

Editorial Note | Regulating Agricultural Uses

Alignment with the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36

Notwithstanding any other provisions of this Zoning Bylaw, all lands within the Agricultural Land Reserve (ALR) are subject to the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36, (ALCA), *Agricultural Land Reserve General Regulation*, B.C. Reg. 57/2020, *Agricultural Land Reserve Use Regulation*, B.C. Reg. 30/2019, and any Orders of the Agricultural Land Commission (ALC). The ALCA, S.B.C. 2002, c. 36, the *ALR General Regulation*, B.C. Reg. 57/2020, and *ALR Use Regulation*, B.C. Reg. 30/2019, generally prohibit or restrict non-farm use and subdivision of ALR lands, unless otherwise permitted or exempted.

ALR 'Regulations' and Permitted Uses

Part 2 and Part 3 of the *ALR Use Regulation*, B.C. Reg. 30/2019, identify activities that must be permitted by a local government on lands within the ALR, unless the activity is prohibited or restricted, with approval of the Minister responsible for the *Farm Practices Protection Act*, R.S.B.C. 1996, c. 131, by a community 'designated' under the *Right to Farm Regulation*, B.C. Reg. 261/1997.

The City of Abbotsford is a 'designated' community under Section 553 of the *Local Government Act*, providing the authority to prohibit or restrict activities specified under Part 2 and Part 3, Division 1 of the *ALR Use Regulation*, B.C. Reg. 30/2019, with approval of the Minister. In addition, Part 3, Division 2 of the *ALR Use Regulation*, B.C. Reg. 30/2019, identifies a range of non-farm uses that are permitted in the ALR unless prohibited by a local government.

Minister Approval of Bylaws

As a 'Designated' community, bylaws affecting farming areas in Abbotsford are reviewed and must be approved by the Provincial Minister responsible for the *Farm Practices Protection Act*, R.S.B.C. 1996, c. 131. These bylaws form a significant portion of the regulations set out in Abbotsford's Agricultural Zones, as well as supporting sections of the Zoning Bylaw.

The bylaws listed below, in their entirety, were approved by the Minister responsible for the *Farm Practices Protection Act*, R.S.B.C. 1996, c. 131, on the approval date specified, and therefore authorize all regulations, restrictions, and prohibitions contained therein.

Abbotsford Bylaw No.	Minister Approval Date	Additional Information
698-98	December 8, 1999	Farm (Mushroom Growing Operation Storm Water and Waste Management and On-Farm Composting) Bylaw, 1998
2210-2013	March 22, 2015	Audible Bird Scare Device Bylaw
2959-2019	July 15, 2019	Amendment to ALR Cannabis Production Regulations
3246-2022	August 2, 2022	AgRefresh Zoning Bylaw Update

200.1 Agricultural Land Commission ‘Farm’ and ‘Non-Farm Uses’ in the Agricultural Land Reserve

- .1 Subject to regulations, restrictions, or prohibitions set out in this Bylaw, the following Uses are permitted on Lots within the Agricultural Land Reserve, as listed in the *Agricultural Land Reserve Use Regulation*, B.C. Reg. 30/2019:
 - a. “Farm Uses”, as identified in and in accordance with the conditions of Part 2 of the *Agricultural Land Reserve Use Regulation*, B.C. Reg. 30/2019, as amended; and
 - b. “Permitted Non-Farm Uses That May Not be Prohibited”, as identified in and in accordance with the conditions of Part 3, Division 1 of the *Agricultural Land Reserve Use Regulation*, B.C. Reg. 30/2019, as amended.
- .2 “Permitted Non-Farm Uses That May Be Prohibited”, as identified in Part 3, Division 2 of the *Agricultural Land Reserve Use Regulation*, B.C. Reg. 30/2019, are prohibited on Lots within the Agricultural Land Reserve, except for:
 - i. a Use specifically permitted by this Bylaw;
 - ii. the Uses identified in and conducted in accordance with the conditions of the following sections of the *Agricultural Land Reserve Use Regulation*, B.C. Reg. 30/2019, as amended to the point in time this provision is adopted [August 29, 2022, BL 3246-2022], and if the Lot is Zoned for Agricultural Use:
 - (A) Section 21 - Necessary structures and ancillary services
 - (B) Section 22 - Parks and similar areas
 - (C) Section 23 (b) and (c) - Keeping animals
 - (D) Section 25 - Infrastructure
 - (E) Section 26 - Aggregate Removal, if within the “Soil Removal Eligible Areas” identified in City of Abbotsford Official Community Plan, 2016; and
 - (F) Section 27 - Other permitted non-farm uses.
- .3 Where a Use, Building, or Structure is enabled by Sections 200.1.1 or 200.1.2 and the Zoning on the Lot does not specifically address the Use, Building, or Structure type, the regulations for the most similar Use in Sections 210.3 [Development Regulations], 210.4 [Siting Regulations], and 210.7 to 210.9 [Additional Regulations by Use] of the Agricultural One Zone (A1) shall nevertheless apply.

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Part 3, Division 2, of the *ALR Use Regulation* as it read at the time of Section 200.1.2 adoption is provided at the end of the unofficial Zoning Bylaw consolidation for convenience.