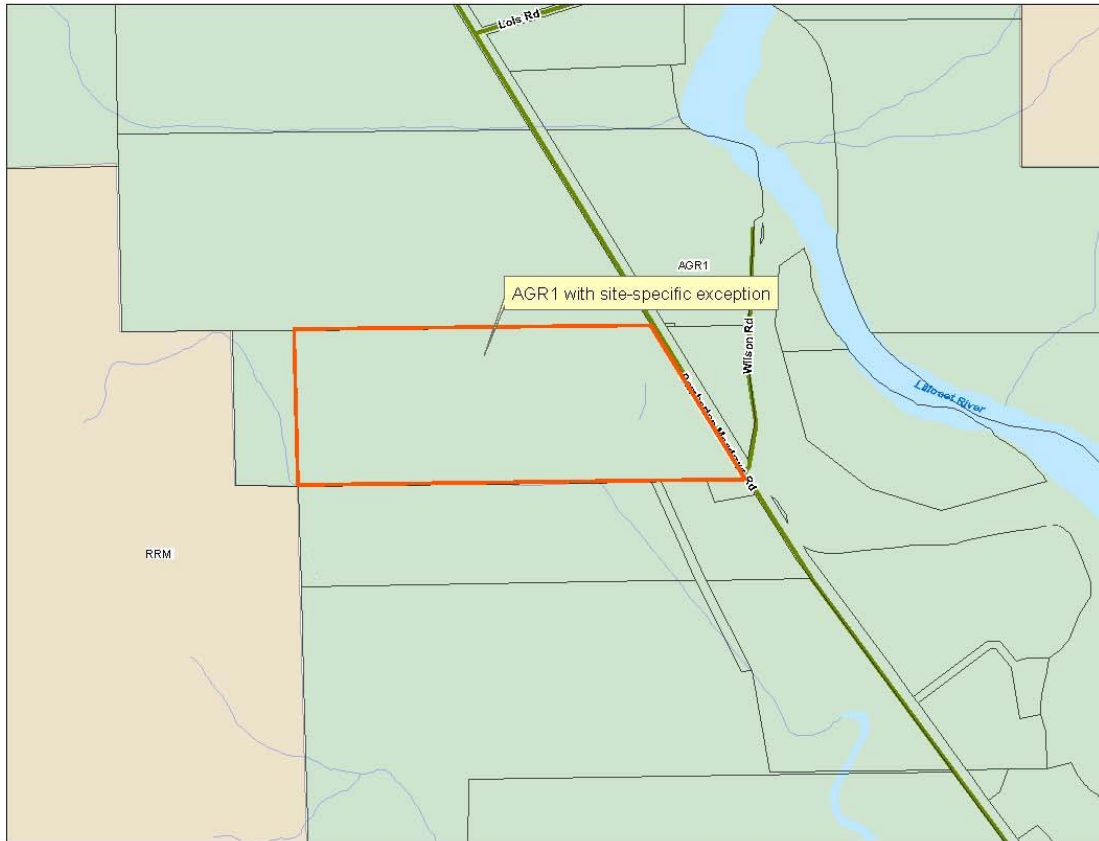
Exceptions

6.12 Exceptions

- .1 On the *Parcel* legally described as PID 009-458-832, Lot 1 District Lot 171 Lillooet Land District Plan 11798, the additional *use* permitted is:
 - Cemetery.



- .2 On the *Parcel* known as PID 011-512-172, Lot A, DL 173, Plan 1613 except Plan 18218, Lillooet Land District, the following additional *uses* are permitted:
 - Two (2) additional single family residences, and
 - One (1) small *portable sawmill* and planer mill for the use of the resident as long as the use is temporary and at least 50% of the volume of timber processed is harvested from the farm or the parcel on which the sawmill is located. The use of the portable sawmill and planer mill must be in compliance with the *Agricultural Land Commission Act* and Regulation.



Applicability of Land Use Contract Until Terminated

In the event of conflict between provisions of these zoning regulations and those of the 4D Ranch Land Use Contract Authorization Bylaw No. 123, 1977, the Land Use Contract Bylaw shall apply until it is terminated.

- .3 On the *Parcel* known as PID 009-810-331, Lot 13, DL 210, Plan KAP1241, LLD, except Plan 4249, the additional uses permitted on that portion of the parcel indicated in cross hatched markings on the following map are:
- Autobody shop and car repair, and
 - Parking for the vehicles being repaired.



SECTION 1 - DEFINITIONS

ACCESSORY BUILDING means a *building* or *structure* that is subordinate, customarily incidental and exclusively devoted to a *principal building* or use permitted on the same *parcel* such as a detached *garage*, *carport* or storage shed.

AGRICULTURE means the use of land, *buildings*, and *structures* for the growing, producing, raising or keeping of animals and plants, including apiculture, and the primary products of those plants or animals. It includes the harvesting, processing, storing, and wholesale of agricultural products produced from the same *parcel* or same farm, *farm retail sales*, the repair of farm machinery and related equipment used on the same farm. It also includes agroforestry, horse riding, training, and boarding, greenhouse and nursery uses, but does not include *kennels*, pet breeding, or a *medical marihuana production facility*.

AGRITOURISM ACTIVITY means:

(a) The following activities:

- (i) an agricultural heritage exhibit displayed on the farm.
- (ii) a tour of the farm, an educational activity or demonstration in respect of all or part of the farming operations that take place on the farm, and activities ancillary to any of these.
- (iii) cart, sleigh and tractor rides on the land comprising the farm.
- (iv) activities that promote or market *livestock* from the farm, whether or not the activity also involves *livestock* from other farms, including shows, cattle driving and petting zoos.
- (v) dog trials held at the farm.
- (vi) harvest festivals and other seasonal events held at the farm for the purpose of promoting or marketing *farm products* produced on the farm.
- (vii) corn mazes prepared using corn planted on the farm.
- (viii) services that are ancillary to (i) through (vii), and that are in compliance with the *ALC Act*, and the *ALR Use, Subdivision, and Procedure Regulation*.

(b) The activities identified in (a)(i)-(viii):

- (i) must be carried out on land that is classified as a farm under the *Assessment Act*.
- (ii) must be to which members of the public are ordinarily invited, with or without a fee.
- (iii) must not use, construct, or erect any permanent facilities. No existing permanent facilities may be used, or converted for use, without an approved non-farm use application and a valid building permit for *assembly use*.
- (iv) must be in compliance with the *Agricultural Land Commission Act*, and the *ALR Use, Subdivision, and Procedure Regulation*.
- (v) must be accessory to and related to the *principal use* of the property, which is farming.
- (vi) must be *temporary* and seasonal, and promote or market *farm products* grown, raised, or processed on the farm.
- (vii) must not include any accommodation.

ALC means Agricultural Land Commission.

ALR means Agricultural Land Reserve.

APPROVING OFFICER means the approving officer designated under the *Land Title Act*.

ASSEMBLY USE means a *use* providing for the assembly of persons during the term of a defined program or activity for religious, charitable, philanthropic, cultural, recreational, educational, and health care purposes, but does not include *commercial assembly uses*.

ASSEMBLY USE, COMMERCIAL means a *use* providing for the assembly of persons during the term of a defined event or activity, including but not limited to a party, wedding, or corporate retreat, where there is an exchange of money or other consideration for the use of the property for the said event or activity.

ATTIC means the space between the underside of the roof sheathing/roof rafters and the top of the ceiling joists of the storey immediately below where the vertical distance between the two does not exceed 1.2 m.

AVERAGE FINISHED GRADE means the average ground elevation, after placement of fill, removal of soil, regrading or construction, adjoining the perimeter of a building or *structure* excluding steps, eaves, sunlight controls, canopies, balconies, open porches, patios, and uncovered swimming pools.

BACKCOUNTRY TOURISM GUEST STAGING means commercial use of land that is subject to a commercial recreation tenure issued by the Province of British Columbia to congregate paying guests for the purpose of facilitating motorized open land recreation, including but not limited to helicopter accessed recreation, all-terrain vehicle tours, jet boating, and snowmobiling.

BAY WINDOW means a window protruding from a wall line which adds space, but not floor area, to a *building*.

BALCONY means an exterior extension of a floor projecting from the wall of a *building* and enclosed by a parapet or railing.

BASEMENT means that portion of a *building* between two floors, the lower of which is at least 1.2 m below the lower of the average natural *grade* or the *average finished grade*, but does not include a *crawl space*.

BED AND BREAKFAST means an auxiliary use of a *single family dwelling* as a transient accommodation business for overnight accommodation of travellers, providing at least breakfast to those being accommodated.

BOARD means the duly elected board of the *Regional District*.

BONA FIDE AGRICULTURAL OPERATION means the growing, rearing, producing and harvesting of primary agricultural products on lands classified as a farm by the British Columbia Assessment Authority.

BONA FIDE FARM OPERATION means a *bone fide agricultural operation*.

BREEZEWAY means a solid structural connection between buildings with a maximum length of 5 m, and a maximum gross floor area of 20 m².

BREWERY, CIDERY, DISTILLERY, MEADERY AND WINERY mean a brewery, cidery, distillery, meadery or winery, as applicable, that is licensed under the *Liquor Control and Licensing Act* to produce beer, cider, spirits, mead or wine and ancillary *use(s)* as defined by the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation (B.C. Reg. 171/2002), as amended.

BUILDING means any *structure* used or intended for supporting or sheltering any *use* or occupancy.

BUILDING FOOTPRINT means the greatest horizontal area of a *building* above natural grade within the outside surface of exterior walls, or within the outside surface of exterior walls and the center line of firewalls. For those *buildings* and *structures* sited within a floodplain, the *building footprint* shall be calculated above the flood construction level, as determined by a geotechnical engineer/professional, rather than the natural grade.

CAMPGROUND means a *use* providing for the seasonal *tourist accommodation* of travelers using tents, yurts, or *recreational vehicles*, but excludes a *mobile home park*. A campground may include accessory outdoor recreational *uses* for those persons accommodated at the campground.

CARPORT means an unroofed or roofed *structure* used for the storage or parking of motor vehicles that has less than 60% of the total perimeter of the *structure* enclosed by walls, doors, or windows.

COMMUNITY WATERSHED means all or part of the drainage area above the most downstream point of diversion for a water use that is for human consumption and that is licensed under the *Water Act* for a domestic purpose or a waterworks purpose as defined under the *BC Forest and Range Practices Act*;

COTTAGE means a single family dwelling that has a maximum gross floor area of 140 m². *Secondary suites* are not permitted in *cottages*.

COMMERCIAL LODGING means a *building* used for the *temporary* accommodation of the travelling public, including hotels, motels and other commercial resort operations and may contain commerce, entertainment, or *restaurant uses* and premises licensed for on-site consumption of alcoholic beverages.

CRAFT (in the context of Home Craft) means an occupation or trade requiring manual dexterity or artistic skill.

CRAWLSPACE means the space at or below *grade* between the underside of the joist of the floor next above and the floor slab on the ground surface below with a vertical clear *height* of 1.5 m or less.

DAY LODGE means a *building* that hosts *assembly* and *commercial assembly uses* for the enjoyment of guests attending the facility.

DERELICT VEHICLE means an unlicensed motor vehicle, or motor vehicle that is uninsured for more than eight months of a calendar year.

DEVELOPMENT means the carrying on of any construction, excavation or operation, in, on, over, or under land or water; or the making of any change in the use or intensity of use of any land, water, *building* or premises.

DUPLEX means a residential *building* that is divided into two *dwelling units*, each of which is occupied or intended to be occupied as a permanent home or residence of one *family*. A *secondary suite* is not permitted in a *duplex*.

DWELLING means a *building* containing one or more *dwelling units*.

DWELLING UNIT means a self-contained set of habitable rooms containing not more than one kitchen facility. Unless explicitly permitted in a *zone*, a *dwelling unit* cannot be used for commercial *tourist accommodation*.

ENCLOSED (in the context of balconies, verandas, porches, patios, or decks and gross floor area calculations) means 60% or more of the total perimeter of the balcony, veranda, porch, patio, or deck *structure* surrounded by exterior walls, doors, or windows.

FAMILY means an individual, or two or more persons related by blood, marriage, common law marriage, adoption, or foster parenthood sharing one *dwelling unit*; or not more than five unrelated persons sharing one *dwelling unit*.

FARM BUILDING means a *building* or part thereof that does not contain a residential occupancy or *dwelling unit*, and that is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or *livestock*, or the production, storage or processing of agricultural and horticultural produce or feeds.

FARM EMPLOYEE RESIDENCE means an additional dwelling on a lot within the ALR used as a residence by an individual or individuals employed by the farm on the same lot that the *agricultural use* occurs. A farm employee residence cannot be used for *tourist accommodation*, and cannot have a *secondary suite*. Those residing in a farm employee residence must be a full time employee(s) of the farm.

FARM OPERATION means any of the following activities involved in carrying on a farm business:

- (a) growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
- (b) clearing, draining, irrigating or cultivating land;
- (c) using farm machinery, equipment, devices, materials and *structures*;
- (d) applying fertilizers, manure, pesticides and biological control agents, including by ground and aerial spraying;
- (e) conducting any other agricultural activity on, in or over agricultural land; and includes
- (f) intensively cultivating in plantations, any
 - (i) specialty wood crops, or
 - (ii) specialty fibre crops prescribed by the Minister of Agriculture;
- (g) conducting turf production
 - (i) outside of an agricultural land reserve, or
 - (ii) in an agricultural land reserve with the approval under the *Agricultural Land Reserve Act* of the Land Reserve Commission;
- (h) aquaculture as defined in the *Fisheries Act* if carried on by a person licensed, under Part 3 of that *Act*, to carry on the business of aquaculture;
- (i) raising or keeping game, within the meaning of the *Game Farm Act*, by a person licensed to do so under that *Act*;
- (j) raising or keeping fur bearing animals, within the meaning of the *Fur Farm Act*, by a person licensed to do so under that *Act*;
- (k) processing or direct marketing by a farmer of one or both of
 - (i) the products of a farm owned or operated by the farmer, and
 - (ii) within limits prescribed by the minister, products not of that farm, to the extent that the processing or marketing of those products is conducted on the farmer's farm;

but does not include:

- (l) an activity, other than grazing or hay cutting, if the activity constitutes a forest practice as defined in the *BC Forest and Range Practices Act*;
- (m) breeding pets or operating a *kennel*;
- (n) growing, producing, raising or keeping exotic animals, except types of exotic animals prescribed by the minister.

FARM PRODUCT means a commodity or good derived from the cultivation or husbandry of land, plants, or animals (except pets and exotic animals) that are grown, reared, raised or produced on a farm.

FARM RESIDENCE means the principal *single family dwelling* that accommodates one *dwelling unit* and located on a *lot* within the ALR.

FARM RESIDENTIAL FACILITIES, ACCESSORY means the following *buildings, structures*, or improvements associated with a principal *farm residence* and/or additional *farm residence* on a farm:

- (a) Attached or detached *garages* or *carports*.
- (b) Driveways to residences.
- (c) Decorative landscaping.
- (d) Attached or detached household greenhouse or sunroom.
- (e) Residential-related workshop, tool and storage sheds.
- (f) Artificial ponds not serving farm drainage, irrigation needs, or *aquaculture use*.
- (g) Residential-related *recreation* areas limited to outdoor non-motorized and/or non-mechanized recreational activities. Permitted recreational activities exclude any *uses* involving motorized and non-motorized vehicles.

FARM RESIDENTIAL FOOTPRINT means the portion of a *lot* that includes, where permitted, such uses as a principal *farm residence*, *farm employee residence* and *accessory farm residential facilities*.

FARM RETAIL SALES means the retail sale to the public of tangible products grown or raised on a farm, from that farm and may include the sale of non-farm products as permitted by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. *Farm retail sales* exclude the retail sale of medical marihuana.

FARM USE means an occupation or use of land for husbandry of land, plants, and animals, and any other similar activity designated as *farm use* by regulation but excluding a *medical marihuana production facility*.

FARM WORKERS, TEMPORARY means an individual or individuals who carry out agricultural work on a *temporary*, seasonal basis on a farm that has farm class under the *BC Assessment Act*.

FENCE means a free standing *structure* used to screen or enclose all or part of a *parcel*.

GARAGE means a roofed *structure* used for the storage or parking of motor vehicles that has more than 60% of the total perimeter of the *structure* enclosed by walls, doors, or windows.

GARDEN NURSERY means an area of land of which the *principal use* is the propagation and growing of plants for transplantation and includes the sale of plants propagated and grown in the same nursery and the use of no more than 10 percent of the nursery area to a maximum of 100 square metres of floor or land area for auxiliary retail sale of fertilizer, insecticide, herbicide, seeds, small garden hand tools, Christmas trees, animal feed and animal bedding, and excludes all other wholesale or retail sales.

GATHERING FOR AN EVENT means:

- (a) a gathering of people on a farm for the purposes of attending the following activities:
 - (i) A wedding, unless (iii)(.2) applies,
 - (ii) A music festival, or
 - (iii) An event, other than
 - .1 an event held for the purpose of agritourism, or
 - .2 the celebration, by residents of the farm and those persons whom they invite, of a family event for which no fee or other charge is payable in connection with the event by invitees.
- (b) The activities identified in (a)(i)-(iii):
 - (i) must be carried out on land that is classified as a farm under the *Assessment Act*.
 - (ii) must be to which members of the public are ordinarily invited, with or without a fee.
 - (iii) must not use, construct, or erect any *permanent facilities*. No existing *permanent facilities* may be used, or converted for use, without an approved non-farm use application and a valid building permit for *assembly use*.
 - (iv) must be accessory to and related to the *principal use* of the property, which is farming.
 - (v) must be in compliance with the *Agricultural Land Commission Act*, and the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- (c) No more than 10 gatherings for an event of any type, or such other number as may be allowed by the *Agricultural Land Commission Act and Regulation*, may occur on the farm within a single calendar year and no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event.
- (d) No single event can be more than 24 hours in duration.

GOLF COURSE means the use of land for golfing activity including pitch and putt, driving range and clubhouse facilities.

GUEST LODGE means a commercial accommodation establishment consisting of not more than 20 sleeping rooms or a combination, not exceeding a total of 20, of sleeping rooms and up to 5 rental guest cabins for temporary occupancy by transient persons, which may include a restaurant and recreation facilities for the use of tourists.

GRADE, AVERAGE FINISHED means the average ground elevation, after placement of fill, removal of soil, re-grading or construction, adjacent to each corner of the exterior wall of the *building* or *structure*, excluding steps, stairwells, window wells, or similar localized depressions.

GRADE, AVERAGE NATURAL means the average elevation of undisturbed ground adjacent to each corner of the exterior wall of the *building* or *structure* prior to human alteration, or where the undisturbed ground level cannot be ascertained because of an existing *building* or *structure*, the average existing *grade*.

GROSS FLOOR AREA means the total floor area of all floors in all *buildings* on a *parcel*, measured to the outside surface of the exterior walls of the *building*. Floor area below the site specific Flood Construction Level (FCL) is exempt from this calculation.

HEIGHT means, in reference to a *building* or *structure*, the vertical distance from the lower of the *average finished grade* or the *average natural grade* to:

- (a) the highest point of the roof surface of a flat roof
- (b) the deck line of a mansard roof
- (c) the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof
- (d) the highest point of a *building* or *structure* with no roof.

For those *buildings* and *structures* sited within a floodplain, the *height* shall be calculated from the top of the flood construction level, as determined by a geotechnical engineer/professional, rather than the lower of the *average natural* or *average finished grade*.

HIGHWAY includes a street, road, *lane*, bridge, viaduct and any other way intended for vehicular access and open to public *use*, but does not include private rights of way on private property.

HOME BASED BUSINESS means an accessory use of a *parcel* in conjunction with a dwelling for business purposes such as home offices, studios, woodworking, upholstering, and other home workshops, and personal services except dry cleaners and laundromats.

HOME CRAFT means an accessory use of a *parcel* in conjunction with a *single family dwelling* for a *limited* and small scale *craft* carried on for remuneration, and does not include *home office*, or *industrial uses*. *Home craft* may include painting, drawing, sculpting, sewing, pottery, stained glass and glass blowing, wood turning and wood carving, the offering of singing, dancing, and music lessons, and the preparation of food. *Home craft* may include limited sales from the *parcel* where the *home craft use* is located in an associated gallery space of up to 10 m².

HOME INDUSTRY means auxiliary use of a *parcel* in conjunction with a *dwelling* for manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including non-commercial vehicle repair and maintenance.

HOME OFFICE means an accessory use of a *single family dwelling* for a non-manufacturing based *office* business or professional practice that is carried on for remuneration, and does not include *home craft*, or *industrial uses*.

HOOKED PARCEL means a *parcel* of which one portion is physically separated from the other portion by a *highway*, except a Forest Service Road, or another *parcel*.

HORSE RIDING ACADEMY, BOARDING STABLE AND INDOOR RIDING ARENA means a facility where one or all of the following may take place:

- (a) boarding and caring for horses, for a fee;
- (b) instruction in riding, jumping and showing is offered;
- (c) the general public may, for a fee, hire horses for riding;
- (d) equestrian events or shows where no paid admission to view the event is required.

INDUSTRIAL USE means the manufacturing, processing, assembling, fabricating, testing, servicing or repairing of goods or materials including wholesale of products manufactured or processed on the lot, and excluding bulk water extraction for water bottling, and bottling plants for water.

INTENSIVE AGRICULTURE means a *farm use* of land, *buildings* or *structures* for confinement of poultry, *livestock* or fur bearing animals or the growing of mushrooms.

INTERPRETIVE CENTRE means an institution for the dissemination of knowledge of natural or cultural heritage subjects.

JUNK YARD means the area outside of an enclosed *building* where junk, waste, used *building* and industrial materials, scrap metal, discarded or salvage materials are bought, sold exchanged, stored, baled, packed, disassembled or handled.

KENNEL means a building, *structure*, compound or group of pens or cages where four or more dogs, cats or exotic pets are, or are intended to be, trained, cared for, bred, boarded or kept.

LANDSCAPE SCREEN means an opaque barrier formed by a row of shrubs, trees or by a wooden fence or masonry wall or by a combination of these.

LANE means a *highway* which provides secondary access to the side or rear of the *parcel* and is less than 8 m wide.

LICENSED OR ACCREDITED PROFESSIONAL means an applied scientist or technologist, acting alone or together with another *licensed or accredited professional*, where

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.

LIGHT INDUSTRY means an *industrial use*, which is enclosed within a *building* and is not offensive by reason of smoke, vibration, smell, toxic fumes, electrical or electronic interference and produces no significant noise that in any way interferes with the use of any contiguous *parcel*.

LIVESTOCK includes cattle, horses, mules, donkeys, sheep, goats, swine, bison, llamas, alpacas, poultry and rabbits.

LOADING AREA means open area of land, other than a street, used for the loading and/or unloading of vehicles and may include *loading spaces*.

LOADING SPACE means a space located on a *lot* used for the temporary parking of one commercial vehicle while loading or unloading goods and materials.

LOT means a *parcel*.

MANUFACTURED HOME means a dwelling designed for residential use by a single family. The home conforms to the CSA Z240 and/or the CSA A277 standards of the Canadian Standards Association.

MEDICAL MARIHUANA PRODUCTION FACILITY means building(s) used for the growing, cultivation, production, storage, distribution, or destruction of marihuana or cannabis oil as lawfully permitted and authorized pursuant to the *Federal Access to Cannabis for Medical Purposes Regulations*, as amended from time to time.

MOBILE HOME means a trailer *structure* manufactured and assembled as a *dwelling unit* which is intended to be capable of movement from place to place, and which comprises one *dwelling unit* with complete bathroom. *Mobile home* excludes travel or tourist trailers, campers, *park model recreational vehicles*, and *recreational vehicles*.

MOBILE HOME PARK means a *parcel* used for the purpose of providing spaces for the accommodation of *mobile homes* on land zoned for *mobile home park use* and for imposing a charge or rental for such space.

NATURAL BOUNDARY 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 upon the soil of the bed of the lake, river, stream, or other body of water

a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself.

NATURE CONSERVATION AREA means land that is retained in its natural state for the purpose of protecting and preserving natural ecosystems, biological diversity, and steeply sloped lands, and may include *passive recreation*.

NEIGHBOURHOOD PUB means a liquor outlet that is licensed as a pub by the BC Liquor Control Branch.

NON-FARM USE FOOTPRINT means the portion of a *parcel* that includes, where permitted, the *gathering for an event use* and associated parking, and, where such uses are permitted, parking associated with the *agritourism activities, brewery, cidery, distillery, meadery, winery, and/or farm retail sales uses*.

OFFICE means a place in which functions such as directing, consulting, record keeping, clerical work and sales (without the presence of merchandise) of a firm are carried on; also a place in which a professional person conducts his or her professional business.

OPEN LAND RECREATION means the use of land for non-motorized, non-commercial recreational activities but does not include *golf courses, mechanized ski lift facilities or motorcross tracks*.

PANHANDLE means that part of a *parcel* used to gain *highway* access by way of a narrow strip of land.

PARCEL means any *lot, block, or area* in which land is held or into which it is subdivided, but does not include a *highway*.

PARCEL AREA means the total horizontal area within the *parcel lines*.

PARCEL COVERAGE means the figure obtained when the total horizontal area of:

- (a) all *buildings* measured to the outside surface of the exterior walls or posts;
- (b) all *structures*, other than *buildings*, measured to their extreme outer limits;

and is expressed as a percentage of the *parcel area*.

Parcel coverage includes covered walkways, and covered and uncovered variations of decks, verandas, porches, and *carports*.

PARCEL LINE means any boundary of a *parcel*.

PARCEL LINE, EXTERIOR SIDE means a *parcel line*, other than a *front* or *rear parcel line*, which is common to the *parcel* and a *highway* other than a *lane* or walkway.

PARCEL LINE, FRONT means:

- (a) the shortest *parcel line* common to a *parcel* and a *highway* other than a *lane*.
- (b) The waterfront, where the *parcel* is not accessible by a *highway*.

PARCEL LINE, INTERIOR SIDE means a *parcel line* other than a *front parcel line* or *rear parcel line* which is not common to a *highway* other than a *lane*.

PARCEL LINE, REAR means: the *parcel line* that is opposite to, most distant from, and is not connected to the *front parcel line*, or where the rear portion of the *parcel* is bounded by intersecting *side parcel lines*, is the point of intersection.

PARKING AREA means an open area of land, other than a street, used for the parking of vehicles and may include *parking spaces*.

PARKING SPACE means a space within a *building* or *parking area*, for the parking of one vehicle, excluding driveways, aisles, ramps, columns, *office* and work areas.

PERMANENT FACILITIES (in the context of *Agritourism Activities* and *Gathering for an Event*) means facilities that include, but are not limited to: new or converted buildings or permanent structures, hard surface parking areas, concrete pads, structural foundations, retaining walls, permanent tents (erected for more than 2 consecutive days) and permanent alteration to the landscape (fill, gravel, berms, hills, dugouts, amphitheatres).

PERSONAL SERVICE means a barbershop, beauty shop, dry cleaner, laundromat, or shoe repair shop including sale of goods auxiliary to the *personal service*.

PERSONAL SERVICE ESTABLISHMENT means a business where services are provided and where the sale of retail goods is only accessory to the provision of such services including, but not limited to, barber shops, beauty salons, tailor shops, laundry or dry cleaning shops, watch repair shops, dog groomers and shoe repair shops.

PORTABLE SAWMILL means a portable sawmill located on a private *parcel* for the processing of timber cut only from that *parcel* or from abutting *parcels*.

PORTABLE WOOD MANUFACTURING PLANT means a portable sawmill.

PRINCIPAL BUILDING means the *building* which contains the *principal use* of the *parcel* and shall include attached *garages* or *carports*, but does not include an *accessory building*.

PRINCIPAL USE means the main purpose for which land, *buildings* or *structures* are ordinarily used.

PUBLIC UTILITY USE means a system, work, *building*, plant equipment or resource owned by a municipality, public or private utility company or other government agency for the provision of public water, sewer, drainage, gas, electricity, power, transportation, communication services, such as an electrical substation, community sewer system or public works yard. This may include Independent Power Producers/Projects (IPPs) where such projects have a *Certificate of Public Convenience and Necessity* or an exemption/authorization from the Province.

RECREATION, PASSIVE means the use of land for informal, low intensity *recreation* activities such as hiking, walking and wildlife viewing.

RECREATIONAL VEHICLE(S) means any vehicle, trailer, or constructed *dwelling* on a trailer, that is constructed or equipped to be used for recreational enjoyment as *temporary* living or sleeping quarters not requiring a continuous connection to sanitary, water and electrical hookups and not having a width of transit mode greater than 2.6 m at any point. *Recreational vehicles* shall only be used for *tourist accommodation* or for occupancy during construction in accordance with Section 4.14 of this Bylaw.

RECREATIONAL VEHICLE(S), PARK MODEL means a *recreational vehicle* that:

- (a) Conforms with the Canadian Standards Association CAN/CSA X241 Series, Park Model Trailers standards and any amendments or subsequent standards that modify or replace CAN/CSA Z241.
- (b) Is built on a single chassis, does not contain a sewage holding tank and provides larger than 30 amp service.
- (c) Is designed to be occasionally relocated, but not to travel on a day to day basis.
- (d) Is designed as living quarters for seasonal camping and has a *gross floor area*, including lofts, no greater than 50 m² when in set up mode.
- (e) A *park model recreational vehicle* shall only be used for *tourist accommodation*, or for occupancy during construction in accordance with Section 4.14 of this Bylaw.

REGIONAL DISTRICT means the Squamish-Lillooet Regional District.

RESTAURANT means a *building*, or portion thereof, containing tables, chairs and/or booths, which is designed, intended and used for the sale and consumption of food prepared on and/or off the premises. A *restaurant* may contain a bar area or lounge provided that such area(s) does not include in the aggregate more than sixty (60%) percent of the total seats available in the *restaurant* and that food is offered for sale at such bar area / lounge area during all times the *restaurant* is open. *Restaurant* does not include drive through restaurants.

RETAIL means a *building* where goods, ware, merchandise, substances, articles or things are offered or kept for sale to the general public, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service the retail *use*.

RETREAT CENTRE means a facility incorporating education, accommodation, and cultural *uses*. The accommodation *use* is solely in the form of sleeping rooms that do not include individual cooking facilities.

RIPARIAN AREA means a riparian area as defined in the BC Riparian Areas Regulation, as amended from time to time.

SEASON (*in the context of Agritourism*) means one of the four periods of the year: spring, summer, autumn, or winter.

SECONDARY SUITE means an additional *dwelling unit* contained within a *single family dwelling*. *Secondary suites* are not permitted in a *duplex* or a townhouse. The following conditions apply to a *secondary suite*:

- (a) Has a total floor space of not more than 90 m² in area
- (b) Has a floor space less than 40% of the habitable floor space of the *building*
- (c) Is located within a *building* of residential occupancy containing only one other *dwelling unit*
- (d) Is located in and part of a *building* which is a single real estate entity (i.e. a single title).

SERVICE STATION means:

- (a) a *building* used principally for the retail sale of fuels, lubricating oils, and accessories for motor vehicles; and
- (b) the servicing of motor vehicles, excluding body repairs and painting; and may include a retail convenience store.

SETBACK means the required minimum distance between a *building*, *structure*, or *use* and each of the respective *parcel lines*; or a withdrawal of a *building* or landfill from the *natural boundary* of a watercourse or other reference line to maintain a floodway and to allow for potential land erosion. *Setbacks* are measured as follows for:

- (a) All *buildings* measured to the outside surface of the exterior walls or posts.
- (b) All *structures*, other than *buildings*, measured to their extreme outer limits.

SHIPPING CONTAINER means a portable metal container customarily used for the transport of freight or cargo, or for storage. *Shipping container* specifically excludes dumpsters, recycling receptacles, railway boxcars and semi-truck trailers.

SINGLE FAMILY DWELLING means a detached *building* consisting of one *dwelling unit* which is occupied or intended to be occupied as a permanent home or residence of one *family*. It may also include a *secondary suite* only where explicitly permitted in a particular *zone*.

SITE means a *parcel*, a portion of a *parcel*, contiguous *parcels* or a defined area of land set apart for a specific use permitted within a *zone*.

SLRD means the Squamish-Lillooet Regional District.

STRUCTURE means any erection or construction fixed to, supported by or sunk into land or water, but does not include:

- (a) concrete, asphalt, brick, tile or other artificial surfacing on a *site*.
- (b) *fences* or walls having a *height* less than or equal to the maximum *height* permitted under this Bylaw.
- (c) pools.

TEMPORARY (in the context of **Agritourism** and **Temporary Farm Worker**) means having a limited duration, lasting or designed to last for only a limited time each week, month or year.

TEMPORARY (in the context of **Bed and Breakfast** and **Tourist Accommodation**) means a total of less than four consecutive weeks in a calendar year.

TEMPORARY TOURIST ACCOMMODATION means a *single family dwelling* that is used primarily for short term or nightly lodging by visitors for a total of less than four consecutive weeks per guest per calendar year.

TOURIST ACCOMMODATION means occupancy of any *building*, *structure*, *recreational vehicle*, *park model recreational vehicle*, or *temporary structure* for less than four consecutive weeks in a calendar year.

TWO FAMILY DWELLING means a *duplex*.

UNENCLOSED (in the context of *balconies*, verandas, porches, patios, or decks and *gross floor area* calculations) means less than 60% of the total perimeter of the balcony, veranda, porch, patio, or deck *structure* surrounded by exterior walls, doors, or windows.

USABLE PARCEL AREA means all the area of a *parcel* except areas that are:

- (a) part of a *panhandle*,
- (b) subject to a restrictive covenant that prohibits all *use* of the area subject to the covenant, and
- (c) beneath the *natural boundary* of a lake, river, stream or other body of water or watercourse.

USE means the purpose for which any *parcel*, tract of land, *building* or *structure* is designed, arranged or intended or for which it is occupied or maintained.

WATERCOURSE or WATERBODY means any natural or man-made depression with well-defined banks and a bed 0.6 m or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of 2 km² or more upstream of the point of consideration.

WHARFAGE means the tying of a boat or other vessel to a wharf, float, pier or dock. *Wharfage* cannot be used for residential purposes including floating homes.

WRECKING YARD means land and/or *buildings* where motor vehicles, tractors, logging equipment, farm implements, motorcycles and boats are disassembled, prepared for disposal, are rebuilt or are reused as part of a recycling program, and the keeping and/or storing of salvaged materials where such materials are bought, sold, exchanged, baled or otherwise processed for further *use*.

ZONE means a *zone* as established by this Bylaw.

SECTION 2 – ADMINISTRATION & ZONES

Title

- 2.1 This Bylaw may be cited for all purposes as the “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002”.

Application

- 2.2 This Bylaw shall apply to Electoral Area C of the Squamish-Lillooet Regional District as defined in the Letters Patent and amendments thereto.

Prohibition

- 2.3 Land, including air space and the surface of water, shall not be used and *buildings* and *structures* shall not be constructed, altered, located or used except as specifically permitted in this Bylaw.

Administration

- 2.4 The Director of Planning and Development Services, the Chief Administrative Officer, the Director of Legislative and Corporate Services, the Building Inspector, Bylaw Enforcement Officer, or any other person appointed by resolution by the *Board* shall administer this Bylaw.
- 2.5 Persons appointed under Section 2.4 may enter any premises at a reasonable time for the purpose of administering or enforcing this Bylaw.

Violation

- 2.6 Every person who:
- .1 violates any of the provisions of this Bylaw;
 - .2 causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
 - .3 neglects or omits to do anything required under this Bylaw;
 - .4 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;
 - .5 fails to comply with an order, direction or notice given under this Bylaw; or
 - .6 prevents or obstructs, or attempts to prevent or obstruct, the authorized entry of an officer onto property under Section 2.5,
- commits an offence under this Bylaw.
- 2.7 It shall be unlawful for any person to prevent or obstruct any official appointed under Section 2.4 from the carrying out of their duties under this Bylaw.

Penalty

- 2.8 Any person who commits an offence under this Bylaw:
- .1 shall be liable on summary conviction to the penalties under the *Local Government Act* or the *Offence Act* or both.;
 - .2 the penalties and remedies imposed under Section 2.8.1 shall be in addition to and not in substitution for any other penalty or remedy imposed by or permissible under this Bylaw or any other enactment.
 - .3 each day that a violation is caused or allowed to continue constitutes a new and separate offence under this Bylaw.

Severability

- 2.9 If any section, subsection, sentence, clause or phrase of this Bylaw is held to be invalid by a court of competent jurisdiction, that section, subsection, sentence, clause or phrase, as the case may be, shall be severed and the validity of the remaining portions of the Bylaw shall not be affected.

Conformity with the Official Community Plan and Amendment to the Bylaw

- 2.10 It is the intent of the *SLRD Board* that this Zoning Bylaw and its implementation and interpretation shall implement and comply with the Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999, as amended or replaced from time to time, its intent, policies, amendments and successors.
- 2.11 Amendments to this Bylaw, the subdivision of land, exceptions and variances, shall comply with Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999 and its intent.
- 2.12 Detailed criteria may be established for proposals and applications to amend this Bylaw and for evaluation and approval of amendments and conditions of amendment of this Bylaw, provided they are consistent with the Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999 and its intent, and use the policies contained in the Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999 as their primary guidance.

Designation

- 2.13 For the purpose of this Bylaw the area incorporated into Electoral Area C of the *Regional District* is classified and divided into the following *zones*:

TABLE 2-1
Designation of Zones

Column 1 Zones	Column 2 Title Elaboration
RR1	Rural 1 Zone
RR1 _{RES}	Rural 1 – Residential Sub Zone
RR1 _{RES(SD)}	Rural 1 – Residential (Single Dwelling) Sub Zone
RR1 _{RM}	Rural 1 – Resource Management Sub Zone
RR1 _{TA}	Rural 1 – Tourist Accommodation Sub Zone
RR1 _{LUC}	Rural 1 – Land Use Contract Sub Zone

RR3	Rural 3 Zone
AGR1	Agriculture 1 Zone
R1	Residential Zone
MHP	Mobile Home Park Zone
C1	Community Commercial Zone
TC1	Tourist Commercial 1 Sub Zone
TC2	Tourist Commercial 2 Sub Zone
TC3	Tourist Commercial 3 Sub Zone
TC4	Tourist Commercial 4 Sub Zone
TC5	Tourist Commercial 5 Sub Zone
I1	Light Industrial Zone
I2	Resource Industrial Zone
I3	Independent Power Project
PA1	Public Assembly and Institutional Zone
CWP	Community Watershed Protection Zone
CD	Comprehensive Development Zone

- 2.14 The correct name of each *zone* provided for in this Bylaw is set out in Column 1 of Table 2-1 and the Title Elaboration contained in Column 2 of Table 2-1 is for information purposes only.
- 2.15 The extent of each *zone* is shown in Schedule B that is attached to and forms part of this Bylaw and which bears the words “Schedule B”.
- 2.16 When the *zone* boundary is designated as following a road allowance or stream, the centre line of such road allowance or stream shall be the *zone* boundary.
- 2.17 Where a *zone* boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule B.

SECTION 3 - GENERAL REGULATIONS

Applicability of General Regulations

- 3.1 Except as expressly provided for elsewhere in this Bylaw, Section 3 applies to all *zones* established under this Bylaw.

Uses Permitted in all Zones

- 3.2 The following *uses* are permitted in all *zones* except in the Community Watershed Protection land use *Zone*:
- .1 Roads and *highways*
 - .2 *public utility use*
 - .3 *nature conservation area*
 - .4 *passive recreation*
 - .5 ecological reserve established under the *Ecological Reserve Act* or by the *Protected Areas of BC Act*
 - .6 park established under the *Park Act* or by the *Protected Areas of BC Act*
 - .7 protected area established under the *Environmental Land Use Act*
 - .8 wildlife management area established under the *Wildlife Act*
 - .9 reserve established under Section 15 of the *Land Act* for recreational *uses*
 - .10 recreation site established under Section 56 of the *BC Forest and Range Practices Act*
 - .11 In addition to the uses listed in 3.2.1 – 3.2.10, the following uses are permitted in all *zones* except the Agriculture 1 (AGR1) and Community Watershed Protection (CWP) *zones*:
 - .1 *home based business*
 - .2 *bed and breakfast*
 - .3 *accessory buildings and accessory uses*

Accessory Buildings

- 3.3 The maximum combined *gross floor area* of all *accessory buildings* permitted on a *parcel* shall be calculated according to Table 3.3.1, where in each table Column I lists the *parcel area* and Column II lists the maximum permitted combined *gross floor area* of all *accessory buildings*:
- .1 Table 3.3.1 applies to all *zones* except CD *Zones*.

Table 3.3.1

COLUMN I Where <i>Parcel Area</i> is:	COLUMN II The Maximum Permitted Combined Gross <i>Floor Area of All Accessory Buildings</i> is:
i) less than 2,000 m ²	150 m ²
ii) 2,000 m ² to 1 ha	200 m ²
iii) > 1 ha to 4 ha	300 m ²

- .2 The following provisions for *accessory buildings* and *uses* apply to all zones:
 - .1 An *accessory building* shall not be used as a dwelling or for providing overnight accommodation.
 - .2 Subject to the requirements of Table 3.3.1, no more than two *accessory buildings*, one having a maximum *gross floor area* of 55 m², and the other having a maximum *gross floor area* of 10 m², shall be permitted on a *parcel* prior to construction of a *principal building* or establishment of a *principal use*.
 - .3 No person shall operate a *home office*, *home craft*, or other business enterprise in an *accessory building* on a *parcel* unless a lawfully constructed *principal building* exists on a *parcel* or a valid building permit under the Squamish-Lillooet Regional District Building Bylaw 863, 2003, as amended or replaced from time to time, has been issued for a *principal building* on a *parcel*.
 - .4 For clarity of interpretation, *farm buildings* and *structures* used in conjunction with an *agriculture use* on land classified as a farm under the BC Assessment Act, shall not be subject to the maximum *gross floor area* regulations for *accessory buildings*.
 - .1 Notwithstanding this Section 3.3.2.5, *permanent facilities*, *farm buildings* and *structures* cannot be used in conjunction with an *agritourism activity* or a *gathering for an event use* without an approved non-farm use application from the Agricultural Land Commission, an approved rezoning application from the SLRD, and valid building permits from the SLRD.

Assembly and Commercial Assembly Uses

- 3.4 Where expressly permitted in a *zone*, or expressly permitted in association with a *use* in this section, *assembly* and *commercial assembly uses* shall comply with the following regulations:

Assembly Uses

- .1 *Assembly uses* are not permitted in *farm buildings*.
- .2 *Assembly uses* are permitted in conjunction with the following *uses*:
 - .1 *restaurant*
 - .2 *commercial lodging*
 - .3 *campground*
 - .4 *retreat centre*
 - .5 *day lodge*
 - .6 *neighbourhood pub*

Commercial Assembly Uses

- .3 *Commercial assembly uses* are not permitted in *farm buildings*.
- .4 *Commercial assembly uses* are not permitted in conjunction with *single family dwellings*.
- .5 *Commercial assembly uses* are permitted in conjunction with the following *uses*:
 - .1 *restaurant*
 - .2 *commercial lodging*
 - .3 *retreat centre*
 - .4 *day lodge*
 - .5 *neighbourhood pub*.

Bed and Breakfasts

3.5 Where expressly permitted in a zone, *bed and breakfasts* shall comply with the following regulations:

- .1 only one bed and breakfast operating from one dwelling shall be permitted on a parcel.
- .2 the maximum number of let bedrooms shall be 4, serving a maximum of 8 persons in total.
- .3 bedrooms used for the bed and breakfast accommodation shall not exceed 28 m² in area.
- .4 no external indication shall exist that a building is used for any purpose other than normally associated with a dwelling except for a single sign not exceeding 3,500 cm², and in accordance with the *SLRD Sign Bylaw*.
- .5 the *bed and breakfast* establishment shall be operated by a resident of the parcel.
- .6 employees of a bed and breakfast are restricted to members of a family residing on the parcel plus one other person.
- .7 Where the property on which a *bed and breakfast use* is to be located is not served by an approved sewer system, the method by which sewage is to be disposed of shall be approved by the Medical Health Officer.
- .8 A *bed and breakfast use* shall be established and maintained in accordance with all applicable regulations and requirements of the BC Building Code, Fire Code, and all other pertinent health and safety regulations, and all subsequent amendments and revisions thereof.
- .9 where a *bed and breakfast use* is proposed for land within the ALR, the use shall comply with the *Agricultural Land Commission Act*, and all regulations and orders of the ALC.
- .10 A building permit for a single family dwelling must be upgraded to a building permit for a *bed and breakfast use* prior to the use of that dwelling as a *bed and breakfast*.
- .11 A *bed and breakfast use* may include a separate commonly accessible kitchen for use by all the guests.

Gross Floor Area

3.6 Gross floor area shall include:

- .1 all common, utility, and occupied portions of the *building or structure*, including storage, mechanical areas, *accessory buildings* and areas giving access thereto such as corridors, foyers, staircases and elevators;
- .2 *enclosed* balconies, verandas, porches, patios, decks or *breezeways*;
- .3 *basements* with a total gross floor area of greater than 90 m².
- .4 *garage* space in excess of 60 m².

And for all zones, shall exclude:

- .5 *basements* with a total gross floor area of less than or equal to 90 m².
- .6 *garage* space up to and including 60 m².
- .7 *carports*.
- .8 crawl spaces.
- .9 *unenclosed balconies*, verandas, porches, patios, or decks not exceeding 10% of the allowable gross floor area of the *single family dwelling*.
- .10 *attics*.

Height Regulations

Height Calculation and Flood Construction Level

3.7 For those *buildings* and *structures* sited within a floodplain, the *height* shall be calculated from the top of the flood construction level, as determined by a geotechnical engineer/professional, rather than the lower of the *average natural* or *average finished grade*.

- .1 Except in the AGR1, I1, I2, and I3 zones, the height of principal buildings and structures shall not exceed 11 m.

Height Exceptions

3.8 Any of the following *structures* may exceed the maximum *height* regulations of this Bylaw:

- .1 antenna;
- .2 chimney;
- .3 dome, cupola;
- .4 flag, lighting pole;
- .5 hose and fire alarm tower;
- .6 mast;
- .7 mechanical appurtenance on roof tops;
- .8 monitor;
- .9 public monument;
- .10 radio and television tower or antenna;
- .11 silo;
- .12 spire, steeple or belfry;
- .13 transmission tower;
- .14 ventilating machinery; and
- .15 water tank.

Home Office

3.9 Where permitted, *home office uses* shall comply with the following regulations:

ALR Requirements

- .1 A *home office use* within the ALR shall be limited to the *farm residence*, and cannot be located in the *farm employee residence*, if one is permitted on a *parcel* in accordance with this Bylaw.
- .2 A *home office use* within the ALR shall not be detrimental to any existing or potential *farm use* on the property.

General Requirements

- .3 *home office* shall be accessory to the *single family dwelling use* on the same *lot*.
- .4 a *home office use* must be conducted from the principal *dwelling*.
- .5 a *home office use* shall only be permitted when the owner of the property is a registered owner of the *home office* business.
- .6 any *building* containing a *dwelling unit* shall not be used for manufacturing, welding, or any other light or heavy *industrial use*.
- .7 signage for a *home office use* shall be in accordance with the *SLRD Sign Bylaw*.
- .8 a *home office* shall not include *uses* that produce noise, toxic or noxious matter, vibrations, smoke, dust, odour, litter, heat, glare, radiation, fire hazard, or electrical interference other than that normally associated with a *single family dwelling*.

- .9 the owners of any *home office use* involved in the production and/or storage of food must have the appropriate approvals and permits from the Vancouver Coastal Health Authority.
- .10 a *home office use* shall not involve the sale of food or drink.
- .11 motor vehicle and bicycle parking and loading for a *home office use* shall comply with the requirements of Section 5 of this Bylaw.

Siting Requirements

- .12 On a *lot* within the *ALR*, off-street parking used for and in relation to a *home office* must be located within an established *farm residential footprint* area.

Floor Area Requirements

- .13 On a *parcel*, the *home office use* shall not occupy more than 50 m² *gross floor area* of the *single family dwelling*.

Home Craft

- 3.10 Where expressly permitted within a *zone*, a *home craft* shall comply with the following regulations:

ALR Requirements

- .1 A *home craft use* within the *ALR* shall be limited to the *farm residence*, and/or an *accessory building*, and cannot be located in the *farm employee residence*, if one is permitted on a *parcel* in accordance with this Bylaw.
- .2 A *home craft use* within the *ALR* shall not be detrimental to any existing or potential *farm use* on the property.

General Requirements

- .3 *home craft* shall be accessory to the *single family dwelling use* on the same *lot*.
- .4 a *home craft use* must be conducted from the principal *dwelling* and/or an *accessory building*.
- .5 a *home craft use* shall only be permitted when the owner of the property is a registered owner of the *home craft* business.
- .6 any *building* containing a *dwelling unit* shall not be used for manufacturing, welding, or any other light or heavy *industrial use*.
- .7 signage for a *home craft use* shall be in accordance with the *SLRD Sign Bylaw*.
- .8 a *home craft* shall not include *uses* that produce noise, toxic or noxious matter, vibrations, smoke, dust, odour, litter, heat, glare, radiation, fire hazard, or electrical interference other than that normally associated with a *single family dwelling* or an *accessory building*.
- .9 employees of a *home craft use* shall be members of a family residing on the *parcel* and may include one other person.
- .10 the owners of any *home craft use* involved in the production and/or storage, of food must have the appropriate approvals and permits from the Vancouver Coastal Health Authority.
- .11 a *home craft use* shall not involve the sale of food or drink.
- .12 motor vehicle and bicycle parking and loading for a *home craft use* shall comply with the requirements of Section 4 of this Bylaw.

Siting Requirements

- .13 On a *parcel* within the *ALR*, an *accessory building* and/or off-street parking used for and in relation to a *home craft* must be located within an established *farm residential footprint* area.

Floor Area Requirements

- .14 On a *parcel*, the total combined floor area of *home industry* and *home craft* uses shall not occupy more than a maximum combined *gross floor area* of 100 m² of the *single family dwelling* and/or an *accessory building*.

Landscaping & Screening

- 3.11 Landscaping, screening, and storage on a *parcel* shall be in accordance with the provisions in this section.

Storage

- .1 Outdoor storage, and *shipping containers* where permitted, on a *parcel* shall be screened by way of a *landscape screen*.
- .1 Section 3.11.1 does not apply to *farm products* or farm equipment stored outside on a *parcel* that is classified as a farm under the *BC Assessment Act*.
- .2 Unless expressly permitted in a *zone*, no *parcel* may be used as a salvage yard, *junk yard*, or a *wrecking yard*.
- .3 No person shall permit any *derelict vehicle* to be left outside on the *parcel* they own or occupy.
- .1 Section 3.11.3 does not apply to farm equipment left outside on a *parcel* that is classified as a farm under the *BC Assessment Act*.

Fence Height

- .4 *Fences* located within a *parcel line setback* in a Rural (RR) *Zone* shall be a maximum of 3 m.
- .5 *Fences* located within a *parcel line setback* in a Residential, Commercial, Tourist Commercial or Industrial *Zone* shall be a maximum of 1.8 m.
- .6 *Fences* located outside a *parcel line setback* shall comply with the *setbacks* and *heights* for *accessory structures* in the applicable *zone*.
- .7 *Fences* in any *zone*, where a *fence* is used for agricultural purposes as part of a *bona fide farm operation* on land classified as a farm under the *BC Assessment Act*, shall be exempt from Section 3.11.4 to 3.11.6.
- .8 Notwithstanding Sections 3.11.4 to 3.11.7, *fences* shall comply with the Ministry of Transportation & Infrastructure sight line regulations.
- .9 *Fences* used for recreational purposes, such as ball parks, playgrounds, *golf courses*, and other similar sports or utility uses, shall not exceed a *height* of 6 m provided such *fences* are constructed of material that permits visibility, such as wire mesh.

Minimum *Parcel* Width for *Parcels* Fronting a Waterbody/Watercourse

- 3.12 The minimum *parcel* width for new subdivisions for *parcels* that are adjacent to a *waterbody/watercourse* is 50 m.

Minimum *Parcel* Area for New Subdivisions

3.13 Minimum *Parcel* Areas shall be in accordance with the provisions in this section.

- .1 The minimum *parcel* area for subdivision shall be determined by:
 - (a) the minimum *parcel* area in the particular *zone*;
 - (b) the minimum *usable parcel* area;
 - (c) the minimum *site* area required under this Bylaw for the actual or intended *use* of the *parcel* (e.g. number of *dwellings*); and
 - (d) the servicing requirements applying to the *parcel*.

Usable *Parcel* Area

- .2 Each new *parcel* shall have a minimum *usable parcel* area of 1,000 m² unless connected to a community sewer system.

Hooked *Parcels*

- .3 A *hooked parcel* may be created where:
 - (a) each portion satisfies the minimum *parcel* area requirements of the applicable *zone*; or
 - (b) a physically separate portion does not satisfy the minimum *parcel* area requirements of the applicable *zone* and:
 - (i) the area of the non-complying portion is not reduced by the subdivision;
 - (ii) a lawful sewage generating *use* exists on the non-complying portion; or
 - (iii) a covenant is registered restricting the *use* of the non-complying portion to *uses*, *buildings* and *structures* that are not sewage generating.

Exceptions

If one of the cases outlined in this section is applicable, exceptions to the minimum *parcel* area may be granted.

- .4 The minimum *parcel* area regulation for new subdivisions does not apply if **all** of the following conditions are met:
 - .1 *parcel* lines are relocated to facilitate an existing *development* or improve a subdivision pattern;
 - .2 no additional *parcels* are created;
 - .3 all *parcels* are contiguous;
 - .4 no *parcels* are enlarged to a size permitting a further subdivision.
- .5 The minimum *parcel* area regulation for new subdivisions does not apply if **all** of the following conditions are met:
 - .1 a portion of the *parcel* is physically separated from the remainder of the *parcel* by a *highway*;
 - .2 the subdivision is restricted to dividing the *parcel* along the *highway* that physically separates the *parcel*;
 - .3 the subdivision will not result in the creation of a *parcel* less than 80% of the minimum *parcel* area regulation for new subdivisions prescribed in the *zone* in which the *parcel* is designated;
 - .4 the *parcel* was not registered as part of a reference, explanatory or subdivision plan in the Land Title Office after September 1, 1998.

- .6 The minimum *parcel area* for new subdivisions is reduced by that amount of land required for the proposed subdivision in the particular zone where the proposed subdivision is located, to a maximum of 20 percent, where the following conditions are met:
- .1 a portion of the *parcel* is physically separated from the remainder of the *parcel* by another *parcel* or *parcels* such that one portion of the *parcel* is completely non-contiguous from the other;
 - .2 the subdivision is restricted to dividing the *parcel* along the *parcel* boundaries that physically separate the *parcel*;
 - .3 The combined maximum reduction under Sections 3.13.6, 3.13.7, 3.13.8 and 3.13.9 is 20 percent.
- .7 The minimum *parcel area* required by this Bylaw for a proposed subdivision is reduced by that amount of land required for road widening, to a maximum of 10 percent, where this Bylaw or the *Approving Officer* requires that land be provided by the owner for *highways* when:
- .1 the land is required for the purpose of widening an existing *highway* or right-of-way; and
 - .2 the proposed subdivision would create less than three *parcels*; and
 - .3 but for this section the proposed subdivision would be prohibited because the *parcels* created would not attain the required minimum *parcel area*.

Subdivision to provide residence for a relative

- .8 The minimum *parcel area* for new subdivisions is reduced by that amount of land required for the proposed subdivision in the particular zone where the proposed subdivision is located, to a maximum of 20 percent, where the proposed subdivision is to provide a residence for a relative pursuant to Section 514 of the *Local Government Act*, providing no *parcel* is less than 2,500 m². As noted in Section 514(5) of the *Local Government Act*, this does not apply to the land within the ALR unless certain restrictions as noted in the *Agricultural Land Commission Act* apply.
- .1 The combined maximum reduction under Sections 3.13.6, 3.13.7, 3.13.8, and 3.13.9 is 20 percent;
 - .2 The subdivision *approving officer* will be asked to require that a covenant be registered to prevent a change in the *parcel's use* for five years as set out in Section 514(7) of the *Local Government Act*;
 - .3 The subdivision *approving officer* will be asked to require that a covenant be registered to limit each *parcel* created under Section 514 of the *Local Government Act* to one *single family dwelling*;
 - .4 The subdivision *approving officer* will be asked to require that a covenant be registered to prevent any future subdivision for each *parcel* created under Section 514 of the *Local Government Act*.

Subdivision approval for parcel consolidation, resolving building encroachments, and boundary adjustment to enhance farming

- .9 The minimum *parcel area* for new subdivisions is reduced by that amount of land required for the proposed subdivision in the particular zone where the proposed subdivision is located, to a maximum of 20 percent, where the proposed subdivision is pursuant to Section 10(1)(a), (b), (c), or (d) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- .1 The combined maximum reduction under Sections 3.13.6, 3.13.7 and 3.13.8 and 3.13.9 is 20 percent;

- .2 The subdivision *approving officer* will be asked to require that a covenant be registered to prevent a change in the *parcel's use* for five years as set out in Section 514(7) of the *Local Government Act*;
 - .3 The subdivision *approving officer* will be asked to require that a covenant be registered to limit each *parcel* created under Section 514 of the *Local Government Act* to one single family dwelling;
 - .4 The subdivision *approving officer* will be asked to require that a covenant be registered to prevent any future subdivision for each *parcel* created under Section 514 of the *Local Government Act*.
- .10 The minimum *parcel area* for new subdivisions do not apply to parks, *public utilities*, fire halls, ambulance stations or police stations.

Occupancy During Construction

- 3.14 A *recreational vehicle* may be used to provide temporary accommodation for the owner or builder during construction of a principal *dwelling* on a *parcel* provided that:
- .1 a building permit under the Squamish-Lillooet Regional District Building Bylaw 863, 2003, as amended or replaced from time to time, has been issued for the principal *dwelling* on the *parcel* and the *dwelling* is under construction.
 - .2 the *recreational vehicle* shall be connected to a community sewer system or have on-site sewage disposal facilities in compliance with *Health Act* regulations.
 - .3 no addition shall be made to the *recreational vehicle*.
 - .4 occupancy of the *recreational vehicle* shall not continue beyond the commencement of occupancy of the permanent *dwelling*.

Parcel Coverage

- 3.15 All *parcel coverage* regulations on a *parcel* shall be in accordance with the provisions in Section 3 except if exempted in this Bylaw.

Parcel Coverage Exemptions

- .1 The following *structures* shall be excluded from *parcel coverage* calculations required by this Bylaw:
 - .1 retaining walls
 - .2 fences
 - .3 landscape screens.

Setback Requirements

- 3.16 This section outlines *setbacks* that apply in all *zones*, unless otherwise noted in this Bylaw, and includes exceptions to *parcel line setbacks*. The Provincial Riparian Area Regulations (RAR) are enacted in a Development Permit Area (DPA) in the *Area C Official Community Plan*, as amended from time to time. Alteration of land or *building* within 30 m of a waterbody requires a Development Permit (DP).

Minimum distance between buildings in Residential Zones

- .1 For all *buildings* in Residential and Comprehensive Development Zones in this Bylaw, there is a minimum distance of 1.5 m between *buildings*, or part thereof.

Ministry of Transportation & Infrastructure (MOTI) Right-of-Way setbacks

- .2 Notwithstanding any other *setbacks* identified in this Bylaw, no *building* or *structure* or any part thereof shall be constructed, reconstructed, moved, extended or located within 4.5 m of any MOTI right-of-way.

Parcel Line Setback Exceptions

No *building* or *structure* other than the following shall be located in the area of *parcel line setback* required by this Bylaw:

- .3 signs, provided they are not closer than 1 m from any *side parcel line*.
- .4 fences less than the maximum *height* permitted in the applicable zone in accordance with Section 3.11.
- .4 roof overhangs, chimneys, cornices, leaders, gutters, eaves, belt courses, sills, *bay windows*, or other similar *structures* may intrude no more than 0.6 m, measured horizontally, into the required *setback*.
- .5 steps, provided they are not closer than 1 m from any *side parcel line*.
- .6 a patio, sundeck, terrace, porch, *balcony* or canopy may intrude no more than 0.6 m into the required *setback*.
- .7 arbours, trellises, fish ponds, ornaments, flag poles or similar landscape features, provided they are not closer than 1 m from any *parcel line*.
- .8 hot tubs and uncovered swimming pools provided they are not located within any required *front parcel setback*, and no closer than 2 m from any other *parcel line*.
- .9 an off-street *parking space* or *loading space*.
- .10 *landscape screens* and other forms of landscaping and screening.
- .11 retaining walls.

Shipping Containers

- 3.17 No person shall place a *shipping container* in any zone except in accordance with the following:

- .1 *Shipping containers* are only permitted on AGR1 (Agriculture 1) and Rural (RR) Zoned property.
 - .1 A maximum of two shipping containers is permitted on properties that do not have farm class under the BC *Assessment Act* within the AGR1 or RR zones.
 - .2 A maximum of four shipping containers is permitted on properties that are at least 5 ha or larger, and have farm class under the BC *Assessment Act* within the AGR1 or RR zones.
- .2 *Shipping containers* are not permitted for any *use*, in any other zone not listed in Section 3.17.1.
- .3 *Shipping containers* may be used for *dwellings* if a valid building permit has been issued by the *SLRD*.
- .4 *Shipping containers* can only be used for storage of materials related to the approved *uses* in the zoning for the *site*. They cannot be used as enclosed rental storage units.
- .5 A *shipping container* shall not exceed a *height* of 3.05 m and a total length of 12.19 m.
- .6 *Shipping containers* can be stacked or placed above ground level to a maximum *height* of 6.10 m.
- .7 *Shipping containers* used as a *dwelling* must conform to the *principal building setback*, *height*, *parcel coverage* and *gross floor area* requirements in this Bylaw.
- .8 *Setbacks* for a *shipping container* used as an *accessory building* or for an accessory use shall be in accordance with established *accessory building setbacks* for each zone.

- .9 *Shipping containers* used as an *accessory building* are included in the maximum permitted *accessory building gross floor area* requirements.
- .10 A *shipping container* shall not be placed for the purpose of display or advertising.
- .11 A *shipping container* shall not be used for the purpose of screening or fencing.
- .12 Landscaping and screening for *shipping containers* shall be in accordance with Section 3.11.

Signage

3.18 Signs in all *zones* shall comply with the following regulations and the *SLRD Sign Bylaw*.

Third Party Signs

- .1 No sign shall be located on a parcel in any zone for the purpose of advertising any person, matter, thing, or property that is not directly related to a business conducted on that parcel.

Business Signs in Non-Commercial and Non-Industrial Zones

- .2 Signs for businesses, other than home office, home craft, home based businesses, home industry, and bed and breakfasts, in zones other than the C1, I1, I2, and I3 zones shall be subject to the following conditions:
 - .1 no more than one sign may be located on a parcel.
 - .2 a sign in conjunction with business uses shall have a maximum of two faces.
 - .3 the maximum area of each face of a sign shall be 1 m².
 - .4 the maximum height of a sign shall be 2.5 m.

Business Signs in Commercial and Industrial Zones

- .3 Signs for businesses in the C1, I1, I2, and I3 zones shall be subject to the following conditions:
 - .1 the maximum total area of all sign faces on a parcel shall be 5 m².
 - .2 the maximum height of a sign shall be 3 m.

Split Zones

- 3.19 In the event that a *parcel* lies within more than one *zone*, *uses*, *buildings* and *structures* may be located only within a *zone* in which they are permitted, and the permissible density of *uses*, *buildings*, and *structures* must be calculated on the basis of the area of the *parcel* that is within the *zone* in which the *use*, *building*, or *structure* in question is permitted.
- .1 In the event that a *parcel* lies within more than one *zone* and this Bylaw specifies minimum *lot* sizes for those *zones*, no *lot* may be created by subdivision of such *lot* that is smaller than the minimum specified for the *zone* in which the new *lot* lies.
 - .1 Whenever practicable the creation of a *lot* lying within two or more *zones* must be avoided.
 - .2 Where the creation of a *lot* lying within two or more *zones* is unavoidable, the *lot* must have an area equal to or greater than the minimum specified for that *zone* in which the greatest portion of the *lot* lies.

Temporary Commercial and Industrial Uses

- 3.20 Pursuant to Section 492 of the *Local Government Act*, land in all *zones*, with the exception of land in the CWP Zone and in the Open Space Area and Riparian Area of a CD Zone is designated as a temporary commercial and *industrial use* permit area.

Use of Water Surfaces

- 3.21 No *building* or *structure* located over a water surface may be used as a *dwelling* or for the *wharfage* of a vessel used as a *dwelling*.
- .1 The restriction in Section 3.21 does not apply to the temporary *wharfage* of transient vessels, licenced commercial fishing boats, or the *use* of one vessel as a temporary *dwelling* for security personnel at a public docking facility.
 - .2 The following *structures* only shall be permitted on the surface of water:
 - .1 private boat moorage facility for pleasure craft associated with a residential *use* located or permitted on the adjacent upland.
 - .2 public boat dock and ramp.

Water Servicing Where Two or More Dwellings Permitted

- 3.22 Where a duplex or two or more dwellings are permitted on a parcel, each dwelling shall be serviced by an individual private water source or by a waterworks system as defined under the Safe Water Drinking Regulation under the Health Act.

Cottages

- 3.23 A cottage, where permitted in a zone, shall be in accordance with this section:
- .1 The maximum gross floor area for a cottage shall be 75 m².
 - .2 The maximum height for a cottage shall be 5 m.
 - .3 A cottage shall not include a garage as part of the building.

Home Based Business

- 3.24 A home based business shall be subject to the following regulations:
- .1 no external indication shall exist that a building is used for any purpose other than that normally associated with a dwelling except for a single sign not exceeding 3500 cm².
 - .2 all activities associated with the home based business shall be entirely conducted within a completely enclosed building.
 - .3 there shall be no outdoor storage of materials, equipment, containers or finished products.
 - .4 the floor area used for a home based business shall not exceed 100 m².
 - .5 employees of a home based business shall be members of a family residing on the parcel plus one other person.
 - .6 notwithstanding the definition of a dwelling unit, a home based business may include a commercial kitchen involving a second set of cooking facilities within a dwelling where the Squamish-Lillooet Regional District has issued a building permit for it, and the Vancouver Coastal Health Authority has issued a permit for the same.
 - .7 the owners of any business involved in the production, storage, sale, or service of food must have the appropriate approvals and permits from the Vancouver Coastal Health Authority.

Home Industry

- 3.25 A home industry shall be subject to the following regulations:
- .1 no external indication shall exist that a building is used for any purpose other than that normally associated with a dwelling except for a single sign not exceeding 3500 cm².
 - .2 all activities associated with the home industry shall be entirely conducted within a completely enclosed building.

- .3 there shall be no outdoor storage of materials, equipment, containers or finished products.
- .4 exclusive of the resident's own licenced vehicles, no more than three vehicles for repair shall be parked outdoors.
- .5 a building used for home industry use must not exceed a gross floor area of 150 m² or a height of 4.5 m.
- .6 noise created by the home industry must not exceed 0 decibels above ambient noise levels at the property lines.
- .7 no building containing a home industry shall be located within 10 m of a parcel line.
- .8 employees of a home industry shall be members of a family residing on the parcel plus two other people.
- .9 the owners of any business involved in the production, storage, sale, or service of food must have the appropriate approvals and permits from the Vancouver Coastal Health Authority.

Siting of Sewage Treatment Plants

- 3.26 Notwithstanding any other provision of this bylaw, the location of any community sewage treatment plant or addition thereto shall be:
 - .1 a minimum of 100 m from the property lines where adjacent parcels are zoned RR1, RR1_{RES}, RR1_{RES(SD)}, RR1_{RM}, RR1_{TA}, RR1_{LUC}, AGR1, R1, CWP, or MHP.

Visibility

- 3.27 There shall be no obstruction to the line of vision by buildings or structures between the heights of 1 m and 3 m above the established grade of highways within an area bounded by the centre lines of intersection highways and a line joining a point on each of the centre lines 25 m from their intersection.

Medical Marihuana Production Facility

- 3.32 Notwithstanding any other section of this bylaw except the AGR1 zone, the setback and height regulations shall not apply to an existing building that is repurposed for a medical marihuana production facility, so long as that building has been issued a valid building permit.

SECTION 4 - PARKING AND LOADING REGULATIONS

Off-Street Parking & Loading Spaces

- 4.1 Space for the off-street parking and loading of *motor vehicles* in respect of a *use* permitted under this Bylaw shall be provided and maintained in accordance with the regulations of Section 4.
- .1 No off-street *parking spaces* shall protrude onto public property or a dedicated public right-of-way.
 - .2 Unless otherwise permitted, off-street parking shall not be used for unenclosed parking or storage of *derelict vehicles* or wrecked vehicles in all *zones* except Commercial, Industrial, or Rural Resource zoned *lots* where they are necessary as part of the authorized business on the *lot*.
 - .3 All *parking* and *loading spaces* associated with any and all of the permitted land *uses* in an Agriculture zone, must be located within the *farm residential footprint* and/or the *non-farm use footprint*.
 - .1 Notwithstanding Section 4.7, all *parking areas* and *loading areas* associated with *agritourism activities, brewery, cidery, distillery, meadery, winery, farm retail sales, gathering for an event or temporary farm worker housing uses* in an Agriculture Zone must not use any hard surfacing such as asphalt or concrete. Furthermore, no gravel or any other type of fill may be used to cover the land where the *parking area* is located.
 - .4 On parcels smaller than 2 ha, no more than two large vehicles may be parked on a *lot* at any one time, and must be sited on the *lot*, and not on the street, and must not protrude onto public property or a dedicated public right-of-way.
 - .1 Large vehicles include, but are not limited to, *recreational vehicles, park model recreational vehicles, boats, trailers and semi-trailers, buses, etc.*

Exemption of Existing Buildings from Parking & Loading Requirements

- 4.2 The regulations contained in Section 4 shall not apply to lawfully established *buildings, structures* and *uses* existing on the effective date of this Bylaw except that:
- .1 off-street parking and loading shall be provided and maintained in accordance with Section 4 for any addition to any existing *building* and *structure* or any change in the *principal use* or addition to such existing *use* or for an increase in total *gross floor area* that is in excess of 10% of the existing *gross floor area*.
 - .2 off-street parking and loading prior to the adoption of this Bylaw shall not be reduced below the applicable off-street parking and loading requirements of Section 4.

Number of Parking & Loading Spaces

- 4.3 The number of off-street *parking spaces* and *loading spaces* for motor vehicles required for any *use* is calculated according to the Table in Section 4.3.6 in which Column I classifies the types of *uses*, Column II sets out the number of required off-street *parking spaces* that are to be provided for each *use* in Column I, and Column III sets out the number of required off-street *loading spaces* that are to be provided for each *use* in Column I.

- .1 In respect of a *use* permitted under this Bylaw which is not specifically referred to in Column I of the Table in Section 4.3.6, the number of off-street *parking spaces* is calculated on the basis of the requirements for a similar *use* that is listed in the Table in Section 4.3.6 as determined by the Director of Planning and Development.
- .2 Where *gross floor area* is used as a unit of measurement for the calculation of *parking spaces*, it shall include the *gross floor area* of *accessory buildings* and *basements*, except where they are used for parking, heating or storage.
- .3 Where more than one *use* is located on a *parcel*, the total number of *parking spaces* to be required shall be the sum total of the requirements for each *use*.
 - .1 Notwithstanding Section 4.3.3, the maximum number of combined parking spaces permitted for any combination of the *Agritourism Activity*, *Brewery*, *Cidery*, *Distillery*, *Meadery*, *Winery*, *Farm Retail Sales*, and *Gathering for an Event* uses shall be in accordance with the provision in Section 2 of the Table in Section 4.3.6:
- .4 Where more than one *use* is located in a *building*, the total number of *parking spaces* to be required may recognize the mix of *uses* and determine the number of spaces required based on the various portions of the *building* dedicated to each *use*.
- .5 Accessible *parking spaces* shall be provided in accordance with the *BC Building Code*, as amended from time to time.
- .6 **Table: Required Off-Street *Parking* and *Loading Spaces***

COLUMN I Class of Building or Use	COLUMN II Off-Street <i>Parking Spaces</i>	COLUMN III Off-Street <i>Loading Spaces</i>
1.0 Dwellings		
<i>Single family dwelling</i>	2	No Requirement.
<i>Secondary suite</i>	1	No Requirement.
<i>Home office</i>	No Requirement.	No Requirement.
<i>Home craft</i>	1	No Requirement.
<i>Duplex</i>	4	No Requirement.
Townhouse	2 spaces per <i>dwelling unit</i> , plus 1 visitor space per 5 units	No Requirement.
Three or more <i>dwelling units</i> designated solely for senior citizen's housing	1 space per <i>dwelling unit</i> , plus 1 visitor space per 5 units	No Requirement.
2.0 Agricultural & Rural		
Any combination of <i>Agritourism Activity</i> , <i>Brewery</i> , <i>Cidery</i> , <i>Distillery</i> , <i>Meadery</i> , <i>Winery</i> , <i>Farm Retail Sales</i> , and/or <i>Gathering for an Event</i> uses • on parcels less than 4 ha • on parcels that are 4 ha or greater but less than 8 ha • on parcels that are 8 ha or larger but less than 16 ha	20 spaces maximum combined 40 spaces maximum combined 60 spaces maximum combined	

COLUMN I Class of Building or Use	COLUMN II Off-Street <i>Parking</i> <i>Spaces</i>	COLUMN III Off-Street <i>Loading</i> <i>Spaces</i>
on parcels that are 16 ha or greater	80 spaces maximum combined	
<i>Agritourism Activity</i> - on parcels less than 4 ha - on parcels that are 4 ha or greater but less than 8 ha - on parcels that are 8 ha or larger but less than 16 ha - on parcels that are 16 ha or greater	10 spaces maximum 20 spaces maximum 30 spaces maximum 40 spaces maximum	No Requirement.
<i>Brewery, Cidery, Distillery, Meadery, Winery</i> - on parcels less than 4 ha - on parcels that are 4 ha or greater but less than 8 ha - on parcels that are 8 ha or larger but less than 16 ha - on parcels that are 16 ha or greater	10 spaces maximum 20 spaces maximum 30 spaces maximum 40 spaces maximum	No Requirement.
<i>Farm Retail Sales</i> - on parcels less than 4 ha - on parcels that are 4 ha or greater but less than 8 ha - on parcels that are 8 ha or larger but less than 16 ha - on parcels that are 16 ha or greater	10 spaces maximum 20 spaces maximum 30 spaces maximum 40 spaces maximum	No Requirement.
<i>Gathering for an Event</i> - on parcels less than 4 ha - on parcels that are 4 ha or greater but less than 8 ha - on parcels that are 8 ha or larger but less than 16 ha - on parcels that are 16 ha or greater	10 spaces maximum 20 spaces maximum 30 spaces maximum 40 spaces maximum	No Requirement.
Temporary Farm Worker Housing	1 per 60 m ² of Gross Floor Area	No Requirement.
Riding stable and academy	1 per stall	No Requirement.
<i>Garden nursery</i>	4 per 100 m ² of retail sales area plus 1 per 185 m ² of greenhouse area	No Requirement.
Animal shelters	1 per 100 m ² <i>gross floor area</i> plus 2 per 100 m ² office floor area plus 1	No Requirement.

COLUMN I Class of Building or Use	COLUMN II Off-Street <i>Parking Spaces</i>	COLUMN III Off-Street <i>Loading Spaces</i>
	per fleet vehicle	
3.0 Office		
Business and Professional <i>Office Use</i>	1 space for every 50 metres ² of <i>gross floor area</i>	No Requirement.
4.0 Commercial		
<i>Bed & Breakfast</i>	1 per guest room	No Requirement.
Hotel/Motel/Lodge/Campground	1 per guest room or 1 per sleeping unit or 1 per campsite	1 space for every 1,000 m ² of <i>gross floor area</i>
<i>Service station</i>	4 per service bay or a minimum of 4	1 space for every 1,000 m ² of <i>gross floor area</i>
Cafes, <i>Restaurant</i> , and Liquor Primary Licenced Premises	0.33 per 100 m ² <i>gross floor area</i> 6 per 100 m ² of <i>gross floor area</i>	1 space for every 1,000 m ² of <i>gross floor area</i>
Marina	1 space for every 10 mooring berths for boats	1 space for every 1,000 m ² of <i>gross floor area</i>
All other Commercial <i>uses</i>	3 per 100 m ² <i>gross floor area</i>	1 space for every 1,000 m ² of <i>gross floor area</i>
5.0 Industrial		
<i>Light industry/heavy industry/manufacturing and medical marihuana production facility</i>	1 per 100 m ² <i>gross floor area</i>	1 space for every 1,000 m ² of <i>gross floor area</i>
6.0 Institutional		
Places of public assembly, including churches, arenas, armouries, art galleries, assembly halls, auditoriums, lodges, and fraternal <i>buildings</i> , community centres, recreation centres, dance halls, exhibition halls, funeral homes and undertaking establishments, gymnasiums, meeting halls, museums, public libraries, stadiums, theatres, billiard halls, arcades, bowling alleys, curling rinks, and similar <i>uses</i>	1 space for each 10 seats, or 1 space for each 10 m ² of <i>gross floor area</i> in areas without fixed seats that are used or intended to for <i>public assembly use</i> , including playing surfaces 1 space per sleeping room, or 1 per 187 m ² of	1 space for every 1,000 m ² of <i>gross floor area</i>

- .1 All residential off-street *parking spaces* shall meet the following minimum dimensions:

Type of <i>Parking Space</i>	Width	Length	Clear <i>Height</i>
Standard Space	2.5 metres	5.5 metres	2.0 metres
Standard Parallel <i>Parking Space</i>	2.6 metres	7.3 meters	2.0 metres
Small Car Space	2.3 metres	4.6 metres	2.0 metres
Disabled Space	4.0 metres	5.5 metres	2.1 metres
<i>Loading Space</i>	3.0 metres	9.0 metres	4.0 metres

- .2 For any residential use except a *single family dwelling* or *two family dwelling*, each off-street *parking space* and required *loading space* shall have access from a maneuvering aisle as indicated in the following table:

	Minimum Maneuvering Aisle Width		
	90 degrees	60 degrees	45 degrees
Two-Way Traffic	6.6 metres	6.4 metres	6.1 metres
One-Way Traffic	6.1 metres	4.9 metres	4.6 metres

- .3 For any commercial use the off-street *parking spaces* and maneuvering aisles shall meet the following minimum dimensions:

Type of <i>Parking Space</i>	Width	Length	Clear <i>Height</i>
Standard Space	2.8 metres	5.8 metres	2.1 metres
Standard Parallel <i>Parking Space</i>	2.6 metres	7.3 meters	2.1 metres
Small Car Space	2.7 metres	5.5 metres	2.1 metres
Disabled Space	3.7 metres	5.8 metres	2.1 metres
<i>Loading Space</i>	3.0 metres	9.0 metres	4.0 metres
	Minimum Maneuvering Aisle Width		
	90 degrees	60 degrees	45 degrees
Two-Way Traffic	7.0 metres	6.4 metres	6.1 metres
One-Way Traffic	7.0 metres	4.9 metres	4.6 metres

- .4 Up to 25% of *parking spaces* may be small car spaces provided each such space is identified and signed with the words "Small Car Only".
- .5 Tandem parking is permitted in conjunction with *two-family*, townhouse and stacked townhouse *dwelling units* provided that tandem *parking spaces* are provided at a minimum width of 2.7 metres.
- .6 All required visitor *parking spaces* shall be clearly identified and signed with the words "Visitor Parking Only".
- .7 One *parking space* for disabled persons shall be provided for every 50 required *parking spaces* and must be clearly marked and located so as to provide convenient access to the entrance of the *principal use* for which the space is required.
- .8 Where the calculation of required *parking spaces* results in a fraction, any fraction less than 0.5 shall be disregarded and one space shall be provided in respect of any fraction of 0.5 or greater.

- .9 The width of parking stalls shall be measured between the centre lines of painted stripes or between the centre line of a painted stripe and the nearest edge of an abutting curb, *fence*, wall or landscaped area.
- .10 The width of *parking spaces* abutting a wall or *fence* shall be increased by at least 0.2 m for the entire length of the space.

Driveway Gradients

4.6 For vehicular driveways:

- .1 The maximum gradient shall be 2% within 2 m of a curb or edge of pavement or public or private roadway or ditch, whichever distance is greater.
- .2 In all *zones*, there shall be a maximum gradient and cross-slope of 6%.
- .3 Driveways with gradients exceeding 10% shall terminate in at least one unenclosed *parking space*.

Surfacing of Parking & Loading Spaces

- 4.7 All *parking areas* and *loading areas* shall contain a durable surface that is graded and drained so as to properly dispose of all surface water.
 - .1 Notwithstanding Section 4.7, all *parking areas* and *loading areas* associated with *agritourism activities, brewery, cidery, distillery, meadery, winery, farm retail sales, gathering for an event or temporary farm worker housing uses* in an Agriculture Zone must not use any hard surfacing such as asphalt or concrete. Furthermore, no gravel or any other type of fill may be used to cover the land where the *parking area* is located.

Lighting

- 4.8 Any lighting used to illuminate *parking areas* and *loading areas* shall be so arranged that all direct rays of light are reflected upon such *parking areas* and *loading areas*, and not on any adjoining premises.

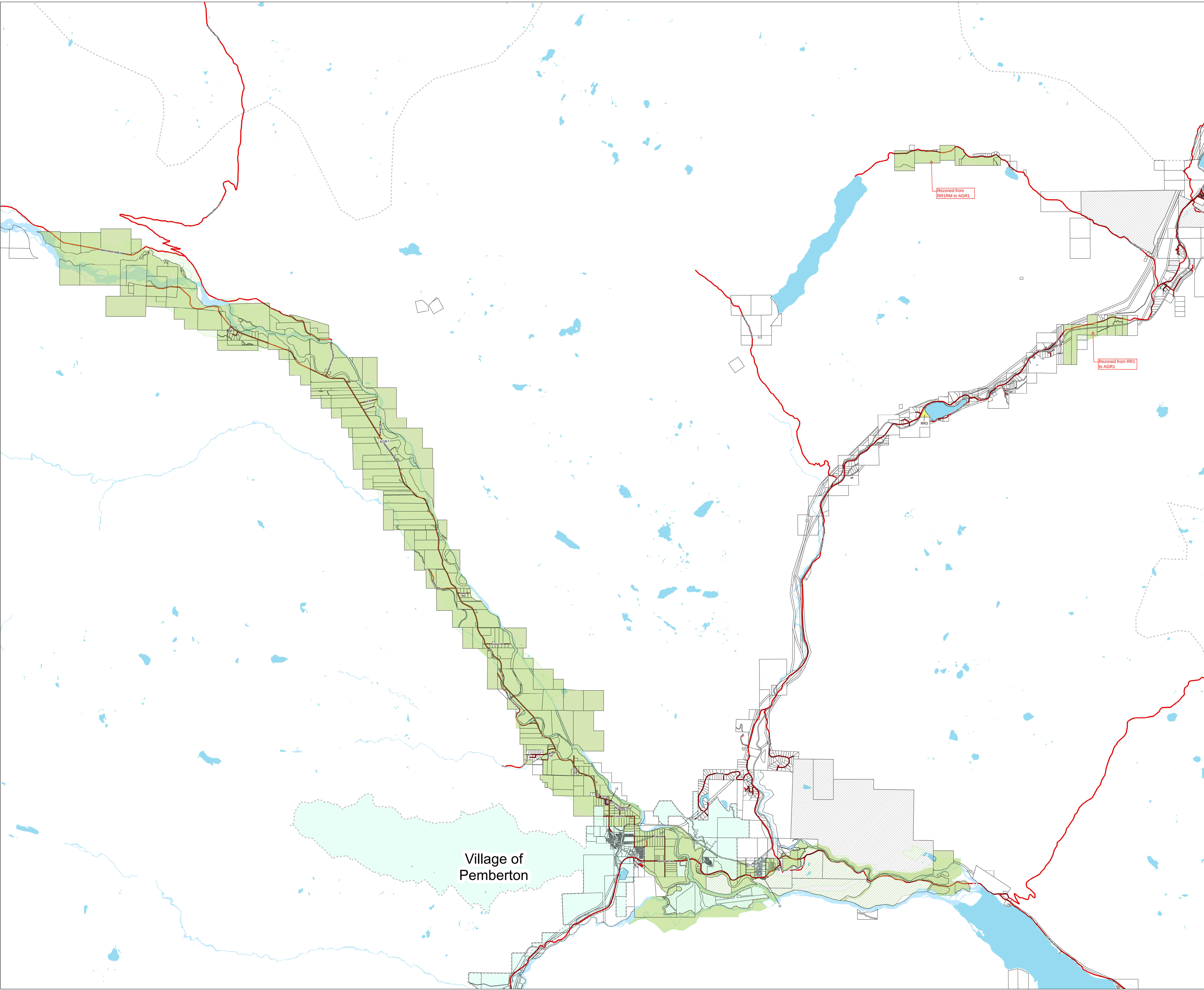
Loading Spaces

- 4.9 Subject to the Table in Section 4.3.6, if a *use* requires less than 4 *parking spaces*, then no *loading space* is required.
 - .1 In the case of mixed *uses*, the total off-street loading requirements shall be the sum of the requirements for the various *uses* calculated separately.
 - .2 Off-street *loading spaces* shall be located on the same *lot* as the *use* served.
 - .3 All off-street *loading spaces* shall be a minimum of 9 m in length and 3 m in width, and have a vertical clearance of 4 m.
 - .4 Adequate provision shall be made for access by vehicles to all off-street *loading spaces* by means of a 6 m manoeuvring aisle and shall be located so that each separate *use* within a *development* has access to a *loading space*.
 - .5 All off-street *loading spaces* shall be clearly marked with the words "LOADING SPACE ONLY" on the pavement or wall facing.

READ A FIRST TIME this	13 th day of	DECEMBER, 2017.
READ A SECOND TIME this	24 th day of	JANUARY, 2018.
PUBLIC HEARING held on the	day of	, 2018.
READ A THIRD TIME this	day of	, 2018.
PER s.52 (3)(a) of the <i>Transportation Act</i> , APPROVED by the MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE this	day of	, 2018.
ADOPTED this	day of	, 2018.

Jack Crompton
Chair

Kristen Clark
Corporate Officer





Cover page for Agenda Item 9.7.

Request for Decision

Electoral Area C Zoning Amendment Bylaw No. 1549-2017

Resolution of the SLRD Board meeting of November 22 and 23, 2017:

THAT the Request for Decision - Electoral Area C Zoning Amendment Bylaw No. 1549-2017 be referred to the December 14, 2017 Committee of the Whole meeting [subsequently determined to be discussed at the December 13, 2017 Board meeting at 2:00 p.m.].

Since the November 22, 2017 Board meeting, staff have made the following changes to the proposed Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017 (shown on the attached bylaw in pink highlight):

- Section 6.8 Brewery, cidery, etc. – clarification of events as ‘special events’ that occur outside of regular approved business hours.
- Section 2.8 Penalty – remove the references to specific penalties under the Offence Act and replace it with a general reference to penalties as outlined in the applicable acts. This new wording is the same wording under the current Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, with one additional provision to reflect the new Bylaw Notice Enforcement Bylaw ticketing system.
- Section 6.7.4 (Temporary Farm Worker Housing) – Added a sentence to the existing covenant provision: “The covenant will state that the farm worker housing will be removed by the owner and the land restored to agricultural use if the farm worker housing is vacant for two consecutive years.” This specifies a requirement that is part of the farm worker housing application form.
- Section 3.17 Shipping Containers – changed the maximum number of permitted shipping containers so properties that are 5 ha or larger and have farm class can have up to 4 shipping containers if they are within the AGR1 or RR zones. Properties that do not meet those requirements and are still in the AGR1 or RR zones are limited to the proposed 2 shipping containers.



Request for Decision

Electoral Area C
Zoning Amendment Bylaw No. 1549-
2017

Date of Meeting: Board Meeting – November 22, 2017

Recommendations:

THAT Bylaw No. 1549-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017” be introduced and read a first and second time.

THAT the Board direct staff to schedule and advertise a public hearing and delegate the holding of the public hearing to Electoral Area C Director Russell Mack with Chair Jack Crompton as alternate delegate pursuant to Section 469 of the *Local Government Act*, for the consideration of Bylaw No. 1549-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017”.

RELEVANT POLICIES:

Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002

Attachments:

Appendix 1: Bylaw No. 1549-2017

Appendix 2: Agricultural Land Commission Referral Response

Background:

Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 1484-2017 and Zoning Bylaw No. 1485-2017 were given second reading on July 26, 2017, and a public hearing was held on September 13, 2017. Both are comprehensive bylaws that were intended to replace the current Electoral Area C OCP Bylaw No. 689, 1999 and Electoral Area C Zoning Bylaw No. 765, 2002. “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017” is meant to address the agricultural zoning components contained in Bylaw 1485-2017, as well as to correct a mapping error from 2002, with the remainder of the Area C zoning matters to be addressed through a further process in 2018.

Key Information:

This purpose of this report is twofold:

- 1) To summarize the public hearing with respect to proposed Official Community Plan Bylaw No. 1484-2017 and Zoning Bylaw No. 1485-2017 and;
- 2) To present a new Zoning Amendment Bylaw No. 1549-2017 that would expedite the publicly supported changes to the Agriculture zone, and ensure proper Agriculture

zoning for all properties in the ALR, as well as some other minor changes, while leaving the rest of the Electoral Area C zoning as *is* until a more fulsome engagement process can be had with the Mt. Currie to D'Arcy corridor residents. There is no need to go back to the referral stage after first reading as there are no substantive changes proposed in Bylaw No. 1549-2017, and the Agricultural Land Commission was sent the proposed bylaw No. 1549-2017 and has reviewed the proposed agricultural changes, and their comments are summarized later on in the report.

At the public hearing regarding the previously proposed bylaws 1484 and 1485, the following key concepts were heard from the public:

- very strong support for moving forward quickly with the proposed agricultural zoning regulations from Zoning Bylaw No. 1485-2017, including the farm home plate, the increased minimum parcel size for new subdivisions, and the gathering for an event regulations (with some recommended items to look at more closely) as a separate amendment that can quickly update the existing Zoning Bylaw No. 765, 2002.
- Some suggestions that the Mt. Currie to D'Arcy corridor needs further attention.

Based on input heard at the public hearing, a new approach is being proposed:

- Move forward with the amendments to the Agriculture zone and related agricultural and general regulations, and definitions, with a basic amendment to Zoning Bylaw No. 765, 2002 through the introduction of Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017
- Revisit the rest of the comprehensive changes to the Electoral Area C OCP and Zoning Bylaw in 2018, with the inclusion of further public engagement with the Mt. Currie to D'Arcy community.

Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017

Focus on Agriculture zone and housekeeping issues

While Bylaw 1549-2017 is primarily drafted to implement the agriculture regulatory components from the proposed Zoning Bylaw No. 1485-2017 there are a number of other housekeeping issues which are also included in this bylaw. In order to improve the formatting and readability of the existing Zoning Bylaw No. 765, 2002, this amendment bylaw proposes to replace several sections with new structure and formatting though the actual content would remain relatively unchanged.

Fix a past mapping error

Prior to the public hearing, based on a public inquiry, an historic mapping error was discovered specific to one property that is currently zoned AGR (Agriculture) under Zoning Bylaw No. 765, 2002 and was proposed to be zoned AGR1 (Agriculture 1) under Zoning Bylaw No. 1485-2017. This property was previously zoned M2 (Industrial II) under Squamish-Lillooet Regional District Zoning Bylaw No. 29, 1972 (Area C) that predated Zoning Bylaw No. 765, 2002, which then replaced Squamish-Lillooet Regional District Zoning Bylaw No. 29, 1972 (Area C) in 2003. It is likely due to the small size of the parcel and the lack of dedicated

mapping capability at that time that the lot's industrial zoning was overlooked and it was zoned agriculture as it is adjacent to ALR land and Indian Reserve land. Historically it was in the ALR, and was excluded from the ALR by application in the late 1970s.

This particular property is located south of Highway 99 across from the Pemberton Industrial Park. It is a small (1.19 acres) property that is completely outside the ALR. There is unsurveyed Crown land between the highway and the property boundary of the lot. Under Zoning Bylaw No. 29, 1972 (prior to 2003) that property was zoned for industrial use.

PUBLIC HEARING SUMMARY:

The public hearing for the previously proposed Official Community Plan Bylaw No. 1484-2017 and Zoning Bylaw No. 1485-2017 was held on September 13, 2017. While a number of issues were raised regarding zoning in the Mt. Currie to D'Arcy corridor, there was strong support from farmers and other residents in Area C for the proposed agricultural regulations including the farm residential footprint. As was noted by several speakers at the meeting, as well as by SLRD staff, the farm residential footprint regulations have the potential to be changed on a case by case basis through the Development Variance Permit (DVP) process. A streamlined DVP process would be established to consider an application to vary the farm residential footprint setbacks based on agricultural need and protecting the viability of the farmland.

Of all the speakers to the Area C OCP/Zoning Bylaws at the public hearing, only one member of the public raised a number of issues from their perspective regarding the agricultural zoning regulations. Some of the key comments raised at the public hearing regarding the proposed agriculture zone are noted in the table below (the full text of the public hearing minutes were approved by the Board at the October 25 and 26, 2017 Board meeting):

ISSUE RAISED AT THE PUBLIC HEARING REGARDING BYLAWS 1484 and 1485	STAFF COMMENT/CLARIFICATION
AGRICULTURAL ZONING ISSUES	
House sizes in the ALR	The SLRD proposes to retain the original house size maximum from the current Electoral Area C Zoning Bylaw 765, 2002 in Zoning Amendment Bylaw 1549-2017. This was proposed to be retained in Zoning Bylaw No. 1485-2017 as well. House sizes continue to be limited in order to protect agricultural land. This was highly supported at the public hearing, through the Area C Agricultural Advisory Committee and the Pemberton Valley Agricultural Area Plan, and is a best practice with the Ministry of Agriculture and the ALC.
Proliferation of non-farm uses in the ALR	This is acknowledged as an issue and the proposed regulations are meant to help address this issue.

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Electoral Area C
Zoning Amendment Bylaw No. 1549-2017

Food security/Protection of farmland	This is acknowledged as an issue and the proposed regulations are meant to help address this issue.
Farm Residential Footprint	- The farm residential footprint was a new component in Bylaw 1485-2017 and will be carried forward in Bylaw 1549-2017. This concept was highly supported at the public hearing, through the Area C Agricultural Advisory Committee and the Pemberton Valley Agricultural Area Plan, and is a best practice with the Ministry of Agriculture and the ALC. - As many farms in the agricultural areas already have established houses and other uses, there will be some grandfathering provisions. Over 70% of the properties already comply with the proposed farm residential footprint regulations. A Development Variance Permit can be applied for in cases where the home plate requires adjustment (with a reduced application fee). - A new "Non Farm Use" footprint has been included in Bylaw 1549-2017 in addition to the Farm Residential Footprint in order to include agritourism, gathering for an event and other non-farm uses. This is being done to address concerns about how non-farm uses and associated parking will be accommodated on the parcel.
Assembly uses in farm buildings, and use of existing permanent structures for agritourism or gathering for an event uses	ALR regulations and ALC policies do not allow the use of existing or new permanent structures for agritourism activities or gathering for an event uses. This has been clarified by the ALC.
Home office restricted to a dwelling and not allowed in a farm building	- The home office use by definition is within the dwelling. As farm buildings do not currently require building permits they are not suitable for higher occupancy non-agricultural uses. - Changes to the BC Building Code in the near future will require that all farm buildings receive building permits for farm uses. Assembly uses are not allowed in farm buildings, nor are offices.
Outdoor storage and screening	These regulations do not apply to farming activities.

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Zoning Amendment Bylaw No. 1549-2017

Parking regulations - derelict vehicles on a farm, dust free surfaces, maximum number of parking spaces	• The derelict vehicle provisions would not apply to farm vehicles though it would apply to non-farm vehicles on a farm. • As included in the parking regulations, there is a specific provision that does not require dust free surfaces for parking areas on agriculture zoned properties. In any case, to reduce confusion, reference to “dust free” surfacing has been removed. • The regulations regarding the maximum number of parking spaces for various farm and non-farm uses is to prevent irreplaceable farmland from becoming a parking lot. • Based on the input heard at the public hearing, the proposed number of required parking spaces have been revised in Zoning Amendment Bylaw No. 1549-2017 to address concerns over the different uses as well as the cumulative effects of increased parking from multiple uses (see discussion below).
Shipping containers limited to a maximum of 2	• Shipping containers are proposed to be limited in order to prevent a proliferation of such structures appearing on rural and agricultural lands to protect the rural and farming community aesthetic and character. • Support for maintaining the rural aesthetic is articulated in the proposed Area C OCP Bylaw No. 1484-2017.
Sign bylaw regulation	• The SLRD sign bylaw is in need of an update, however, the “changeable sign” language does not apply to the property owner’s sign in question.
Medical marihuana regulations	• This issue was addressed by the SLRD in 2014 through a year and a half long process to consider how to address medical marihuana production facilities in SLRD zoning bylaws. • Through extensive deliberation, the Board determined that medical marihuana production facilities should be limited to very large parcels in the AG zones as such factories were not seen as desirable in an agricultural landscape.

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Temporary farm worker housing	- The current Zoning Bylaw No. 765, 2002 does not allow temporary farm worker housing at all. The proposed regulations would allow it and provide necessary regulation for such temporary dwellings in accordance with Ministry of Agriculture, ALC, and BC Building Code policies and requirements. - The use of statutory declarations, section 219 covenants and deposits are standard tools that the SLRD uses to ensure compliance with the regulations and to provide for the removal of the structures in the case of non-compliance.
Gathering for an event vs. agritourism	- Gathering for an event is a distinct land use separate from agritourism activities. Long table dinners would be considered an agritourism activity, and not a gathering for an event use. - The gathering for an event use is proposed to be limited to the farm residential footprint as it is a non-farm use. Agritourism activities would not be restricted to the farm residential footprint as they are considered a farm use.
Agritourism accommodation	- This is considered a non-farm use and separate from agritourism activities. Zoning Bylaw No. 765, 2002 currently does not allow agritourism accommodation except in the form of a bed and breakfast. - RVs, and yurts etc. have not been permitted as agritourism accommodation or short term rentals in any Agriculture zone in the SLRD.
Commercial kitchens	- Permanent commercial kitchens are considered a non-farm use and are not permitted in the ALR without a non-farm use application. - A restaurant, café, or bakery are also considered non-farm uses and not permitted without a non-farm use application.
SLRD access to properties for bylaw enforcement	No material changes were proposed in Bylaw 1485-2017 to the General Provisions that allow certain SLRD staff

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Electoral Area C
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	to enter properties with reasonable notice in order to enforce the Zoning and OCP Bylaws. Additional SLRD staff members were stipulated as Administrators of the bylaw for the purposes of enforcement. Such property access clauses are typical in all zoning bylaws in the Province of BC.
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Key comments made regarding the Mt. Currie to D'Arcy corridor raised at the public hearing with respect to the proposed Bylaw 1549-2017, are noted below:

ISSUE RAISED AT THE PUBLIC HEARING REGARDING BYLAWS 1484 and 1485	STAFF COMMENT/CLARIFICATION
MT. CURRIE TO D'ARCY AREA	
Road safety concerns and need for bike lanes	Road safety is acknowledged as an issue. This will be addressed through the revised OCP.
Short term nightly rentals	- Short term nightly rentals, except in bona fide bed and breakfasts are not allowed in the current RR1 zoning, nor are short term nightly rentals proposed to be allowed in the proposed RR2 zoning of Bylaw No 1485-2017 that would replace many of the currently RR1 zoned properties. - Additional accommodation for the travelling public is supported in the area on a case by case basis, through a rezoning application.
Bed and Breakfast	- Bed and breakfasts continue to be proposed as an allowable use in the RR zones. - The language in Bylaw 1485-2017 and replicated in Bylaw No. 1549-2017 clarifies that the owner must live in the bed and breakfast. This is to ensure that there is in-building management. This is in keeping with the language in Bylaw 765, 2002 which defines a bed and breakfast as "an auxiliary use of a dwelling".
Home based businesses	The home based business definition will be replaced by the home office and home craft definitions, both of which uses will now be allowed in the AGR1

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Electoral Area C
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	zone, which is the only zone being amended by Bylaw 1549-2017. No changes to the home based business use are proposed for the other existing zones. In the future, once the proposed Bylaw 1485-2017 has been adopted, the home office and home craft uses will then replace the home based business use more broadly.
Farm retail sales	No changes are proposed with respect to farm retail sales. The importance of farm retail sales is acknowledged and can be further addressed through the proposed Mt. Currie to D'Arcy planning process (see discussion below).
Retail operations	- Retail uses are not allowed in the current RR1 zone, nor are they allowed in the proposed RR2 zone. - Currently retail uses are supported in the area on a case by case basis, through a rezoning application.
Gatherings and events	- The "gathering for an event" use is specific to Agricultural zones, not to the Rural zones. - No changes to this use were proposed in Bylaw 1485-2017. - The SLRD has a Special Event Bylaw in place for such uses.
Restaurant and café operations	- Restaurant and cafe uses are not allowed in the current RR1 zone, nor are they allowed in the proposed RR2 zone. - Currently restaurant uses are supported in the area on a case by case basis, through a rezoning application.
Campgrounds	- Campgrounds and golf courses are proposed to be removed from the RR zones in Bylaw 1485-2017 due to concerns around access, egress, road safety, geotechnical hazards, noise issues, environmental impacts, water issues and neighbourhood impacts. - It is suggested that these uses can be supported, but are better considered on a case by case basis, through a rezoning process.

	It is acknowledged that campgrounds make more sense on larger parcels that are free of geotechnical and other issues.
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As noted previously, the Mt. Currie to D'Arcy corridor and the rest of Electoral Area C will be more fully considered in 2018, under a separate process. The items noted in the above table will be reviewed again as part of that process. The overall Electoral Area C zoning and OCP are proposed to be brought forward at that time.

Analysis:

The proposed Amendment Bylaw No. 1549-2017 would rezone all the properties currently zoned AGR (Agriculture) or AGR_{PF} (Agriculture Pemberton Fringe subzone) in Zoning Bylaw No. 765, 2002, to the new AGR1 (Agriculture 1) zone. The properties within the ALR that are located between Birken and D'Arcy, as well as those in the Blackwater Road area are also rezoned to AGR1. The properties in those areas have historically been improperly zoned despite being in the ALR. This zoning amendment will redress that issue and ensure proper agricultural zoning for all properties in the ALR in Electoral Area C. This will provide consistency and clarity for all land in the ALR. The AGR1 zone and associated definitions, general regulations and parking regulations are all extracted from the proposed Zoning Bylaw No. 1485-2017 and incorporated into this amendment bylaw.

Additional section reformatting are part of the physical changes proposed for Zoning Bylaw No. 765, 2002 to update the current structure of the bylaw, establish a table of contents, and clearer section differentiation. The current structure of Zoning Bylaw No. 765, 2002 does not lend itself to easy or clear updates and amendments. With the current structure and formatting, one small change can lead to the renumbering of entire bylaw sections subsequent to that changed portion. The new structure proposed in Zoning Bylaw No. 1485-2017 makes amendments much easier to incorporate into a more flexible structure. The proposed Amendment Bylaw No. 1549-2017 imports portions of the new structure and formatting into Zoning Bylaw No. 765, 2002 to prevent the bylaw from becoming messy and posing challenges for interpretation.

As part of the structural and formatting updates, the existing Parts 1, 2, 3, and 4 of Bylaw No. 765, 2002 are replaced with new Sections 1, 2, 3, and 4 as follows:

- Section 1 Definitions – includes new definitions related to the updated agricultural zoning, replaces several existing definitions with new terms that are consistent with common terms in other bylaws, and keeps the remaining existing definitions. These are all the same as proposed in Bylaw No. 1485-2017, except for the new non-farm use footprint definition.
 - New definitions include: agriculture, aquaculture, brewery, cidery, distillery, meadery, winery, farm residence, farm employee residence, temporary farm worker housing, gathering for an event, agritourism activities, farm retail sales, home office, home craft, farm residential footprint and non-farm use footprint.
 - Replaced definitions include: secondary suite, gross floor area, height.

- Section 2 Administration and Zones – includes the existing provisions from Part 2 plus updated language as proposed in Bylaw No. 1485-2017 as well as updating the list of zones for what would be present in Bylaw No. 765, 2002.
 - No substantive changes are proposed in the new section as similar language and provisions are included in every zoning bylaw regarding general administrative issues and zone naming and coding.
- Section 3 General Regulations – includes the existing regulations from Part 3 as well as new regulations proposed in Bylaw No. 1485-2017. Several of the existing regulations in this section have been replaced with updated language as proposed in Bylaw No. 1485-2017.
 - As a result of the new agriculture zoning, there are general regulatory provisions that must be updated (e.g. bed and breakfast, height, gross floor area, subdivision) and new provisions (home office, home craft, shipping containers, assembly/commercial assembly).
- Section 4 Parking and Loading Regulations – replaces the existing inadequate parking section with new regulations (parking for agritourism, gathering for an event, farm retail sales, brewery, cidery, meadery, winery, distillery) in order to address the new agricultural zoning as well as an updated table of parking uses and regulations as proposed in Bylaw No. 1485-2017.
 - The existing parking regulations do not reflect a wide array of uses nor address the range of non-farm uses permitted by ALR regulations on agricultural zoned properties. Updated parking regulations specific to farm and non-farm uses have been based on Ministry of Agriculture and ALC recommendations and shared concern over farmland being turned into parking lots.

Any combination of <i>Agritourism Activity, Brewery, Cidery, Distillery, Meadery, Winery, Farm Retail Sales, and/or Gathering for an Event</i> uses • on parcels less than 4 ha • on parcels that are 4 ha or greater but less than 8 ha • on parcels that are 8 ha or larger but less than 16 ha • on parcels that are 16 ha or greater	20 spaces maximum combined 40 spaces maximum combined 60 spaces maximum combined 80 spaces maximum combined
Individual Use (e.g. Agritourism Activity OR Gathering for an Event) • on parcels less than 4 ha • on parcels that are 4 ha or greater but less than 8 ha • on parcels that are 8 ha or larger but less than 16 ha • on parcels that are 16 ha or greater	10 spaces maximum 20 spaces maximum 30 spaces maximum 40 spaces maximum

The proposed AGR1 zone remains substantially the same as proposed in Zoning Bylaw No. 1485-2017 with the exception that Bylaw 1485-2017 retained the gross floor area for dwelling size that exists in the current Area C Zoning Bylaw No. 765, 2002 instead of using building footprint regulations with respect to dwelling size (which were considered to have problematic

building construction implications). The bylaw would retain the maximum gross floor area of 350 m² for the farm residence, and where a second dwelling has been approved through an application for farm worker housing, or through a non-farm use application, the second dwelling (farm employee residence) would have a maximum gross floor area of 180 m². These building size regulations remain unchanged from the current Zoning Bylaw No. 765, 2002.

New Non-Farm Use Footprint

In order to address public comments with respect to non farm and agritourism uses as well as concerns about parking on properties zoned Agriculture, a non-farm use footprint has been created in Bylaw 1549-2017 similar to the farm residential footprint. This non-farm use footprint has been defined in the bylaw, and would contain the gathering for an event use and its associated parking along with parking for other farm and non-farm uses. The farm residential footprint and the non-farm use footprint would then encompass all the gathering for an event activities and parking along with parking for farm retail sales, agritourism activities, and breweries etc. where permitted.

The non-farm use footprint would scale with the size of the lot similar to the maximum number of parking spaces proposed in the Section 4 Parking Regulations. In the Agriculture zone then, there would be four categories of parcel size for the non-farm use footprint including: less than 4 ha, 4 ha or larger but less than 8 ha, 8 ha or larger but less than 16 ha, and 16 ha or larger. There is also a proposed setback of 40 m from the front parcel line to the rear of the non-farm use footprint to prevent the sprawl of non-farm uses encroaching further onto arable land.

The “light industry” use is removed from the I1 (Industrial 1) zone as it has an overly broad definition, which runs counter to the specific list of discrete uses identified in that zone. The term “farm use” is replaced with the term “agriculture” in the RR1 zone as the definition of farm use does not include farm retail sales whereas the definition of agriculture does. This would prevent any issues arising from current or potential farm retail sales as part of agricultural activity occurring on an RR1 zoned lot.

The proposed amendment bylaw would also redress the previously noted mapping error by re-establishing the industrial zoning on the Highway 99 property similar to what was designated in Zoning Bylaw No. 29, 1972.

The proposed bylaw was referred to the ALC for their review following the development of the non-farm use footprint and revised parking regulations subsequent to the public hearing. The ALC response is summarized below.

- a. The proposed parking and non-farm use footprint regulations are supported and deemed by the ALC to provide a balance between parking for different farm and non-farm uses scaled to property size while protecting valuable agriculture land from being converted into parking lots.
- b. The proposed temporary farm worker housing regulations should also include a maximum gross floor area of 10 m² per farm worker in accordance with Ministry of Agriculture standards.
- c. The provision regarding the number of events in a brewery, cidery, meadery, distillery, winery lounge should clearly reference only being permitted in a lounge

- with a lounge endorsement as the brewery, cidery, etc. itself is not permitted to host the events outside an established lounge.
- d. The agritourism activities should be allowed at least 12 events per calendar year rather than limiting it to the Spring, Summer, and Fall months.
 - e. The automotive repair shop use permitted on Lot A, Plan 19460, DL 164, LLD should be removed from the AGR zone as that property is not in compliance with the non-farm use application and orders of the ALC.
 - f. The definition of 'gathering for an event' in the bylaw should include reference to the number of events, duration of events, and the number of participants.
 - g. The regulations for the parcel PID 011-512-172, Lot A, DL 173, Plan 1613 except Plan 18218, Lillooet Land District should be updated to reflect that the use is temporary and requires that at least 50% of the volume of timber processed is harvested from the farm or the parcel on which the sawmill is located in compliance with the *Agricultural Land Commission Act* and Regulation.
 - h. The ALC noted that the Ministry of Agriculture recommends a maximum setback for the farm residential footprint of 60 m, and a maximum setback for the farm residence (and farm employee residence, if applicable) of 50 m.
 - i. The ALC suggested that the SLRD consult with the Ministry of Agriculture on the minimum parcel size for medical marihuana production facilities and the definitions of agriculture and farm use.

All of the items (b – g above) noted by the ALC have been addressed through revisions to the proposed Zoning Amendment Bylaw No. 1549-2017. With respect to (h) the SLRD is retaining the farm residential footprint setback at its currently proposed 85 m rather than 60 m as the 85 m setback allows for greater than 70% of existing properties to comply. The setbacks for the dwelling is set at 75 m in keeping with maintaining 10 m buffer between the rear of the dwelling and the end of the farm residential footprint. With respect to (i) the SLRD has already consulted with the Ministry of Agriculture in 2014 and 2015 during the year and a half long process to amend OCPs and Zoning Bylaws regarding medical marihuana. Regarding the ALC's note regarding the definition of agriculture and farm use, the SLRD created a separate land use and definition for medical marihuana rather than include it in the "agriculture" or "farm use" definitions. Medical Marihuana Production Facility (MMPF) has been a permitted use in the zoning that applies to ALR land in the SLRD.

It is worth highlighting that the ALC stated in their November 9, 2017 letter:

"The ALC is supportive of the SLRD's intention to regulate both farm and non-farm uses in the Bylaw and the ALC finds that, in general, the Bylaw has struck an appropriate balance between regulation and prohibition, except where specifically noted in the comments above. The ALC finds that the consistencies between the proposed Bylaw wording and the wording set out in the ALCA and Regulation will result in clarity for landowners and investors. It is the ALC's experience that a lack of clear zoning bylaw regulations may result in landowners and investors being misled as to allowable uses and/or urbanization potential within the ALR. Citizens are often not aware of the hierarchy of legislation and may make decisions based on the incorrect assumption that the zoning bylaw is the final authority on land use. Local governments must take responsibility for ensuring that they are not rendered liable for misleading plan readers via omission of detailed regulations, and for ensuring both clarity and consistency between their bylaws and the ALCA and Regulation."

Options:

- (1) Give Bylaw No. 1549-2017 first and second reading and schedule the public hearing.
- (2) Refer back to staff for more information prior to giving the bylaw first and second reading.
- (3) Other decision, as determined by the Board.

Preferred Option: Option 1 is the preferred option as the proposed bylaw amendment includes the proposed Agricultural zoning and related provisions from Zoning Bylaw No. 1485-2017, which have been extracted and presented here for inclusion into the existing Zoning Bylaw No. 765, 2002.

Regional Considerations: The proposed bylaw would establish updated agricultural zoning in Electoral Area C, and rezone all the existing properties that are currently AGR or AGR_{PF} to the new AGR1 zone, as well as rezone those properties *in the ALR* between Birken and D'Arcy, and those in the Blackwater Road area. Those parcels have not been properly zoned in the past and with all the changes to the ALR regulations, it is necessary to ensure that all ALR land within Area C is properly zoned for agriculture and complies with the *ALCA* and Regulation.

Submitted by: I. Holl, Senior Planner

Reviewed by: K. Needham, Director of Planning & Development Services

Approved by: L. Flynn, Chief Administrative Officer



Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 9, 2017

Reply to the attention of Kamelli Mark
ALC Planning Review: 46627
Local Government File: 1549-2017

Squamish-Lillooet Regional District

SENT BY ELECTRONIC MAIL

Re: Bylaw No. 1549-2017

Thank you for forwarding a draft copy of Bylaw No. 1549-2017 (the “Bylaw”) for review and comment by the Agricultural Land Commission (the “ALC”). The following comments are provided to help ensure that the Bylaw is consistent with the purposes of the *Agricultural Land Commission Act* (the “ALCA”) and Regulation, and any decisions of the ALC.

The ALC has the following comments and recommendations for the Squamish-Lillooet Regional District (“the SLRD”) regarding the content and wording of the draft Bylaw:

Section 2(a)

The ALC has no concerns with the proposed rezoning as the property (PID 013-106-767) was excluded from the ALR by ALC Resolution #4603/1976.

Section 6.2 – Permitted Uses

The ALC finds that Section 6.2 does not clearly articulate the fact that any uses within the ALR are subject to the *ALCA* and Regulation. In particular, the singling out of breweries, cideries, distilleries, meaderies, and wineries in subsection (d) as being subject to the *ALCA* and Regulation implies that all other listed uses are not subject to the *ALCA* and Regulation. The ALC requests that this section be amended to clarify that all uses within the ALR are subject to the *ALCA* and Regulation.

.3 (medical marihuana production facility)

- The ALC finds the proposal to restrict medical marihuana facilities to a 60 ha minimum lot size to be overly restrictive and that it would result in regulating a permitted farm use to the point of prohibition. The ALC suggests that the SLRD consult with the Ministry of Agriculture as to an appropriate minimum lot size for these types of facilities.

Section 6.4 – Regulations

.1 – Minimum Parcel Area for New Subdivisions

- The ALC does not object to the proposed 20 ha minimum parcel area within the AGR1 zone. However, the draft wording for .1, column 1, is not clear as to whether the 20 ha minimum parcel area applies to ALR land. The ALC requests that the SLRD amend this section. Suggested wording:

Minimum parcel area for new subdivisions where land is:

located in the ALR; or

b) excluded from the ALR; or

c) approved for subdivision within the ALR pursuant to the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission; or

d) exempted by the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission.

.2 – Maximum Number of Dwellings Per Parcel

- The ALC suggests that the SLRD amend the draft wording of column 2 to include the ALC as an agency to be consulted regarding the need for any farm employee residences as follows:

(ii) an application on the prescribed form has been submitted to, and approved by, the SLRD, in consultation with the Ministry of Agriculture and the Agricultural Land Commission, that provides evidence that there is a demonstrated need for a farm employee residence commensurate with the present level of agriculture occurring on the property.

.3 – Parcel Coverage

- The draft wording for column 2 should be clarified to ensure that plan readers understand that any *bona fide agricultural operation* must still be in compliance with the ALCA and Regulation.

.8 – Maximum Setback for Farm Residence and Farm Employee Residence

- Although the ALC does not object to the proposed maximum setback, provided that the Bylaw limit the maximum area of a *farm residential footprint* containing a *farm employee residence* to 2500 m² as per the draft wording under s. 6.5(.4), the ALC recommends that the SLRD also consult with Ministry staff as to this provision given that the proposed maximum setback is not consistent with the Ministry's *Guide for Bylaw Development in Farming Areas*.

.9 – Maximum Setback for Farm Residential Footprint

- Although the ALC does not object to the proposed maximum setback, provided that the Bylaw limit the maximum area of a *farm residential footprint* with one *farm residence* to 2000 m² as per the draft wording under s. 6.5(.3), the ALC recommends that the SLRD also consult with Ministry staff as to this provision given that the proposed maximum setback is not consistent with the Ministry's *Guide for Bylaw Development in Farming Areas*.

.16 – Maximum GFA for Temporary Farm Worker Housing

- The ALC requests that the draft wording be amended in order to achieve consistency with the Ministry of Agriculture's *Guide for Bylaw Development in Farming Areas* which limits the maximum floor area based on number of temporary farm worker housing spaces, instead of providing an overall maximum. As currently worded, the Bylaw implies that temporary farm worker housing can be built to the maximum size of 280 m², regardless of the number of temporary farm workers required.

.18 – Maximum GFA of a Brewery, Cidery, Distillery, Meadery, or Winery

- As currently worded, the Bylaw implies that a brewery, cidery, distillery, meadery, or winery, can be built to an overall maximum GFA of 500 m², regardless of the intensity of agricultural activity taking place on the farm. The ALC advises the SLRD that additional clarification be included so that plan readers understand that the size of the facility must be commensurate with the agricultural operation supporting it and that the facility must operate in accordance with the ALCA and Regulation. Facilities that are not commensurate with the agricultural operation would require an ALC non-farm use application.

6.5 – Farm Residential Footprint, Farm Residence and Farm Employee Residence

The ALC requests that the draft wording be amended as follows:

- *The following farm residential footprint, farm residence and farm employee residence requirements shall apply to all lots within an Agriculture Zone and any other zone within the ALR and are subject to the provisions of the Agricultural Land Commission Act and Regulation.*

The ALC requests clarification on whether the non-farm use referred to under s. 2, *General Requirements* refers to those non-farm uses defined in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, and if so, whether it is the intention to encompass permitted non-farm uses. The ALC suggests that the wording be amended so that it is clear that non-farm uses referenced in the Bylaw refer to the ALCA and the Regulation and any Orders of the Commission.

Suggested wording:

- *No non-agricultural or non-farm uses defined by the ALCA and Regulation are permitted outside the farm residential footprint.*

6.6 Farm Retail Sales

The ALC requests that the draft wording be amended as follows:

- *Farm retail sales shall be conducted in accordance with, and are subject to, the provisions of the Agricultural Land Commission Act and Regulation.*

- *Off-street parking for farm retail sales must be located within the farm residential footprint area, and/or the non-farm use footprint, and be in accordance with Section 4 and Section 6.9.8 of this Bylaw.*

6.7 Temporary Farm Worker Housing

Irrevocable Letter
of Credit (ILOC)

If the SLRD wishes to add additional safeguards in addition to an ILOC, the ALC recommends the inclusion of additional provisions restricting farm worker housing to temporary structures in order to assist with bylaw enforcement and compliance should the farm worker housing be no longer required when farm operations change or cease. Further, the ALC suggests that the SLRD may wish to consider requiring non-farm use applications or a formal referral to the ALC for all additional farm worker housing proposals in order to further ensure that proposals are commensurate with the level of agricultural activity occurring on the property.

6.8 Brewery, Cidery, Distillery, Meadery or Winery

As a general comment, the ALC wishes to advise the SLRD that not all brewery, cidery, distillery, meadery, or winery operations are granted a lounge endorsement. Facilities that have a lounge endorsement are the only facilities that can host an unlimited number of events within the lounge area. That said, the ALC does not have concerns with the SLRD's proposal to limit the number of events held in a licensed lounge facility.

6.9 Gathering for an Event

.3 – Parking

- The ALC requests that the draft wording be amended as follows:

parking for those attending the event must be available on the farm, but must not be permanent (asphalt, concrete, gravel, etc) nor interfere with the farm's agricultural productivity.

.8 – Non-Farm Use Footprint

- The ALC suggests that the draft regulations for the proposed non-farm use footprint be located in a separate section within the Bylaw in order to ensure greater clarity for plan readers, as opposed to being included as a sub-section of 6.9 – Gathering for an Event.
- You are advised that the ALC has no objection to the establishment of the non-farm use footprint as proposed given that permitted uses such as gathering for an event should be operated at a scale appropriate to the size of the property.

6.10 Agritourism Activities

The ALC requests that the draft wording be amended as follows:

- *The following agritourism activities requirements shall apply to all lots within the ALR and are subject to the provisions of the Agricultural Land Commission Act and Regulation.*

.1 – General Requirements

The ALC is supportive of the General Requirements as drafted.

.2 – Siting Requirements

- *Off-street parking for agritourism activities must be located within the farm residential footprint area and/or the non-farm use footprint area, and be in accordance with Section 4 and Section 6.9.8 of this Bylaw.*

.3 – Timing and Frequency Requirements

The ALC finds that the proposal to limit agritourism activities to a maximum of 4 events per calendar year between the months of May and September to be overly restrictive. The proposal to restrict agritourism events to between the months of May and September, inclusive, would not allow for events such as harvest festivals (could be held in October), or for holiday events in December (ex. an event associated with a Christmas tree farm). The ALC advises the SLRD that a minimum of 12 agritourism events must be permitted throughout the calendar year and that further restrictions to the timing and frequency of agritourism events would be considered as regulating to the point of prohibition.

6.12 Exceptions

.1 – PID 009-458-832, Lot 1, District Lot 171 Lillooet Land District Plan 11798 (1954 Hwy 99)

- The ALC was unable to find a record of ALC approval for cemetery use on the property. If the cemetery use pre-dates the ALR and it is considered a legally non-conforming use, the ALC would not have concerns with its continued operation on the property; however, any future expansion would require an ALC non-farm use application.

.2 – PID 011-512-172, Lot A, DL 173, Plan 1613, except Plan 18218, Lillooet Land district (9096 Pemberton Meadows Road) – 4D Ranch

- The ALC has no concerns with the Bylaw's permitting two (2) additional single family residences on the property in accordance with ALC Resolution #9215/78 (reference ALC Application #26528)
- If the one (1) small portable sawmill and planer mill for the use of the resident predate the ALR, the ALC has no concerns with the Bylaw's permitting them.
- If the one (1) small portable sawmill and planer mill for the use of the resident do not predate the ALR, the ALC has no concerns with the Bylaw's permitting them, provided that the wording is amended to reflect the fact that the use must be temporary and at least 50% of the volume of timber is harvested from the farm or

parcel on which the sawmill is located in accordance with s. 3(1)(e) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

- Suggested wording: *One (1) small portable sawmill and planer mill for the use of the resident. The use of the portable sawmill and planer mill must be in compliance with the ALCA and Regulation.*

.3 – PID 009-810-331, Lot 13, DL 210, Plan KAP1241, LLD, except Plan 42491 (1901 Hwy 99)

- The ALC has no concerns with the additional uses proposed for the cross-hatched area (autobody shop and car repair and parking for the vehicles being repaired) in accordance with ALC Resolution #907/88 (reference ALC application #36871).

.4 – PID 008-044-872, Lot A, District Lot 164, LLD, Plan 19460 (1368 Pemberton Farm Road West)

- The ALC advises the SLRD that rezoning the property to allow the use of automotive repair shop, including autobody work and painting, is premature as the conditions of ALC Resolution #734/2000 were never fulfilled (a copy of the Resolution and associated documentation is attached for reference). The ALC's records indicate that a legally non-conforming automotive repair shop has been operating on the property since 1964. The ALC does not object to the continuation of the legally non-conforming use; however, any expansion beyond the legal non-conforming use footprint would require a non-farm use application to the Commission. Furthermore, should the legally non-conforming use cease to operate for a period of 6 months or more, the ALC would not support the re-establishment of the use without a new non-farm use application to the Commission, or, the fulfillment of the conditions as set out in ALC Resolution #734/2000.

Schedule 4: Section 1 – Definitions

AGRICULTURE

- The ALC advises the SLRD that they should consult with Ministry staff as to the proposal to exclude medical marihuana facilities from the definition of "agriculture" as the production of marihuana in accordance with federal regulations is designated as a farm use in the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.

BREWERY, CIDERY, DISTILLERY, MEADERY AND WINERY

- The ALC requests that the draft wording be amended as follows:

BREWERY, CIDERY, DISTILLERY, MEADERY AND WINERY mean a brewery, cidery, distillery, meadery or winery, as applicable, that is licensed under the Liquor Control and Licensing Act to produce beer, cider, spirits, mead or wine

and ancillary use(s) as defined by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (B.C. Reg. 171/2002), as amended.

FARM USE

- The ALC does not support the proposal to exclude medical marihuana production facilities from the definition of “farm use” as the production of marihuana in accordance with federal regulations is designated as a farm use in the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation. The ALC also suggests that the SLRD discuss this matter with Ministry staff.

GATHERING FOR AN EVENT

- The ALC requests that the draft wording be amended to specify the maximum number of events, the maximum number of attendees, and the maximum duration of each event in order to increase clarity for plan readers.
- Suggested wording:

GATHERING FOR AN EVENT means:

- (a) a gathering of people on a farm for the purposes of attending the following activities:*
 - (i) A wedding, unless (iii)(.2) applies,*
 - (ii) A music festival, or*
 - (iii) An event, other than*
 - .1 an event held for the purpose of agritourism, or*
 - .2 the celebration, by residents of the farm and those persons whom they invite, of a family event for which no fee or other charge is payable in connection with the event by invitees.*
- (b) The activities identified in (a)(i)-(iii):*
 - i. must be carried out on land that is classified as a farm under the Assessment Act.*
 - ii. must be to which members of the public are ordinarily invited, with or without a fee.*
 - iii. must not use, construct, or erect any permanent facilities. No existing permanent facilities may be used, or converted for use, without an approved non-farm use application and a valid building permit for assembly use.*
 - iv. must be accessory to and related to the principal use of the property, which is farming.*
 - v. must be in compliance with the Agricultural Land Commission Act, and the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.*
- (c) No more than 10 gatherings for an event of any type may occur on the farm within a single calendar year and no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event.*
- (d) No single event must be more than 24 hours in duration.*

Closing Comments

The ALC is supportive of the SLRD's intention to regulate both farm and non-farm uses in the Bylaw and the ALC finds that, in general, the Bylaw has struck an appropriate balance between regulation and prohibition, except where specifically noted in the comments above. The ALC finds that the consistencies between the proposed Bylaw wording and the wording set out in the ALCA and Regulation will result in clarity for landowners and investors. It is the ALC's experience that a lack of clear zoning bylaw regulations may result in landowners and investors being misled as to allowable uses and/or urbanization potential within the ALR. Citizens are often not aware of the hierarchy of legislation and may make decisions based on the incorrect assumption that the zoning bylaw is the final authority on land use. Local governments must take responsibility for ensuring that they are not rendered liable for misleading plan readers via the omission of detailed regulations, and for ensuring both clarity and consistency between their bylaws and the ALCA and Regulation.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulation, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7005 or by e-mail (Kamelli.Mark@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'KMARK'.

Kamelli Mark, Regional Planner

Enclosure: ALC Resolution #734/2000

cc: Ministry of Agriculture

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