



ALR Application PL2025-050 Bylaw Interpretation

RECOMMENDATION

That the Board receive the report “ALR Application PL2025-050 Bylaw Interpretation” for information.

BACKGROUND

The Board motion in relation to Agricultural Land Reserve (ALR) Application No. PL2025-050 to include land into the ALR, was to provide an explanation of the regulations in the “Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (Bylaw 1285) as they pertain to food processing, home business and the growing of crops on lands zoned residential. At its regular meeting held June 24, 2025, the Board passed the following motion:

25-321 “that the item be referred back to staff to include information as to whether or not, as proposed, this is a prohibited use.”

Bylaw 1285 is drafted to include a list of uses that are prohibited in every zone unless specifically permitted. Among those uses that are prohibited in every zone is food processing. Food processing means changing the form of any vegetable, mineral or animal foodstuffs for distribution or sale. Food processing as a use is specifically permitted in the A-1, C-3, C3A and I-2 zones. The bylaw does not specifically permit that use in any other zones.

The regulations for home based business are written in the same manner as the generally prohibited uses and contain a list of uses that are prohibited as a home business. Most of these uses are the same as those listed in the uses prohibited in all zones. The bylaw does not specifically permit food processing as a home based business.

With respect to home based business, the bylaw prohibits the canning of food with a pH level equal to or greater than 4.5. The bylaw does not specifically permit the canning of food with a pH level of less than 4.5. For the canning of food to be permitted as a home based business the interpretation of that use would have to be that the canning of food is not considered food processing as the canning of food is not changing the form of a foodstuff.

A home based business is permitted in all zones as residential use is permitted in all zones. The growing of fruits, vegetables, flowers or other crops is permitted as a home based business and there is no restriction on the amount of land that can be used for the growing of crops. The crops produced on a property can then be sold on site as part of the home based business. There is no limit on the amount of crops that can be grown and then sold as part of a home based business. The primary limitation for that type of home based business is the size of the building or area within a building for the sale of the products grown on the property.

Alcohol production, specifically the beer brewing process, does meet the definition of food processing as it involves a process that changes the form of the foodstuff (barley) for distribution or sale. As food processing is not specifically permitted as a home based business, the use is not permitted.

To permit the brewing of beer as a home based business, the approval of a zoning amendment or temporary use permit is required.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC PLAN ALIGNMENT

The Strategic Focus area is Water Security - Evaluate our land use decisions through a water security lens. Water use in relation to this application has been identified as the main concern.

REVIEWED BY:

- P. Thompson, Manager of Current Planning
- L. Grant, General Manager, Development and Emergency Services
- D. Holmes, Chief Administrative Officer

ATTACHMENT

1. Excerpts from Bylaw No. 1285, 2002

Attachment 1
Excerpts from Bylaw No. 1285
(1 of 3)

Definition of Food Processing

Food Processing means changing the form of vegetable, mineral or animal food stuffs for distribution or sale.

Section 2.4 Prohibited Uses

Except where specifically permitted, the following uses, buildings and structures are prohibited in every Zone:

- a) private airports and heliports, unpaved air strip, except a private airport or heliport used only for emergency landing or evacuation, in connection with a medical emergency or other emergency as defined in the Emergency Program Act;
- b) storage of refuse or waste disposal/processing not produced on the property
- c) kennels, breeding pets, or a boarding facility;
- d) the disposal or storage of hazardous, contaminated, biomedical or toxic waste;
- e) the storage of contaminated soil, if the contaminated soil did not originate on the same legal parcel of land;
- f) vehicle wrecking yard; g) slaughtering of livestock, food processing, and the processing of seafood except in the A-1 zone conducted as a farm use in accordance with the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation;
- h) intensive agriculture including feedlots, stockyards, and slaughterhouses except in A-1, subject to Agricultural Land Reserve Commission review;
- i) commercial laundry facility;
- j) commercial composting facility;
- k) chemical manufacturing;
- l) petrochemical refining;
- m) explosives/ammunition manufacturing;
- n) battery manufacturing;
- o) outdoor chemical treatment of poles, fence posts, and wood products; p) metal smelting/electroplating;
- q) water bottling facilities;
- r) agri-tourism accommodation except in the A-1 zone;
- s) the production, storage, and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002 except in the A-1 zone when conducted as a farm use in accordance with the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation;
- t) cannabis production

Attachment 1
Excerpts from Bylaw No. 1285
(2 of 3)

Section 2.15 Home Based Business – Regulations

1. A Home Based Business shall:

- a) be accessory to the residential use of a lot;
- b) be conducted by the permanent residents of the lot on which the home based business activity is located;
- c) be located within a Dwelling Unit, attached garage or accessory building and may include accessory outdoor storage;
- d) not be carried out in an area that exceeds 400 m² of the floor area of the Dwelling Unit, attached garage or accessory building, including all accessory outdoor storage;
- e) notwithstanding subsection d), not occupy more than 49% of the floor area of the Dwelling Unit;
- f) have a maximum of 2 non-resident employees working on the lot;
- g) limit sales of related or unrelated goods combined with home based business product sales to a maximum of 1/3rd of home based business floor area 1;
- h) not include on-site retail sale of foods designed for immediate consumption other than breakfast served by a bed and breakfast to guests who have been provided overnight accommodation;
- i) in the case of a bed and breakfast, provide a maximum of three (3) guest rooms located only within the dwelling unit for use by members of the traveling public.

2. Notwithstanding the regulations in Section 2.15.1(d), for parcels zoned A-1, the Home Based Business shall not be carried out in an area that exceeds 200 m² of the floor area of the Dwelling Unit, attached garage or accessory building, and may include accessory outdoor storage in an area that does not exceed 200 m².

3. Section 2.15.1(d) does not apply to outdoor areas used for the cultivation of fruit, vegetables, flowers or other crops grown as part of a home based business.

4. Home Based Business may install a sign as outlined in Section 2.14.

5. The following uses are **not permitted** as a Home Based Business:

- a) animal breeding in excess of two litters per lot per calendar year;
- b) animal boarding;
- c) public assembly use or recreation facility;
- d) school pursuant to the Schools Act;
- e) processing or manufacturing of chemicals, solvents, paint, varnish, lacquer, rubber;
- f) slaughtering or butchering of animals;
- g) seafood processing or canning of foods with a pH level greater than or equal to 4.5;
- h) laundries or dry-cleaning;
- i) primary mineral processing;

Attachment 1
Excerpts from Bylaw No. 1285
(3 of 3)

- j) funeral home, cemetery, or crematorium;
- k) vehicle wrecking yard or dismantling of vehicles;
- l) waste disposal facility, recycling facility, or recycling other than the reuse of a recyclable material in the production of another finished product;
- m) marshalling of vehicles, equipment, or machinery;
- n) sale of automotive fuel, oil, or fluids;
- o) warehousing or storage of goods or chattels of a person other than an owner or occupant of the lot;
- p) retail sales where no products are produced or processed as part of the Home Based Business;
- q) cannabis production.

6. Home Based Business shall not be permitted within a secondary suite.

7. Bed and Breakfast shall not be permitted on a lot that contains a suite.

8. Where a secondary suite is located on a lot less than 8,000 m² in area, the Home Based Business must be contained in a building.