



Committee Report

Date of Report: May 4, 2022
Date & Type of Meeting: May 22, 2022 Rural Affairs Committee Meeting
Author: Dana Hawkins, Planner 2
Subject: Agriculture Policy Review
File: 10\5200\20\AG AGRICULTURAL POLICY REVIEW\PHASE2-2019
Electoral Area/Municipality: Areas A, B & C

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to introduce amendments pertaining to agriculture to the Comprehensive Land Use Bylaws for Electoral Areas A, B and C for first and second reading and referral to a Public Hearing.

These amendments are the recommendations of the Agricultural Policy Review Phase Two. The purpose of this project is to consider current legislation, existing plans and best management documents as well as input from farmers, technical advisors and the public to amend Official Community Plans and Zoning Bylaws with the goal of supporting farming and protecting farmland in the Regional District.

SECTION 2: BACKGROUND/ANALYSIS

2.1 Project Background

Following up from Phase One completed early 2019, the Agriculture Policy Review Phase Two considers current legislation, existing plans and best management documents as well as input from farmers, technical advisors and the public to amend RDCK land use regulations with the goal of supporting farming and protecting farmland in the Regional District. A review of RDCK land use bylaws policies and regulations will enable the Board to define its role and interests in planning for agriculture over the long term and take further steps to implement the Agricultural Area Plan. The project is also anticipated to improve the regulatory environment for agriculture by being responsive to the needs and concerns of farmers, residents and backyard gardeners. Alignment of RDCK bylaws with existing Agricultural Land Commission (ALC) regulations will offer clarity and better service to the public.

The amended project charter was approved by the Board September 23, 2021. Engagement activities took place over fall and winter 2021, which included a public survey, focus groups, meetings with the Creston Valley Agriculture Advisory Committee, and a water providers survey. Engagement results were presented to the Rural Affairs Committee (RAC) at their January 19, 2022 meeting. Utilizing existing legislation, plans, best management documents and the engagement results staff have prepared amending bylaws for Electoral Areas A, B and C. Draft bylaws for the remaining electoral areas will follow at a future RAC meeting.

2.2 Summary of Proposed Amendments

Amendments to Official Community Plan Agriculture Sections

The proposed bylaws include amendments to agriculture objectives and policies to strengthen protection of agriculture, align with ALC regulations, include policy support for zoning regulations for farmworker housing and Farm Residential Footprints, and support Environmental Farm Plans.

Amendments to Zoning Bylaw Interpretation Sections

The following changes have been made to the interpretation sections to facilitate the changes to zoning:

- i. Delete definitions that are no longer referenced anywhere in bylaws, such as Agri-Tourism and Immediate Family;
- ii. Include a diagram that helps explain what a Farm Residential Footprint is;
- iii. Include definitions for permitted uses such as Temporary Farmworker Housing; and,
- iv. Amend the definition for Gross Floor Area (GFA) to remove the exemption of unfinished basements and breezeways from the calculation of GFA but add an exemption for crawl spaces.

Amendments to General Use Regulations

This includes housekeeping changes to update references to current ALC regulations and to reference the newly proposed Agriculture 1 (AG1) and Agriculture 2 (AG2) zones in Area A.

Amendments to Agriculture Zones

The most significant proposed changes are to the agricultural zones, which are to be repealed and replaced with new zones included as schedules to the amending bylaws. A summary of the changes are listed below:

- i. Electoral Area A's amending bylaw proposes creating a new agriculture zone for smaller 2 hectare lot sizes that are more suited to hobby farm and garden scale farming. The existing Agriculture (AG) zone will be repealed and properties zoned AG are proposed to be rezoned to either Agriculture 1 (AG1) – new zone or Agriculture 2 (AG2) – existing updated zone, determined by their current lot sizes.
- ii. References within the zone to ALC regulations and applications have been updated.
- iii. Under permitted uses, duplicate uses that are listed on their own and included as Farm Uses have been removed to be captured under Farm Use. For example Horse Riding Arena and Boarding Stables were listed as a permitted use but they are also considered a Farm Use as defined by the Agricultural Land Reserve Use Regulation, so it was considered redundant to list twice.
- iv. The proposed bylaws update the types of accessory residential uses allowed secondary to a single family home. Previously secondary suites, manufactured homes for family, accommodation above existing buildings, farm help accommodation and temporary farm worker housing were permitted. Most of these uses were aligned with older ALC regulations that were most recently changed to permit an accessory dwelling unit of up to 90 square metres in size. The amended zones allow secondary suites, farmworker dwelling units and temporary farmworker housing.

Although the ALC does not restrict occupancy of accessory dwelling units, staff propose limiting them to farm workers only. The rationale for this is to reduce property speculation, increased land costs and non farm use on agricultural land, while supporting the real need for farm worker housing. As well it is in response to the limited water supply experienced in the Creston Valley last summer and concerns from water providers in the area that they can not accommodate further density. Staff have recommended not to restrict the form of the farmworker dwelling unit; it can be a garden suite, carriage house or manufactured home so long as it meets the maximum gross floor area of 90 square metres. Secondary suites have no restriction on who may occupy them.

- v. Farm Residential Footprints were included in Electoral Areas A, B C in 2019 as part of Phase 1. The Phase 2 amending bylaw also proposes adding a maximum setback to the Farm Residential Footprint to require residential uses to be sited at the front of a property to prevent fragmenting agricultural land. A setback of 60 metres is proposed which aligns with the Ministry of Agriculture's Guide for Bylaw Development in Farming Areas. If unique circumstances arrive where a property would have hardship meeting the set back, it could be varied through a Development Variance Permit application.
- vi. The bylaws include a maximum gross floor area for single family homes that increases with larger lot sizes. For example the smaller AG zones permit a gross floor area of 185 square metres (2000 square feet), while zones with larger minimum lot areas permit gross floor areas of 300 square metres (3000 square feet) up to 375 square metres (4000 square feet). All zones restrict the gross floor area to less than 500 square metres (5382 square feet) which is the maximum set by the ALC. The purpose of which is to reduce property speculation and increased land costs on agricultural lands.
- vii. Further regulations for Farmworker Dwelling Units have been included to ensure they are used to support farms. The maximum gross floor area is 90 square metres (969 square feet) matching the ALC maximums. These uses are also only permitted on lots with Farm Operations that are classified as a farm under the Assessment Act, larger than 2 hectares, and where a Farm Business has been in operation for at least three years. This language is similar to what exists today in the AG zones except the minimum lot size has been reduced from 4 hectares to 2 hectares.
- viii. Temporary Farmworker Housing has been added as a permitted use to all AG zones; it is presently only permitted in Electoral Area B. Further regulations have been added to mitigate potential impacts to nearby properties. This includes a maximum number of units for smaller lots, a minimum lot size, setbacks and buffering.

Amendments to Rural Residential and Rural Resource Zones

It is proposed to add Temporary Farmworker Housing as an accessory use to larger rural residential lots to permit accommodation off farm for temporary workers. This was recommended by Central Kootenay Food Policy Council's Evidence-based Food Policy Project. The proposed amendments also include regulations such as minimum lot size, setbacks and buffering to mitigate impacts to nearby properties.

Amendments to Forest Reserve Zones

Agriculture has been added as a permitted principal use to the Forest Reserve zones as recommended by the RDCK Agriculture Plan.

2.3 Summary of Referral Comments

A full list of the agencies referred to and compiled comments received are included as Attachment 'A' to the staff report. A summary of comments received and actions taken by RDCK is included in Table 1 below.

Table 1

Agency	Comments	RDCK Action
Little Shuswap Lake Band <i>A referral was sent to Ktunaxa Nation Council, Shuswap Nation</i>	- No concerns	- No action

<i>Tribal Council, K'eme'lups Band and Skeetchestn Indian Band with no comments received</i>		
Ministry of Energy Mines and Low Carbon Innovation	- No concerns	- No action
BC Hydro	- No concerns	- No action
Electoral Area A Director	- Remove OCP policy regarding Town of Creston as Area A is not adjacent - Include setback for all habited structures including RV's	- Suggested change has been made in the draft bylaw - Clarity added to setback requirements for Temporary Farmworker Housing
RDCK Fire Department	- No concerns	- No action
Creston Valley Agriculture Advisory Commission	- Support for changes - Suggest emphasis on proven water availability where housing development is being considered - Suggest further review of cannabis regulations - Correct references to Town of Creston	- Further review of water capacity is more appropriate for the subdivision or building bylaws. The conservative approach to allowing future residential use is in part proposed due to limited water capacity - Cannabis regulations have not been altered - References have been corrected
Ministry of Agriculture c/c Agricultural Land Commission	- Support for changes - recommend allowing livestock processing on all parcels in the ALR to align with ALC regulations - Suggested wording for referencing ALC requirements for cannabis	- Suggested changes have been made in the draft bylaws
Ministry of Transportation and Infrastructure	- Comments on a specific property with an instream subdivision application - Request no further restriction of boundary adjustment proposals	- No action
Central Kootenay Food Policy Council	- Overall supportive with some recommendations - Suggest an exception for livestock operations from the Residential Farm Footprint to allow residential buildings as part of the cluster of structures so that predator and birthing events can be effectively & efficiently addressed by the farmer - Notification that cannabis operators cannot have farm status so would not be able to	- The specific circumstances mentioned could be addressed on a case by case basis through a Development Variance Permit with rationale for support if the proposal would still support farming

	<p>have a farmworker dwelling unit or temporary farmworker housing</p> <ul style="list-style-type: none"> - Request for a way for the requirement to be in business for three years be waived if there is a strong and credible business plan that demonstrates the necessity of farm workers to the success of the enterprise - Wording suggestion for agriculture policy - The minimum lot sizes for farm workers and for livestock processing is redundant and unnecessary to state since the zone requires a minimum of 30 hectares 	<ul style="list-style-type: none"> - Suggested change has been made to the referenced policy - Some preexisting lots do not meet the subdivision regulations, therefore staff recommend keeping minimum lot sizes for certain uses even if they are smaller than the minimum lot size of the zone
Kootenay Cannabis Economic Development Council	<ul style="list-style-type: none"> - Recommend removal of specific cannabis regulations such as setbacks and maximum footprints 	<ul style="list-style-type: none"> - No change at this time. Further discussion is warranted
North Canyon Improvement District	<ul style="list-style-type: none"> - A future well is being added to their system – subject to IHA approval. This could add capacity for additional dwellings. However current capacity cannot support an influx of new dwellings 	<ul style="list-style-type: none"> - No action
Young Agrarians	<ul style="list-style-type: none"> - Keep manufactured homes as a permitted use but remove the requirement for family only - Recommends not restricting occupancy of the accessory dwelling to farmworkers only - Concern that a leasing farmer would not fit the definition of farmworker - Recommend allowing tiny homes and yurts - Recommend lessening the three year requirement of a farm operation for accessory housing types if there is a business plan 	<ul style="list-style-type: none"> - A manufactured home can be a farmworker dwelling unit if it meets the 90 m² maximum size - No action - Staff believe a leasing farmer would meet the definition and qualify for a farmworker dwelling unit - Concerns exist with permitting full time residence in structures outside of the BC Building Code - Further discussion may be warranted. The requirement is desired to ensure the property is being farmed not to be a barrier for farmers

Town of Creston	- Comments are expected after the May 10 th Council meeting and will be included as an addenda to the staff report	- No action at this time
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2.4 Next Steps

Should RAC grant first and second reading of the amending bylaws, the bylaws would be scheduled for a public hearing. At the same time that the public hearing is advertised a public open house taking place before the hearing will also be advertised. As the proposed amendments will affect many property owners, the open house will provide further opportunity for the public to be aware of the proposed changes, seek information and ask questions before submitting formal responses at the public hearing. After the public hearing the Board will have the option to make further changes to the bylaw (requiring a reread of second reading and another public hearing) or if satisfied read the bylaws a third time.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No **Financial Plan Amendment:** Yes No
Debt Bylaw Required: Yes No **Public/Gov't Approvals Required:** Yes No

Costs for advertising for the public hearing and open house will be incurred and paid through Planning Service 104.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

The proposal includes amendments to Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013; Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013; and Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013. These amendments consider the recent changes to Agricultural Land Commission regulations: *Agricultural Land Commission Act*, *Agricultural Land Reserve General Regulation*, and *Agricultural Land Reserve Use Regulation*.

3.3 Environmental Considerations

Agriculture depends on ecosystem services (the ecological goods and services provided by natural ecosystems) and involves the cycling of water and nutrients, pollination and natural pest control. Farmland may complement ecosystem services by protecting habitat and supporting biodiversity. Related environmental challenges include the increasing demand and competition for land and water associated with development, and adapting to climate change.

3.4 Social Considerations:

The goal of this project is to work towards protecting agriculture and farmland, supporting farmers in earning a living and enabling local food supply.

3.5 Economic Considerations:

Agriculture is an important economic driver in the RDCK. Agriculture is considered to have high multiplier effects relative to other sectors – recycling spending in the local economy and stimulating additional local business activity.

3.6 Communication Considerations:

This report summarizes the referral comments of internal departments, public agencies, local farming organizations, and First Nations. All referral comments received are included as Attachment 'A'.

3.7 Staffing/Departmental Workplace Considerations:

The project is lead by the Planner 2.

3.8 Board Strategic Plan/Priorities Considerations:

Share sub-regional experiences and create Official Community Plans (OCP) using consistent language and terminology.

SECTION 4: OPTIONS & PROS / CONS

As part of the Agriculture Policy Review Phase 2 project, the review of existing legislation, plans, best management documents and the engagement results of activities conducted fall and winter 2021 has resulted in proposed amending bylaws for Electoral Areas A, B and C. These bylaws propose a number of changes to the agricultural policies and objectives and agricultural zones in each area's Comprehensive Land Use Bylaw (detailed in Section 2.2). The goal of these amendments is to support farming and protect farmland in the Regional District. The proposed amendments have been referred to internal departments, external agencies, local farming organizations, First Nations and the public, and comments are included as Attachment A.

Staff recommend that the amending bylaws be granted first and second reading and that they be referred to a public hearing.

SECTION 5: RECOMMENDATIONS

1. That Electoral Area 'A' Land Use Amendment Bylaw No. 2834, 2022 being a bylaw to amend the Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.
2. That Electoral Area 'B' Land Use Amendment Bylaw No. 2835, 2022 being a bylaw to amend the Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.
3. That Electoral Area 'C' Land Use Amendment Bylaw No. 2836, 2022 being a bylaw to amend the Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.
4. That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Rural Affairs Committee Chair Director Casemore is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Respectfully submitted,
Dana Hawkins, MCIP, RPP

CONCURRENCE

Planning Manager – Nelson Wight

Approved

General Manager of Development Services and Community Sustainability – Sangita Sudan

Approved

Chief Administrative Officer – Stuart Horn

Approved

ATTACHMENTS:

Attachment A – Referral Comments

Attachment B – Electoral Area 'A' Land Use Amendment Bylaw No. 2834, 2022

Attachment C – Electoral Area 'B' Land Use Amendment Bylaw No. 2835, 2022

Attachment D – Electoral Area 'C' Land Use Amendment Bylaw No. 2836, 2022



**Agriculture Policy Review
Attachment A
Referral Comments
16 pages**

**RDCK Planning File No. Agriculture Policy Review
Amendment to Area A Comprehensive Land Use Bylaw
No. 2315, 2013; Area B Comprehensive Land Use
Bylaw No. 2316, 2013 and Area C Comprehensive Land
Use Bylaw No. 2317, 2013.
Date: April 4, 2022**

You are requested to comment on the attached Amendment Bylaw(s) for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO MAY 4, 2022). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF THE BYLAW:

Significant changes have occurred in the past few years related to food systems and agriculture in the RDCK. This project considers current legislation such as the *Agricultural Land Commission Act*, existing plans such as the RDCK Agricultural Plan, and best management documents as well as input from farmers, ranchers, farming organizations, and the public to update RDCK land use regulations with the goal of supporting farming and protecting farmland in the RDCK.

Further information can be found at www.rdck.ca/agriculture

Existing versions of bylaws can be found here: <https://www.rdck.ca/EN/main/government/bylaws/land-use-planning.html>

LEGAL DESCRIPTION & GENERAL LOCATION:

The proposed amendments affect properties zoned the below zoning designations within Electoral Areas A, B & C (the Creston Valley) and includes amendments to the General Use Regulations and Interpretation section.

ZONING DESIGNATIONS:

Rural Residential (R3); Rural Resource (R4); Agriculture (AG); Agriculture 1 (AG1); Agriculture 2 (AG2); Agriculture 3 (AG3); and Forest Reserve (FR)

OCP DESIGNATIONS:

Rural Residential (RR); Agriculture (AG); Forest Resource (FR)

APPLICANT/AGENT:

This application is initiated by the RDCK. Resolution 686/21 was passed by the RDCK Board on September 23, 2022.
That the Board direct staff to undertake the Agriculture Policy Review Phase Two as described in the Committee Report - Agriculture Policy Review Phase Two dated September 9, 2021.

Please fill out the Response Summary on the back of this form. If your agency's interests are 'Unaffected' no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this bylaw.

**DANA HAWKINS MCIP, RPP, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY**

- TRANSPORTATION West Kootenay
- FRONT COUNTER BC (FLNRORD)
- AGRICULTURAL LAND COMMISSION
- REGIONAL AGROLOGIST
- INTERIOR HEALTH HBE Team, Nelson
- WATER SYSTEM OR IRRIGATION DISTRICTS
- ARMSTRONG BAY IMPROVEMENT DISTRICT, DUCK LAKE DYKING DISTRICT, WYNDEL IRRIGATION DISTRICT, KITCHENER IMPROVEMENT DISTRICT, NORTH CANYON IMPROVEMENT DISTRICT, ORDE CREEK IMPROVEMENT DISTRICT, RYKERT IRRIGATION DISTRICT, CRESTON DYKING DISTRICT, NICKS ISLAND DYKING DISTRICT, RECLAMATION DYKING DISTRICT, SOUTH CANYON IMPROVEMENT DISTRICT
- UTILITIES
- FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER
- FARMING ORGNIZATIONS
- EAST SHORE FOOD ROOTS, CRESTON VALLEY AGRICULTURAL SOCIETY, CRESTON VALLEY BEEF PRODUCERS, CRESTON VALLEY FOOD ACTION

- FIRST NATIONS**
- KTUNAXA NATION COUNCIL (ALL REFERRALS)
 - YAQAN NU?KIY (LOWER KOOTENAY)
 - ?AKINK'UM?ASNUQ?I?IT (TOBACCO PLAINS)
 - ?AKISQNUK (COLUMBIA LAKE)
 - ?AQ'AM (ST. MARY'S)
 - OKANAGAN NATION ALLIANCE
 - C'AC'AWIXA? (UPPER SIMILKAMEEN)
 - K?K'ER'MIWS (LOWER SIMILKAMEEN)
 - SNPINTKTN (PENTICTON)
 - STQA?TKW?WT (WEST BANK)
 - SUKNAQINX (OKANAGAN)
 - SWIWS (OSOYOOS)
 - SPAXOM?N (UPPER NICOLA)
 - SHUSWAP NATION TRIBAL COUNCIL
 - KENPESQT (SHUSWAP)
 - QW?EWT (LITTLE SHUSWAP)
 - SEXQELTQIN (ADAMS LAKE)

COALITION, FIELDS FORWARD SOCIETY, CENTRAL KOOTENAY FOOD POLICY COUNCIL, KOOTENAY & BOUNDARY FARM ADVISORS, KOOTENAY CANNABIS ECONOMIC DEVELOPMENT COUNCIL, YOUNG AGRARIANS, KOOTENAY LOCAL AGRICULTURE SOCIETY, KOOTENAY ORGANIC GROWERS SOCIETY, CENTRAL KOOTENAY INVASIVE SPECIES SOCIETY

REGIONAL DISTRICT OF CENTRAL KOOTENAY

DIRECTORS FOR:

A B C D E F G H I J K

ALTERNATIVE DIRECTORS FOR:

A B C D E F G H I J K

COMMITTEES & COMMISSIONS

AREA A APC, CVAAC, CRESTON VALLEY-KOOTENAY LAKE ECONOMIC ACTION PARTNERSHIP

RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)

RDCK EMERGENCY SERVICES

RDCK BUILDING SERVICES

RDCK UTILITY SERVICES

RDCK SUSTAINABILITY SERVICES

SIMPCW ((SIMPCW)

SKEMTSIN (NESKONLITH)

SPLATSÍN (SPLATSÍN FIRST NATION)

TK'EMLUPS BAND

SKEETCHESTN INDIAN BAND



1886 Little Shuswap Lake Rd • Chase BC • V0E 1M2
tel 250.679.3203 • fax 250.679.3220

Project Name:

Agricultural Policy Review in the Creston Valley

FN Consultation ID:

AG Policy Review

Consulting Org Contact:

Mikaela Wheaton

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Wednesday, April 6, 2022

WITHOUT PREJUDICE*1

April 6, 2022

Attn: Mikaela Wheaton, Regional District of Central Kootenay

Weytk,

Little Shuswap Lake Band (LSLB) is in receipt of the referral for: Agricultural Policy Review in the Creston Valley.

While the project area is within LSLB shared territory, the project is within other Secwepemc Band(s) title and governance area. Given this assessment we would defer to the Secwepemc Band(s) whose traditional territory this project lies within or is affected by the project.

Should LSLB identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Secwepemc Band(s) whose title and governing authorities are directly affected.

Kukstemc,

LSLB Referrals Team

Email: referrals@lslb.ca

*1: This letter and response to this referral is without prejudice to the aboriginal rights of the Little Shuswap Lake Band or the aboriginal rights of any members thereof. Little Shuswap Lake Band is without prejudice to its position that it holds aboriginal title to the whole territory within which the project work and this letter applies, and any claim that that the Little Shuswap Lake Band may make therefore, including a claim for fair compensation for any infringement on that title. Furthermore, sharing of the information in this letter does not constitute consultation. In the event that the Little Shuswap Lake Band develops its own policy on consultation, infringement and compensation, its response to this project and the information contained in this report and any related documentation will be subject to that policy.

The personal information on this form is being collected pursuant to Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY

PLANNING FILE NO.: AGRICULTURE POLICY REVIEW APPLICANT: RDCK

Name: Date:

Agency: Title:

RETURN TO: DANA HAWKINS, PLANNER

DEVELOPMENT SERVICES

REGIONAL DISTRICT OF CENTRAL KOOTENAY

BOX 590, 202 LAKESIDE DRIVE

NELSON, BC V1L 5R4

plandept@rdck.bc.ca

The Ministry of Energy Mines and Low Carbon Innovation appreciates the ability to comment on the proposed changes. It appears that the proposed changes will not have an effect on our areas of responsibility. Applications for activities on private parcels is typically for Sand and Gravel operations. If the area is within the ALR the file will be referred to the ALC for review and permit from the ALC. The application would also be referred to the Regional District for comment.

Mike Daigle April 7, 2022

Min. of Energy Mines an LCI Senior Inspector of Mines (Permitting

Dana Hawkins

From: Turner, Allyson <Allyson.Turner@bchydro.com>
Sent: April 8, 2022 12:01 PM
To: Planning
Cc: Hornby, Joan
Subject: RE: AG Policy Review: CLUBs 2315, 2316 and 2317

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

Hi Mikaela,

Thank you for allowing BC Hydro the opportunity to review the rezoning application and Agricultural Bylaw amendment. BC Hydro does not have any objections to the proposed rezoning of the listed properties, nor the bylaw amendment as it does not appear to impact existing works. BC Hydro will reserve the right to comment further should there be future rezoning in the area that will impact our works.

Sincerely,

Allyson Turner
Property Coordinator, Property Rights Services

BC Hydro
1401 Kalamalka Lake Rd
Vernon, BC V1T 8S4

E allyson.turner@bchydro.com

bchydro.com

Smart about power in all we do.

From: Planning <PlanDept@rdck.bc.ca>
Sent: 2022, April 04 10:44 AM
Subject: AG Policy Review: CLUBs 2315, 2316 and 2317

Good Morning,

Attached is a referral package, as prepared by Planner, Dana Hawkins, for the above noted file. Please return your comments, if any, to plandept@rdck.bc.ca prior to **May 4th, 2022**.

Sincerely,

Mikaela Wheaton | Planning Assistant

Regional District of Central Kootenay

Dana Hawkins

From: Garry Jackman
Sent: May 2, 2022 4:26 PM
To: Planning
Cc: Garry Jackman
Subject: RE: AG Policy Review: CLUBs 2315, 2316 and 2317

Hi Mikaela

I did a quick read through and noticed two small points for the Area A amendment (2834):

- 1 A) refers to the "Village of Creston" which should read "Town of Creston". I am not sure if this line should be there at all, since Area A does not have any direct interface with the town, just Areas B and C.
- 2 J) c. indicates if screening is in place (min 1.5M width) then "...the minimum setback shall not be required". Should there still be a 2.5m setback for any structure which is inhabited (where there could be a fire caused by cooking or heating) as per the building bylaw, even if the inhabited structure is an RV?

Garry


Garry Jackman | Director Electoral Area A

Regional District of Central Kootenay | [Satellite Office]

Phone: 250.223.8463

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rdck.ca

From: Planning
Sent: Monday, May 2, 2022 10:05 AM
Cc: 

Subject: RE: AG Policy Review: CLUBs 2315, 2316 and 2317

Good Morning,

Please note that the response deadline for this referral is this Wednesday, [May 4th, 2022](#).
Should you require additional time to provide comments please let us know as soon as possible.

Sincerely,

Mikaela Wheaton | Planning Assistant

Dana Hawkins

From: Gord Ihlen
Sent: May 2, 2022 10:23 AM
To: Planning
Cc: Kynan ORourke
Subject: RE: AG Policy Review: CLUBs 2315, 2316 and 2317

Hi All,
Chief Riel from Creston Fire is away this week and will not be able to comment on this referral package. I have read it thru and so far see nothing for the Fire Service to be concerned with at this time. Thank you.

Gord Ihlen

Regional Assistant Fire Chief

Regional District of Central Kootenay

333 Victoria St. Suite 103, Nelson, BC, V1L 4K3

Phone: (250) 352-1572 **Cell:** 250 551 0430 **Fax:** (250) 352-9300

Web: www.rdck.ca **Friend us on** [Facebook](#)

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From: Planning
Sent: May 2, 2022 10:05 AM

Cc: [Redacted]

Subject: RE: AG Policy Review: CLUBs 2315, 2316 and 2317

Good Morning,

Please note that the response deadline for this referral is this Wednesday, [May 4th, 2022](#). Should you require additional time to provide comments please let us know as soon as possible.

Sincerely,

Mikaela Wheaton | Planning Assistant

Regional District of Central Kootenay

Phone: 250.352.1548 | **Fax:** 250.352.9300

Dana Hawkins

From: Randy Meyer [REDACTED]
Sent: May 3, 2022 8:01 AM
To: Dana Hawkins; Mikaela Wheaton
Subject: AG policy review

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

Good morning. On behalf of the Creston AAC here is our brief response.

We met last week, April 28th to go over the updated draft.

On the whole, we are pleased to see much of our concerns being addressed concerning house size limits, farm worker accommodations and temporary worker accommodations. Also, the overall residential footprint size limits along with siting of residential buildings closer to lot boundaries to limit usable land losses are all positive changes. That has been our main area of concern in this whole project. We are losing way too much valuable land to residential creep. If anything is missing, it is more emphasis on proven water availability where housing development is being considered.

While we didn't spend much time on it, there seems to be an overabundance of clauses & wordings pertaining to cannabis production. While it needs to be strictly controlled, we doubt it will become a major crop as far as land use is concerned. Maybe more discussion should happen specific to this aspect?

One item noticed was some wording that shows up in 3 places that should be corrected. On page 9, Item #1, the wording reads: To work with the "Village of Creston"...Should be at least the "Town of Creston" or possibly the "City of Creston" . It shows up the same on page 22, item #1B, & again on page 35, item #1A.

Not sure where the process goes next, or what the timeline will be, but it will be more difficult for the AAC members to easily meet as we are all busier doing what we do on our farms now that the growing season is underway. Hope this gets wrapped up soon!

Thank you.

Randy, for Creston AAC



May 3, 2022

Dana Hawkins
Planner 2
Regional District of Central Kootenay

Sent by email

Dear Dana:

Re: Agriculture Policy Review Amendment to Area A Comprehensive Land Use Bylaw No. 2315, 2013; Area B Comprehensive Land Use Bylaw No. 2316, 2013 and Area C Comprehensive Land Use Bylaw No. 2317, 2013.

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on the proposed amendments to the Comprehensive Land Use Bylaws for Areas A, B and C (the Bylaws). From an agricultural perspective, the Ministry offers the following comments, which pertain to all A1, A2 and A3 zones within Areas A, B and C:

Support for Agriculture

Overall, Ministry staff appreciate the effort that the RDCK has invested into updating the Bylaws to ensure that they're consistent with the *Agricultural Land Commission Act* and its Regulations. Further, Ministry staff are pleased to see that many of the proposed changes aim to support farming and reduce non-farm impacts on agricultural land including, but not limited to, adding a maximum setback to the Farm Residential Footprint and including a maximum gross floor area for Single Family Dwellings. Ministry staff are also pleased to see that the Ministry's Guide for Bylaw Development in Farming Areas appears to have been utilized/referenced for the proposed changes to the Bylaws.

Farm Product processing that involves processing livestock:

a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve or 3 hectares within the Agricultural Land Reserve

As written, this section of the Bylaws prohibits processing livestock on parcels less than 3 ha in the Agricultural Land Reserve (ALR). Section 11 – Farm Products of the ALR Use Regulation does not distinguish between processing livestock versus other farm products nor does it restrict

processing to parcel size. Ministry staff recommend that RDCK amend this section of the Bylaws as follows to allow livestock processing on all parcels in the ALR:

a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve ~~or 3 hectares within the Agricultural Land Reserve~~

Cannabis Regulations:

Non-Soil Based Cannabis Facilities may be subject to ALC Non-Farm Use approval where applicable.

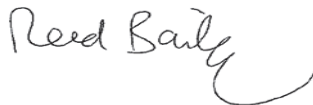
In 2019, the former ALR Subdivision, Use and Procedure Regulation was repealed and the ALR Use Regulation was created. Part of this change clarified that all forms of cannabis production in the ALR are a "farm use" given that cannabis production is contained with Part 2 of the ALR Use Regulation that is titled "Farm Uses". As such, landowners are not required to submit an application to the Agricultural Land Commission for any type of cannabis production facility. However, landowners may be required to submit a Notice of Intent for the removal of soil or placement of fill for the construction of structures to be used for the production of cannabis. Given this, RDCK may wish to amend this section of the Bylaws as follows:

***Non-Soil Based Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill** ~~may be subject to ALC Non-Farm Use approval where applicable.~~*

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Sincerely,



Reed Bailey
Land Use Planner
778-698-3455
Reed.Bailey@gov.bc.ca



Jeffrey Nimmo
Regional Agrologist
778-666-0568
Jeffrey.Nimmo@gov.bc.ca

Cc: Agricultural Land Commission – ALC.Referrals@gov.bc.ca

The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY
PLANNING FILE NO.: AGRICULTURE POLICY REVIEW APPLICANT: RDCK

MOTI comments:

We have a subdivision application in stream for a boundary adjustment between PID 016-456-921 and PID 015-087-361 (RDCK File #2115A)- properties owned by Barb and Gordon Ogilvie on Wigen Rd/Duck Creek Rd. It was noted during the preliminary review by Corey Scott that the properties are in separate Electoral districts and different zoning classes. The final subdivision would result in lots that are split zoned and split districted (see attached email from Corey). It would be nice to see these two parcels placed within the same zoning class and Electoral district, as you have identified 016-456-921 as undergoing a zone change at this time with these amendments.

In recent years, the subdivision proposals within the ALR in the Creston Valley have typically been boundary adjustment proposals. In many of these cases, the proposals met the parameters of the ALR General Reg 57/20 and more specifically 3. (2)(b)(iii), whereby the boundary adjustment will enhance the agricultural operations on the lands. We hope that the proposed updates do not prevent applicants from accomplishing these types of adjustments, or require that they undergo a significant review process, in order to continue or better accomplish the agricultural uses.

Please let me know if you have any questions or concerns.

Kind regards,
Juliet

Name: Date:
Agency: Title:

**RETURN TO: DANA HAWKINS, PLANNER
DEVELOPMENT SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
plandept@rdck.bc.ca**

RESPONSE SUMMARY
PLANNING FILE NO.: AGRICULTURE POLICY REVIEW APPLICANT: RDCK

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Overall we are very pleased with the intent and proposed changes in this package. We have a few specific recommendations:
- For Area A: "Section 4.14 Agriculture Policies be added as follows: Supports the use of maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations." We suggest an exception for livestock operations to allow residential buildings as part of the cluster of structures so that predator and birthing events can be effectively & efficiently addressed by the farmer(s).
- The requirement for farm status under the Assessment Act precludes cannabis as a permitted activity, since it is explicitly excluded from the Assessment Act regulation - We oppose this exclusion.
- In AG zones 1, 2, and 3, can the requirement to be in business for three years be waived if there is a strong and credible business plan that demonstrates the necessity of farm workers to the success of the enterprise?
- On page 22 and 33 (see highlighted text) the policy proposal is confusingly worded - presumably "further" is intended as a verb rather than the more common adverb or adjective form. For the purpose of clarity, we recommend that the sentence read "Discourages subdivisions of agricultural land that do not benefit agriculture and that cause further fragmentation of agricultural land."
- on page 33 in AG 3, the minimum lot sizes for farm workers and for livestock processing is redundant and unnecessary to state since the zone requires a minimum of 30 hectares.
- We advocate that cannabis cultivators receive the same protections for normal farm activities that are provided under the Right to Farm Act (Farm Practices Protection Act).
- We applaud the inclusion that encourages the adoption of Environmental Farm Plans as a tool to address the contributors to and impacts of Climate Change.
Thank you for the opportunity to provide comment.

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BÉGÉJÄÄ
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RETURN TO: DANA HAWKINS, PLANNER
DEVELOPMENT SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
plandept@rdck.bc.ca

RESPONSE SUMMARY

PLANNING FILE NO.: AGRICULTURE POLICY REVIEW APPLICANT: RDCK

The North American Industry Classification System (NAICS) classifies cannabis cultivation as a farming activity and it is recognized as such in some BC legislation and by the ALC. Therefore, it should be afforded the same protections for normal farm activities as all other sectors. The RDCK led the province

in listing cannabis as an approved use in zones but the footprint and siting requirements are not applied to any other sector - for example, dairy barns. We therefore respectfully submit that the siting requirements for cannabis structures related to setback from lot lines should be the same as other sectors, namely 5 meters. The external visuals of a cannabis structure are not extraordinary and if the excessive siting requirement relates to odour concerns, there are onerous and effective requirements imposed by Health Canada to address any odour issues, an obligation for any licensed cultivator. There are no inherent potential conflicts with adjacent land uses.

Our greatest concern is with the restrictions placed on the footprint of the cannabis structures, again, not applied to any other agricultural sector. The stated objectives for the agricultural zoning (OCP, Area B) include "To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas (Objective 2)" The Cannabis sector, like any others, requires the ability to size their enterprise so as to have the greatest chance of success. The 250 square meter maximum footprint for a cannabis building is unduly restrictive and can preclude the ability of a cannabis cultivator to achieving the scale necessary for enterprise viability. The regulatory landscape for the cannabis sector in Canada obligates cultivators to have a relationship with processors in order to package their product and achieve a pathway to market. This has resulted in predatory relationships between cultivators and larger cannabis enterprises that hold a processing license. Those who are able to are, therefore, seeking their own processing license as "a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use." (Agricultural Objective 5) The maximum footprint and gross floor area requirements applied only to cannabis operations are unduly restrictive and may preclude an option for controlling the cultivator's ability to package their own product. We strongly urge you to consider all the rationales provided in the recent variance that was granted to Sweetgrass Cannabis in Ymir related to footprint considerations. We are available to discuss further, as necessary.

Abra Brynne 3 May 2022
Kootenay Cannabis Ec Devt Council Coordinator

RETURN TO: DANA HAWKINS, PLANNER
DEVELOPMENT SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
plandept@rdck.bc.ca

Dana Hawkins

From: North Canyon Improvement District <ncidforyou@gmail.com>
Sent: May 5, 2022 4:24 PM
To: Planning
Subject: Re: AG Policy Review: CLUBs 2315, 2316 and 2317

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

Hello Mikaela,

My apologies for the late response. However, I wanted to give you some comments from the North Canyon Improvement District. We are in the process of attempting to add another well to our system to help with distribution problems. This is subject to IHA approval. With the addition of this well, we feel like we are in a much better position to provide water to additional dwellings within the North Canyon jurisdiction. However, as our current infrastructure stands we feel we do not have adequate supply for a large influx of additional users.

We also noticed the following information included in the referral information:

“In 2017, the Regional District received the Agricultural Land Use Inventory and **Agriculture Water Demand Model for the region**, which portray a snapshot of current agricultural activities and lands suitable for agriculture and estimate the current water and irrigation demands and projected needs under varying climate scenarios.”

Would we be able to get access to this document?

Thanks,
Jenna Traxel
Administrator
North Canyon Improvement District
Box 60 Canyon BC V0B 1C0
250.254-1215 o

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, re-transmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system. Thank you.

On Mon, May 2, 2022 at 10:05 AM Planning <PlanDept@rdck.bc.ca> wrote:

Good Morning,

Comments on Agriculture Policy Review Areas A, B, C - Creston Valley

May 2022

Provided by Young Agrarians / BC Land Matching Program

<https://youngagrarians.org/tools/land/bc-land-matching-program/>

Young Agrarians (YA) is an educational resource network for new and young ecological farmers in Canada. It is more important than ever to ensure new and young farmers have a pathway into farming, but land access remains the #1 challenge for new farmers in Canada. The long-term viability of primary producers in our food system depends on the ability of the sector to attract and retain new entrants, and, in effect: access land to grow food. Policies that support new and leasing farmers to get on the land include residential flexibility, so that farmers can start and operate land-based businesses in a changing context.

Thank you for your consideration of the comments provided below.

Section: Amendments to Agriculture Zones

Passage: “Update the types of accessory residential uses allowed to secondary suites, farmworker dwelling units and temporary farmworker housing, and remove other residential uses such as manufactured homes for family.”

Comment: This amendment would ideally preserve the residential use of manufactured homes, but instead clarify removal of requirement of “for family” to align with the ALC Act.

Section: Application 1. c)

Passage: “May consider accessory dwellings where there is a need for farm worker housing on an operating farm, and where the additional density can be sustainably serviced.”

Comment: This Application would ideally be to “allow accessory dwellings as per the ALC Act” and include secondary dwellings more specifically in addition to the uses included there; avoid restrictions for the use of the second dwelling, ie. making it a farmworker dwelling.

Reference material:

https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/alc_residential_flexibility_faqs.pdf

Section: Permitted Uses in Schedule A

Comment: It would be beneficial for new entrants to agriculture to see the allowance for second dwellings with no restrictions on occupancy.

Comment: The development regulations don't match the ALC Act regulations, this should be encouraged whenever possible.

Section: Amendments for Agriculture and Residential Zones

4.13 - Accessory dwellings

17 - Farmworker Housing, Temporary (tents/RVs)

Comment: Farmworker and Temporary Farm Worker are referenced in relation to secondary and additional housing regulations but does not mention Leasing Farmers as an additional group that would need to access additional housing on these types of properties for agricultural production. In these situations, leasing farmers would not qualify as a Temporary Worker nor Farm Workers, as they are not an employees or contracted through the Seasonal Agricultural Workers Program. It is important to highlight the fact that a leasing farmer technically wouldn't be permitted as per the proposed changes. It is also worth highlighting the "necessary for farming" concept and how that will be determined > eg small scale farms, leased farms etc. Additionally, many land seeking farmers looking to start or expand their operations may have other kinds of housing including tiny houses and yurts that may not follow standard building regulations but are becoming more common in the context of housing and land prices and rental shortages on and around available farmland. Allowances for accessory dwellings like these, semi-permanent (temporary but year round), that have self contained showers, composting toilets and grey water management should be allowed within the same footprint as a "secondary suite" when the land is being developed for a new or expanding farm operation.

Section: Development Regulations

7. Farmworker dwelling - requirement to be in operation for 3 years

The BC Land Matching Program, delivered by Young Agrarians and supported provincially by the Ministry of Agriculture and regionally by the Columbia Basin Trust and Real Estate Foundation of BC, provides education and facilitation to new and young farmers to develop business plans and access land to implement these plans. This means these operations are in years 0-3, and there is often a need for housing on the land, whether for the leasing farmer or farmworkers, before year four - limiting opportunities for farms in start up reduces the likelihood of success for these farms.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2834

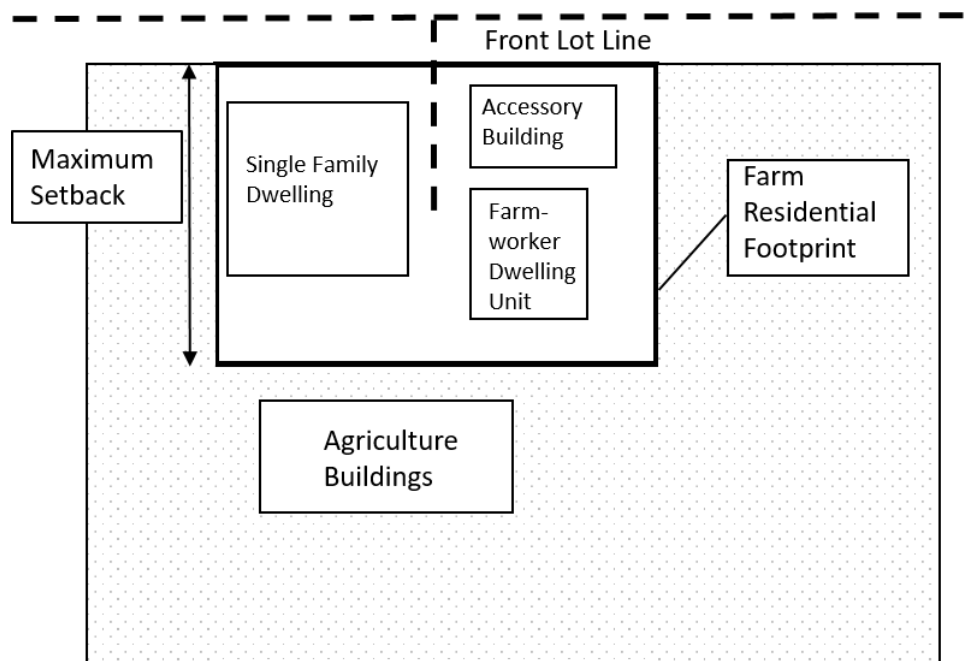
A Bylaw to amend Electoral Area 'A' Land Use Bylaw No. 2315, 2013

WHEREAS it is deemed expedient to amend the Electoral Area 'A' Land Use Bylaw No. 2315, 2013, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 That Electoral Area 'A' Land Use Bylaw No. 2315, 2013 Schedule A Official Community Plan be amended as follows:
 - A) Section 4.8 Agriculture Policies be amended as follows:
Discourages subdivisions of agricultural land that do not benefit agriculture and encourages the consolidation of contiguous smaller agricultural lots.
 - B) Section 4.13 Agriculture Policies be added as follows:
May consider accessory dwellings where there is a need for farm worker housing on an operating farm, and where the additional density can be sustainably serviced.
 - C) Section 4.14 Agriculture Policies be added as follows:
Supports the use of maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.
 - D) Section 4.15 Agriculture Policies be added as follows:
Encourages and promotes the Environmental Farm Plan program to farmers in the Region.
- 2 That Electoral Area 'A' Land Use Bylaw No. 2315, 2013 Schedule B Zoning Bylaw be amended as follows:
 - A) Section 17.0 Interpretation by deleting the definition for Agri-Tourism.
 - B) Section 17.0 Interpretation by adding the following diagram to the definition of Farm Residential Footprint:



- C) Section 17.0 Interpretation by adding the following definition in the appropriate alphabetical order:

FARMWORKER HOUSING, TEMPORARY means a camping operation in tents or recreational vehicles that is accessory to a farm business and is used for providing temporary accommodation to a farmworker(s) as necessary for the agricultural labour needs of a farm business and must include washing and bathing facilities;

- D) Section 17.0 Interpretation by replacing existing definition of Gross Floor Area with the following:

GROSS FLOOR AREA (G.F.A.) means the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The gross floor area measurement is exclusive of areas of crawl spaces, unfinished attics, attached garages, carports and unenclosed porches, balconies and terraces;

- E) Section 17.0 Interpretation by deleting the definition for Immediate Family.

- F) Section 18.81 Agriculture Land Commission by replacing the section as follows:

Despite any other provision of this bylaw, development of lands within the Agricultural Land Reserve shall comply with all applicable regulations of the *British Columbia Agricultural Land Commission Act*, Regulations and Orders as amended or replaced from time to time.

- G) Zone Designations by removing the following from the list of zoning designations:

ZONE	SHORT FORM
Agriculture	AG

- H) Zone Designations by adding the following to the list of zoning designations:

ZONE	SHORT FORM
Agriculture 1	AG1
Agriculture 2	AG2

- I) Section 21.1 Rural Residential (R3) by adding 'Temporary Farmworker Housing' to the list of permitted Accessory Uses.
- J) By inserting Section 21.30 Rural Residential (R3) by adding the following section under the heading 'Temporary Farmworker Housing':
- Temporary Farmworker Housing shall be permitted on a lot separate from the Farm Business, provided that:
- a. The lot is 2.0 hectares or larger;
 - b. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - c. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
- K) Section 22.1 Rural Resource (R4) by adding 'Temporary Farmworker Housing' to the list of permitted Accessory Uses.
- L) By inserting Section 22.19 Rural Resource (R4) by adding the following section under the heading 'Temporary Farmworker Housing':
- Temporary Farmworker Housing shall be permitted on a lot separate from the Farm Business, provided that:
- a. The lot is 2.0 hectares or larger;
 - b. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - c. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
- M) By deleting Section 25.0 Agriculture (AG) in its entirety.
- N) By inserting the zoning regulations attached to this bylaw as Schedule A pertaining to Section 25A Agriculture 1 (AG1) zone after the Multi-Family Residential (R6) zone and before the Agriculture 2 (AG2) zone.
- O) By inserting the zoning regulations attached to this bylaw as Schedule B pertaining to Section 25B Agriculture 2 (AG2) zone after the Agriculture 1 (AG1) zone and before the Neighbourhood Commercial (C1) zone.
- P) Section 37.1 Forest Reserve (FR) by adding 'Agriculture' to the list of permitted uses.

- 3** That Electoral Area ‘A’ Land Use Bylaw No. 2315, 2013 Schedule B.1 Zoning Bylaw be amended as follows:
- A) changing the Zoning Designation of Lot 2, District Lot 279, Kootenay District, Plan NEP8632 (PID 012-466-077); Lot 3, District Lot 279, Kootenay District, Plan NEP22777 (PID 023-298-502); and Lot C, District Lot 9551, Kootenay District, Plan NEP1489 REF MAPS B43 AND B44 (PID 015-750-132) from Agriculture (AG) to Agriculture 1 (AG1) as shown on the attached Schedule C forming part of the Bylaw.
- B) changing the Zoning Designation of Lot 2, District Lot 4595, Kootenay District, Plan NEP76499 (PID 026-078-040); Lot A, District Lot 4595, Kootenay District, Plan NEP4432 (PID 013-288-601); Lot 15, District Lot 4595, Kootenay District, Plan NEP970 (PID 014-013-177); and Block 148, District Lot 9551, Kootenay District, REF MAPS B43 AND B44 (PID 016-456-921) from Agriculture (AG) to Agriculture 2 (AG2) as shown on the attached Schedule D forming part of the Bylaw.
- 4** By making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and Table of Contents of the bylaw.
- 5** This Bylaw shall come into force and effect upon its adoption.

CITATION

- 6** This Bylaw may be cited as “**Electoral Area ‘A’ Land Use Amendment Bylaw No. 2834, 2022.**”

READ A FIRST TIME this [Date] day of [Month] , 20XX.

READ A SECOND TIME this [Date] day of [Month] , 20XX.

WHEREAS A PUBLIC HEARING was held this [Date] day of [Month] , 20XX.

READ A THIRD TIME this [Date] day of [Month] , 20XX.

APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month] , 20XX.

Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this [Date] day of [Month] , 20XX.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

SCHEDULE A

25A.0 AGRICULTURE 1 (AG1)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 1 (AG1) zone shall be used for the following purposes only:

Agriculture

All activities designated as "Farm Use" as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 2 hectares.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.
6. The Maximum Gross Floor Area of the Single Family Dwelling is 185.0 square metres.

7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;
 - b. The lot is classified as a farm under the *Assessment Act*;
 - c. The lot is 2 hectares or larger; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing shall be limited to 6 campsites, provided that:
 - a. The lot is classified as a farm under the *Assessment Act*;
 - b. The lot is 1.2 hectares or larger;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard

cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.

16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.

SCHEDULE B

25B.0 AGRICULTURE 2 (AG2)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 2 (AG2) zone shall be used for the following purposes only:

Agriculture

All activities designated as “Farm Use” as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 4 hectares.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0

metres measured from the Front Lot Line or Exterior Side Lot Line.

6. The Maximum Gross Floor Area of the Single Family Dwelling is 300.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;
 - b. The lot is classified as a farm under the *Assessment Act*;
 - c. The lot is 2 hectares or larger; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
 - a. The lot is classified as a farm under the *Assessment Act*;
 - b. The lot is 1.2 hectares or larger;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.

14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.

Legend

— Roads

□ Cadastre

Zoning

AG1 - Agriculture 1

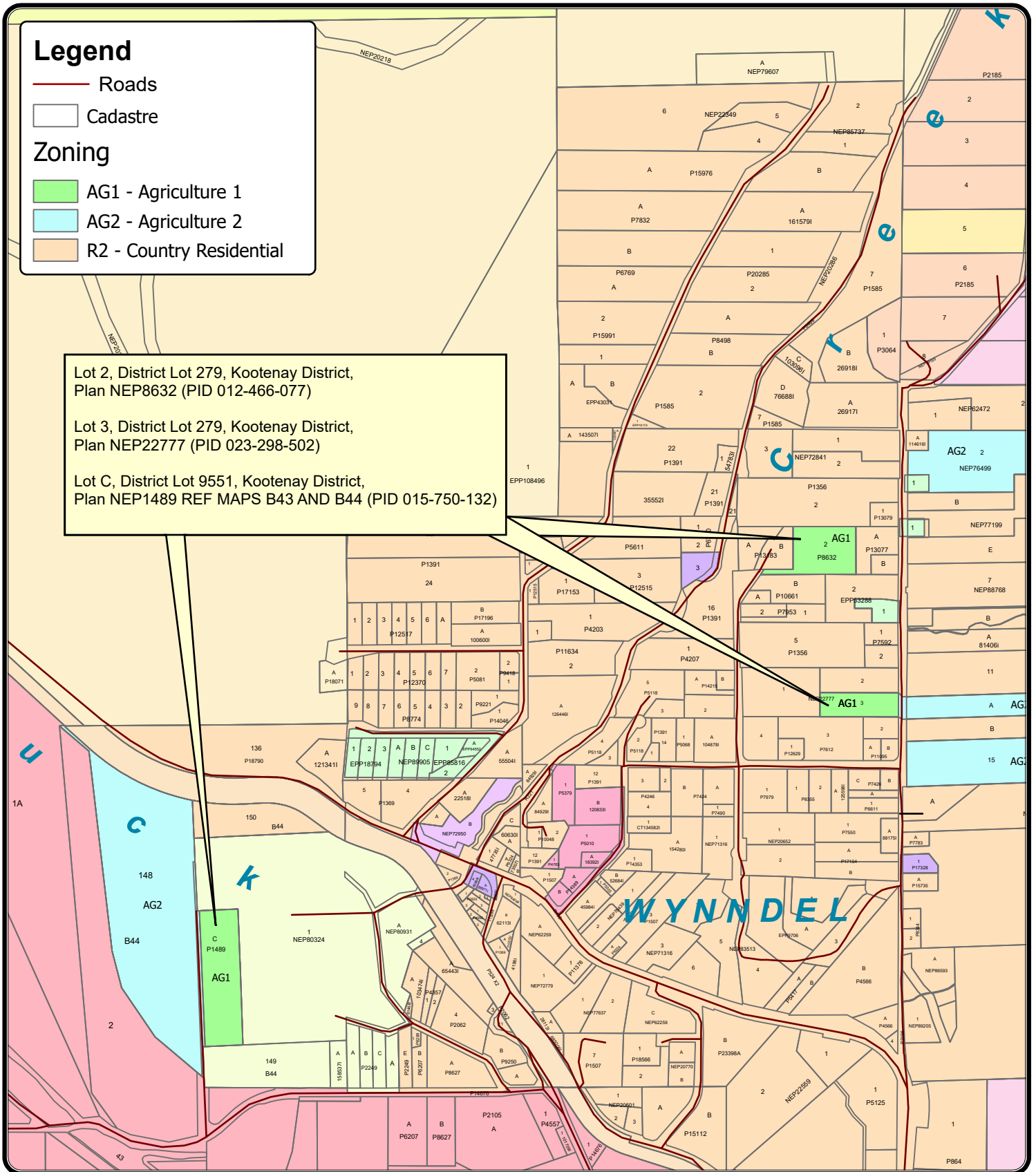
AG2 - Agriculture 2

R2 - Country Residential

Lot 2, District Lot 279, Kootenay District,
Plan NEP8632 (PID 012-466-077)

Lot 3, District Lot 279, Kootenay District,
Plan NEP22777 (PID 023-298-502)

Lot C, District Lot 9551, Kootenay District,
Plan NEP1489 REF MAPS B43 AND B44 (PID 015-750-132)



REGIONAL DISTRICT OF CENTRAL KOOTENAY
Box 590, 202 Lakeside Drive,
Nelson, BC V1L 5R4
Phone: 1-800-268-7325 www.rdck.bc.ca
maps@rdck.bc.ca

Schedule 'C' of Amendment Bylaw No. 2834, 2022

AG Agriculture Policy Review

Map Scale

1:12,000

UTM Zone 11N (NAD83)
Date Plotted: Wednesday, March 30, 2022



The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

Legend

— Roads

□ Cadastre

Zoning

AG1 - Agriculture 1

AG2 - Agriculture 2

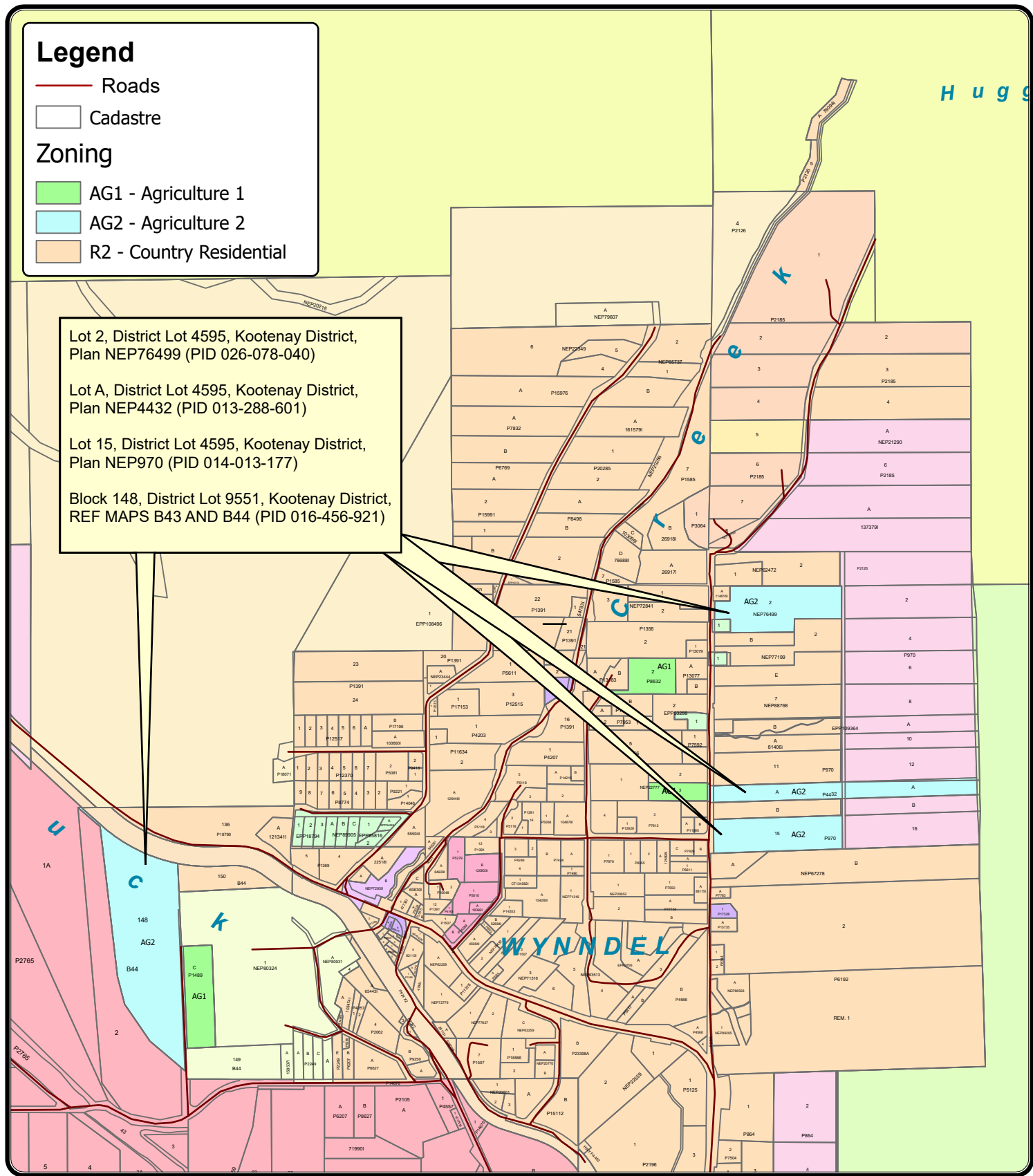
R2 - Country Residential

Lot 2, District Lot 4595, Kootenay District,
Plan NEP76499 (PID 026-078-040)

Lot A, District Lot 4595, Kootenay District,
Plan NEP4432 (PID 013-288-601)

Lot 15, District Lot 4595, Kootenay District,
Plan NEP970 (PID 014-013-177)

Block 148, District Lot 9551, Kootenay District,
REF MAPS B43 AND B44 (PID 016-456-921)



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Nelson, BC V1L 5R4
Phone: 1-800-268-7325 www.rdck.bc.ca
maps@rdck.bc.ca

Schedule 'D' of Amendment Bylaw No. 2834, 2022

AG Agriculture Policy Review 290

Map Scale

1:16,000

UTM Zone 11N (NAD83)
Date Plotted: Wednesday, March 30, 2022



The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2835

A Bylaw to amend Electoral Area 'B' Land Use Bylaw No. 2316, 2013

WHEREAS it is deemed expedient to amend the Electoral Area 'B' Land Use Bylaw No. 2316, 2013, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 That Electoral Area 'B' Land Use Bylaw No. 2316, 2013 Schedule A Official Community Plan be amended as follows:
 - A) Section 3.8 Agriculture Objectives be amended as follows:

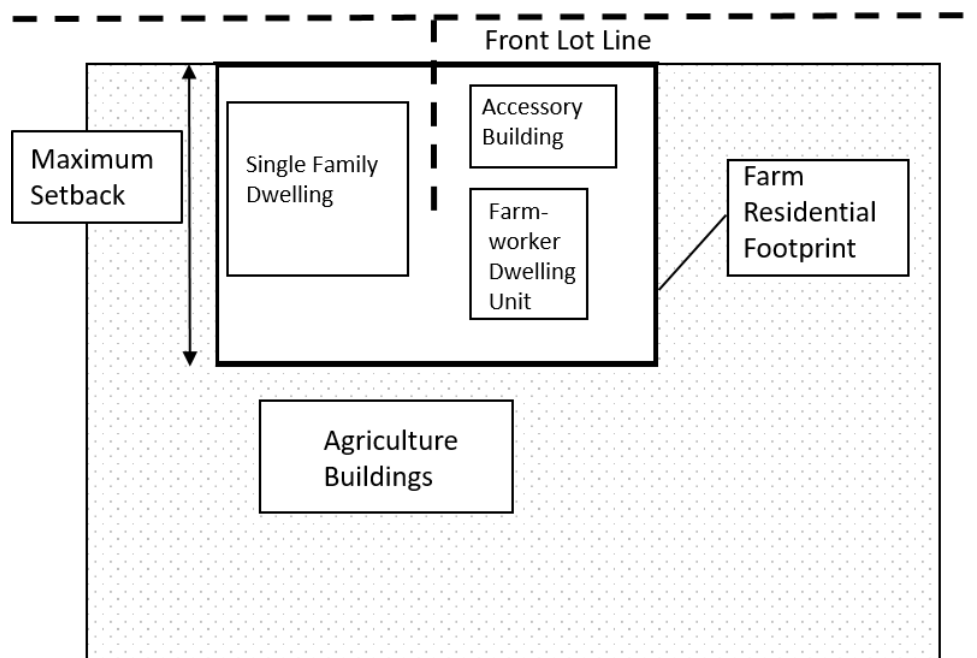
To examine any ALR boundary changes initiated by the RDCK, First Nation Governments or the Province, which review agricultural suitability in the Plan area, provided affected landowners are notified and have opportunity for input.
 - B) Section 3.9 Agriculture Objectives be inserted as follows:

To work with the Town of Creston on a co-operative approach to agricultural lands within the urban / rural interface that will mitigate the loss of agricultural land to future growth.
 - C) Section 3.11 Agriculture Policies be amended as follows:

Discourages subdivisions of agricultural land that do not benefit agriculture and result in further fragmentation of agricultural land.
 - D) Section 3.18 Policies be amended as follows:

May consider accessory dwellings where there is a need for farm worker housing on an operating farm, and where the additional density can be sustainably serviced.
 - E) Section 3.21 Agriculture Policies be inserted as follows:

Encourages and promotes the Environmental Farm Plan program to farmers in the Region.
- 2 That Electoral Area 'B' Land Use Bylaw No. 2316, 2013 Schedule B Zoning Bylaw be amended as follows:
 - A) Section 15.0 Interpretation by adding the following diagram to the definition of Farm Residential Footprint:



- B) Section 15.0 Interpretation by replacing existing definition of Gross Floor Area with the following:
 GROSS FLOOR AREA (G.F.A.) means the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The gross floor area measurement is exclusive of areas of crawl spaces, unfinished attics, attached garages, carports, and unenclosed porches, balconies and terraces;
- C) Section 15.0 Interpretation by deleting the definition for Immediate Family.
- D) Section 16.82 Agriculture Land Commission by replacing as follows:
 Despite any other provision of this bylaw, development of lands within the Agricultural Land Reserve shall comply with all applicable regulations of the *British Columbia Agricultural Land Commission Act*, Regulations and Orders as amended or replaced from time to time.
- E) Section 19.1 Rural Residential (R3) by adding 'Temporary Farmworker Housing' to the list of permitted Accessory Uses.
- F) By inserting Section 19.18 Rural Residential (R3) by adding the following section under the heading 'Temporary Farmworker Housing':
 Temporary Farmworker Housing shall be permitted on a lot separate from the Farm Business, provided that:
- a. The lot is 2.0 hectares or larger;
 - b. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - c. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback

from the nearest exterior wall of a dwelling unit shall not be required.

G) Section 20.1 Rural Resource (R4) by adding 'Temporary Farmworker Housing' to the list of permitted Accessory Uses.

H) By inserting Section 20.14 Rural Resource (R4) by adding the following section under the heading 'Temporary Farmworker Housing':

Temporary Farmworker Housing shall be permitted on a lot separate from the Farm Business, provided that:

- a. The lot is 2.0 hectares or larger;
- b. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
- c. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.

I) Replacing Section 23.0 Agriculture 1 (AG1) in its entirety with the zoning regulations attached to this bylaw as Schedule A.

J) Replacing Section 24.0 Agriculture 2 (AG2) in its entirety with the zoning regulations attached to this bylaw as Schedule B.

K) Replacing Section 25.0 Agriculture 3 (AG3) in its entirety with the zoning regulations attached to this bylaw as Schedule C.

L) Section 39.1 Forest Reserve (FR) adding 'Agriculture' to the list of permitted uses.

3 By making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and Table of Contents of the bylaw.

4 This Bylaw shall come into force and effect upon its adoption.

CITATION

5 This Bylaw may be cited as "**Electoral Area 'B' Land Use Amendment Bylaw No. 2835, 2022.**"

READ A FIRST TIME this [Date] day of [Month], 20XX.

READ A SECOND TIME this [Date] day of [Month], 20XX.

WHEREAS A PUBLIC HEARING was held this [Date] day of [Month], 20XX.

READ A THIRD TIME this [Date] day of [Month] , 20XX.

APPROVED under **Section 52 (3)(a) of the Transportation Act** this
[Date] day of [Month] , 20XX.

Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this [Date] day of [Month] , 20XX.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

SCHEDULE A

23.0 AGRICULTURE 1 (AG1)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 1 (AG1) zone shall be used for the following purposes only:

Agriculture

All activities designated as "Farm Use" as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 4 hectares.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.

6. The Maximum Gross Floor Area of the Single Family Dwelling is 300.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;
 - b. The lot is classified as a farm under the Assessment Act;
 - c. The lot is larger than 2 hectares; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
 - a. The lot is classified as a farm under the Assessment Act;
 - b. The lot is larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.

14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.

SCHEDULE B

24.0 AGRICULTURE 2 (AG2)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 2 (AG2) zone shall be used for the following purposes only:

Agriculture

All activities designated as “Farm Use” as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0

metres measured from the Front Lot Line or Exterior Side Lot Line.

6. The Maximum Gross Floor Area of the Single Family Dwelling is 300.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;
 - b. The lot is classified as a farm under the Assessment Act;
 - c. The lot is larger than 2 hectares; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
 - a. The lot is classified as a farm under the Assessment Act;
 - b. The lot is larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be

located within 7.5 metres of a property line.

14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.

SCHEDULE C

25.0 AGRICULTURE 3 (AG3)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 3 (AG3) zone shall be used for the following purposes only:

Agriculture

All activities designated as “Farm Use” as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 30 hectares in the Agricultural Land Reserve and 8 hectares outside the Agricultural Land Reserve.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0

metres measured from the Front Lot Line or Exterior Side Lot Line.

6. The Maximum Gross Floor Area of the Single Family Dwelling is 375.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;
 - b. The lot is classified as a farm under the Assessment Act;
 - c. The lot is larger than 2 hectares; and
 - d. The Farm Business has been operation for at least three (3) years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
 - a. The lot is classified as a farm under the Assessment Act;
 - b. The lot is larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within five (5) metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be

located within 7.5 metres of a property line.

14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2386

A Bylaw to amend Electoral Area 'C' Land Use Bylaw No. 2317, 2013

WHEREAS it is deemed expedient to amend the Electoral Area 'C' Land Use Bylaw No. 2317, 2013, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 That Electoral Area 'C' Land Use Bylaw No. 2317, 2013 Schedule A Official Community Plan be amended as follows:
 - A) Section 3.9 Agriculture Objectives be inserted as follows:

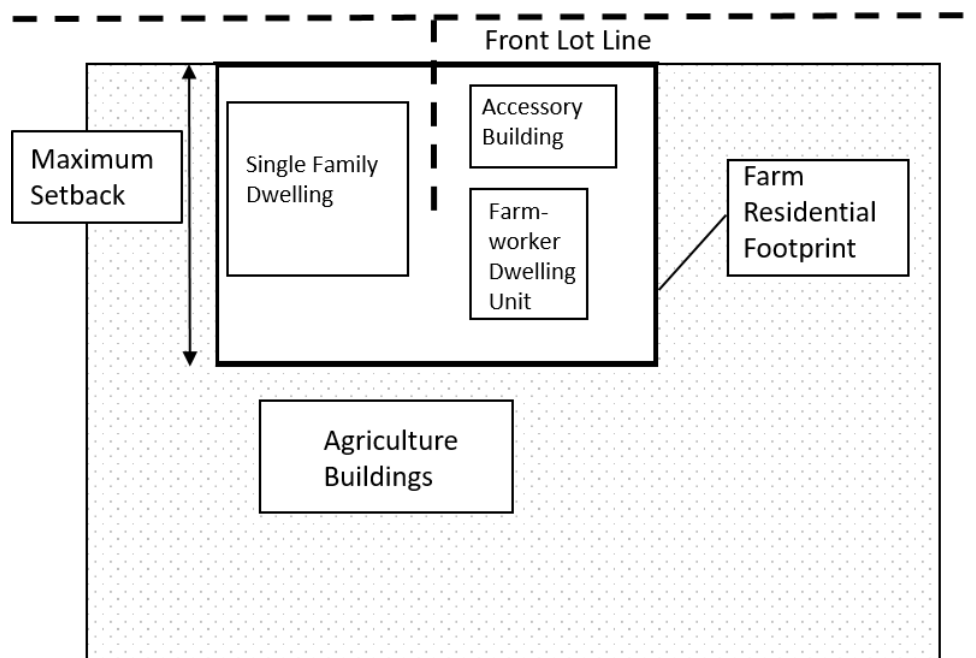
To work with the Town of Creston on a co-operative approach to agricultural lands within the urban / rural interface that will mitigate the loss of agricultural land to future growth.
 - B) Section 3.10 Agriculture Policies be amended as follows:

Discourages subdivisions of agricultural land that do not benefit agriculture and result in further fragmentation of agricultural land.
 - C) Section 3.16 Policies be amended as follows:

May consider accessory dwellings where there is a need for farm worker housing on an operating farm, and where the additional density can be sustainably serviced.
 - D) Section 3.21 Agriculture Policies be inserted as follows:

Supports the use of maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations
 - E) Section 3.22 Agriculture Policies be inserted as follows:

Encourages and promotes the Environmental Farm Plan program to farmers in the Region.
- 2 That Electoral Area 'C' Land Use Bylaw No. 2317, 2013 Schedule B Zoning Bylaw be amended as follows:
 - A) Section 16.0 Interpretation by adding the following diagram to the definition of Farm Residential Footprint:



- B) Section 16.0 Interpretation by adding the following definition in the appropriate alphabetical order:
 FARMWORKER HOUSING, TEMPORARY means a camping operation in tents or recreational vehicles that is accessory to a farm business and is used for providing temporary accommodation to a farmworker(s) as necessary for the agricultural labour needs of a farm business and must include washing and bathing facilities;
- C) Section 16.0 Interpretation by replacing existing definition of Gross Floor Area with the following:
 GROSS FLOOR AREA (G.F.A.) means the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The gross floor area measurement is exclusive of areas of crawl spaces, unfinished attics, attached garages, carports, and unenclosed porches, balconies and terraces.
- D) Section 16.0 Interpretation by deleting the definition for Immediate Family.
- E) Section 17.81 Agriculture Land Commission by replacing as follows:
 Despite any other provision of this bylaw, development of lands within the Agricultural Land Reserve shall comply with all applicable regulations of the *British Columbia Agricultural Land Commission Act*, Regulations and Orders as amended or replaced from time to time.
- F) Section 20.1 Rural Residential (R3) by adding 'Temporary Farmworker Housing' to the list of permitted Accessory Uses.
- G) By inserting Section 20.18 Rural Residential (R3) by adding the following section under the heading 'Temporary Farmworker Housing':
 Temporary Farmworker Housing shall be permitted on a lot separate from the Farm Business, provided that:
- a. The lot is 2.0 hectares or larger;

- b. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - c. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.

- H) Section 21.1 Rural Resource (R4) by adding 'Temporary Farmworker Housing' to the list of permitted Accessory Uses.

- I) By inserting Section 21.13 Rural Resource (R4) by adding the following section under the heading 'Temporary Farmworker Housing':

Temporary Farmworker Housing shall be permitted on a lot separate from the Farm Business, provided that:

 - a. The lot is 2.0 hectares or larger;
 - b. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - c. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.

- J) Replacing Section 24.0 Agriculture 1 (AG1) in its entirety with the zoning regulations attached to this bylaw as Schedule A.

- K) Replacing Section 25.0 Agriculture 2 (AG2) in its entirety with the zoning regulations attached to this bylaw as Schedule B.

- L) Replacing Section 26.0 Agriculture 3 (AG3) in its entirety with the zoning regulations attached to this bylaw as Schedule C.

- M) Section 37.1 Forest Reserve (FR) adding 'Agriculture' to the list of permitted uses.

- 3** By making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and Table of Contents of the bylaw.

- 4** This Bylaw shall come into force and effect upon its adoption.

CITATION

- 5** This Bylaw may be cited as "**Electoral Area 'C' Land Use Amendment Bylaw No. 2836, 2022.**"

READ A FIRST TIME this [Date] day of [Month] , 20XX.

READ A SECOND TIME this [Date] day of [Month] , 20XX.

WHEREAS A PUBLIC HEARING was held this [Date]day of [Month] , 20XX.

READ A THIRD TIME this [Date] day of [Month] , 20XX.

APPROVED under **Section 52 (3)(a) of the Transportation Act** this
[Date] day of [Month] , 20XX.

Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this [Date] day of [Month] , 20XX.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

SCHEDULE A

24.0 AGRICULTURE 1 (AG1)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 1 (AG1) zone shall be used for the following purposes only:

Agriculture

All activities designated as "Farm Use" as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 4 hectares.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an areanot larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.

6. The Maximum Gross Floor Area of the Single Family Dwelling is 300.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;
 - b. The lot is classified as a farm under the Assessment Act;
 - c. The lot is larger than 2 hectares; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
 - a. The lot is classified as a farm under the Assessment Act;
 - b. The lot is larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.

14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.

SCHEDULE B

25.0 AGRICULTURE 2 (AG2)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 2 (AG2) zone shall be used for the following purposes only:

Agriculture

All activities designated as “Farm Use” as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0

metres measured from the Front Lot Line or Exterior Side Lot Line.

6. The Maximum Gross Floor Area of the Single Family Dwelling is 300.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;
 - b. The lot is classified as a farm under the Assessment Act;
 - c. The lot is larger than 2 hectares; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
 - a. The lot is classified as a farm under the Assessment Act;
 - b. The lot is larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be

located within 7.5 metres of a property line.

14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.

SCHEDULE C

26.0 AGRICULTURE 3 (AG3)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 3 (AG3) zone shall be used for the following purposes only:

Agriculture

All activities designated as “Farm Use” as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 60 hectares in the Agricultural Land Reserve and 8 hectares outside the Agricultural Land Reserve.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0

metres measured from the Front Lot Line or Exterior Side Lot Line.

6. The Maximum Gross Floor Area of the Single Family Dwelling is 375.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;
 - b. The lot is classified as a farm under the Assessment Act;
 - c. The lot is larger than 2 hectares; and
 - d. The Farm Business has been operation for at least three (3) years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
 - a. The lot is classified as a farm under the Assessment Act;
 - b. The lot is larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within five (5) metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be

located within 7.5 metres of a property line.

14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.



TOWN OF CRESTON
PO Box 1339, 238-10th Avenue North, Creston, BC V0B 1G0
Phone: 250-428-2214 Fax: 250-428-9164
email: info@creston.ca



OFFICE OF THE MAYOR

May 13, 2022

File: 5040-01

Attn: Planning Department
Regional District of Central Kootenay

sent via email: plandept@rdck.ca

Dear Dana Hawkins:

Re: Town of Creston Comments re: Amendments to Comprehensive Land Use Bylaws (Area A, B, C)

Thank you for the opportunity to provide comment on the proposed amendments to Area A Comprehensive Land Use Bylaw No. 2315, 2013, Area B Comprehensive Land Use Bylaw No. 2316, 2013 and Area C Comprehensive Land Use Bylaw No. 2317, 2013, as part of your Agricultural Policy Review. The Town of Creston understands and supports the intent of the proposed amendments to the bylaws; specifically, the safeguarding of agricultural land to support sustainable food systems and long-term food security.

As you are aware, the Creston Valley is experiencing a housing crisis and has a great demand for rental housing stock. According to the 2020 Regional Housing Needs Assessment, conducted by the Regional District of Central Kootenay (RDCK), 57% of surveyed rental household in Creston live in a home that places them outside of their financial means. Further, the report estimates that the number of unaffordable homes in Creston have grown approximately 30% from 2006 to 2016. While 2022 data is not available, it is unlikely that these statistics have improved.

The *Agricultural Land Reserve (ALR) Use Regulation* was amended in 2021 to allow an additional residence on properties within the ALR. This amendment provided an opportunity for additional rental housing within the Creston Valley. It is our understanding that the proposed amendments to the RDCK Land Use Bylaws only allow an additional residence for the purposes of farmworker accommodation. Council is concerned that restricting the ability to build an additional rental residence will continue to reduce total housing supply and further impact housing affordability in the Town of Creston and the Creston Valley.

Town of Creston Council supports the intent of the Farm Residential Footprint, outlined in the amended bylaws; however, recommends that the secondary residences permitted within that footprint align with the 2021 amendments to the *Agricultural Land Reserve Use Regulation*. Namely, that within that footprint a secondary residence is permitted for rental purposes. It is imperative that in amending Area A Comprehensive Land Use Bylaw No. 2315, 2013, Area B Comprehensive Land Use Bylaw No. 2316, 2013 and Area C Comprehensive Land Use Bylaw No. 2317, 2013, the importance of access to safe and affordable housing is considered in tandem with the importance of long-term food security.

Sincerely,

Ron Toyota
Mayor
/kd