



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Matt Faucher, Current Planner

**COUNCIL MEETING:** REG ☒ COW ☐ I/C ☐  
**COUNCIL MEETING DATE:** December 12, 2022  
**REPORT DATE:** December 1, 2022  
**FILE:** 6450

**SUBJECT:** REVIEW OF AGRICULTURAL LAND RESERVE REGULATIONS

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## **PURPOSE:**

To review Zoning Bylaw 5000 for compliance with Agricultural Land Commission regulations and relevant legislation.

## **RECOMMENDATION:**

THAT Council direct Administration to prepare a text amendment for its consideration to update agricultural zones in Zoning Bylaw 5000 to align with Agricultural Land Commission regulations and relevant legislation as outlined in the report titled "Review of Agricultural Land Reserve Regulations", dated December 1, 2022, and respectfully submitted by the Current Planner;

AND FURTHER, that Council direct Administration to prepare amendments to the Official Community Plan and Zoning Bylaw to ensure all Agricultural Land Reserve properties are designated as ALR in the Official Community Plan and zoned A1 – Agriculture within the ALR, as well as ensure properties not within the Agricultural Land Reserve are not designated as ALR in the Official Community Plan and are zoned A2 – Rural Large Holdings or A3 – Rural Small Holdings as appropriate based on parcel size;

AND FURTHER, that Council direct Administration to forward draft amendment bylaws to the Agricultural Land Commission for review prior to Council's consideration.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council receive for information the report titled "Review of Agricultural Land Reserve Regulations", dated December 1, 2022, and respectfully submitted by the Current Planner.

*Note: The current provisions of Zoning Bylaw 5000 would remain in force and not in alignment with current provincial legislation. Regulations that are not in alignment with provincial legislation will be deemed invalid and unenforceable.*

## **ANALYSIS:**

### **A. Committee Recommendations:**

N/A

**B. Rationale:**

1. At its Regular Meeting of September 26, 2022, Council declassified the following motion regarding Recreational Vehicle Habitation:

*'THAT Council direct Administration to delay enforcement of the recreational vehicle habitation at 6530 Eagle Road and advise the inhabitants of the recreational vehicle to end occupancy before April 30, 2023, subject to review by the City's Solicitor;*

*AND FURTHER, that Administration bring back proposed amendments to the A1 Zone including alignment with the Agricultural Land Commission regulations.'*

2. Administration subsequently reviewed Zoning Bylaw 5000 with respect to the alignment of its regulations with provincial legislation for lands designated as Agricultural Land Reserve (ALR), as well as to provide clarity on recreational vehicle habitation in relation to 6530 Eagle Road.
3. Zoning Bylaw 5000 requires amendments to bring its regulations into alignment with the current legislative framework for properties within the ALR. There are approximately 200 parcels within the City that are classified as ALR in the City's Official Community Plan (OCP). Zoning Bylaw 5000 establishes the [A1 – Agriculture within ALR](#) zone to regulate land use of ALR properties within municipal boundaries. However, upon initial analysis, not all properties within the ALR are zoned A1.
4. Additionally, not all properties within the A1 zoning district are in the ALR. If properties within the ALR have other zones (e.g., [A2 – Rural Large Holdings](#) or [RR – Rural Residential](#)) or if properties outside the ALR are zoned A1, rezoning those properties could be considered, as the A1 zone is designed to contain regulations in alignment with provincial legislation pertaining to ALR lands. If zoning is in place on properties within the ALR that does not conform to the Agricultural Land Commission (ALC) regulations, then those zoning regulations are deemed legally invalid and unenforceable. Additionally, if ALR zoning is being applied to properties outside of the ALR, the regulations may be unnecessarily encumbering those properties.
5. Preliminary analysis of properties within the City has yielded 39 properties designated as in the ALR that are not zoned A1, and 23 properties zoned A1 that are not within the ALR ([Attachment 1](#)). Administration would need to review its findings with the ALC to confirm results, prior to considering bringing forward an amending bylaw to align the A1 zone with ALR properties and rezone non-ALR properties to [A2 – Rural Large Holdings](#) or [A3 – Rural Small Holdings](#) zones accordingly.

**Agricultural Use Classes**

6. The [ALR Use Regulation](#) establishes use classes that may or may not be regulated by municipalities. There are a number of 'Farm Uses' and 'Non-Farm Uses' that municipalities cannot prohibit from occurring on ALR lands including alteration and development of lands to support farming activities. Zoning Bylaw 5000 defines many (but not all) of these uses and establishes specific use classifications as permitted in the A1 Zone. Additionally, many of these use classifications are also permitted in the A2 – Rural Large Holdings and A3 – Rural Small Holdings zones which mirror the A1 zone with minor deviations.
7. Administration recommends developing a new use definition that encompasses all Farm Uses and Non-Farm Uses that are expressly permitted on ALR lands as established under provincial legislation and the [Farm Practices Protection \(Right To Farm\) Act](#). This would eliminate the need to update zoning regulations as provincial legislation changes.

8. Administration recommends reviewing the use classifications in the A2 and A3 zones to ensure that they are aligned with the intent of each zone.

### **Residential Use Classes**

9. Unlike agricultural use classifications, municipalities are granted the ability to regulate or prohibit some residential use classifications. The [ALR Use Regulation](#) establishes specific permitted residential uses, as well as their maximum level of intensity (unit quantity and size). If a municipality wishes to reduce the maximum allowable intensity, regulate or outright prohibit a residential use class such as agri-tourism accommodation, it may do so by establishing regulations in its zoning bylaw.
10. The [ALR Use Regulation](#) establishes the following allowable residential uses:
  - i. One principal residence up to 500m<sup>2</sup>
  - ii. One secondary suite contained in the principal residence
  - iii. Up to ten agri-tourism accommodation “sleeping units”
  - iv. Up to four tourist accommodation units contained in the principal residence
  - v. One secondary residence of 90m<sup>2</sup> for parcels of 40ha or less; or up to 186m<sup>2</sup> if the parcel size is greater than 40ha

In summary, based on the legislation, a property in the ALR may have up to seventeen households sleeping on the property (three full time permanent residential units and fourteen short term rental accommodation units), not including temporary farm workers, regardless of the property’s size or location. This level of intensity is problematic in blended neighbourhoods where agricultural properties are in close proximity to residential developments.

11. The [ALR Use Regulation](#) describes residential structures as:
  - i. A structure used, whether permanently or temporarily, to provide or in connection with providing accommodation
  - ii. A vehicle used, whether permanently or temporarily, to provide or in connection with providing accommodation

Based on the legislation, permanently living in a vehicle (e.g., a van or recreational vehicle) is permitted on properties within the ALR. Therefore, Administration recommends amending Zoning Bylaw 5000 to accommodate the definition of a residential structure for use on ALR lands only.

12. As identified in the OCP, there are 2,306ha of ALR land within the municipal boundary comprising approximately 24% of the City’s land base. [Section 15.10.a of the City’s OCP \(OCP\)](#) states that the City will “Confine land uses to agricultural activity, as permitted under the [Agricultural Land Reserve Act](#)”. Residential uses of agricultural land, particularly short term rental accommodation, reduce the amount of land available for farming. The purpose of tourism accommodation and agri-tourism accommodation is to supplement farming income to support the long term economic viability of farming operations, as well as to raise awareness of farming practices by allowing visitors a chance to experience the farm and its operations. To better align the City’s regulations with the intent of the [ALR Use Regulation](#), Administration recommends limiting accommodation uses to properties that have achieved farm status under the *Assessment Act*. Additionally, Administration recommends a scaled approach to authorizing accommodation uses based on the size of the property. These measures would help ensure that accommodation used to generate revenue is limited to bona fide farming operations and the level of intensity of the accommodation use is relative to the size of the property.
13. The [ALR Use Regulation](#) considers a vehicle as a residential structure. This authorizes residents of an ALR property to use a recreational vehicle or other type of vehicle to provide accommodation for one of

the previously mentioned residential use classifications. If vehicles are to be used as residential accommodation, Administration recommends establishing regulations to limit the number of vehicles permitted per parcel, as well as the siting, screening, sanitary facilities and access requirements to mitigate impacts on neighbouring properties and provide safe access for emergency services.

14. On November 30, 2022, the Province will begin accepting applications for cannabis producer retail store licences. While Zoning Bylaw 5000 has provisions to address the retail sale of cannabis at licenced retail stores, the existing regulations do not address considerations for this new class of licence that allows the sale of cannabis directly from stores located at production facilities. As the outdoor production of cannabis is expressly permitted as a farm use on ALR lands and permits can be obtained to allow for the indoor production of cannabis on ALR lands, amendments to the A1 zone would need to reflect a new use classification that would allow cannabis producers to sell cannabis on site from stores at or near their production facility in accordance with provincial legislation. A listing of federally licenced producers is available on the Government of Canada website ([Licenced Cannabis Producers](#)).
15. Bylaws regulating lands within the ALR are complex and require review by the ALC for compliance with provincial legislation. Should Council support Administration's recommendation, amendments would be drafted and forwarded to the ALC for review prior to Council's consideration.

**C. Attachments:**

Attachment 1 – Map of properties with Zoning, OCP and ALR discrepancies

**D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

N/A

**E. Relevant Policy/Bylaws/Resolutions:**

1. Zoning Bylaw 5000
2. Official Community Plan Bylaw 5470

**BUDGET/RESOURCE IMPLICATIONS:**

Staff time would be required to prepare amendments and consult with the Agricultural Land Commission.

Prepared by:


Approved for submission to Council:

X 

Signer 1  
Matt Faucher  
Current Planner

  
Will Pearce, CAO

Date: 03 DEC 2022

X 

Signer 2  
Kim Flick  
Director, Community Infrastructure and Development

#### REVIEWED WITH

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| <input type="checkbox"/> Corporate Services     | <input type="checkbox"/> Operations           | <input checked="" type="checkbox"/> Current Planning                     |
| <input type="checkbox"/> Bylaw Compliance       | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate            | <input type="checkbox"/> Facilities           | <input type="checkbox"/> Building & Licensing                            |
| <input type="checkbox"/> RCMP                   | <input type="checkbox"/> Utilities            | <input type="checkbox"/> Engineering Development Services                |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services  | <input type="checkbox"/> Infrastructure Management                       |
| <input type="checkbox"/> Human Resources        | <input type="checkbox"/> Parks                | <input type="checkbox"/> Transportation                                  |
| <input type="checkbox"/> Financial Services     |   | <input type="checkbox"/> Economic Development & Tourism                  |
| <input type="checkbox"/> COMMITTEE:             |   |  |
| <input type="checkbox"/> OTHER:                 |   |  |