



## DISTRICT OF COLDSTREAM

# REPORT/RECOMMENDATION TO COUNCIL

**FROM:** Ryan Roycroft  
Development Services

**FILE NO.** 6410-01

**DATE** July 19, 2023

**SUBJECT:** Second Dwellings in the Agricultural Land Reserve Bylaw

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### 1. Purpose:

Per Committee direction from the July 17, 2023 meeting, staff has put together a series of bylaws addressing second homes in the ALR, which are being presented to the Committee of the Whole for consideration.

### 2. Recommendation:

THAT the report titled "Second Dwellings in the Agricultural Land Reserve Bylaw Review" from the Director of Development Services, dated July 19, be received for information;

AND THAT the Council deem that the opportunities to speak at council and the mandatory public hearing are sufficient opportunity for consultation for the Official Community Plan Amendment;

AND THAT the first and second reading be given to Bylaw 1830, 2023 a bylaw amending the Official Community Plan;

AND THAT first and second reading be given to Bylaw 1829, 2023 a bylaw amending the Zoning Bylaw;

AND THAT Council direct Administration to present an amendment to the Development Applications Procedures Bylaw No. 1747, 2019, at the time of third reading of Bylaw 1830, 2023.

AND FURTHER THAT Administration be directed to schedule a public hearing for Bylaws 1829, 2023 and 1830, 2023.

### 3. Alternatives & Implications

#### Option #1:

There is no requirement that Coldstream amend its bylaws and no legislative consequence to not doing so. The matter could be dropped entirely and taken up another day. This is not the staff recommendation; there is substantial interest in this form of housing in the community and there seems to be a strong desire on the part of residents who have contacted the Development Services Department to move this forward.

#### 4. Discussion/Analysis

At the Council meeting held May 8, 2023, Council directed staff to:

*THAT Council direct Administration to develop a Zoning Bylaw amendment which will allow second dwellings on lands zoned RU-ALR;*

*AND THAT Council direct Administration to develop amendments to the Official Community Plan creating a Second Dwelling Agricultural Development Permit Area;*

*AND THAT Council direct Administration to prepare amendments to the Development Applications Procedures Bylaw to accommodate the new Development Permit Area;*

*AND THAT matters considered in the development of the bylaw amendments include a minimum lot size of four (4) hectares, homesite plating, home sizing and minimization of impact to agriculture, along with other best practices;*

*AND FURTHER THAT the requested bylaws be brought to a future Committee of the Whole for further review together with an outline of the process going forward which should include a referral to the Advisory Planning Commission and public hearings to be scheduled following the first and second readings of the proposed bylaws.*

#### **ZONING BYLAW AMENDMENT**

Staff have developed a Zoning Bylaw amendment bylaw (Attachment 1) and an Official Community Plan (OCP) Amendment bylaw to meet Council instructions.

The draft Zoning Bylaw allows a second home on RU-ALR zoned properties larger than 4.0 ha (10 ac) as a matter of right. Lots smaller than 4.0 ha will not be permitted to construct a second dwelling under this.

Council may consider alternative minimum lot sizes for second homes. The following table lays out the sizing of properties zoned RU-ALR. These numbers are slightly different than the numbers derived from the 2009 Agricultural Plan, as Council has adopted a new zoning bylaw in the interim.

Lot size	Number of RU-ALR Zoned lots
Smaller than 1.0 ha	197
1.0 ha – 1.99 ha	114
2.0 – 2.99 ha	126
3.0 ha – 3.99 ha	75
4.0 ha – 9.99 ha	121
Greater than 10.0 ha	47

Please note that the number of lots smaller than 1.0 ha may include anomalies, road slivers or remnants, and may slightly overstate the number of buildable properties.

As it stands, the proposed bylaw would effect 168 properties zoned RU-ALR with areas over 4.0 ha.

If Council considers reducing the lot size, staff strongly recommend not considering extending the right to construct second dwellings on properties smaller than 1.0 ha. This would run against Okanagan Basin Water Board directives and may impact future District funding.

The proposed bylaw also includes some minor wording clean-up in the RU-ALR zone, removal of old elements pertaining to temporary mobile homes, and addition of Imperial measurements for convenience, which staff are gradually incorporating as time allows. No other uses have been added.

The Bylaw also includes a prohibition against strata titling second dwellings on ALR lands. This will prevent them from being sold off individually from the main parcel. Staff strongly recommend that this prohibition be kept in place.

### **OFFICIAL COMMUNITY PLAN AMENDMENT**

Staff have produced amendments to the OCP creating a Second Dwelling Agricultural Development Permit Area (Attachment 2). The intent of these guidelines is to require site home plating, by keeping new buildings to within 15.0 m (50 ft) of the main dwelling and to ensure that there is some consideration given to screening adjacent properties.

Staff are recommending that the Development Permit (DP) process be used here, rather than zoning language, because DP are more flexible tools. Agricultural parcels are not uniform in size or configuration and tend to have unique histories of their own that have led to current building configurations. It would be difficult to write black and white zoning language to capture this; hence, staff recommend a DP process, which establishes guidelines, but allows judgement calls to be made where appropriate. This is a very simple set of DP Guidelines that would simply be appended to Building Permit applications and issued by staff at the same time as the Building Permit.

The objective of this process is to avoid triggering multiple variance applications to Council, which are costly and time consuming for the applicant. The goal of this process is to create a flexible approval that doesn't require variances or engaging costly consultants.

Coldstream currently uses simplified staff issued DPs for Geotechnical, Riparian and Agricultural permits, and the process works well. If Council directs, staff will also amend the Miscellaneous Fees and Charges Bylaw for a lower cost DP for these permits, to reduce costs imposed on property owners.

Key elements in the Development Permit:

- 15.0 m maximum separation
- Landscape buffering if close to neighbouring parcel
- Shared driveway for new and existing units
- Minimal design controls that encourage, but not mandate, complementary style to main building

The goal of the guidelines will be to protect farmland and reduce future subdivision pressures. The second home should always function as an ancillary use to the main home, sharing its space and

driveway, rather than as a stand alone unit that could be subdivided and sold in the future.

## **DEVELOPMENT APPLICATIONS PROCEDURES BYLAW AMENDMENT**

This amendment is a simple amendment to the Development Applications Procedures Bylaw that establishes the simplified process for the new Development Permit Area. The goal is to ensure that this approval doesn't meaningfully add to approvals timelines.

## **CONSULTATION**

Council direction was to forward this item to the Advisory Planning Committee (APC) and then to bring back recommendations to Council prior to bylaw consideration. Staff also recommend that a referral letter be sent to the Agricultural Land Commission (ALC), though given ALC timelines, there may not be a response forthcoming in time for a decision in 2023.

The bylaws will also be advertised publicly prior to the two public hearings.

If Council opts to follow this process, staff believe that a late Fall/early Winter 2023 approval is attainable, depending on Council desire to wait for an ALC response and APC timelines, and the holding of two public hearings. There is no requirement to wait for responses from referral bodies.

Council could consider a more expedited process without APC consultation and only one public hearing, which could lead to an August approval. An alternate resolution has been included to this effect, if Council so desires.

## **5. Strategic Objectives**

Reviewing Housing Related issues, including second dwellings on ALR Properties, is identified as a 2023 priority in Council's Strategic Plan.

## **6. Legislative Authority**

Two aspects of Provincial legislation apply to housing in the Agricultural Land Reserve. The *Local Government Act* empowers the local government to establish and amend a Zoning Bylaw, which regulates to uses and forms of uses on properties.

The *Agricultural Land Reserve Act* and the associated regulations also govern how municipalities can regulate uses on lands in the ALR. Generally speaking, municipalities bear the brunt of regulating uses, but must do so in accordance with ALC policies. Support and enforcement from the ALC is minimal.

The newest set of amendments to ALC policy allow a second home on agricultural lands provided that the main home is less than 500 m<sup>2</sup> in floor area (5,380 sq. ft). The second home must be less than 90 m<sup>2</sup> (960 sq. ft) in floor area. The second home is only permitted if the local government also allows the home.

In theory, the second home is a use permitted by the ALC and no approvals from the ALC are

necessary. In practice, the ALC maintains a sort of shadow control on the installation of second homes by regulating the placement of fill for building foundations, which still requires ALC approval.

## 7. Financial Implications

Allowing secondary dwellings on lands in the ALR would have a small impact on taxes, as a property with two dwellings.

The District would collect Development Cost Charges (DCCs) on second dwellings in the ALR. These would range from \$11,026 to \$14,162 for each new unit. Ceasing the collection of DCCs for second dwellings would require major amendments to the DCC program which staff are not recommending. The Province bars waiving or otherwise reducing these fees on a case by case basis, and establishes a formal review process to change the fees globally that is not contemplated by any District work plan.

## 8. Attachments

Attachment 1 –Bylaw 1829, 2023

Attachment 2 –Bylaw 1830, 2023

Prepared by:

  
Ryan Roycroft  
Director of Development Services

Approved for submission to Council:

  
Keri-Ann Austin, MMC  
Chief Administrative Officer

### REVIEWED WITH

### DATE

### COUNCIL AGENDA INFORMATION

Financial Admin \_\_\_\_\_  
Corporate Admin \_\_\_\_\_  
Infrastructure Services \_\_\_\_\_  
Development Services \_\_\_\_\_  
Other: \_\_\_\_\_

☒ Regular Date: July 24/23  
☐ In-Camera Date: \_\_\_\_\_  
☐ CoW Date: \_\_\_\_\_  
☐ CoW In Camera Date: \_\_\_\_\_  
☐ Other \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRICT OF COLDSTREAM  
BYLAW NO. 1830, 2023**

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**A BYLAW TO AMEND DISTRICT OF COLDSTREAM  
OFFICIAL COMMUNITY PLAN BYLAW NO. 1673, 2015**

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The Council of the District of Coldstream, in open meeting assembled, enacts that the District of Coldstream Official Community Plan Bylaw No. 1673, 2015, be amended as follows:

**TITLE**

1. This Bylaw may be cited as “DISTRICT OF COLDSTREAM OFFICIAL COMMUNITY PLAN BYLAW NO. 1673, 2015, AMENDMENT BYLAW NO. 1830, 2023, AMENDMENT NO. 3”.

**INTERPRETATION**

2. Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter*, *Local Government Act* and the *Interpretation Act* as the context and circumstances may require.
3. A reference to an Act in this Bylaw refers to a statute of British Columbia, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.
4. Words in the singular include the plural, and words in the plural include the singular.
5. Headings are for convenience only and must not be construed as defining or limiting the scope or intent of the provisions.

**SEVERABILITY**

6. If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder of the Bylaw continues to be valid.

**AMENDMENT**

7. Add **Section 20.14 – Farmland Residential Development Permit Area** following **Section 20.13 Urban Infill Development Permit Area** to the Official Community Plan Bylaw No. 1673, 2015, shown as Schedule ‘A’ of this bylaw.
8. The Table of Contents and subsequent sections are updated accordingly to reflect the addition of Section 20.14.

READ A FIRST TIME this	day of	2023
READ A SECOND TIME this	day of	2023
A PUBLIC HEARING was held this	day of	2023
READ A THIRD TIME this	day of	2023
ADOPTED this	day of	2023

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Corporate Officer

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Mayor

Attachment: Schedule 'A' – Section 20.14 Farmland Residential Development Permit Area

*Notice of the Public Hearing was posted on the bulletin board at the District of Coldstream Municipal Office from XXXXXXX to XXXXXXX.*

*Notice of the Public Hearing was published in the XXXXXXXX and XXXXXXXX issues of the Vernon Morning Star and distributed in the District of Coldstream.*

## Schedule 'A' to Bylaw No. 1830, 2023

## 20.14 Farmland Residential Development Permit Area

### Area

- 20.14.1 The Farmland Residential Development Permit Areas are those Lands within the District of Coldstream identified as being subject to the jurisdiction of the Provincial **Agricultural Land Commission** (ALC) and located on lands within the **Agricultural Land Reserve** (ALR).

### Designation

- 20.14.2 The Farmland Residential Development Permit Area is designated in accordance with Section 488(1)(c) of the Provincial *Local Government Act* (LGA) for establishment of objectives for the protection of farming.

### Justification

- 20.14.3 The Farmland Residential Development Permit is intended to ensure that a second dwelling on agricultural properties are located on properties to minimize the loss of potential farmland, limit the possibility of future subdivisions in the ALR, and minimize impacts on neighbouring agricultural or residential parcels.

### Objective

- 20.14.4 The Farmland Residential Development Permit Guidelines are established to achieve the following:



- .1 Protect farm land and farm operations;
- .2 Reduce ALC Homesite Severances or future subdivision of land within the ALR;
- .3 To ensure that visual impacts to adjacent lots are properly managed and mitigated with adequate landscaping, screening, and design elements; and
- .4 To ensure the second dwelling is consistent with retaining agricultural character, rural character, and preserving "*Rural Living at it's Best.*"



### Adjacent Use Consideration

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- 20.14.5 .1 The architectural design must be compatible with the agricultural and rural character of Coldstream, and consider the following:
- (a) building scale and massing;
  - (b) privacy of residents on adjacent lots; and
  - (c) landscaping.
- .2 Avoid upper storey decks that overlook into neighbouring rear yards and the abutting interior side yard.
- .3 Integrate adequate exterior lighting while avoiding any spillover effect by focusing lighting fixtures downwards. Use soft or warm lighting as opposed to daylight.

### Site Planning

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- 20.14.6 .1 Ensure separation between the Principal Building and the Accessory Residential Use is a minimum of 3 m in distance.
- .2 Ensure separation between the Principal Building and the Accessory Residential Use is not greater than 15 m in distance, where site conditions allow.
- .3 An Accessory Residential Use located within an area with a slope greater than 20% is strongly discouraged.
- .4 An at-grade patio space or upper storey deck is not permitted to be partially or wholly enclosed.



- .5 Encourage all Buildings and Structures to incorporate a contiguous farm home plate, for the preservation of the agricultural and rural landscapes of Coldstream, and for the protection of farmland located within the Agricultural Land Reserve.
- .6 On sloping sites, views from adjacent properties should be respected by adapting the scale, massing, and location of the Accessory Residential Use to match or follow the topography and natural features of the site.

- .7 The Accessory Residential Use should be clearly visible from the road frontage, where site conditions allow.
- .8 A basement for the Carriage House or Garden Suite is permitted, but will count towards the total allowable floor area of 90 m<sup>2</sup>.
- .9 Evaluate site servicing requirements for the entire lot, including water and sanitary.
- .10 The total floor area of the Principal Building and Accessory Residential Use shall not exceed 500 m<sup>2</sup>, excluding a maximum of 42 m<sup>2</sup> for an attached garage and/or carport for the Principal Building.

### Architectural Elements

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- 20.14.7 .1 The Carriage House or Garden Suite should match or complement the Principal Building. Whereas the architectural style need not be identical, the buildings should complement one another, and where possible, share some common elements or architectural themes.



- .2 The Accessory Residential Use should be clearly identified as the Accessory Building, in terms of scale, massing, and height.
- .3 Design facades with varied depths and architectural interest, and avoiding wide, flat, uninterrupted building faces.
- .4 Avoid blank walls and unarticulated facades.
- .5 Design and locate windows to maximize light penetration into the interior of the Accessory Residential Use, including the use of a skylight or dome light, where feasible.

### **Building Materials**

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- 20.14.8 .1 Buildings should have high-quality architectural design and detailing, and finished with materials that complement the agricultural and rural character of Coldstream. This includes high-quality siding, trim, cladding, and detail.
- .2 The garage doors the Accessory Residential Use should be of a high-quality design and coordinated with the Principal Building.
- .3 Encourage the use of non-combustible building materials and design, including:
- (a) screened or ASTM fire-rated roof vents and vent flashing;
  - (b) Class A or B roofing materials;
  - (c) 15 cm of ground-to-siding clearance;
  - (d) multi-pane, tempered glass windows;
  - (e) stucco, brick, fibre cement board/panel or poured concrete siding;
  - (f) gutters and downspouts constructed from galvanized steel, copper and aluminum with a non-combustible leaf or gutter guard;
  - (g) metal or tempered glass railings; and
  - (h) ensure a wood fence is located a minimum distance of 1.5 m from the Accessory Residential Use.

### **Parking**

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- 20.14.9 .1 Driveway access is to be shared with the Principal Building, where site conditions allow.
- .2 Where an attached carport is added to the Carriage House or Garden Suite, it will be counted as part of the permitted floor area of the Accessory Residential Use.

### **Landscaping**

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- 20.14.10 .1 Landscaping and screening should be designed and implement to ensure the privacy for neighbouring or adjacent lots, and to minimize visual impact and massing.
- .2 The planting of a minimum of one deciduous yard tree to support and retain the agricultural and rural character of Coldstream, and to minimize the visual impact of infill residential development on the surrounding agricultural and rural landscape. The deciduous yard(s) tree must:
- (a) a drought resistant and non-invasive;
  - (b) be planted a minimum of 1.5 m from any building or structure;
  - (c) be planted a minimum of 2.5 m from any other tree(s) on the lot;
  - (d) be planted a minimum of 3.0 m from the accessory building(s); and
  - (e) be a minimum of 6 cm in caliper or 3.5 m in height at the time of planting.
- .3 Avoid landscaping with evergreen and bark mulch.

**DISTRICT OF COLDSTREAM  
BYLAW NO. 1829, 2023**

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**A BYLAW TO AMEND THE ZONING BYLAW NO. 1726, 2018, BY AMENDING  
SCHEDULE 'A' - ZONE 902-RURAL TWO ZONE (RU-ALR)**

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The Council of the District of Coldstream, in open meeting assembled, enacts that the District of Coldstream Zoning Bylaw No. 1726, 2018, be amended as follows:

**TITLE**

1. This Bylaw may be cited as the "DISTRICT OF COLDSTREAM ZONING BYLAW NO. 1726, 2018, AMENDMENT BYLAW NO. 1829, 2023, AMENDMENT NO. 26".

**INTERPRETATION**

2. Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter*, *Local Government Act* and the *Interpretation Act* as the context and circumstances may require.
3. A reference to an Act in this Bylaw refers to a statute of British Columbia, and a reference to any statute, regulation, bylaw, or other enactment refers to that enactment as it may be amended or replaced from time to time.
4. Words in the singular include the plural, and words in the plural include the singular.
5. Headings are for convenience only and must not be construed as defining or limiting the scope or intent of the provisions.

**SEVERABILITY**

6. If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder of the Bylaw continues to be valid.

**AMENDMENT**

7. Schedule A of the District of Coldstream Zoning Bylaw No. 1726, 2018, is hereby amended as follows:
  - a. **AMEND** Zone 902-Rural Two Zone (RU-ALR) as shown in **RED** in the attached Schedule A of this bylaw.

READ A FIRST TIME this	day of	2023
READ A SECOND TIME this	day of	2023
A PUBLIC HEARING was held this	day of	2023
READ A THIRD TIME this	day of	2023
APPROVAL of the MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE was received this	day of	2023
ADOPTED this	day of	2023

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Corporate Officer

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Mayor

*Notice of the Public Hearing was posted on the bulletin board at the District of Coldstream Municipal Office from XXXXXXX to XXXXXXX.*

*Notice of the Public Hearing was published in the XXXXXXX and XXXXXXX issues of the Vernon Morning Star and distributed in the District of Coldstream.*

**902 RURAL TWO ZONE**

**INTENT**

902.1 The intent of the Rural Two Zone is to accommodate residential and agricultural uses on large rural lots.

**PERMITTED USES**

902.2

Permitted Uses Table for RU-ALR Zone	
(1)	Primary Uses (a) Agriculture (b) Agriculture, Intensive <del>(c) Bed and Breakfast</del> (c) Community Care Facility (minor) <del>(d) Dwelling, Single Unit</del> Single Detached Dwelling <del>(e) Dwelling, Two Unit</del> (e) <del>Modular</del> Manufactured Home (f) Public Park and Playground (g) Veterinary Hospital
(2)	Secondary uses (a) Accessory Buildings and Structures (b) Accessory Residential Use (c) Accessory Use (d) Agri-Tourism (e) Bed and Breakfast (f) Direct Farm Marketing (g) Dog Kennel (h) Gathering for an Event (i) Home Occupation, Rural <del>(j) Mobile Manufactured homes subject to section 902.5(9)</del> (j) On-Farm Processing (k) On-Farm Product Preparation (l) Secondary Suite (m) Temporary Farm Worker Housing

**SITE SPECIFIC USE**

902.3 (1) Two single-detached dwellings are permitted on Lot 1 Section 20 Township 6 Osoyoos Division Yale District Plan KAP17218, located at 10257 Ricardo Road.

**DEVELOPMENT REGULATIONS**

902.3

902.4

Development Regulations Table for RU-ALR Zone	
Column I	Column II
(1) Maximum number of Buildings per Lot	<del>(a) One 'Dwelling, Single Unit' or One 'Modular Manufactured Home' or One 'Dwelling, Two Unit'; and</del> <del>(b) One 'Mobile Manufactured Home' (for an immediate family member)</del> <del>(c) One Accessory Residential Building; and</del> <del>(d) One Accessory Farm Sales Use</del>  (a) One Single Detached Dwelling; or (b) Manufactured Home; and (c) One Accessory Residential Building; and (d) One Direct Farm Marketing Use
(2) Minimum setbacks for Agricultural Buildings and Structures	(a) As set out in Schedule 'G'
(3) Minimum setbacks (exterior lot line)	(a) 7.5 m <del>(24 ft. 7 in.)</del> (24.7 ft)
(4) Minimum setbacks (front lot line)	(a) 7.5 m <del>(24 ft. 7 in.)</del> (24.7 ft)
(5) Minimum setbacks (rear lot line)	(a) 7.5 m <del>(24 ft. 7 in.)</del> (24.7 ft)
(6) Minimum setbacks (interior lot line)	(a) 4.5 m <del>(14 ft. 9 in.)</del> (14.9 ft)
(7) Height (maximum)	(a) Residential Use – 12.0 m <del>(39 ft. 4 in.)</del> (39.4 ft) (b) Agricultural Use – 20.0 m <del>(65 ft. 7 in.)</del> (65.7 ft) (c) Accessory building – 8.0 m <del>(26 ft. 3 in.)</del> (26.3 ft)
(8) Lot coverage (maximum)	(a) 30% of the lot area for all buildings and structures; and (b) <del>Plus</del> 10% for hard-surfaced areas
(9) Minimum floor area	(a) The floor area for a single dwelling unit shall be not less than 90 m <sup>2</sup> <del>(968.7 sq. ft.)</del> (970 ft <sup>2</sup> )

## SUBDIVISION REGULATIONS

902.4  
902.5

Subdivision Regulations Table for RU-ALR Zone	
Column I	Column II
(1) Lot area (minimum)	(a) Lots in the ALR – 10.0 ha (24.7 ac.) (b) Lots outside the ALR – 2.0 ha (4.9 ac.)
(2) Lot frontage (minimum)	(a) 1/10 <sup>th</sup> of the perimeter of the lot

## OTHER REGULATIONS

902.5

902.6 (1) ~~An accessory residential use may include a modular manufactured home and is not permitted on a lot of less than 8.0 ha (19.8 ac.).~~

(1) An **Accessory Residential Use** is permitted on a lot greater than 4.0 ha. (10.0 ac.); and may include the following use:

(a) **Carriage House;**

(b) **Garden Suite;** or

(c) **Manufactured Home** placed on a non-permanent foundation.

(2) Strata titling of an **Accessory Residential Use** is not permitted.

~~(3) Direct farm marketing use~~

(3) A **Direct Farm Marketing** use:

(a) must be ancillary to an agricultural use being carried out on the same property,

(b) must not allow the sales of any farm products other than those farm products grown, reared, raised, or produced on the same parcel except that, for lands that are located within the Agricultural Land Reserve, an accessory farm sales use may include the retail sales of farm products, off-farm products and processed farm products subject to any other regulations in this Bylaw,

~~(d) must, except for the outside display area permitted in paragraph (d), be contained wholly within a building. The farm sales use must occupy a floor area, within that building, not greater than 300 m<sup>2</sup> (3,229.2 sq. ft.) (3,229.2 ft<sup>2</sup>) in size. [For the purpose of calculating the portion of the building to be used for accessory farm sales use, the area of any building or structure used for that purpose, including aisles and other areas for circulation, shelf and display space, counter space for taking payment and~~



~~packaging, is included, but any office area, wholesale storage area, washroom area and processing facilities is not included.~~

- (c) must be contained wholly within a building and occupy an area not greater than 300 m<sup>2</sup> (3,229.2 ft<sup>2</sup>) in size, excluding any office space, washroom facilities, wholesale storage and processing facilities;
- (d) may have an outside display area of not greater than 100 m<sup>2</sup> ~~(1,076.4 sq. ft.)~~ (1,076.4 ft<sup>2</sup>) in size, which area must be contiguous with the ~~farm sales~~ farm retail sales area ~~described in paragraph (c);~~
- ~~(e) may provide for the retail sales of off farm products and processed farm products, ancillary to the sale of farm products, provided that the area allotted to the sale of off farm products and processed farm products does not exceed one-third of the total area, both inside and outside, that is used for accessory farm sales use,~~
- (e) must provide one off-street parking space per 12 m<sup>2</sup> ~~(129.2 sq. ft.)~~ (129.2 ft<sup>2</sup>) of farm retail sales and display area and the off-street parking and access driveways must meet the requirements of Schedule 'C';
- ~~(g) may, notwithstanding any other provisions of this Bylaw, include not more than one wall sign per fronting street, and one free-standing sign, advertising the intended use. Wall signs must meet the sign area requirements of Schedule 'E'. Free-standing signs must not exceed 3.0 m (9 ft. 11 in.) in height; must have a sign area not larger than 3 m<sup>2</sup> (32.3 sq. ft.); must be located no closer than 2 m (6 ft. 7 in.) to any property boundary; must not be illuminated; and must be incorporated into an area of the parcel that is not less than 10 m<sup>2</sup> (107.6 sq. ft.) in size and this area shall be landscaped to the standards outlined in Schedule 'F',~~
- (g) signage is restricted to the following requirements:
  - i. one wall sign;
  - ii. one free-standing sign not exceeding 3.0 m (10.0 ft) in height, a fascia area not exceeding of 3 m<sup>2</sup> (32.3 ft<sup>2</sup>), and a minimum distance of 2.0 m (6.7 ft) from any lot line;
  - iii. must not be illuminated;
  - iv. free-standing signage must be incorporated into an area not greater than 10.0 m<sup>2</sup> (107.6 ft<sup>2</sup>) and landscaped in accordance to Schedule 'F' of this Bylaw; and
  - v. any and all signage must meet requirements under Schedule 'E' of this Bylaw.
- (h) must not cause undue glare to neighbouring properties, or to persons travelling on adjacent public highways, if lighting is provided to illuminate the building used for farm ~~retail~~ sales use, the outside storage area, or access driveways, and off-street parking areas; and

- ~~(i) must not be permitted to be carried out unless the owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required under the District's current Business Licence Bylaw or under other applicable statutes, bylaws, and regulations.~~
- ~~(i) must have a valid business issued by the District and operate in compliance with any and all District Bylaws.~~
- (4) ~~Temporary farm worker housing~~ **Temporary Farm Worker Housing** is not permitted on a lot of less than 4.0 ha (10 ac.) unless such use existed prior to the adoption of this Bylaw.
- ~~(5) The use of temporary farm worker housing as a rental unit for persons other than workers employed on the farm is prohibited.~~
- (6) Temporary farm worker housing is permitted so long as the following conditions are met:
  - ~~(a) A maximum of 40 farm workers per farm operation may reside on the lands;~~
  - ~~(b) Housing for Temporary Foreign Workers must comply with the "Guidelines For Seasonal Housing, For Temporary Farm Workers In BC", established by the BC Agriculture Council, as they may change from time to time.~~
  - ~~(c) Housing for temporary farm workers should be located in a manufactured home or in an existing building. The manufactured home must be constructed in a manner that makes it easily movable from one location to another for residential use or offsite if the housing is no longer required.~~
  - ~~(d) Housing in other than an existing building must be provided on a temporary foundation.~~
  - ~~(e) Total useable floor area of the Temporary Foreign Worker housing should be in the range of 7.44 m<sup>2</sup> (80.1 sq. ft.) to 10.0 m<sup>2</sup> (107.6 sq. ft.) per person maximum. This does not include washrooms, laundry rooms, mechanical rooms, or storage rooms.~~
- (5) A **Temporary Farm Worker Housing** use is permitted on the lot under the following conditions:
  - (a) a maximum of 40 farm workers per farm operation may reside on the lands, except:
    - i. Lot 1 District Lots 57, 79, 84 and 86 Osoyoos Division Yale District Plan EPP27553 Except Plans EPP87268 and EPP91161, where a maximum of 122 temporary farm workers may reside on the lands (ALC 65432).
  - (b) housing for temporary farm workers must comply with the "Guidelines for Seasonal Housing, for Temporary Farm Workers in BC", established by the BC Agriculture Council, or as amended;

- (c) housing for temporary farm workers shall be located within a **Manufactured Home** or an existing **Single Detached Dwelling**;
  - (d) a **Manufactured Home** must be placed on a non-permanent foundation;
  - (e) total useable floor area of the housing of temporary farm workers should be a minimum of 7.44 m<sup>2</sup> (80.1 ft<sup>2</sup>) to a maximum of 10.0 m<sup>2</sup> (107.6 ft<sup>2</sup>) per person, excluding washrooms, laundry rooms, mechanical rooms, or storage areas; and
  - (f) the use of a **Temporary Farm Worker Housing** as a rental unit for persons other than workers employed on the farm is strictly prohibited.
- (6) An intensive agricultural use is not permitted on lands located outside of the Agricultural Land Reserve.
  - (7) Dog kennels are not permitted on lots less than 2.0 ha (4.9 ac.) in size, and all kennels and pens must be sited with a setback of not less than 30 m ~~(98 ft. 5 in.)~~ (98.5 ft) from all property boundaries.
  - ~~(8) The use of a modular manufactured home as a dwelling is permitted on a parcel of 2.0 ha (4.9 ac.) or more.~~
  - ~~(9) A mobile manufactured home, up to 9 m (29 ft. 6 in.) in width, for use by a member of the owner's immediate family. The mobile manufactured home shall be located temporarily (not on a permanent foundation), and its use as a residence shall be discontinued when no longer occupied by an immediate family member.~~
  - (8) For residential buildings, where a lot of less than 0.5 ha. (1.24 ac.) was existing at the effective date of this Bylaw, the Development Regulations for the ~~R1 zone~~ **R1 Zone** apply.