



# COMMERCIAL PUBLIC ASSEMBLY USES, LAND USE REGULATIONS, AND THE AGRICULTURAL LAND RESERVE (ALR)

# WHY IS THIS AN ISSUE?

- There has been a marked increase in commercial public assembly uses occurring on various properties in the Electoral Areas of the SLRD.
- These commercial uses include but are not limited to weddings, corporate retreats, and family reunions.

## COMPLAINTS

- The SLRD has been receiving a number of complaints from residents, farmers, and other legitimately zoned business owners over the years regarding these commercial uses.
- Farmers have indicated negative effects on their farm operations.
- Legitimately zoned business owners have complained about unfair competition.

# WHY IS THIS AN ISSUE?

BYLAWS, REGULATIONS AND POLICIES ARE NOT BEING ADHERED TO:

- For parcels inside the Provincial Agricultural Land Reserve (ALR), these commercial assembly uses are in violation of both ALR and SLRD regulations.
- For parcels outside the ALR, these commercial assembly uses are in violation of SLRD regulations unless properly zoned or permitted.

LAND USE IMPACTS:

These commercial operations have resulted in and will continue to yield negative effects on neighbours and community areas through a number of key areas including:

- Water and septic systems
- Washroom facilities
- Parking & traffic (including parking on neighbouring farms)

(further negative effects outlined on next slide)

# WHY IS THIS AN ISSUE?

## LAND USE IMPACTS

Additional negative effects on neighbours and community areas include:

- Building design and lack of building permits (a public safety issue)
- Land degradation (incl. trespass onto neighbouring farms, damage and theft of agricultural products on adjacent farms)
- Noise (negatively impacts farm animals and farm workers)
- Public safety, fire, and emergency operations
- Loss of farmland and removal of farmland from production
- Loss of access to farmland for new farmers due to:
  - increasing property values and driving up the real estate market which has negative influences on current and future farming activities
- Negatively affects existing neighbouring farming operations and impacts normal farm practices
- Unfair competition with zoned and permitted properties and businesses who pay commercial property taxes and incur costs of being legally zoned (eg. hotels).

# THE BENEFITS OF LAND USE REGULATION

- One of the primary purposes of zoning and land use regulation is to create a level playing field and to provide clarity, consistency and certainty.
- Zoning is meant to provide everyone with assurance of what will be occurring, and not occurring on the land.
  - this enables all residents, property owners, tenants, and businesses to make an investment in a business or commitment to a property with confidence that there will not be undesirable uses that will impact them and their investment.

# BACKGROUND

A staff report was prepared for the Electoral Area Directors committee and the SLRD Board that described:

- the issues that the SLRD is aware of and some of the complaints received.
- the existing regulatory environment at both the Provincial and Local Government levels.
- a proposed policy with an intent to clarify *existing* regulations regarding commercial public assembly uses - no new regulations were being proposed
- the two options currently available for property owners who wish to operate commercial events in areas not zoned for such uses:
  - Application for rezoning (sometimes called spot zoning)
  - Application for temporary use permit
- Describes the rationale for the proposed policy to recommend TUPs first
- The SLRD Board asked staff to host community meetings to discuss this issue.

# WHY HAS A POLICY BEEN PROPOSED?

The reasons for suggesting this as a new policy are:

- There are currently two options: rezoning or temporary use permits (TUPS)
- Staff requested that a policy be put in place in order to recommend TUPS over rezoning.

Why?

- Temporary Use Permits enable applicants and their neighbours to consider a use, provide input and place conditions on that use.
- If a proponent does not meet the conditions, then the TUP does not need to be renewed.
- It gives neighbours some sense of security that if the use permitted under the TUP creates unwanted neighbourhood impacts, the TUP does not need to be renewed.
- At the end of the TUP term, if the use is working well with the neighbourhood, a more permanent rezoning application process can be considered.

# WHY HAS A POLICY BEEN PROPOSED?

Why?

- TUPs are also cheaper and less complex than a rezoning process.
- By making this a policy, there is clarity for prospective applicants.
- Applicants would know what to apply for, and what kind of application will be required.
- Applicants don't waste money unnecessarily by applying for a less desirable form of regulation.



# LAND USE POLICIES & REGULATIONS IN THE SLRD RELATED TO THIS ISSUE

There is a large body of policy and regulation at the ALC and SLRD levels that is focused on supporting and protecting agriculture in the ALR.

The SLRD has numerous policies that support agriculture and food security including:

- Recognizing and supporting agriculture as the primary, and highest and best use of land in the ALR.
- Supporting the permanence of the ALR boundary by generally not supporting applications for subdivision or exclusion.
- Discouraging non-farm uses on agricultural land unless they can demonstrate tangible improvements in the conditions for the agricultural sector and will ensure a net benefit to agriculture.
- Seeking to provide attractive zoning opportunities for non-farm development in non-ALR areas.

**LAND USE POLICIES &  
REGULATIONS IN THE SLRD  
RELATED TO THIS ISSUE**

**Local Government Level**

**Provincial Government Level**

**Policies**

- [SLRD Agricultural Area Plans](#)
  - [Pemberton Valley Agricultural Area Plan](#)
  - [Area B Agricultural Area Plan](#)
- [SLRD Official Community Plans \(OCPs\)](#)
- [SLRD Regional Growth Strategy \(RGS\)](#)
- [SLRD Energy Resilience Task Force Report](#)
- [SLRD Agritourism Policy](#)
- [SLRD Temporary Use Permit \(TUP\) Policy](#)

- [Agricultural Land Commission \(ALC\) policies](#)
  - [Policy #4 - Agritourism Activities in the ALR](#)
  - [Policy #5 Agritourism Accommodation](#)

**Regulations**

- [SLRD Zoning Bylaws](#)
- [SLRD Building Bylaw](#)
- [SLRD Special Event Bylaw](#)
- [SLRD Noise Bylaw \(Electoral Area D\)](#)

- [Agricultural Land Reserve \(ALR\) Use, Subdivision, and Procedure Regulation](#)

# AGRICULTURAL LAND COMMISSION (ALC)

## AGRICULTURAL LAND RESERVE (ALR)

- The ALC is the provincial agency responsible for administering the ALR.
- The ALR is a provincial land use zone for agriculture.
- The purposes of the ALC as set out in legislation are:
  - a) to preserve agricultural land;
  - b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - c) to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

# AGRICULTURAL LAND RESERVE

The ALC recognizes that agriculture:

- is a major contributor to the provincial economy.
- plays an important role in maintaining rural communities and lifestyles.
- plays an important role in sustaining our population's demand for safe fresh local food and for providing the world with high quality agricultural products.

The ALR establishes the foundation for the business of agriculture.

The ALC is committed to contributing to growing BC's agricultural economy.

Local governments play an important role in enabling farm businesses to thrive on protected farmlands.

This then contributes to the local, regional and provincial economy.

# AGRICULTURAL LAND RESERVE

## Provincial Legislation & Regulations

- The *Agricultural Land Commission Act* mandates the ALC to work with local governments to accommodate, support and encourage farming on ALR lands.
- The ALC Act also requires local governments to ensure its bylaws (growth strategies, official community plans and zoning bylaws, etc.) are consistent with the ALC Act.
- The *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* identifies uses that are permitted in the Agricultural Land Reserve.

# AGRICULTURAL LAND RESERVE

## **Compliance & Enforcement**

An infraction may contravene legislation administered by the ALC and/or be inconsistent with a local plan or bylaw.

Unauthorized uses in the ALR may include, but are not limited to:

- Parking or storage of commercial or industrial vehicles
- Operating a commercial business unrelated to farming
- Construction of buildings other than a principal residence without a permit
- Impacting/obstructing a watercourse
- Fill placement or removal of soil on ALR land
- Aggregate extraction

# INTERACTION BETWEEN SLRD AND ALR REGULATIONS

Agricultural Land Reserve (ALR) is a provincial zone where:

- Agriculture is the priority use
- Non-agricultural uses are controlled
- Provincial regulations take precedence over, but do not replace other legislation and bylaws

*ALR Use, Subdivision, and Procedure Regulation* outlines two categories

## 1. Activities designated as farm use

- A local government can regulate these uses but not prohibit them
- See Part 2, Section 2 of the ALR Regulation

## 2. Permitted uses for land in the ALR

- A local government can regulate and/or prohibit these uses
- See Part 2, Section 3 of the ALR Regulation

# INTERACTION BETWEEN SLRD AND ALR REGULATIONS

- A local government's zoning bylaw *must align* with ALR regulations.
- A local government's zoning bylaw *cannot* permit non-farm uses in the ALR that have not been permitted/approved by the ALC.
- The ALC has stated that weddings, reunions, or corporate retreats are non-farm uses and are *not* considered agritourism.
- The SLRD has numerous policies and plans that are in support of farming and farmers
- Such policies are intended to
  - Discourage non-farm uses and keep farmland free from conflicting and competing uses
  - Support productive and profitable agricultural use of the ALR



# SUMMARY

A Commercial (for-profit) public assembly use such as a WEDDING, FAMILY REUNION or COMPANY/CORPORATE RETREAT requires appropriate zoning OR a TEMPORARY USE PERMIT and any event with over 200 people also requires a SPECIAL EVENT PERMIT.

The Agricultural Land Commission (ALC) does not consider these types of commercial public assembly uses as agritourism. Such uses may only be allowed on ALR land if a NON-FARM USE application has been approved by the ALC and the SLRD.

Vacation rentals (nightly or weekly) are only permitted on properties with the appropriate zoning.