



**REGIONAL  
DISTRICT  
NORTH  
OKANAGAN**

# STAFF REPORT

**TO: Board of Directors**  
**FROM: Planning Department**  
**SUBJECT: Zoning Bylaw No. 3000, 2023**

**File No: 3060.03.17**  
**Date: September 22, 2023**

## **RECOMMENDATION:**

That the Regional District of North Okanagan Zoning Bylaw No. 3000, 2023 be given First Reading; and further;

That Zoning Bylaw No. 3000 be referred to the Agricultural Land Commission and Ministry of Agriculture for their further review and comment.

## **BACKGROUND:**

Zoning Bylaw No. 3000 proposes to replace the Regional District of North Okanagan Zoning Bylaw No. 1888, which was adopted in 2004. At the Regular Meeting of the Board of Directors held on March 22, 2023, the Board received the first draft of Zoning Bylaw No. 3000 along with the attached report from the Planning Department dated February 22, 2023. After considering the draft Bylaw and the report, the Board resolved to refer the draft Bylaw to the Electoral Area Advisory Planning Commissions and to affected RDNO departments, organizations and provincial agencies for their review and comment.

Attached to this report are the comments received in response to the referral of the draft Zoning Bylaw No. 3000. This report provides an overview of the changes proposed to the draft Zoning Bylaw in response to the comments received from the affected organizations and authorities. The report also provides recommendations on the process for adopting the proposed new Zoning Bylaw.

## **ZONING BYLAW REFERRAL PROCESS:**

On March 23, 2023, the draft Zoning Bylaw No. 3000 was referred to the Agricultural Land Commission, Ministry of Agriculture, Ministry of Environment, Ministry of Forests, Interior Health, Okanagan Basin Water Board, Ministry of Municipal Affairs, and Ministry of Transportation and Infrastructure. The Bylaw was also referred to the Electoral Area Advisory Planning Commissions and to RDNO Departments including the Fire Departments (BX-Swan Lake, Lumby & District, Enderby and Silver Star), the Strategic and Community Services Department, the Rural Services Manager, the Building Inspection Department, and the Corporate Services Department.

The following organizations and authorities provided comments in response to the referral. Their comments are attached to this report:

- Agricultural Land Commission
- Ministry of Agriculture

- Interior Health Authority
- Okanagan Basin Water Board
- Ministry of Municipal Affairs
- Ministry of Transportation and Infrastructure

The Advisory Planning Commissions for Electoral Areas “B”, “C”, “D”, “E” and “F” reviewed and discussed the draft Zoning Bylaw at their Regular Meetings held in April, May and June of 2023. Attached to this report are the minutes of these meetings.

Comments were also received from the RDNO Deputy Corporate Officer and RDNO Community Services Manager.

No other comments were received in response to the referral of the draft Zoning Bylaw No. 3000.

## **PROPOSED AMENDMENTS TO DRAFT ZONING BYLAW NO. 3000:**

### Agricultural Land Commission

The following outlines the proposed changes to draft Zoning Bylaw No. 3000 based on the comments received from the Agricultural Land Commission (ALC):

#### Agriculture Zone:

- While the ALC suggested a dedicated Agricultural zone, based on discussion at the May 4, 2023 Electoral Areas Advisory Committee meeting staff did not proceed with creating a new zone. As an alternative option suggested by the ALC, staff have updated the Zoning Bylaw mapping to include an ALR Boundary overlay.
- Added sections related to uses and subdivisions within the ALR. Provides clarification where a property is within the ALR that the Regulations and Acts of the ALC apply.

#### Uses in the ALR that are inconsistent with the ALC Act:

- Included language in the Boarding House section to state that for properties located within the ALR, a boarding house use is not permitted unless authorized by the ALC.
- Updated the Two Family Dwelling section to state that for properties located within the ALR, two family dwellings are not permitted unless authorized by the ALC.
- Removed size provision of a suite within the Secondary Suite section as it is not required by Building Code following recent changes to the Building Code and the ALC does not limit the size of a suite other than the overall size of a dwelling to 500 m<sup>2</sup>.
- Included language in the Limited Resource Use and Intensive Resource Use sections to state that for properties located within the ALR, such uses are not permitted unless authorized by the ALC.
- Updated definition of minor daycare to clarify number of persons on properties within the ALR may not exceed 8 persons.
- Added Section 3.4 related to uses within the ALR. Provides clarification where a property is within the ALR that the Regulations and Acts of the ALC apply.

#### Minimum Lot Sizes:

- Added section to provide clarification that where a property is within the ALR that the regulations and Acts of the ALC apply.
- Added sections to R.1, I.3, S.H, C.R, N.U and L.H zones to require a 30.5 ha minimum lot size for properties subdivided in the ALR.
- Staff note that the OCP for all of the Electoral Areas include Policies which addresses minimum lot sizes and subdivisions within the ALR. For example, the Electoral Areas “B” and “C” OCP states:

- All uses and subdivision of land within the Agricultural Land Reserve (ALR) shall be in accordance with the Agricultural Land Commission Act regulations thereto or Orders and Policies of the Commission.
- Notwithstanding the minimum lot size standards and land use policies cited in this Plan or the “Zoning Bylaw” or any other policy or bylaw that has been adopted to guide decision-making, the Regional Board may, after due consideration, not authorize a nonfarm use, subdivision, and exclusion application to the Commission if the proposed subdivision or use would have a negative impact on agricultural land or the farming community.
- The minimum parcel size for Agricultural lands shall be 30.5 ha unless otherwise approved by the Agricultural Land Commission. Large parcel sizes and setbacks are encouraged and supported through the Zoning Bylaw regulations to minimize the potential for land use conflicts and to support long term agricultural use consistent with the ALC Act objectives.

#### Buffering and Setbacks

- No buffering changes proposed. Staff note the current Zoning Bylaw No. 1888 only provides a policy statement related to buffering between ALR/non-ALR uses which is not enforceable. The current provision in the Zoning Bylaw No. 1888 states that “buffering requirements shall be considered as a condition precedent to subdivision approval or as a condition precedent to the issuance of building permits as the case may be.”
- Staff also note the OCPs all contain Policies that are considered at the time of rezoning to require a covenant related to providing buffering where a property borders a property within the ALR.
- Reduced required setback of dog kennels, confined livestock areas and agricultural cannabis production facilities from 60 m to 30 m as requested by MoA. No other setback changes proposed. Staff have reviewed both the Ministry of Agriculture’s Edge Planning Guide and Guide for Bylaw Development in Farming Areas and note the setbacks within the proposed new Zoning Bylaw are consistent with the setbacks noted within these guides. While the ALC noted concerns with the setbacks as being too restrictive, the Ministry of Agriculture did not note the same concern with the exception of setbacks to residential zones.

#### Lot Coverage

- The Bylaw has been drafted to ensure that greenhouses can cover an area to a maximum of 75%.
- Added language within Country Residential, Non-Urban and Large Holding to allow for additional lot coverage related to greenhouses as per the Bylaw standards.

#### Farm product processing and intensive agriculture on lots less than 0.81 ha

- Removed references to intensive agricultural use and limited agricultural use and replaced with agricultural use section.
- Added a new definition for agricultural use.
- Incorporated the definitions of intensive agricultural use, limited agricultural use and agricultural buildings into the agricultural use section.
- Incorporated the definitions of restrictive agricultural use and restricted agricultural buildings into restricted agricultural use agricultural section.
- Added agricultural use as a permitted principal use to the R.1, R.2 and Small Holding zones and updated rural zones to replace references to intensive and limited agricultural use with agricultural use.
- Included language in the Agricultural Use section to:
  - include a provision related to storing, packing, preparing and processing farm products as an intensive agricultural use which complies with ALC regulations, and
  - provide clarification on the applicability to properties within the ALR where the ALC regulations apply.

#### Restrictions on Farm Use

- Updated Section 3.3 Prohibited Uses of Land to remove reference to prohibiting cannabis retail related to farm sales.
- Included language in the Laying Hens and Hobby Beekeeping sections to clarify that where agricultural uses are permitted, the provisions of the Agricultural Use section shall apply.
- Related to agri-tourism accommodation, staff note that while the regulations in Section 3.9 do not include a provisions related to agri-tourism activities and agri-tourism, the current definitions already include such references.
- Reworded farm retail sales to reflect the comments from the ALC.

#### Temporary Residence During the Period of Construction of a New Residence

- Updated references to ALC regulations which were indicated as being incorrect/out of date.

#### Secondary Dwellings

- Updated Secondary Dwellings section as suggested by the ALC (to ensure floor area is calculated the same way as the ALC)

#### Ministry of Agriculture

The following outlines the proposed changes to draft Zoning Bylaw No. 3000 based on the comments received from the Ministry of Agriculture (MoA):

#### Definitions:

- Agricultural Buildings, Intensive or Limited – removed definition, including requirement for farm classification.
- Agricultural Use, Intensive and Agricultural Use, Limited – removed definitions and replaced with a definition for agricultural use and with regulations for agricultural uses on lands outside of the ALR.
- Agricultural Waste Storage Facility – no revisions made as not inconsistent with ALC Act.
- Animal Unit – revised to reference Agricultural Unit.
- Farmed Game – revised definition to include correct legislation.
- Seasonal Feeding Area – removed definition as it does not appear in the Bylaw.
- Solid Agricultural Waste – no revisions made as not inconsistent with ALC Act.

#### Dedicated Zone for Agriculture:

- While the ALC and MoA suggested a dedicated Agricultural zone, based on discussion at the May 4, 2023 Electoral Areas Advisory Committee meeting, staff did not proceed with creating a new zone. As an alternative option suggested by the ALC, staff have updated the Zoning Bylaw mapping to include an ALR Boundary overlay. Staff note this alternative was not also suggested by MoA.
- Added sections related to uses and subdivisions within the ALR. Provides clarification where a property is within the ALR that the Regulations and Acts of the ALC apply.

#### Farm Product Processing

- Staff included language in the proposed new Agricultural Use section to:
  - include a provision related to storing, packing, preparing and processing farm products as an intensive agricultural use which complies with ALC regulations, and
  - provide clarification on the applicability to properties within the ALR where the ALC regulations apply.

#### Intensive Agricultural Use and Restricted Agricultural Use

- Removed references to intensive agricultural use and limited agricultural use and replaced with agricultural use section.

- Added a new definition for agricultural use.
- Incorporated the definitions of intensive agricultural use, limited agricultural use and agricultural buildings into the agricultural use section.
- Incorporated the definitions of restrictive agricultural use and restricted agricultural buildings into the restricted agricultural use section.
- Added agricultural use as a permitted principal use to the R.1, R.2 and Small Holding zones and updated rural zones to replace references to intensive and limited agricultural use with references to agricultural use.

#### Laying Hens and Hobby Beekeeping

- Included language in the Laying Hens and Hobby Beekeeping sections to clarify that where agricultural use is permitted, the provisions of the Agricultural Use section shall apply.

#### Farm Retail Sales

- Reworded farm retail sales to reflect the comments from the ALC.

#### Temporary Residence During the Period of Construction of a New Residence

- Added provision to state: For properties within the Agricultural Land Reserve, a temporary residence shall not be permitted unless authorized by the Agricultural Land Commission.
- Staff note the ALC and the MoA did not provide consistent comments related to Temporary Residences.

#### Single Family Dwellings in the ALR

- Added provision: “unless authorized by the Agricultural Land Commission.”
- See below related to Two Family Dwellings.

#### Secondary Dwellings in the ALR

- Updated Secondary Dwellings section as suggested by the ALC.

#### Two Family Dwellings

- Updated the Two Family Dwellings section to state for properties that are located within the Agricultural Land Reserve, two family dwellings are not permitted unless authorized by the Agricultural Land Commission.
- Removed size provision of a suite within the Secondary Suites section as it is not required by Building Code following recent changes to the Building Code and the ALC does not limit the size of a suite other than the overall size of a dwelling to 500 m<sup>2</sup>.

#### Boundary Adjustment Subdivisions

- Updated provision to state: Where a property is located within the Agricultural Land Reserve, the Provincial Approving Officer has approved the subdivision plan in accordance with the Agricultural Land Commission Regulations or the subdivision has been authorized by the Agricultural Land Commission.

#### Agricultural Setbacks in Rural Zones

- Reduced required setback of dog kennels, confined livestock areas and agricultural cannabis production facilities from 60 m to 30 m as requested by MoA.
- Staff note the ALC did not provide comments related to setbacks.

#### Agricultural Industrial Zone

- Added Section 3.4 related to uses within the ALR. Provides clarification where a property is within the ALR that the Regulations and Acts of the ALC apply.

#### Rural Zones – Permitted Uses

- As noted above, added Section 3.4 related to uses within the ALR. Provides clarification where a property is within the ALR that the Regulations and Acts of the ALC apply.
- Contrary to MoA comments, the C.R zone contained reference to intensive agricultural uses. Reference to intensive agricultural uses has been replaced with reference to agricultural uses.
- Replaced definitions for intensive agricultural use with definition for agricultural use and with regulations for agricultural uses on lands outside of the ALR.

#### Minimum Lot Sizes

- Added section which provides clarification that where a property is within the ALR the regulations and Acts of the ALC apply.
- Added sections to R.1, I.3, S.H, C.R, N.U and L.H zones to require a 30.5 ha minimum lot size for properties subdivided in the ALR.
- Staff note that the OCP policies for all of the Electoral Areas include language which addresses minimum lot sizes and subdivision within the ALR. For example, the Electoral Areas “B” and “C” OCP states:
  - All uses and subdivision of land within the Agricultural Land Reserve (ALR) shall be in accordance with the “Agricultural Land Commission Act” regulations thereto or Orders and Policies of the Commission (throughout this Plan these documents are combined in references to the “Agricultural Land Commission Act”).
  - Notwithstanding the minimum lot size standards and land use policies cited in this Plan or the “Zoning Bylaw” or any other policy or bylaw that has been adopted to guide decision-making, the Regional Board may, after due consideration, not authorize a nonfarm use, subdivision, and exclusion application to the Commission if the proposed subdivision or use would have a negative impact on agricultural land or the farming community.
  - The minimum parcel size for Agricultural lands shall be 30.5 ha unless otherwise approved by the Agricultural Land Commission. Large parcel sizes and setbacks are encouraged and supported through the Zoning Bylaw regulations to minimize the potential for land use conflicts and to support long term agricultural use consistent with the Agricultural Land Commission Act objectives.
- Staff note the ALC recommended a minimum lot size of 30.5 ha for ALR properties while MoA recommended a minimum lot size of 8.0 ha.

#### Interior Health Authority

Interior Health has not recommended any changes to the draft Zoning Bylaw.

#### Okanagan Basin Water Board and Ministry of Municipal Affairs

The following outlines the proposed changes to draft Zoning Bylaw No. 3000 based on the comments received from the Okanagan Basin Water Board (OBWB) and Ministry of Municipal Affairs:

#### Two Family Dwellings:

- Increased size required for two family dwellings from 0.4 ha to 1 ha.
- Removed size provision of a suite within the Secondary Suites section as it is not required by Building Code following recent changes to the Building Code and the ALC does not limit the size of a suite other than the overall size of a dwelling to 500 m<sup>2</sup>.

### Ministry of Transportation and Infrastructure

The following outlines the proposed changes to draft Zoning Bylaw No. 3000 based on the comments received from the Ministry of Transportation and Infrastructure (MoTI):

- Updated references to the Highway Act to Transportation Act as per MoTI recommendation.
- Updated “street” to “road” where applicable as per MoTI recommendation.
- Reviewed other comments but made no further changes.

### Advisory Planning Commissions

- Staff reviewed comments from Advisory Planning Commissions and note that no changes are proposed as staff have not been directed by the Board of Directors to do so. Should the Board wish to see changes to the Bylaw as suggested by the respective Commissions, then staff could be directed to do so on a case by case basis.

The following outlines other changes related to comments received:

- Staff removed requirement for 15% to be planted with annuals within the Landscaping Regulations section in response to comments received from RDNO Community Services Manager.
- Staff made general wordsmithing changes for clarity in response to comments received from the RDNO Deputy Corporate Officer.

### **ZONING BYLAW ADOPTION PROCESS:**

As the comments from the ALC and MoA were extensive and some of the comments suggest inconsistencies with the *Agricultural Land Commission Act*, staff recommend Zoning Bylaw No. 3000 be considered for First Reading and that the updated Bylaw be referred to the ALC and MoA for their further comment. This is necessary to ensure the Bylaw had been revised to the degree that the ALC and MoA would consider the Bylaw to be consistent with the *Agricultural Land Commission Act*. Following an opportunity to provide further comment, staff recommend the Bylaw could be considered for Second Reading and referral to a Public Hearing.

### Public Hearing

The proposed new Zoning Bylaw includes a significant number of changes, including to the number of dwellings allowed per lot in the rural zones, and so it is recommended that the Bylaw be referred to a Public Hearing. The Board could also direct staff to conduct further public outreach regarding the proposed new Zoning Bylaw such as an Open House or Public Information Meeting.

### **AGRICULTURAL LAND COMMISSION ACT:**

Section 46 of the *Agricultural Land Commission Act* states that a local government zoning bylaw that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect. It also states that a local government bylaw is deemed to be inconsistent with this Act if it (a) allows a use of land in the agricultural land reserve that is not permitted under the ALC Act, or (b) contemplates a use of land that would impair or impede the intent of the ALC Act, the regulations or an order of the Commission.



## TRANSPORTATION ACT:

There are no legislative requirements to refer the proposed new Zoning Bylaw for review and comment except to refer the Bylaw to the Ministry of Transportation and Infrastructure (MoTI) for their written endorsement after it has received Third Reading from the RDNO Board of Directors.

Section 52 of the *Transportation Act* states that a zoning bylaw does not apply to land within 800 m of the intersection of a controlled access highway and any other highway unless the bylaw has been approved in writing by the Ministry of Transportation and Infrastructure. The proposed new Zoning Bylaw will need to be endorsed by the Ministry as it applies to properties that are within 800 m of a number of intersections of controlled access highways and other highways throughout the RDNO.

In this regard, the Ministry has provided preliminary approval based on their initial review of the draft Zoning Bylaw.

### Attachments

- Attachment A - Staff Report dated February 22, 2023
- Attachment B - Referral Response from the Agricultural Land Commission dated April 25, 2023
- Attachment C - Referral Response from the Ministry of Agriculture and Food dated May 4, 2023
- Attachment D - Referral Response from the Interior Health dated August 16, 2023
- Attachment E - Referral Response email from the Okanagan Basin Water Board dated May 9, 2023
- Attachment F - Referral Response email from the Ministry of Municipal Affairs dated June 29, 2023
- Attachment G - Referral Response from MoTI dated July 24, 2023
- Attachment H - Minutes from the Advisory Planning Commission "B" meeting held on April 26, 2023
- Attachment I - Minutes from the Advisory Planning Commission "B" meeting held on May 31, 2023
- Attachment J - Minutes from the Advisory Planning Commission "C" meeting held on April 26, 2023
- Attachment K - Minutes from the Advisory Planning Commission "C" meeting held on May 31, 2023
- Attachment L - Minutes from the Advisory Planning Commission "D" meeting held on April 25, 2023
- Attachment M - Minutes from the Advisory Planning Commission "E" meeting held on April 24, 2023
- Attachment N - Minutes from the Advisory Planning Commission "F" meeting held on April 26, 2023
- Attachment O - Minutes from the Advisory Planning Commission "F" meeting held on June 2, 2023

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Submitted by:



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Planner II

Reviewed by:



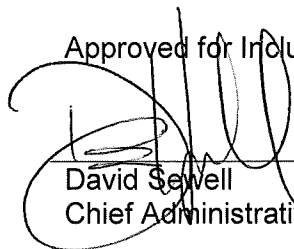
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Approved for Inclusion:



David Sewell  
Chief Administrative Officer





# STAFF REPORT

**TO: Board of Directors**

**File No: 3060.03.17**

**FROM: Planning Department**

**Date: February 22, 2023**

**SUBJECT: Draft RDNO Zoning Bylaw No. 3000, 2023**

## RECOMMENDATION:

That the draft Regional District of North Okanagan Zoning Bylaw No. 3000, 2023, which proposes to replace the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003, be referred to the Electoral Area Advisory Planning Commissions and to affected organizations and authorities for their review and comment.

## BACKGROUND:

The attached draft Zoning Bylaw No. 3000 proposes to replace Zoning Bylaw No. 1888, which was adopted in 2004. Since its adoption and in response to changing conditions and provincial legislation, Zoning Bylaw No. 1888 has been amended multiple times. As conditions continue to change, including the growing need to increase the supply of housing in the region, staff have been rewriting the Bylaw to respond to these changes and to ensure that the language in the Bylaw is clear and up-to-date, that the format is user-friendly and that all sections are consistent with each other. The Bylaw has also been written to reduce the number of commonly supported variance requests. The Bylaw has also been written to minimize the creation of non-conforming situations and as such, the Bylaw does not propose to change the zoning designation of any properties, to change the uses permitted in the existing zones or to make the existing regulations associated with the siting, size and dimensions of buildings and structures more restrictive.

This report provides an outline of the differences between Zoning Bylaw No. 1888 and the proposed new Zoning Bylaw No. 3000. The report also outlines the legislative requirements associated with adopting Zoning Bylaw No. 3000 and the proposed process for adopting the Bylaw. Replacing the current Zoning Bylaw with the proposed new Zoning Bylaw will impact zoning amendment bylaws associated with in-process rezoning applications. This report outlines some steps that could be taken to help make the processing of these zoning amendment bylaws as seamless as possible.

## Official Community Plans

Section 478 of the *Local Government Act* requires that zoning bylaws enacted by a Board after adopting an Official Community Plan (OCP) must be consistent with the relevant OCP. The proposed new Zoning Bylaw No. 3000 has been drafted to take direction from and ensure consistency with the policies and land use designations of the Electoral Areas "B" and "C" OCP Bylaw No. 2626, 2014, the Electoral Areas "D" and "E" OCP Bylaw No. 2485, 2011 and the Electoral Area "F" OCP Bylaw No. 2702, 2016.

At the Regular Meeting held on February 15, 2023, the Board of Directors gave First Readings to OCP Amendment Bylaw No. 2953, OCP Amendment Bylaw No. 2954 and OCP Amendment Bylaw No. 2955. The Bylaws propose amendments to the Electoral Areas “B” and “C” OCP, the Electoral Areas “D” and “E” OCP Bylaw and the Electoral Area “F” OCP to acknowledge the need to provide consistency between the OCPs and the proposed new Zoning Bylaw No. 3000. The Board of Directors resolved to refer the above OCP Amendment Bylaws to affected organizations and authorities for their review and comment. Comments received from these organizations and authorities will be presented to the Board at a future meeting.

## **LOCAL GOVERNMENT ACT:**

Section 479 of the *Local Government Act* states that a local government may adopt a zoning bylaw in order to divide a region into zones and to regulate within the zones: the use of land, buildings and structures; the density of the use of land, buildings and structures; the siting, size and dimensions of buildings and structures; and the shape, dimensions and area of all parcels of land that may be created by subdivision. Other land use management and planning related to zoning is often included in such bylaws, and the proposed Zoning Bylaw No. 3000 continues the approach of including provisions related to off-street parking and loading, screening and landscaping, signage, floodplain, riparian, and campground regulations.

### Public Notice

Section 478 of the *Local Government Act* requires that all bylaws enacted or works undertaken by a Board after adopting an official community plan must be consistent with the relevant Plan, irrespective of whether those are applicant-driven or local government-initiated proposals.

Section 464 states that a local government is not required to hold a public hearing on a proposed zoning bylaw if an official community plan is in effect for the area that is the subject of the zoning bylaw, and the bylaw is consistent with the official community plan.

Section 465 states that if a local government chooses to hold a public hearing, the public hearing must be held after first reading of the bylaw and before third reading.

Section 467 states that if a local government decides not to hold a public hearing on a proposed zoning bylaw, it must give public notice of the date at which the bylaw would be considered for First Reading. Notice must also be given of the place where and the times when copies of the bylaw may be inspected.

Section 469 states that if the holding of a public hearing is delegated, the local government must not adopt the bylaw that is the subject of the hearing until the delegate reports to the local government, either orally or in writing, the views expressed at the hearing.

### Non-Conforming Uses, Buildings and Structures

Sections 528-535 of the *Local Government Act* allows lawfully established uses, buildings and structures to continue when zoning amendments are made which would otherwise make the use, building or structure non-conforming. A property owner cannot continuously replace a building or structure with new buildings or structures so as to extend indefinitely the non-conforming use. Also, the non-conforming protection is lost if the use is discontinued for 6 months or a building containing a non-conforming use is damaged or destroyed greater than 75% of the value above its foundation.

## Amendments and Variances

Section 460 of the *Local Government Act* states that a local government that has adopted an official community plan or a zoning bylaw must, by bylaw, define procedures which an owner may apply for an amendment to the plan or bylaw or the issuance of a permit.

Section 498 of the Act states that a local government may, by resolution, issue a development variance permit that varies the provisions of a zoning bylaw except those provisions related to use, density and floodplains.

Section 536 of the Act states that a local government must, by bylaw, establish a board of variance. Section 542 states that the board of variance may order that a minor variance be permitted from certain limited requirements of the zoning bylaw if it finds that undue hardship would be caused to the applicant if the applicant were required to adhere to the bylaw requirement.

The Development Application Procedures and Administrative Fees Bylaw No. 2677 and the Board of Variance Procedure Bylaw No. 1889 were adopted in 2018 and 2004 respectively to adhere to the above noted requirements. The adoption of Zoning Bylaw No. 3000 does not trigger the need to amend or update these Bylaws, although the Board of Variance does require the appointment of new members.

## **TRANSPORTATION ACT:**

Section 52 of the *Transportation Act* states that a zoning bylaw does not apply to land within 800 m of the intersection of a controlled access highway and any other highway unless the bylaw has been approved in writing by the Ministry of Transportation and Infrastructure. The proposed new Zoning Bylaw will need to be endorsed by the Ministry as it applies to properties that are within 800 m of a number of intersections of controlled access highways and other highways.

## **AGRICULTURAL LAND COMMISSION ACT:**

Section 46 of the *Agricultural Land Commission Act* states that a local government zoning bylaw that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect. It also states that a local government bylaw is deemed to be inconsistent with this Act if it (a) allows a use of land in the agricultural land reserve that is not permitted under the ALC Act, or (b) contemplates a use of land that would impair or impede the intent of the ALC Act, the regulations or an order of the commission. Part of the update includes aligning zoning with changes in law affecting lands in the ALR. The proposed new Zoning Bylaw does not need to be endorsed by the ALC, but referral may help highlight any potential inconsistencies.

## **ZONING BYLAW ADOPTION PROCESS:**

### Referral Process

There are no legislative requirements to refer the proposed new Zoning Bylaw for review and comment except for the above noted requirement to refer the Bylaw to the Ministry of Transportation and Infrastructure for their written endorsement. The proposed new Zoning Bylaw does however include regulations that could directly or indirectly impact or be impacted by other regulations or policies, and so it is recommended that the Bylaw be referred to the following for their review and comment: Electoral Areas Advisory Planning Commissions, Agricultural Land Commission, Ministry of Agriculture, Ministry of Environment, Ministry of Forests, Interior Health, Okanagan Basin Water Board, Ministry of Transportation and Infrastructure, Greater Vernon Water and other community water system providers.

The Planning Department will review any comments received in response to the referral process. The comments will be presented to the Board of Directors along with any recommended changes to the proposed new Zoning Bylaw. At the same time, the Planning Department will provide a recommendation on the process for adopting the Zoning Bylaw. In this regard, the Zoning Bylaw could be scheduled to be given for First and Second Readings and referral to a Public Hearing.

### Public Hearing

The proposed new Zoning Bylaw includes a significant number of changes, including to the number of dwellings allowed per lot in the rural zones, and so it is recommended that the Bylaw be referred to a Public Hearing.

### **IN-PROCESS ZONING AMENDMENT BYLAWS:**

Replacing the current Zoning Bylaw No. 1888 with the proposed new Zoning Bylaw No. 3000 will impact the approval process for zoning amendment bylaws associated with in-process rezoning applications. Those that are adopted early in the Zoning Bylaw No. 3000 review process will need to be incorporated into the zoning map of Bylaw No. 3000 prior to Second Reading of the Bylaw.

Zoning Bylaw No. 1888 amendments that were completed, but not acted upon as outlined above or by obtaining a Building Permit, prior to adoption of Zoning Bylaw No. 3000 may essentially be un-done with the adoption of Zoning Bylaw No. 3000. Applicants would have had the opportunity to obtain building permits and/or establish lawful non-conforming uses. Those property owners could continue as lawful non-conforming or seek an amendment under Zoning Bylaw No. 3000. In this regard, the Board of Directors could direct staff to bring a "housekeeping" amendment to bring these bylaws into conformance with Zoning Bylaw No. 3000 immediately following its adoption. Section 464.2 of the *Local Government Act* would allow this to be done without the need for an additional public hearing if consistent with the OCP. It is worth noting that there would only be a few, if any, in-process zoning amendment bylaws that would need to go through this process. It is also worth noting that in-process OCP amendment bylaws are unaffected by this process and can be adopted in their normal course.

Otherwise, after the adoption of Zoning Bylaw No. 3000, zoning amendment bylaws associated with Zoning Bylaw No. 1888 that are not yet adopted would no longer be relevant or have standing. New zoning amendment bylaws will need to be prepared in order to change the references from those applicable to Zoning Bylaw No. 1888 to references applicable to Zoning Bylaw No. 3000, and then run through the normal amendment procedure anew.

There are currently 18 in-process zoning amendment bylaws associated with rezoning applications. To help make the processing of these bylaws as seamless and efficient as possible, the Planning Department has and will continue to inform persons that have or are planning to submit rezoning applications of the process involved in the transition from the current Zoning Bylaw to the proposed new one. Applicants are being encouraged to address any conditions of approval that the Board has resolved need to be addressed. The Planning Department will provide the Board of Directors with an overview of any other steps that could be taken to limit the impact of adopting the proposed new Zoning Bylaw on these in-process bylaws. This will be done in a separate report that will also include an overview of the comments received through the referral process, any proposed changes to the Zoning Bylaw and a recommendation on the process for adopting the Zoning Bylaw.

## **DRAFT ZONING AMENDMENT BYLAW NO. 3000:**

The following outlines the differences between Zoning Bylaw No. 1888 and the proposed new Zoning Bylaw No. 3000.

### General changes:

- Updated references to Provincial and Federal Acts, Regulations and other legislation.
- Added general references to 'authority having jurisdiction' where a governing body is noted.
- Changed order of sections into "general use", "subdivision" and "development" regulations and moved regulations which appear in multiple zones into "general use", "subdivision" and "development" regulations.
- Removed headers where not necessary and added new headers where necessary.
- Removed references to imperial measurements.
- Updated references to highway with street.
- Deleted references to Business Licences.

### Changes to Interpretation:

- Removed definitions of words which do not otherwise appear in the Bylaw.
- Consolidated definitions which previously were located elsewhere in the Bylaw and deleted repeated definitions.
- Clarified definition of accessory building or structure and included restriction on plumbing fixtures which is currently regulated by a policy.
- Added definition of restricted agricultural building to be consistent with the use and number of plumbing fixtures currently regulated by a policy.
- Added definition for agri-tourism campground for clarification.
- Added "may include one kitchenette" to definition of agri-tourism cabin because kitchens were intended to be permitted; however, the definition did not clearly state as such.
- Added definition of kitchenette relating to agri-tourism use.
- Combined goats and feeder lambs into one category in definition for animal unit.
- Increased size provision within definition of agri-tourism from 30 m<sup>2</sup> to 35 m<sup>2</sup> but now includes washroom facilities.
- Moved size provisions from definition of agricultural cannabis facility to the respective section.
- Added degree of attachment definition for clarity on requirements for attachments of, to and for dwelling units.
- Added definitions for major/minor daycares and major/minor group homes.
- Updated definitions to include secondary dwellings and deleted ancillary dwellings/detached suites.
- Increased number of persons included in the definition of a family.
- Clarified floor space definition related to outside of exterior walls.
- Deleted reference to localized depressions in definition of height of buildings and structures.
- Deleted definition of manufactured home community and reference to two or more manufactured homes constituting a manufactured home community. Further references to permitting properties to have two manufactured homes where more than one dwelling is permitted was added to the respective zones.
- Added definition for modular storage container. Further regulations related to modular storage containers was added in new section of regulations for modular storage container.
- Removed on-farm processing, processed farm products and on-farm product preparation definitions but provided further clarification within the respective farm retail sales section.
- Removed reference to size in park model recreation unit definition as this is determined by CSA.

- Updated recreational vehicle definition to reference CSA certification standards.
- Included definition for rapid infiltration and spray irrigation of treated sewage effluent.
- Removed trailer definition and replaced where applicable with recreational vehicle.

#### Changes to Basic Provisions:

- Moved subdivision regulations to its own section (see Changes to Subdivision Regulations).
- Removed Section 301 – Agricultural Land Reserve as it was already removed from the Bylaw in 2013 and it is redundant.
- Removed second part of Section 302 – Existing Lots and 308 – Siting Size, and Dimensions of Land, Buildings and Structures it is not necessary.
- Added maximum limitation for height exemptions which are projections on buildings.
- Modernized wording in height and setback exceptions.
- Reorganized Section 305.2 related to assembly, civic and public service uses being permitted in all zones except the Residential Single Family (R.1) zone by adding assembly/civic/public service as permitted uses within all Commercial, Industrial and Rural zones.
- Deleted assembly, civic and public service uses as permitted uses within other Residential zones (R.2-R.5) but retained playgrounds and parks as permitted uses in Residential zones.
- Clarified the setback for civic, assembly, and public service use as being the required setback of applicable zone.
- Clarified minimum lot size for assembly use to respective zones.
- Within Section 305.4 related to use of a trailer, the length of a trailer was increased from 9 m to 10 m to reflect the maximum size of a trailer which can be stored within Residential zones and the Small Holding Zone. Also changed reference from “manufactured home or tent and trailer park” to campground and removed reference to servicing.
- Within Prohibited Uses of Land section, clarified uses within trailers includes “park model recreation unit” and “recreational vehicle” by adding to the list.
- Deleted current Section 307.1.d related to freestanding setback exceptions because of the negative impact these structures can have on the use and enjoyment of neighbouring properties.
- Deleted Section 309 related to agricultural buffers as wording is not directive. It may be difficult to achieve a buffer for existing lots. The OCP policies will capture the creation of new lots through the rezoning approval process.

#### Changes to General Regulations:

- Section 401 – Agricultural Uses in Other than Residential zones replaced with two sections: Intensive Agricultural Use and Restricted Agricultural Use. Agricultural section removed reference to setbacks as they are contained within the R.1 and R.2 zones.
- Updated Agricultural Uses section to be clearer on where intensive agricultural use is permitted in accordance with ALC Regulations.
- Clarified that restricted agricultural buildings require a principal residence on the same property.
- Delete provisions to allow backyard hens on the side of a dwelling.
- Community Care Facilities:
  - Reworded Community Care Facilities to Daycares/Group Homes:
  - Minor daycares (under 10) permitted in all zones. Major (over 10) permitted in Commercial zones. Currently any sizes permitted in all zones.
  - Added rural properties may have daycares in accessory buildings.
- Home Occupation Use:
  - Clarified that freestanding signs are permitted. Regulations were previously silent on this point and open to interpretation.



- Added regulation regarding maximum height of home occupation signs (1 m in Residential zones and 1.5 m in Rural zones)
- Changed parking requirements from 3 total to 1 per 50 m<sup>2</sup>.
- Deleted Major Road Setback requirements as MoTI has changed their policies.
- Removed provisions related to temporary residences for infirm relatives as other options included in the Bylaw allow dwelling units beyond what is permitted and on a permanent basis.
- Temporary residence during construction section updated as follows:
  - Clarified the temporary residence is only related to a principal residence.
  - Requirement to complete conversion to non-residential use within 30 days is proposed to be changed to allow 90 days to complete the conversion.
  - Omitted reference to the specific amount of letter of credit required to ensure removal of manufactured home used as temporary residence as costs will change over time and circumstances may differ from one property to another.
  - Added option for letter of credit or deposit.
  - Removed regulation which prohibited a temporary residence from being sited on a permanent foundation as a temporary residence may be a single family dwelling and by definition, a dwelling is to have a permanent foundation.
  - New modular and manufactured homes retained as an option for a proposed temporary residence during construction but removed provision that allows a new dwelling to be used. Existing dwellings may still be used.
- Changes to dwelling units:
  - Reduced minimum property size for a secondary suite to 0.4 ha from 1 ha.
  - Removed regulation that restricts the size of suites to 40% of the single family dwelling as permitted in new Building Code but kept the provision that limits the size of the suite to 90 m<sup>2</sup>.
  - Replaced detached suite and ancillary dwellings provisions and with secondary dwellings.
  - Increased floor area for ancillary dwellings from 75 m<sup>2</sup> to 90 m<sup>2</sup> within the ALR; decreased floor area within Areas D and E from 222 m<sup>2</sup> to 186 m<sup>2</sup>; increased floor area from 90 m<sup>2</sup> to 186 m<sup>2</sup> outside the ALR in Areas B, C and F; and increased floor area from 75 m<sup>2</sup> to 186 m<sup>2</sup> for properties 40 hectares and larger in the ALR.
  - Removed farm status requirement for ancillary (secondary) dwellings in the ALR.
  - Increased number of dwelling units by allowing secondary suites or two family dwellings on lots less than 1 ha and in addition to secondary dwellings on lots greater than 2 ha. Also allowing secondary dwellings or a secondary suite on lots which are at least 1 ha.
  - Increased the number of manufactured homes permitted on a lot from one to two.
- Agri-tourism accommodation:
  - Clarified a property must be within the ALR to permit agri-tourism accommodation.
  - Clarified that kitchenettes are permitted in agri-tourism cabins in the definition based on Board direction when the provisions were originally added to the Zoning Bylaw (HPO required either way as per HPO office/Building Department), but not full kitchens.
  - Clarified that each sleeping unit is an agri-tourism accommodation unit as per ALC Regulations.
  - Clarified that Bed and Breakfast units count towards total of agri-tourism accommodation units.
  - Agri-Tourism campsite definition amended to state that no one tent or RV shall occupy an Agri-Tourism campsite for more than 30 days in one calendar year and an agri-tourism campsite must not be used for storage.
- Temporary use permits for existing cannabis production facilities changed reference to letter of credit to be consistent with other areas of the Bylaw which require this (see temporary residence during construction above).
- Updated Accessory farm sales use to farm retail sales to reflect current ALC regulations.
- Updated wineries and cideries to alcohol production facilities and condensed to reflect current ALC regulations and authorities under BC Liquor and Cannabis Branch.
- Added section relating to dog kennels previously located within the Rural zones.



- Updated agricultural cannabis production facilities to include provisions related to size which were previously in the definition. Increased size within Area “D” to 1,900 m<sup>2</sup> as per direction of the Board.
- Clarified storage of off-site resource vehicle within rural zones.
- Moved and added clarification to dwelling units in commercial, industrial and comprehensive development zones.
- Moved and added clarification to unenclosed parking and storage.
- Added provisions related to modular storage containers which were previously based on policy.
- Moved and added clarification to storage yards.

#### Changes to Subdivision Regulations:

- Within lot averaging provisions, removed all but minimum lot size reference as a limit for number of lots created for lot size averaging provisions and removed minimum lot frontage requirement.
- Related to subdivision under Section 514 of the *Local Government Act*, reduced minimum lot size required to subdivide lot for a relative.
- Combined and simplified section related to Boundary Adjustment Subdivisions.
- Building site and driveways section now includes a subsection stating that driveways must be wholly contained within the property being created. This is not a new regulation but a clarification to help avoid any misconception that a driveway easement would be permitted.

#### General Changes to Zones:

- Added all permitted uses to list of permitted uses such as bee keeping, laying hens and agri-tourism accommodation etc. to permitted uses in applicable zones.
- Regrouped sections into Use Regulations, Density Regulations, Development Regulations and Subdivision Regulations and added headers.
- Separated uses into principal and accessory uses.
- Added “including storage containers” to accessory buildings within rural, commercial and industrial zones subject to new section related to modular storage containers.
- Moved regulations relating to specific uses to the general use section.
- General wordsmithing and changes to be consistent with other formatting changes throughout the zones.
- Removed minimum floor area for single family dwellings in all zones except Comprehensive Development zones.
- Added specific lot width dimension of 14 m to define panhandle of a lot.

#### Changes to Commercial Zones:

- Removed water storage and bulk distribution as this use is no longer taking place within C.5 zoned properties (related to Clearly Canadian which has since been rezoned) and does not fit within the C.5 zone.
- Clarified the height for other uses within the C.5 zone and increased height for cabins/motels/hotels from 9 m or two stories to 10 m or two stories and removed provisions related to 5% sloped lots.

#### Changes to Industrial Zones:

- Removed I.3 and I.5 zones as they have not been attached to a property for many years (annexed into the City of Vernon).
- Renumbered Industrial zones accordingly.

### Changes to Residential Zones:

- Increased height in residential zones from 9 m or two stories to 11 m and removed provisions related to 5% sloped lots.
- Removed Residential zone provisions related to size and number of accessory buildings and replaced with lot coverage ratio of 7.5%.
- Restrictive Agricultural Use was deleted as permitted use from the R.3 zone as it is a multifamily residential zone.

### Changes to Rural Zones:

- Veterinary clinic removed from Permitted Uses where it appeared in Rural zones as this use is provided for under home occupation use and must comply with the ALC Regulations.
- Removed “and certain areas of land used for agricultural purposes as described elsewhere in this bylaw” from definition and provisions of lot coverage.
- Replaced 10% minimum with 20 m dimension for Lot Frontage. LU053 Policy on waivers of lot frontage, fees bylaw to be updated as well.
- Bed & Breakfast section changes streamlined to within our authority.
- Boarding house section changes streamlined to within our authority.
- Small Holding zone removed restrictions on maximum floor area and number of accessory buildings. To be dealt with through lot coverage provisions.
- Reduced lot coverage for Small Holding zone from 30% to 20% for dwellings and 7.5% for accessory buildings due to the removal of restrictions on the total number of accessory buildings
- Fruit and produce pickers cabins and workforce housing units removed from permitted uses and definitions as they are not consistent with ALC Regulations.
- Removed packing house from permitted uses as it is captured under agricultural use, and must comply with ALR Regulations.

### Changes to Special Use Zones

N/A

### Changes to Comprehensive Development Zones

- Deleted CD.1 as it no longer relates to a property. Previous subject property was rezoned through an application process several years ago.
- Renumbered Comprehensive Development zones accordingly.
- Simplified names of Comprehensive Development zones.

### Changes to Parking Regulations

- Removed provisions related to ‘offsite parking’ with just parking as it is inherent that the regulations relate to parking on a property.
- Moved provisions related to parking located elsewhere in the Bylaw to parking section.
- Deleted reference to erecting, enlarging, or increasing in capacity and replaced with any development.
- Provided clarification on required width of driveway aisles based on parking space angles and if parking spaces are not provided.
- Reduced number of stalls that can back out onto a highway from 10 to 4 which is consistent with other regulations in other areas.

- Moved location of provisions related to no parking within a front yard setback for minor daycares, minor group homes and home occupation uses which in in the current Bylaw.
- Tandem parking currently is not permitted. Added regulation to permit tandem parking for the same dwelling unit and expressly prohibit in all other zones.
- Reference added to prevent light spilling into the sky (incorporating dark sky policies) for illumination of parking spaces
- Grouped types of uses for number of parking spaces.
- Modernized and consolidated number of required parking spaces to be consistent with other communities. Also removed references to number of employees where possible and introduced minimum number of spaces for problematic uses.

#### Changes to Loading Regulations

- Combined parking and loading into one section.
- Deleted reference to erecting, enlarging, or increasing in capacity and replaced with any development.
- Increased width of loading spaces from 2.4 m to 3 m. 2.4 m is less than the minimum width required for a parking space, and 3 m is a standard width used in other Bylaws.
- Reference added to prevent light spill into the sky (incorporating dark sky policies) for illumination of loading spaces.

#### Changes to Campground Regulations

- Added reference that a campground permit is required for agri-tourism accommodation as that was the intent of the bylaw.
- Removed references to genders of washrooms.

#### Changes to Signage Regulations

- Moved provisions related to signage located elsewhere in the Bylaw to signage section.
- Removed references to Swan Lake Commercial District and Rural Vernon OCP Bylaw No. 1708.
- Standardized sizes of signs for secondary uses.

#### Changes to Screening and Landscaping Regulations

- Moved landscaping to its own section.
- Removed references to Swan Lake Commercial District and Rural Vernon OCP Bylaw No. 1708.
- Screening section updated to be screening, fencing and retaining walls.
- Relocated regulations associated with fences and retaining walls that are not required for screening and landscaping from the screening and landscaping section to a new standalone section.

#### Changes to Agricultural Setback Regulations

N/A

#### Changes to Waterbody Provisions

- Removed Introduction/purpose statement as such statements are not provided in other sections.
- Removed references to Okanagan Lake as there are no properties under RDNO's land use authority on Okanagan Lake anymore.
- Deleted exemption for farm dwelling units.

Report to: Board of Directors  
From: Planning Department  
Re: Draft Zoning Bylaw No. 3000

File No.: 3060.03.17  
Date: February 22, 2023  
Page 11 of 11

Mapping Changes:

- Updated maps to reflect naming changes within Industrial and Comprehensive Development zones.
- Added Schedule I as a map schedule (related to agri-tourism accommodation).
- Updated maps to reflect new Bylaw number, etc.

Submitted by:



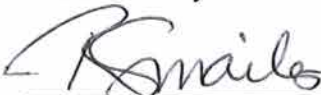
Jennifer Miles  
Planner

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Approved for Inclusion:



David Sewell  
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April 25, 2023

Reply to the attention of Michael McBurnie  
ALC Planning Review: 46833

Greg Routley  
Deputy Planning Manager, RDNO  
greg.routley@rdno.ca

**Re: RDNO Zoning Bylaw Update, Bylaw No. 3000**

Thank you for forwarding a draft copy of the Regional District of North Okanagan's Zoning Bylaw update (the "Zoning Bylaw") for review and comment by the Agricultural Land Commission (the "ALC" or "Commission"). The draft Zoning Bylaw is an update to the current zoning bylaw, which was referred to the ALC for review and comments 2003.

ALC staff provide the following comments to help ensure that the Zoning Bylaw is consistent with the purposes of the *Agricultural Land Commission Act* (the "ALCA"), the *Agricultural Land Reserve ("ALR") General Regulation*, the *ALR Use Regulation*, and any decisions of the ALC. [Section 46 of the ALCA](#) requires local governments to ensure their bylaws are consistent with the ALCA, ALR regulations, and any orders of the Commission. Inconsistent bylaws include (but are not limited to) those which allow a use of land in the ALR that is not permitted under the ALCA or contemplate a use of land that would impair or impede the intent of the ALCA. This review by ALC staff aims to identify anything within the draft Zoning Bylaw that is inconsistent with the ALCA and provide recommendations on how to improve them. Please note that ALC staff cannot endorse the use of ALR for non-farm uses.

**ALC Review of the 2003 Zoning Bylaw**

In 2003, the RDNO referred the existing zoning bylaw (bylaw 1888) to ALC staff for review. ALC staff identified several concerns with that bylaw including:

- Lack of a dedicated *Agriculture* zone. Instead, ALR land was included along with non-ALR land in the *Large Holdings*, *Country Residential*, and *Non-Urban* zones (collectively, the "Rural Zones"). These zones permit uses that are not permitted uses in the ALR (including *Veterinary Clinics*, *Boardinghouses*, *Community Care facilities* and *Workforce housing*). This can create landowner confusion about what is permitted in the ALC and lead to non-compliance.
- All of the ALR land in the BX and Swan Lake areas in Electoral Area B were zoned *Country Residential*, which may be inconsistent with both the ALR designation and the Regional District's *Agricultural* designation of the ALR in the Electoral Area B OCP, because the term "Country Residential" suggests that this land is not identified for agriculture, rather the primary land uses encouraged by the Regional District is residential.

- The small minimum lot size for ALR land in the *Country Residential* zone (2 ha) which, in the Commission's mind, is not supportive of agricultural development.
- There were no provisions for buffering between the ALR and other potentially non-compatible uses. ALC staff recommended including requirements for vegetated buffering, screening, and setbacks along the ALR boundary.

ALC staff concluded that Bylaw 1888 was inconsistent with the ALCA and suggested that the RDNO modify it to be consistent with OCP and the ALCA.

In response to these comments, a section was added to bylaw 1888 to address buffering but the concerns about no dedicated *Agriculture* zone, small lot sizes, and including ALR land within "Residential" zoning were not addressed.

### **Agriculture Zone**

The current draft Zoning Bylaw also does not have a dedicated *Agriculture* zone to reflect the ALR designation. In addition, large portions of ALR land are still zoned *Country Residential*.

ALC staff strongly recommend that all ALR parcels currently in the ALR (with the exception of permitted/pre-existing non-farm uses) be designated as "Agriculture" to clarify the ALR designation, and to limit the permitted uses to what is permitted in the ALR. Retaining the current plethora of Zones over ALR lands confuses landowners as to what uses are permitted and greatly increases the likelihood of non-compliance with the ALCA. The simplest way to avoid this is to create a separate *Agriculture* zone for all ALR land and align the permitted uses in this zone with those permitted by the ALR Use Regulation.

ALC staff note that the Official Community Plans for Areas B, C, and D include an *Agricultural* designation and designate ALR land as such. Section 478 of the *Local Government Act* requires that zoning bylaws enacted by a Board after adopting an OCP must be consistent with the relevant OCP. ALC staff recommend aligning the Zoning Bylaw with the OCP with regards to designating ALR land *Agricultural*.

### **Uses in the ALR That Are Inconsistent With The ALCA**

ALC staff are pleased to see that some inconsistent uses identified in the 2003 review were removed from the Rural Zones, including veterinary clinics, community care facilities and workforce housing. However, "boarding house" is still listed as a permitted use in these zones, although a boarding house is not a permitted use in the ALR. Please remove this reference from all the rural zones that affect the ALR.

The Rural Zones permit two-family dwellings, which is listed as a separate use from single family dwellings with a suite. A principal residence (as defined in the ALCA) and a secondary suite within it are permitted in the ALR, but two-family dwellings (ie. duplexes) are not contemplated in the ALCA. Section 3.25 "Two Family Dwellings" specifically

mentions the ALR, stating that for properties in the ALR “the floor area of a two-family dwelling must not exceed 500 m<sup>2</sup>”. This should be corrected to state that two-family dwellings are not permitted in the ALR.

*Limited and Intensive Resource Use* are also permitted uses in Rural Zones. These uses allow mineral extraction, including the preliminary grading, cutting, or crushing of such materials for shipment. Mineral extraction and processing are not outright permitted uses in the ALR. These activities can only be considered through an ALC application and, if approved, the ALC typically includes conditions and financial security to help mitigate significant concerns about long-term degradation of the land’s agricultural capability and impacts to surrounding ALR land. Any bylaws that appear to allow mineral extraction and processing use outright on ALR land can lead to non-compliance with the ALCA and the degradation of agricultural land.

“Minor day cares” and “minor group homes” are permitted use in Rural Zones, but the bylaw does not indicate a maximum number of clients for these minor uses. These uses may be permitted in the ALR as a Home Occupation use, as long as they meet the criteria in ALC Policy L-07: *Home Occupation Use in the ALR* (“Policy L-07”). ALC Policy L-07 states that a home occupation use does not include daycare facilities, preschool or other educational facilities, group homes, or health and community care facilities where more than 8 persons are served at a time. ALC staff recommend clearly identifying the 8-person maximum for these uses in the ALR to avoid confusion and non-compliance.

### **Minimum Lot Sizes**

The minimum lot sizes for Rural Zones with ALR land are:

Country Residential	2 ha
Non-Urban	7.2 ha
Large Holdings	30.5 ha

ALC staff are concerned about the small minimum lot sizes on ALR land. ALC staff advise that the Commission is not compelled to subdivide to a local government’s minimum lot size but instead takes into account a variety of agricultural considerations including section 6 of the ALCA. However, small minimum lot sizes can encourage land speculation and raise expectations for future subdivision, which makes ALR land less affordable and less available for agriculture.

ALC staff consistently recommend as large a minimum lot size as possible for ALR land and in the case of the current bylaw, recommend adopting the *Large Holdings’* 30.5 ha minimum for all ALR land.



## Buffering

The existing zoning bylaw (No. 1888) includes a buffering provision in Division Three – Basic Provisions:

*“309 Buffering Between The Agricultural Land Reserve And Non-ALR Lands*

*Screening vegetation, fencing and building setbacks on the non ALR side of the urban/ALR interface shall be provided in accordance with the “Landscaped Buffer Specifications” prepared by the Agricultural Land Commission in 1993. Buffering requirements shall be considered as a condition precedent to subdivision approval or as a condition precedent to the issuance of building permits as the case may be.”*

This appears to have been added following ALC staff's 2003 comments. Concerningly, this provision was removed from the draft 2023 update.

Where residential, commercial, or other urban uses abut the ALR, there is potential for conflicts due to farm noise and smells, as well as potential for negative impacts to agriculture, such as trespass, litter, and theft. ALC staff recommend adopting urban-side buffering and setback requirements between agricultural and urban uses to promote urban/rural compatibility. Specifically, ALC staff recommend adopting the best practices set out in the Ministry of Agriculture's *Guide to Edge Planning* (2015).

## Setbacks

ALC staff note that the setback tables in Section 7 “Agricultural Setbacks In Rural Zones” largely align with the Ministry of Agriculture and Food's guidelines for setbacks of buildings from the ALR edge in section 3.4 or the *Guide to Edge Planning*. However, the RDNO's setbacks appear to apply to all properties, not just those along the urban/ALR boundary. ALC staff recommend reduced setbacks for boundaries where both properties are zoned for agricultural use (ie. where there is no interface between agriculture and urban uses).

## Lot Coverage

The *Country Residential, Non-Urban, and Large Holdings* zones all limit lot coverage to 30% of a parcel, except for greenhouses which are permitted up to 75% coverage. This is more restrictive than the Ministry of Agriculture and Food's recommendations in the [Guide for Bylaw Development in Farming Areas](#), which states that “bylaws should not restrict the area of a lot which may be covered by buildings and structures for farm use, to an area less than 35% or less than 75% for greenhouses.”

## Farm Product Processing

The zoning bylaw defines two agricultural uses in the ALR: “Agricultural Use, Intensive” and “Agricultural Use, Limited”. Neither definition includes farm product processing, which appears to be limited to exclusively the *Agricultural Industrial Zone*.

[Section 11 of the ALR Use Regulation](#) designates storing, packing, preparing and processing farm products in the ALR as a farm use which may not be prohibited, if at least 50% of the farm product is:

- (a) produced either on that agricultural land or by an association to which the owner of the agricultural land belongs, or
- (b) feed required for farm use on that agricultural land.

ALC staff noted that prohibiting farm product processing in certain zones in the ALR is inconsistent with the ALCA.

### **Intensive Agriculture on lots less than 0.81 ha**

Sections 3.4 and 3.5 prohibit intensive agriculture on lots less than 0.81 ha in the ALR. Agriculture, including intensive agriculture, is the priority use for all properties in the ALR, regardless of the lot size.

ALC staff note the specific reference to parcels less than 0.81 ha (2 acres) in these sections and wish to clarify [section 23 of the ALCA](#), which states:

- 23 (1) Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area.

Please note that section 23 does not apply to all parcels less than 2 acres in the ALR. Any inquiries about whether a specific parcel meets the s. 23 (1) exception should be referred to the ALC for determination, as per [ALC Policy P-02: Parcels Less Than 2 Acres](#).

### **Restrictions on Farm Uses**

The ALR Use Regulation identifies farm uses and permitted non-farm uses that may not be prohibited by a local government. While these uses cannot be prohibited, they can be regulated by a local government as long as the regulation does not excessively restrict normal farming practices.

A number of sections in the Zoning Bylaw speak to restrictions on farm uses. ALC staff note that in many cases, the regulations appear to be aimed at residential hobby agricultural farm uses, without specific consideration for intensive agriculture in the ALR.

ALC staff have the following comments:

- **Section 3.3 Prohibited Uses of Land, Buildings and Structures** prohibits cannabis retail, including farm sales in all zones. The ALR Use Regulation designates farm retail sales, including cannabis, as a farm use that may not be prohibited.
- **Section 3.6 Laying Hens** sets maximum animal, height, and size restrictions that are well below standard farm practices for poultry operations. This section should be updated to clearly state that this section does not apply to properties in the ALR.

- Likewise, **section 3.7 Hobby Beekeeping** should be updated to clearly state that this section does not apply to properties in the ALR.
- ALC staff appreciate that **section 3.8 Agri-Tourism Accommodation** matches the ALR Use Regulation and clearly sets out some agri-tourism requirements (farm status) and limits (5% lot coverage and 10 sleeping units). ALC staff suggest adding that agri-tourism accommodations must also be related to an agri-tourism activity as defined in the ALR Use Regulation ([section 12](#)).
- **Section 3.9 Farm Retail Sales** - it looks like the intent of this section is to align with the ALR Use Regulation, but the wording needs some clarification.
  - *"2. Notwithstanding the above, for properties within the Agricultural Land Reserve, the sale of other than farm products is permitted provided that the ratio of farm products to other than farm products does not exceed 50%." Mixing ratio and percentages is confusing. Also, the ratio appears to be reversed (ie. the percent of other than farm products cannot exceed 50%).*  
ALC staff suggest: "2. Notwithstanding the above, for properties within the Agricultural Land Reserve, the sale of other than farm products is permitted provided that at least 50% of the sales area is dedicated to farm products produced either on that agricultural land or by an association to which the owner of the agricultural land belongs."
  - *"3. Farm retail sales shall not occupy a farm retail sales area of more than 300 m<sup>2</sup>."*  
The Use Regulation does not set a maximum area if only farm products are sold.

### 3.21 Temporary Residence During the Period of Construction of a New Residence

Item #5 of this section states:

*"5. For properties within the Agricultural Land Reserve, a temporary residence shall not be permitted unless authorized under BC Reg 56/2020 or through the approval of an application under the Agricultural Land Commission Act."*

ALC staff appreciate that this section clearly states that an ALC application is required for a temporary residence in the ALR, but note that the section appears to contain an incorrect legislative reference (BC Reg 56/2020). The City may be referring to the ALR Use Regulation, BC Reg 30/2019?

### 3.24 Secondary Dwellings

Item #1 c. iii. states:

*"1. Secondary dwellings on lots that are 1 ha and larger must comply with the following:*

...

c. For properties that are located within the Agricultural Land Reserve:

...

iii. Any portion of the building used for the accessory residential or agricultural use and located below the secondary dwelling may be excluded from the calculation of the gross floor area.”

The ALC’s definition for total floor area only exempts the floor area below an additional residence if it is:

- a) a farm building, or
- b) the additional residence occupies the second storey above a one-storey garage which is used for the principal residence.

If any portion of the structure below the additional residence will be used for the additional residence, it is included in the additional residence’s total floor area calculation. Essentially, this clause is intended to provide an option to reduce the overall footprint of buildings in the ALR by permitting the additional residence to be built above a structure that would otherwise exist (ie. a farm building or another permitted structure). It is not intended as a loophole to permit more than 90 m<sup>2</sup> for the additional residence.

Item #1 e. states:

“e. Secondary dwellings may be located above or beside (attached to) an accessory residential or agricultural use...”

Additional residences in the ALR may be located above or beside (attached to) a farm building, but cannot be beside (attached to) an accessory residential structure. That arrangement would not provide the same benefits of a reduced footprint (discussed above) while greatly increasing the likelihood that the secondary residence could illegally expand into the attached residential use.

### **Inconsistent with the ALCA**

Section 46 of the ALCA requires all local government bylaws made after August 26, 1994 to be consistent with the ALCA, the ALR regulations, and the orders of the commission.

When ALC staff reviewed the previous zoning bylaw, 20 years ago, they noted the bylaw was inconsistent with the ALCA. Many of the concerns raised were not addressed then and have been carried forward into this draft bylaw.

The current bylaw referral states *“The Bylaw has also been written to minimize the creation of non-conforming situations and as such, the Bylaw does not propose to change the zoning designation of any properties, to change the uses permitted in the existing zones or to make the existing regulations associated with the siting, size and dimensions of buildings and structures more restrictive.”* However, ALC Staff note that this disclaimer does not exempt the bylaw from the legislated requirement to be consistent with the ALCA.

**Land Use Maps**

ALC staff were not provided a land use map with the bylaw referral but located an interactive copy of the current zoning map at [www.rdno.ca/maps](http://www.rdno.ca/maps). This map does not show the ALR boundary, which combined with a lack of a dedicated *Agriculture* designation for ALR land creates uncertainty about which properties are in the ALR and increases the likelihood of non-compliance with the ALCA. ALC staff strongly recommend a dedicated *Agriculture* designation be created for ALR land, or at minimum, the ALR boundary be shown on the zoning map.

As a land use map was not part of the referral package, ALC staff have not reviewed the zoning of individual properties for consistency with the ALCA. A lack of comment on any zoning that is inconsistent with the ALCA does not imply endorsement.

\*\*\*\*\*

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

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3246 or by e-mail (ALC.Referrals@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Michael McBurnie, Regional Planner

Enclosure: Referral of RDNO Zoning Bylaw Update, Bylaw No. 3000  
35281m1 ALC comments on draft bylaw 1888 (2003)

CC: Ministry of Agriculture – Attention: Alison Fox

46833m1



March 10, 2004

Reply to the attention of Martin Collins

Fred Levitt  
Senior Planner  
Regional District of North Okanagan  
9848 Aberdeen Rd.  
Coldstream, B.C.  
V1B 2K9

Dear Sir

**Re: Revisions to Bylaw # 1888**

Our File: T – 35281

Thank you for forwarding a draft copy of Bylaw #1888 for the Agricultural Land Commission's review and comment.

The Commission notes and concurs with the comments provided by the Ministry of Agriculture, Food and Fisheries provided in a letter dated January 12, 2004.

The Commission also notes that recent changes to the Agricultural Land Commission Act ( the *Act*) and regulations have been incorporated into Division Three – Basic Provisions 301 as well as other relevant portions of the bylaw (i.e the rural sections). It commends the Regional District for their timely incorporation into the Bylaw.

However, overall, the Commission finds that the draft bylaw still contains several inconsistencies with the *Act* as well as Official Community Plan documents recently adopted by the Regional District. In particular the Commission endorses and emphasizes the Ministry of Agriculture, Food and Fisheries observation that confusion would more likely be avoided if the Regional District's Agricultural Land Reserve (ALR) lands were put into an Agriculture Zone separate from the CR, LH and NU zones, and if permitted uses were established in that Agriculture Zone that more closely parallel those allowed by the *Act* and regulations.

The Commission provides the following more detailed comments regarding these issues and other inconsistencies of the bylaw with the *Act* and regulations.

**NU and LH Zones (Sections 803 and 804)**

As noted, the vast majority of Agricultural Land Reserve (ALR) lands in the Regional District lie within Non Urban (NU) and Large Holding (LH) zones. The Commission recognizes that these designations have a long history in the bylaw, contain land not within the ALR, and allow similar uses (with the exception of minimum lot sizes) that tend to compliment uses permitted by the *Act* and regulations. However, the Commission suggests that consideration be given to reorganizing the two zones so that ALR land lies within a single "Agricultural" zone, and the remainder of the non-ALR resource areas be included into a single "Large Holding" zone. The Commission also encourages a large minimum lot size (30 ha) in an "Agricultural" zone to help dampen speculation and reduce subdivision pressures.



Page 2

Veterinary Clinics, Boardinghouses, Community Care facilities and Workforce housing are permitted in the NU, LH and CR zones, yet are not permitted uses within the ALR. The Commission's concern is that landowners and bylaw readers will anticipate that these uses will be permitted in the ALR, when in fact such uses are only permitted when expressly allowed by the Commission (by way of application). It is possible that these uses may be refused by the Commission following the consideration of an application.

The Commission is pleased that references to Accessory Employee Residential Use have been deleted from all rural zones and that additional residences within the ALR will now be accommodated upon an application to, and review by, the Commission. The Commission recalls several subdivision applications arising from additional dwellings permitted by previous bylaw policies. The Commission appreciates that bylaw provisions for additional dwellings are a sensitive issue and that the *Act* gives local government the authority to permit additional dwellings where necessary for farm use. The Commission's only suggestion in this regard is to develop bylaw language that links ancillary dwellings to a level of agricultural activity on a property. It is the Commission's experience that a proliferation of permanent dwellings on a property encourages dual ownership, raises expectations of future subdivision, and alienates land from productive farm uses.

#### **Country Residential Zone: (C.R.) – in the BX and Swan Lake area**

A review of the zoning bylaw maps revealed that all of the ALR in the BX and Swan Lake areas in Electoral Area B are zoned "Country Residential". The Commission noted the CR Zone is inconsistent with both the Agricultural Land Reserve designation and the Regional District's "Agricultural" designation of the ALR in the Electoral Area B OCP. The term "Country Residential" suggests that this land is not in the ALR, and the primary land uses encouraged by the province and the Regional District are non - agricultural. Also the minimum lot size for this zone is 2 ha, a lot size which, in the Commission's mind is not supportive of agricultural development.

The Commission believes that the present bylaw review process presents a timely opportunity to achieve consistency between the zoning bylaw, the OCP and the *Act*, and therefore suggests that consideration be given to changing the C.R. zoning on the ALR lands in the Swan Lake and BX areas to an "Agricultural" zoning.

However, the Commission has no objection to the retention of the C.R. zone in the Keddleston and Silver Star road areas, because climate and soils in these areas are generally not suitable for agricultural uses (although some of these areas do lie within the ALR). The Commission can provide further advice as to the potential boundaries of the C.R. zone in these areas.

#### **Zoning anomalies**

The Commission noted that several large ALR properties east of MacDonald Rd. and north of Silver Star Rd. are zoned "Residential 1". The Commission recalls no previous decision that might suggest a non agricultural future for this area. Alternately it is possible that the zoning predates the establishment of the ALR. Although the zoning may have existed on these properties for many years the Commission respectfully requests that the Regional District consider how it might bring the zoning into consistency with its "Agricultural" OCP designation and the ALR status of the properties. Please note the attached map for details.



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**Section 304 - Homesite Severance**

The Commission is aware of recent concerns expressed by local government over the provision of Homesite Severance subdivision within the ALR. Homesite Severance is a policy of the Commission which provides favorable consideration for the subdivision of small lot for a landowner, provided the land was purchased and lived on continuously since prior to December 21, 1972. Typically homesite lots tend to be smaller than the minimum lot sizes permitted in agricultural/rural zones in the zoning bylaw. Some local governments choose not to rezone these smaller lots and instead invoke Section 946 of the *Local Government Act*, which permits the subdivision of lots smaller than the minimum lot size permitted by a zoning bylaw under certain conditions.

The Commission's concern over this issue pertains to recent Ministry of Health advice which suggests that provincial infrastructure funding may not be available to jurisdictions which allow the subdivision of lots smaller than 1 ha if they are served by a septic field. The Commission suggests that somewhere in the Basic Provisions (section 301), or in the rural zone's list of permitted uses, that the Regional District reference Homesite Severance (as per the ALR Policy) to ensure that these types of subdivision are not subject to a 1 ha minimum lot size. The Commission is concerned that Ministry of Health requirements will eventually become the standard by which local government assesses Homesite Severance subdivision request. The Commission's perception is that a 1 ha lot is often unnecessarily large for a Homesite Severance, and tends to reduce the agricultural potential of the remnant.

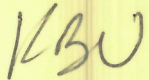
**All Zones – Buffering provisions:**

The Commission observed that the draft bylaw makes no provision for buffering between the ALR and other potentially non compatible uses. It recommends that the Basic Provisions section and/or each of the zones in the bylaw contain a section requiring that the ALR/non farm boundary be buffered by screening vegetation, fencing and building setbacks on the non ALR side of the boundary. The Commission is prepared to provide buffering advice as per its Landscape Buffer Guidelines (attached) or alternately refer you to Karen Thomas of the Ministry of Agriculture, Food and Fisheries (604-556-3104) who is developing edge planning and updated buffering guidelines for both Ministry and Commission reference.

The Commission thanks you for the opportunity to comment on the draft bylaw and anticipates the submission of a revised document for further review and comment.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

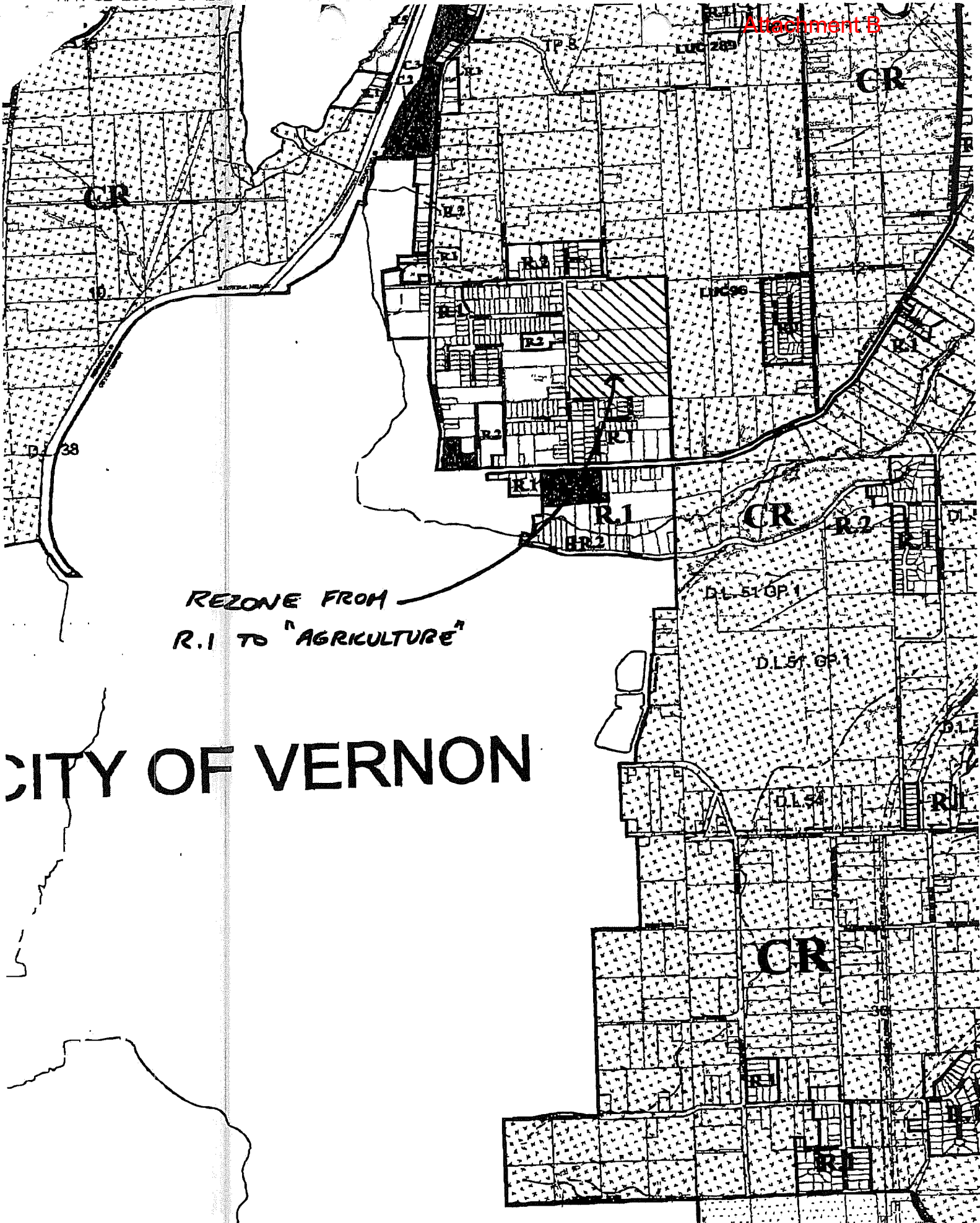


K.B. Miller, Chief Executive Officer

Enclosure

cc: Stan Combs, Ministry of Agriculture, Food and Fisheries - Kelowna

Attachment B



REZONE FROM  
 R.1 TO "AGRIKULTURE"

# CITY OF VERNON





May 4, 2023

File: 0280-30

Local Government File: BL-3000

Greg Routley  
Deputy Planning Manager  
Regional District of North Okanagan  
Via Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Dear Greg Routley:

**Re: Regional District North Okanagan Zoning Bylaw No. 3000, 2023**

Thank you for providing B.C. Ministry of Agriculture and Food (Ministry) staff the opportunity to comment on the draft Regional District North Okanagan Zoning Bylaw. We note that the draft bylaw is an update to the existing zoning bylaw (Bylaw 1888) that was referred to the Ministry in 2003. We provided comments on that draft in January 2004 (see attached) and note that many of the suggestions and recommendations were not incorporated into the bylaw at that time. While we acknowledge that some effort has been made since 2004 to incorporate elements of the Ministry's [Guide for Bylaw Development in Farming Areas](#) into the zoning bylaw, unfortunately the existing bylaw and the new draft remain confusing with regard to permitted uses in the Agricultural Land Reserve (ALR), overly restrictive or prohibitive of agriculture in the ALR and inconsistent with provincial legislation and regulation in some instances. We have also noted instances where provincial legislation has changed since the last updates but the regulations in the draft bylaw have not been changed to reflect these provincial regulatory changes. We offer the following recommendations to provide increased clarity and to align the bylaw with provincial legislation and regulations:

**Definitions – Agricultural Buildings, Intensive or Limited** – The definition should not rely on a parcel having farm classification through the BC Assessment Authority, as this is a fairly fluid classification, whereas the buildings are much more permanent. There are numerous instances where a building may be used for agriculture, but the property has not maintained or received farm classification. This is especially true for new entrants, people leasing farmland or those that have bought a property that does not have farm classification. We appreciate the unlimited number of plumbing fixtures allowed in these buildings as this allows

for adequate washing of agricultural products and sanitation of the buildings and sanitary facilities for workers.

**Agricultural Use, Intensive and Agricultural Use, Limited** - these definitions are confusing and appear to be an attempt to regulate via definition. For clarity, Ministry staff recommend one definition and then to regulate scale or type of agriculture outside the ALR. The Ministry's [Guide for Bylaw Development in Farming Areas](#) provides some recommendations for definitions of agriculture. We note that the definition of Intensive Agricultural Use is inconsistent with the provincial definition in s. 555 of the Local Government Act, and recommend that for clarity it be amended to be consistent.

**Agricultural Waste Storage Facility** – this is now referred to as a Permanent Storage Structure in the [Code of Practice for Agricultural Environmental Management](#) under the *Environmental Management Act*.

**Animal Unit** – the definition is currently circular and we believe it was meant to read “the total number of animals making up one agricultural unit”. Please note that the Ministry uses the terms ‘animal unit’ and ‘agricultural unit’ interchangeably, whereas in this bylaw, ‘agricultural unit’ is used to determine setbacks of confined livestock areas and ‘animal unit’ is being used to impose restrictions on the number of animals kept in a zone. Please see our comments under the zones where ‘Limited Agricultural Use’ and ‘Restricted Agricultural Use’ are permitted uses.

**Farmed Game** – the Game Farm Act has been repealed and replaced by the Game Farm Regulation under the *Animal Health Act*.

**Seasonal Feeding Area** – this definition is not consistent with the provincial definition of seasonal feeding area. Please refer to the Code of Practice for Agricultural Environmental Management under the *Environmental Management Act* for the most current definition.

**Solid Agricultural Waste** – this is now referred to as either ‘solid manure’ or ‘agricultural by-product’ in the Code of Practice for Agricultural Environmental Management.

**Dedicated Zone for Agriculture** – this is an area that we commented on in 2004 which was not changed and has now been carried forward into Draft Bylaw 3000. The rural and residential zones that cover both ALR and non-ALR parcels allow uses that are not allowed in the ALR and place restrictions on agriculture that are not allowed under the Agricultural Land Commission Act (ALCA) and s. 555 of the Local Government Act. This is likely to cause confusion for landowners and may lead to speculation pressure in the ALR. A dedicated zone for agriculture would help to mitigate this confusion and would improve consistency with provincial legislation and with neighbouring municipalities, such as the Township of

Spallumcheen which have agricultural zones for the ALR lands within their jurisdictions.

**Farm Product Processing** – Farm product processing is not listed as a permitted use in any of the zones that co-incide with the ALR, and is not included in any of the definitions of Agriculture that are permitted in those zones. This is problematic as not only is farm product processing a permitted use in the ALR if at least 50% of the farm product is produced on that agricultural land, but processing capacity is a serious limiting factor to agricultural production in B.C. currently. The bylaw does list on-farm processing in the rural zone setback tables in s. 7.1.2, 7.1.3 and 7.1.4, so it is not clear why this use would need setbacks if it is not permitted, and we believe this may have been an oversight. The bylaw will need to be amended to allow farm product processing consistent with the ALR Use Regulation. This is a further example of where having an agriculture zone that applies to the ALR would assist with providing the required consistency with the ALCA.

**3.4 Intensive Agricultural Use** – Please note that s. 555 of the Local Government Act allows intensive agriculture in the ALR despite zoning regulations regardless of the lot size. This is another instance where an agricultural zone covering the ALR would be beneficial to prevent inconsistency with provincial legislation.

**3.5 Restricted Agricultural Use** – although this use appears to be confined to mainly to residential and industrial zones, we note that it is also included in the Small Holdings Zone. If any of these parcels coincide with the ALR, this would be inconsistent with the ALCA.

**3.6 – Laying Hens** – This section appears to be trying to regulate laying hens on residential or small rural lots; however, it does not distinguish between ALR parcels and non-ALR parcels. There are 53 laying hen operations in the RDNO areas to which this bylaw applies that have more than 10 birds, with the average number being 134 and the largest operation having more than 3700 birds. It appears these operations will be made non-conforming by this bylaw; however, s. 555 of the Local Government Act states that in spite of a zoning bylaw, intensive agriculture is a permitted use in the ALR. Laying hen operations (and other poultry operations) meet the provincial definition of intensive agriculture in the ALR. This section will need to be amended to be consistent with provincial legislation.

**3.7 – Hobby Beekeeping** – Although the title of this section refers to ‘hobby beekeeping’ the regulations themselves do not specify that the restrictions do not apply to ALR land. We note that the existing zoning bylaw has some language that attempts to clarify that the restrictions do not apply to the ALR, but that these were removed in the new draft. This section would benefit from clarification in that regard. In addition, we note that the requirements in s. 3.7.3 do not align with bee behaviour and may therefore not have the desired outcome. Provincial Apiculture Specialist, Paul van Westendorp, has assisted many local governments in developing urban and small lot beekeeping bylaws and would be prepared to assist RDNO



staff with improving this section. He can be reached at 778-666-0582 or [Paul.vanWestendorp@gov.bc.ca](mailto:Paul.vanWestendorp@gov.bc.ca).

**3.9 Farm Retail Sales** – We concur with Agricultural Land Commission (ALC) staff comments on this section.

**3.21 Temporary Residence During the Period of Construction of a New Residence** – in the ALR, this use now requires non-adhering residential use approval from ALC if either residence is over 90 m<sup>2</sup> and the section should be updated to reflect this.

**3.22 – Single Family Dwellings in the ALR** – while this section outlines that the maximum floor area of a single family dwelling in the ALR is 500 m<sup>2</sup> which is consistent with the ALCA, we note that some zones which cover the ALR allow for two family dwellings which are not consistent with the ALCA and this is not mentioned in this section.

**3.24.1(c) – Secondary Dwellings in the ALR** – We appreciate that this section is attempting consistency with the ALCA and Regulations and concur with ALC staff comments on this section with regard to accessory residential and gross floor area calculations.

**3.25(c) – Two Family Dwellings** – Two family dwellings are not permitted in the ALR without a non-adhering residential use approval from ALC, and this should be clarified in this section.

**5.4.1(g) – Boundary Adjustment Subdivisions** – We note that B.C. Reg. 56/2020 appears to be an incorrect legislative reference, and we believe that it may have been meant to read B.C. Reg. 57/2020, which is the Agricultural Land Reserve General Regulation.

**7.1 Agricultural Setbacks in Rural Zones** - the 60 m setback from residential zones is inconsistent with the Guide for Bylaw Development in Farming Areas. This stipulates a maximum of 30 m. A previous version of the Guide contained a 60 m setback from the ALR/urban edge, but this was changed in 2013 and the setback in draft Bylaw 3000 would still be inconsistent, especially if there are residential zoned lots within the ALR. Please note that a setback greater than 30 metres from the ALR boundary could be considered farm side edge planning and a local government needs to be regulated under s. 553 of the *Local Government Act* to implement this Minister's Bylaw Standard. Within the ALR this is considered restrictive or prohibitive of agriculture and would also require regulation under s.553 and Minister's approval of the bylaw. The setback for riding arenas is also inconsistent with the Guide.

**14.3 Agricultural Industrial Zone** – Due to the lack of mapping provided with the referral, it is unclear if this zone is located on ALR land or non-ALR land. If it is within the ALR, it will need to be amended to specify which uses require non-farm use approval and which are allowed alongside a farm operation on the parcel. As stated previously, some of these uses are permitted in the ALR where there is an existing farm operation, so it is problematic that these

uses are listed here but not in other zones which are in the ALR.

**Section 16 – Rural Zones – Permitted Uses** - As mentioned above, there are numerous instances of uses allowed in these zones that are not allowed in the ALR. For instance, 'Restricted Agricultural Use' and 'Restricted Agricultural Buildings' are listed as an accessory use in the Small Holdings Zone, and other agricultural uses are not permitted, which is inconsistent with the ALCA. Commercial agriculture should be a permitted principal use in the ALR. The Country Residential Zone does not allow intensive agricultural uses, which is inconsistent with the ALCA and s. 555 of the Local Government Act would over-ride this in any case for parcels in the ALR. The housing regulations in all of the Rural Zones is inconsistent with the ALCA. These examples demonstrate more instances where a dedicated agriculture zone covering the ALR would make it easier to be consistent with provincial legislation and reduce confusion for landowners and planning staff.

**Minimum Lot Sizes** – The minimum lot sizes in the Rural Zones are restrictive for many types of agriculture. We note that the amount of subdivision potential in the Country Residential Zone, in particular, is substantial with the 2.0 ha minimum lot size. This will lead to speculation on ALR parcels and result in a large number of subdivision applications in the future that will need to be processed by RDNO and ALC and a large number of landowners who may be disappointed if the ALC turns down their application. As there are very few instances where subdivision is beneficial for agriculture, the potential for refused applications may be quite high. We recommend that parcels in the ALR have at least an 8.0 ha minimum lot size.

In conclusion, Draft Bylaw 3000 in its current form is overly restrictive and even prohibitive of agriculture. If local governments would like to prohibit or restrict agriculture, they need to be regulated under s.553 of the Local Government Act and have the bylaw approved by the Minister of Agriculture and Food. Making the amendments we have suggested would make the bylaw less restrictive and more supportive of agriculture and improve consistency with provincial legislation. Ministry staff are available to assist where required during a revision process. If you do not wish to make the amendments suggested and would like to pursue the special powers provided to Right to Farm regulated communities, please reach out to Ministry staff to discuss this.

Sincerely,



Alison Fox, P.Ag.  
Land Use Agrologist  
Ministry of Agriculture, Food  
and Fisheries  
Alison.Fox@gov.bc.ca  
(778) 666-0566

Email copy: Michael McBurnie, ALC Regional Planner, Michael.McBurnie@gov.bc.ca

Lindsay Benbow, Regional Agrologist, Ministry of Agriculture and Food,  
[Lindsay.Benbow@gov.bc.ca](mailto:Lindsay.Benbow@gov.bc.ca)



August 16, 2023

Jennifer Miles, Planner II  
Regional District North Okanagan  
9848 Aberdeen Road,  
Coldstream, BC, V1B 2K9

Sent via email: [Jennifer.miles@rdno.ca](mailto:Jennifer.miles@rdno.ca)

Dear Jennifer Miles:

**RE: Draft Regional District of North Okanagan Zoning Bylaw No. 3000, 2023**

Thank you for the opportunity to provide comments on the draft Regional District of North Okanagan Zoning Bylaw No. 3000, 2023. I understand there are numerous proposed changes to ensure the bylaw is clear and up-to-date, is user-friendly, all sections are consistent and to support commonly supported variance requests. The proposed changes that relate most to Interior Health interests are those proposing to reduce barriers for developing 'infill' housing units (2-family, secondary and accessory dwelling units) with the intention to increase and diversify housing stock. We support efforts to increase the number and diversity of housing units in appropriate locations while balancing the need to protect the public from sewage contamination and waterborne disease.

Healthy housing is essential for our health and overall wellbeing. The [Healthy Built Environment \(HBE\) Linkages Toolkit](#) is an evidence-based resource developed by the BC Centre for Disease Control that links planning principles to health outcomes. From this resource the main attributes of healthy housing can be summarized as affordability, suitability, location and quality (safety or lack of hazards). In rural settings quality includes consideration of water and wastewater servicing. Disease causing micro-organisms and environmental chemical contaminants, such as nitrates and phosphates, from onsite sewerage sources can/do cause negative impacts to the environment and health. As development density increases the likely cumulative impact of wastewater from onsite systems increases. Healthy housing in rural settings in large part is about balancing the density of development.

We advocate the most appropriate location for increasing development density is toward areas, which are serviced by community water and/or wastewater systems, or for which there are

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.



## Interior Health

plans or visioning for community services. As density increases community systems become most appropriate for servicing, and to be feasible they need to reach adequate economies of scale. Guiding development toward clusters of development (settlement areas) will help to achieve necessary economies of scale. In addition, when housing is located near daily destinations and amenities (e.g. schools, workplaces and food retail/commercial areas) transportation costs are less.

### Wastewater Servicing:

My understanding is the changes to the Zoning bylaw would allow the following 2-family, secondary and accessory dwelling units for various parcel sizes with onsite water and wastewater servicing.

Parcel Size with Onsite Servicing	Secondary Dwelling Regulation
<0.4 ha	~
>0.4 ha	1 single family + 1 sec. suite, or 1 two family
>1.0 ha	1 single family + 1 accessory dwelling
>2.0 ha	1 single family + 1 accessory dwelling + 1 sec. suite, or 2 family dwelling + 1 accessory dwelling

These minimum parcel sizes do not go against the *BC Sewerage System Regulation* [B.C. Reg. 326/2004] (SSR) or the BC Sewerage System Standard Practice Manual. One hectare (2.5 acres) minimum parcel size is used as a *guideline* minimum size. For most scenarios this amount of land, regardless of site constraints (e.g. amount of sewage generated, slopes, surface water, etc), is likely sufficient to maintain appropriate distances between sewage and water sources. This protects health and allows simpler, more affordable onsite sewerage systems to be constructed well into the future. The smaller the parcel size, especially in a rural neighbourhood of smaller parcel sizes, the fewer appropriate locations for sewerage dispersal fields would be available. At the time of designing and constructing a sewerage system only the *immediate needs* of the development (amount of wastewater generated by proposed house, business, etc) needs to be considered (i.e. there is no legislated requirement to ensure there is land suitable for a back-up dispersal area in the future). It is prudent to consider future sewerage needs because all

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## Interior Health

systems have the potential to fail in the lifetime of the building. As parcel size goes down and/or density goes up there is greater potential for negative environmental health impacts from over-developing a lot (or multiple lots in a rural neighbourhood). Since 2006 when the 1-hectare minimum parcel size guideline came into practice, managing/ensuring the self-sufficiency of rural parcels has been less resource intensive because less technical review is required because 1-hectare is usually sufficient space.

Another thing to note when considering possible impacts from increasing density is that for several decades technical reviews of residential subdivision proposals have used the estimated amount of daily sewage produced by a 4-bedroom, single family residence as a standard. Adding a secondary and/or accessory dwelling(s) may (likely?) increase the daily amount of sewage produced to more than a 4-bedroom house, and decrease the amount of land available for a back-up sewage dispersal field (e.g. footprint of accessory dwelling and parking). Meaning, more sewage added to the system than for which it was designed, which would increase the likelihood it would malfunction and cause an immediate health hazard, and fewer options on the parcel for a replacement system to correct a health hazard.

We support achieving the right balance between reducing barriers for diverse housing units and protecting environmental health from sewage contamination. As parcel size decreases and density increases more technical review and administrative oversight is needed to ensure long-term sustainability of onsite sewerage servicing. As such, considering the proposed allowable number of dwelling units and parcel sizes listed in the table above, I recommend with respect to sewage servicing the following:

- Guide infill development more toward areas with existing or planned community drinking water and/or sewer systems, particularly those owned and operated by RDNO (good governance);
- Create policy or practices that require prior to approving any proposed new development or use technical review and confirmation of self-sufficiency of the subject parcel in terms of onsite sewerage servicing (i.e. primary *and* back-up areas); especially, any parcels less than 1-hectare in size. For example, require as development permit area or building inspection criteria a report from an Authorized Persons under SSR which identifies/confirms a back-up area.

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## Interior Health

- Absolute minimum parcel size with onsite sewerage servicing is the size needed for primary and secondary (back-up) sewerage dispersal areas taking into account all uses of the property.
- If the land available for a back-up dispersal field is very limited then require the identified land to be protected by a covenant that would prevent it from being used for any purpose that would prevent it from being used as a sewerage dispersal field in the future (e.g. building, swimming pool, parking, driveway – anything that compacts the soil).

### Drinking Water Servicing:

The BC *Drinking Water Protection Act* (DWPA) applies to all water systems serving two or more connections. Despite this, Interior Health, by policy as a resource decision, generally does not engage owners of secondary rental suites and carriage homes with permitting, even though these systems meet the definition of a water system under DWPA. Note: we always investigate complaints. Regardless of whether the DWPA is administered for these very small water systems, the *Health Hazards Regulation* (HHR) under the BC *Public Health Act* requires landlords to provide potable water to tenants:

Section 7 (2): “A landlord must not rent a rental unit that is not connected to a water supply system unless the landlord can provide the tenant with a supply of potable water for domestic purposes.”

The DWPA defines potable water as “... water provided by a domestic water system that

- (a) meets the standards prescribed by regulation, and
- (b) is safe to drink and fit for domestic purposes without further treatment”.

It is well researched and known that small water systems are often are not able to provide safe (potable), reliable drinking water. The burden of legislative requirements, which are based on what is needed to provide potable water, cause small water systems to be unsustainable. For more detailed information about the challenges faced by small water systems in providing potable water and meeting legislative requirements see Section 7: Small Systems of [PHO Report \(2015\)](#) (page 82 of pdf).

In August 2013 the Union of BC Municipalities Small Water System (SWS) Working Group released '[Recommendations for Addressing Key Small Water System Challenges](#)'. Challenge #1 We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.



## Interior Health

is about how different sizes and types of systems face different challenges, and the committee recommends: “any changes [to SWS categories and regulatory requirements] should be... well thought-out... so that they do not inadvertently make the SWS situation worse by furthering the proliferation of unsustainable SWS....” Challenge #3 states “the creation of new SWS should be based on their ability to be sustainable....” Further, this working group states: “reducing regulatory oversight for SWS... may encourage the proliferation of new unsustainable SWS.... It will be critical to ensure that when a new system is created, whether through subdivision or other means, it is created based on the principles of sustainability.” One of the recommendations for controlling the creation of small unsustainable water systems is “encourage cooperation, amalgamation or expansion of existing systems to build economies of scale within systems as an alternative to creating new systems.”

Increasing the number of housing units per parcel serviced by onsite drinking water (e.g. well or surface water source) would also increase the number of very small potentially unsustainable water systems that would face challenges in providing potable water. With this in mind we recommend with respect to drinking water servicing the following:

- Guide infill development more toward areas with community drinking water systems, particularly those owned and operated by RDNO.
- Limit multiple dwellings on the same property to properties serviced by a water system which is providing potable water. This will help to address the issues of housing, provision of safe water, and water sustainability through economies of scale.
- Create policy or practices that require prior to approving any proposed new development or use confirmation potable water will be provided.

Lastly, I wish to inform you that we are aware the Ministry of Health is currently advocating with their provincial government agency partners, including the Ministry of Housing, to address long running challenges stemming from legislation on ‘micro’ water systems. We are supporting this work and advocating for clarification on the goals and objectives to ensure safe, sustainable drinking water for all citizens, including in rural settings, through our involvement on the Health Authority Drinking Water Operations Work Group (provincial level working group with reps from each health authority). We are hopeful more direction from the Province will be provided soon with regards to balancing the need for housing units with the need for safe, reliable water and achieving regulatory requirements.

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.



## Interior Health

In conclusion, we recognize healthy housing as a very important determinant of health outcomes. Healthy housing is about affordability, suitability, quality and location. We appreciate in rural settings the already complex issue of housing is made more complex with onsite/small system sewage and drinking water servicing. We support efforts to increase the number and diversity of housing units in appropriate locations while balancing the need to protect the public from sewage contamination and waterborne disease. The wording of the draft Zoning bylaw does not cause contravention of Provincial legislation with respect to sewerage and drinking water. Listed above are recommendations to mitigate potential health hazards for infill development serviced by onsite systems. Our main recommendation is to guide infill development toward areas that have, or plan to have, community water and/or wastewater systems, especially those owned and operated by RDNO or member municipalities.

Should you have any questions please don't hesitate to call me at 250-253-3679 or email me at [anita.ely@interiorhealth.ca](mailto:anita.ely@interiorhealth.ca).

Sincerely,

A handwritten signature in black ink that reads "A. Ely".

Anita Ely, BSc, BTech, CPHI(C)  
Specialist Environmental Health Officer  
Healthy Communities, Healthy Families

AE/ae

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.

**Resources:**

BC Centre for Disease Control. Healthy Built Environment Linkages Toolkit: making the links between design, planning and health, Version 2.0. Vancouver, B.C. Provincial Health Services Authority, 2018. <http://www.bccdc.ca/health-professionals/professional-resources/healthy-built-environment-linkages-toolkit>.

Drinking Water Protection Act [SBC 2001] Chapter 9.  
[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/01009\\_01#section1](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/01009_01#section1). (See 'water supply system' definition).

Health Hazards Regulation [B.C. Reg. 216/2011].  
[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/216\\_2011](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/216_2011). (See Section 7).

Office of the Provincial Health Officer. Progress on the Action Plan for Safe Drinking Water in British Columbia 2015. <https://www2.gov.bc.ca/assets/gov/environment/air-land-water/pho-drinkingwater2015-web.pdf>. (See Section 7: Small Systems starting page 82 of pdf).

Union of BC Municipalities Small Water System Working Group. Recommendations for Addressing Key Small Water System Challenges (August 2013).  
[https://www.ubcm.ca/sites/default/files/2021-08/3\\_UBCMRecommendationsPaper\\_Final.pdf](https://www.ubcm.ca/sites/default/files/2021-08/3_UBCMRecommendationsPaper_Final.pdf).

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.



**From:** [James Littley](#)  
**To:** [Greg Routley](#)  
**Subject:** RE: Zoning Bylaw No. 3000 referral response from Okanagan Basin Water Board  
**Date:** Tuesday, May 9, 2023 10:21:04 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image006.png](#)

\*\*\* External Email - Use Caution \*\*\*

Hi Greg,

The way the policy is currently written, there is no limitation on secondary suites, although we ask that it be connected to the same septic system as the house. It may be a good policy to include something about ensuring the existing septic system can handle any increased volume from the secondary suite. There is no limitation on the square footage of the primary dwelling or secondary suite.

The policy will be reviewed by the province in the coming months, and we will be sending out a letter with more information to all Okanagan Councils and Boards next week.

The policy is not intended to regulate land use, only to avoid water pollution caused by unmaintained or failing septic systems in the absence of bylaws or policies to enforce maintenance.

This is the entirety of the policy as it is currently written:

3.4 The OBWB will only fund sewage infrastructure applications in communities that comply with its 1.0 Hectare Policy, where the community has zoning policies or bylaws prohibiting the creation of lots smaller than 1.0 hectare that are not serviced by community sewers. (2007)

3.4.1 Communities must also have policies and bylaws in place prohibiting the development of accessory dwellings (carriage houses) on properties less than 1.0 hectare that are not connected to community sewer. (2013)

3.4.2 The 1.0 Hectare Policy is limited in geographic scope to the portions of the regional districts within the Okanagan watershed. Districts should be aware that subdivision of lots on septic smaller than 1.0 hectare outside the Okanagan watershed may jeopardize funding from provincial sources. (2007)

3.4.3 Each local government with subdivision approval authority is responsible for adopting the 1.0 Hectare Policy.

3.4.3.1 A regional district's grant eligibility is not affected if a member municipality does not comply with the 1.0 Hectare Policy.

3.4.3.2 A regional district's grant eligibility will be affected if one of its Electoral Areas (located in the Okanagan Basin) does not comply with the 1.0 Hectare Policy. (2007)

3.5.4 Home-site severance lots are exempted from the 1.0 Hectare Policy. (2004)

3.5.5 The 1.0 Hectare Policy may be waived through preparation of a Liquid Waste Management Plan (LWMP) that is approved by the province. Systems put in place under this waiver will be considered permanent infrastructure and will be ineligible for future SFA funds. The LWMP must be supported by appropriate bylaws (e.g., OCPs, zoning, subdivision standards). In addition, local

government bylaws must be in place for the enforcement of operation and maintenance of these systems. All Type II and III package treatment systems serving multiple homes must be registered under the Municipal Sewage Regulations, which among other requirements specifies that developers must post a bond equivalent to the value of the wastewater treatment infrastructure (2007).

Best,

James.

---

**K. James Littley, C.D., M.A. — Deputy Administrator**

**Okanagan Basin Water Board**

1450 KLO Road, Kelowna, B.C. V1W 3Z4

Office: 250-469-6270

[www.obwb.ca](http://www.obwb.ca)

[www.okwaterwise.ca](http://www.okwaterwise.ca)

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**From:** Greg Routley <[greg.routley@rdno.ca](mailto:greg.routley@rdno.ca)>

**Sent:** May 9, 2023 9:59 AM

**To:** James Littley <[james.littley@obwb.ca](mailto:james.littley@obwb.ca)>

**Subject:** RE: Zoning Bylaw No. 3000 referral response from Okanagan Basin Water Board

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Good morning James,

Thanks again for your comments on the proposed new Zoning Bylaw.

Draft Zoning Bylaw No. 3000 proposes to limit the size of secondary suites to 90 m<sup>2</sup> and to permit secondary suites within a single family dwelling. The BC Building Code no longer regulates the size of secondary suites and so it's possible that the Board of Directors may resolve to eliminate the size restriction in the proposed new Bylaw. In the event that the Board proposes such a change, staff would like to be able to advise them as to whether or not making this change would be consistent with the current one hectare policy.

Your comments as it relates to this matter would be appreciated.

If you have any questions or need more information, please let me know.

Thanks. –Greg.

---

**From:** James Littley [<mailto:james.littley@obwb.ca>]

**Sent:** Wednesday, April 26, 2023 4:14 PM

**To:** Greg Routley <[greg.routley@rdno.ca](mailto:greg.routley@rdno.ca)>

**Cc:** Danica Kimberley <[danica.kimberley@rdno.ca](mailto:danica.kimberley@rdno.ca)>; Anna Warwick Sears <[anna.warwick.sears@obwb.ca](mailto:anna.warwick.sears@obwb.ca)>

**Subject:** RE: Zoning Bylaw No. 3000 referral response from Okanagan Basin Water Board

\*\*\* External Email - Use Caution \*\*\*

Good afternoon Greg,

Upon reviewing proposed Zoning Bylaw No. 3000, we find that it is consistent with the current one hectare policy as proposed except for the proposed two-family dwellings on lots less than 1.0 Ha that are not connected to community sewer. This proposed zoning effectively creates two lots, whether strata or freehold, which would be inconsistent with the one hectare policy.

This type of proposed small-lot subdivision on septic will be a subject of the SFA program review with the province, and we intend to update and clarify this issue and others through that process. We will be communicating out updates to local governments as soon as possible.

Please let me know if I can provide any further information.

Best,

James.

---

**K. James Littley, C.D., M.A. — Deputy Administrator**

**Okanagan Basin Water Board**

1450 KLO Road, Kelowna, B.C. V1W 3Z4

Office: 250-469-6270

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**From:** Greg Routley <[greg.routley@rdno.ca](mailto:greg.routley@rdno.ca)>

**Sent:** April 26, 2023 9:12 AM

**To:** James Littley <[james.littley@obwb.ca](mailto:james.littley@obwb.ca)>

**Cc:** Danica Kimberley <[danica.kimberley@rdno.ca](mailto:danica.kimberley@rdno.ca)>

**Subject:** FW: Zoning Bylaw No. 3000 referral response from Okanagan Basin Water Board

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Hi James,

Thank you for getting back to us and for letting us know about OBWB's review of the 1 ha policy. We look forward to getting an update on the policy once the review is complete. In the meantime, we would appreciate it if you could provide comments on whether or not Zoning Bylaw No. 3000 is compliant with the existing policy. This would help in the event that the Bylaw gets adopted before the review of the policy is complete.

If you have any questions or need more information, please let me know.

Thanks. –Greg.



**Greg Routley**  
Deputy Planning Manager

P 250.550.3734 | TF 1.855.650.3700 | F 250.550.3701  
E [greg.routley@rdno.ca](mailto:greg.routley@rdno.ca) | [www.rdno.ca](http://www.rdno.ca) | [Subscribe](#)

9848 Aberdeen Road, Coldstream, BC V1B 2K9

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**From:** Danica Kimberley  
**Sent:** Tuesday, April 25, 2023 9:10 AM  
**To:** Rob Smailles <[rob.smailes@rdno.ca](mailto:rob.smailes@rdno.ca)>; Greg Routley <[greg.routley@rdno.ca](mailto:greg.routley@rdno.ca)>; Jennifer Miles <[jennifer.miles@rdno.ca](mailto:jennifer.miles@rdno.ca)>  
**Subject:** FW: Zoning Bylaw No. 3000 referral response from Okanagan Basin Water Board

**Danica Kimberley** | Executive Assistant, Planning and Building | **Regional District of North Okanagan** | 9848 Aberdeen Road Coldstream BC V1B 2K9 | P 250.550.3708 | F 250.550.3701 | Toll Free 1.855.650-3700 | E [danica.kimberley@rdno.ca](mailto:danica.kimberley@rdno.ca) | W [www.rdno.ca](http://www.rdno.ca)

---

**From:** James Littley [<mailto:james.littley@obwb.ca>]  
**Sent:** Monday, April 24, 2023 8:29 PM  
**To:** Danica Kimberley <[danica.kimberley@rdno.ca](mailto:danica.kimberley@rdno.ca)>  
**Cc:** Anna Warwick Sears <[anna.warwick.sears@obwb.ca](mailto:anna.warwick.sears@obwb.ca)>  
**Subject:** Zoning Bylaw No. 3000 referral response from Okanagan Basin Water Board

**\*\*\* External Email - Use Caution \*\*\***

Hi Danica,

Thank you for the opportunity to review and respond to proposed changes to Zoning Bylaw No. 3000. The Okanagan Basin Water Board is currently in the process of reviewing the "one-hectare

policy” which governs the eligibility for local governments to receive sewerage assistance grants. These grants currently cover 16% of eligible total project costs for new sewer pipes and treatment plants for pre-1978 developments. We will be referring our existing policy to the province for review in the coming weeks to ensure that it is in line with provincial infrastructure grant policy. It is our understanding that local governments who allow subdivision on lots that are less than 1 hectare, and not connected to community sewer may be ineligible for provincial infrastructure grants as well.

We will be happy to provide an update to our policy once this review is complete, including if and how it might affect the proposed Zoning Bylaw No. 3000. OBWB Directors, including RDNO representatives will be discussing this issue at our May 2<sup>nd</sup> board meeting. I will be happy to provide further information as it becomes available.

Best,

James.

---

**K. James Littley, C.D., M.A. — Deputy Administrator**  
**Okanagan Basin Water Board**  
1450 KLO Road, Kelowna, B.C. V1W 3Z4  
Office: 250-469-6270  
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**From:** [Bedford, Brian MUNI:EX](#)  
**To:** [Jennifer Miles](#); [Purdy, Regan MUNI:EX](#)  
**Cc:** [Martin, Madelaine MUNI:EX](#)  
**Subject:** RE: RDNO Draft Zoning Bylaw Referral  
**Date:** Thursday, June 29, 2023 2:30:37 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)

\*\*\* External Email - Use Caution \*\*\*

Hi Jennifer,

I have had the opportunity to review the proposed bylaw. The question is not whether the province has a concern rather it is if the RDNO is concerned about maintaining access to senior government funding for sewer extension projects.

The proposed wording is in alignment with one exception: two family dwelling (s. 3.25) on lots less than 1 hectare but greater than 0.4 hectares. This, in essence, creates the septic loading of two single family homes on a lot less than the minimum size. It is not clear that this is a sustainable, long term, servicing solution for a proposed development.

As you are likely aware the OBWB is currently reviewing their Sewage Facilities Assistance program policies; one of which is a parallel to the provincial 1-hectare policy. This specific instance will need to be incorporated into the review.

Regards,  
Brian

---

**From:** Jennifer Miles <jennifer.miles@rdno.ca>  
**Sent:** Friday, June 23, 2023 12:28 PM  
**To:** Purdy, Regan MUNI:EX <Regan.Purdy@gov.bc.ca>; Bedford, Brian MUNI:EX <Brian.Bedford@gov.bc.ca>  
**Subject:** FW: RDNO Draft Zoning Bylaw Referral

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Good afternoon,

We are following up as we have not received a response. We respectfully request that you review the draft Zoning Bylaw No. 3000 and the accompanying information at your earliest convenience and advise this office of any concerns and/or comments that your organization may have (if any).

Our specific area of interest relates to whether the proposed Bylaw would comply with any eligibility criteria for Provincial sewage facilities grant programs for lands outside of the Okanagan watershed.

As this is your opportunity to provide comment and to let us know of any concerns, if we do not receive a response we will assume no changes are required. However we would appreciate confirming the Province does not have any concerns in this regard as it may prevent issues which could result from the proposed changes to the new Zoning Bylaw being implemented.

Thanks and regards,



**Jennifer Miles, BSc, RPP, MCIP**

Planner II

**P** 250.550.3746 | **TF** 1.855.650.3700 | **F** 250.550.3701

**E** [jennifer.miles@rdno.ca](mailto:jennifer.miles@rdno.ca) | [www.rdno.ca](http://www.rdno.ca) | [Subscribe](#)

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**From:** Danica Kimberley

**Sent:** Friday, June 23, 2023 12:09 PM

**To:** Jennifer Miles <[jennifer.miles@rdno.ca](mailto:jennifer.miles@rdno.ca)>

**Subject:** FW: RDNO Draft Zoning Bylaw Referral

---

**From:** Danica Kimberley

**Sent:** Friday, March 24, 2023 3:38 PM

**To:** 'regan.purdy@gov.bc.ca' <[regan.purdy@gov.bc.ca](mailto:regan.purdy@gov.bc.ca)>; 'brian.bedford@gov.bc.ca' <[brian.bedford@gov.bc.ca](mailto:brian.bedford@gov.bc.ca)>

**Cc:** Greg Routley <[greg.routley@rdno.ca](mailto:greg.routley@rdno.ca)>

**Subject:** RDNO Draft Zoning Bylaw Referral

Good afternoon,

Please see the attached correspondence regarding the draft Regional District of North Okanagan Zoning Bylaw No. 3000, 2023. At the Regular Meeting of the Board of Directors held on March 22, 2023, the Board received the draft Zoning Bylaw No. 3000, and resolved that the draft Bylaw be referred to affected organizations and authorities for their review and comment. Bylaw No. 3000 proposes to replace the current Regional District of North Okanagan Zoning Bylaw No. 1888 which was adopted in 2004.

We respectfully request that you review the draft Zoning Bylaw No. 3000 and the accompanying information at your earliest convenience and advise this office of any concerns and/or comments that your organization may have.

Thank you and regards,



**Danica Kimberley**

Executive Assistant, Planning and Building

She / her / hers

**P** 250.550.3708 | **TF** 1.855.650.3700 | **F** 250.550.3701

**E** [danica.kimberley@rdno.ca](mailto:danica.kimberley@rdno.ca) | [www.rdno.ca](http://www.rdno.ca) | [Subscribe](#)

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Your File #: 3060.03.17  
eDAS File #: 2023-01458  
Date: Jul/24/2023

Regional District of North Okanagan  
9848 Aberdeen Road  
Coldstream, British Columbia V1B 2K9  
Canada

Attention: Jennifer Miles

**Re: Proposed Bylaw 3000, 2022 replacing Bylaw 1888, 2004  
All Zones**

Preliminary Approval is granted for the zoning bylaw mentioned above for one year pursuant to section 52(3)(a) of the *Transportation Act*. Please see the following comments below:

1. The Ministry recognizes that this bylaw may be implemented prior to Provincial legislation amendments and that many regulations may ultimately over-rule various text within.
2. The Ministry recognizes that dwelling unit density is increasing marginally, however, there is concern over the need for potential increased pressure on the road infrastructure and mitigation may need to be prepared for and implemented. In terms of access, adherence to Sections 48 and 49 of the Transportation Act is paramount.
3. Municipal subdivisions adjacent to a controlled access highway must have approval by the designated highways official pursuant to Section 80 of the Land Title Act.
4. Parking is to adhere to the Ministry standards as per the most current version of the Institute of Transportation of Engineers (ITE) parking manual when accessing a controlled access highway.
5. Screening must not contradict the Provincial Public Undertakings Regulation 513/2004.
6. Signage must not contravene Section 16 of the Transportation Act.
7. Setbacks must not contravene BC Regulations 534/2004.

Local District Address
Vernon Area Office 4791 23rd Street Vernon, BC V1T 4K9 Canada Phone: (250) 712-3660 Fax: (250) 503-3631

8. Any reference(s) to the Highway Act must be updated to refer to the Transportation Act.
9. Text noting BC Regulations 56/2020 does not relate to the Agriculture Land Commission Act.
10. The Ministry recommends consideration of changing any text showing street to instead show road due to the rural environment of the district.

If you have any questions, please feel free to call me at (236) 766-7202.

Yours truly,

A handwritten signature in black ink, appearing to read "S. Greenwood", written in a cursive style.

Shelley Greenwood  
Development Officer

/sg



**REGIONAL DISTRICT  
OF  
NORTH OKANAGAN**  
**Advisory Planning Commission "B" Meeting**  
**Wednesday, April 26, 2023**  
**7:00 p.m.**  
**Conference Room - 9848 Aberdeen Road,**  
**Coldstream, BC**

**REGULAR MINUTES**

---

**Members:** Wayne Korpaski Vice Chair  
Ed Columbus  
Chris Van der Molen  
Bryan Ryley

**Staff:** Lynda Fraser Planning & Building Assistant

**Also Present:** Bob Fleming Director, Electoral Area "B"  
Members of the Public

---

**CALL MEETING TO ORDER**

The meeting was called to order at 7:00 p.m.

**APPROVAL OF AGENDA**

**Advisory Planning Commission Electoral Area "B" – April 26, 2023**

Moved and seconded

That the Agenda of the April 26, 2023 Advisory Planning Commission Electoral Area "B" meeting be approved as presented.

**CARRIED**

**ADOPTION OF MINUTES**

**Advisory Planning Commission Electoral Area "B" – March 29, 2023**

Moved and seconded

That the Minutes of the March 29, 2023 Advisory Planning Commission Electoral Area "B" meeting be adopted as circulated.

**CARRIED**



**DELEGATIONS****AGRICULTURAL LAND COMMISSION APPLICATION****VAN BURREN, C., [File No. 23-0186-B-ALR]****18500 Angus Road, Electoral Area "B"**

The applicant was present and provided an overview of the application.

- Garage space is agricultural and shouldn't be included in the living area.
- Said that quite a few areas of the house are exempt from living space counted towards the size.
- Total living area is 490 m<sup>2</sup>.
- Stated he spoke to someone at the ALC who said the plans look acceptable but must be used for farm use.
- They have cleaned up the property and mobile.
- Said they would look at decommissioning the mobile but would like to live in the mobile while building new house.
- Wants to see the staff report outline correct measurements on house for living space.
- Feels that the report is written so that the ALC will not approve it.
- Challenges with farming with respect to rocky terrain and water.
- APC members asked if the garages could it be detached and if plans could be changed to show separate agricultural buildings. Applicant would rather the application be sent to the ALC to see if they approve it or not before changing the plans.

**DEVELOPMENT VARIANCE PERMIT APPLICATION****RIGUEDELL, J., [File No. 23-0293-B-DVP]****6681 Gibbs Road, Electoral Area "B"**

No one was present to speak to the application.

**NEW BUSINESS****DEVELOPMENT VARIANCE PERMIT APPLICATION****RIGUEDELL, J., [File No. 23-0293-B-DVP]****6681 Gibbs Road, Electoral Area "B"**

The Electoral Area "B" Advisory Planning Commission had no concerns with the application.

Moved and seconded

That the Advisory Planning Commission for Electoral Area "C" support the recommendation in the planning department report dated April 20, 2023, that upon consideration of input from adjacent landowners, a Development Variance Permit be issued for the property legally described as Lot 14, Sec 13, Twp 8, ODYD, Plan 25860 and located at 6681 Gibbs Road, Electoral Area "B" to vary Section 704.9.b of *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003* by reducing the front yard setback of an addition to a manufactured home from 7.5 m to 5.15 m; and further,

That a Development Variance Permit be issued for the property legally described as Lot 14, Sec 13, Twp 8, ODYD, Plan 25860 and located at 6681 Gibbs Road, Electoral Area "B" subject to the siting and dimensions of the addition to the manufactured home being in accordance with the site plan and building elevations attached to the Planning Department report dated April 20, 2023.

**CARRIED**

**AGRICULTURAL LAND COMMISSION APPLICATION  
VAN BURREN, C., [File No. 23-0186-B-ALR]  
18500 Angus Road, Electoral Area "B"**

The Electoral Area "B" Advisory Planning Commission provided the following comments:

- Concerned about lack of water in the area for farming.
- Had questions about the second recommendation regarding a more detailed report and why that would be required if the ALC is making final approval.
- Purpose of the ALC to maintain farm land.
- Stated that the plans do not look like an agricultural building and look designed for a mega house.
- Can they separate garages and build later once farm status is approved.
- Will space be used for his business rather than agriculture?

Moved and seconded

That the Advisory Planning Commission for Electoral Area "B" support the recommendation in the planning department report dated April 19, 2023, that the application of Chase Van Buuren under Section 25 of the *Agricultural Land Commission Act* to increase the maximum allowable size of a principal residence from 500 m<sup>2</sup> to 903 m<sup>2</sup> on the property legally described as The S1/2 of the SE 1/4 of Sec 27, Twp 14, ODYD and located at 18500 Angus Road, Electoral Area "B", be authorized for submission to the Agricultural Land Commission; and further,

That the Advisory Planning Commission for Electoral Area "B" support the recommendation in the planning department report dated April 19, 2023, that the application of Chase Van Buuren under Section 25 of the *Agricultural Land Commission Act* to increase the maximum allowable size of an additional residence from 90 m<sup>2</sup> to 107 m<sup>2</sup> on the property legally described as The S1/2 of the SE 1/4 of Sec 27, Twp 14, ODYD and located at 18500 Angus Road, Electoral Area "B", not be authorized for submission to the Agricultural Land Commission.

**CARRIED**

**Draft Regional District of North Okanagan Zoning Bylaw No. 3000, 2023**

The Electoral Area Planning Commission for Electoral Area "B" discussed the bylaw and provided the following comments:

- No further restrictions noted in the bylaw.
- Removes the need for some variance requirements.
- Concerned with the deletion of the wording of an agricultural buffer.
- Doubles the potential for residential use.
- Discussed septic requirements for additional dwellings.
- Why is there no limit for a main dwelling outside the ALR.
- If no specific comments, the members were asked to send in their comments to Director Fleming.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:00 pm.

**CERTIFIED CORRECT**



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Chair  
Dale Winskowski



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Lynda Fraser  
Recording Secretary



**REGIONAL DISTRICT  
OF  
NORTH OKANAGAN**  
**Advisory Planning Commission "B" Meeting**  
**Wednesday, May 31, 2023**  
**7:00 p.m.**  
**Boardroom - 9848 Aberdeen Road, Coldstream, BC**

**REGULAR MINUTES**

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**Members:** Dale Winskowski Chair  
Wayne Korpaski Vice Chair  
Ed Columbus  
Bryan Ryley

**Staff:** Gabrielle Nicol Customer Service Clerk

**Also Present:** Bob Fleming Director, Electoral Area "B"

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**CALL MEETING TO ORDER**

The meeting was called to order at 7:02 p.m.

**APPROVAL OF AGENDA**

**Advisory Planning Commission Electoral Area "B" – May 31, 2023**

Moved and seconded

That the Agenda of the May 31, 2023 Advisory Planning Commission Electoral Area "B" meeting be approved as presented.

**CARRIED**

**ADOPTION OF MINUTES**

**Advisory Planning Commission Electoral Area "B" – April 26, 2023**

Moved and seconded

That the Minutes of the April 26, 2023 Advisory Planning Commission Electoral Area "B" meeting be adopted as circulated.

**CARRIED**

**DELEGATIONS****Legal Document Application**

**PEEBLES, T., c/o J. R. SHORTT [File No. 23-0188-B-LD]  
433 Highridge Road, Electoral Area "B"**

No one was present to speak to the application.

**NEW BUSINESS****Legal Document Application**

**PEEBLES, T., c/o J. R. SHORTT [File No. 23-0188-B-LD]  
433 Highridge Road, Electoral Area "B"**

The Electoral Area "B" Advisory Planning Commission discussed the following:

- The numerous Covenants registered on the property and their implications.
- The location of the proposed building site, which will be farther away from the property line and closer to the driveway.
- Questions regarding why the building area will be moved onto steeper ground.
- Questions regarding the location of the covenant, and why it encompasses an area that could not be viably built upon.
- The existence of water and sewer services on the property.

Moved and seconded

That the Electoral Area "B" Advisory Planning Commission support the recommendation contained in the staff report dated May 15, 2023 as follows:

That the request to modify Covenant KW5197 and Covenant LA35539 registered on the title of the property legally described as Lot 4, Sec 5, Twp 9, ODYD, Plan KAP80583 and located at 433 Highridge Road, Electoral Area "B" to permit the relocation of the restricted building area identified in the Covenants to an area shown on the site plan attached to the Planning Department Report dated May 15, 2023 be referred to a Public Hearing.

**CARRIED**

**Draft Regional District of North Okanagan Zoning Bylaw No. 3000, 2023**

The Electoral Area "B" Advisory Planning Commission joined the Electoral Area "C" Advisory Planning Commission for discussion of Zoning Bylaw No. 3000, 2023; the minutes for Electoral Area "C" Advisory Planning Commission will contain further details.

**ADJOURNMENT**

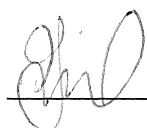
There being no further business, the meeting adjourned at 7:17 p.m.

**CERTIFIED CORRECT**



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Chair  
Dale Winskowski



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Recording Secretary





**REGIONAL DISTRICT  
OF  
NORTH OKANAGAN**

**Advisory Planning Commission "C" Meeting**

**Wednesday, April 26, 2023**

**7:00 p.m.**

**Conference Room - 9848 Aberdeen Road, Coldstream, BC**

**REGULAR MINUTES**

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**Members:** Betty Holtskog Vice Chair  
Pete Shatzko  
Joanna deMontreuil (electronic)  
Jacqueline Gijssen (electronic)

**Staff:** Danica Kimberley Executive Assistant

**Also Present:** Members of the Public

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**CALL MEETING TO ORDER**

The meeting was called to order at 7:07 p.m.

**APPROVAL OF AGENDA**

**Advisory Planning Commission Electoral Area "C" – April 26, 2023**

Moved and seconded

That the Agenda of the April 26, 2022 Advisory Planning Commission Electoral Area "C" meeting be approved as presented.

**CARRIED**

**ADOPTION OF MINUTES**

**Advisory Planning Commission Electoral Area "C" – March 29, 2023**

Moved and seconded

That the Minutes of the March 29, 2023 Advisory Planning Commission Electoral Area "C" meeting be adopted as circulated.

**CARRIED**

**NEW BUSINESS****Regional District of North Okanagan Zoning Bylaw No. 3000, 2023**

The Commission discussed the draft Zoning Bylaw and provided the following comments:

- Comments regarding the definition of parkland and restrictions on gathering on parkland.
- Discussion of the pressure to add more accommodation but it is only practical with community water and sewer.
- 1 ha lots are small when you're adding a suite- you double the laundry, showers, etc.
- Suites added after the fact could overbuild the site for the capacity of the septic system.
- The Commission needs more information on the suites permitted on 1ha lots.
- Questions regarding the floodplain restrictions.
- Manufactured and Modular, where does a tiny home or a yurt fit in?
- Questions regarding septic requirements for mobile home parks; concerns regarding the buildout of mobile home parks.
- Concerns regarding easement access for fire protection.
- The Commission discussed a request for a staff member to be present for the discussion.
- Would like to understand better what is driving what: Official Community Plan should drive the Zoning Bylaw.
- Questions regarding a review of the Electoral Areas "B" and "C" Official Community Plan.
- Questions regarding the public hearing process.
- Will the subdivision servicing bylaw be updated to address water and septic requirements.
- Increasing dwelling units you don't know how many people will be living there, putting strain on water and septic systems
- Questions regarding eliminating easement access and lot frontages? Would a right of way replace it?
- Local government is both an enabler of development and a preserver of the big-picture goals - need to consider when proposals don't meet the big picture.
- Local Government needs to support an enabling environment that supports a progressive forward-looking community but has protections to stop abuse.
- Requests for a Special Meeting to discuss the draft Zoning Bylaw or add as a discussion item at the next Regular Meeting?

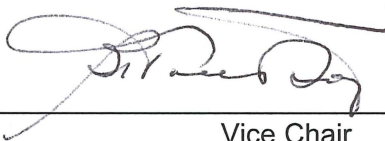
Moved and seconded

That the Advisory Planning Commission defer further consideration of the draft Zoning Bylaw to the next Regular Meeting or a Special Meeting and request that a Planning Department staff member attend the meeting to answer questions regarding the draft Zoning Bylaw.

**CARRIED**

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:35 p.m.

**CERTIFIED CORRECT**


Vice Chair  
Betty Holskog



Recording Secretary  
Danica Kimberley



**REGIONAL DISTRICT  
OF  
NORTH OKANAGAN**  
**Advisory Planning Commission "C" Meeting**  
Wednesday, May 31, 2023  
7:00 p.m.  
Boardroom - 9848 Aberdeen Road, Coldstream, BC

**REGULAR MINUTES**

- 
- Members:** Betty Holtskog Vice Chair  
\*Brad Baker (electronic)  
Dave Peterson (electronic)
- Staff:** Danica Kimberley Executive Assistant, Planning and Building
- Also Present:** Director A. Shatzko Electoral Area "C" Director

\*Denotes presence for part of the meeting

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**CALL MEETING TO ORDER**

The meeting was called to order at 7:06 p.m.

**APPROVAL OF AGENDA**

**Advisory Planning Commission Electoral Area "C" – May 31, 2023**

Moved and seconded  
That the Agenda of the May 31, 2023 Advisory Planning Commission Electoral Area "C" meeting be approved as presented.

**CARRIED**

**ADOPTION OF MINUTES**

**Advisory Planning Commission Electoral Area "C" – April 26, 2023**

Moved and seconded  
That the Minutes of the April 26, 2023 Advisory Planning Commission Electoral Area "C" meeting be adopted as circulated.

**CARRIED**

**DELEGATIONS****Development Variance Permit Application**

**NELSON, R. & R. c/o BTE CONSTRUCTION LTD., [File No. 23-0305-C-DVP]  
187 Dewdeny Road, Electoral Area "C"**

No one was present to speak to the application.

**Development Variance Permit Application**

**WOLFE, M. [File No. 23-0334-CSS-DVP]  
9818 Cathedral Drive, Electoral Area "C"**

No one was present to speak to the application.

**NEW BUSINESS****Development Variance Permit Application**

**NELSON, R. & R. c/o BTE CONSTRUCTION LTD., [File No. 23-0305-C-DVP]  
187 Dewdeny Road, Electoral Area "C"**

The Commission discussed the application and provided the following comments:

- Minor side yard variance, does not seem to be an issue.
- Comments regarding protecting the location of the septic field and ensuring that it can handle any additional plumbing fixtures.
- The septic design is based on the dwelling size, use and soil of the property and if you let people build all over it, it can be expensive and difficult to repair.

Moved and seconded

That the Advisory Planning Commission supports the following recommendation as contained in the staff report dated May 15, 2023, as long as the owners ensure that the septic field location and capacity will not be negatively impacted by the proposed accessory residential building:

That upon consideration of input from adjacent landowners, a Development Variance Permit be issued for the property legally described as Lot 8, Sec 26, Twp 9, ODYD, Plan 22067 and located at 187 Dewdeny Road, Electoral Area "C" to vary Section 701.9.d of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 by reducing the required southern side yard setback of an accessory residential building (workshop) from 2.0 m to 1.22 m as shown on the site plan and elevation drawings attached to the Planning Department report dated May 15, 2023

**CARRIED**

**Development Variance Permit Application**

**WOLFE, M. [File No. 23-0334-CSS-DVP]  
9818 Cathedral Drive, Electoral Area "C"**

The Commission discussed the application and provided the following comments:

- Ensure that the easement is protected during and after construction.

Moved and seconded

That the Advisory Planning Commission supports the recommendation as contained in the staff report dated May 23, 2023, as follows:

That upon consideration of input from adjacent landowners, a Development Variance Permit be issued for the property legally described as Lot 5, DL 5264, ODYD, Plan KAP81761 and an Undivided 1/5 Share in Lot 32, Plan KAP81761 and located at 9818 Cathedral Drive, Electoral Area "C" to allow a variance to Section 502.13 of the *Silver Star Zoning Bylaw No. 1926, 2004* by increasing the maximum height of a duplex dwelling from 12 m to 13.41 m; and further,

That the Development Variance Permit be approved subject to:

1. That the roof of the duplex dwelling may not be used as a deck other than the decks shown on the building drawings attached to the Planning Department report dated May 23, 2023;
2. The location and dimensions of the duplex dwelling being as shown on the site plan and building elevations attached to the Planning Department report dated May 23, 2023.

**CARRIED**

Brad Baker (electronic) departed the meeting.

### **Draft Regional District of North Okanagan Zoning Bylaw No. 3000, 2023**

Advisory Planning Commission "B" members entered the meeting to discuss the Draft RDNO Zoning Bylaw. Planning Department staff advised they are present to answer any questions that the Advisory Planning Commissions may have with respect to the Zoning Bylaw.

The following comments were provided:

- Questions and discussion around the legislation relating to Official Community Plans, Zoning Bylaws, Subdivision Servicing Bylaws, etc and "what drives what".
- Discussion around other provincial agencies and their approval of the draft Zoning Bylaw.
- Does the MoTI need to give permission to adopt this bylaw? Yes it will need to be endorsed by MoTI.
- Discussion around Interior Health Authority and Okanagan Basin Water Board policies around water and septic.
- Questions regarding approval of water sources and septic systems.
- Discussion around the need to ensure checks and balances are done at Building Permit stage for water and septic.
- A suggestion of adding a reference to the Building Bylaw within the Zoning Bylaw so it is clear that there may be additional restrictions.
- Subdivision Servicing Bylaw and Building Bylaw have servicing regulations.
- Discussion around Agri-Tourism Accommodation provisions, and the potential of allowing them within Electoral Areas B and C.
- Farmers have requested to have small cabins to allow for short-term rental for an on-farm experience.
- Discussion around the new provisions regarding secondary suites and secondary dwellings.
- Discussion regarding the current residence for an infirm relative provision, the new bylaw will eliminate the need for the doctor's note and many of the current open files will become compliant.
- Questions regarding Section 514 of the LGA (subdivision for a relative) and the provisions in the Zoning Bylaw.
- Many lots were subdivided prior to minimum lot size standards.
- Questions regarding panhandle or minimum frontage requirements.
- Discussion around grade requirements for driveways and compliance issues.
- Discussion around infill as it relates to the proposed sanitary sewer system.
- Discussion around the removal of the reference to agricultural buffering.

- Questions regarding the timeline of adoption of the zoning bylaw - The RDNO is still waiting for final comments from agencies.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:35 pm.

**CERTIFIED CORRECT**

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Vice Chair  
Betty Holtskog

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Recording Secretary  
Danica Kimberley

Unadopted





**REGIONAL DISTRICT  
OF  
NORTH OKANAGAN**  
**Advisory Planning Commission "D" Meeting**  
**Tuesday, April 25, 2023**  
**7:00 p.m.**  
**Whitevalley Community Centre, Lumby, BC**

**REGULAR MINUTES**

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<b>Members:</b>	Butch Mindnich Melanie Wenzoski Wendy Sherman	Chair
<b>Staff:</b>	Greg Routley	Deputy Planning Manager
<b>Also Present:</b>	Rick Fairbairn	Electoral Area "D" Director

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**CALL MEETING TO ORDER**

The meeting was called to order at 7:06 p.m.

**APPROVAL OF AGENDA**

**Advisory Planning Commission Electoral Area "D" – April 25, 2023**

Moved and seconded  
That the Agenda of the April 25, 2023 Advisory Planning Commission Electoral Area "D" meeting be approved as presented.

**CARRIED**

**ADOPTION OF MINUTES**

**Advisory Planning Commission Electoral Area "D" – March 29, 2023**

Moved and seconded  
That the minutes of the March 29, 2023 Advisory Planning Commission Electoral Area "D" meeting be adopted as circulated.

**CARRIED**

**NEW BUSINESS****Draft Regional District of North Okanagan Zoning Bylaw No. 3000, 2023**

The Commission discussed the draft RDNO Zoning Bylaw and provided the following comments:

- Questions regarding the 1-hectare policy relating to sewer, is the Bylaw compliant?
- Questions regarding the 0.81-hectare rule for intensive agriculture, why not in the Country Residential zone?
- Questions regarding why cannabis production facilities differ in Electoral Area "D" vs the rest of the Regional District and whether the size is appropriate or not.
- Discussion regarding the additional number of permitted residences, 1 to 2 on some lots.
- Comments regarding intensive resource use and storage of logging equipment.
- Questions regarding the Official Community Plan consistency.
- Questions regarding legal non-conforming provisions.
- Discussion regarding the Board of Variance vs Development Variance Permit process.
- Questions regarding modular storage containers
- Discussion regarding Recreational Vehicles; number of days: 30 vs other/more?

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:38 p.m.

**CERTIFIED CORRECT**

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Chair  
Butch Mindnich

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Recording Secretary  
Greg Routley



**REGIONAL DISTRICT  
OF  
NORTH OKANAGAN**  
**Advisory Planning Commission "E" Meeting**  
**Monday, April 24, 2023**  
**5:00 p.m.**  
**Cherryville Hall, Cherryville, BC**

**REGULAR MINUTES**

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<b>Members:</b>	I. Eggen C. Foisy L. Laviolette C. MacPherson A. Dyck	Chair
<b>Staff:</b>	Rob Smailes Jennifer Miles	General Manager, Planning and Building Planner II
<b>Also Present:</b>	J. Johnson L. Frerichs	Electoral Area "E" Director Electoral Area "E" Alternate Director

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**CALL MEETING TO ORDER**

The meeting was called to order at 5:00 p.m.

**APPROVAL OF AGENDA**

**Advisory Planning Commission Electoral Area "E" – April 24, 2023**

Moved and seconded

That the Agenda of the April 24, 2023 Advisory Planning Commission Electoral Area "E" meeting be approved as presented.

**CARRIED**

**ADOPTION OF MINUTES**

**Advisory Planning Commission Electoral Area "E" – August 29, 2022**

Moved and seconded

That the minutes of the August 29, 2022 Advisory Planning Commission Electoral Area "E" meeting be adopted as circulated.

**CARRIED**

**NEW BUSINESS****Draft Regional District of North Okanagan Zoning Bylaw No. 3000, 2023**

The Commission discussed the draft Zoning Bylaw and provided the following comments:

- The Commission discussed and agreed that regulations related to the size of cannabis facilities on agricultural land should remain as is (max 500 m<sup>2</sup>).
- The Commission discussed residential use of recreational vehicles including for family members and rentals and expressed concerns regarding safety and servicing specifically related to septic disposal.
- The Commission discussed proposed changes to dwelling units including the size of property required, servicing and Building Permit requirements, the size of dwelling units, and the economic, community and social benefits and disadvantages to permitting additional dwellings.
- The Commission also discussed regulations related to Comprehensive Development zones, modular storage containers, screening, and the advantages of creating new lots by subdivision to permit additional dwellings.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:00 p.m.

**CERTIFIED CORRECT**

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Chair  
Ian Eggen

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Recording Secretary  
Jennifer Miles



**REGIONAL DISTRICT  
OF  
NORTH OKANAGAN**  
**Advisory Planning Commission "F" Meeting**  
**Wednesday, April 26, 2023**  
**7:00 p.m.**  
**Enderby Fire Hall**  
**1500 Evergreen Street, Enderby, BC**

**REGULAR MINUTES**

**Members:** D. Fennell Chair  
B. Honeyman Vice Chair  
T. Couch  
L. Heins  
M. Steiner

**Also Present:** Director A. Hopkins Electoral Area "F" Director  
D. Delisle Electoral Area "F" Alternate Director

**CALL MEETING TO ORDER**

The meeting was called to order at 7:03 p.m.

**APPROVAL OF AGENDA**

**Advisory Planning Commission Electoral Area "F" – April 26, 2023**

Moved and seconded

That the Agenda of the April 26, 2023 Advisory Planning Commission Electoral Area "F" meeting be approved as presented.

**CARRIED**

**ADOPTION OF MINUTES**

**Advisory Planning Commission Electoral Area "F" – January 25, 2023**

Moved and seconded

That the minutes of the January 25, 2023 Advisory Planning Commission Electoral Area "F" meeting be adopted as circulated.

**CARRIED**

**NEW BUSINESS****Draft Regional District of North Okanagan Zoning Bylaw No. 3000, 2023**

The Commission discussed the draft Zoning Bylaw and provided the following comments:

- Comments were made in appreciation of the amount of work staff took on the revision (cut in half in length).
- The commission is hopeful that the proposed changes will better support the constant need for a variance.

Some concerns raised by the Commission included:

- people living in RV's (housing).
- can't have an accessory building without more than a toilet or sink, the bylaw should be changed.
- with the potential increase of secondary residences what are the plans for increased emergency services, and how will properties be taxed?
- concerns with the impact on water availability for second dwellings.
- concerns with privacy.
- pickers cabins, and farmers need workers.
- why was vet clinic removed?
- why can't ALR properties build bigger secondary dwellings? It doesn't make sense that smaller lots can build larger secondary dwellings than larger properties.
- ALC should be doing more to support farming operations.
- suggestion for staff to spend more time with APC to discuss suggested bylaw changes.
- for agritourism, how will it be monitored/complaint process.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:30 p.m.

**CERTIFIED CORRECT**

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Chair  
Dale Fennell

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Recording Secretary





**REGIONAL DISTRICT  
OF  
NORTH OKANAGAN**  
**Advisory Planning Commission "F" Meeting**  
 Wednesday, June 1, 2023  
 7:00 p.m.  
 Enderby Fire Hall  
 1500 Evergreen Street, Enderby, BC

**REGULAR MINUTES**

<b>Members:</b>	D. Fennell	Chair
	B. Honeyman	Vice Chair
	M. Steiner	
	T. Couch	
	L. Heins	

<b>Also Present:</b>	D. Delisle	Electoral Area "F" Alternate Director
	Greg Routley	Deputy Planning Manager

**CALL MEETING TO ORDER**

The meeting was called to order at 7:00 p.m.

**APPROVAL OF AGENDA**

**Advisory Planning Commission Electoral Area "F" – June 1 2023**

Moved and seconded

That the Agenda of the June 1 2023 Advisory Planning Commission Electoral Area "F" meeting be approved as presented.

**CARRIED**

**ADOPTION OF MINUTES**

**Advisory Planning Commission Electoral Area "F" – March 30, 2022**

Moved and seconded

That the minutes of the April 26, 2023, Advisory Planning Commission Electoral Area "F" meeting be adopted as circulated, with the change that the Chair is Dale Fennel on the signature line.

**CARRIED**

**NEW BUSINESS**

Greg Routley, Deputy Planning Manager, was given the floor to explain the proposed Zoning Bylaw 3000, 2023.

Discussion, comments or concerns from the APC members were:

- Can the information about the new bylaw be shared with the public? (yes).
- Why is Bylaw 3000 not advertised to the public (it will be).
- Has there been changes made to the new bylaw from the input it has received? (Not yet)
- The ALC has not changed its requirements with the proposed bylaw? (no)
- The ALC is not changing its requirements for housing to match Bylaw 3000 (no)
- Are the RAR going to be changed to meet the proposed changes (no).
- Page 30: it says a lot for a relative can be subdivided off. How does this work? (it is a law handed down from the Province that allows this).
- With the changes in the Bylaw, including provision to allow for additional dwellings, more stress will be put on available water.
- Storage Containers: discussion on the number, screening, setbacks, height and installation of storage containers, including on sloped ground, and how this affects the appearance of smaller lots vs larger lots.
- Discussion about what safe guards is in place for drilling water wells.
- Page 31: why are the changes needed for Bed & Breakfast? (The involvement from the RDNO on what was expected for customers were unreasonable)
- Appreciation from all the APC members for Greg to come out and explain the new Bylaw 3000 changes.

**MEMBER INQUIRIES**

Discussion on current APC membership

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:13 p.m.

**CERTIFIED CORRECT**

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Chair  
Dale Fennell

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Recording Secretary  
Greg Routley