

September 30, 2025

Reply to the attention of Alex Haalboom
ALC Planning Review: 46820 and 105634
Local Government File: G2025.013-
ZONE and G2025.014-ZONE

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Re: Bylaw Referral - RDOS File No. G2025.013-ZONE - Electoral Area "G" Zoning Bylaw Update - CA and PR Zones and RDOS File No. G2025.014-ZONE - Electoral Area "G" Zoning Bylaw Update - RA Zone

Thank you for forwarding a draft copy of the bylaw amendments proposed for Electoral Area "G" Zoning Bylaw No. 2781, 2017 (the "ZB") and Official Community Plan Bylaw No. 2975.2022 (the "OCP") Community Plan for review and comment by the Agricultural Land Commission (the "ALC" or "Commission") staff. This letter is regarding the following draft bylaws (altogether the "Bylaw Amendments"):

Draft Bylaws to Amend the ZB (together the "ZB Amendments")

- *Draft Bylaw no. 2781.03, 2025 (the "CA PR ZB")*
- *Draft Bylaw no. 2781.04, 2025 (the "RA ZB")*

Draft Bylaws to Amend the OCP (together the "OCP Amendments")

- *Draft Bylaw no. 2975.02, 2025 (the "CA PR OCP")*
- *Draft Bylaw no. 2975.03, 2025 (the "RA OCP")*

The primary purpose of the proposed Bylaw Amendments is to establish three new zoning designations in Electoral Area "G": Conservation Area (CA), Parks and Recreation (PR), and Resource Area (RA), to align with lands designated as CA, PR, and RA in the OCP.

- The CA PR ZB would establish the CA and PR zones. It would also define new terms related to these zones, would remove various uses of and within dwellings (i.e. accessory dwellings, home occupation, secondary suites, etc.) from the General Regulations section and into a separate section titled

“Specific Use Regulations”, and would separate the existing Large Holdings and Small Holdings zones into their own sections of the ZB.

- The RA ZB would establish the RA zone. It would also define new terms related to associated with this zone and would add Agri-Tourism Accommodation and Retail Sales of Farm Products under Specific Use Regulations.
- The CA PR OCP would redesignate five parcels near Keremeos Columns Provincial Park to CA, to reflect their acquisition by a conservation land trust
- The RA OCP would redesignate lands along Grand Oro Road to Large Holdings One, to reflect their current zoning.

Local governments are required, under s.46 of the *Agricultural Land Commission Act* (ALCA), to ensure their bylaws are consistent with ALCA, Agricultural Land Reserve (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. ALC staff provide the following comments to help ensure consistency. Please note that ALC staff cannot endorse any inconsistencies – that requires a resolution of the Commission.

General Comments

Mapping

The Referral materials did not include mapping of the ALR boundary in relation to the proposed Zoning and OCP areas in Electoral Area G. ALC staff reiterate the comments provided in 2022 regarding the Okanagan Valley Zoning Bylaw (ALC 46805m1), that not showing the ALR boundary on the referral maps “*makes it very difficult to review the [bylaw] against ALR status*”.

The ALC is the official custodian of ALR data and updates to the ALR boundary and publicly available GIS data are completed quarterly. The ALC uses the Parcel Map BC (PMBC) cadastre as the official cadastre representation. ALC staff recommend that future referrals apply the PMBC cadastre and include the mapped ALR boundary overlaid against the zoning / OCP boundaries, to ensure that the RDOS’ planning is based on an accurate understanding of which lands are within the ALR.

Comments on the proposed Bylaw Amendments reflect ALC staff’s preliminary assessment that all Electoral Area G zones contain ALR lands.

Permitting Agriculture in the ALR

The ALR Use Regulation ("ALRUR") defines certain farm uses that can and cannot be prohibited by a local government in the ALR. It is the preference of the Commission that all ALR lands be designated and zoned for agricultural use. ALC staff note that, while some ALR lands are designated as agricultural within the OCP, there is no current or proposed agricultural zone in the ZB. ALC staff note that other Electoral Areas include zones for Agriculture and recommend that this be considered for Electoral Area "G".

Given that all Area G zones contain parcels within the ALR, all zones should either permit agriculture, or must contain language stating that, where the zone overlaps with the provincial ALR, agriculture is a permitted use.

Referring to ALR Lands

ALC staff appreciate that the proposed ZB Amendments would flag, in some zones, the need for Commission authorization for residential uses on ALR lands that exceed the permissions in the ALCA and ALRUR. Given that all Area G zones contain parcels within the ALR, ALC staff recommend including language under the General Regulations, or the permitted uses for each zone, similarly stating that lands within the ALR must be compliant with the ALCA and ALRUR. Doing so, and ensuring that the ALR boundary is accurately reflected in zoning mapping, can help to ensure that landowners and District staff are aware of the need to adhere to ALR permissions where applicable, and can reduce confusion and unintentional non-compliance.

Residential Use Permissions in the ALR

ALC staff appreciate that some of the proposed ZB amendments would include language to flag that residential uses on ALR lands may require additional Commission authorization. However, this language is applied inconsistently, and at this time, it does not appear that all residential use permissions are consistent with the ALCA and ALR Regulations, in particular regarding the size of principal and additional residences, and the number of additional residences.

On May 13, 2021, ALC staff provided comments on proposed amendments to the ZB impacting secondary suites and accessory dwellings (ALC 46772m1). At the time, ALC staff advised that changes to the residential permissions in the ALR to address residential flexibility were anticipated, and that the future ZB would need to reflect those changes. On December 31, 2021, the ALR Use Regulation was amended. On July 29, 2024, ALC staff provided comments on proposed

amendments to the ZB to comply with the Small-Scale Multi-Unit Housing (“SSMUH”) provisions found in Section 481.3 of the *Local Government Act* (ZB 2781.01, ALC 100892m1). ALC staff advised that ZB zoning permissions must match ALR permissions on ALR lands.

In the ALR, the following residential uses are permitted, but may be regulated or restricted by local governments:

- One residence up to 500m² (the “Principal Residence”). The Principal Residence may contain a secondary suite.
- One other residence up to 90 m² on parcels 40 ha or less and up to 186 m² on parcels larger than 40 ha (the “Additional Residence”).

The ALC has published a range of policies and guidelines on residential use permissions in the ALR, residential design guidelines, fill placement in association with residential structures, and how other provincial housing legislation (i.e. SSMUH) is interpreted for the ALR.

CA PR ZB: Draft Bylaw no. 2781.03, 2025

Amended ss. 5.6 Parcels Divided by Zoning Boundary: states that, for parcels in multiple zones, the zone boundary shall be deemed the parcel boundary for the purposes of determining applicable uses. ALC staff note that, if a parcel were to be entirely within the ALR but within multiple zones, ALR permissions and restrictions are applicable to the parcel in its entirety.

Amended s. 6.0 General Regulations and creation of s. 7.0 Specific Use Regulations: In general, ALC staff have no concerns with the administrative separation of uses associated with residences into a separate section. It is understood that the restriction on number of dwellings per parcel (former ss. 6.2 Principal Building) will be articulated under each zone.

Proposed ss. 7.7 Secondary Suites: On May 13, 2021 (ALC 46772m1), ALC staff recommended that secondary suites be required to be proportional in size to the Principal Residence, and recommended limiting secondary suites to 1/3 the size of the Principal, stating that, “without requiring the secondary suite to be smaller than the principal residence, it is possible that a landowner may construct a building which is essentially a duplex, a use which is not permitted without approval of the ALC”. ALC staff note that the proposed ZB Amendments would not restrict the size of secondary suites, and do not restrict the size of residences more

generally in many zones, and are concerned that this will lead to non-permitted residential uses in the ALR.

Proposed ss. 7.2 Accessory Dwellings: ALC staff have no concerns with the definition of accessory dwelling (s. 4) as an accessory use on the parcel, but note that the ALCA and ALRUR do not distinguish between principal and accessory residential uses. Rather, the size and number of residences on an ALR parcel are restricted; any dwellings in excess of those permissions require Commission authorization. In addition, the Commission can only approve non-adhering Additional Residences if they are necessary for farm use.

Amended s. 10.0 Large Holdings Zones and s. 11.0 Small Holdings Zones: In general, ALC staff have no concerns with the administrative separation of the Large Holdings (LH) and Small Holdings (SH) zones into two separate sections. However, ALC staff are concerned that the LH and SH Zones as written do not conform to the residential permissions in the ALCA and ALRUR. ALC staff support ss. 10.1.4(c), which states that additional residences in the LH Zone must support farming. However, there are no size limitations on Principal Residences, and Additional Residences larger than 90m² are permitted. The LH Zone, only permits one Principal Residence per parcel, but again, no size limitations are defined. ALC staff are concerned this may result in expectations of non-permitted residential uses in the ALR, and recommend including language to specify that, where the Zone overlaps with the provincial ALR, residences exceeding ALR size permissions require Commission approval.

To better align with residential permissions in the ALR, in place of ss. 10.1.4(c) and also under the SH Zone, ALC staff recommend including a subsection similar to that proposed for the RA ZB, to read:

For parcels situated in the Agricultural Land Reserve (ALR), the maximum size and number of dwelling units, including secondary suites, principal dwelling units, or accessory dwelling units, are permitted only to the extent that they comply with the residential permissions in the Agricultural Land Commission Act and ALR Use Regulation, or have been granted a "non-adhering residential use" approval from the Agricultural Land Commission (ALC).

Proposed s. 12.0 Parks and Natural Environment Zones

The proposed ss. 12.1 PR Zone and 12.2 CA Zone currently do not define agriculture as a permitted use. ALC staff recommend either re-zoning those

parcels within the ALR to zones permissive of agriculture, including agriculture as a permitted use in the PR and CA Zones, or including language stating that, where the zone overlaps with the provincial ALR, agriculture is a permitted use.

In addition, while these zones are proposed only to permit a single accessory dwelling unit, there is no size restriction specified for that dwelling. To ensure compliance with the residential permissions in the ALR, ALC staff recommend including language similar to the above, to read:

For parcels situated in the Agricultural Land Reserve (ALR), the accessory dwelling is permitted only to the extent that it complies with the residential permissions in the Agricultural Land Commission Act and ALR Use Regulation, or has been granted a “non-adhering residential use” approval from the Agricultural Land Commission (ALC).

RA ZB: Draft Bylaw no. 2781.04, 2025

Amended s. 4.0 Definitions to include agri-tourism and agri-tourism accommodation:

The RA ZB proposes the following definitions, among others, be added to the Area G ZB:

- “agri-tourism” means a tourist activity, service, or activity carried out as an accessory use on land that is classified as a farm under the *Assessment Act*.
- “agri-tourism accommodation” means accommodation for rental to the travelling public on an operating farm or ranch, which is carried out as an accessory to the principal farm use on the parcel.

The ALRUR defines both agri-tourism and agri-tourism accommodation. ALC staff recommend aligning the ZB definitions of agri-tourism and agri-tourism accommodation to be consistent with the definitions that apply on ALR lands. Similar comments were provided in 2022 regarding proposed amendments to the Okanagan Valley Zoning Bylaw 2800, 2022, which do not appear to have been addressed at this time (ALC 46805m1). More information on agri-tourism and agri-tourism accommodation in the ALR is available in ALC Policy L-04: Agri-Tourism Activities in the ALR.

Proposed ss. 7.3 Agri-tourism Accommodation:

ALC staff reiterate the comments provided in 2022 regarding the Okanagan Valley Zoning Bylaw (ALC 46805m1):

“There is no mention of the requirements for agri-tourism accommodation for parcels in the ALR, as set out in section 33 of the ALR Use Regulation. A key difference between

the RDOS bylaw and the ALR Use Regulation is that the ALR Use Regulation requires the accommodations to be related to one of the specific agri-tourism activities listed in section 12 of the ALR Use Regulation. The ALR Use Regulation also limits the total developed area for structures, landscaping and access for the accommodation to less than 5% of any parcel.

ALC staff recommend noting that parcels in the ALR must also comply with the requirements within ALC Use Regulations.”

Proposed ss. 7.7 Retail Sales of Farm Products:

The RA ZB would revise the definition of “retail sales of farm products” to mean retail activity that is accessory to a farm use and which may include the sale of goods produced on that farm as permitted in a given zone and which includes buildings and structures necessary for the sale and storage. Given this definition, ALC staff have no concerns with the proposed ss. 7.7 and support the proposed restriction of farm retail sales to 300 m² to limit the impact of retail sales on the productive parcel.

More information on retail sales in the ALR is available in [ALC Policy L-02: Farm Retail Sales in the ALR](#)

Proposed s. 10.0 Resource Area Zones:

While the ALC prefers that all ALR lands be zoned Agriculture, ALC staff appreciate the inclusion of agriculture as a permitted use in the RA Zone.

ALC staff note a potential inconsistency in that ss. 10.1.5(m) defines accessory dwelling units as a permitted use, but not principal dwelling units. However ss. 10.1.4 states that one principal dwelling unit is allowed per parcel, in addition to a number of accessory dwelling units that would be relative to the size of the parcel.

ALC staff appreciate that the ALR is flagged in ss. 10.1.4 d), which reads:

Despite Sections 10.1.4 (b) and (c), for parcels situated in the Agricultural Land Reserve (ALR), the maximum number of secondary suites or accessory dwellings permitted per parcel under Sections 10.1.4 (b) and (c) are permitted only to the extent that a “non-adhering residential use” approval from the Agricultural Land Commission (ALC) has been granted for such secondary suites or accessory dwellings.

In 2022, regarding amendments to the Okanagan Valley Zoning Bylaw (ALC 46805m1), ALC staff commented that this paragraph does not directly align with the ALUR, stating that, *“the Use Regulation now allows one principal residence, one secondary suite within the principal residence, and one secondary residence (three total residences in two buildings). The reference to a Non-Adhering Residential Use (NARU) application is not quite correct as it implies that a NARU application is required for a secondary residence if a secondary suite already exists (or vice versa).”*

To better align with residential permissions in the ALR, ALC staff recommend amending ss. 10.1.4 d) to read:

For parcels situated in the Agricultural Land Reserve (ALR), the maximum size and number of dwelling units, including secondary suites, principal dwelling units, or accessory dwelling units, are permitted only to the extent that they comply with the residential permissions in the Agricultural Land Commission Act and ALR Use Regulation, or have been granted a “non-adhering residential use” approval from the Agricultural Land Commission (ALC).

Of course, the RDOS may restrict the size and number of residences on an ALR parcel, to a number less than what is permitted by the ALCA and ALRUR.

CA PR OCP: Draft Bylaw no. 2975.02, 2025

No ALR boundary was included with the OCP mapping provided in the referral materials, which makes it very difficult to compare the proposed OCP amendments against the ALR status. Based on a preliminary review, ALC staff understand that the lands proposed for redesignation as Conservation Area are not within the ALR and therefore have no concerns with the proposed rezoning. However, the lands under referral are adjacent to the ALR. ALC staff recommend that the RDOS confirm that the proposed OCP designations align with the ALR boundary by reviewing the amended OCP boundary against the ALR boundary using the PMBC cadastre, and make any necessary adjustments to the OCP boundary accordingly.

RA OCP: Draft Bylaw no. 2975.03, 2025

The proposed RA OCP Amendment would redesignate lands (3 parcels) from Resource Area to Large Holdings, to reflect the current zoning of the lands. These lands appear to be partially located within the ALR. ALC staff again recommend the RDOS review their OCP boundaries against the ALR boundary using the PMBC cadastre.

The OCP policies protect RA lands for uses including grazing or rangelands, and require a minimum parcel size of 60 ha. Policies regarding LH lands encourage the protections and conservation of agriculturally productive land and perimeter fencing where new developments abut agricultural land or livestock grazing land, and require a minimum parcel size of 4 ha.

ALC staff again recommend the RDOS consider establishing an Agricultural zone for ALR lands in Electoral Area "G" and ensuring that all ALR lands are both zoned and designated agricultural. In the interim, ALC staff have some concerns that redesignating the lands in question to LH will encourage landowners to pursue subdivision, which can limit the range of agricultural practices that can be supported on a parcel. The Commission is not compelled to subdivide an ALR parcel to the minimum parcel size in a local government zoning bylaw, and as such the RDOS should advise people as such to temper expectations.

In addition, ALC staff again raise concerns raised in 2024 (ALC 100892m1) regarding amendments to Electoral Area OCPs to address SSMUH requirements, which state that *"ALC Staff strongly recommend buffering, to the standards outlined in the MAF Guide to Edge Planning, remain. Specifically, ALC staff recommend considering the setback and buffer requirements outlined in the Ministry of Agriculture's [Guide to Edge Planning: Promoting Compatibility Along Agricultural Urban Edges, including up to a 30 m residential building setback from the ALR boundary, and an associated 15 m vegetated buffer to reduce the potential for urban/agricultural conflicts](#)".*

Along with buffering, ALC staff also recommend referencing the [Subdivision Near Agriculture Guide for Planners and Approving Officers](#) in areas where new residential development may abut agricultural land. This guide, prepared by the ALC and Ministry of Agriculture and Food, helps enable long-range planning for residential density that considers and values agriculture.

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, the lack of a specific response by the ALC to any draft provisions cannot be construed as consistency of the submission with the ALCA, the regulations, or any decisions of the Commission.

If you have any questions about the above comments, please contact the undersigned at 236-468-1617 or by e-mail at ALC.Referrals@gov.bc.ca.

Yours truly,

A handwritten signature in black ink that reads "Alex Haalboom". The signature is written in a cursive style.

Alex Haalboom, Regional Planner

Enclosures: Referral of Draft Bylaws 2781.03, 2025 and 2781.04, 2025 to amend the RDOS Electoral Area G Zoning Bylaw and 2975.02, 2025 and 2975.03, 2025 to amend the RDOS Electoral Area G OCP

CC: Ministry of Agriculture and Food – Attention: Alison Fox

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RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2781.03 & 2975.02

- Approval Recommended for Reasons Outlined Below
- Interests Unaffected by Bylaw
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

Attention: Chris Garrish / Shannon Duong
RE: FILE: G2025-013-ZONE, BYLAWS 2781.03 & 2975.02

Please be advised that the Keremeos Irrigation District's interests are unaffected by the zoning regulation amendments to the above noted bylaws.

Signature: Cheryl E. Della

Signed By: Cheryl Della

Agency: Keremeos Irrigation District

Title: Financial/Corporate Administrator

Date: Sept. 18/25