

# CVRD Agricultural Zoning

How Agricultural Zoning Relates to MOCP Policy and ALR Use Regulation

MOCP (dated Nov 5, 2024)	ALR Use Regulation & Related policies	How the Proposed CVRD Agricultural Zoning Responds (November 2024)
<b>General Policy: Agricultural Lands</b>		
FA.1 Consider agricultural plans that could address but are not limited to agricultural infrastructure issues, cold storage, abattoirs, secondary processing and site-based retail.	Not an ALC matter.	Not a zoning matter While agricultural plans are not a zoning matter, the CZB is proposing to incorporate cold storage, abattoir, secondary processing and site-based retail in various zones.
FA.2 Only support subdivision applications that meet the criteria of the Agricultural Land Commission’s Homesite Severance policy.	ALC Policy #1: “The purpose of this policy is to provide a consistent approach to situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land.” <a href="https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/policies/alc_-_policy_l-11_-_homesite_severance_on_alr_lands.pdf">https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/policies/alc_-_policy_l-11_-_homesite_severance_on_alr_lands.pdf</a>	Essentially policy FA.2 discourages any further subdivision within the ALR. The ALC policy requires that someone have continuously occupied a principal residence within the ALR since Dec 1972. There are very few people who meet this criterion. Thus, the minimum lot size for subdivision purposes has been set at 40 ha, because there are no parcels in the ALR that are large enough to be able to be subdivided using this minimum lot size. The argument has been made that this prevents land access for young or new farmers because smaller parcels are not available. Within the CVRD’s ALR lands, 53% of ALR lands are parcels that are less than 2 ha (~5 acres) in area. <sup>1</sup>
FA.3 Encourage agricultural land leasing and the accommodation of agricultural land lessees. Collaborate with external organizations, such as Young Agrarians, to identify opportunities to increase agricultural opportunities on public lands.	ALC Policy #L-16: “When leasing a portion of a parcel of agricultural land for the purpose of a farm use, lessees are not permitted to construct or place a residential structure, of any kind, on the leased area. The construction of farm buildings on the leased area is allowed.” <a href="https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/policies/alc_-_policy_l-16_-_lease_of_a_portion_of_alr_land_for_farm_use.pdf">https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/policies/alc_-_policy_l-16_-_lease_of_a_portion_of_alr_land_for_farm_use.pdf</a>	Zoning is affected only with regard to residential development on properties within the ALR, which is clearly prohibited by the ALC. When leasing is for agricultural production purposes only, this is not a zoning matter.
FA.4 Do not support applications to the Agricultural Land Commission for primary residences larger than 500 square metres (m2) or secondary residences larger than 90 square metres (m2), unless the larger size is necessary for a farm use on land classified as a farm based on the scale and intensity of the farm operation.	<p>As of December 31, 2021, the ALCA and ALR Use Regulations permit the following:</p> <ul style="list-style-type: none"><li>- On parcels 40 ha or less, one principal residence of 500 m² or less; and one additional residential of 90 m² or less.</li><li>- On parcels more than 40 ha, one residence, the floor area of which is any size permitted under the ALCA, and one additional residence of 186 m² or less.</li></ul> <p>The ALR Use Regulation does not prescribe the form of an additional residence, and local governments may regulate the types of additional residences.</p> <p>A secondary suite is permitted if there is one suite only, located within the principal residence. The maximum size of an attached suite is not prescribed in the ALR Use Regulation; however, the suite size is not in addition to the maximum dwelling size (i.e. the attached suite would need to be located within the 500 m² principal dwelling).</p>	<p>Zoning is proposing maximum dwelling sizes in consideration of the ALC’s regulations:</p> <ul style="list-style-type: none"><li>• Maximum dwelling size of 500 m2 on parcels over 2 ha, although local governments have the option to impose a lower size cap;</li><li>• Maximum dwelling size of 325 m² on parcels 2 ha or smaller;</li><li>• Maximum dwelling size of 90 m2 (for parcels 40 ha or less in area) or 186 m2 (for parcels more than 40 ha in area) for secondary residence</li></ul> <p>The maximum dwelling size includes the permissible attached suite, the size of which is not specified.</p> <p>The small additional residence is also permitted, with maximum dwelling sizes per ALR Use regulation.</p>

<sup>1</sup> Total land parcels within the CVRD in the ALR = 1971. Total parcels under 2 ha in area = 1051. Total parcels between 2 ha and 4.99 ha in area = 450 (23%). Total parcels over 5 ha in area = 470 (24%)

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	The ALC may approve an application for an additional residence if necessary for farm use. <a href="https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/ib_05_residences_in_the_alr.pdf">https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/ib_05_residences_in_the_alr.pdf</a>	
FA.5 After the CVRD has forwarded applications for non-farm use to the Agricultural Land Commission and the Agricultural Land Commission has approved the application, the CVRD may consider the application with the condition that the non-farm use: <ul style="list-style-type: none"><li>• provides significant benefits to local agriculture</li><li>• does not require the extension of community water or sewer services</li><li>• will not use productive agricultural lands</li><li>• will not preclude future use of the lands for agriculture</li><li>• will not harm adjacent farm operations</li></ul>	Permitted Non-Farm uses are addressed in Part 3 of the ALR Use Regulation. These may or may not be linked directly to agriculture and are considered compatible with agriculture, with low impacts on the land base. Some permitted non-farm uses can be prohibited by local governments. Many of the permitted non-farm uses are subject to conditions, thresholds, or other requirements.	The zoning bylaw is intending to permit as accessory uses, the following ALC permitted non-farm uses: <ul style="list-style-type: none"><li>• Home-based business</li><li>• Kennels, including breeding facilities</li><li>• Conservation &amp; passive recreation and open land parks (uses permitted in all zones)</li><li>• Day cares (part of education and research)</li><li>• Veterinary services</li></ul>
FA.6 Educate neighbours about the impacts of normal farm practices, such as odour, noise, traffic and the Farm Practices Protection (Right to Farm) Act.	ALC attempts to educate residents and new buyers in the ALR about these things.	Not a zoning matter
FA.7 Discourage non-agricultural development for properties exempt from the Agricultural Land Commission Act under section 23(1) (e.g. less than 2 acres [ac.] in size).	Agricultural Land Commission Act under section 23(1)	CVRD zoning applies, despite ALCA Section 23(1), which would encourage (but not require) agricultural uses of the properties.
FA.8 Plan for uses that are compatible with agriculture along the Agricultural Land Reserve boundary and use Protection of Farming Development Permit Areas and their associated guidelines in Schedules C and U of the OCP to protect farm activities (Development Permit Area 8).	NOT an ALC concern. Ministry of Agriculture has a Guide to Edge Planning, which provides useful information for local governments to promote compatibility along the agricultural-urban edge.	Zoning Bylaw can address edge planning issues through general regulations, or regulations related to “conditions of use.” It is challenging to address the edge between the ALR boundary and other agricultural uses.
FA.9 Establish Environmental Farm Plan best management practices to more farms within the region to promote sustainable and regenerative agriculture.	NOT an ALC concern. Ministry of Agriculture supports.	Not a zoning matter
FA.10 Support the number of farms with water storage options to reduce the impacts of agriculture on strained aquifers and watersheds.	ALC is permitting water storage construction on farms	Not a zoning matter. Water storage is permitted as a farm use.
FA.11 Only consider outdoor recreation uses on non- Agricultural Land Reserve lands where it can be demonstrated that there is no reduction in the amount of land being used for agricultural purposes and no impact on surrounding agricultural uses on lands designated Agricultural and Rural.	ALR Use Regulation, Section 16 addresses the use of ALR lands for outdoor recreation purposes.	Conservation & passive recreation and open land parks are proposed to be uses permitted in all zones.  This would only become a zoning matter in the context of a rezoning application that proposes a commercialization of an outdoor recreation use on agricultural lands.
FA.12 Protect and support the continued designation and use of agricultural land for agricultural purposes regardless of soil types and capabilities. Locate agricultural structures to maximize the agricultural potential of prime soil resources.	The BC Land Inventory classifies agricultural lands into seven capability classes, ranging from Class 1, which allows a farmer to grow the widest range of crops, to Class 7, land which is considered non-arable. Some of the intervening classes are suitable for certain types of agricultural uses. Increasingly, innovations in drainage and irrigation, tillage, nutrient replenishment, and pest management, as well as closed environmental systems, allow for agricultural production on land once deemed unusable. The recognition of ‘arable’ agricultural activities is also significant in that Class 6 and 7 lands may still be agriculturally productive, where topography and climate allow, and/or where the agricultural activities are dedicated to closed environmental systems (i.e. greenhouses).	CVRD has limited capabilities to determine where farm structures are located on agriculturally designated lands, aside from: a) creating development permit areas within agriculturally designated lands, including the ALR, related to agricultural production – which would lead to major pushback due to increased regulation and bureaucracy and cost for farmers (none of which is in the public interest); and b) using setbacks from property lines, which are being explored.  The policy is a good idea, and reflects a lot of the feedback received from participants, but the CVRD doesn’t have capacity to enforce, beyond siting permits for agricultural buildings, and zoning setbacks.

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	Long story short, with the right type of agriculture and enough water, all lands can be improved to become agriculturally productive. Therefore, the ALC is reluctant to consider removal of any lands from the ALR.	
FA.13 Locate buildings and structures, including farm help housing, on agricultural parcels in close proximity to one another and wherever possible, near the existing road frontage. Follow the homeplating guidelines as per the Ministry of Agriculture, Forestry and Fisheries’ “Guide for Bylaw Development in Farming Areas”.	NOT part of ALC regulation, although for non-farm use applications and/or Non-adhering residential use applications, clustering of residential uses and impacts on arable lands are considerations.  Ministry of Agriculture, Forestry and Fisheries’ “Guide for Bylaw Development in Farming Areas” provides guidance for residential home plate guidelines	Zoning is proposing home plates, but the public engagement process has clarified that these will be very hard to design. Staff are considering options and alternatives considering the diversity of land conditions on agricultural parcels within the CVRD.
FA.14 Promote the use of conservation programs on agricultural land to protect environmentally sensitive areas. Conservation efforts will: <ul style="list-style-type: none"><li>● recognize the important role that agricultural land plays in providing ecosystem services</li><li>● protect environmentally sensitive areas identified through current statutory provisions (e.g. Species at Risk) and identified through current federal, provincial and local inventory programs</li><li>● not unduly restrict agriculture as a priority use on the property</li></ul>	The Farm Practices Protection (Right to Farm) Act provides protections to farmers related to their abilities to use various practices related to farming, despite potential nuisances to neighbours. However, it doesn’t protect farmers who negatively impact environmentally sensitive areas, such as riparian zones, or who pollute the environment through insensitive timing of practices such as manure spreading.	Riparian and other setbacks from environmentally sensitive features are general zoning matters, not specific to agricultural zoning only.
FA.15 Preserve contiguous areas of agricultural land and avoid severance by transportation and utility corridors. Minimize the impact of road and utility corridors through agricultural lands, using only those lands necessary and to the maximum capacity prior to seeking new corridors.	Roads and utility corridors are permitted uses within the ALR.	Not a zoning matter.
FA.16 Encourage partnerships between the agriculture community, senior governments and private enterprise to promote the development of the agriculture sector.	Not an ALC matter.	Not a zoning matter.
FA.17 Support agritourism uses that strengthen the economic vitality of farms.	The use of land in the ALR for providing accommodation in relation to an agri-tourism activity is permitted under section 33 of the ALR Use Regulation if all of the following apply: (1) the accommodation is in relation to an “agri-tourism activity”, (2) the land is classified as farm, (3) total area used for accommodation is less than 5% of total parcel area, (4) limited to 10 sleeping units total, including any bedrooms in the house, and (5) only provided on a seasonal or short-term basis.	Zoning is proposing to add agri-tourism and agri-tourism accommodation to the zoning bylaw as permitted accessory uses, for properties in the ALR only.
FA.18 Work with the Ministry of Agriculture and Food to develop an Agricultural Land Use Inventory and associated Agricultural Water Demand Model.	Not an ALC matter.	Not a zoning matter.
FA.19 Support the CVRD watershed program public education, the partnership for water sustainability with the Cowichan Watershed Board, the BC Climate Agriculture Initiative, the BC Environmental Farm Plan program and other provincial initiatives in the promotion and uptake of efficient agricultural water use techniques, such as drip irrigation instead of spray irrigation.	Not an ALC matter.	Not a zoning matter.
FA.20 The CVRD supports the following parcels being removed from the Agricultural Land Reserve: several residential parcels along South Shore Road, Tamea Road and Walton Road, northwest of Honeymoon Bay’s GCB, as they are small parcels that prevent effective agricultural production.	ALC will consider these applications when they are submitted. The CVRD’s MOCP does not bind or direct the ALC in any way.	Although the OCP supports these parcels being removed from the ALR, zoning will have to wait until a formal application is made and approved by the ALC before making the change.

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		Current ALC policy requires that local governments put forward the exclusion application, rather than the property owners. There would be budget and time considerations for implementation of this policy.
<b>Policies re Food Production</b>		
FA.21 Inventory local food system resources, identify gaps and define strategies for resource sharing and long-term planning in support of long-term community sustainability.	Not an ALC matter.	Not a zoning matter.
FA.22 Support the establishment of local food markets as key elements of the local food system.	Local food sales can be permitted on ALR lands, so long as they meet the regulatory requirements (at least 50% of food grown on the property, or a cooperative marketing effort).	Local food markets can be supported as commercial uses. Farm retail sales proposed as permitted accessory use in the ALR, subject to other conditions. Farm stands are proposed as a use permitted in all zones. They may be renamed as roadside stands.
FA.23 On Rural, Suburban and Urban lands, and lands outside the Agricultural Land Reserve, support and encourage a range of small-scale, non-commercial agricultural uses that include, but are not limited to: <ul style="list-style-type: none"><li>● agriculture on private lands including front yards, backyards, hens and beehives</li><li>● agriculture on public lands that include edible landscaping on residential boulevards, park land, backyards and rights-of-way</li></ul>	Not an ALC matter.	Agriculture will continue to be a permitted use in areas designated for Forestry and Rural Residential. Many of the properties with farm status are located on these lands currently. Agriculture and food production on smaller residentially designated properties will be addressed when Residential zones are addressed. Chickens and bees are generally not permitted within the CVRD now, and there has been considerable opposition in the past to permitting them. The exceptions are in Areas C & D. This was a topic in the CZB survey, and it appears that chickens and beehives in residential areas are supported now, although that support is not unanimous.
FA.24 Support a viable and diverse agricultural industry including new food processing, value-added and agritech initiatives.	Not an ALC matter.	Intention to add Controlled Environment Structures to CZB’s agricultural zones, with consideration to add as a use in Light Industrial zones.  Most food processing and value-added food production are addressed in the draft zoning bylaw, as part of the definition of agriculture. However, abattoir is specifically being added as an accessory use in agricultural zoning. There are 7 licensed abattoirs within the CVRD at this time.
FA.25 Encourage agriculture production that increases local food production and reduces GHG emissions.	Not an ALC matter.	Not a zoning matter.
FA.26 Identify the need for local agricultural strategies and work collaboratively across the region to update the Cowichan Regional Area Agriculture Plan (2010) and update/align with the 2010 Cowichan Food Security Plan.	Not an ALC matter. Supported by the Ministry of Agriculture.	Not a zoning matter.
FA.27 Investigate and advocate for local processing (e.g. abattoir) to support local livestock producers. Look for opportunities to partner with local food organizations and the Ministry of Agriculture and Food in the regional food hub initiatives and Feed BC, Buy BC and Grow BC programs.	Not an ALC matter.	Not a zoning matter. NOTE: abattoir is specifically being added as an accessory use in agricultural zoning.
FA.28 Ensure lands designated next to Agricultural Land Reserve land are not Heavy Industrial.	Not an ALC matter.	Zoning must be consistent with the OCP direction, and its land use designations.
<b>Policy by Transect Area</b>		
<i>Resource &amp; Natural Areas</i> FA.29 Support agroforestry practices, such as silvopasture, to diversify productivity of resource lands.	Not an ALC matter.	Zoning in Resource areas has not yet been fully considered. However, it is expected that Agriculture will continue to be a permitted use in Resource Areas, such as areas designated for Forestry. Silvopasture is an aspect of

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FA.30 Support food forest initiatives.		agriculture, related to how lands are managed rather than the actual activity taking place.
<i>Rural &amp; Agricultural Areas</i> FA.31 Recognize the authority and jurisdiction of the Agricultural Land Commission for Agricultural Land Reserve lands within the bylaw area. FA.32 Protect lands within the Agricultural Land Reserve for agricultural and related uses. FA.33 Plan for a longer growing season and different crop potential. FA.34 Ensure sizing and siting guidelines for all land designated as Agriculture outside of the Agricultural Land Reserve is consistent across the agricultural landscape.	FA.31 – This is best practice, as identified by the Ministry of Agriculture’s <a href="#">Guide for Bylaw Development in Farming Areas</a> . FA.32 - ALR Use regulation addresses how ALR lands are to be protected for agricultural and related uses. FA.33 – Not an ALC matter. FA.34 – Not an ALC matter.	FA.31 - Draft zoning includes a statement recognizing the authority and jurisdiction of the Agricultural Land Commission on Agricultural Land Reserve lands. FA.32 – This is the intent of the draft zoning regulations, although attempting to also balance with providing for economic viability for farms. FA.33 – Not a zoning matter FA.34 – Sizing and siting guidelines to be consistent for all lands designated as Agricultural within the CVRD’s electoral areas
<i>Suburban Areas</i> FA.35 Support the growing of food in suburban areas.	Not an ALC matter.	Agriculture or limited agriculture will continue to be a permitted use in suburban areas.
<i>Village Areas</i> FA.36 Support the growing of food in village areas.	Not an ALC matter.	Backyard agriculture (primarily chickens and bees) is intended to be permitted in residential areas, but limited agriculture may also be permitted on larger properties. Uses permitted in all zones should include gardens.
<i>Urban Areas</i> FA.37 Support the growing of food in urban areas.	Not an ALC matter.	Uses permitted in all zones should include gardens.
<i>Special Districts</i> FA.38 Support plans that incorporate local food systems (production, processing, storage, distribution, consumption and/or nutrient cycling/composting) within programming and design of public spaces. FA.39 Consider waste-to-energy opportunities to support agricultural production.	FA.38 - Not an ALC matter.  FA.39 –In 2020, the Canadian Agricultural Partnership (BC & Canada) commissioned a study from Hallbar Consulting and the Research Institutes of Sweden, in collaboration with the BC Ministry of Agriculture, to investigate the feasibility of building on-farm biogas plants.  At this time, biosolids and soil amendments, as well as producing, storing and applying compost may not be prohibited within the ALR. These may be related uses, but they do not result in energy production.	Additional study will be required to determine how to proceed with Special Districts.  The CBZ could consider anaerobic digesters as a permitted use on Industrial land.