



REQUEST FOR DECISION

Proposed Directions: Review of Area C Zoning Bylaw No. 765, 2002 and OCP Bylaw No. 689, 1999

Dates of Meeting: SLRD Board – December 14, 2016

Recommendation:

THAT a public open house be held at the SLRD Board room as soon as practicable after the SLRD Board meeting of December 14, 2016 in order to discuss proposed changes to Electoral Area C Official Community Plan Bylaw No. 689, 1999 and Electoral Area C Zoning Bylaw No. 765, 2002 as well as the termination of the following Land Use Contacts:

- Bylaw 47 Edwards Kia Ora Court LUC
- Bylaw 87, 1976 McGillivray Falls LUC
- Bylaw 117, 1977 Ponderosa Estates LUC
- Bylaw 122, 1977 Birkenhead Lake Estates LUC
- Bylaw 123, 1977 4D Ranch LUC.

Key Information:

The purpose of this report is:

- to provide a progress update of the Area C OCP and Zoning Bylaw review,
- to provide to the Board the suggested directions and proposed directions for the revised Electoral Area C Official Community Plan (OCP) and Zoning Bylaw,
- to provide a revised work schedule for the review and
- to advise on the next steps for the revised Electoral Area C Official Community Plan (OCP) and Zoning Bylaw.

This report fulfills the requirements of the approved work plan, which is to report on:

the findings and directions for revised bylaws for the Electoral Area C OCP and Zoning Bylaw.

BACKGROUND:

A report was provided to the SLRD Board at their meeting of October 26, 2016 whereby the following motion was made:

THAT the Request for Decision - Proposed Directions: Pemberton Valley Agricultural Area Plan Implementation - Review of Area C Zoning Bylaw No. 765, 2002 and OCP Bylaw No. 689, 1999 be deferred to the November 23, 2016



**Proposed Directions: Pemberton Valley Agricultural Area Plan Implementation
- Review of Area C Zoning Bylaw No. 765, 2002 and OCP Bylaw No. 689, 1999**

Squamish-Lillooet Regional District Board meeting and that in the interim, Director Mack, Director Richman and Chair Crompton meet to discuss the proposed directions for bylaw amendments with staff.

At the Board meeting, it was also suggested that a member of the Electoral Area C Agricultural Advisory Committee be included in the above meeting. Staff met with Directors Mack, Richman and Crompton as well as Roxy Kuurne, the Chair of the Electoral Area C Agricultural Advisory Committee (the "Review Group") on November 16, 2016 to review the previous version of this report. This was a very useful review and this report reflects that consultation. Please note that there was not sufficient time to bring a report to the November 23, 2016 Board meeting as per the above resolution, so an updated report is being brought forward at this time. The major changes to the report as brought forward to the Board on October 26, 2016 have been highlighted below.

On July 27, 2016 the SLRD Board passed the following resolution:

THAT staff be directed to carry out the next stage of the approved work program for developing amendments and to prepare draft bylaws to replace the Squamish - Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, and Electoral Area C Official Community Plan Bylaw No. 689, 1999 and report to the Board in September 2016 as scheduled.

On May 25 2016, the SLRD Board passed the following resolution:

THAT staff be directed to carry out the work program attached to this report for developing amendments to the Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002 and the Electoral Area C Official Community Plan Bylaw No. 689, 1999.

On October 28, 2015, the SLRD Board passed the following resolution:

THAT SLRD staff proceed with developing OCP and Zoning Bylaw amendments including establishing a Development Permit Area for the protection of farming for lands adjacent to farmland, and regulating the size and siting of residential uses in the ALR for agriculture issues in Electoral Area C; and

THAT the SLRD Board incorporate and designate funding in the 2016 budget for a 1 year contract planner position to assist the planning department with a number of tasks.

As well, at the July 22, 2015 SLRD Board meeting it was resolved:

THAT with respect to commercial events in the Pemberton Valley:

1. SLRD staff to review the District of Kent's regimes/processes with respect to agriculture (i.e. "home plate" considerations) for their applicability to the SLRD.
2. SLRD staff to implement the Pemberton Valley Agricultural Area Plan as much as possible.

The highlighted areas of the approved Summary Work Program and Schedule in Table 1 indicate the current stage of the review and its revised schedule.

Table 1: Summary Work Program and Schedule Update

April 2016	Project Initiation
EAD May 10, Board May 25, 2016	Report on Work Plan and Schedule
April-June 2016	Preliminary Review of OCP, zoning bylaw, Review LGA, ALC, Min of Agriculture policies regulations and guidelines
May 2016	Notice of Project intention to First Nations, Pemberton, Whistler
EAD July 13, Board July 27-28, 2016	Project Update - Report on Initial Findings and Major Issues
July 2016	Targeted Consultation – Agricultural Advisory Committee, Farmers Institute, Chamber of Commerce, Land Use Contract property owners
May-September 2016	Detailed Issues Review and Analysis including ongoing consultation with staff and agencies
September December 2016	Report on Findings and Directions to EAD and SLRD Board
January 2017	<i>Public Open House</i>
September-January 2016	Prepare Draft Bylaws
March 2017	First Reading
March-May 2017	Referral
June 2017	Public Hearing
June-July 2017	Ministry of Transportation and Infrastructure Referral
July 2017	Report and 3rd Reading
August 2017	Final report, 4 th Reading and Adoption of Bylaws

Consultation

Consultation to date:

- Establishment of an information page on the SLRD website providing information and soliciting input
- Outreach to Village of Pemberton, Resort Municipality of Whistler and the Lil'wat First Nation. It is expected that input will come after First Reading of the draft bylaws during the Referral process
- Direct discussions with representatives of three residential Land Use Contract areas (McGillivray Falls, Ponderosa and Birkenhead Lake Estates) including conducting an information session at the McGillivray Falls property in early July that a representative of the Ponderosa Land Use Contract property also attended **and with the Birkenhead Lake Estates Annual General Meeting November 26 2016**. These three organizations have indicated that they will review their responses with their members and provide input on how to transform their respective Land Use Contracts into zoning
- Solicited and received input from the Agricultural Land Commission (ALC) and Ministry of Agriculture staff
- Meeting with the Area C Agricultural Advisory Committee September 20, 2016 to review recent ALR Regulation amendments regarding agritourism and "gathering for an event" definitions and rules.

Upcoming Consultation

- Public Open house on the review and proposed directions for OCP and Zoning Bylaw to be held after SLRD Board receipt of this report
- Presentation to the Area C Agricultural Advisory Committee meeting regarding proposed directions for implementation of *Pemberton Valley Agricultural Area Plan*
- Other groups on request.

Structure of this Report

This report provides an overview of the suggested directions for the revision of the Area C OCP and Zoning Bylaw. Where required, it summarizes the issues identified in the previous report approved by the SLRD Board on July 27, 2016 and proposes a direction or solution to the matter in the form of a proposal or recommendation for the structure or content of a revised OCP or Zoning Bylaw.

The report generally follows the order of the previous report, which was:

- statutory requirements of the *Local Government Act* for an OCP.
- integration of improved policies for agriculture and agricultural land into the OCP and Zoning Bylaw,

- the issues and policies that affect the overall OCP and Zoning Bylaw, generally in the order in which they appear in the current Area C OCP.

A preliminary Table of Contents has been prepared for each of the OCP and Zoning Bylaws indicating likely content, order, policy areas, land use designations and zones. These form Attachments 1 and 2.

1. Requirements of the *Local Government Act*

Sections 445, 446, 460, 471 and 473 of the *Local Government Act* set out requirements for OCPs concerning the Regional Growth Strategy, a Regional Context Statement, the provision of an amendment application process for landowners, statements of purpose, contents and process requirements and permitted policy statements. Proposed directions to amend the Area C OCP are set out to bring it into conformity with these requirements and to improve its effectiveness.

Section 473 of the *Local Government Act* states that an Official Community Plan must include statements and map designations on certain matters. Table 2 indicates what those matters are and the proposed directions for bringing the Area C OCP into compliance.

Table 2: Area C OCP Compliance with *Local Government Act* Content and Process: Directions/Proposals

LGA Section 473 OCP Requirement	Area C OCP Direction/Proposal
the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years	Retain Residential land use designation, Direct most new housing to the Village of Pemberton Revise and update affordable housing policies
the approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses	Retain mapping that indicates these land use designations
the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction	Retain the relevant content of the <i>Context</i> section of Section 8 – Industrial Lands
restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development	Create Development Permit Areas and Guidelines for Hazard Areas
the approximate location and phasing of any major road, sewer and water systems	Retain the contents of the current Section 13 – Utilities and Services and Section 14 - Transportation
the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and	Retain the institutional designation for the Pemberton Meadows school on the Land Use Map 1B.

disposal sites	Update the land use designations for Riverside Wetlands Park and Gates Lake Park
housing policies of the local government respecting affordable housing, rental housing and special needs housing	Consolidate affordable housing policies in a discrete policy statement
targets, policies and actions for the reduction of greenhouse gas emissions	Introduce policies similar to the Area D OCP policies in Section 3.2 Climate Change and Greenhouse Gas Reduction

2. Farming and Agricultural Areas

2.1 Agricultural Land Commission Policies – 27 policies

The Regulations to the *Agricultural Land Commission Act* set out 27 policies that Local Governments must observe with respect to land in the ALR. Table 3 sets out the directions proposed for bringing the Area C OCP and Zoning Bylaw into conformity with these requirements where needed.

Table 3: Area C OCP Compliance with Agricultural Land Commission Policies

No.	ALC Policy Area or Requirement	OCP Compliance	Zoning Bylaw Compliance Directions/Proposals
1	Farm Uses cannot be prohibited in ALR	Amend “Farm uses” definition and policy to include products produced by an association as defined in the <i>Cooperative Association Act</i> to which the owner of the farm belongs Introduce a policy statement that the zoning bylaw must not prohibit uses ALC states are always permitted	Amend “Farm uses” definition and policy to include products produced by an association as defined in the <i>Cooperative Association Act</i> to which the owner of the farm belongs
2	Sale of Farm products restricted to those produced on the farm	Amend to include sale of products produced by an association as defined in the <i>Cooperative Association Act</i> to which the owner of the farm belongs	Amend to include sale of products produced by an association as defined in the <i>Cooperative Association Act</i> to which the owner of the farm belongs
3	Wineries, Cideries and Meaderies permitted if use on-farm produce	Add Wineries, cideries and meaderies and ancillary to permitted “farm uses”	Add Wineries, cideries and meaderies and ancillary uses to permitted “farm uses” with ALC compliant regulations regarding source of materials, co-ops, and serving lounges
4	Agritourism may be permitted by local government on ALR land	Expand Agritourism polices beyond those in <i>Context</i> section of Section 6 - Agricultural Uses Use current definitions and policies	Largely unaddressed in Zoning Bylaw – needs polices to implement updated OCP policies

		from Area D OCP as a model Add policy to state that definitions and polices may be revised to conform to future revisions of ALR Regulations	
5	Local Government may permit Agritourism accommodation up to 10 sleeping units	Complies – mirrors ALC policy in Sec 6.13 Adopt Agritourism Accommodation definition and policies from the Area D OCP to ensure consistency	Adopt ALR regulations to create Zoning to implement OCP policies
7	Local Government may permit home occupations up to 100 sq m.	Complies Ensure wording consistency with Area D OCP	Complies (called home based business): Standardize and rationalize policies with ALR using Area D policies as model
8	Local Government may permit one secondary suite including manufactured home	Update OCP to permit secondary suites Retain the permissions for manufactured homes, a house for retired farmer (current Sec 6.26) and farm help (current Sec 6.27)	Standardize currently fragmented regulations to conform with ALR Regulations and similar policies in Area D
17	Local Government may permit dikes pumphouses, and ancillary works including access roads and facilities for flood control	Add policy to permit	Add policy to permit
18	Placement of Fill or Removal of Soil: Construction of Farm Buildings must be permitted	Add policy to permit	Add policy to permit

2.2 Agricultural Land Commission Decision Criteria

The ALC has also published criteria to be used when making decisions, recommendations and setting policy such as OCPs, Zoning Bylaws and Development Permit Area guidelines. They are:

- Agricultural potential of subject & adjacent parcels
- Agriculture capability rating (CL)
- Agricultural suitability & current land / agricultural use
- Does proposal benefit / support / restrict farming?
- Impact on existing or potential farm uses
- Precedent

- Regional & community planning objectives
- Alternate location outside ALR
- Local government & AAC recommendations.

It is proposed to implement relevant aspects of the *Pemberton Valley Agricultural Area Plan* (PVAAP) by stating, in the agriculture policy section of the OCP, that the PVAAP will provide guidance for the OCP policies, Zoning regulations and Development Permit Area Guidelines.

These criteria would then form the basis for policies, designations, permitted uses, zoning, Development Permit Area Guidelines and application requirements and approval criteria for applications for rezoning, development approval, subdivision and temporary use permits.

2.3 Farmland Preservation: Policy Linkages and Compatibility

The review of policy documents and consultation with staff of the ALC and other local governments indicates that the Area C OCP will protect farmland for growing food better when it clearly sets out the policy linkages among the *Local Government Act*, the *Agricultural Land Commission Act* and its policies, the local Agricultural Plan (the PVAAP in Area C) and the Regional Growth Strategy. Area C OCP policies go some way to doing this, such as:

- 6.4 All uses and subdivision of land within the Agricultural Land Reserve shall be in accordance with the *Agricultural Land Commission Act* and associated regulations.

Since the policy intent is strengthened when the OCP states in clear language the direction the OCP policies are giving to the Zoning Bylaw, Development Permit Area Guidelines and their interpretation, it is proposed that the OCP state directly that it is the policy of the OCP to protect farmland for growing food by requiring the following criteria to be used when setting detailed policies for land use and for reviewing applications for land use changes and development in agricultural areas.

- The importance of the role of the ALR in preserving land for agricultural use is recognized
- State the clear intent to protect and preserve farm land and soil having agricultural capability
- Encourage and support the appropriate utilization of that land for agricultural purposes
- Emphasise that food production and a strong, profitable agriculture sector for the region is an important goal of the Plan

- The intrusion of residential development into agricultural areas is recognized as a potential problem that should be guarded against
- Discourage the presence of non-farm uses that are not otherwise enabled by the ALC.
- The impact of non-farm development in or adjacent to agricultural areas is recognized as a potential problem that will be guarded against
- All accessory or ancillary uses are supplementary and secondary to agricultural activity and must be linked to the primary agricultural activity of the farm
- Special events and agri-tourism and commercial businesses (with the exception of home occupations and the new “gathering for an event”) must be linked to an agricultural activity on the farm and are otherwise not permitted in the ALR and in Area C agricultural lands
- Incorporate the importance of and a commitment to food security.

2.4 Rural Character, Agricultural Landscape, Sense of Place and Cultural Heritage

It is proposed that the Area C OCP state that protecting the appearance and character of the rural and agricultural landscape is an important objective of the OCP. The July 27, 2016 staff report on this topic cited statements and policies in other OCPs in BC that have ALR lands that provide examples of statements in other OCPs that could form the basis for such statements:

- Protecting the appearance and character of the rural and agricultural landscape
- The rural character of the plan area is maintained by directing high density and multifamily development to municipalities and existing resort areas
- Development is encouraged to recognize and integrate opportunities to retain and maximize the viewscape
- To encourage and facilitate the identification, protection and conservation of important cultural heritage resources, including archaeological resources and cultural heritage landscapes
- To identify cultural heritage landscapes, that contain heritage buildings, structures, rights-of-way, vegetation and open space, are of architectural or historic significance, and where its arrangement represents one or more distinctive cultural processes in the historical use of land
- Preventing negative “visual impact” from development on or near agricultural areas, and
- Ensure new development in the rural settlement area maintains the rural character of the surrounding area and supports a functioning working landscape.

3. OCP and Zoning Bylaw Agriculture Policy

It is proposed that the detailed land use policies currently in Section 6 Agriculture of the Area C OCP be largely retained and amended so that they conform to the ALC regulations identified in Table 3. Minor rewording to link them to the ALC Regulations and the PVAAP will strengthen them further.

3.1 Residential Uses on Farms

It is proposed to retain the main guiding policy in the existing Area C OCP concerning housing on farmland, which is “to accommodate housing that meets the needs of farmers and minimizes impacts on farm land”. The policies which support houses for retired farmers and farm help, subject to support from the Regional Agrologist and the Agricultural Advisory Committee, would be retained. Zoning measures to guide the siting of buildings, access and driveways are also supported. The OCP also supports and is consistent with the PVAAP support for the replacement of the floor area cap on residential buildings with a ‘farm home plate’ regulation.

It is proposed to retain a floor area **limit for each property and within** the “farm home plate” to avoid the unintended permission for “monster houses”, that has occurred in other BC municipalities even when there is a ‘farm home plate’ regulation in place.

3.2 Agritourism

There have been misconceptions and lack of clarity about what is and what is not “agritourism” and who can and cannot conduct agritourism. “Agri-tourism” is broadly supported by the OCP and by ALC Regulations.

In July 2016, the Regulations for the ALR were amended by Order-in-Council No. 602-2016 to provide a detailed list of which activities are to be considered “agritourism activities”.

“Agri-tourism” is defined by the amended ALR Regulation as:

- (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),
- (b) That are:
- (i) carried out on land that is classified as a farm under the Assessment Act,
 - (ii) to which members of the public are ordinarily invited, with or without a fee, and
 - (iii) in connection with which permanent facilities are not constructed or erected.

Since these Regulations require that local governments permit these uses, it is proposed to include them in the list of permitted uses in AGR Agriculture zones in the Area C Zoning Bylaw.

3.3 Urban-Agriculture Interface, Non-Residential Uses, Exceptions, Temporary Use Permits, Impact of Adjacent Uses

Sections 6.19 – 6.25 of the OCP contain the policies designed to guide land use decisions in areas adjacent to agricultural zones that could have a negative effect on farming and in the case of conflict between a farm operation carrying on normal farm practices and adjacent non-farm development, support the agricultural interest. Since these are not policies that affect land designated Agriculture, they should be in a separate section. It is proposed to create a Development Permit Area that would institute a review process, review criteria and the ability to require conditions of approval for uses in areas where agriculture could be affected.

3.4 Agricultural Impact Assessment

The Area C OCP Policy 6.25 recommends that an Agricultural Impact Assessment be prepared to support applications to introduce non-farm uses into Agricultural zones in the form of rezonings or Temporary Use Permits (TUPs), where those uses are not enabled by ALC regulations. The Area C Zoning Bylaw does not have such a requirement. It is proposed that the Area C Zoning bylaw require an Agricultural Impact Assessment prepared by a licensed or accredited professional that assesses if a proposed use enhances agriculture, so that evidence-based assessment of the merits of proposals can be made.

3.5 Silviculture

Silviculture and forestry on ALR land has been identified as a potentially problematic issue. In BC the Regional District of Bulkley-Nechako Agricultural Plan identifies that that Region faces a significant threat from corporations purchasing productive farmland and planting trees for carbon credit. *“This practice has the effect of removing productive agricultural lands and contributing to parcelization. Although this practice is somewhat isolated presently, its expansion into other areas poses a significant threat to the land base.”*

The issue of forestry activities removing farmland from food production has not been raised for Area C. The ALC Regulation 171/2002 includes the following uses among those “farm uses” that local government may not prohibit on ALR land:

- “(f) timber production, harvesting, silviculture and forest protection;
- (g) agroforestry, including botanical forest products production.”

It is proposed that the Area C Zoning Bylaw continue to permit *silviculture and forest management* in all zones except ‘Community Watershed Protection’.

3.6 Zoning Bylaw

There are three Agricultural land use zones: AGR Agriculture, AGR Pemberton Fringe (AGR_{PF}) Sub Zone and AGR Land Use Contract (AGR_{LUC}) Sub Zone.

Currently, the uses in the AGR Agriculture zone are restricted to:

- farm use including intensive agriculture
- single family dwelling
- one secondary suite
- bed and breakfast home
- uses permitted in section 4.2 (see below)
- a second single family dwelling on parcels greater than 4 hectares, and
- a personal, non-commercial, portable wood manufacturing plant.

Some of the uses in section 4.2 of the Zoning Bylaw “Permitted Uses in all Zones” contravene the ALC Regulations by permitting in the AGR zone:

- “(d) parks and playgrounds;
- (e) community halls, libraries, fire halls, ambulance and first aid stations and police stations;
- (f) licensed community care facilities where the building or structure to be used by the community care facility will be used

- (i) to provide day care for no more than 8 persons, or
- (ii) as a residence for no more than 10 persons, not more than 6 of whom are persons in care;”

It is proposed to remove these uses from those permitted in AGR Agriculture zones in order to comply with the ALC Regulations and protect farmland for farming.

Uses in the AGR_{PF} zone are currently restricted to:

- those in the AGR zone
- a second single family dwelling on parcels greater than 2 hectares
- a garden nursery, and
- bed and breakfast inn, and
- horse riding academy boarding stable and indoor riding arena.

It is proposed to retain The AGR Agriculture and AGR Pemberton Fringe (AGR_{PF}) Zones. The issue of regulating the bed and breakfast use is discussed later in this report.

The AGR Land Use Contract (AGR_{LUC}) Sub Zone affects one property – the 4D Ranch Land Use Contract. It is proposed to delete this zone and incorporate an exception for the affected property into the AGR Agriculture zone. This is addressed more fully in the section below that addresses Land Use Contracts (Section 4.4 Land Use Contracts).

3.6.1 Farm Residential Footprint (Farm “Home Plate”) in Zoning Bylaw (revised since the October 26, 2016 Board report based on input from the Review Group)

The SLRD Board, in reviewing the implementation of the PVAAP, directed staff to consider the farm residential footprint concept (*Guide for Bylaw Development in Farming Areas*, Ministry of Agriculture, 2013) and to review the District of Kent’s regimes/processes with respect to agriculture (i.e. “home plate” considerations) for their applicability to the SLRD. In addition to conducting these reviews, staff have also discussed the concept and its practical application with staff from the ALC and the City of Surrey, which has introduced the farm residential footprint into its Zoning Bylaw.

The Guidelines for Bylaw Development in Farming Areas succinctly sets out the reasons for regulating the siting and size of residential uses in ALR land:

- a) not restricting agricultural activities
- b) directing the largest residential uses in a community to non-farming areas
- c) minimizing the impact of residential uses on farm practices and farming potential in farming areas

- d) minimizing loss and/or fragmentation of farmland due to residential uses,
and
- e) minimizing the impact of residential uses on increasing costs of farmland.

It is proposed to adopt the preferred approach set out in the Guidelines and establish a farm residential footprint of a size commensurate with the existing provisions for urban or suburban lots in Area C. The maximum area of residential uses on a farm should not be more than that permitted in other rural zones where the primary use is residential. The maximum size of buildings and land area occupied by buildings within the farm residential footprint would also be regulated in absolute terms by floor area and land area maximums instead of simply by percentage, to avoid overbuilding. The farm residential footprint site would be close to the road (where possible and based on current development already on the land) to minimize the negative impact on agriculture but be flexible enough to permit its location along the frontage or in other more appropriate areas to meet the site-specific needs of each property.

At its November 16 2016 meeting, the Review Group sought clarification from staff on the following:

- The recommended size of the farm residential footprint and whether it was sufficient to accommodate the uses directed there
- The recommended maximum rear setback from the road of the buildings within the farm residential footprint
- The experience in other local governments
- The extent to which the proposed regulations would create problems for existing farmers
- The flexibility within the proposed regulations to alter the requirements to accommodate site-specific circumstances
- Whether the farm residential footprint would accommodate temporary farm worker housing.

It is proposed to replace the various siting, size and development regulations for residential uses on farms with a farm residential footprint with a maximum area of 2,000 square metres (roughly half an acre) or 2,500 square metres if it contains a farm employee residence that has been approved by the SLRD, similar to that in Area D Zoning Bylaw Section 6.1.4., which is attached as Attachment 3 to this report. The rear of the “farm home plate” would be no more than 85 metres from the road. This reflects the existing pattern in the ALR. Currently, 70% of residential buildings on Pemberton Meadows Road in the ALR already comply with this requirement. In addition, variations to this size and location could be approved subject to the criteria established for preparing policy, regulations and for reviewing development applications in Agriculture zones, such as the ALC decision criteria set out in Section 2.2 of this report. The minimum parcel size for any parcel containing a farm employee residence would be 4 hectares.

It is proposed to simplify the Bylaw regulations concerning additional residential units and buildings by permitting a main house with secondary suite and under certain circumstances, an additional house of a smaller size within the “farm home plate” that regulates location, siting, maximum residential floor area, and land area coverage.

Permanent and temporary farm worker housing would be a permitted use requiring an SLRD building permit. Farm worker housing would be required to be located within the farm home plate and would continue to require a building permit.

3.6.2 Minimum Parcel or Lot Size and Subdivision (revised since the October 26, 2016 Board report based on input from the Review Group)

At its November 16 2016 meeting, the Review Group sought clarification from staff on the following;

- The recommended minimum parcel size proposed, its basis and whether it prevented further parcelization that was detrimental to farming
- The extent to which the proposed regulations would create problems for existing farmers
- The flexibility within the proposed regulations to alter the requirements to accommodate site-specific circumstances

In order to prevent the further fragmentation of land parcels, which has been demonstrated to be one of the most important factors that inhibits the viability of farming, a minimum parcel size that permits viable farms to operate is required. The current minimum parcel size in Electoral Area C Agriculture-zoned areas is 2 hectares, which is considered far too small, based on best practices. As indicated in previous reports, a minimum 40 hectare farm operation is required to support a viable seed potato operation.

It is proposed that the minimum parcel size in Agriculture zones be increased to 40 hectares. In practical terms, this would prevent further subdivision of parcels into parcels smaller than 40 hectares. Existing parcels smaller than that would retain their legal status. It is also proposed to eliminate regulatory barriers to parcel consolidation that increases parcel sizes even if the 40 hectare size is not reached. Variations to this minimum 40 hectare size could be approved subject to the criteria established for preparing policy, regulations and reviewing development applications in Agriculture zones such as the ALC decision criteria set out in Section 2.2 of this report.

Section 514 of the *Local Government Act* would permit an approving officer to approve the subdivision of a parcel of land in the ALR to provide a separate residence for:

- (i) the owner,

- (ii) a parent of the owner or of the owner's spouse,
- (iii) the owner's child or the spouse of the owner's child, or
- (iv) the owner's grandchild;

only if all of the following conditions are met:

- (a) the person making the application has owned the parcel for at least 5 years before making the application; and
- (b) the remainder of the parcel proposed to be subdivided is at least 2 hectares; and
- (c) it is at least 5 years since any previous subdivision to create a family housing parcel was approved.

In addition, any separated parcel would be required to meet the rural subdivision criteria of the Ministry of Transportation and Infrastructure, most notably a minimum parcel size that provides for adequate water supply and sanitary waste treatment.

There is no compulsion for an approving officer to approve such a subdivision if these conditions are met and no requirement that a local government adopt this policy or support these subdivisions. These are minimum standards. Any local government could have stricter criteria on which to decide or on which to base a recommendation.

It is proposed that the Area C OCP and Zoning Bylaws not incorporate a policy to permit small parcel subdivisions. There have been very few cases of subdivisions to create new lots under the existing policy that permits the creation of a housing for retired farmers.

3.6.3 Commercial Assembly Including Weddings

Until July 2016 the ALC Regulations and Minister's Bylaw Standards prohibited the use of ALR lands for commercial assembly purposes such as weddings and events without a non-farm use approval. In July 2016, the ALC Regulations were amended by provincial Order-in-Council No. 602-2016 to define and permit a new use: a "gathering for an event".

"Gathering for an event means:

- (a) The following activities:
 - (i) a wedding, unless paragraph (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,

All of the following conditions for a *gathering for an event* must be met:

- (i) the farm must be located on land classified as a farm under the Assessment Act;
- (ii) permanent facilities must not be constructed or erected in connection with the event;
- (iii) parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;
- (iv) 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;
- (v) the event must be of no more than 24 hours duration;
- (vi) no more than 10 *gatherings for an event* of any type may occur on the farm within a single calendar year."

It is proposed to amend the Zoning Bylaw to incorporate these revised Regulations.

3.6.4 Cafes and Bistros

The Regulations of the ALC (Part 2 Sec 3(10)) do not permit bistros, cafes or restaurants on ALR land. The expansion of limited tasting areas ancillary to permitted breweries, cideries, distilleries meaderies and wineries to include bistros, cafes and restaurants is, contrary to the intent of the ALC Act and Regulations. Based on the ALR decision making criteria, cafes and bistros should not be permitted in AG zones and it is proposed to exclude them from the uses permitted.

3.6.5 Community Halls

Community halls are currently permitted uses in Agriculture zones because they are among the Uses Permitted In All Zones (Section 4.2 of the Area C Zoning Bylaw). Since community halls are not one of the uses specifically allowed by the ALC, nor are they required or ancillary to farming and since they require the use of farmland for the halls, parking areas and access roads, it is proposed that the Zoning Bylaw be amended to remove these as permitted uses in AGR Agriculture zones. **If an appropriate application were to be put forward for such a use, it could be considered on a case by case basis. Fire halls are distinct from community halls and would continue to be permitted in all zones including Agriculture zones.**

3.6.6 Zoning Mapping

AGR zoning on "split-zoned" farm properties should be extended to encompass the entire property through mapping revisions in order to reduce the potential for incompatible non-farm uses on ALR land.

In circumstances where properties on ALR land have industrial uses on part of the property, it is proposed to permit “split-zoning” so that the industrial uses are confined to the area they currently occupy. This would serve the intent of the policy direction to preserve farmland.

It is proposed that properties split-zoned AGR and RR1 be zoned AGR in their entirety and that properties in the ALR that have permitted industrial uses be zoned to limit those industrial uses to those that currently exist and to the areas they currently occupy and that the balance of those properties be zoned AGR.

3.6.7 Enforcement

In a separate report, SLRD staff are recommending an update to the enforcement protocol within the ALR so that complaints received by the SLRD about potential infractions in the ALR are sent to the ALC as the primary enforcement agency. It would also be recommended to the complainant that they submit complaints to the ALC directly if they have not already done so. The SLRD would also review the complaint for infractions to its own bylaws, particularly a noise bylaw and those elements of a zoning bylaw where the SLRD has primary responsibility for enforcement. This is intended to generally describe how the SLRD can enforce its own bylaws, and assist the ALC by passing on all ALR related complaints to support the ALC enforcement of its regulations. This will also ensure that the ALC is receiving an accurate picture of regulatory issues across the Province so appropriate provincial bylaw enforcement resources can be allocated.

4. Non-Agriculture Policies

4.1 Economic Development

Economic Development policies form Section 3 of the current OCP. Agriculture, tourism and forestry are identified as the key industries to be supported, and, where necessary balanced against each other. Home based businesses and industries in Rural Residential and Resource Management areas are supported, provided they are compatible with the rural character of the plan area. These policies are fundamentally sound and consistent with the Regional Growth Strategy and it is proposed that they be retained as general policies for the entire OCP area.

It is proposed to delete redundant or irrelevant policy statements including: references to the 2010 Olympics, signage on highways and policy encouragement to outside agencies including Vancouver Coastal Health and provincial Ministries.

It is proposed that Section 3.14 regarding Development Permit Area 3: Medical Marihuana Production Facility be relocated to a distinct Development Permit Area section of the OCP and renumbered as needed.

4.2 Housing and Residential Area Policies

The bulk of the Area C OCP policies for housing and residential land use are found in Section 4 Rural Residential and Section 5 Special Planning Area. It is proposed that, for consistency, the Area C OCP adopt the structure and content of Area D policies. It is also proposed to add an endorsement of mobile home parks to the policy section and to the Residential designation of the OCP and to retain the MHP Mobile Home Park zone in the Zoning Bylaw even though there is only one property where this applies.

It is proposed to retain the Mobile Home Parks Bylaw No. 99, 1976.

4.2.1 Housing Policies - Affordable Housing

The Area C OCP requires that an affordable housing policy be added for the OCP to comply with The *Local Government Act*, Sec 473(2):

(2) An official community plan must include housing policies of the local government respecting affordable housing, rental housing and special needs housing.

Since most of the land in Area C is not suitable for housing and ALR land cannot be considered as a land reserve to meet future housing demand, it is proposed that housing and affordable housing policies apply only to those areas that are designated Residential, Rural Residential and Commercial. The specific recognition of the role mobile home parks play in the provision of affordable housing, when they are serviced with community water and sewage systems and not in Agricultural areas, fits well with the rural nature of Area C and it is proposed that it be retained.

Since the existing policy to permit a developer to make financial contribution into a housing fund in lieu of more direct compensation is inoperable because no such fund exists, and as it is not likely to be created, it is proposed to delete this policy.

4.2.2 Housing Policies - Bed and Breakfasts (revised since the October 26, 2016 Board report based on input from the Review Group)

The Pemberton area needs more permanent housing for residents and potential residents. From entry level to management positions, new hires have been unable to find housing. Employers report that it has been impossible to attract workers because of the shortage and that job offers have been declined because of the lack of housing available.

Concern has been expressed that bed and breakfast and short term housing such as AirBnB operations reduce the ability of the existing housing stock to provide the additional housing units needed. In addition, complaints have been made that noise and parties at such rentals are detrimental to the residential and agricultural areas where they are located. The current OCP and Zoning do not directly address the AirBnB type of use and

there is concern that this is a “loophole” that implies that the two types of uses are equivalent and that both are supported by the OCP and permitted by Zoning.

Since Area C is rural and new housing is directed to more urban areas in the SLRD such as Pemberton and Whistler, the options for creating more permanent housing in Area C are extremely limited. The report to the October 26, 2016 Board proposed to remove bed and breakfast operations and to prohibit AirBnB operations, which are not anticipated or regulated by current zoning so that the regulations could re-direct the use of existing housing from temporary to permanent accommodation. Existing operations would retain their compliance with the bylaw through legal non-conforming status.

Following consultation with the Review Group on November 16, 2016, it is apparent that a traditional B and B operation has potentially less impact on housing supply and nuisance to neighbours when they are operated by the resident of the house as an accessory to the main residential use. There are records of only 2 approvals for true B and B operations in Electoral Area C. It is likely that most farm residents do not have the extra time it takes to run an accommodation service.

Based on input from some group members, the revised proposal would include B and B uses in Residential, Rural Residential and Agricultural designated areas, subject to zoning controls, with a clear policy direction that only those operated by the actual residents of the house would be permitted. Since there is no permit system in place for B and B approvals, zoning regulations would specify requirements such as resident operation, maximum number of rooms that can be provided and parking requirements. Staff would also review the regulatory framework for all SLRD areas and propose a consistent approach.

4.2.3 Residential Land Use Designation

The Rural Residential land use designation provides for a limited range of housing development and housing types that are consistent with the existing rural and semi-rural character of the area. Urban development forms, such as small lot residential subdivision and community facilities are directed outside of Area C to the Village of Pemberton’s core area. Energy efficient neighbourhoods and buildings that minimize greenhouse gas emissions, maximize energy conservation and improve air and water quality are encouraged.

It is proposed to delete references to the planned Green River Estates since this area has been developed and to the “Whistler-Pemberton Corridor”, Mt Currie and Rutherford Lake since these areas are not designated or zoned for residential use.

The Electoral Area C OCP Section 4.12 states:

4.12. In the interest of preventing rural sprawl, maintaining compact communities, and preventing agriculture/urban interface problems, extensive hillside developments in the Pemberton Meadows are not supported.

Since it is proposed that the non-agricultural areas on farm properties in Pemberton Meadows be amended to Agriculture designations in the OCP and AGR zones in the Zoning Bylaw, this provision would be relocated to the appropriate Agricultural land use designation and zone section.

Some properties on Reid Road have residential zoning. The Reid Road area should be considered in relation to OCP Policy 4.14 (Protection of Ivey and Mosquito Lakes from future waterfront development) in order to ensure that this policy is being achieved.

4.2.4 Zoning Bylaw

Section 4.8 of the Zoning Bylaw (General Zoning Provisions and Regulations) permits the sale of home-based business products and services. “Home Industries” are supported by the OCP. This has led to the incorrect belief that residents can operate cafes, and other direct customer service and sales businesses out of Rural Residential properties. It is proposed that the Zoning Bylaw be amended to include wording to clarify that home business and industry conducting “retail” operations selling to the public on the premises are not permitted.

There are five residential zones in Area C:

- RR1 - Rural 1
- RR1Res Rural 1 - Rural Residential sub zone
- RR1Res(sd) Rural 1 – Rural Residential (single dwelling) sub zone
- R1 - Residential
- MHP - Mobile Home Park.

The R1 and RR1 zones generally permit:

- single family dwelling
- a secondary suite
- bed and breakfast home
- uses permitted in section 4.2
- a second dwelling unit to create a duplex on larger parcels.

The RR1 zones also permit, with small variations:

- farm uses
- home industry and rural commercial uses such as a garden nursery campground, bed and breakfast inn and horse riding facilities
- open land recreation
- temporary commercial and industrial uses, and
- additional single family dwellings increasing in number as parcels increase in size.

It is proposed to make minor changes to standardize small variations in height limits and maximum building size regulations and subject to consultation, delete bed and breakfast uses from the list of permitted uses, for reasons described previously in this report.

The MHP zone applies to one property only, which is developed as a mobile home park. It is proposed to retain the Mobile Home Park MHP Zoning designation.

4.3 Special Planning Area

Since the entire area designated Special Planning Area has been transferred to the jurisdiction of the Village of Pemberton through a boundary expansion, it is proposed to delete this section from the Area C OCP and make the consequential mapping amendments.

It is proposed to include a statement in the Housing policies section of the Area C OCP that indicates that most future residential growth will be in the Village of Pemberton in order to comply with the *Local Government Act* requirement that OCPs include statements and map designations for the area covered by the plan respecting the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years.

4.4 Land Use Contracts

Provincial legislation has dictated that land use contracts will expire June 30, 2024 (with zoning required to be in place by June 30, 2022). The legislation also requires that their land use control provisions be incorporated into Zoning. This is an ongoing process in local governments throughout the province.

It is proposed to prepare zoning to replace the following Land Use Contracts in Area C when the Land Use Contracts expire:

- Edwards Kia Ora Court LUC Bylaw 47
- McGillivray Falls LUC Bylaw 87
- Ponderosa Estates LUC Bylaw 117

- Birkenhead Lake Estates LUC Bylaw 122
- 4D Ranch LUC Bylaw 123.

The Land Use Contracts would be terminated and the new zoning would come into effect by June 30, 2024, as prescribed by the Province (LGA s.548 (3)(b)(i)).

The Land Use Contract for Lillooet Lake Estates/Heather Jean Developments LUC 88 will be discharged under a separate process and zoning due to its complexity.

4.4.1 McGillivray Falls LUC Bylaw 87, Ponderosa Estates LUC Bylaw 117 and Birkenhead Lake Estates LUC Bylaw 122 (revised since the October 26, 2016 Board report based on input from the Review Group)

These three sites are currently zoned RR1_{LUC}. The current RR1 zones would not permit the extent or form of the existing uses. Since the established pattern of building sites in these Land Use Contract areas is not based on a conventional zoning or strata pattern, it is proposed that individual Rural Residential (RR) zones be created that retain the established pattern of building sites, land uses and development provisions in a bylaw form instead of a in a contract between the SLRD and the property owners.

At its November 16 2016 meeting, the Review Group sought clarification from staff on the following:

- What concerns existing site holders in the Land Use Contract area might have and whether outreach been conducted to address these concerns
- Should the rezoning for the Land Use Contracts take place under a separate process so that it not detract from the main purpose of the review.

There has been substantial discussion between staff and the Land Use Contract members of McGillivray Falls LUC Bylaw 87, Ponderosa Estates LUC Bylaw 117 and Birkenhead Lake Estates LUC Bylaw 122 including presentations to the Annual General Meetings of McGillivray Falls and Birkenhead Lake Estates to explain the need to prepare replacement zoning and assure the members that replacement zoning will move land use controls to zoning and will not affect their internal relationships, rights and governance.

It is staff's advice that a separate process in not needed. Feedback from the consultation undertaken would indicate that members understand the process being proposed and also understand that for all practical purposes, the land use controls that currently exist would be retained and fundamentally unaltered. A separate process would require additional staff time and resources and should be avoided if it is unnecessary.

4.4.2 Edwards Kia Ora Court LUC Bylaw 47

This site is zoned MHP Mobile Home Park. The provisions of the Land Use Contract permit a “Mobile Home Court” and set out a site plan and development provisions for up to 29 mobile home structures on concrete pads, a washroom-service building and a combined office and store building. It is proposed that the current zoning be retained and that the land use provisions of the Land Use Contract governing its development, maintenance and site plan schedule be converted into a site specific exception. The Mobile Home Park Bylaw 99, 1976 would be retained since it contains guidance for the development and maintenance of the site but is too long and detailed to incorporate into the Zoning Bylaw.

4.4.3 4D Ranch LUC Bylaw 123

This site is zoned AGR Agriculture. The provisions of this Land Use Contract that affect land use for the affected property differ from the standard AGR Agriculture zoning only in that they permit 3 single family residences instead of 2 residences and also permit one small sawmill and a planer mill for the Owner’s own use. It is proposed that these differences be incorporated into a site-specific exception within the AGR zone along with the site plan contained within the existing Land Use Contract that shows the approximate location of the 3 residential buildings, shop, hay barn, root shop and planer mill.

4.5 Commercial and Commercial Area Policies

4.5.1 Official Community Plan

Section 7 of the Area C Official Community Plan contains policies for commercial uses and policies for the areas designated Commercial by the Plan. Most retail and services uses serving Area C are located in more urban areas such as Whistler and Pemberton. The policy content would be clarified and streamlined by focussing on directing retail and service uses to these areas and discouraging strip commercial development and encouraging good design. The inclusion of policies encouraging “Backcountry Commercial” uses would be better placed within the context of the ‘backcountry areas’.

It is proposed to improve the support for the development of a railway station and tourist service center in D’Arcy (Policy 7.9) with additional policies in the OCP supporting the retention of the D’Arcy rail platform and the re-establishment of passenger rail service. This is consistent with requests by the SLRD Board to the province to restore the passenger service.

4.5.2 Zoning Bylaw

The Zoning Bylaw contains six Commercial zones: C1 - Community Commercial (Section 9), and five TC - Tourist Commercial sub-zones (Section 10), with a total of eight sites.

There are two sites zoned C1: Mt Currie and a small site near Gates Lake. This zone permits retail and service uses, offices, community and assembly halls, theatres, places of amusement gas stations and residential uses that are typical of commercial zones serving a local population. There are no apparent policy issues and it is proposed that this zone and the zoning for these sites be retained. The Mt Currie Development Permit Area would be retained.

The TC - Tourist Commercial zones generally permit a much more restricted number of tourist related businesses and accommodation than the C1 Commercial zone and are differentiated from each other on a site specific basis to include and control such uses as guest cabins, campgrounds, a pub, restaurant and a hot springs resort. Proposals for these are as follows:

- TC₁ This site has been transferred to the Village of Pemberton and an Area C policy or specific sub-zone is no longer required. It is proposed that this zone be deleted.
- TC₂ There are three sites with this zoning at D'Arcy on Anderson Lake and adjacent to Pemberton Portage Rd. at Gates Lake. There are no apparent policy issues and it is proposed that this zone and the zoning for these sites be retained.
- TC₃ There is one site on Reid Rd. The land use controls are only slightly different from those of TC₂ and it is proposed that the two zones could be merged.
- TC₄ This zone permits a "hot springs resort" on the northeast side of Lillooet Lake. "Hot springs resort" is not defined. Since no "hot springs" use was ever established on this site, it is proposed to delete this zone and amend the mapping for the site accordingly.
- TC₅ This zone just west of Gates Lake permits a pub and a restaurant in addition to the normal TC uses. There are no apparent policy issues and it is proposed to retain this zone and the regulations for this site.

This would reduce the number of TC Tourist Commercial zones from five to two.

4.6 Industrial and Industrial Area Policies

4.6.1 Official Community Plan

Section 8 of the Area C Official Community Plan contains Industrial and Industrial Area policies and policies for the areas designated Industrial by the Plan.

All of the areas designated Industrial have been transferred to the Village of Pemberton. Since there are no areas designated Industrial remaining in the Area C OCP, it is proposed to delete the Industrial land use designation.

It is proposed that existing policies that direct industrial uses to the Village of Pemberton and its Industrial Park be retained in an Economic Development section of the OCP. In order to implement and be consistent with the Regional Growth Statement and the PVAAP it is proposed to include policies that focus on industries that support local agriculture, such as food processing in Pemberton and mobile abattoirs and to refine policy wording that can be seen to support the re-designation, rezoning or use of ALR land to industrial or other non-agricultural uses.

4.6.2 Zoning Bylaw

There are five properties zoned I1 Light Industrial and one site containing several properties zoned I2 Resource Industrial that fall within the Agriculture or Rural Residential OCP designations. It is proposed to:

- create a site-specific zoning exemption for those sites that would specifically permit an existing use.
- rezone those sites where there is no industrial use established in them so that their zoning conforms to the OCP.

For those sites where the industrial use permissions are retained, it is proposed to require the minimum parcel size to conform to the Vancouver Coastal Health requirements for wells and septic systems and that those requirements be introduced into the zoning.

4.7 Independent Power Project Zone I3 – Zoning Bylaw Section 13

There were two sites in Area C zoned I3. One has been transferred to the jurisdiction of the Village of Pemberton. Since local governments are no longer authorized to zone or control independent power projects, it is proposed to delete this section of the Zoning Bylaw.

4.8 Resource Management Lands

4.8.1 Official Community Plan

Section 9 of the Area C Official Community Plan contains Resource Management Lands policies and policies for the areas designated Resource Management by the Plan. It is proposed to streamline or delete statements that mainly provide a description of the activities of other agencies on crown land and on First Nations Land.

The main objective stated is “to promote the appropriate management of mineral, forest, and agricultural resources that is compatible with existing uses and respects the social and environmental values of the community”. This is fundamentally sound and it is proposed to retain the specific policies that follow since they generally reflect the *Objectives* and provide guidance to zoning.

It is proposed that Policy 9.10 regarding independent power projects be deleted.

It is proposed that the Resource Management Lands designation be retained and that the revised content and structure of its policies follow those of the Area D OCP Resource Management Designation.

4.8.2 Zoning Bylaw

The Resource Management subzone - RR1_{RM} or Rural 1 Resource Management – covers the majority of Area C territory. The content of these policies is similar to that used for the existing Zoning Bylaw and they are fundamentally sound. It is proposed that the Zoning designation be retained and the Area D wording be adopted as a model for reformatting the policies.

4.9 Community Watershed Protection Area

4.9.1 Official Community Plan

Section 10 of the Area C OCP contains general Community Watershed Protection Area policies and policies for the areas designated Community Watershed Protection Area by the Plan. The OCP Map reflects the Ministry of Environment designation of these areas as a protected community watershed. The primary purpose of these designated lands is to maintain local water quality. This purpose is unchanged and it is proposed that the policies be retained and reformatted as required.

It is proposed to delete the reference to “Upper Bridge Valley Area” since this area is part of Electoral Area A.

4.9.2 Zoning Bylaw

Since the lands zoned “Community Watershed Protection” or CWP (Section 15 of the Zoning Bylaw) match the OCP Community Watershed Protection Area and their policies are sound, it is proposed that they be retained and reformatted as required.

4.10 Public Lands & Facilities

4.10.1 Official Community Plan

Section 11 of the Area C OCP contains objectives and policies for public lands and facilities. There is no OCP designation for these uses. Lands set aside for public and institutional development, such as hospitals, community halls, open space, recreation and playground facilities, and public utility buildings are supported for all land use designations except Agriculture. It is proposed that the policies that state that most of these types of

facilities would be in the Village of Pemberton be retained and that the policies regarding the relocation of the Pemberton Community Centre to the Village of Pemberton be deleted since that has occurred.

It is proposed to add policies to support a high standard of energy and water efficiency to the Area C OCP to ensure consistency across the Region's Plans and to support environmental and climate change objectives.

4.10.2 Zoning Bylaw

There are five sites zoned PA1-Public Assembly and Institutional zone (Section 14). Since these uses should generally be permitted everywhere, it is proposed to delete this zoning category and retain the site-specific regulations where necessary in order to streamline the Zoning Bylaw.

4.11 Parks Policies

4.11.1 Official Community Plan

Section 12 of the Area C OCP contains Parks policies and policies for the areas designated Park by the Plan. Consistent with the staff review of this section, it is proposed that the policies be maintained and strengthened with amendments to:

- describe more concisely what exists and what the SLRD does in conjunction with the Village of Pemberton, First Nations and the Province
- reduce unnecessary narrative to be more closely focussed on land use and development policy and actions that the SLRD supports or can undertake
- ensure the content and structure of the policies is consistent with the OCP for Area D, Section 5.13
- remove references to the Riverside Valley Nature Park and access to the Lizzie Lakes site, since the matters raised have been resolved since the OCP was approved
- make wording improvements.

There are several areas designated as "Park". Permitted uses within this designation include "dispersed recreation and auxiliary uses unless otherwise prohibited, and other uses permitted by provincial legislation". It is proposed that these areas remain designated as "Park". "Dispersed recreation" is defined as: "low intensity recreation activities that generally occur throughout a large area and are not confined to a specific place, such as hiking, primitive camping, hunting, fishing, horseback riding, and cross-country skiing". Since no issues have been identified, it is proposed to retain the substance of these policies and make them consistent with the structure of the Area D OCP.

4.11.2 Zoning Bylaw

The Area C Zoning Bylaw does not have a “Parks” zone or policies. It is proposed that the areas designated Park in the OCP be rezoned to a “Park” zone and policies added to the Area C Zoning Bylaw that are similar in form and content to the PS1 – Park Space 1 Zone Zoning Bylaw of the Area D Zoning Bylaw and that mapping be amended accordingly.

In addition, a “park” would be defined and be listed as a permitted use in Residential, Rural and Commercial zones.

4.12 Utilities and Services

4.12.1 Official Community Plan

Utilities and Services policies constitute current Section 13 of OCP. There is no land use designation for such uses and they are generally permitted everywhere. It is proposed to retain the current content since it is generally sound and revise the content and structure of the policies to be consistent with the OCP for Area D, Section 3.5, Services and Infrastructure.

4.12.2 Zoning Bylaw

It is proposed to retain the permission for these uses in all zones except Community Watershed Protection and Comprehensive Development – Green River Estates Residential zones.

4.13 Transportation

4.13.1 Official Community Plan

Transportation polices constitute the current Section 14 of OCP. There is no land use designation for such uses.

Roads and highways are generally permitted everywhere. The current policy content is generally sound and can be retained. It is proposed to revise the structure and wording to be consistent with the OCP for Area D, Section 3.4 Transportation. As indicated elsewhere in this report, it is proposed to add a policy that supports re-establishment of passenger rail in order to support the enhancement and diversification of transportation choices and economic development, especially tourism, which is consistent with the regional Growth Strategy and the general policies of the OCP.

4.13.2 Zoning Bylaw

There is no “Transportation” zone in the current Zoning Bylaw and it is silent on whether roads are permitted. Where a road or a highway forms the boundary between two different zones, each zone extends to the centre line of the road.

It is proposed that the Area C Zoning Bylaw be amended to permit *Roads and Highways* in all zones and follow the Area D Zoning Bylaw wording and structure to be consistent.

4.14 Trails and Trail Network Plan

4.14.1 Official Community Plan

It is proposed that the following revisions be made to update and improve the OCP policies:

- focus more closely on land use and development policy and actions that the SLRD supports or can undertake – reduce unnecessary narrative
- acknowledge completion of the Pemberton Valley Recreational Trails Service Master plan in 2009
- acknowledge use of private lands for trails
- recognize creation of trails by groups other than mountain bikers
- focus on expansion of active transportation and the trails network
- endorse the Whistler Trail Standards handbook as the standard for the development of a sustainable trail network
- require that trails in agricultural areas be located and developed in a manner that avoids or minimizes conflict with farm operations and endorse Ministry of Agriculture and Lands publication “A Guide to Using and Developing Trails in Agricultural Areas” as the appropriate guidelines
- wording improvements.

OCP mapping would be updated to show the current trails network.

4.15 Biodiversity and Natural Environment Policies

4.15.1 Official Community Plan

Biodiversity policies constitute the current Section 16 of OCP. There is no land use designation for such uses. Other natural environment protection policies are included throughout the OCP. The existing policies are generally sound and it is proposed that they be amended to update them and make them consistent with those in the Area D OCP.

4.15.2 Zoning Bylaw

There is no “Biodiversity” zone in the current Zoning Bylaw. Other natural environment protection policies are included throughout the Zoning Bylaw. The existing policies are generally sound. It is proposed to update their wording throughout the Bylaw and make them consistent with those in the Area D Zoning Bylaw.

4.16 Natural Hazards and Hazard Areas Policies

4.16.1 Official Community Plan

Section 17 of the Area C Official Community Plan contains the Natural Hazards and Hazard Areas Policies.

The policies will be more effective if they trigger the submission of appropriate information for review and conditions of approval and when a development application is required by establishing Development Permit Areas for protection of development from hazardous conditions. It is proposed to convert these policies into Development Permit Areas defined by topographical and environmental conditions and mapped, where accurate mapping is available, so that proposed development triggers an application, review and approval process that is subject to approved and clearly stated criteria that are consistent with other plans and Provincial criteria.

The current OCP predates the preparation of the SLRD Hazard Management Plan. It is proposed to amend the Area C OCP to endorse the Plan and incorporate the policies appropriate to an OCP.

5. Structure of OCP and Zoning Bylaw

Since the Area D OCP and Zoning Bylaw are the most recently prepared of the SLRD Electoral Areas, it is proposed to follow the structure of the Area D OCP and Zoning Bylaw and to incorporate the following revisions to the Area C OCP and Zoning Bylaw in order to improve clarity and effectiveness:

- Introduce Development Permit Areas to control development and set conditions in the Mt. Currie Commercial area, riparian zones, medical marihuana production, areas adjacent to agriculture, hazard areas and areas where there are scenic values along highways (current Section 3.7 of Area C OCP), in the OCP
- Consolidate “Parking and Loading” regulations into one section of the Zoning Bylaw
- Make height regulations specific to each zone
- Overhaul the “Uses Permitted in All Zones” section of the Zoning Bylaw
- Move all sign regulation to the SLRD Sign Bylaw.

5.1 Housekeeping

It is proposed to delete the following types of policies and content:

- planned actions in 1999 OCP that have been completed
- out-dated references to the 2010 Olympics
- policies for areas that have been moved to the jurisdiction of the Village of Pemberton (e.g. OCP “Section 5. Special Planning Area) and are in other Electoral Districts
- use of imperial measurements (convert to metric)
- typographic errors and unclear language.

Additional issues identified in the Zoning Bylaw include and can be addressed as follows:

- The updated regulations for Bed and Breakfast operations in Section 4.7 of the Area D Zoning Bylaw can serve as a model for the Area C Zoning Bylaw
- Retaining walls are not exempt from setback requirements and are treated as buildings (Section 4.15), thereby prohibiting retaining walls from shoring up land at property boundaries. It is proposed that retaining walls be exempted from setback requirements with policy language consistent with other SLRD bylaws
- The zoning provision in Section 4.16 that permits outdoor storage of a resident’s personal property that has outlived its usefulness to the resident in its original form where the outdoor storage is enclosed by screening is overly complicated, requires too much interpretation and is difficult to enforce. It is proposed that this provision be deleted
- The Zoning Bylaw definition of “garden nursery” does not adequately anticipate greenhouses as buildings for growing plants for food in Agricultural and Residential zones. It is proposed to explicitly include commercial greenhouses in AGR Agricultural zones. In order not to discourage residents from growing their own food, non-commercial greenhouses in R Residential and RR Rural residential zones would also be permitted.
- Mapping changes will be required to reflect wording, boundary and policy changes.

5.2 Definitions and Terminology

It is proposed to increase the consistency of definitions and terminology amongst the documents that direct and control land use planning within Area C, primarily by adopting those used in the recently approved Area D OCP and Zoning Bylaw. This improves public understanding and increases the consistency of staff interpretation of policy and advice and enforcement.

Options:

1. (Preferred Option) Adopt the staff recommendation. This is the preferred option since it implements previous decisions and directions of the Board and conforms to the approved work plan and schedule for the Area C OCP and Zoning Bylaw Review.
2. Do nothing: While this is a potential option which would have no immediate impact on the Planning services, it would leave the Area C OCP and Zoning Bylaw in an out-dated condition and would be contrary to the Board's direction to implement the PVAAP into the OCP and Zoning.

Policy Considerations:

Relevant policies include:

- Electoral Area C OCP & Zoning Bylaws
- SLRD Agritourism Policy
- Agricultural Land Commission (ALC) Act
- Agricultural Land Reserve (ALR) Use, Subdivision, and Procedure Regulation
- Pemberton Valley Agricultural Area Plan.

The main task is to update (redraft) the Electoral Area C Zoning Bylaw No. 765, 2002 and the Electoral Area C Official Community Plan Bylaw No. 689, 1999 in order to make them more functional and up-to-date, include ALC provisions and Agricultural Plan suggestions and implement the appropriate sections of the Pemberton Valley Agricultural Area Plan. The Zoning amendments will be extensive enough to warrant the creation of a new bylaw instead of a series of amendments to the existing one, similar to the process undertaken for the new Zoning Bylaw for Electoral Area D. It should be noted that both Areas B and D Zoning bylaws have been recently redrafted; it is now time for Area C's bylaws that date back to the late 1990's and the early 2000's to be updated.

Organizational and Financial Considerations:

The contract planner engaged to conduct and report on the Review has prepared this report. The work plan is fully funded, on time and on budget.

Regional Impacts Analysis:

The PVAAP is an adopted plan, as at May 2012 for Electoral Area C that requires implementation, and is strongly supported by existing SLRD policies to protect farming and expand the agricultural industry. While the plan covers Area C only, it has implications for food security and economic development for the region as a whole, as has been



**Proposed Directions: Pemberton Valley Agricultural Area Plan Implementation
- Review of Area C Zoning Bylaw No. 765, 2002 and OCP Bylaw No. 689, 1999**

outlined in the Energy Resilience Task Force Report (approved by the Board in principle in 2011), the Integrated Sustainability Plan, and the Regional Growth Strategy. Commercial and residential uses would continue to be directed to Whistler and Pemberton, which are adjacent to Area C, and away from agricultural land. As Whistler and Pemberton are contiguous to Area C, the Area C OCP has impacts on these municipalities as well.

Follow Up Action:

Should the recommendation be adopted, staff will conduct a public open house.

Following the open house, staff will review the input and prepare draft Bylaws for First Reading consistent with the work plan and schedule approved by the Board and continue its consultation with the public, other agencies and owners in Land Use Contract areas.

Attachments:

1. Draft Area C OCP Outline/Table of Contents
2. Draft Area C Zoning Bylaw Outline/Table of Contents
3. Area D Zoning Bylaw 1350-2016, Section 6.1.4 – Farm Home Plate

Submitted by:	I. Cooper, Contract Planner
Reviewed by:	K. Needham, Director of Planning and Development Services
Approved by:	L. Flynn, Chief Administrative Officer

Attachment 1: Draft Area C OCP Table of Contents - Bylaw No. 1484-2017

1. INTRODUCTION
 - 1.1 Definitions
 - 1.2 Purpose and Required Content
 - 1.3 Scope / Plan Area
 - 1.4 Review and Amendment of the Plan
 - 1.5 Regional Growth Strategy

2. COMMUNITY OVERVIEW
 - 2.1 Geography
 - 2.2 History and Cultural Heritage
 - 2.3 Settlement Patterns
 - 2.4 Population and Housing

3. SUSTAINABILITY AND RESILIENCE
 - 3.1 Ecological Sustainability
 - 3.2 Climate Change and Greenhouse Gas Reduction
 - 3.3 Natural Hazards
 - 3.4 Transportation
 - 3.5 Services and Infrastructure (Community Services)
 - 3.5.1 Utilities and Services
 - 3.5.2 Trail Network Plan

4. SUSTAINABILITY IN LAND USE
 - 4.1 Agriculture - Pemberton Valley Agricultural Area Plan
 - 4.2 Industrial
 - 4.2.1 Resource Industrial Activity
 - 4.2.2 Industrial Development
 - 4.3 Commercial /Mixed Use Development
 - 4.4 Affordable Housing

5. LAND USE DESIGNATIONS
 - 5.1 Residential Designation
 - 5.2 Rural Residential Designation
 - 5.3 Resource Management Designation
 - 5.4 Agriculture Designation
 - 5.5 Commercial/Mixed Use Designation
 - 5.6 Community Watershed Protection Designation
 - 5.7 Park Designation

6. IMPLEMENTATION
 - 6.1 Sub-Area Planning

- 6.2 Implementing Zoning Bylaws
- 6.3 Development Approval Information Area

7. DEVELOPMENT PERMIT AREAS

- 7.1 Riparian Protection Development Permit Area
- 7.2 Wildfire Protection Development Permit Area
- 7.3 Flood Hazard Development Permit Area
- 7.4 Slope Stability – Geohazard Development Permit Areas
- 7.5 Protection of Farming Development Permit Area
- 7.6 Mount Currie Commercial/Mixed Use Development Permit Area
- 7.7 Medical Marihuana Production Facility Development Permit Area

LIST OF SCHEDULES

Schedule B to Bylaw 1484, 2017– Electoral Area C OCP Maps

Map 1 - Land Use Designations

Map 2 - Service Areas

Map 3 - Transportation, Trails,

Map 4 - Nt'ákmen Areas

Map 5 - Floodplain and Geotechnical Hazards

Mount Currie – D'Arcy Corridor Geohazards

Pemberton Valley Floodplain

Map 6 - Riparian Assessment Areas

Map 7 - Known Aquifers

Map 8 - Wildlife Habitat, Wetlands, and Old Growth Management Areas

Map 9 - Aggregate Resources

Map 10 - Development Permit Areas

Attachment 2: Draft Table of Contents: Electoral Area C Zoning Bylaw No. 1485-2017

Section 1 - Definitions

Section 2 - Administration

Section 3 - Zones

Section 4 - General Regulations

Section 5 - Parking Regulations

Section 6 - Agriculture Zones

Section 6.1 - AGR1 - Agriculture 1 Zone

Section 6.2 - AGR2 - Agriculture 2 Zone (Pemberton Fringe)

Section 7 - Rural Zones

Section 7.1 - RR1 - Rural Resource 1 Zone

Section 7.2 - RR2 - Rural Resource 2 Zone

Section 7.3 - RR3 - Rural Resource 3 Zone

Section 7.4 - RR4 - Rural Resource 4 Zone

Section 7.5 - RR5 - Rural Tourist Accommodation

Section 7.6 - RR McG - Rural McGillivray Zone

Section 7.7 - RR Pon - Rural Ponderosa Zone

Section 7.8 - RR LL - Rural Lillooet Lake Zone

Section 8 - Residential Zones

Section 8.1 - R1 - Residential

Section 8.2 - R-MHP - Residential Mobile Home Park Zone

Section 9 - Commercial and Mixed-Use Zones

Section 9.1 - C1 - Commercial

Section 9.2 - CMtC - Mt. Currie Commercial / Mixed-Use Zone

Section 9.3 - CDÁ - D'Arcy Commercial / Mixed-Use Zone

Section 9.4 - TC1 - Tourist Commercial Zone 1

Section 9.5 - TC2 - Tourist Commercial Zone 2

Section 10 - Park Zones

Section 10.1 - PS1 - Park Space 1 Zone

Section 11 – CWP - Community Watershed Protection Zone

Attachment 3: Area D Zoning Bylaw 1350-2016, Section 6.1.4 – Farm Home Plate

Farm Residential Footprint, Farm Residence, and Farm Employee Residence

6.1.4 *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 Agricultural Land Reserve (ALR) and are subject to the provisions of the Agricultural Land Commission Act.*

General Requirements

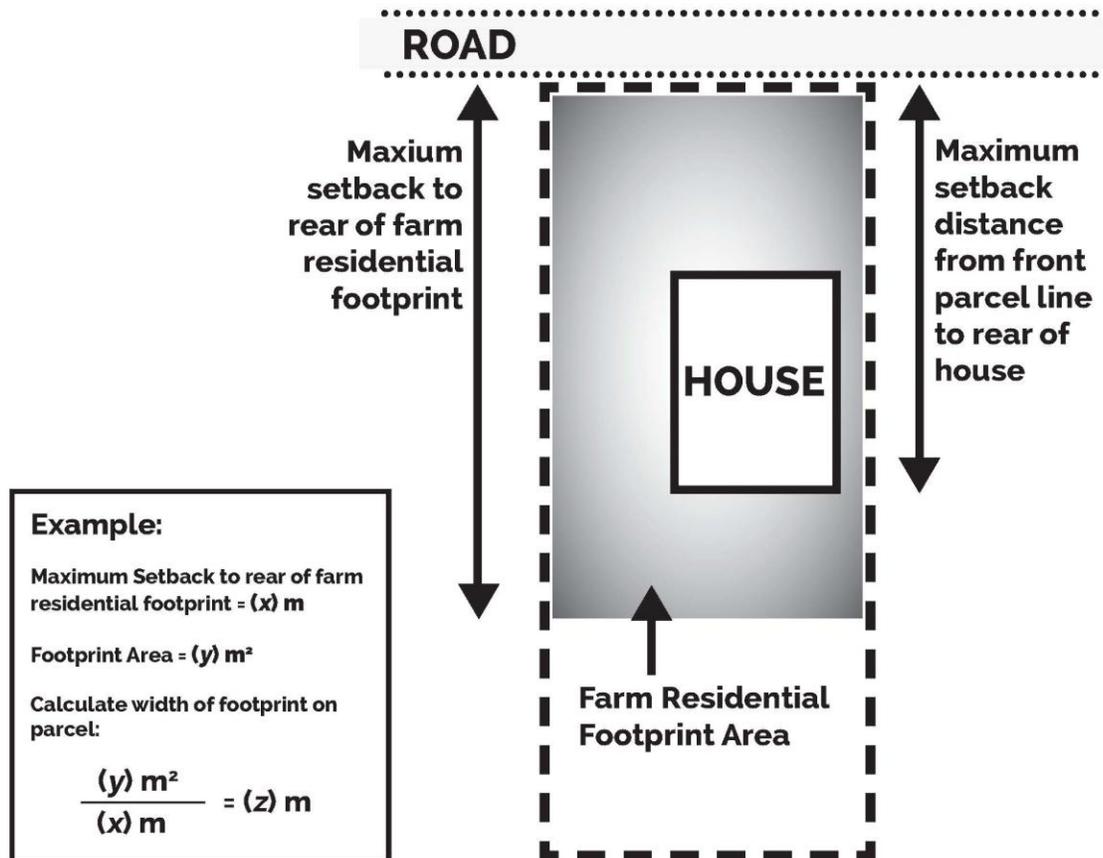
- .1 On all lots within the AGR1 Zone, the farm residence, farm employee residence, home office, home craft, and all accessory residential facilities must be located within the farm residential footprint area.*
- .2 No non-agricultural or non-farm use is permitted outside the farm residential footprint.*

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

- .11 A person may apply for a farm employee residence by completing an application on the prescribed form and shall include a detailed site plan.
- .12 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.
- .13 A farm employee residence is not permitted on any lot less than 4 ha.
- .14 A maximum of one farm employee residence is permitted on any lot, subject to Section 6.1.4.