

## Greene, Pauline AGRI:EX

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**From:** Hughes, Janet AGRI:EX on behalf of Lennox, Brenda AGRI:EX  
**Sent:** Tuesday, October 6, 2015 1:03 PM  
**Cc:** 'karen.cobb@anmore.com'; 'cao@hudsonshope.ca'; 'mkoonts@lionsbay.ca';  
'ktollstam@cnv.org'; 'rzerr@princeton.ca'; 'cao@montrose.ca';  
'griplourde@cablerocket.com'; 'zeballos@recn.ca'; 'stopham@cumberland.ca';  
'rscott@dist100milehouse.bc.ca'; 'rjholland@fraserlake.ca'; 'chelgesen@elkford.ca';  
'dperehudoff@trail.ca'; 'dhill@sechelt.net'; 'cao@newdenver.ca';  
'rdyson@acrd.bc.ca'; 'cao@alertbay.ca'; 'michelle@ashcroftbc.ca';  
'channigan@barriere.ca'; 'ldysart@belcarra.ca'; 'klalonde@bimbc.ca';  
'gail.chapman@rdbn.bc.ca'; 'sworthing@burnslake.ca'; 'mdeweerd@cachecreek.info';  
'deborah.sargent@campbellriver.ca'; 'rlapham@crd.bc.ca'; 'jbell@cariboord.bc.ca';  
'jmalcolm@castlegar.ca'; 'cao@ccrd-bc.ca'; 'shorn@rdck.bc.ca'; 'breardon@cord.bc.ca';  
'patrick.robins@csaanich.ca'; 'cao@chasebc.ca'; 'dfleming@gochetwynd.com';  
'monteith@chilliwick.com'; 'lgroulx@docbc.ca'; 'tdall@village.clinton.bc.ca';  
'tseibel@coldstream.ca'; 'chamilton@csrd.bc.ca'; 'gnason@colwood.ca';  
'djoakman@comoxvalleyrd.ca'; 'dallen@courtenay.ca'; 'bcarruthers@cverd.bc.ca';  
'staudt@cranbrook.ca'; XT:Chute, Jim MTIC:IN; 'cao@delta.ca'; 'peter@duncan.ca';  
'lcrane@rdek.bc.ca'; 'tbengtson@cityofenderby.com'; 'laurie.hurst@esquimalt.ca';  
'jim.hendricks@fernie.ca'; 'cao@fortstjames.ca'; 'pgipps@fvrd.bc.ca';  
'jmartin@rdffg.bc.ca'; 'cao@village.fruitvale.bc.ca'; 'emachado@gibsons.ca';  
'dallin@grandforks.ca'; 'ssmith@villageofgranisle.ca'; 'thesse@hazelton.ca';  
XT:Highlands, District ENV:IN; 'jfortoloczky@hope.ca'; 'cao@houston.ca';  
'cao@invermere.net'; Adams, Linda ISLT:IN; 'mark.read@radiumhotsprings.ca';  
'dtrawin@kamloops.ca'; 'cao@kaslo.ca'; 'wmah@district.kent.bc.ca';  
'ssommerville@kimberley.ca'; 'wwaycheshen@kitimat.ca'; 'jmaclean@rdkb.com';  
'adefeo@lakecountry.bc.ca'; 'jfernandez@lakecowichan.ca'; 'fcheung@langleycity.ca';  
'brad@lantzville.ca'; 'tomk@lumbly.ca'; 'cao@lytton.ca';  
'pweeber@district.mackenzie.bc.ca'; 'jrule@mapleridge.ca'; 'cao@mcbride.ca';  
'lurlacher@metchosin.ca'; 'midwaybc@shaw.ca'; 'rpoole@mission.ca';  
'cao@nakusp.com'; 'pthorkelsson@rdn.bc.ca'; 'whunt@newhazelton.ca';  
'lspitale@newwestcity.ca'; 'dave.devana@northcowichan.ca'; 'david.sewell@rdno.ca';  
'rbuchan@northsaanich.ca'; 'stuardt@dnv.org'; 'rmclean@northernrockies.ca';  
'hkoning@oakbay.ca'; 'bnewell@rdos.bc.ca'; 'hfrank@oliver.ca';  
'bromanko@osoyoos.ca'; 'fmanson@parksville.ca'; 'chris.cvik@prrd.bc.ca';  
'elemke@peachland.ca'; 'ngilmore@pemberton.ca'; 'eric.sorensen@penticton.ca';  
'kgroul@pittmeadows.bc.ca'; 'mmcdonald@portalice.ca'; 'cao@portclements.ca';  
'leeburnj@portcoquitlam.ca'; 'bpayette@portedward.ca'; 'rickd@porthardy.ca';  
'CBishop@poucecoupe.ca'; 'al.radke@powellriverrd.bc.ca'; 'mfraser@cdpr.bc.ca';  
'dsailland@qualicumbeach.com'; 'cao@queencharlotte.ca'; 'bjohnson@quesnel.ca';  
'mark.read@radiumhotsprings.ca'; 'achabot@revelstoke.ca';  
'administratoroffice@richmond.ca'; 'andy.laidlaw@saanich.ca';  
'diane.kalensukra@salmo.ca'; 'cbannister@salmonarm.ca'; 'cao@saywardvalley.net';  
'rhumble@sidney.ca'; 'mmiles@silverton.ca'; 'cao@villageofslocan.ca';  
'ghowie@sooke.ca'; 'tmelcer@sparwood.ca'; 'lglenday@squamish.ca';  
'lflynn@slrd.bc.ca'; 'cao@districtofstewart.com'; 'rhotenpiller@strathconard.ca';  
'ltynan@summerland.ca'; 'cao@sunpeaksmunicipality.ca'; 'janette.loveys@scrd.ca';  
'kimmartinsen@telkwa.com'; 'havison@terrace.ca'; 'sgill@tnrd.ca';  
'bmacpherson@tofino.ca'; 'tradmin@dtr.ca'; 'ayeates@ucluelet.ca'; 'cao@valemount.ca';  
'cao@district.vanderhoof.ca'; 'wpearce@vernon.ca'; 'kanema@viewroyal.ca';  
'administrator@wells.ca'; 'jim.zaffino@westkelownacity.ca';

**Cc:** 'nleemhuis@westvancouver.ca'; 'mfurey@whistler.ca'; 'dbottrill@whiterockcity.ca';  
'dgarceau@williamslake.ca'; 'mstickney@cityofarmstrong.bc.ca';  
'bwoodward@canalflats.ca'; 'vom@mhtv.ca'; 'warfieldadmin@shawlink.ca';  
'cao@golden.ca'; 'admin.greenwoodcity@shaw.ca';  
'corey.paiement@spallumcheentwp.bc.ca'; 'sboven@merritt.ca';  
'dkey@harrisonhotsprings.ca'  
**Subject:** Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales  
**Attachments:** 2015\_09\_14\_agri-tourism\_discussion\_paper.pdf  
**Categories:** A-T CONSULT

Dear Stakeholder:

Attached is a discussion paper (white paper) prepared by the BC Ministry of Agriculture (Ministry). This paper contains a draft set of criteria for developing local government bylaws regarding agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve (ALR). The criteria describe what is considered a permitted use in the ALR by the Ministry.

The discussion paper describes the issue, provides the framework for developing the Minister's Bylaw Standards, and proposes criteria for developing local government bylaws. We are most interested in input on the criteria (Part 4) but we welcome feedback on all sections of the paper. Please provide us with comments directed specifically at the content of the paper so that your feedback can be effectively incorporated into the final document. We would like to receive all comments by **November 30, 2015** (via mail, fax or email). Once stakeholder input has been received and incorporated into the discussion paper, the criteria will be sent to the Ministry executive and Minister for final approval. Once approved, the information will be distributed to local governments and incorporated into the Ministry's "Guide for Bylaw Development in Farming Areas" (Bylaw Guide). All local governments are encouraged to incorporate these Minister's bylaw standards into their bylaws. Communities regulated under Section 918 of the LGA are expected to achieve consistency with the Minister's Bylaw Standards.

You may send your feedback by email, Canada Post, or fax.

**Email:** [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**Mail:**

**Agri-tourism and Farm Retail Sales in the ALR Consultation**  
**Ministry of Agriculture**  
**PO Box 9120 Stn Prov Govt**  
**Victoria, BC V8W 9B4**  
**Fax: 250 356-0358**

Please direct your questions or comments to:

Gregory Bartle, 250 387-9687, [Gregory.Bartle@gov.bc.ca](mailto:Gregory.Bartle@gov.bc.ca); or  
Brenda Lennox, 250 387-356-2945, [Brenda.Lennox@gov.bc.ca](mailto:Brenda.Lennox@gov.bc.ca)

Yours truly,

Derek Sturko  
Deputy Minister  
Ministry of Agriculture



Ministry of  
Agriculture

**Regulating  
Agri-tourism and Farm Retail Sales  
in the Agricultural Land Reserve**

**DISCUSSION PAPER AND PROPOSED MINISTER'S BYLAW  
STANDARDS**

**September 14, 2015**

**Prepared by:  
Strengthening Farming Program  
Innovation and Adaptation Services Branch**

## Executive Summary

This discussion paper ('white paper') has been prepared by the B.C. Ministry of Agriculture (AGRI) Strengthening Farming Program, Innovation and Adaptation Branch for input on the establishment of a Minister's Bylaw Standard to assist local government bylaw development regarding agri-tourism, agri-tourism accommodation and farm retail sales.

Its preparation follows the 2014 AGRI's consultation on the Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation (ALR USP Regulation) in which local governments expressed strong support for AGRI to provide greater clarity in guidance to local government bylaws on agri-tourism.

The proposed Minister's Bylaw Standard criteria, set out in Part 3.0, result from input contributed by the Agricultural Land Commission (ALC), local governments and the agricultural sector. While the proposed Minister's Bylaw Standard provisions apply to land in the Agricultural Land Reserve (ALR), local governments may also wish to adopt for all agriculturally zoned property.

AGRI invites local governments to review the proposed Minister's Bylaw Standard and provide feedback to the contact listed on page 13 by November 30, 2015. Feedback received will be analysed by AGRI staff, with updates and improvements made to the proposed Minister's Bylaw Standard in preparation for the Minister of Agriculture's (Minister) consideration.



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# Introduction

This paper outlines draft criteria to assist local governments in regulating their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, aiming to encourage further discussion on the matter with local governments, the ALC and the farm sector. It is important that the bylaw standard criteria effectively guide local government land use regulations within the context, and intents, of the *Agricultural Land Commission, Farm Practices Protections (Right to Farm)*, and *Local Government and Community Charter Acts* and their regulations. The draft criteria reflect analysis undertaken by AGRI staff, previous consultations with local governments, the ALC, industry, and the Ministry of Community, Sport and Cultural Development (CSCD).

## 1.0 Part one – The Criteria Development Process

This paper explores and proposes land use regulation and policy guidance for local governments to address agri-tourism and farm retail sales issues in their communities, while recognizing these uses are permitted (with exceptions) within the ALR.

Following consultation with stakeholders and approval by the Minister, the bylaw criteria will become a Minister's Bylaw Standard and incorporated within the "Guide for Bylaw Development in Farming Areas" (Bylaw Guide).<sup>1</sup>

### 1.1 Purpose and Goals

The purposes of establishing land use regulation criteria to address local government concerns regarding agri-tourism and farm retail sales are to:

1. Establish a Minister's Bylaw Standard that provides flexibility for local governments to shape agri-tourism activity in their community while ensuring that agriculture in the ALR continues as a priority use;
2. Address the needs of the agriculture sector/industry to supplement farming income;
3. Minimize the impact of agri-tourism and retail sales on farm practices and farming potential in farming areas;
4. Minimize loss and/or fragmentation of farmland due to agri-tourism and retail sales uses;
5. Reduce the financial imbalance that results from large scale commercial operations locating inexpensively in the ALR and outcompeting those that have located in appropriate commercial zones; and
6. Minimize the risk of agri-tourism and farm retail sales buildings and structures being used for non-farm purposes.

### 1.2 Stakeholders

Stakeholders involved in developing these Bylaw Standard criteria include:

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<sup>1</sup> Under the *Local Government Act* (Part 26, Division 8, Section 916), the Minister responsible for the *Farm Practices Protection (Right to Farm) Act* can develop bylaw standards to guide the development of zoning and farm bylaws. Development of provincial standards is intended to promote consistency in the regulation of, and planning for, farming. However, provision has been made under Section 916(3) to allow the standards to differ, if necessary, to respond to BC's diverse farming industry and land base.

- a) Local governments and their Agricultural Advisory Committees (AAC);
- b) Agriculture industry;
- c) ALC;
- d) Strengthening Farming Directors Committee,
- e) CSCD; and
- f) Ministry of Jobs, Tourism and Skills Training.

### **1.3 Objectives of the Process**

The objectives of the process are to:

- 1. Create a set of Bylaw Standard criteria for stakeholder review;
- 2. Consult with stakeholders; and
- 3. Develop a Minister's Bylaw Standard that local governments can apply as regulation or policy.

### **1.4 Key Steps**

The key steps in creating the Minister's Bylaw Standard are:

- 1. Review relevant literature including AGRI and ALC policies;
- 2. Review and compare local government regulations and policies;
- 3. Develop draft criteria;
- 4. Consult with internal and external stakeholders on the draft criteria;
- 5. Revise criteria for consideration by the Minister;
- 6. Seek Minister's approval; and
- 7. Encourage local governments to adopt and apply criteria.

### **1.5 Current Status (August 2015)**

AGRI staff have:

- Reviewed previous agri-tourism and farm retail sales consultations with local governments, industry, the ALC and CSCD;
- Reviewed existing ALC policies on agri-tourism, agri-tourism accommodation and farm retail sales; and,
- Prepared this draft discussion 'white paper' on agri-tourism and farm retail sales land use bylaw guidance for further local government consultations over the 2015/2016 fall and winter.

### **1.6 Context for Bylaw Standard Establishment**

AGRI has initiated Minister's Bylaw Standards in the past for three significant agricultural issues which have been approved by the Minister. AGRI staff use the Minister's Bylaw Standards to encourage local governments to adopt them into their land use bylaws. They are:

- Regulating Medical Marihuana Production Facilities in the ALR (2014);
- Combined Heat and Power Generation at Greenhouses in the ALR (2013); and

- Siting and Size of Residential Uses in the ALR (2011).

These Minister's Bylaw Standards can be found in AGRI's "Guide for Bylaw Development in Farming Areas" with additional information at:

<http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards-and-farm-bylaws>.

## 2.0 Part two - Background

### 2.1 Context

Farmers throughout B.C. are looking for options to increase their economic viability, including agri-tourism and farm retail sales. These two particular issues have become more prominent in recent years and local governments are amending their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, sometimes causing frustration with farmers and the public. Sometimes there may be conflicting community views on what actually constitutes agri-tourism activities, and what 'accessory', 'seasonal', and 'temporary' within this context really mean.

While the ALC provides direction regarding agri-tourism and farm retail sales in the ALR, one of the questions asked during the Ministry's 2014 ALR USP Regulation consultation process included agri-tourism, with local governments indicating strong support for AGRI to develop greater clarity in bylaw guidance for agri-tourism. Incorporating analysis from previous consultation, AGRI staff anticipate strong response from stakeholders on the subject.

Ideally, developing this new Minister's Bylaw Standard will assist in balancing stakeholder concerns, minimize community frustration, and provide greater certainty while maintaining the flexibility required for local government community decision making and variation. The proposed Minister's Bylaw Standard applies to property in the ALR. Given, however, that agricultural activity in B.C. takes place both on ALR and non-ALR property, local governments with agriculturally zoned land may also consider adopting it.

### 2.2 Current Policy, Legislation and Regulation

Agri-tourism and farm retail sales are defined as farm uses by the ALR USP Regulation<sup>2</sup> of the *Agriculture Land Commission Act* where a farm use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*:

- Agri-tourism is a tourist activity, service or facility accessory to ALR land classified as a farm under the *Assessment Act*, if the use is **temporary and seasonal**, and promotes or markets farm products grown, raised or processed on the farm.
- Farm retail sales if all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or at least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place

<sup>2</sup> B.C. Reg. 171/2002 Agricultural Land Reserve Use, Subdivision and Procedure Regulation. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=A631A2319799460A98F62978A2FE60E3>

and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>.

Local governments cannot prohibit agri-tourism activities, other than agri-tourism accommodation, or farm retail sales regulated by the ALR USP Regulation unless by a Farm Bylaw designated by the Minister by Section 917 of the *Local Government Act*.

The ALC also publishes several policy documents on agri-tourism, agri-tourism accommodation and farm retail sales with respect to land in the ALR.

*"The policies of the Commission provide interpretation and clarification of the regulations; outline guidelines, strategies, rules or positions on various issues and provides clarification and courses of action consistently taken or adopted, formally or informally."*<sup>3</sup> - ALC

These ALC policies include their terms of 'seasonal' and 'temporary':

- **Temporary** – means a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities. If a building or structure is required for this use, temporary use of the building or structure means a use for agri-tourism for less than 12 months of the year. The building or structure may be used for other permitted uses during the course of, or for the remainder of the year.
- **Seasonal** - means a use or activity in a facility or area for less than 12 months of the year.<sup>4</sup>

A recent 2015 B.C. Supreme Court ruling *Heather Hills Farm Society v. Agricultural Land Commission*, addresses the subject of agri-tourism, and in this case whether a particular golf course and sheep pasture is a permitted agri-tourism use. Interestingly, within the reasons for judgement that ultimately dismisses the petition; the judge also references what cannot be described as reasonably temporary, with respect to what is written in the ALR USP Regulation:

*[51] The Regulation also requires that an agri-tourism use be temporary and seasonal. A golf course requires alteration of the land in the form of particular landscaping, sand traps, water hazards etc. Photographs that were put into evidence show changes of precisely that kind to the petitioners' property. Those changes must remain in place as long as operation of the golf course continues and cannot reasonably be described as temporary.*<sup>5</sup>

The intent of this proposed Bylaw Standard is to provide greater clarity on what constitutes agri-tourism, agri-tourism accommodation, farm retail sales, and the definitions of temporary and seasonal.

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<sup>3</sup> ALC. *Legislation and Regulation*. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content/page?id=4179AB0F33494261A5B6CEF2A4F8F296>

<sup>4</sup> ALC. *Policy #4 Activities designated as Farm Use: Agri-tourism Activities in the ALR*, 2003. Last retrieved August 24, 2015 from [http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy\\_4\\_agri-tourism\\_activities.pdf](http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy_4_agri-tourism_activities.pdf)

<sup>5</sup> *Heather Hills Farm Society v. Agricultural Land Commission*, 2015 BCSC 1108

For farm retail sales, the processing/marketing of off-farm products may not be protected under the *Farm Practices Protection Act* unless there are limits prescribed by the Minister under the *Farm Practices Protection Act*.<sup>6</sup> This has implications for farms considering those options.

## 3.0 Part three – Proposed Set of Criteria

Part three introduces a set of criteria in which local governments would be encouraged to consider when developing or amending their own bylaws on agri-tourism, agri-tourism accommodation and farm retail sales. A rationale is provided for why certain criteria provisions should be introduced and a proposed list is summarized of criteria and definitions.

### 3.1 Proposed Definitions

<b>Accessory (agri-tourism)</b>	means that the <i>agri-tourism</i> is subordinate to the active <i>farm operation</i> on the same lot. <i>Agri-tourism</i> uses and activities only augment a farmer's regular farm income, not exceed or replace it.
<b>Agri-tourism</b>	is travel that combines agricultural or rural settings with products of agricultural operations – all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is <i>accessory</i> to a <i>farm operation</i> , as defined in the <i>Farm Practices Protection (Right to Farm) Act</i> , where the land is classified as a farm under the <i>Assessment Act</i> ; and, where the farm is in active operation each year.
<b>Off-farm and non-farm products</b>	means products that are not from the <i>farm unit</i> of which the subject property is part.
<b>Regular Seasonal (agri-tourism)</b>	means the occurrence over the same <i>season(s)</i> , or at the same time, each year.
<b>Season (agri-tourism)</b>	means: one of the four periods of the year: spring, summer, autumn or winter; the period of the year when something that regularly occurs every year happens; e.g. pumpkin festival before Halloween; and/or the period(s) when most people take their holidays, go to visit places, or take part in an activity outside of work.
<b>Seasonal (agri-tourism)</b>	means: relating to, dependant on, determined by, or characteristic of a particular <i>season</i> of the year; fluctuating according to the <i>season</i> ; and/or

<sup>6</sup> For more information, readers may wish to review the September 7, 2011 BC Farm Industry Review Board decision *Maddalozzo v. Pacific Coast Fruit Products Ltd* last retrieved September 8, 2015 from [http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo\\_v\\_pcfp\\_dec\\_sep7\\_11.pdf](http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo_v_pcfp_dec_sep7_11.pdf)

available, or used, during one or more *seasons*, or at specific times of the year - for less than twelve months of the year.

**Small-scale (agri-tourism)**

means to be minor or limited in size, scope, or extent. [Local governments could specify amounts.]

**Temporary (agri-tourism)**

means having a limited duration, lasting or designed to last for only a limited time each week, month, or year. E.g. an activity occurs each year at the same time at a nearby festival, or other event, or only a maximum duration of three days at a time.

## 3.2 Accessory Farm Activity

Local governments should identify *agri-tourism* as a permitted *accessory* use in all zones where agriculture or farming is a permitted use. *Accessory agri-tourism* use in the ALR is subordinate and customarily incidental to the active *farm operation* on the same lot. **Agri-tourism uses and activities only augment a farmer's regular farm income, rather than exceed or replace it.**

**Table 1. Examples of Agri-Tourism and Farm Incomes**

Column A	Column B
Agri-tourism Income	Farm Income
Entry or participation fees, tour fees	Primary agricultural production income
Fees for tours, services and workshops related to the farm operation	Value-added operations: processing of <i>own farm products</i>
Retail sales of <i>off-farm</i> or <i>non-farm products</i>	Retail sales of <i>own farm products</i>
Agri-tourism accommodation charges	

To be considered *accessory*, the annual income from *agri-tourism* [Column A] must be no more than the annual regular farm income [Column B]. The ALC may allow a larger proportion of *agri-tourism* activity on a farm, if the farmer applies for a non-farm use approval.

Examples include a farmer intending to regularly host special events such as commercial weddings, conferences or an annual music festival. A local government could decide whether to support those commercial activities in its zoning if it is authorized by the ALC.

## 3.3 Farm Class

Income from *accessory agri-tourism* activities is not used to define *farm class* under the *Assessment Act* (Sec 23 and Farm Class Reg. 411/95). Income for the purposes of *farm class* is calculated based on the farm gate amounts for qualifying agricultural products and must be generated in one of two relevant reporting periods (i.e., once every two years).

## 3.4 Agri-tourism Temporary and Seasonal Use in the ALR

Local governments should regard *agri-tourism* uses as a *temporary* and *seasonal* use. See the definitions for guidance on defining these terms.

### 3.5 Permitted and ALC approval required agri-tourism activities

**Table 2. Tiers of Agri-tourism Activities**

<b>Activities</b>	<b>Tier 1 Permitted Agri-tourism activities</b>	<b>Tier 2 Activities/events that require ALC approval</b>
On-farm	<ul style="list-style-type: none"> <li>• educational tours – general public, school children</li> <li>• on-farm marketing, including U-pick and pumpkin patches</li> <li>• temporary corn maze or Christmas tree maze</li> <li>• agricultural heritage events</li> <li>• ranch or farm tours</li> <li>• livestock shows</li> <li>• harvest festivals</li> <li>• on-farm classes and/or workshops related to the farm operation</li> <li>• farm stays or B&amp;B</li> <li>• on-farm processing facility tours</li> </ul>	<ul style="list-style-type: none"> <li>• Non-farm-uses and commercial entertainment activities which do not have an agricultural component:</li> <li>• e.g., paint ball course, dirt bike trails, all-terrain vehicles trails, mini-train parks, remote control runways, helicopter tours, etc.</li> <li>• event and facility rentals</li> <li>• concerts, theatre or music festivals</li> <li>• commercial weddings, banquets, celebrations and any other commercial assembly activity</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• self-contained, off-road parking</li> <li>• some overflow could be on neighbouring farm(s) provided it's for infrequent events, no permanent alterations to the agricultural land, and no resurfacing such as with gravel or asphalt paving</li> <li>• allow for school and tour buses</li> <li>• on-road parking at the discretion of the local government or Ministry of Transportation in Regional Districts</li> </ul>	<ul style="list-style-type: none"> <li>• Off-site overflow parking that is used on a frequent basis or that requires resurfacing</li> </ul>
ALC non-farm use application approval or local government	<ul style="list-style-type: none"> <li>• No local government temporary use or rezoning permits required,; outright use is permitted</li> </ul>	<ul style="list-style-type: none"> <li>• ALC non-farm use application approval</li> <li>• Local government non-agriculture related activities or</li> </ul>



permit requirements	<ul style="list-style-type: none"> <li>No ALC non-farm use application approval</li> </ul>	<p>events may also require a separate zone or temporary use permit</p> <ul style="list-style-type: none"> <li>Special local government permits - per event or per day, or both</li> </ul>
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### 3.6 Agri-tourism Accommodation

Section 3 of the ALR USP Regulation permits *accessory* accommodation for agri-tourism on a farm in the ALR, but allows a local government to regulate and/or prohibit the use.

Where accommodation for agri-tourism is allowed by a local government the following standards are recommended:

- Total developed area for buildings, landscaping and access to the accommodation must be no more than 5% of the parcel area;
- Could include a maximum of 10 sleeping units composed of:
  - Seasonal* campsites, *seasonal* cabins, or bed-and-breakfast (B+B) bedrooms (**maximum of four**) B+B bedrooms per legal parcel is recommended);
  - Unless ALC consent is received, accommodation must not include cooking facilities because doing so may result in long term rental housing on farm land;
  - The local government could specify the number of persons per unit;
  - Should an operator wish to have more than 10 sleeping units, he/she could apply to the local government and the ALC;
  - On smaller lots, a local government may wish to set a lower number of allowed sleeping units;
  - The BC Building Code should be the minimum standard applied for sleeping units such as cabins.
- Should be located close to the front of the lot, or an adjacent side road, and clustered with the *home plate(s)* of the farm residence(s). A farmer may wish to vary this location to minimise impact on his/her farm.
- Depending on the location of the farm, the *agri-tourism* accommodation may need to be available during more than one *season*, or its availability may vary with the *seasons*; e.g., horseback riding on trails in spring, summer, and fall, and cross-country skiing in the winter.
- Occupation of a lot *by agri-tourism* accommodation are only permitted to be *temporary*, *seasonal*, and/or *regular seasonal*, to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period. The ALC may allow longer occupation if the farmer applies for a non-farm use; local zoning would also have to allow it.
- Each local government which permits *agri-tourism* accommodation could develop a monitoring methodology to ensure the occupation meets the above criteria.

## 3.7 Other Agri-tourism Criteria

### 3.7.1 Off-street Loading Areas and Parking

Off-street loading areas may be needed to transfer field products to a market stand/shop, and to the customer's vehicle. For criteria, see Part 2 of the "Guide for Bylaw Development in Farming Areas".

All vehicles visiting the *agri-tourism* activities must be parked on site, or as otherwise permitted by the local government. The parking capacity could be based on the average daily vehicle numbers (recommended); local parking bylaws may have a different measure and short term events with large numbers of people may require different parking standards. Overflow parking occurs on public roads should adhere to local bylaws including clearances for emergency vehicles and farm machinery.

For farm site parking overflow situations, *agri-tourism* operators should provide alternate means of transportation, such as shuttles, bicycle parking, or horse corrals and off-site horse trailer parking areas.

To minimise impacting farm land, parking should be along field edges, adjacent to farm roads, farm yard areas near farm structures.

- The parking and loading area surfaces should maximize infiltration of precipitation to limit impacting a farm's ground and surface water; pavement may not be appropriate.
- The depth and type of fill for *agri-tourism* parking and loading areas should facilitate possible future removal e.g., if the *agri-tourism* activity ceases.

### 3.7.2 Site Layout for Agri-tourism Activities

Site coverage and setbacks for *agri-tourism* structures must follow the standards for farm structures provided in Part 2 of the "Guide for Bylaw Development in Farming Areas". *Agri-tourism* facilities should be located to minimize coverage of farm land and minimise disturbance of the present and potential future operation of the farm, neighbouring farms or nearby urban uses; e.g., close to the road, and/or clustered with other farm structures.

### 3.7.3 Lights

Floodlights and spotlights for *agri-tourism* activities should be directed away and/or screened from adjacent farms and other land uses.

### 3.7.4 Signage

Each *agri-tourism* and farm retail operation, and the farm itself, should be allowed at least one sign of at least 1.0 square metre. Normally, signs are located at the farm entrance, but variation should be allowed for different building and site layouts and to ensure traffic safety. Third-party signs and lighting of signs should follow local bylaws.

### 3.7.5 Noise

Loudspeakers and other noise sources associated with the *agri-tourism* activity could be regulated with local government noise bylaws.

## 3.8 Farm Retail Sales and Marketing

For on-farm retail marketing, farmers sell their own *farm products*, and may sell some *off-farm or non-farm products* directly from the *farm unit* and may require a retail indoor and/or outdoor sales and display area.

Areas necessary for on-farm retail sales but not calculated as part of the on-farm retail sales area are:

- storage space for products awaiting display and/or bulk sales; larger storage areas may be available in a barn;
- an office area for doing sales and farm-related paperwork;
- washrooms;
- driveways, parking and loading areas; and
- some preparation space where products are put in packages for display or shipping.

Local governments should not limit retail sales area of a farmer's own *farm products* i.e. the *direct farm marketing area*. The ALR USP Regulation does not state an upper limit.

Local government regulations must allow for the possibility of a retail sales area for complementary *off-farm or non-farm products*. The ALR USP Regulation requires at least 50% of the total retail sales area be devoted to that farm's products, and where both *farm products* and *off-farm or non-farm products* being sold, the allowed upper limit of the total of the indoor and outdoor sales area is 300 square metres. This should be adopted by local governments and not reduced.

To develop a larger retail sales area, or to sell less than 50% of that farm's *farm products*, a farmer must have both local government and ALC non-farm use application approval.

## 3.9 Local Government Permits and Fees

Other than the usual permits and fees required for construction, local governments should only require permits and fees for operations that require a non-farm application to the ALC and should not require the use of temporary (commercial) use permits.

Local governments should only request reimbursement of extra local government costs generated by the event or operation; e.g., policing, fire service, road clean-up, and/or traffic management.

## 3.10 Commercial Weddings

The use of the ALR for commercial weddings is considered a non-farm use which requires approval of the ALC. Where a farm has received non-farm use approval from the ALC, the local

government may require a rezoning or temporary use permit. Temporary use permits are the preferred method of dealing with this use as the local government can place additional controls on the use that are not possible through zoning. These requirements could include hours of operation.

### 3.11 Bistros and Restaurants

Bistros, cafes and restaurants are considered in most cases non-farm uses which require non-farm use approval of the ALC. Under specific criteria in the ALR USP Regulation, however, winery, brewery, cidery, distillery, and meadery lounges are permitted which do not require non-farm use approval.

## 4.0 Ministry Contact Information

Stakeholders are welcome to provide feedback on the content of this discussion by email or letter.

**Email:** AgriServiceBC@gov.bc.ca  
**Mailing Address:** Ministry of Agriculture, Strengthening Farming Program  
1767 Angus Campbell Road  
Abbotsford, B.C. Canada V3G 2M3

## Greene, Pauline AGRI:EX

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**From:** AGRIServiceBC AGRI:EX  
**Sent:** Monday, December 7, 2015 1:24 PM  
**To:** Bartle, Gregory AGRI:EX  
**Subject:** FW: Review of the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales  
**Attachments:** ltr to Hon.D.Sturko re Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales.dec.7.2015.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Feedback

### Brenna Cairns

604 556-3061 | [Brenna.Cairns@gov.bc.ca](mailto:Brenna.Cairns@gov.bc.ca) | 1 888-221-7141 | [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**From:** Nancy Friesen [<mailto:NFriesen@abbotsford.ca>]  
**Sent:** Monday, December 7, 2015 1:16 PM  
**To:** AGRIServiceBC AGRI:EX  
**Cc:** Henry Braun  
**Subject:** Review of the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales

Good afternoon Deputy Minister Sturko:

Attached for your review and consideration is correspondence from Mayor Braun accompanied by Council Report No. PDS 147-2015 regarding the review of the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales.

Please feel free to contact me in order that a mutually convenient time may be arranged to discuss the Draft Bylaw Standards with Mayor Braun.

With kind regards,

Nancy

### Nancy Friesen

Executive Assistant to Mayor  
Tel: 604.864.5500 Fax: 604.853.1934  
Email: [nfriesen@abbotsford.ca](mailto:nfriesen@abbotsford.ca)



32315 South Fraser Way  
Abbotsford, BC V2T 1W7  
[www.abbotsford.ca](http://www.abbotsford.ca)



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## Councillors

Les Barkman  
Sandy Blue  
Kelly Chahal  
Brenda Falk



## CITY OF ABBOTSFORD

Mayor, Henry Braun

## Councillors

Moe Gill  
Dave Loewen  
Patricia Ross  
Ross Siemens

December 7, 2015

File: 6520-20/0530-01

*Via Post and Email: AgriServiceBC@gov.bc.ca*

Honourable Derek Sturko  
Ministry of Agriculture  
Agri-tourism and Farm Retail Sales in the ALR Consultation  
PO Box 9120 Stn Prov Govt  
Victoria, BC V8W 9B4

Dear Deputy Minister Sturko:

### **Re: Review of the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales**

Thank you for the opportunity to provide feedback on the discussion paper containing Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales.

The City has completed a review of the discussion paper and Draft Minister's Bylaw Standards. Feedback is contained in the attached report and was presented to City Council on November 30, 2015. Council directed staff to forward the report to the Ministry of Agriculture (the Ministry), and to arrange a meeting for you and I to discuss the Draft Bylaw Standards.

It is Council's position that the discussion paper is well intended as greater clarity in the regulations for agri-tourism and farm retail sales is needed to allow agri-tourism activity to occur while maintaining the overall integrity of the farming operation. However, we have a number of concerns with the proposed regulations and the timing of the review.

As the City of Abbotsford is one of four communities regulated under Section 918 of the *Local Government Act*, and expected to amend our bylaws to be consistent with the Minister's Bylaw Standards, we would ask that you afford us the time to meet with you to share our concerns and invite the Ministry to participate in our Agricultural Lands Review project taking place over the next 12 to 18 months. This project is intended to study agricultural trends and practices with a deliverable of clear and concise policies in the Official Community Plan that align with new and updated regulations contained in the Zoning Bylaw, including agri-tourism and farm retail sales.

Thank you again for your consideration, and I look forward to meeting with you on December 16<sup>th</sup> in Langley.

Yours truly,

A handwritten signature in black ink, appearing to read 'Henry Braun', with a long horizontal flourish extending to the right.

Henry Braun  
Mayor

Encl.

- c. Honourable Mike de Jong, Minister of Finance and MLA Abbotsford West
- Simon Gibson, MLA Abbotsford – Mission
- Darryl Plecas, MLA Abbotsford South
- George Murray, City Manager
- Council Members
- Siri Bertelsen, General Manager, Planning and Development Services

Report No. PDS 147-2015  
November 16, 2015  
File No: 6520-20

**Executive Committee**

To: Mayor and Council  
From: Amy Anaka, Planner  
Subject: Review of the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales

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## **RECOMMENDATIONS**

1. THAT Council direct staff to forward Report No. PDS 147-2015, dated November 16, 2015 from the Planner, to the Ministry of Agriculture for feedback on the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales; and
2. THAT Council direct staff to arrange a meeting between the Mayor and the Deputy Minister of Agriculture to discuss the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales.

## **SUMMARY OF THE ISSUE**

City staff, the Senior Management Team, and the Agriculture, Dyking, Drainage and Irrigation Advisory Committee have completed a detailed review (Attachment A) of the Ministry of Agriculture's discussion paper that contains proposed Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales (Attachment B).

## **BACKGROUND**

According to the Ministry of Agriculture (the Ministry), farmers throughout BC are looking for options to increase the economic viability of their farms by including agri-tourism, agri-tourism accommodation, and farm retail sales. These uses have become more prominent in recent years resulting in some local governments amending their bylaws to accommodate these uses. This process underlines the conflicts between varying municipal, Ministry and Agricultural Land Commission (ALC) bylaws and regulation.

The Ministry of Agriculture Strengthening Farming Program, Innovation and Adaptation Branch has prepared a discussion paper that contains proposed Minister's Bylaw Standards on agri-tourism and farm retail sales, to assist local governments when they prepare bylaws relating to agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve (ALR).

On October 6, 2015 the Ministry sent the discussion paper to all BC Mayors, with a request for local governments to review and provide feedback by November 30, 2015. Ministry staff approved an extension for the City of Abbotsford to provide feedback on December 1, 2015, following the November 30, 2015 Executive Committee meeting.



The discussion paper was prepared following the Ministry's consultation in 2014 on the ALR Use, Subdivision and Procedure (ALR USP) Regulation of the *Agricultural Land Commission Act*. According to the Ministry, the purpose of the discussion paper is to provide greater clarity on what constitutes agri-tourism, agri-tourism accommodation and farm retail sales, and provide guidance for local governments to address issues related to agri-tourism and farm retail sales.

Following consultation with stakeholders and approval by the Minister, the bylaw criteria will become a Minister's Bylaw Standard and incorporated in the "Guide for Bylaw Development in Farming Areas" to assist local governments when preparing and amending bylaws affecting farming areas.

As stated by Ministry staff, all local governments are encouraged to incorporate these Minister's Bylaw Standards into their bylaws, while communities regulated under Section 918 of the Local Government Act are expected to amend their bylaws to be consistent with and utilize all Minister's Bylaw Standards. Abbotsford is one of four regulated communities, along with the Township of Langley, City of Kelowna and Corporation of Delta.

The Ministry has initiated Minister's Bylaw Standards in the past for three significant agricultural issues which have been approved by the Minister, and include:

- Regulating Medical Marijuana Production Facilities in the ALR (2014)
- Combined Heat and Power Generation at Greenhouses in the ALR (2013)
- Siting and Size of Residential Uses in the ALR (2011)

This will be the fourth Bylaw Standard by which the City must adhere to.

City staff have completed a review of the Draft Bylaw Standards through consultation with the Senior Management Team on November 3, 2015, the Agriculture, Dyking, Drainage and Irrigation Advisory Committee on November 18, 2015, and also referred it to the City's Economic Development team. The following includes a summary of the feedback received, while a more in depth analysis of the proposed Bylaw Standards is included in Attachment A.

## **DISCUSSION**

### **Discussion Paper Summary**

The discussion paper includes detailed definitions and criteria to assist local governments in regulating their agri-tourism, agri-tourism accommodation and farm retail sales bylaws.

As outlined in the discussion paper, "the purposes of establishing land use regulation criteria to address local government concerns regarding agri-tourism and farm retail sales are to:

1. Establish a Minister's Bylaw Standard that provides flexibility for local governments to shape agri-tourism activity in their community while ensuring that agriculture in the ALR continues as a priority use;
2. Address the needs of the agriculture sector/industry to supplement farming income;
3. Minimize the impact of agri-tourism and retail sales on farm practices and farming potential in farming areas;

4. Minimize loss and/or fragmentation of farmland due to agri-tourism and retail sales uses;
5. Reduce the financial imbalance that results from large scale commercial operations locating inexpensively in the ALR and outcompeting those that have located in appropriate commercial zones; and
6. Minimize the risk of agri-tourism and farm retail sales buildings and structures being used for non-farm purposes.”

Part three of the discussion paper introduces a proposed set of criteria in which local governments are encouraged to consider when developing or amending their bylaws. The proposed set of criteria include:

- Definitions of various terms
- Examples of permitted and ALC approval required activities
- Agri-tourism accommodation standards
- Design standards (for parking, site layout, lighting, signage and noise)
- Provisions for calculating area of farm retail sales

## Findings

Staff is of the opinion that the discussion paper prepared by the Ministry of Agriculture is well intended as greater clarity in the regulations for agri-tourism and farm retail sales is needed to allow agri-tourism activity to occur while maintaining the overall integrity of the farming operation. However, staff have a number of concerns with the proposed regulations and the timing of the review.

The following findings summarize feedback on the discussion paper from City staff, the Senior Management Team, and the Agriculture, Dyking, Drainage and Irrigation Advisory Committee. Refer to Attachment A for a more in depth analysis of the findings.

### 1. Provides Opportunities for Supplemental Income

Agri-tourism is a growing industry that enables a farmer to supplement their farming income and it gives the public access and educational opportunities relating to agriculture. Agri-tourism and farm retail sales are important components to the farming industry and should be supported within a set of regulations specific to Abbotsford's farming community.

### 2. Creates Inconsistent & Conflicting Regulations

The proposed Bylaw Standards create inconsistent and conflicting regulations within the Bylaw Standard itself and with the ALC regulations. Attachment A outlines a high level compare and contrast of the proposed Bylaw Standards, the ALC regulations and City of Abbotsford regulations. It is staff's position that inconsistent regulations between the Ministry and the ALC leaves the City without clear direction.

### 3. Limits Council's Decision Making

Communities regulated under Section 918 of the *Local Government Act* are expected to amend their bylaws to be consistent with the Minister's Bylaw Standards. Abbotsford is one of four regulated communities, along with the Township of Langley, City of Kelowna and the Corporation of Delta. As a result, the City is required to comply with the Bylaw Standards when they are adopted by the Minister. This approach limits Council's ability to make land use decisions that may be most appropriate for Abbotsford.

**4. Lacks Monitoring & Enforcement Resources**

Much of what is outlined within the proposed Bylaw Standard requires an increase in staffing and resources to monitor and enforce. For example, the proposed Bylaw Standard outlines that *"Agri-tourism uses and activities only augment a farmer's regular farm income, not exceed or replace it."* This will require on-going monitoring to ensure the agri-tourism remains in compliance. The discussion paper makes no reference to this being monitored or enforced by the Ministry or the ALC, meaning it will, by default, become a matter for the City to manage. It is unrealistic for the Ministry and the ALC to expect the City to have the resources to manage their regulations, and for the City to qualify and enforce how much income is earned.

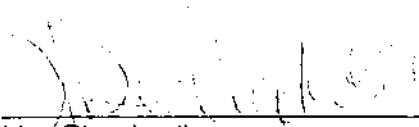
**5. Reviewed in Isolation of Broader Agricultural Issues**

The City is embarking on an inter-departmental and inter-governmental planning process for a project called the Agricultural Lands Review. The purpose of the project is to undertake a critical review of the current agricultural bylaws, policies and regulations for land in the ALR and establish a framework for on-going bylaw compliance.

This planning process is structured to have each component fit into the broader planning framework with a deliverable of clear and concise policies in the Official Community Plan that align with new and updated regulations contained in the Zoning Bylaw. It is the recommendation of staff that the Ministry of Agriculture not proceed with the Bylaw Standard at this time and instead participate in the Agricultural Lands Review to study the broader agricultural trends and practices with an outcome of new agri-tourism regulations, amongst other relevant regulation updates.

**FINANCIAL PLAN IMPLICATION**

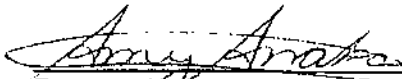
Staff do not anticipate any Financial Plan implications as part of reviewing the Draft Minister's Bylaw Standards, however, if the Bylaw Standards are implemented by the Ministry of Agriculture there could be Financial Plan implications.

  
\_\_\_\_\_  
Lisa Pleadwell  
Chief Financial Officer**IMPACTS ON COUNCIL POLICIES, STRATEGIC PLAN AND/OR COUNCIL DIRECTION**

Communities regulated under Section 918 of the *Local Government Act* are expected to amend their bylaws to be consistent with the Minister's Bylaw Standards. Abbotsford is one of four regulated communities, along with the Township of Langley, City of Kelowna and the Corporation of Delta. As a result, the City is required to comply with the Bylaw Standards when they are adopted by the Minister.

**SUBSTANTIATION OF RECOMMENDATION**

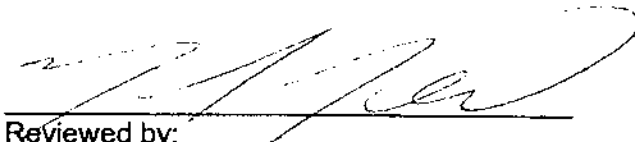
The Ministry of Agriculture has prepared a discussion paper that contains proposed Minister's Bylaw Standards on agri-tourism and farm retail sales, to assist local governments when they prepare bylaws relating to agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve. The Ministry has requested that local governments review this discussion paper and provide feedback. This report and attachments outline feedback received on the Draft Bylaw Standards through consultation with the Senior Management Team, Agriculture, Dyking, Drainage and Irrigation Advisory Committee, and Economic Development.



Prepared by:  
Amy Anaka, MCIP, RPP  
Planner



Department Head Approval:  
Siri Bertelsen  
General Manager, Planning and  
Development Services



Reviewed by:  
Mark Neill, MCIP, RPP  
Director, Community Planning

- Attachment A: City of Abbotsford Feedback on Minister's Bylaw Standards  
Attachment B: Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales

## Attachment A: City of Abbotsford Feedback on Minister's Bylaw Standards

The following two tables provide a comparison of the proposed Ministry of Agriculture's (MOA) regulations for agri-tourism and farm retail sales, as compared to current regulations for the Agricultural Land Commission (ALC) and City of Abbotsford (COA).

The ✓ check and ✗ symbols show how the current ALC and COA regulations align with or defer from the proposed MOA regulations. This is intended to reflect a high level analysis as various provisions may have subtle differences that are not shown in the tables.

### Compare & Contrast Agri-Tourism Regulations

	PROPOSED REGULATIONS	CURRENT REGULATIONS	
	Ministry of Agriculture (MOA)	Agricultural Land Commission (ALC)	City of Abbotsford (COA)
<b>DEFINITIONS</b>			
Agri-tourism	overly prescriptive	✓ less prescriptive and most aligned with COA	✓ less prescriptive and aligned with ALC
Accessory agri-tourism	subordinate to active farm operation on same lot	✗ accessory is stated in agri-tourism definition	✗ accessory is implied in agri-tourism definition
Seasonal	less than 12 months/year	✓ less than 12 months/year	✓ a total of 10 months
Temporary	regulate as time duration ie. year/month/day	✗ regulate as number of months/year (<12)	✗ regulate as number of months/year (10)
<b>USES</b>			
Intensity of use	agri-tourism income must be lesser than annual farm income	✗ must be accessory to land assessed as farm	✗ maximum 300 m <sup>2</sup>
Agri-tourism accommodation	maximum 10 sleeping units maximum 30 day stay/year	✓ maximum 10 sleeping units maximum 30 day stay/year	✗ no regulations
<b>DESIGN</b>			
Parking	located along edges may be paved	✗ no regulations	✗ number required but no design
Lighting	directed away from other farms	✗ no regulations	✗ no regulations

### Compare & Contrast Farm Retail Regulations

	PROPOSED REGULATIONS	CURRENT REGULATIONS	
	Ministry of Agriculture (MOA)	Agricultural Land Commission (ALC)	City of Abbotsford (COA)
<b>FARM RETAIL SALES</b>			
Area	provisions for calculating area	✗ maximum 300 m <sup>2</sup>	✗ maximum 300 m <sup>2</sup>
<b>COMMERICAL WEDDINGS</b>			
Non-farm use	non-farm use required	✓ non-farm use required	✓ non-farm use required
Temporary use	temporary use permit preferred	✗ no regulations	✗ rezoning required
<b>RESTAURANTS</b>			
Non-farm use	non-farm use required	✓ non-farm use required	✓ non-farm use & rezoning required

The following table outlines City feedback on the proposed Minister's Bylaw Standards.

<b>City Feedback Relating to Proposed Ministry of Agriculture Regulations</b>	
<b>General</b>	
<b>Provides opportunities for supplemental income</b>	<ul style="list-style-type: none"> <li>Agri-Tourism is a growing industry that enables a farmer to supplement their farming income and it gives the public access and educational opportunities relating to agriculture. Agri-tourism and farm retail sales are important components to the farming industry and should be supported within a set of regulations specific to Abbotsford's farming community.</li> </ul>
<b>Creates inconsistent and conflicting regulations</b>	<ul style="list-style-type: none"> <li>The proposed Bylaw Standards create inconsistent and conflicting regulations within the Bylaw Standard itself and with the Agricultural Land Commission (ALC) regulations. It is staff's position that inconsistent regulations between the Ministry and the ALC leaves the City without clear direction.</li> </ul>
<b>Confusing general language and/or messaging</b>	<ul style="list-style-type: none"> <li>Many confusing and awkwardly worded sentences. Section 2.1, second paragraph, second line, states "<i>one of the questions asked</i>", but the sentence does not proceed to relay the question.</li> <li>The order is wrong with the intention of what the Bylaw Standard will do. Section 2.1, third paragraph, the standard should first and foremost, "<i>maintain the flexibility required by local government decision making in balance with stakeholder concerns, etc.</i>" as opposed to firstly "<i>balancing stakeholder interests</i>".</li> </ul>
<b>Limits Council's decision making</b>	<ul style="list-style-type: none"> <li>Communities regulated under Section 918 of the <i>Local Government Act</i> are expected to amend their bylaws to be consistent with the Minister's Bylaw Standards. Abbotsford is one of four regulated communities and required to comply with the Bylaw Standards when they are adopted by the Minister. This approach limits Council's ability to make land use decisions that may be most appropriate for Abbotsford.</li> </ul>
<b>Reluctance to recognize and respect local government authority</b>	<ul style="list-style-type: none"> <li>Section 3.7.1, last sentence, second paragraph, "<i>Overflow parking occurs on public roads should adhere</i>". Change the "<i>should</i>" to "<i>must</i>". This type of statement creates expectations by the farmer and ties the hands of local government. A similar statement is in 3.7.4 Signage.</li> <li>Seems as if the Ministry is giving local government permission as opposed to respecting the authority granted under local government legislation. If local government has authority to prohibit, i.e. Section 3.7.5, noise from loudspeakers is within local authority to regulate, but the document says "<i>could be regulated</i>".</li> </ul>
<b>Reviewed in isolation of broader agricultural issues</b>	<ul style="list-style-type: none"> <li>The City is embarking on an inter-departmental and inter-governmental planning process for a project called the Agricultural Lands Review. The purpose of the project is to undertake a critical review of the current agricultural bylaws, policies and regulations for land in the ALR and establish a framework for on-going bylaw compliance.</li> <li>This planning process is structured to have each component fit into the broader planning framework with a deliverable of clear and concise policies in the Official Community Plan that align with new and updated regulations contained in the Zoning Bylaw. It is the recommendation of staff that the Ministry of Agriculture not proceed with the Bylaw Standard at this time and instead participate in the Agricultural Lands Review to study the broader agricultural trends and practices with an outcome of new agri-tourism regulations, amongst other relevant regulation updates.</li> </ul>

<p><b>Lacks monitoring and enforcement resources</b></p>	<ul style="list-style-type: none"> <li>• Much of what is outlined within the proposed Bylaw Standard requires an increase in staffing and resources to monitor and enforce.</li> <li>• <i>"Agri-tourism uses and activities only augment a farmer's regular farm income, not exceed or replace it."</i> This will require on-going monitoring to ensure the agri-tourism remains in compliance. The discussion paper makes no reference to this being monitored or enforced by the Ministry or the ALC, meaning it will, by default, become a matter for the City to manage. It is unrealistic for the Ministry and the ALC to expect the City to have the resources to manage their regulations, and for the City to qualify and enforce how much income is earned.</li> <li>• The standards must be structured in such a manner that enables enforcement, e.g. Page 10 second last bullet – <i>"to a maximum stay per person or per family of 30 consecutive days"</i>. Is this realistic to enforce, and how will the 30 days be tracked?</li> <li>• Bylaw Standard enables agri-tourism accommodation as a permitted use to a maximum of 10 sleeping units and that <i>"each local government which permit agri-tourism accommodation could develop a monitoring methodology"</i>. The Ministry should develop a standardized monitoring methodology and provide resources to enforce.</li> <li>• Section 3.9, Local Government Permits and Fees, if local government is ultimately the enforcement authority, then if the activity is not registered, how can it be enforced?</li> <li>• <i>"On-farm retail sales represent at least 50% of total retail sales."</i> Who is responsible for ensuring the correct ratio of on-farm and off-farm products?</li> </ul>
<p><b>Definitions</b></p>	
<p><b>Missing and/or confusing definitions</b></p>	<ul style="list-style-type: none"> <li>• Are italics used for words/terms defined in legislation or regulation? Definition of <i>"farm unit"</i> is missing in the referenced legislation and regulations.</li> <li>• Refers to, and in some cases, paraphrases definitions that are not accurate quotes from the legislation and regulations. Section 2.2, introductory paragraph is awkwardly stated and then proceeds to add definitions. What is the intent of these additions? Are they intended to expand on the definition of <i>"farm operation"</i> as defined under the Farm Practices Protection Act? They are not consistent with the Proposed Definitions in Section 3.1.</li> </ul>
<p><b>Accessory (agri-tourism)</b></p>	<ul style="list-style-type: none"> <li>• Is this definition needed as it is clearly defined in <i>"agri-tourism"</i> that this is a service or facility which is inherently accessory to a farm operation as defined in the <i>Farm Practices Protection Act</i>? Agri-tourism is subordinate to the active farm operation on the same lot.</li> <li>• ALC and the City do not currently define accessory as it is stated in ALC agri-tourism definition and implied in City agri-tourism definition.</li> </ul>
<p><b>Agri-tourism</b></p>	<ul style="list-style-type: none"> <li>• This definition could be enhanced with reference to not only <i>"travel"</i>, but also agricultural destinations.</li> <li>• While current City regulation defines <i>"agri-tourism"</i> as a tourist activity, service or facility accessory to land that is classified as a farm under the <i>Assessment Act</i>, it is categorized as a Principle Use within the A1, A2 and A3 zones with the understanding that it is accessory if the use is (as noted in the definition) temporary and seasonal and promotes or markets farm products grown, etc.</li> </ul>
<p><b>Agri-tourism</b></p>	<ul style="list-style-type: none"> <li>• A definition is recommended to be developed as it would augment</li> </ul>

accommodation (no definition included)	<p>a definition for "agri-tourism" by incorporating wording/guidance for accommodation, with a range from small-scale bed and breakfast operations to larger hotel-format operations.</p> <ul style="list-style-type: none"> <li>Current City regulation includes a definition for "agri-tourism" that excludes accommodation.</li> </ul>
Season (agri-tourism)	<p>There are duplications without cross-referencing definitions:</p> <ul style="list-style-type: none"> <li>"The period of the year when something regularly occurs..." Examples used seem to point to "Regular Seasonal".</li> <li>"The period(s) when most people take their holidays" is unusable from an enforcement perspective.</li> </ul>
Small-scale (agri-tourism)	<ul style="list-style-type: none"> <li>"Local government could specify amounts." If as stated in Section 1.4 "Review and compare local government regulations and policies", why are ranges not included to provide guidance?</li> </ul>
Temporary (agri-tourism)	<ul style="list-style-type: none"> <li>"Occurs each year at the same time" is the same as "Regular Seasonal".</li> </ul>
Commercial weddings	<ul style="list-style-type: none"> <li>Definition is missing.</li> <li>Bylaw Standard clearly states it's not included in agri-tourism.</li> </ul>
<b>Uses</b>	
Accessory Farm Activity	<ul style="list-style-type: none"> <li>"Local governments should identify agri-tourism as a permitted accessory use in all zones where agriculture or farming is a permitted use." Agri-tourism use may be too broad to apply across all zones permitting agriculture, however the use can be limited within specific zones.</li> </ul>
Farm Class	<ul style="list-style-type: none"> <li>What is the relevance of Section 3.3 to local government regulation of these activities?</li> </ul>
Agri-tourism temporary and seasonal use in the ALR	<ul style="list-style-type: none"> <li>As with "small-scale", the range of possible parcel sizes within agriculture areas is highly variable. The standard is to apply to all agricultural areas, but what if the agriculture area has a minimum parcel size of 2 hectares, should the scale of agri-tourism activities be considered or even some types of activities prohibited if the intent is to preserve the integrity of the land for food production?</li> </ul>
ALC non-farm use application approval	<ul style="list-style-type: none"> <li>Can local government regulatory authority take priority over ALC approval in these situations, i.e. if it is not in the local community interest to approve the non-farm use, will the ALC simply accept local government decision or will the ALC potentially over-rule local government?</li> </ul>
Agri-tourism accommodation (size requirements)	<ul style="list-style-type: none"> <li>Section 3.6, the standards should enable local government to make its own regulations below a pre-established parcel size minimum. It is not reasonable to apply the guidelines equally on a 2 hectare versus a 20 hectare property with respect to some of the items listed in this section.</li> </ul>
Farm Retail Sales	<ul style="list-style-type: none"> <li>Provides clarity on calculating area.</li> </ul>
<b>Design</b>	
	<ul style="list-style-type: none"> <li>Bylaw Standards provide clarity but should respect local government authority to regulate, ie. Section 3.7.5 "Loudspeakers and other noise sources associated with the agri-tourism activity could be regulated with local government noise bylaws". Ensure the use of "must" instead of "should" in Bylaw Standards.</li> </ul>



## Greene, Pauline AGRI:EX

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**From:** AGRIServiceBC AGRI:EX  
**Sent:** Monday, November 30, 2015 1:07 PM  
**To:** Bartle, Gregory AGRI:EX  
**Subject:** FW: City of Kelowna Comments on the Discussion Paper on Farm Retail Sales and Agri-tourism  
**Attachments:** City of Kelowna - Farm Retail Sales and Agritourism Discussion Paper Response.pdf; Post-Meeting Minutes - Agricultural Advisory Committee\_Nov12\_2015 - Min Ag Discussion Paper.pdf

Feedback

## Brenna Cairns

604 556-3061 | [Brenna.Cairns@gov.bc.ca](mailto:Brenna.Cairns@gov.bc.ca) | 1 888-221-7141 | [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**From:** Melanie Steppuhn [<mailto:MSteppuhn@kelowna.ca>]  
**Sent:** Monday, November 30, 2015 12:01 PM  
**To:** AGRIServiceBC AGRI:EX  
**Cc:** Bartle, Gregory AGRI:EX; Collins, Martin J ALC:EX  
**Subject:** City of Kelowna Comments on the Discussion Paper on Farm Retail Sales and Agri-tourism

Dear Sir/Madame,

Please find attached the City of Kelowna comments to the Proposed Minister's Bylaw Standards Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve (Sept. 14, 2015).



Also attached is the City of Kelowna's Agriculture Advisory Committee Discussion and Response, per their meeting of November 12, 2015.

Please let me know if you have any questions.

Best regards,

Melanie Steppuhn, BES, BCLA  
Land Use Planner  
Suburban & Rural Planning | City of Kelowna  
250-469-8586 | [msteppuhn@kelowna.ca](mailto:msteppuhn@kelowna.ca)  
Connect with the City [kelowna.ca/connect](http://kelowna.ca/connect)

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## Greene, Pauline AGRI:EX

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**From:** AGRIServiceBC AGRI:EX  
**Sent:** Wednesday, January 20, 2016 4:02 PM  
**To:** Bartle, Gregory AGRI:EX  
**Cc:** AGRIServiceBC AGRI:EX  
**Subject:** FW: Kelowna City Council Feedback- Proposed Minister's Bylaw Standards  
**Attachments:** City of Kelowna - Farm Retail Sales and Agritourism Discussion Paper Res....pdf; Post-Meeting Minutes - Agricultural Advisory Committee\_Nov12\_2015 - Min....pdf

Feedback

### Brenna Cairns

604 556-3061 | [Brenna.Cairns@gov.bc.ca](mailto:Brenna.Cairns@gov.bc.ca) | 1 888-221-7141 | [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**From:** Todd Cashin [<mailto:tcashin@kelowna.ca>]  
**Sent:** Wednesday, January 20, 2016 3:23 PM  
**To:** AGRIServiceBC AGRI:EX  
**Cc:** Bartle, Gregory AGRI:EX; Melanie Steppuhn; Todd Cashin  
**Subject:** Kelowna City Council Feedback- Proposed Minister's Bylaw Standards

Dear Sir/Madame,

In addition to the November 30<sup>th</sup> submission from the City of Kelowna that included comments from both City staff and Kelowna's Agriculture Advisory Committee (see attached), please find below the City Council Resolution from the January 18<sup>th</sup> meeting:

THAT Council receives, for information, the Report from the Planner Specialist dated January 18, 2016 regarding the Discussion Paper and Proposed Minister's Bylaw Standards – Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve dated September 14, 2015;

AND THAT Council endorses the City staff response to the Discussion Paper as attached as Appendix C to the Report from the Planner Specialist dated January 18, 2016 regarding Discussion Paper and Proposed Minister's Bylaw Standards – Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve dated September 14, 2015;

AND FURTHER THAT Council provides the following supplemental comments to the Ministry of Agriculture:

(1) Additional enforcement is welcome and required in Kelowna. Council is encouraged by the recent steps taken in this regard;

(2) An overall review of the role and function of the ALR in BC in a current context is needed, including a review of historical mapping errors and omissions; and

(3) A review of fees and taxes applicable to farms in BC is required. The tax avoidance model in Kelowna is prominent and ALC support is essential in this review.

Please do not hesitate to contact me should you have any questions.

Best regards,



**Todd Cashin**, Manager/Deputy Approving Officer  
**Suburban & Rural Planning**

Tel: 250 469-8470

Email: [tcashin@kelowna.ca](mailto:tcashin@kelowna.ca)

City of Kelowna 1435 Water Street, Kelowna, BC V1Y 1J4 [kelowna.ca/environment](http://kelowna.ca/environment)

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# MEMO



**Date:** November 30, 2015  
**To:** Greg Bartle - Ministry of Agriculture  
**From:** Community Planning (MS)  
**Subject:** Comments on the Discussion Paper and Proposed Minister's Bylaw Standards Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve

---

This memo provides comments and recommendations for changes to the *Discussion Paper and Proposed Minister's Bylaw Standards Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve (Sept. 14, 2015)* (the Discussion Paper).

City staff has reviewed the Discussion Paper and prepared comments and recommendations. The paper was distributed and presented to the City of Kelowna Agricultural Advisory Committee on October 8, 2015. The AAC had one month to review and prepare comments. These comments are summarized in this memo.

## 1.0 Community Planning

Generally, staff is in agreement with the proposed Bylaw Standards outlined in the Discussion Paper. Such standards will provide clarity for local governments and applicants alike with respect to proposals for agri-tourism and farm retail sales within the Agricultural Land Reserve (ALR). We have some specific comments and recommendations, outlined below.

### Agri-tourist Accommodation

1. **Recreation Vehicle Accommodation - Sewer and Water Hook-ups. *Ability to Prohibit*** direct hook-ups to sewer and water. The risk for this type of accommodation to become low rent housing is high when sewer and water are directly connected. Water and Sanitary Dump should be available at a common facility. This will help ensure, by design, the temporary and seasonal nature of RV sites. Enforcement for the 'temporary' and 'seasonal' nature of these facilities is difficult and time consuming for local governments.
2. **'Villas' or 'Cabins' - No Kitchens - *Ability to Prohibit*** kitchens in 'villas' or 'cabins' 'sleeping units'. The risk of these to be repurposed for rental housing is very high, with bylaw enforcement difficult and time consuming. The ability to restrict kitchens in these units will help, by design, regulated these as temporary and seasonal.
3. **'Accessory Use'.** Where 'farm income' must exceed 'agri-tourist accommodation' income, *require* an annual Statutory Declaration each year upon renewal of Business License, stating that farm income is greater than agri-tourist accommodation income. Where agri-tourist accommodation income exceeds farm income, a Non-Farm Use Application can be made.

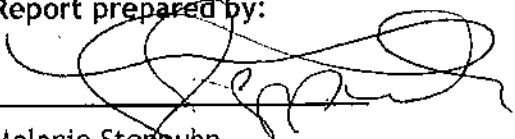
4. **Agri-tourist accommodation Footprint / Site Coverage.** Agri-tourist accommodation - include area in maximum site coverage for Farm Residential Footprint (0.2 ha maximum). Include all accessory uses, including bathroom facilities and parking in the maximum area.
5. **Business License.** Require a list of guests / license plates and dates of stay, prior to Business License renewal each year, to document the temporary and seasonal nature of the agri-tourism accommodation.

### Weddings and Special Events, Bistros and Restaurants

We agree with table outlining farm / permitted uses verses Non-Farm Uses. This is a helpful tool to determine when a Non-Farm Use Application is required.

1. **Weddings / Special Events.** Outline parameters of weddings / commercial assembly functions at wineries / cideries and distilleries.
2. **Restrict Additional Buildings.** Stipulate maximum areas for structures and facilities, (e.g. 125 m<sup>2</sup> inside and 125m<sup>2</sup> outside, and parking to accommodate this number plus staff only). This should include maximum size for kitchens, office space, washroom facilities as well as seating area.
3. **Shuttle Bus Service.** Require (or encourage) the venue to provide shuttle bus service, in lieu of providing more parking. This is important for specific events open to the public (e.g. craft fairs, music events).
4. **Site Coverage for Parking and Driveways.** Outline maximum areas or site coverage area for parking, bus turnarounds, and driveways. This should be able to accommodate the 125 m<sup>2</sup> maximum inside and 125 m<sup>2</sup> outside, and buses. Requests for parking over and above this amount should require a Non-Farm Use Application.
5. **Gravel for Parking / Driveways.** Require that parking, driveways and turnarounds for Farm Retail Sales, and wineries, cideries, distilleries and farm retail sales are gravel.
6. **Farm Sales Footprint.** Farm retail sales, wineries, cideries, and distilleries should have a maximum footprint size, similar to a farm residential footprint, and be close to the road.

Report prepared by:

  
\_\_\_\_\_  
Melanie Steppuhn

Reviewed by:



Todd Cashin, Suburban and Rural Manager

### Attachments:

Agricultural Advisory Committee Meeting Minutes - November 9, 2015 (Comments included)

c. Martin Collins - ALC



## Agricultural Advisory Committee Minutes

Date: Thursday, November 12, 2015  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Committee Members Present: Domenic Rampone, Ed Schiller, Jeff Ricketts (Alternate), John Janmaat, Keith Duhaime, Pete Spencer, Yvonne Herbison, Jill Worboys (Interior Health)

Committee Members Absent: Tarsem Goraya and Kevin Daniels (Alternate)

Staff Present: Urban & Rural Planning Manager, Todd Cashin; Planner, Melanie Steppuhn and Legislative Systems Coordinator, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

The Chair called the meeting to order at 6:01 p.m.

Opening remarks by the Chair regarding conduct of the meeting were read. The Chair reviewed the Terms of Reference for the Committee.

(Other items deleted for this response to Ministry of Agriculture for the Discussion Paper, below).

### 5. Old Business

#### 5.1 Ministry of Agriculture - Discussion Paper on Agri-tourist Accommodation and Farm Retail Sales

##### Staff:

- Displayed a PowerPoint presentation summarizing the Minister's Bylaw Standards on Agri-tourist accommodation and farm retail sales.
- Provided an overview of the discussion paper.

##### AAC Discussion:

- The Ministry needs to develop a way to audit agri-tourist accommodation and create some sort of auditing process
- It was suggested that business license fee should be increased to cover the cost of enforcement.

- Experience has shown that the people that are operating the RV sites are not necessarily farming the land resulting in a further deterioration of agriculture.
- The Ministry needs to find ways to encourage young farmers.

Staff:

- Provided clarification with respect to ALC enforcement and City enforcement.

AAC Discussion:

- Noted that there are issues with respect to monitoring/enforcement on agricultural property and the Ministry needs to deal with the issue.
- The Ministry needs to ensure that agri-tourism is truly supplemental to farming, specifically RV parks, and should tie agri-tourism activity directly to farming.
- Agri-tourism should be tourism that involves agriculture.
- The Ministry needs to find ways to ensure that the resources are adequate to enforce regulations.
- Suggested a business license fee or some sort of tax that would be allocated to enforcement. The ALC should maybe be charging a fee for non-farm uses as well as establish an audit process.



CITY OF CHILLIWACK  
OFFICE OF THE MAYOR

December 17, 2015

Agri-tourism and Farm Retail Sales in the ALR Consultation  
Ministry of Agriculture  
PO Box 9120 Stn Prov Govt  
Victoria, BC V8W 9B4

To Whom it May Concern:

**Re: Proposed Minister's Bylaw Standards on Regulating Agri-tourism and Farm Retail Sales**

Thank you for providing the proposed Minister's Bylaw Standard on Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve for input so that the City of Chilliwack's (City) comments may be incorporated into the discussion paper to be sent to Ministry Executive and Minister Letnick for final approval.

The City is committed to its agricultural roots and one of the key goals of the 2040 Official Community Plan is to strengthen agriculture and includes policy to work with the Agricultural Land Commission, provincial and other agencies and industry stakeholders to implement and monitor the Agricultural Area Plan (AAP) and to address issues facing the agricultural community. The City's AAP recognizes a need to support the efforts of local farmers to market their products and services in the local market and includes a policy to support the efforts of local farmers to increase agri-tourism activities that are consistent with those approved by the Agricultural Land Commission.

Given the significance and potential impact of the discussion paper and proposed Minister's Bylaw standards for Chilliwack's local farmers, Council referred the matter to the Agricultural Advisory Committee (AAC), a select committee of Council that provides advice on matters relating to agriculture, agri-business and agri-tourism in the City. In reviewing the Ministry's discussion paper and proposed Minister's Bylaw standards, the AAC considered its terms of reference and the aims and objectives of the City's AAP in making a recommendation to Council.

...2



At their meeting on December 10, 2015, the AAC received delegations from Frank Leonard, Chair of the ALC, and Ann Soutar-Britton, BC Agri-tourism Farmers Association, concerning the discussion paper and reviewed the proposed Minister's Bylaw standards. AAC members reviewed the information presented and unanimously passed the following resolution:

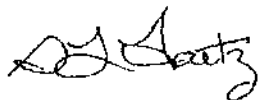
*That the Agricultural Advisory Committee supports the efforts of local farmers to increase agri-tourism activities that result in no net loss to agriculture and the two-tier approach to agri-tourism, as per the Ministry of Agriculture's Discussion Paper and Proposed Minister's Bylaw Standards "Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve"; however, the Committee is not supportive of the proposed income-based approach to determining accessory farm activity. The Committee recommends that Council request the Ministry of Agriculture extend the consultation period to March 31, 2016 and reconsider how accessory farm activity is determined.*

At their meeting held December 15, 2015, Council for the City of Chilliwack unanimously supported the AAC's recommendation, agreeing that adequate time and industry/stakeholder input was not provided and that further review and consideration as to how accessory farm activity is determined. Council and the AAC certainly support the objectives of the review, but the agri-tourism income percentage method seemed to be a bit rigid for certain situations, and we are hoping that we can have a bit more time to come up with alternative suggestions that meet the goal of protecting farmland, but allows non-quota based farms to be able to offer agri-tourism activities while still preserving farmland.

The City of Chilliwack agrees that there is a need to provide greater clarity in guidance and assistance with local government bylaw development regarding agri-tourism, agri-tourism accommodation and farm retail sales and appreciates the opportunity to be part of the discussion in creating a set of bylaw standards that address this matter while supporting the goals and objectives of the 2040 Official Community Plan and Agricultural Area Plan. Once the bylaw standards have been finalized by Minister Letnick, the City will undertake a review its current policies and regulations with respect to regulating agri-tourism and farm retail sales in the Agricultural Land Reserve to ensure consistency.

Should you have any questions or concerns regarding the above, please contact David Blain, Director of Planning & Engineering, at 604.793.2906 or [blain@chilliwack.com](mailto:blain@chilliwack.com).

Regards,



Sharon Gaetz  
Mayor

**Ministry of Agriculture  
BRIEFING NOTE FOR MINISTER FOR DECISION**

Ref: 181385

Date: June 5, 2015

**Issue:** Establishment of Minister's Bylaw Standard on Agri-Tourism and Farm Retail Sales

**Background:**

Under the *Farm Practices Protection (Right to Farm) Act*, the Minister has the ability to establish standards under section 916 of the *Local Government Act* to guide local government bylaw development. Local government staff find the standards useful in the development of bylaws that are supportive of farming. This is part of an ongoing process lead by the Strengthening Farming Program with involvement by the Ministry of Agriculture (AGRI), Agricultural Land Commission (ALC) staff, BC Farm Industry Review Board staff and Ministry of Community, Sport and Cultural Development staff.

The most recent Minister's Bylaw Standards to be established include "Siting and Size of Residential Uses in the ALR", "Audible Bird Scare Devices" and "Combined Heat and Power Generation at Greenhouses in the ALR".

**Discussion:**

In recent years, AGRI staff have worked with the agri-tourism industry with input from the ALC to develop a standard to provide greater clarity around farm-based tourism activities. Based on earlier work, a draft Minister's Bylaw Standard was submitted to the Minister for consideration in 2010. That work was tabled to allow for a larger review by the ALC Chair to be completed and the issue was subsequently shelved in 2012 due to a lack of urgency to create the standard.

The Municipality of North Cowichan wrote Minister Pimm on October 28, 2013 requesting AGRI and ALC develop policy on the regulation of agri-tourism within the Agricultural Land Reserve (ALR). A response was sent March 17, 2014 indicating that the Minister would consider the request. While the issues facing many local governments in relation to agri-tourism have not changed significantly since 2010, there is raised interest in guidance for clarity and consistency within local government bylaws across the province as local governments report some difficulty in distinguishing between agri-tourism and non-farm uses, causing frustration for the public, farmers, and local government staff.

As a result of the Municipality of North Cowichan raising this issue, staff restarted the process to complete a Minister's Bylaw Standard on Agri-Tourism. Consultation for this standard was co-joined to the outreach undertaken in 2014 via the consultation on the ALR. Specifically, Question 10 of the ALR consultation was "*Should greater clarity be provided on what constitutes an agri-tourism activity that is allowable in the ALR without an application, and if so what parameters should be established?*" Based on the responses received, local governments were strongly in support of developing greater clarity regarding agri-tourism, especially around what constitutes "temporary" and "seasonal". It should be noted that agri-tourism will not be further defined through the upcoming ALR regulations; rather, the regulations will defer to the Minister's Bylaw Standard to define agri-tourism.

Staff believe that AGRI has received sufficient input from the agri-tourism industry and other stakeholders to proceed with a Minister's Bylaw Standard. Therefore, staff are seeking approval of the Minister's Bylaw Standard as per the attached appendices outlined below:

**Appendix A: Current Regulations and Issues Considered:** this appendix details the current regulations that already define agri-tourism in the ALR and other applicable issues that were considered in drafting the bylaw.

**CONFIDENTIAL  
ADVICE TO MINISTER**

Page 39

Withheld pursuant to/removed as

s.13

**ISSUE/PROGRAM: Agri-tourism**

**RECOMMENDED RESPONSE:**

s.13

**BACKGROUND:**

- Local governments around BC have requested further information on agri-tourism and how they may regulate the uses associated with agri-tourism.
  - Agri-tourism in the ALR is listed as a "farm use" in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation which allows local governments to regulate but not prohibit this use on ALR land.
  - Agri-tourism Accommodation in the ALR is listed as a "permitted use" in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation which refers to local governments having the ability to prohibit this use on ALR land.
- Although agri-tourism provides additional income and opportunities for diversification to farms in BC there are issues including: defining agri-tourism; conflict between neighbours; the effectiveness and role of local government bylaws; and concerns about loss of farmland as a result of agri-tourism activities.
- Commercial weddings are currently a particular concern. Non-farm uses and commercial entertainment activities which do not have an agricultural component, such as commercial weddings on ALR land, require ALC non-farm use approval.
  - A significant number of farms have been offering commercial weddings without ALC approval, especially in the Okanagan.
  - The ALC has seen a significant number of wedding-related complaints over the past year including a rise in farmer to farmer complaints.

*Agri-tourism consultations*

- In 2014, the BC government consulted with over 100 stakeholder groups on the topic as part of the consultations on the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. Agri-tourism was one of 12 specific questions the Ministry asked farmers, local governments and all British Columbians. The feedback asked for greater clarity surrounding agri-tourism activities.
- In response to the calls for clarity, the Ministry developed a draft Minister's Bylaw Standard on Agri-tourism and Farm Retail Sales which was open for comment from September 2015 to January, 2016.
- Through the creation of criteria, the proposed Standard attempted to improve clarity about conditions of agri-tourism, agri-tourism accommodation and farm retail sales on ALR lands.
- Over 100 local governments, associations and other stakeholders commented on the draft Minister's Bylaw Standard and a broad array of often conflicting opinions and ideas were submitted.<sup>s.13</sup>
- Staff are formulating an approach for moving forward. Given the range of viewpoints the approach will likely consist of regulation changes, a revised Minister's Bylaw Standard and supporting policy.

**PROGRAM EXPENDITURE / REVENUE IMPLICATION (IF APPLICABLE): N/A**

Approved by:	Prepared by:	Alternate Contact:
ADM Name: Arif Lalani	Name: Gregory Bartle	Name: Brenda Lennox
Date approved by ADM:	Branch: Innovation and Adaptation Services	Branch: Innovation and Adaptation Services
Phone: 250 356-1122	Phone: (250) 387-9687	Phone: (250) 356-2945
Cell:	Cell:	Cell:



**MAR 22 2016**  
File: 0280-30  
Ref: 183771

Sharon Gaetz  
Mayor, City of Chilliwack  
8550 Young Road, Chilliwack, BC V2P 8A4

Dear Sharon Gaetz,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Todd Cashin  
City of Kelowna  
1435 Water Street, Kelowna, BC V1Y 1J4

Dear Todd Cashin,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



**MAR 22 2016**

File: 0280-30

Ref: 183771

Henry Braun  
Mayor, City of Abbotsford  
323215 South Fraser Way, Abbotsford BC V2T 1W7

Dear Henry Braun,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture





MAR 22 2016

File: 0280-30

Ref: 183771

Lois E. Jackson  
Mayor, The Corporation of Delta  
4500 Clarence Taylor Crescent, Delta BC V4K 3E2

Dear Lois E. Jackson,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Fletnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Jeff Weightman  
Capital Regional District, Regional Planning  
625 Fisgard Street, Victoria, BC V8W 2S6

Dear Jeff Weightman,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Francesca Sanna  
Cariboo Regional District  
Suite D, 180 3rd North Avenue, Williams Lake, BC V2G 2A4

Dear Francesca Sanna,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Darla Blake  
Central Coast Regional District  
P.O. Box 186, Bella Coola, BC V0T 1C0

Dear Darla Blake,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Ron Fralick  
Regional District of Central Okanagan  
1450 KLO Road, Kelowna, BC V1W 3Z4

Dear Ron Fralick,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Bruce Greig  
District of Central Saanich  
1903 Mt. Newton Cross Road, Saanichton, BC V8M 2A9

Dear Bruce Greig,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

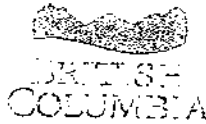
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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Gerald Christie  
Columbia Shuswap Regional District  
555 Harbourfront Drive NE, Salmon Arm, BC V1E 4P1

Dear Gerald Christie,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

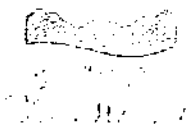
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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016  
File: 0280-30  
Ref: 183771

Teresa Warnes  
Comox Valley Regional District  
600 Comox Road, Courtenay, BC V9N 3P6

Dear Teresa Warnes,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture





MAR 22 2016

File: 0280-30

Ref: 183771

Andrew McLeod  
Regional District of East Kootenay  
19 24th Ave. S, Cranbrook BC V1C 3H8

Dear Andrew McLeod,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Ken Rogers  
Fort St. John  
10631 100 Street, Fort St. John, BC V1J 3Z5

Dear Ken Rogers,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAK 22 2016  
File: 0280-30  
Ref: 183771

Kenna Jonkman  
Regional District of Fraser-Fort George  
155 George Street, Prince George, BC V2L 1P8

Dear Kenna Jonkman,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Robert Barlow  
Islands Trust  
200-1627 Fort Street, Victoria, BC V8R 1H8

Dear Robert Barlow,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



**MAR 22 2016**

File: 0280-30

Ref: 183771

Darcey Kohuch  
District of Kent  
7170 Cheam Avenue, PO Box 70, Agassiz, BC V0M 1A0

Dear Darcey Kohuch,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016  
File: 0280-30  
Ref: 183771

Nicholas Redpath  
Regional District of Kitimat-Stikine  
300-4545 Lazelle Avenue, Terrace, BC V8G 4E1

Dear Nicholas Redpath,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

MAR 22 2016

File: 0280-30

Ref: 183771

Christine Carter  
City of Maple Ridge  
11995 Haney Place, Maple Ridge, BC V2X 6A9

Dear Christine Carter,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016  
File: 0280-30  
Ref: 183771

Randy Hawes  
Mayor, District of Mission on the Fraser  
PO Box 20, 8645 Stave Lake Street, Mission, BC V2V 4L9

Dear Randy Hawes,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture





MAR 22 2016

File: 0280-30

Ref: 183771

Kristy Marks  
Regional District of Nanaimo  
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

Dear Kristy Marks,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Laura Frank  
Regional District of North Okanagan  
9848 Aberdeen Road, Coldstream, BC V1B 2K9

Dear Laura Frank,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

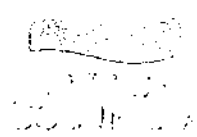
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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



**MAR 22 2016**

File: 0280-30

Ref: 183771

Alice Finall

Office of the Mayor, District of North Saanich  
1620 Mills Road, North Saanich, BC V8L 5S9

Dear Alice Finall,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Bruce Simard  
Peace River Regional District  
Box 810, 1981 Alaska Avenue, Dawson Creek, BC V1G 4H8

Dear Bruce Simard,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

**MAR 22 2016**

File: 0280-30

Ref: 183771

Sheena Fraser  
Village of Pemberton  
PO Box 100, 7400 Prospect Street, Pemberton, BC V0N 2L0

Dear Sheena Fraser,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Brenda Paquin  
Powell River Regional District  
#202-4675 Marine Avenue, Powell River, BC V8A 2L2

Dear Brenda Paquin,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letcher  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

**MAR 22 2016**

File: 0280-30

Ref: 183771

Karla Duarte  
Town of Qualicum Beach  
201-660 Primrose Street, PO Box 130, Qualicum Beach, BC V9K 1S7

Dear Karla Duarte,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Jenrick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

MAR 22 2016

File: 0280-30

Ref: 183771

Brittany Tuttle  
City of West Kelowna  
2760 Cameron Road, West Kelowna, BC V1Z 2T6

Dear Brittany Tuttle,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

Along with the appropriate staff, I have personally reviewed the received comments and have asked Ministry staff to prepare a coordinated response. If you have any further questions or concerns regarding this issue or other 'Planning for Agriculture' initiatives, please contact Brenda Lennox, Senior Manager, Market Development. Ms. Lennox can be reached by telephone at : (250) 356-2945 or by email at [brenda.lennox@gov.bc.ca](mailto:brenda.lennox@gov.bc.ca).

Thank you again for your submission.

Yours truly,

Norm L. ...  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

Ministry of Agriculture

Office of the Minister

Mailing Address:  
PO Box 9043 Stn Prov Govt  
Victoria BC V8W 9E2

Telephone: 250 387-1023  
Facsimile: 250 387-1522

Web Address: <http://gov.bc.ca/agri/>



MAR 22 2016

File: 0280-30

Ref: 183771

David Rafael  
Sunshine Coast Regional District  
1975 Field Road, Sechelt, BC V0N 3A1

Dear David Rafael,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Lennox  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

MAR 22 2016

File: 0280-30

Ref: 183771

Dawn Boothe  
District of Summerland  
13122 Henry Avenue, PO Box 159, Summerland, BC V0H 1Z0

Dear Dawn Boothe,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Lennox  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

183771  
0280-30  
2016-03-22

Mar 22 2016  
File: 0280-30  
Ref: 183771

Kimberly Needham  
Squamish-Lillooet Regional District  
Box 219, 1350 Aster Street, Pemberton, BC V0N 2L0

Dear Kimberly Needham,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm L. ...  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

MAR 22 2016

File: 0280-30

Ref: 183771

Cindy Graves  
Township of Spallumcheen  
4144 Spallumcheen Way, Spallumcheen, BC V0E 1B6

Dear Cindy Graves,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Leck  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016  
File: 0280-30  
Ref: 183771

Terry Crowe  
City of Richmond  
6911 No. 3 Road, Richmond, BC V6Y 2C1

Dear Terry Crowe,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm I. Smith  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Kevin Brooks  
City of Campbell River  
301 St. Ann's Rd., Campbell River BC V9W 4C7

Dear Kevin Brooks,

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from local governments such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm I. ...k  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

Ministry of Agriculture

Office of the Minister

Mailing Address:  
PO Box 9043 Stn Prov Govt  
Victoria BC V8W 9E2

Telephone: 250 387-1023  
Facsimile: 250 387-1522

Web Address: <http://gov.bc.ca/agril/>

MAR 22 2016

File: 0280-30

Ref: 183771

Deborah Kulchiski  
Tourism Langley Tourism Langley  
E206 – 20159 88th Avenue, Langley BC V1M 0A4  
Deborah@tourism-langley.ca

Dear Sir or Madam,:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from organizations such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Hedy I. Dyck

BC Landscape & Nursery Assn BC Landscape & Nursery Assn

#102 - 19289 Langley Bypass, Surrey, BC V3S 6K1

HDyck@bcna.com

Dear Sir or Madam,:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from organizations such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Lethnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Allan Asaph  
Abbotsford Chamber of Commerce  
#207-32900 South Fraser Way, Abbotsford, BC V2S 5A1  
allan@abbotsfordchamber.com

Dear Sir or Madam,:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from organizations such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Craig Nichols  
Abbotsford Tourism  
34561 Delair Road, Abbotsford, BC V2S 2E1  
cnichols@tourismabbotsford.ca

Dear Sir or Madam,:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from organizations such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

MAR 22 2016

File: 0280-30

Ref: 183771

Lary Fossum

BC Cattlemen's Association BC Cattlemen's Association

AGRI CENTRE - #4 - 10145 Dallas Drive, Kamloops, BC V2C 6T4

elaine@cattlemen.bc.ca

Dear Sir or Madam,:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from organizations such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



Mar 22 2016

File: 0280-30

Ref: 183771

Glen Lucas

BC Fruit Growers' Association BC Fruit Growers' Association

880 Vaughan Avenue, Kelowna, BC V1Y 7E4

glucas@bcfga.com

Dear Sir or Madam,:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from organizations such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick

Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

Ministry of Agriculture

Office of the Minister

Mailing Address:  
PO Box 9043 Stn Prov Govt  
Victoria BC V8W 9E2

Telephone: 250 387-1023  
Facsimile: 250 387-1522

Web Address: <http://gov.bc.ca/agri/>

MAR 22 2016  
File: 0280-30  
Ref: 183771

Jaclyn Laic  
BCACBCAC  
230-32160 South Fraser Way, Abbotsford  
jlaic@ardcorp.ca

Dear Sir or Madam,:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from organizations such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016

File: 0280-30

Ref: 183771

Al Richmond  
UBCMUBCM  
Suite 60 10551 Shellbridge Way, Richmond, BC V6X 2W9  
ubcm@ubcm.ca

Dear Sir or Madam,:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from organizations such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

MAR 22 2016

File: 0280-30

Ref: 183771

Chilliwack Economic Partners Corp (Chilliwack Ag Commission)  
201-46093 Yale Road, Chilliwack, BC V2P 2L8  
graham@chilliwackpartners.com

Dear Sir or Madam,:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from organizations such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

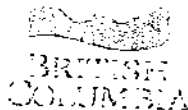
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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



MAR 22 2016  
File: 0280-30  
Ref: 183771

SaltSpring Island Farmer's Institute  
Box 661, Salt Spring Island, BC V8K 2W3  
cgpilon@telus.net

Dear Sir or Madam,:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from organizations such as yours has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

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Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



## Fair, Susan P AGRI:EX

---

**From:** AGRIServiceBC AGRI:EX  
**Sent:** Monday, December 7, 2015 1:24 PM  
**To:** Bartle, Gregory AGRI:EX  
**Subject:** FW: Review of the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales  
**Attachments:** ltr to Hon.D.Sturko re Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales.dec.7.2015.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Feedback

### Brenna Cairns

604 556-3061 | [Brenna.Cairns@gov.bc.ca](mailto:Brenna.Cairns@gov.bc.ca) | 1 888-221-7141 | [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**From:** Nancy Friesen [<mailto:NFriesen@abbotsford.ca>]  
**Sent:** Monday, December 7, 2015 1:16 PM  
**To:** AGRIServiceBC AGRI:EX  
**Cc:** Henry Braun  
**Subject:** Review of the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales

Good afternoon Deputy Minister Sturko:

Attached for your review and consideration is correspondence from Mayor Braun accompanied by Council Report No. PDS 147-2015 regarding the review of the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales.

Please feel free to contact me in order that a mutually convenient time may be arranged to discuss the Draft Bylaw Standards with Mayor Braun.

With kind regards,

Nancy

### Nancy Friesen

Executive Assistant to Mayor  
Tel: 604.864.5500 Fax: 604.853.1934  
Email: [nfriesen@abbotsford.ca](mailto:nfriesen@abbotsford.ca)



32315 South Fraser Way  
Abbotsford, BC V2T 1W7  
[www.abbotsford.ca](http://www.abbotsford.ca)



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2016 BC SUMMER GAMES  
[www.bcgames.org](http://www.bcgames.org)

## Councillors

Les Barkman  
Sandy Blue  
Kelly Chahal  
Brenda Falk



## CITY OF ABBOTSFORD

Mayor, Henry Braun

## Councillors

Moe Gill  
Dave Loewen  
Patricia Ross  
Ross Siemens

December 7, 2015

File: 6520-20/0530-01

*Via Post and Email: AgriServiceBC@gov.bc.ca*

Honourable Derek Sturko  
Ministry of Agriculture  
Agri-tourism and Farm Retail Sales in the ALR Consultation  
PO Box 9120 Stn Prov Govt  
Victoria, BC V8W 9B4

Dear Deputy Minister Sturko:

### **Re: Review of the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales**

Thank you for the opportunity to provide feedback on the discussion paper containing Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales.

The City has completed a review of the discussion paper and Draft Minister's Bylaw Standards. Feedback is contained in the attached report and was presented to City Council on November 30, 2015. Council directed staff to forward the report to the Ministry of Agriculture (the Ministry), and to arrange a meeting for you and I to discuss the Draft Bylaw Standards.

It is Council's position that the discussion paper is well intended as greater clarity in the regulations for agri-tourism and farm retail sales is needed to allow agri-tourism activity to occur while maintaining the overall integrity of the farming operation. However, we have a number of concerns with the proposed regulations and the timing of the review.

As the City of Abbotsford is one of four communities regulated under Section 918 of the *Local Government Act*, and expected to amend our bylaws to be consistent with the Minister's Bylaw Standards, we would ask that you afford us the time to meet with you to share our concerns and invite the Ministry to participate in our Agricultural Lands Review project taking place over the next 12 to 18 months. This project is intended to study agricultural trends and practices with a deliverable of clear and concise policies in the Official Community Plan that align with new and updated regulations contained in the Zoning Bylaw, including agri-tourism and farm retail sales.

Thank you again for your consideration, and I look forward to meeting with you on December 16<sup>th</sup> in Langley.

Yours truly,

A handwritten signature in black ink, appearing to read 'Henry Braun', with a large, stylized initial 'H'.

Henry Braun  
Mayor

Encl.

- c. Honourable Mike de Jong, Minister of Finance and MLA Abbotsford West  
Simon Gibson, MLA Abbotsford – Mission  
Darryl Plecas, MLA Abbotsford South  
George Murray, City Manager  
Council Members  
Siri Bertelsen, General Manager, Planning and Development Services

Report No. PDS 147-2015  
November 16, 2015  
File No: 6520-20

**Executive Committee**

To: Mayor and Council  
From: Amy Anaka, Planner  
Subject: Review of the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales

---

### **RECOMMENDATIONS**

1. THAT Council direct staff to forward Report No. PDS 147-2015, dated November 16, 2015 from the Planner, to the Ministry of Agriculture for feedback on the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales; and
2. THAT Council direct staff to arrange a meeting between the Mayor and the Deputy Minister of Agriculture to discuss the Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales.

### **SUMMARY OF THE ISSUE**

City staff, the Senior Management Team, and the Agriculture, Dyking, Drainage and Irrigation Advisory Committee have completed a detailed review (Attachment A) of the Ministry of Agriculture's discussion paper that contains proposed Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales (Attachment B).

### **BACKGROUND**

According to the Ministry of Agriculture (the Ministry), farmers throughout BC are looking for options to increase the economic viability of their farms by including agri-tourism, agri-tourism accommodation, and farm retail sales. These uses have become more prominent in recent years resulting in some local governments amending their bylaws to accommodate these uses. This process underlines the conflicts between varying municipal, Ministry and Agricultural Land Commission (ALC) bylaws and regulation.

The Ministry of Agriculture Strengthening Farming Program, Innovation and Adaptation Branch has prepared a discussion paper that contains proposed Minister's Bylaw Standards on agri-tourism and farm retail sales, to assist local governments when they prepare bylaws relating to agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve (ALR).

On October 6, 2015 the Ministry sent the discussion paper to all BC Mayors, with a request for local governments to review and provide feedback by November 30, 2015. Ministry staff approved an extension for the City of Abbotsford to provide feedback on December 1, 2015, following the November 30, 2015 Executive Committee meeting.

The discussion paper was prepared following the Ministry's consultation in 2014 on the ALR Use, Subdivision and Procedure (ALR USP) Regulation of the *Agricultural Land Commission Act*. According to the Ministry, the purpose of the discussion paper is to provide greater clarity on what constitutes agri-tourism, agri-tourism accommodation and farm retail sales, and provide guidance for local governments to address issues related to agri-tourism and farm retail sales.

Following consultation with stakeholders and approval by the Minister, the bylaw criteria will become a Minister's Bylaw Standard and incorporated in the "Guide for Bylaw Development in Farming Areas" to assist local governments when preparing and amending bylaws affecting farming areas.

As stated by Ministry staff, all local governments are encouraged to incorporate these Minister's Bylaw Standards into their bylaws, while communities regulated under Section 918 of the Local Government Act are expected to amend their bylaws to be consistent with and utilize all Minister's Bylaw Standards. Abbotsford is one of four regulated communities, along with the Township of Langley, City of Kelowna and Corporation of Delta.

The Ministry has initiated Minister's Bylaw Standards in the past for three significant agricultural issues which have been approved by the Minister, and include:

- Regulating Medical Marihuana Production Facilities in the ALR (2014)
- Combined Heat and Power Generation at Greenhouses in the ALR (2013)
- Siting and Size of Residential Uses in the ALR (2011)

This will be the fourth Bylaw Standard by which the City must adhere to.

City staff have completed a review of the Draft Bylaw Standards through consultation with the Senior Management Team on November 3, 2015, the Agriculture, Dyking, Drainage and Irrigation Advisory Committee on November 18, 2015, and also referred it to the City's Economic Development team. The following includes a summary of the feedback received, while a more in depth analysis of the proposed Bylaw Standards is included in Attachment A.

## **DISCUSSION**

### **Discussion Paper Summary**

The discussion paper includes detailed definitions and criteria to assist local governments in regulating their agri-tourism, agri-tourism accommodation and farm retail sales bylaws.

As outlined in the discussion paper, "the purposes of establishing land use regulation criteria to address local government concerns regarding agri-tourism and farm retail sales are to:

1. Establish a Minister's Bylaw Standard that provides flexibility for local governments to shape agri-tourism activity in their community while ensuring that agriculture in the ALR continues as a priority use;
2. Address the needs of the agriculture sector/industry to supplement farming income;
3. Minimize the impact of agri-tourism and retail sales on farm practices and farming potential in farming areas;

4. Minimize loss and/or fragmentation of farmland due to agri-tourism and retail sales uses;
5. Reduce the financial imbalance that results from large scale commercial operations locating inexpensively in the ALR and outcompeting those that have located in appropriate commercial zones; and
6. Minimize the risk of agri-tourism and farm retail sales buildings and structures being used for non-farm purposes.”

Part three of the discussion paper introduces a proposed set of criteria in which local governments are encouraged to consider when developing or amending their bylaws. The proposed set of criteria include:

- Definitions of various terms
- Examples of permitted and ALC approval required activities
- Agri-tourism accommodation standards
- Design standards (for parking, site layout, lighting, signage and noise)
- Provisions for calculating area of farm retail sales

## Findings

Staff is of the opinion that the discussion paper prepared by the Ministry of Agriculture is well intended as greater clarity in the regulations for agri-tourism and farm retail sales is needed to allow agri-tourism activity to occur while maintaining the overall integrity of the farming operation. However, staff have a number of concerns with the proposed regulations and the timing of the review.

The following findings summarize feedback on the discussion paper from City staff, the Senior Management Team, and the Agriculture, Dyking, Drainage and Irrigation Advisory Committee. Refer to Attachment A for a more in depth analysis of the findings.

### 1. Provides Opportunities for Supplemental Income

Agri-tourism is a growing industry that enables a farmer to supplement their farming income and it gives the public access and educational opportunities relating to agriculture. Agri-tourism and farm retail sales are important components to the farming industry and should be supported within a set of regulations specific to Abbotsford's farming community.

### 2. Creates Inconsistent & Conflicting Regulations

The proposed Bylaw Standards create inconsistent and conflicting regulations within the Bylaw Standard itself and with the ALC regulations. Attachment A outlines a high level compare and contrast of the proposed Bylaw Standards, the ALC regulations and City of Abbotsford regulations. It is staff's position that inconsistent regulations between the Ministry and the ALC leaves the City without clear direction.

### 3. Limits Council's Decision Making

Communities regulated under Section 918 of the *Local Government Act* are expected to amend their bylaws to be consistent with the Minister's Bylaw Standards. Abbotsford is one of four regulated communities, along with the Township of Langley, City of Kelowna and the Corporation of Delta. As a result, the City is required to comply with the Bylaw Standards when they are adopted by the Minister. This approach limits Council's ability to make land use decisions that may be most appropriate for Abbotsford.

**4. Lacks Monitoring & Enforcement Resources**

Much of what is outlined within the proposed Bylaw Standard requires an increase in staffing and resources to monitor and enforce. For example, the proposed Bylaw Standard outlines that *"Agri-tourism uses and activities only augment a farmer's regular farm income, not exceed or replace it."* This will require on-going monitoring to ensure the agri-tourism remains in compliance. The discussion paper makes no reference to this being monitored or enforced by the Ministry or the ALC, meaning it will, by default, become a matter for the City to manage. It is unrealistic for the Ministry and the ALC to expect the City to have the resources to manage their regulations, and for the City to qualify and enforce how much income is earned.


**5. Reviewed in Isolation of Broader Agricultural Issues**

The City is embarking on an inter-departmental and inter-governmental planning process for a project called the Agricultural Lands Review. The purpose of the project is to undertake a critical review of the current agricultural bylaws, policies and regulations for land in the ALR and establish a framework for on-going bylaw compliance.

This planning process is structured to have each component fit into the broader planning framework with a deliverable of clear and concise policies in the Official Community Plan that align with new and updated regulations contained in the Zoning Bylaw. It is the recommendation of staff that the Ministry of Agriculture not proceed with the Bylaw Standard at this time and instead participate in the Agricultural Lands Review to study the broader agricultural trends and practices with an outcome of new agri-tourism regulations, amongst other relevant regulation updates.

**FINANCIAL PLAN IMPLICATION**

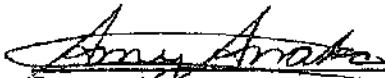
Staff do not anticipate any Financial Plan implications as part of reviewing the Draft Minister's Bylaw Standards, however, if the Bylaw Standards are implemented by the Ministry of Agriculture there could be Financial Plan implications.

  
\_\_\_\_\_  
Lisa Pleadwell  
Chief Financial Officer**IMPACTS ON COUNCIL POLICIES, STRATEGIC PLAN AND/OR COUNCIL DIRECTION**

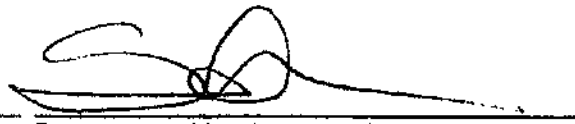
Communities regulated under Section 918 of the *Local Government Act* are expected to amend their bylaws to be consistent with the Minister's Bylaw Standards. Abbotsford is one of four regulated communities, along with the Township of Langley, City of Kelowna and the Corporation of Delta. As a result, the City is required to comply with the Bylaw Standards when they are adopted by the Minister.

**SUBSTANTIATION OF RECOMMENDATION**

The Ministry of Agriculture has prepared a discussion paper that contains proposed Minister's Bylaw Standards on agri-tourism and farm retail sales, to assist local governments when they prepare bylaws relating to agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve. The Ministry has requested that local governments review this discussion paper and provide feedback. This report and attachments outline feedback received on the Draft Bylaw Standards through consultation with the Senior Management Team, Agriculture, Dyking, Drainage and Irrigation Advisory Committee, and Economic Development.



Prepared by:  
Amy Anaka, MCIP, RPP  
Planner



Department Head Approval:  
Siri Bertelsen  
General Manager, Planning and  
Development Services



Reviewed by:  
Mark Neill, MCIP, RPP  
Director, Community Planning

Attachment A: City of Abbotsford Feedback on Minister's Bylaw Standards

Attachment B: Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales



## Attachment A: City of Abbotsford Feedback on Minister's Bylaw Standards

The following two tables provide a comparison of the proposed Ministry of Agriculture's (MOA) regulations for agri-tourism and farm retail sales, as compared to current regulations for the Agricultural Land Commission (ALC) and City of Abbotsford (COA).

The ✓ check and ✗ symbols show how the current ALC and COA regulations align with or defer from the proposed MOA regulations. This is intended to reflect a high level analysis as various provisions may have subtle differences that are not shown in the tables.

### Compare & Contrast: Agri-Tourism Regulations

	PROPOSED REGULATIONS	CURRENT REGULATIONS	
	Ministry of Agriculture (MOA)	Agricultural Land Commission (ALC)	City of Abbotsford (COA)
<b>DEFINITIONS</b>			
Agri-tourism	every prescriptive	✓ less prescriptive and most aligned with COA	✓ less prescriptive and aligned with ALC
Accessory agri-tourism	subordinate to active farm operation on same lot	✗ accessory is stated in agri-tourism definition	✗ accessory is implied in agri-tourism definition
Seasonal	less than 12 months/year	✓ less than 12 months/year	✓ a total of 10 months
Temporary	regulate as time duration i.e. year/month/day	✗ regulate as number of months/year (<12)	✗ regulate as number of months/year (10)
<b>USES</b>			
Intensity of use	agri-tourism income must be lesser than annual farm income	✗ must be accessory to land assessed as farm	✗ maximum 300 m <sup>2</sup>
Agri-tourism accommodation	maximum 10 sleeping units maximum 30 day stay/year	✓ maximum 10 sleeping units maximum 30 day stay/year	✗ no regulations
<b>DESIGN</b>			
Parking	located along edges may be paved	✗ no regulations	✗ number required but no design
Lighting	directed away from other farms	✗ no regulations	✗ no regulations

### Compare & Contrast: Farm Retail Regulations

	PROPOSED REGULATIONS	CURRENT REGULATIONS	
	Ministry of Agriculture (MOA)	Agricultural Land Commission (ALC)	City of Abbotsford (COA)
<b>FARM RETAIL SALES</b>			
Area	provisions for calculating area	✗ maximum 300 m <sup>2</sup>	✗ maximum 300 m <sup>2</sup>
<b>COMMERCIAL WEDDINGS</b>			
Non-farm use	non-farm use required	✓ non-farm use required	✓ non-farm use required
Temporary use	temporary use permit preferred	✗ no regulations	✗ rezoning required
<b>RESTAURANTS</b>			
Non-farm use	non-farm use required	✓ non-farm use required	✓ non-farm use & rezoning required

The following table outlines City feedback on the proposed Minister's Bylaw Standards.

<b>City Feedback Relating to Proposed Ministry of Agriculture Regulations</b>	
<b>General</b>	
<b>Provides opportunities for supplemental income</b>	<ul style="list-style-type: none"> <li>Agri-Tourism is a growing industry that enables a farmer to supplement their farming income and it gives the public access and educational opportunities relating to agriculture. Agri-tourism and farm retail sales are important components to the farming industry and should be supported within a set of regulations specific to Abbotsford's farming community.</li> </ul>
<b>Creates inconsistent and conflicting regulations</b>	<ul style="list-style-type: none"> <li>The proposed Bylaw Standards create inconsistent and conflicting regulations within the Bylaw Standard itself and with the Agricultural Land Commission (ALC) regulations. It is staff's position that inconsistent regulations between the Ministry and the ALC leaves the City without clear direction.</li> </ul>
<b>Confusing general language and/or messaging</b>	<ul style="list-style-type: none"> <li>Many confusing and awkwardly worded sentences. Section 2.1, second paragraph, second line, states "<i>one of the questions asked</i>", but the sentence does not proceed to relay the question.</li> <li>The order is wrong with the intention of what the Bylaw Standard will do. Section 2.1, third paragraph, the standard should first and foremost, "<i>maintain the flexibility required by local government decision making in balance with stakeholder concerns, etc.</i>" as opposed to firstly "<i>balancing stakeholder interests</i>".</li> </ul>
<b>Limits Council's decision making</b>	<ul style="list-style-type: none"> <li>Communities regulated under Section 918 of the <i>Local Government Act</i> are expected to amend their bylaws to be consistent with the Minister's Bylaw Standards. Abbotsford is one of four regulated communities and required to comply with the Bylaw Standards when they are adopted by the Minister. This approach limits Council's ability to make land use decisions that may be most appropriate for Abbotsford.</li> </ul>
<b>Reluctance to recognize and respect local government authority</b>	<ul style="list-style-type: none"> <li>Section 3.7.1, last sentence, second paragraph, "<i>Overflow parking occurs on public roads should adhere</i>". Change the "<i>should</i>" to "<i>must</i>". This type of statement creates expectations by the farmer and ties the hands of local government. A similar statement is in 3.7.4 Signage.</li> <li>Seems as if the Ministry is giving local government permission as opposed to respecting the authority granted under local government legislation. If local government has authority to prohibit, i.e. Section 3.7.5, noise from loudspeakers is within local authority to regulate, but the document says "<i>could be regulated</i>".</li> </ul>
<b>Reviewed in isolation of broader agricultural issues</b>	<ul style="list-style-type: none"> <li>The City is embarking on an inter-departmental and inter-governmental planning process for a project called the Agricultural Lands Review. The purpose of the project is to undertake a critical review of the current agricultural bylaws, policies and regulations for land in the ALR and establish a framework for on-going bylaw compliance.</li> <li>This planning process is structured to have each component fit into the broader planning framework with a deliverable of clear and concise policies in the Official Community Plan that align with new and updated regulations contained in the Zoning Bylaw. It is the recommendation of staff that the Ministry of Agriculture not proceed with the Bylaw Standard at this time and instead participate in the Agricultural Lands Review to study the broader agricultural trends and practices with an outcome of new agri-tourism regulations, amongst other relevant regulation updates.</li> </ul>

<p><b>Lacks monitoring and enforcement resources</b></p>	<ul style="list-style-type: none"> <li>• Much of what is outlined within the proposed Bylaw Standard requires an increase in staffing and resources to monitor and enforce.</li> <li>• <i>"Agri-tourism uses and activities only augment a farmer's regular farm income, not exceed or replace it."</i> This will require on-going monitoring to ensure the agri-tourism remains in compliance. The discussion paper makes no reference to this being monitored or enforced by the Ministry or the ALC, meaning it will, by default, become a matter for the City to manage. It is unrealistic for the Ministry and the ALC to expect the City to have the resources to manage their regulations, and for the City to qualify and enforce how much income is earned.</li> <li>• The standards must be structured in such a manner that enables enforcement, e.g. Page 10 second last bullet – <i>"to a maximum stay per person or per family of 30 consecutive days"</i>. Is this realistic to enforce, and how will the 30 days be tracked?</li> <li>• Bylaw Standard enables agri-tourism accommodation as a permitted use to a maximum of 10 sleeping units and that <i>"each local government which permit agri-tourism accommodation could develop a monitoring methodology"</i>. The Ministry should develop a standardized monitoring methodology and provide resources to enforce.</li> <li>• Section 3.9, Local Government Permits and Fees, if local government is ultimately the enforcement authority, then if the activity is not registered, how can it be enforced?</li> <li>• <i>"On-farm retail sales represent at least 50% of total retail sales."</i> Who is responsible for ensuring the correct ratio of on-farm and off-farm products?</li> </ul>
<p><b>Definitions</b></p>	
<p><b>Missing and/or confusing definitions</b></p>	<ul style="list-style-type: none"> <li>• Are italics used for words/terms defined in legislation or regulation? Definition of <i>"farm unit"</i> is missing in the referenced legislation and regulations.</li> <li>• Refers to, and in some cases, paraphrases definitions that are not accurate quotes from the legislation and regulations. Section 2.2, introductory paragraph is awkwardly stated and then proceeds to add definitions. What is the intent of these additions? Are they intended to expand on the definition of <i>"farm operation"</i> as defined under the Farm Practices Protection Act? They are not consistent with the Proposed Definitions in Section 3.1.</li> </ul>
<p><b>Accessory (agri-tourism)</b></p>	<ul style="list-style-type: none"> <li>• Is this definition needed as it is clearly defined in <i>"agri-tourism"</i> that this is a service or facility which is inherently accessory to a farm operation as defined in the <i>Farm Practices Protection Act</i>? Agri-tourism is subordinate to the active farm operation on the same lot.</li> <li>• ALC and the City do not currently define accessory as it is stated in ALC agri-tourism definition and implied in City agri-tourism definition.</li> </ul>
<p><b>Agri-tourism</b></p>	<ul style="list-style-type: none"> <li>• This definition could be enhanced with reference to not only <i>"travel"</i>, but also agricultural destinations.</li> <li>• While current City regulation defines <i>"agri-tourism"</i> as a tourist activity, service or facility accessory to land that is classified as a farm under the <i>Assessment Act</i>, it is categorized as a Principle Use within the A1, A2 and A3 zones with the understanding that it is accessory if the use is (as noted in the definition) temporary and seasonal and promotes or markets farm products grown, etc.</li> </ul>
<p><b>Agri-tourism</b></p>	<ul style="list-style-type: none"> <li>• A definition is recommended to be developed as it would augment</li> </ul>

<b>accommodation</b> (no definition included)	<p>a definition for "agri-tourism" by incorporating wording/guidance for accommodation, with a range from small-scale bed and breakfast operations to larger hotel-format operations.</p> <ul style="list-style-type: none"> <li>Current City regulation includes a definition for "agri-tourism" that excludes accommodation.</li> </ul>
<b>Season (agri-tourism)</b>	<p>There are duplications without cross-referencing definitions:</p> <ul style="list-style-type: none"> <li>"The period of the year when something regularly occurs..." Examples used seem to point to "Regular Seasonal".</li> <li>"The period(s) when most people take their holidays" is unusable from an enforcement perspective.</li> </ul>
<b>Small-scale (agri-tourism)</b>	<ul style="list-style-type: none"> <li>"Local government could specify amounts." If as stated in Section 1.4 "Review and compare local government regulations and policies", why are ranges not included to provide guidance?</li> </ul>
<b>Temporary (agri-tourism)</b>	<ul style="list-style-type: none"> <li>"Occurs each year at the same time" is the same as "Regular Seasonal".</li> </ul>
<b>Commercial weddings</b>	<ul style="list-style-type: none"> <li>Definition is missing.</li> <li>Bylaw Standard clearly states it's not included in agri-tourism.</li> </ul>
<b>Uses</b>	
<b>Accessory Farm Activity</b>	<ul style="list-style-type: none"> <li>"Local governments should identify agri-tourism as a permitted accessory use in all zones where agriculture or farming is a permitted use." Agri-tourism use may be too broad to apply across all zones permitting agriculture, however the use can be limited within specific zones.</li> </ul>
<b>Farm Class</b>	<ul style="list-style-type: none"> <li>What is the relevance of Section 3.3 to local government regulation of these activities?</li> </ul>
<b>Agri-tourism temporary and seasonal use in the ALR</b>	<ul style="list-style-type: none"> <li>As with "small-scale", the range of possible parcel sizes within agriculture areas is highly variable. The standard is to apply to all agricultural areas, but what if the agriculture area has a minimum parcel size of 2 hectares, should the scale of agri-tourism activities be considered or even some types of activities prohibited if the intent is to preserve the integrity of the land for food production?</li> </ul>
<b>ALC non-farm use application approval</b>	<ul style="list-style-type: none"> <li>Can local government regulatory authority take priority over ALC approval in these situations, i.e. if it is not in the local community interest to approve the non-farm use, will the ALC simply accept local government decision or will the ALC potentially over-rule local government?</li> </ul>
<b>Agri-tourism accommodation (size requirements)</b>	<ul style="list-style-type: none"> <li>Section 3.6, the standards should enable local government to make its own regulations below a pre-established parcel size minimum. It is not reasonable to apply the guidelines equally on a 2 hectare versus a 20 hectare property with respect to some of the items listed in this section.</li> </ul>
<b>Farm Retail Sales</b>	<ul style="list-style-type: none"> <li>Provides clarity on calculating area.</li> </ul>
<b>Design</b>	
	<ul style="list-style-type: none"> <li>Bylaw Standards provide clarity but should respect local government authority to regulate, ie. Section 3.7.5 "Loudspeakers and other noise sources associated with the agri-tourism activity could be regulated with local government noise bylaws". Ensure the use of "must" instead of "should" in Bylaw Standards.</li> </ul>

**ISSUE/PROGRAM:** Agri-tourism

**RECOMMENDED RESPONSE:**

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**BACKGROUND:**

- Local governments around BC have requested further information on agri-tourism and how they may regulate the uses associated with agri-tourism.
  - Agri-tourism in the ALR is listed as a "farm use" in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation which allows local governments to regulate but not prohibit this use on ALR land.
  - Agri-tourism Accommodation in the ALR is listed as a "permitted use" in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation which refers to local governments having the ability to prohibit this use on ALR land.
- Although agri-tourism provides additional income and opportunities for diversification to farms in BC there are issues including: defining agri-tourism; conflict between neighbours; the effectiveness and role of local government bylaws; and concerns about loss of farmland as a result of agri-tourism activities.
- Commercial weddings are currently a particular concern. Non-farm uses and commercial entertainment activities which do not have an agricultural component, such as commercial weddings on ALR land, require ALC non-farm use approval.
  - A significant number of farms have been offering commercial weddings without ALC approval, especially in the Okanagan.
  - The ALC has seen a significant number of wedding-related complaints over the past year including a rise in farmer to farmer complaints.

*Agri-tourism consultations*

- In 2014, the BC government consulted with over 100 stakeholder groups on the topic as part of the consultations on the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. Agri-tourism was one of 12 specific questions the Ministry asked farmers, local governments and all British Columbians. The feedback asked for greater clarity surrounding agri-tourism activities.
- In response to the calls for clarity, the Ministry developed a draft Minister's Bylaw Standard on Agri-tourism and Farm Retail Sales which was open for comment from September 2015 to January, 2016.
- Through the creation of criteria, the proposed Standard attempted to improve clarity about conditions of agri-tourism, agri-tourism accommodation and farm retail sales on ALR lands.
- Over 100 local governments, associations and other stakeholders commented on the draft Minister's Bylaw Standard and a broad array of often conflicting opinions and ideas were submitted.<sup>s.13</sup>
- Staff are formulating an approach for moving forward. Given the range of viewpoints the approach will likely consist of regulation changes, a revised Minister's Bylaw Standard and supporting policy.

**PROGRAM EXPENDITURE / REVENUE IMPLICATION (IF APPLICABLE): N/A**

Approved by:	Prepared by:	Alternate Contact:
ADM Name: Arif Lalani	Name: Gregory Bartle	Name: Brenda Lennox
Date approved by ADM:	Branch: Innovation and Adaptation Services	Branch: Innovation and Adaptation Services
Phone: 250 356-1122	Phone: (250) 387-9687	Phone: (250) 356-2945
Cell:	Cell:	Cell:

## Fair, Susan P AGRI:EX

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**From:** Easton, Joan E AGRI:EX  
**Sent:** Tuesday, February 9, 2016 1:36 PM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Lennox, Brenda AGRI:EX; Lalani, Arif AGRI:EX  
**Subject:** Agri-tourism - draft diagram and check in  
**Attachments:** Agri-tourism Diagram.pptx

Hi Derek

s.13

Regards  
Joan

Joan Easton  
Executive Director, Innovation and Adaptation Services Branch  
3<sup>rd</sup> Floor, 808 Douglas Street  
Ministry of Agriculture

*Phone: (250) 356 7057*  
*Fax: (250) 356 0358*

Page 016 to/à Page 017

Withheld pursuant to/removed as

s.13



## Fair, Susan P AGRI:EX

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**From:** Easton, Joan E AGRI:EX  
**Sent:** Tuesday, February 2, 2016 4:14 PM  
**To:** Sturko, Derek AGRI:EX; Lalani, Arif AGRI:EX  
**Cc:** Lennox, Brenda AGRI:EX; Fair, Susan P AGRI:EX  
**Subject:** Agri-tourism package

**Importance:** High

Derek,  
Please find attached the agri-tourism package. Please use this version.

The moving forward paper is the first attachment



Agritourism  
summary v Feb2...

The summary of views appendix is also attached



Summary Report  
- AT Consultati...

The annotated agenda for our use is the next document



Agenda - Feb 4  
2016 Agritouris...

The final document is the draft agenda that would be distributed



Feb 4 Agritourism  
Discussion D...

Joan Easton  
Executive Director, Innovation and Adaptation Services Branch  
3<sup>rd</sup> Floor, 808 Douglas Street  
Ministry of Agriculture

Phone: (250) 356 7057  
Fax: (250) 356 0358

Joan Easton  
Executive Director, Innovation and Adaptation Services Branch

3<sup>rd</sup> Floor, 808 Douglas Street  
Ministry of Agriculture

*Phone: (250) 356 7057*  
*Fax: (250) 356 0358*

# Moving Forward – Results of the Minister's Bylaw Standard for Agri-tourism and Farm Retail Sales Consultation

February 4, 2016

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## Background

Consumers are increasingly interested in knowing where and how their food is produced and awareness of local food production is at an all-time high in British Columbia. Beyond shopping at their local farmers' market, consumers are interested in having agri-tourism or rural recreational experiences. Visits to a pumpkin patch, a corn maze or apple festival are just some of the ways British Columbia families interact with the farming community. Weddings and other events are other elements of interaction. The rise in farm experiences often provides a needed secondary income stream to farmers within the province. Agri-tourism is of increased interest to the public and farmers and must be balanced against the protection of viable farmland.

Agriculture in British Columbia is a priority for the provincial government. Prime agricultural land has been protected for farming use through the Agriculture Land Reserve (ALR) since 1973. While the *Agriculture Land Commission Act (ALC ACT)* established that farming is the priority use of land within its boundaries, it does not address the conflicts that often occur on the border between rural and urban land use, or guide how local governments plan for agriculture.

## Current Regulatory Framework

Section 2 of the ALR Use, Subdivision and Procedures Regulation (ALR Regulation) currently provides for agri-tourism activities which are allowable as a farm use, if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm, and classified as farm under the *Assessment Act*. Section 3 provides for agri-tourism accommodation which is permitted without an application, if it is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms, if the total developed area is less than 5% of the parcel and if the parcel is classified as farm under the *Assessment Act*.

Local governments and others have identified that the existing definition of agri-tourism, and the circumstances under which agri-tourism activities and accommodations may be established in the ALR without application to the ALC, would benefit from further definition. Providing further certainty on what is, and is not, permissible in this area could help farmers to earn additional income by showcasing aspects and attributes of an active farm, while minimizing the impact and potential conflict of such activities on agricultural land, neighbouring farm operations, and local governments.

Stakeholders have also been asking for the Province to provide greater clarity on what constitutes "temporary" and "seasonal", and on when an activity "promotes or markets farm products".

# Moving Forward – Results of the Minister’s Bylaw Standard for Agri-tourism and Farm Retail Sales Consultation

February 4, 2016

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## 2014 ALC Consultation

On March 27, 2014 Bill 24 (the Agricultural Land Commission Amendment Act) was introduced to the Legislative Assembly of British Columbia. Also in 2014, the Ministry of Agriculture (Ministry) undertook an extensive consultation process on potential amendments to the ALR Regulation. In-person stakeholder consultations were held in all six regions of the ALR with over 100 stakeholder groups in attendance, including local governments, farm and ranch organizations, agriculture, and farmland advocacy groups (the full report is available at the following link:

[http://www2.gov.bc.ca/local/haveyoursay/Docs/Agriculture\\_Stakeholder\\_Summary.pdf](http://www2.gov.bc.ca/local/haveyoursay/Docs/Agriculture_Stakeholder_Summary.pdf)).

In addition to these regional stakeholder consultations, public input was solicited through a questionnaire on the ALR Regulation Consultation website, and via mail and email to a dedicated ALR Consultation address.

The consultation on potential changes to the *Agricultural Land Commission Act: Agricultural Land Reserve Use, Subdivision and Procedure Regulation* included the following question:

**Question 10: *Should greater clarity be provided on what constitutes an agri-tourism activity that is allowable in the ALR without an application, and if so what parameters should be established?***

The following bullets summarize the responses to the questions (see also page 15 of consultation summary paper). While the need for clarity was identified the consultation did not identify a consensus on what parameters should be established.

- *A majority of stakeholders from all regions responded that further clarification should be provided on what constitutes agri-tourism to ensure that agri-tourism activities and accommodation are in fact seasonal and are only conducted in support of the main agricultural activity of farming, not in place of it. Local governments in particular were very strongly of the view that further definition is required.*
- *A small number of groups from Zone 2, and the template responses from the Dawson Creek area, felt there should be fewer restrictions on agri-tourism than is currently the case. Suggested ideas included allowing rodeos, fall fairgrounds, and equestrian events.*
- *The issue of compliance and enforcement with respect to agri-tourism activities on the ALR was a recurring theme in all regions, as was the issue of property tax equity between tourism related businesses located on and off farm.*

## 2015 Agri-tourism Consultation

As a result of the 2014 ALC consultation and based on input received from the ALC and local governments, the Ministry drafted a proposed Minister’s Bylaw Standard on Agri-Tourism and Farm Retail Sales (proposed Bylaw Standard) as part of a September 2015 Discussion (white) Paper. Definitions and bylaw standards related to aspects of agriculture may be established by the Minister of Agriculture per Section 551 of the *Local Government Act*.

# Moving Forward – Results of the Minister’s Bylaw Standard for Agri-tourism and Farm Retail Sales Consultation

February 4, 2016

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The proposed Bylaw Standard sought to expand on the ALR Regulation and provide guidance to local governments on enacting bylaws for agri-tourism. For any aspect of agri-tourism not covered by other current government bylaws (for example the ALR Regulation) or the proposed Bylaw Standard, local governments retain the ability to enact bylaws within their existing legislative powers of authority.

The Ministry initiated consultation with local governments on the proposed Bylaw Standard on October 6th, 2015. The consultation was extended until January 15, 2016 and further opened to accept submissions from BC self-identified agri-tourism operators. The total number of responses, by organization, is as follows:

Number of Responses	Organisation
35	Local governments (LGs): 43 submissions includes 6 LGs responding more than once <sup>[1]</sup> ; <ul style="list-style-type: none"><li>• 21 Municipalities</li><li>• 14 Regional Districts and the Islands Trust</li></ul>
14	B.C. Industry Associations and Institutes (Including UBCM and BCAC)
49	Individual stakeholders
106	Total Responses

Comments received from local governments, industry associations and Institutes and individual stakeholders have been compiled, reviewed and analysed by Ministry staff based on the subtopics as presented in the paper. The evaluation of each comment was based on its relevance to the goals and objectives as laid out in the Proposed Standard. Appendix 1 summarizes the range of comments received.

## Consultation Results

As in 2014, the 2015 consultation results identified disparate views about agri-tourism that often called for clarity while providing few constructive or consistent suggestions about what clarity should look like. Some examples of the type of variance in opinions provided are:

- Agri-tourism should be better defined versus agri-tourism flexibility should be maximized.
- The Minister’s Bylaw Standard as presented is helpful versus the proposed Minister’s Bylaw Standard isn’t useful.
- Agri-tourism is needed to support farming versus there should be limits on how much agri-tourism should be allowed.

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<sup>[1]</sup> All of the Right to Farm regulated governments (four) responded.

## Moving Forward – Results of the Minister's Bylaw Standard for Agri-tourism and Farm Retail Sales Consultation

February 4, 2016

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- Agri-tourism should not be defined in terms of income versus agri-tourism should generate less income than primary farming.

### Moving Forward

Given that two major consultation efforts have produced a lack of consensus about agri-tourism, and given there are differing opinions about the usefulness of the proposed Bylaw Standard, ministry staff have formulated a process for moving forward and a range of possible approaches for achieving more clarity about agri-tourism.

#### Process for Moving Forward

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This work has been guided by the following principles:

1. Agri-tourism is a legitimate activity that should be supported as a supplement to farm income
2. Agri-tourism that occurs at a location classified as a farm under the *Assessment Act* should be subsidiary to but supportive of farm production
3. Provincially, there should be consistency about what is considered agri-tourism
4. Farm tax status should reflect farming activity not the presence of agri-tourism. Farm tax status is not intended to create a financial advantage for large scale commercial operations that should be located in appropriate commercial zones.
5. The loss and/or fragmentation of farmland due to agri-tourism should be minimized.
6. Process should be simple. Agri-tourism activities must be sufficiently well defined that the ALC is not required to constantly clarify what is considered an acceptable farm or non-farm use
7. Agri-tourism has local government implications that must be recognized. Local governments have the ability to shape agri-tourism through local government regulatory tools.

# Moving Forward – Results of the Minister’s Bylaw Standard for Agri-tourism and Farm Retail Sales Consultation

## February 4, 2016

The approaches identified are not mutually exclusive and further development is required. A preliminary feasibility assessment identified the most promising approaches. For an approach to be considered feasible it must be possible to substantively improve clarity within the next 12 months. For this reason regulation changes were considered “high” feasibility while Act changes were not considered feasible at this time. Because both the 2014 and 2015 consultation processes generated similar results, continued consultation was also excluded.

### Possible Approaches

Approach	Description	Clarity Potential	Feasibility Assessment
Regulation			
Minister’s Bylaw Standard			
Local Government Tools			
Policy			

### Next Steps - Approach

The initial assessment of the approaches is presented in graphic form below. The approach that was most

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## Approaches and Feasibility

s.13

### Next Steps - Process

- Confirm approach direction and refine content. Discuss at the forthcoming meeting with the ALC, UBCM, BCAC and new entrants
- Continue with needed background work
- Develop a communications strategy including a consultation update to be posted to the ministry website



## Consultation Feedback – SUMMARY REPORT

### September 2015 Agri-tourism & Farm Retail Sales Discussion Paper and Proposed Minister's Bylaw Standard Ministry of Agriculture

#### 1. Introduction

This document summarizes feedback received by the Ministry of Agriculture (AGRI) during the consultation phase of the September 2015 Discussion Paper and proposed Minister's Bylaw Standard on Agri-tourism and Farm Retail Sales. The total number of responses, by organisation, is as follows:

Number of Responses	Organisation
35	Local Governments (LGs): 43 submissions including 6 LGs responding more than once <sup>1</sup> : <ul style="list-style-type: none"><li>• 21 Municipalities</li><li>• 14 Regional Districts and the Islands Trust</li></ul>
14	B.C. Industry Associations (including Institutes)
49	Individual stakeholders
106	Total Responses

Comments received from local governments, industry associations and individual stakeholders have been compiled, reviewed and analysed by Ministry staff based on the subtopics presented in the paper (see below). The comments have been grouped according to four attributes to assist in identifying response patterns. These attributes are 1) Supports; 2) Opposes; 3) Issues; and 4) Ideas. The evaluation of each comment was based on its relevance to the goals and objectives as laid out in the Discussion Paper.

#### 2. General Comments:

- Sixteen local governments expressed support for the discussion paper. Five commented on the limited timeframe to review the paper. Two local governments suggested changes to the *Agriculture Land Commission Act (ALCA)* and *Agricultural Land Reserve (ALR) Use, Subdivision and Procedure (USP) Regulation*. Others suggested that greater clarity is required on the application process and the intent of the regulations; that agri-tourism should not result in inexpensive housing on farmland; and that wineries should be soil-based and not industrial in nature.
- Three industry associations voiced their support for the bylaw standard, while one opposed it. Six industry associations mentioned that the short timeframe to review the paper was a hardship. One was opposed to operations making more income from agri-tourism than farming having to apply for non-farm use approval from the Agriculture Land Commission (ALC).
- Individual stakeholder comments were varied, but many were opposed to greater regulation of agri-tourism. Some mentioned that the regulations should be flexible, some that agri-tourism could help offset the high cost of farming, and some that income opportunities should not be limited.

<sup>1</sup> All four of the Right to Farm regulated governments responded.

### 3. Comments on Agri-tourism:

- Four **local governments** expressed either general support for the standard or mentioned that it provides clarity. Two local governments stated that the proposed bylaw standard limits the flexibility that local governments have in regulating agri-tourism. One local government expressed the opinion that the proposed criteria are inconsistent with the ALR USP Regulation and two others stated that the proposed standards would increase required staff resources at the local government level.
- Three **local governments** stated support for second incomes from agri-tourism. Two local governments suggested that weddings should be allowed on a seasonal basis, and two expressed support for agri-tourism education. Two local governments asked for more clarity around agriculture vs. non-farm use.
- Three **industry associations** stated that the proposed standards are too restrictive of agri-tourism, and two stated that farmers should be able to provide education to the public. Others expressed general support for the standards, or commented that existing operations should not be penalized and that the regulations should be flexible or that each operation be considered on a case-by-case basis.
- **Individual stakeholders** commented that the standards should be less prescriptive and more performance-driven and that the focus should be on preserving farmland. Others mentioned that farmers rely on the income from agri-tourism and commercial weddings to subsidize farm operations and that education of the public is important.

### 4. Comments on the Proposed Criteria:

#### Proposed Definitions

- Most **local governments** provided feedback on the definitions, with many commenting that the definitions require more clarity and many provided suggestions for changes.
- **Industry associations** did not comment specifically on definitions.
- **Individual stakeholders** had many suggestions for definitions they felt were missing from the standard.

#### Accessory Farm Activity:

- Five **local governments** expressed support for agri-tourism being a subordinate use.
- Three **local governments** oppose using income to determine accessory use
- One **local government** supported using income as a measure of determining whether or not the use is subordinate, while three opposed this.
- Two **local governments** supported local government policy that is aligned with ALC regulations.
- Eight **local governments** noted that determining accessory through income is problematic and suggestions were made for alternatives such as using a ratio between agri-tourism area and the area of land in active production.
- Four **local governments** requested greater clarity on this component of the discussion paper.
- Four **industry associations** hold the position that linking income to accessory use is problematic or raises concerns.
- Three **industry associations** voiced support for agri-tourism being a subordinate use, and one supported using income as a means of determining if the use is subordinate.
- Five **industry associations** were opposed to using income as a means of determining if agri-tourism use is accessory.
- Two **industry associations** support that agri-tourism enables farming.

- One **industry associations** noted that temporal and spatial measures would be a better way of determining if agri-tourism is accessory.
- Four **individual stakeholders** supported agri-tourism as a subordinate use.
- Eleven **individual stakeholders** stated that agri-tourism income enables farming.
- Seven **individual stakeholders** were opposed to using income as a means of determining if agri-tourism is accessory.
- Eight **individual stakeholders** hold the position that linking agri-tourism accessory use to income is problematic or raises concerns.
- Two **individual stakeholders** suggest the Ministry provide further clarity and/or information.
- **Individual stakeholders** presented a number of ideas for determining if agri-tourism is accessory or problematic that require further review to determine if they could be incorporated into the Minister's Bylaw Standard and if they would ultimately be feasible for local governments to implement.

#### **Farm Class:**

- Few **local governments** had comments on this section. One stated that this section provides clarity. Others had concerns over the role of the ALC in enforcement; while another stated that farms should have lower taxes.
- One **individual stakeholder** expressed support for requiring farm class, but no others commented on this section. There were no comments from industry associations either.

#### **Temporary and Seasonal Use:**

- **Local governments** expressed concern about monitoring and enforcement of these provisions and the staff resources that this would consume.
- One **individual stakeholder** pointed out that interest in agri-tourism has evolved from seasonal direct marketing types of operations to a more educational focus. One suggested that 'temporary' and 'seasonal' are not required if the 50% rule is adhered to, while another stated that 'seasonal' and 'temporary' should apply only to 'accommodation' but not to other activities.

#### **Permitted and ALC approval required agri-tourism activities:**

- Eight **local governments** support Table 2 of the Discussion Paper.
- Ten **local governments** suggest the Discussion Paper provide greater clarity of its proposed definitions.
- Four **local governments** suggest the Ministry provide greater clarity on the approval process.
- Two **industry associations** suggest restricting non-farm use to existing available, non-productive lands.
- Two **industry associations** suggest the Ministry encourage marketing and promotion.
- **Industry associations** suggested that the scale of activity needs to be considered relative to the size of the agricultural operation and that the income ratio should be used rather than putting limits on seasonal and temporary.
- Two **individual stakeholders** oppose proposing the regulations restrict commercial assembly events.
- Five **individual stakeholders** take issue with the clarity of uses and definitions.
- Two **individual stakeholders** take issue with the inclusion of additional uses and activities in Table 2 Tier 1.
- Two **individual stakeholders** take issue with the bureaucratic approval process.
- Three **individual stakeholders** take issue with conflicts with local government bylaws.
- Two **individual stakeholders** suggest limiting the number and size of events in a season.

#### **Agri-tourism Accommodation:**

- Two **local governments** oppose the prohibition of kitchens in sleeping units. One local government supports the prohibition.
- Two **local governments** support the draft standards for Agri-tourism Accommodation.
- Two **local governments** support keeping Agri-tourism Accommodation within a 2000 m<sup>2</sup> farm residential footprint.
- Six **local governments** require more clarity on various components of the Agri-tourism accommodation criteria.
- Three **local governments** expressed concern that these units will become year-round, permanent residences.
- Three **local governments** mentioned issues with monitoring and enforcement of accommodations.
- Two **local governments** expressed concern about the proliferation of RV parks and deterioration of farmland and lack of farming which occurs on these properties and two local governments mentioned issues with enforcement around RV storage on farmland.
- Two **local governments** suggested prohibiting water and sewer hook-up to agri-tourism sleeping units, and two suggested that the number of units be based on a per ha basis rather than an outright number.
- Other **local governments** suggested limitations on the amount of parking spaces associated with these uses, limiting stays by each person to no more than 30 days in a calendar year, and size limits on the units. One suggested the use of a TUP for agri-tourism accommodation.
- One **individual stakeholder** supported restricting the area for agri-tourism accommodation to 5% of parcel area.
- Two **stakeholders** were opposed to limiting campsites to 10 units (note: these were from the horse industry and were concerned about temporary event camping which would not be affected by the 10 campsite limit).
- Two **stakeholders** (both wineries) desired an increase of the type, quality and number of accommodation units, with one suggesting a 75 unit limit and the other a 40 unit limit.
- One **stakeholder** was opposed to the prohibition on cooking facilities in sleeping units.

#### **Other Agri-tourism Criteria:**

- Two **local governments** supported requiring permeable surfaces for agri-tourism parking areas.
- Three **local governments** offered their support for the 'other' criteria.
- One **local government** expressed concern that they do not have jurisdiction to regulate lighting except in relation to off-street parking areas.
- Three **regional districts** mentioned that regional districts do not have the ability to regulate many of these items.
- **Local government** suggestions include: having a maximum site coverage for parking and being more specific about how much parking should be required for retail and accommodation uses; have all agri-tourism uses proceed through a local government/ALC application.
- One **industry association** expressed concern about biosecurity issues and agri-tourism. Another suggested that properties should have to be large enough to provide adequate buffering for neighbours. A third suggested that due diligence should be exercised to avoid nuisances.
- **Individual stakeholders** had a few comments on this section ranging from support for the criteria; allowing local governments to issue permits for these activities; and suggesting additional criteria such as using only less productive areas of the farm and holding events by invitation or ticket sales only (i.e. not open to the public).

### **Farm Retail Sales and Marketing:**

- One **local government** stated that they do not want to see farms becoming retail centres, while their AAC commented that they were opposed to limiting income from agri-tourism operations.
- Two **local governments** asked for clarification on limits on the sale of off-farm products.
- Suggestions from **local governments** included having a maximum footprint for cideries, wineries, distilleries and farm retail sales and locating these uses close to the road; defining 'bulk sales'. One local government suggested that restaurants should be allowed.
- **industry associations** commented that they were either opposed to the 50% rule or that the rule was difficult to monitor and enforce. A comment was made that farm retail sales area should not include display areas. One **industry association** commented that the 300 m<sup>2</sup> maximum floor area should be removed and the ALR USP Regulation number be used instead<sup>2</sup>.
- Two **individual stakeholders** mentioned that they support the 50% rule, but three were opposed to using floor area as a means of measuring the 50%. These three stakeholders mentioned that the floor area measurement does not work when using farm products to create value added products or in situations where higher value farm products like meat and sausages take up less room than lower value and bulkier vegetables.
- Three **stakeholders** suggested increasing the maximum floor area allowed for farm retail sales and two of these suggested 500 m<sup>2</sup> as a new maximum.
- One person suggested that farm retail sales area should be determined on a 'per hectare' basis.

### **Local Government Permits and Fees:**

- One **local government** supported using a TUP<sup>3</sup> for uses that require non-farm use approval by the ALC, and another wanted the ability to use a TUP for uses that a local government may prohibit (such as agri-tourism accommodation) as well. Three local governments requested greater clarity as to when a TUP could be used and when it should not be used as a permitting tool.
- One **industry association** was supportive of consistent regulation across local government jurisdictions.
- Another **industry association** was opposed to the use of a TUP for commercial weddings, stating that these require certainty with regard to permits due to advance bookings of 12-24 months. Another **industry association** made the suggestion that there should be a one-stop shop for permits and approvals in order to increase efficiency.
- **Individual stakeholder** feedback ranged from supporting the bylaw standard criteria, to not wanting restrictions on agri-tourism. There was some support for not requiring TUPs or rezonings for legitimate agri-tourism activities. While some supported requiring business licences for event and activities, others opposed business licensing in the ALR.

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<sup>2</sup> Note: the ALR USP Regulation includes a maximum 300 m<sup>2</sup> for retail sales areas that include off-farm products, so this may have been a misunderstanding.

<sup>3</sup> TUP: Temporary Use Permit

#### **Commercial Weddings:**

- Two **local governments** supported a non-farm use approval process for commercial weddings, and two supported using TUPs for permitting this use.
- One **local government** suggested using a special event licence.
- One **local government** suggested that a TUP would be onerous for the applicant and the local government.
- One **industry association** was opposed to a non-farm use approval for weddings, while another pointed out that weddings are a form of agri-tourism.
- One **industry association** stated that agriculture should remain the priority use in the ALR.
- A greater number of **individual stakeholders** expressed support for commercial weddings as an agri-tourism use with some pointing out that it is likely to raise awareness about farming. Some stakeholders supported low impact weddings on land where farming is occurring and the requirement for non-farm use approval from the ALC.
- Two **individual stakeholders** commented that ALR lands should be used primarily for farming, while one opposed allowing commercial weddings on farmland.
- Six **individual stakeholders** were opposed to either excluding commercial weddings from the definition of agri-tourism, or to restrictions on, or regulation of, weddings in the ALR.
- Two **individual stakeholders** were opposed to having to obtain permits for weddings in the ALR.
- Four **individual stakeholders** requested clarity on the ALR regulations, while three requested clarity on the definition of commercial wedding. One suggested defining commercial wedding based on frequency and impact to the land.
- Six **individual stakeholders** suggested that holding weddings on farms promotes the education of the guests.

#### **Bistros and Restaurants:**

- **Local governments** provided numerous ideas for regulating bistros and restaurants in the ALR. These included streamlining the approval process; allowing mobile food carts; and increased clarity on the definition of 'lounge'.
- **Industry associations** did not comment on this section of the proposed standard.
- One **individual stakeholder** commented on the fact that BC Assessment views their farm café as a commercial use in spite of selling farm products.
- Two **individual stakeholders** felt that farm cafés are an acceptable form of agri-tourism if the café is selling farm products and would be similar to a lounge that is allowed for wineries, cideries, breweries and distilleries.

#### **5. Other Comments:**

- **Local governments** had a number of ideas and suggestions for improving the clarity of various sections of the proposed bylaw standard.
- Two **industry associations** suggested that there should not be a bylaw standard.
- Other **industry associations** suggested that there should be greater consultation and requested clarity on specific sections of the proposed bylaw standard.
- One **individual stakeholder** commented that the consultation period was too short.

#### **6. Enforcement and Compliance:**

- Ten **local governments**, two **industry associations** and two **individual stakeholders** stated that there are issues around enforcement and monitoring of the new bylaw standards.
- One **local government** suggested that the ALC should monitor and enforce the ALC regulations while another suggested that the ALC work with the local government to enforce the regulations.
- Three **industry associations** state that it would be a challenge to enforce any new standards.
- Two **individual stakeholders** state that it would be a challenge to enforce any new standards.

Prepared by:

Strengthening Farming Unit

Innovation and Adaptation Services Branch

BC Ministry of Agriculture

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OFFICIAL PURPOSES

# Agritourism Discussion - Annotated Agenda

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**Date:** Thursday, February 4, 2016

**Location:** MTIC R999 Boardroom A  
Suite 667 - 6th floor  
999 Canada Place, Vancouver, B.C.

**February 4, 2016 Chair – Derek Sturko, Deputy Minister, Ministry of Agriculture**

<b>8:30 Coffee &amp; muffins</b>		
<b>9:00</b>	Welcome and introductions <ul style="list-style-type: none"><li>Derek Sturko</li></ul>	
<b>9:10</b>	Opening Comments <ul style="list-style-type: none"><li>Minister Letnick</li></ul>	<i>Objective of the meeting:</i> <ul style="list-style-type: none"><li>Brief overview of recent Ministry focal issues, achievements and upcoming big picture items - economic growth, food supply security and climate change.</li><li>Importance of BCAC, ALC and UBCM to understand the consultation results and provide input/support as solutions are developed.</li></ul>
<b>9:20</b>	Consultation Parameters <ul style="list-style-type: none"><li>Derek Sturko</li></ul>	<i>Discussion Points:</i> <ul style="list-style-type: none"><li>Brief overview of two consultations – 2014/2015</li><li>Overview of number and type of feedback received</li><li>Briefly summary of the process</li><li>Feedback on issues: little consistent content; few constructive solutions</li></ul>



<b>9:30</b>	<b>What We Heard</b> <ul style="list-style-type: none"> <li>Brenda Lennox</li> </ul>	<i>Discussion Points:</i> <ul style="list-style-type: none"> <li>Thank attendees and their membership for the feedback and input into this complex issue</li> <li>Compare and contrast the range of views</li> <li>Check in: Is this consistent with what attendees heard from their members?</li> </ul>
<b>10:15</b>	<b>Break</b>	
<b>10:30</b>	<b>Check-In</b> <ul style="list-style-type: none"> <li>All</li> </ul>	<i>Discussion Points:</i> <ul style="list-style-type: none"> <li>Moving forward is now the focus</li> <li>Response to principles</li> <li>Response to approaches</li> <li>Check in: Have we identified the best approach(es) for moving forward?</li> </ul>
<b>11:30</b>	<b>Wrap Up</b> <ul style="list-style-type: none"> <li>Minister Letnick</li> </ul>	<i>Discussion Points:</i> <ul style="list-style-type: none"> <li>Thank the groups for their participation</li> <li>Re-affirm groups are partners in developing solutions that work both for industry and local governments</li> </ul>
<b>11:45</b>	<b>Next Steps</b> <ul style="list-style-type: none"> <li>Derek Sturko</li> </ul>	<i>Discussion Points:</i> <ul style="list-style-type: none"> <li>We appreciate the opportunity to confirm approach and direction</li> <li>Will continue with needed background work</li> <li>Will develop a communications strategy including a consultation update to be posted to the ministry website <ul style="list-style-type: none"> <li>Summary of feedback posted to website by March 31, 2016</li> </ul> </li> </ul>

# Ministry of Agriculture Agritourism Discussion

Thursday, Feb. 4, 2016;  
9:00 am - noon

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## Location

MTIC R999 Boardroom A  
Suite 667 - 6th floor  
999 Canada Place, Vancouver, B.C.

## Participants

### Agricultural Land Commission:

Frank Leonard, Chair  
Kim Grout, Executive Director

### BC Agriculture Council:

Rhonda Driediger, Former Chair  
Reg Ens, Executive Director

### Union of British Columbia Municipalities:

Greg MacIsaac, Executive Director  
Danyta Welch, Policy and Programs

### Ministry of Agriculture:

The Honourable Norm Letnick, Minister  
of Agriculture  
Derek Sturko, Deputy Minister  
Brenda Lennox, Senior Manager

### New Entrants:

Alexis Warmerdam, BC Young Farmers  
Jared DeLong, Young Producers Assoc.

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## AGENDA

Chair: Derek Sturko

9:00-9:10 am	Welcome and Introductions	Derek Sturko
9:10 – 9:20 am	Opening comments	Minister Letnick
9:20-9:30 am	Consultation parameters	Derek Sturko
9:30 – 10:15 am	What we heard	Brenda Lennox
10:15-10:30 am	Break	
10:30 – 11:30 am	Check-in	All
11:30 – 11:45 am	Wrap up	Minister Letnick
11:45-noon	Next Steps	Derek Sturko

Adjourn

## **Fair, Susan P AGRI:EX**

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**From:** Lalani, Arif AGRI:EX  
**Sent:** Monday, September 21, 2015 4:28 PM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Fair, Susan P AGRI:EX; Morales, Stefan AGRI:EX; Neufeld, Blair JAG:EX  
**Subject:** FW: Minister's Bylaw Standard on Agri-tourism and Retail Sales in the ALR  
**Attachments:** DRAFT 2015 09 14 Agri-tourism Discussion Paper.docx; DRAFT Agr-tourism Discussion Paper - Webpage Text Sept 14 2015.docx

Derek – just got this... earlier in the summer, the Minister asked staff to prepare a discussion paper on agri-tourism and open the consultation during UBCM. I was briefed last week on agri-toursim but was not aware of the discussion paper timeframe re; UBCM. I believe the intent is to post the attached doc to our website and notify the approximately 140 local governments, who are the primary stakeholders for this consultation via email. The consultation will close on November 30, 2015. It requires your approval. Thanks.

Arif Lalani  
Assistant Deputy Minister  
Business Development Division  
Ministry of Agriculture



Ministry of  
Agriculture

**Regulating  
Agri-tourism and Farm Retail Sales  
in the Agricultural Land Reserve**

**DISCUSSION PAPER AND PROPOSED MINISTER'S BYLAW  
STANDARDS**

**September 14, 2015**

**Prepared by:  
Strengthening Farming Program  
Innovation and Adaptation Services Branch**

## Executive Summary

This discussion paper ('white paper') has been prepared by the BC Ministry of Agriculture (AGRI) Strengthening Farming Program, Innovation and Adaptation Branch for input on the establishment of a Minister's Bylaw Standard to assist local government bylaw development regarding agri-tourism, agri-tourism accommodation and farm retail sales.

Its preparation follows the 2014 AGRI's consultation on the Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation (ALR USP Regulation) in which local governments expressed strong support for AGRI to provide greater clarity in guidance to local government bylaws on agri-tourism.

The proposed Minister's Bylaw Standard criteria, set out in Part 3.0, result from input contributed by the Agricultural Land Commission (ALC), local governments and the agricultural sector. While the proposed Minister's Bylaw Standard provisions apply to land in the Agricultural Land Reserve (ALR), local governments may also wish to adopt for all agriculturally zoned property..

AGRI invites local governments to review the proposed Minister's Bylaw Standard and provide feedback to the contact listed on page 13 by November 30, 2015. Feedback received will be analysed by AGRI staff, with updates and improvements made to the proposed Minister's Bylaw Standard in preparation for the Minister of Agriculture's (Minister) consideration.

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# Introduction

This paper outlines draft criteria to assist local governments in regulating their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, aiming to encourage further discussion on the matter with local governments, the ALC and the farm sector. It is important that the bylaw standard criteria effectively guide local government land use regulations within the context, and intents, of the *Agricultural Land Commission, Farm Practices Protections (Right to Farm)*, and *Local Government and Community Charter Acts* and their regulations. The draft criteria reflect analysis undertaken by AGRI staff, previous consultations with local governments, the ALC, industry, and the Ministry of Community, Sport and Cultural Development (CSCD).

## 1.0 Part one – The Criteria Development Process

This paper explores and proposes land use regulation and policy guidance for local governments to address agri-tourism and farm retail sales issues in their communities, while recognizing these uses are permitted (with exceptions) within the ALR.

Following consultation with stakeholders and approval by the Minister, the bylaw criteria will become a Minister's Bylaw Standard and incorporated within the "Guide for Bylaw Development in Farming Areas" (Bylaw Guide).<sup>1</sup>

### 1.1 Purpose and Goals

The purposes of establishing land use regulation criteria to address local government concerns regarding agri-tourism and farm retail sales are to:

1. Establish a Minister's Bylaw Standard that provides flexibility for local governments to shape agri-tourism activity in their community while ensuring that agriculture in the ALR continues as a priority use;
2. Address the needs of the agriculture sector/industry to supplement farming income;
3. Minimize the impact of agri-tourism and retail sales on farm practices and farming potential in farming areas;
4. Minimize loss and/or fragmentation of farmland due to agri-tourism and retail sales uses;
5. Reduce the financial imbalance that results from large scale commercial operations locating inexpensively in the ALR and outcompeting those that have located in appropriate commercial zones; and
6. Minimize the risk of agri-tourism and farm retail sales buildings and structures being used for non-farm purposes.

### 1.2 Stakeholders

Stakeholders involved in developing these Bylaw Standard criteria include:

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<sup>1</sup> Under the *Local Government Act* (Part 26, Division 8, Section 916), the Minister responsible for the *Farm Practices Protection (Right to Farm) Act* can develop bylaw standards to guide the development of zoning and farm bylaws. Development of provincial standards is intended to promote consistency in the regulation of, and planning for, farming. However, provision has been made under Section 916(3) to allow the standards to differ, if necessary, to respond to BC's diverse farming industry and land base.

- a) Local governments and their Agricultural Advisory Committees (AAC);
- b) Agriculture industry;
- c) ALC;
- d) Strengthening Farming Directors Committee,
- e) CSCD; and
- f) Ministry of Jobs, Tourism and Skills Training.

## 1.3 Objectives of the Process

The objectives of the process are to:

1. Create a set of Bylaw Standard criteria for stakeholder review;
2. Consult with stakeholders; and
3. Develop a Minister's Bylaw Standard that local governments can apply as regulation or policy.

## 1.4 Key Steps

The key steps in creating the Minister's Bylaw Standard are:

1. Review relevant literature including AGRI and ALC policies;
2. Review and compare local government regulations and policies;
3. Develop draft criteria;
4. Consult with internal and external stakeholders on the draft criteria;
5. Revise criteria for consideration by the Minister;
6. Seek Minister's approval; and
7. Encourage local governments to adopt and apply criteria.

## 1.5 Current Status (August 2015)

AGRI staff have:

- Reviewed previous agri-tourism and farm retail sales consultations with local governments, industry, the ALC and CSCD;
- Reviewed existing ALC policies on agri-tourism, agri-tourism accommodation and farm retail sales; and,
- Prepared this draft discussion 'white paper' on agri-tourism and farm retail sales land use bylaw guidance for further local government consultations over the 2015/2016 fall and winter.

## 1.6 Context for Bylaw Standard Establishment

AGRI has initiated Minister's Bylaw Standards in the past for three significant agricultural issues which have been approved by the Minister. AGRI staff use the Minister's Bylaw Standards to encourage local governments to adopt them into their land use bylaws. They are:

- Regulating Medical Marihuana Production Facilities in the ALR (2014);
- Combined Heat and Power Generation at Greenhouses in the ALR (2013); and



- Siting and Size of Residential Uses in the ALR (2011).

These Minister's Bylaw Standards can be found in AGRI's "Guide for Bylaw Development in Farming Areas" with additional information at:

<http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards-and-farm-bylaws>.

## 2.0 Part two - Background

### 2.1 Context

Farmers throughout B.C. are looking for options to increase their economic viability, including agri-tourism and farm retail sales. These two particular issues have become more prominent in recent years and local governments are amending their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, sometimes causing frustration with farmers and the public. Sometimes there may be conflicting community views on what actually constitutes agri-tourism activities, and what 'accessory', 'seasonal', and 'temporary' within this context really mean.

While the ALC provides direction regarding agri-tourism and farm retail sales in the ALR, one of the questions asked during the Ministry's 2014 ALR USP Regulation consultation process included agri-tourism, with local governments indicating strong support for AGRI to develop greater clarity in bylaw guidance for agri-tourism. Incorporating analysis from previous consultation, AGRI staff anticipate strong response from stakeholders on the subject.

Ideally, developing this new Minister's Bylaw Standard will assist in balancing stakeholder concerns, minimize community frustration, and provide greater certainty while maintaining the flexibility required for local government community decision making and variation. The proposed Minister's Bylaw Standard applies to property in the ALR. Given however that agricultural activity in B.C. takes place both on ALR and non-ALR property, local governments with agriculturally zoned land may also consider adopting it.

### 2.2 Current Policy, Legislation and Regulation

Agri-tourism and farm retail sales are defined as farm uses by the ALR USP Regulation<sup>2</sup> of the *Agriculture Land Commission Act* where a farm use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*:

- Agri-tourism is a tourist activity, service or facility accessory to ALR land classified as a farm under the *Assessment Act*, if the use is **temporary and seasonal**, and promotes or markets farm products grown, raised or processed on the farm.
- Farm retail sales if all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or at least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place

<sup>2</sup> B.C. Reg. 171/2002 Agricultural Land Reserve Use, Subdivision and Procedure Regulation. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=A631A2319799460A98F62978A2FE60E3>

and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>.

Local governments cannot prohibit agri-tourism activities, other than agri-tourism accommodation, or farm retail sales regulated by the ALR USP Regulation unless by a Farm Bylaw designated by the Minister by Section 917 of the *Local Government Act*.

The ALC also publishes several policy documents on agri-tourism, agri-tourism accommodation and farm retail sales with respect to land in the ALR.

*"The policies of the Commission provide interpretation and clarification of the regulations; outline guidelines, strategies, rules or positions on various issues and provides clarification and courses of action consistently taken or adopted, formally or informally."*<sup>3</sup> - ALC

These ALC policies include their terms of 'seasonal' and 'temporary':

- **Temporary** – means a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities. If a building or structure is required for this use, temporary use of the building or structure means a use for agri-tourism for less than 12 months of the year. The building or structure may be used for other permitted uses during the course of, or for the remainder of the year.
- **Seasonal** - means a use or activity in a facility or area for less than 12 months of the year.<sup>4</sup>

A recent 2015 B.C. Supreme Court ruling *Heather Hills Farm Society v. Agricultural Land Commission*, addresses the subject of agri-tourism, and in this case whether a particular golf course and sheep pasture is a permitted agri-tourism use. Interestingly, within the reasons for judgement that ultimately dismisses the petition, the judge also references what cannot be described as reasonably temporary, with respect to what is written in the ALR USP Regulation:

*[51] The Regulation also requires that an agri-tourism use be temporary and seasonal. A golf course requires alteration of the land in the form of particular landscaping, sand traps, water hazards etc. Photographs that were put into evidence show changes of precisely that kind to the petitioners' property. Those changes must remain in place as long as operation of the golf course continues and cannot reasonably be described as temporary.*<sup>5</sup>

The intent of this proposed Bylaw Standard is to provide greater clarity on what constitutes agri-tourism, agri-tourism accommodation, farm retail sales, and the definitions of temporary and seasonal.

<sup>3</sup> ALC. *Legislation and Regulation*. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=4179AB0F33494261A5B6CEF2A4F8F296>

<sup>4</sup> ALC. *Policy #4 Activities designated as Farm Use: Agri-tourism Activities in the ALR*, 2003. Last retrieved August 24, 2015 from [http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy\\_4\\_agri-tourism\\_activities.pdf](http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy_4_agri-tourism_activities.pdf)

<sup>5</sup> *Heather Hills Farm Society v. Agricultural Land Commission*, 2015 BCSC 1108

For farm retail sales, the processing/marketing of off-farm products may not be protected under the *Farm Practices Protection Act* unless there are limits prescribed by the Minister under the *Farm Practices Protection Act*.<sup>6</sup> This has implications for farms considering those options.

### 3.0 Part three – Proposed Set of Criteria

Part three introduces a set of criteria in which local governments would be encouraged to consider when developing or amending their own bylaws on agri-tourism, agri-tourism accommodation and farm retail sales. A rationale is provided for why certain criteria provisions should be introduced and a proposed list is summarized of criteria and definitions.

#### 3.1 Proposed Definitions

<b>Accessory (agri-tourism)</b>	means that the <i>agri-tourism</i> is subordinate to the active <i>farm operation</i> on the same lot. <i>Agri-tourism</i> uses and activities only augment a farmer's regular farm income, not exceed or replace it.
<b>Agri-tourism</b>	is travel that combines agricultural or rural settings with products of agricultural operations – all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is <i>accessory</i> to a <i>farm operation</i> , as defined in the <i>Farm Practices Protection (Right to Farm) Act</i> , where the land is classified as a farm under the <i>Assessment Act</i> ; and, where the farm is in active operation each year.
<b>Off-farm and non-farm products</b>	means products that are not from the <i>farm unit</i> of which the subject property is part.
<b>Regular Seasonal (agri-tourism)</b>	means the occurrence over the same <i>season(s)</i> , or at the same time, each year.
<b>Season (agri-tourism)</b>	means: one of the four periods of the year: spring, summer, autumn or winter; the period of the year when something that regularly occurs every year happens; e.g. pumpkin festival before Halloween; and/or the period(s) when most people take their holidays, go to visit places, or take part in an activity outside of work.
<b>Seasonal (agri-tourism)</b>	means: relating to, dependant on, determined by, or characteristic of a particular <i>season</i> of the year; fluctuating according to the <i>season</i> ; and/or

<sup>6</sup> For more information, readers may wish to review the September 7, 2011 BC Farm Industry Review Board decision *Maddalozzo v. Pacific Coast Fruit Products Ltd* last retrieved September 8, 2015 from [http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo\\_v\\_pcfp\\_dec\\_sep7\\_11.pdf](http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo_v_pcfp_dec_sep7_11.pdf)

available, or used, during one or more seasons, or at specific times of the year - for less than twelve months of the year.

**Small-scale (agri-tourism)**

means to be minor or limited in size, scope, or extent. [Local governments could specify amounts.]

**Temporary (agri-tourism)**

means having a limited duration, lasting or designed to last for only a limited time each week, month, or year. E.g. an activity occurs each year at the same time at a nearby festival, or other event, or only a maximum duration of three days at a time.

## 3.2 Accessory farm activity

Local governments should identify *agri-tourism* as a **permitted accessory** use in all zones where agriculture or farming is a permitted use. *Accessory agri-tourism* use in the ALR is subordinate and customarily incidental to the active *farm operation* on the same lot. **Agri-tourism uses and activities only augment a farmer's regular farm income, rather than exceed or replace it.**

**Table 1. Examples of Agri-Tourism and Farm Incomes**

<b>Column A</b>	<b>Column B</b>
<b>Agri-tourism Income</b>	<b>Farm Income</b>
Entry or participation fees, tour fees	Primary agricultural production income
Fees for tours, services and workshops related to the farm operation	Value-added operations: processing of <i>own farm products</i>
Retail sales of <i>off-farm or non-farm products</i>	Retail sales of <i>own farm products</i>
Agri-tourism accommodation charges	

To be considered *accessory*, the **annual income from agri-tourism** [Column A] must be no more than the **annual regular farm income** [Column B]. The ALC may allow a larger proportion of *agri-tourism* activity on a farm, if the farmer applies for a non-farm use approval.

Examples include a farmer **intending to** regularly host special events such as commercial weddings, conferences or an **annual music festival**. A local government could decide whether to support those **commercial activities** in its zoning if it is authorized by the ALC.

## 3.3 Farm Class

Income from *accessory agri-tourism* activities is not used to define *farm class* under the *Assessment Act* (Sec 23 and Farm Class Reg. 411/95). Income for the purposes of *farm class* is calculated based on the farm gate amounts for qualifying agricultural products and must be generated in one of two relevant reporting periods (i.e., once every two years).

## 3.4 Agri-tourism temporary and seasonal use in the ALR

Local governments should regard *agri-tourism* uses as a *temporary* and *seasonal* use. See the definitions for guidance on defining these terms.

### 3.5 Permitted and ALC approval required agri-tourism activities

**Table 2. Tiers of Agri-tourism Activities**

<b>Activities</b>	<b>Tier 1 Permitted Agri-tourism activities</b>	<b>Tier 2 Activities/events that require ALC approval</b>
On-farm	<ul style="list-style-type: none"> <li>• educational tours – general public, school children</li> <li>• on-farm marketing, including U-pick and pumpkin patches</li> <li>• temporary corn maze or Christmas tree maze</li> <li>• agricultural heritage events</li> <li>• ranch or farm tours</li> <li>• livestock shows</li> <li>• harvest festivals</li> <li>• on-farm classes and/or workshops related to the farm operation</li> <li>• farm stays or B&amp;B</li> <li>• on-farm processing facility tours</li> </ul>	<ul style="list-style-type: none"> <li>• Non-farm-uses and commercial entertainment activities which do not have an agricultural component:</li> <li>• e.g., paint ball course, dirt bike trails, all-terrain vehicles trails, mini-train parks, remote control runways, helicopter tours, etc.</li> <li>• event and facility rentals</li> <li>• concerts, theatre or music festivals</li> <li>• commercial weddings, banquets, celebrations and any other commercial assembly activity</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• self-contained, off-road parking</li> <li>• some overflow could be on neighbouring farm(s) provided it's for infrequent events, no permanent alterations to the agricultural land, and no resurfacing such as with gravel or asphalt paving</li> <li>• allow for school and tour buses</li> <li>• on-road parking at the discretion of the local government or Ministry of Transportation in Regional Districts</li> </ul>	<ul style="list-style-type: none"> <li>• Off-site overflow parking that is used on a frequent basis or that requires resurfacing</li> </ul>
ALC non-farm use application approval or local government	<ul style="list-style-type: none"> <li>• No local government temporary use or rezoning permits required,; outright use is permitted</li> </ul>	<ul style="list-style-type: none"> <li>• ALC non-farm use application approval</li> <li>• Local government non-agriculture related activities or</li> </ul>

permit requirements	<ul style="list-style-type: none"> <li>No ALC non-farm use application approval</li> </ul>	<p>events may also require a separate zone or temporary use permit</p> <ul style="list-style-type: none"> <li>Special local government permits - per event or per day, or both</li> </ul>
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### 3.6 Agri-tourism Accommodation

Section 3 of the ALR USP Regulation permits *accessory* accommodation for agri-tourism on a farm in the ALR, but allows a local government to regulate and/or prohibit the use.

Where accommodation for agri-tourism is allowed by a local government the following standards are recommended:

- Total developed area for buildings, landscaping and access to the accommodation must be no more than 5% of the parcel area;
- Could include a maximum of 10 sleeping units composed of:
  - Seasonal campsites, seasonal cabins, or bed-and-breakfast (B+B) bedrooms (**maximum of four**) B+B bedrooms per legal parcel is recommended);
  - Unless ALC consent is received, accommodation must not include cooking facilities because doing so may result in long term rental housing on farm land;
  - The local government could specify the number of persons per unit;
  - Should an operator wish to have more than 10 sleeping units, he/she could apply to the local government and the ALC;
  - On smaller lots, a local government may wish to set a lower number of allowed sleeping units;
  - The BC Building Code should be the minimum standard applied for sleeping units such as cabins.
- Should be located close to the front of the lot, or an adjacent side road, and clustered with the *home plate(s)* of the farm residence(s). A farmer may wish to vary this location to minimise impact on his/her farm.
- Depending on the location of the farm, the *agri-tourism* accommodation may need to be available during more than one season, or its availability may vary with the seasons; e.g., horseback riding on trails in spring, summer, and fall, and cross-country skiing in the winter.
- Occupation of a lot by *agri-tourism* accommodation are only permitted to be *temporary, seasonal, and/or regular seasonal*, to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period. The ALC may allow longer occupation if the farmer applies for a non-farm use; local zoning would also have to allow it.
- Each local government which permits *agri-tourism* accommodation could develop a monitoring methodology to ensure the occupation meets the above criteria.

## 3.7 Other Agri-tourism Criteria

### 3.7.1 Off-street Loading Areas and Parking

Off-street loading areas may be needed to transfer field products to a market stand/shop, and to the customer's vehicle. For criteria, see Part 2 of the "Guide for Bylaw Development in Farming Areas".

All vehicles visiting the *agri-tourism* activities must be parked on site, or as otherwise permitted by the local government. The parking capacity could be based on the average daily vehicle numbers (recommended); local parking bylaws may have a different measure and short term events with large numbers of people may require different parking standards. Overflow parking occurs on public roads should adhere to local bylaws including clearances for emergency vehicles and farm machinery.

For farm site parking overflow situations, *agri-tourism* operators should provide alternate means of transportation, such as shuttles, bicycle parking, or horse corrals and off-site horse trailer parking areas.

To minimise impacting farm land, parking should be along field edges, adjacent to farm roads, farm yard areas near farm structures.

- The parking and loading area surfaces should maximize infiltration of precipitation to limit impacting a farm's ground and surface water; pavement may not be appropriate.
- The depth and type of fill for *agri-tourism* parking and loading areas should facilitate possible future removal e.g., if the *agri-tourism* activity ceases.

### 3.7.2 Site Layout for Agri-tourism Activities

Site coverage and setbacks for *agri-tourism* structures must follow the standards for farm structures provided in Part 2 of the "Guide for Bylaw Development in Farming Areas". *Agri-tourism* facilities should be located to minimize coverage of farm land and minimise disturbance of the present and potential future operation of the farm, neighbouring farms or nearby urban uses; e.g., close to the road, and/or clustered with other farm structures.

### 3.7.3 Lights

Floodlights and spotlights for *agri-tourism* activities should be directed away and/or screened from adjacent farms and other land uses.

### 3.7.4 Signage

Each *agri-tourism* and farm retail operation, and the farm itself, should be allowed at least one sign of at least 1.0 square metre. Normally, signs are located at the farm entrance, but variation should be allowed for different building and site layouts and to ensure traffic safety. Third-party signs and lighting of signs should follow local bylaws.

### 3.7.5 Noise

Loudspeakers and other noise sources associated with the *agri-tourism* activity could be regulated with local government noise bylaws.

### 3.8 Farm retail sales and marketing

For on-farm retail marketing, farmers sell their own *farm products*, and may sell some *off-farm* or *non-farm products* directly from the *farm unit* and may require a retail indoor and/or outdoor sales and display area.

Areas necessary for on-farm retail sales but not calculated as part of the on-farm retail sales area are:

- storage space for products awaiting display and/or *bulk sales*; larger storage areas may be available in a barn;
- an office area for doing sales and farm-related *paperwork*;
- washrooms;
- driveways, parking and loading areas; and
- some preparation space where products are put in packages for display or shipping.

Local governments should not limit retail sales area of a farmer's own *farm products* i.e. the *direct farm marketing area*. The ALR USP Regulation does not state an upper limit.

Local government regulations must allow for the possibility of a retail sales area for complementary *off-farm* or *non-farm products*. The ALR USP Regulation requires at least 50% of the total retail sales area be devoted to that farm's products, and where both *farm products* and *off-farm* or *non-farm products* being sold, the allowed upper limit of the total of the indoor and outdoor sales area is 300m<sup>2</sup>. This should be adopted by local governments and not reduced.

To develop a larger retail sales area, or to sell less than 50% of that farm's *farm products*, a farmer must have both local government and ALC non-farm use application approval.

### 3.9 Local Government Permits and Fees

Other than the usual permits and fees required for construction, local governments should only require permits and fees for operations that require a non-farm application to the ALC and should not require the use of temporary (commercial) use permits.

Local governments should only request reimbursement of extra local government costs generated by the event or operation; e.g., policing, fire service, road clean-up, and/or traffic management.

### 3.10 Commercial Weddings

The use of the ALR for commercial weddings is considered a non-farm use which requires approval of the ALC. Where a farm has received non-farm use approval from the ALC, the local government may require a rezoning or temporary use permit. Temporary use permits are the preferred method of dealing with this use as the local government can place additional controls on the use that are not possible through zoning. These requirements could include hours of operation.



### 3.11 Bistros and Restaurants

Bistros, cafes and restaurants are considered in most cases non-farm uses which require non-farm use approval of the ALC. Under specific criteria in the ALR USP Regulation however, winery, brewery, cidery, distillery, and meadery lounges are permitted which do not require non-farm use approval.

## 4.0 Ministry contact information

Stakeholders are welcome to provide feedback on the content of this discussion by email or letter.

**Email:** AgriServiceBC@gov.bc.ca  
**Mailing Address:** Ministry of Agriculture, Strengthening Farming Program  
1767 Angus Campbell Road  
Abbotsford, B.C. Canada V3G 2M3

# **Regulating Agri-Tourism, Agri-tourism Accommodation and Farm Retail Sales in the Agricultural Land Reserve Minister's Bylaw Standard**

The Ministry of Agriculture (Ministry) has prepared a discussion paper (white paper) to seek local government input into a draft Minister's Bylaw Standard to assist local government bylaw development regulating agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve (ALR). The September 2015 Discussion Paper including the proposed Minister's Bylaw Standard may be accessed by clicking on the following link:

September 2015 Discussion Paper

Local governments are invited to submit comments to the Ministry by email or letter to the following address:

**Email:** [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)  
**Mailing Address:** Ministry of Agriculture, Strengthening Farming Program  
1767 Angus Campbell Road  
Abbotsford, B.C. Canada V3G 2M3

The consultation on the proposed Minister's Bylaw Standard is now open and will close at midnight PST, **November 30, 2015**. Based on the input received, Ministry staff will prepare any necessary revisions and submit it for the Minister's approval. If approved, the definitions and bylaw standard criteria in Part 4 of the document will be incorporated in the Ministry's 'Guide for Bylaw Development in Farming Areas' pursuant to Section 916 of the *Local Government Act*.

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Resources: Photo of Bylaw Guide with *Guide for Bylaw Development in Farming Areas* link

Useful Contacts: Have a question about agriculture in B.C.? Call or email. Telephone: 1 888-221-7141  
[AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**Ministry of Agriculture  
BRIEFING NOTE FOR MINISTER FOR DECISION**

Ref: 181385

Date: June 5, 2015

**Issue:** Establishment of Minister's Bylaw Standard on Agri-Tourism and Farm Retail Sales

**Background:**

Under the *Farm Practices Protection (Right to Farm) Act*, the Minister has the ability to establish standards under section 916 of the *Local Government Act* to guide local government bylaw development. Local government staff find the standards useful in the development of bylaws that are supportive of farming. This is part of an ongoing process lead by the Strengthening Farming Program with involvement by the Ministry of Agriculture (AGRI), Agricultural Land Commission (ALC) staff, BC Farm Industry Review Board staff and Ministry of Community, Sport and Cultural Development staff.

The most recent Minister's Bylaw Standards to be established include "Siting and Size of Residential Uses in the ALR", "Audible Bird Scare Devices" and "Combined Heat and Power Generation at Greenhouses in the ALR".

**Discussion:**

In recent years, AGRI staff have worked with the agri-tourism industry with input from the ALC to develop a standard to provide greater clarity around farm-based tourism activities. Based on earlier work, a draft Minister's Bylaw Standard was submitted to the Minister for consideration in 2010. That work was tabled to allow for a larger review by the ALC Chair to be completed and the issue was subsequently shelved in 2012 due to a lack of urgency to create the standard.

The Municipality of North Cowichan wrote Minister Pimm on October 28, 2013 requesting AGRI and ALC develop policy on the regulation of agri-tourism within the Agricultural Land Reserve (ALR). A response was sent March 17, 2014 indicating that the Minister would consider the request. While the issues facing many local governments in relation to agri-tourism have not changed significantly since 2010, there is raised interest in guidance for clarity and consistency within local government bylaws across the province as local governments report some difficulty in distinguishing between agri-tourism and non-farm uses, causing frustration for the public, farmers, and local government staff.

As a result of the Municipality of North Cowichan raising this issue, staff restarted the process to complete a Minister's Bylaw Standard on Agri-Tourism. Consultation for this standard was co-joined to the outreach undertaken in 2014 via the consultation on the ALR. Specifically, Question 10 of the ALR consultation was "*Should greater clarity be provided on what constitutes an agri-tourism activity that is allowable in the ALR without an application, and if so what parameters should be established?*" Based on the responses received, local governments were strongly in support of developing greater clarity regarding agri-tourism, especially around what constitutes "temporary" and "seasonal". It should be

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Staff believe that AGRI has received sufficient input from the agri-tourism industry and other stakeholders to proceed with a Minister's Bylaw Standard. Therefore, staff are seeking approval of the Minister's Bylaw Standard as per the attached appendices outlined below:

**Appendix A: Current Regulations and Issues Considered:** this appendix details the current regulations that already define agri-tourism in the ALR and other applicable issues that were considered in drafting the bylaw.

**CONFIDENTIAL  
ADVICE TO MINISTER**

**Ministry of Agriculture  
BRIEFING NOTE FOR MINISTER FOR DECISION**

**Appendix B: Minister's Bylaw Standard for Agri-tourism and Farm Retail Sales:** this document details the agri-tourism standard for approval. This standard will be published in the *Guide for Bylaw Development in Farming Areas (Guide)*; that is, Appendix B it is not a stand-alone document. This appendix illustrates how the draft standard may look in the *Guide*; please note the *Guide* will be reviewed by GCPE so minor changes to formatting and look may occur. Also, this appendix contains acronyms that are defined elsewhere in the *Guide*.

**Appendix C: The *Guide for Bylaw Development in Farming Areas*:** this draft AGRI publication will be updated to include the details in the standard outlined in Appendix B if approved. This *Guide* will not be released until after the new ALC regulations and the Standard for Medical Marijuana are made public and the *Guide* has been vetted by GCPE.

**Options:**  
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**Approved / Not Approved**

\_\_\_\_\_  
Honourable Norm Letnick, Minister

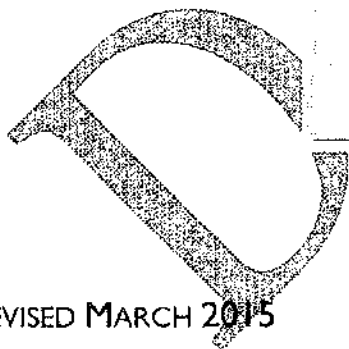
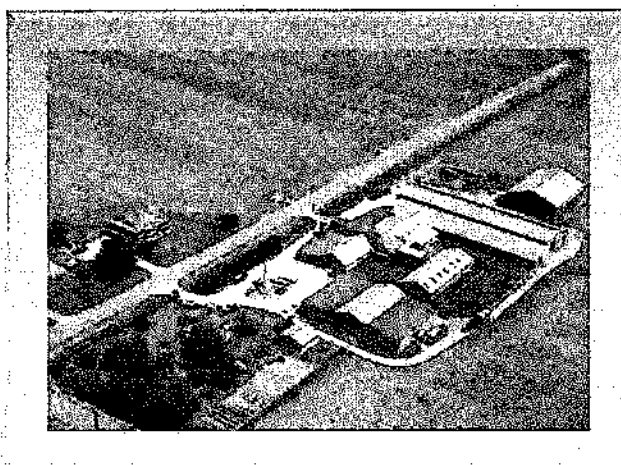
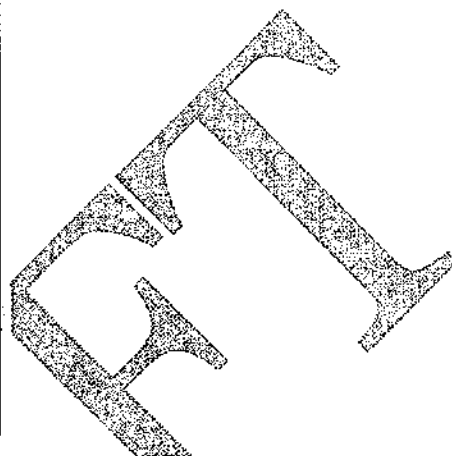
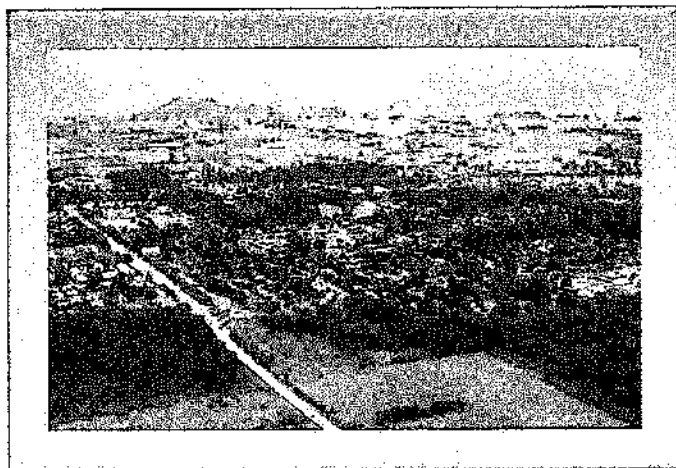
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Date Signed

Contact: Brenda Lennox, A/ Senior Manager, Strengthening Farming Program; 250 356-2945

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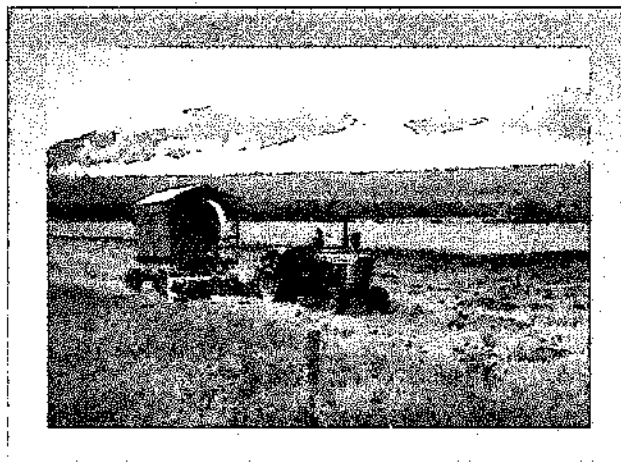
# GUIDE FOR BYLAW DEVELOPMENT IN FARMING AREAS



REVISED MARCH 2015



Ministry of  
Agriculture



DRAFT

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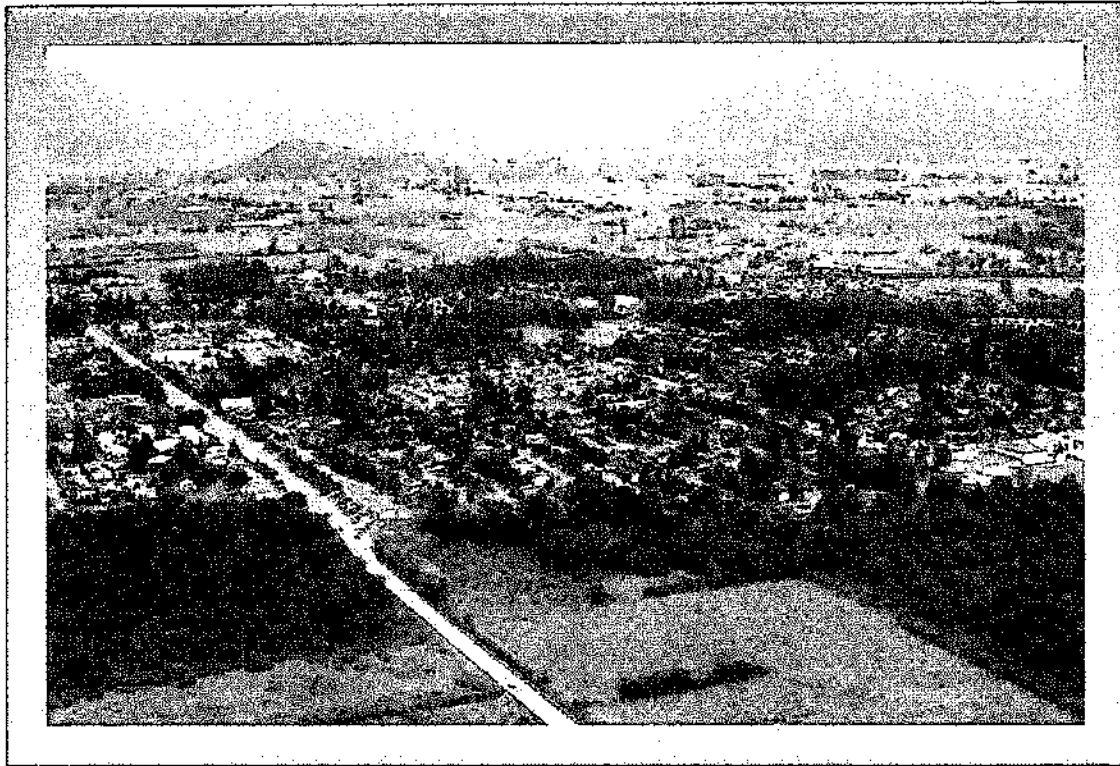
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# Part I Introduction



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## 1.1 What is the purpose of this guide and what are Minister's Bylaw Standards ?

The challenge of preserving farming in British Columbia grows with each passing year. Only 5% of the province is in the Agricultural Land Reserve (ALR). These lands face increasing pressure not only from urban development but also from competing resource uses.

Local government plans and bylaws have a critical role to play in developing a fair and supportive regulatory climate for agriculture and aquaculture. With this understanding, several planning opportunities for farming are in place for local governments in accordance with the *Farm Practices Protection (Right to Farm) Act* (FPPA), the *Local Government Act*, and the *Land Title Act*. The *Local Government Act* is the most relevant to this guide because it allows for the creation of provincial standards that will assist local governments in their planning and regulation of farming areas under Section 916(2). This guide also describes Farm Bylaw powers available to local governments under Section 917. For more information on relevant legislation, please [click here](#).

The *Guide for Bylaw Development in Farming Areas* offers standards for developing and amending bylaws affecting farming areas (land in the ALR, land zoned for agriculture, and land affected by a valid and subsisting aquaculture license under the *Fisheries Act*). It also provides general information for handling other planning issues involving agriculture.

### About the authors

This Guide is produced by the Strengthening Farming Program of the Ministry of Agriculture (AGRI). This program works with local governments and the agriculture industry to:

- strengthen farming in a manner that takes agricultural and urban interests into account,
- ensure farming's place in planning processes, and
- ensure farmers and ranchers can continue to operate in the ALR.

The Program has two components: farm practices protection and local government planning for agriculture. The *Farm Practices Protection Act* gives protection to farmers from nuisance suits and local bylaws. It established the Farm Industry Review Board as a mechanism to resolve complaints about farm practices.

The *Land Title Act* allows approving officers to consider the buffers and road pattern of subdivisions near farmland. The *Local Government Act* encourages policy plans and zoning bylaws that support farming. It also adds a role for the Minister of Agriculture to establish bylaw standards to guide local governments.

These two components expand on the Provincial interest in protecting farmland through the creation of the Agricultural Land Reserve in 1973. For more information, visit the Strengthening Farming website at:  
<http://www.al.gov.bc.ca/resmgmt/sf/>

### What is agriculture?

The terms agriculture and farming are used interchangeably in this document. Agriculture is the use of land, buildings, and structures for any of the following:

1. growing, producing, raising or keeping animals and plants, including apiculture, poultry and the growing of mushrooms and the primary products of those plants or animals, but does not include the breeding of pets or operating a Kennel;
2. cultivation in plantations of any specialty wood crops or specialty fibre crops prescribed by the Minister responsible for Agriculture;
3. turf production with approval under the *Agricultural Land Commission Act*, if required;
4. raising or keeping of farmed game by a person licensed to do so under the *Game Farm Act*;
5. raising or keeping of fur-bearing animals by a person licensed to do so under the *Fur Farm Act*;
6. raising or keeping of exotic animals prescribed by the Minister responsible for Agriculture;
7. a British Columbia licensed winery or cidery, provided that the use is in accordance with all conditions in the *Agricultural Land Commission Act*, as amended from time to time and all regulations or orders pursuant thereto;
8. the following farm activities to enable uses (1) to (7) above of the farm on that Lot:
  1. clearing, draining, irrigating, or cultivating land;
  2. using farm machinery, equipment, devices, materials, and structures;
  3. applying fertilizers, manure, pesticides, biological control agents, including ground and aerial spraying; and
  4. storage of Agricultural Products and the products of On-farm Processing and On-farm Product Preparation.

This definition is based on the activities considered farm uses in the ALR Use, Subdivision and Procedure Regulation. More definitions are located in Part 4 of this guide.

These standards, also known as the Minister's Bylaw Standards, relate mainly to zoning bylaws. The standards are written such that they can be adapted to any farming area, although there is likely to be variation in the way they are utilized, depending on the needs of different local governments.

The Strengthening Farming Program is continually updating the existing standards and creating new ones. Please get in contact with Ministry staff if you have questions about whether your bylaws meet these standards or to suggest edits or new standards. Also, whenever possible, please refer new draft or proposed bylaws affecting farming areas to the Strengthening Farming Program for comment so that they can ensure these standards stay current.

Local governments are encouraged to adopt these standards to promote consistency amongst local governments for the benefit of the farming community. However, communities regulated under Section 918 of the Local Government Act are expected to comply with these standards and also have the ability to utilize Farm Bylaw Standards, which are Minister's Bylaw Standards for regulated communities. Part 3 of this guide provides more information on that topic.

## 1.2 Why are Minister's Bylaw Standards Important ?

Today, farming occurs in almost every settled part of BC, and much of this activity takes place next to urban and suburban areas. However, most British Columbians no longer have direct contact with a farm or with the farm community. As a result, their views about farming may be based on more traditional concepts of rolling green fields and idyllic life-styles. The reality of farming is often very different. Farms today range in size from small or moderate, to very large business operations. These operations generate income for farming families, put millions of dollars and thousands of jobs annually into the local economy, provide high quality food, and contribute to the well-being of British Columbians. Like all businesses, farms require a significant commitment of resources and expertise from their owners.

Some farming activities may generate what is perceived by the non-farming community as disturbances, even though they may be normal and widely-accepted farming activities. Such activities can include noise from machinery, bird-scaring equipment, frost protection *wind machines*<sup>1</sup>, bright lights in greenhouses, odours from manure spreading, and the spraying of crops. Even the utilitarian farm buildings and structures can be perceived as a disturbance, such as when they block neighbours' views. However, these activities, buildings, and structures are necessities of farming and are a part of agricultural production, wherever we find it.

Currently, BC produces the equivalent of about one-half of the province's food requirements. There is a tremendous potential to expand the province's agricultural output so that it plays a greater role in feeding British Columbians and in enhancing the prosperity of farm families and communities across the Province. In order to accomplish this goal, our farmers need to be able to use farmland and water efficiently and effectively without unnecessary or unfair restrictions. It is important that we create a stable environment for the farming community to encourage long term commitment and investment. The Minister's Bylaw Standards have been created for this purpose.

Although the responsibility for community planning is delegated to local governments, the Minister of Agriculture is responsible for ensuring that local government bylaws respect the provincial interest in *agriculture* and *aquaculture*. Therefore, AGRI and Agricultural Land Commission staff work with local governments during planning and bylaw processes, create standards to guide local governments in bylaw development in farming areas, and facilitate ministerial review and approval of bylaws.

In broad terms, the provincial interest in local government planning and bylaws relative to *agriculture* and *aquaculture*, can be defined as follows:

- Protecting BC's present and future *agriculture* resource base for food production and other farming uses;

<sup>1</sup> Terms in italics are defined in Part 4 - Definitions

### Looking for more information on planning for agriculture?

For more information on best practices, check out *Planning for Agriculture*, published by the ALC and AGRI's Planning for Agriculture webpage: <http://www.al.gov.bc.ca/resmgmt/sf/planag/index.htm>

- Ensuring that farming and *aquaculture* receive fair and consistent treatment in local government planning and bylaw processes, and encouraging local governments to plan effectively for these industries;
- Protecting farmers and aquaculturalists operating under "normal farm practices" from unwarranted nuisance suits or court injunctions and encouraging compatibility between farming and other land uses to reduce conflicts;
- Ensuring that farmers utilize sustainable practices.

Ensuring compatibility between different land and resource uses requires a shared vision based upon partnerships, where settlement and resource planning are integrated in a meaningful way. One of the goals of this guide is to encourage strong partnerships between the Province, local governments and the farming industries so that all groups can develop a common vision for the long term sustainability of BC farming.

### 1.3 How is this guide organized ?

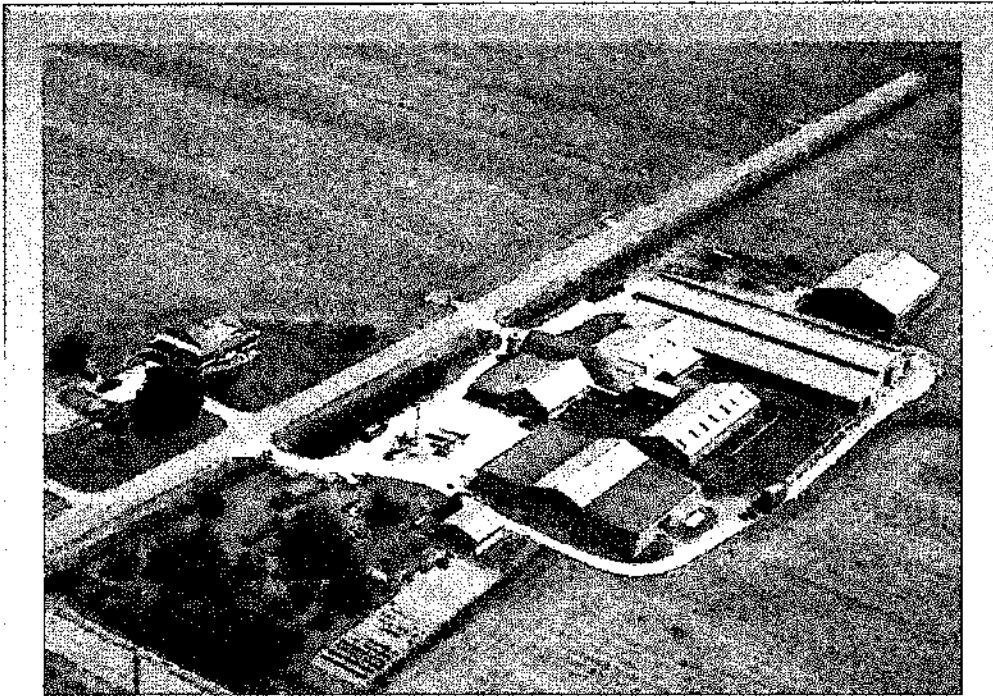
This guide is divided into four sections:

- **Part 1: Introduction**
  - This section explains the purpose of the guide and why it is important.
- **Part 2: Minister's Bylaw Standards**
  - The second section covers how the standards were developed, how to use them, and includes the standards themselves.
- **Part 3: Farm Bylaw Standards For Regulated Local Governments**
  - The third section discusses Farm Bylaws Standards and the other tools available only to local governments that have been regulated under Section 918 of the *Local Government Act*.
- **Part 4: Definitions**
  - The fourth section provides definitions relevant to *agriculture* for use by local government planners when writing bylaws.

The information in previous versions of the Guide that related to specific agricultural commodities, activities and issues has been moved to the Ministry of Agriculture's Farm Practices Reference Guide where it is dealt with in greater detail.



# Part 2 Minister's Bylaw Standards



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## 2.1 How should local governments use the Minister's Bylaw Standards ?

The Minister's Bylaw Standards have been created to promote consistency among local governments in their treatment of farming activities and to minimize conflict around agricultural uses. They are intended to guide the development of local government bylaws in *farming areas*.

All local governments are encouraged to incorporate these standards into their bylaws. However, communities regulated under Section 918 of the *Local Government Act* are expected to achieve consistency with the Bylaw Standards. They also have the ability to regulate and even prohibit farming and farm practices in identified areas subject to the approval of the Minister responsible for the *Farm Practices Protection Act*. Part 3 of this guide provides more information on that topic and s. 903(5) and 915-918 of the *Local Government Act*.

Those that are not regulated under Section 918 should consider the possible application of the standards (in Part 2) and are required to adhere to Section 915 of the *Local Government Act*, which allows intensive agricultural uses in the Agricultural Land Reserve (ALR) regardless of whether or not these uses are permitted by the applicable zoning bylaw. The Ministry of Agriculture (AGRI) and the Agricultural Land Commission (ALC) are available upon request to provide assistance and advice on bylaws and plans that affect *farming areas*.

Please get in contact with the nearest Regional Agrologist if you have questions about whether your bylaws meet these standards or to suggest edits or new standards. Also, whenever possible, please refer new draft or proposed bylaws or bylaw amendments affecting *farming areas* to the AGRI Strengthening Farming Program for comment so that they can ensure the current standards are used.

## 2.2 Can a local government vary from the Minister's Bylaw Standards ?

These standards are designed to encourage a wide variety of farming opportunities in *farming areas* across the province. However, there may be instances when local governments wish to vary from them. When this occurs, the local government should first contact the AGRI Strengthening Farming Program to discuss the situation and consider:

1. the existing situation and why the current standards are not adequate or appropriate;
2. the impact of variation on existing and future *farm operations* such as the elimination of potential production areas or the creation of a non-conforming situation for existing farms;
3. possible mitigation measures to ensure that farming potential is not lost as a

- result of variation from the standards;
- 4. the most effective regulatory tool to use to obtain the desired result.

There are two basic ways to vary from the standards:

- a. moderate variation allowing the local government to more closely address the needs of a certain area are applied to a Zoning Bylaw, or through use of a development variance permit;
- b. substantial variation focussed on restricting *farm operations* can be dealt with by using a Farm Bylaw, for which a local government would first need to be regulated under section 918 of the *Local Government Act*.

If it is determined that variation is needed, consultation with the farming industry, AGRI and Agricultural Land Commission staff should occur during bylaw development.

## 2.3 How are the Minister's Bylaw Standards developed ?

The Minister's Bylaw Standards were first created in the late 1990s and today, the Strengthening Farming Program continually updates existing standards and creates new ones. This process involves the following activities:

- 1. reviewing relevant provincial and federal legislation to ensure that the standards and definitions are consistent with other legislation;
- 2. reviewing Zoning Bylaws from various parts of the province and documenting the definitions and standards being applied to *farming areas*;
- 3. holding meetings and workshops with the BC agricultural industry, local government staff and other stakeholders to discuss realistic standards;
- 4. reviewing ALC policies and AGRI's Farm Practice Reference Guide.

Various factors are considered during the development of the standards to ensure that they encourage a wide variety of farming opportunities in the ALR and promote long term compatibility between differing land uses. These factors include:

- 1. **The agricultural capability of farming areas.** With only 5% of the provincial land base in the ALR, it is important that further regulation of this land base does not hinder farming, its intended primary use. Therefore, the standards have been developed to allow the largest number of agricultural options over the largest area of the ALR, now and in the future. Given the important role of non-soil based *agriculture* in BC, agricultural capability is *not determined* solely by soil quality and climate. Parcel size, proximity to markets, local government regulations, and the presence of Crown land can also influence the types of farms that are possible in a specific area.
- 2. **The need for a range of setback distances.** These dimensions have been

established to:

**a. minimize non-conformity**

Setback distances from lot lines for farm buildings and structures vary among local governments. In order to minimize the creation of uses that do not conform to existing bylaws, a range in certain bylaw standards is indicated. For example, some setback standards are set at 15-30 metres. Establishing a setback anywhere within this range will be considered consistent with the standard.

**b. take different commodities into account**

For example, the setback for a closed principal farm building housing poultry from an exterior lot line may be set at 15 metres, while the setback for an open confined livestock area for beef from an exterior lot line may be more appropriately set at 30 metres.

**3. Other farm-related factors commonly dealt with in Zoning and other Local Government Bylaws**

- definitions
- minimum parcel size
- lot coverage
- type of farm use, *building, structure* or area
- lessening impacts along *agriculture's* interface with differing land uses<sup>2</sup>
- setback distances
- *stormwater* management
- *height of buildings*
- irrigation
- off-street loading and parking
- *on-farm composting*
- on-site domestic sewage systems
- *open burning*
- residential uses
- waste management

## 2.4 The Minister's Bylaw Standards

### 2.4.1 Zoning Designations

The principal intended use within the ALR is *agriculture*. Zoning should reflect this understanding and, wherever possible, a *single* agricultural zone should be applied to the ALR.

There may be situations, however, where more than one zone is necessary. Some examples include where there are significantly different agricultural landscapes, such as floodplains and upland areas, or where non-farm uses (either old uses or newer ones which have been approved by the ALC ) are present. Non-farm uses that may require accommodation include cemeteries, parks, fire halls, and schools. When non-agricultural zoning is required to reflect non-farm uses, the zone should be as specific as

<sup>2</sup> The BC Ministry of Agriculture advocates shared responsibility between the urban and farm side of the interface. Urban-side edge planning should not be undertaken without also implementing farm-side edge planning and vice versa. Farm-side edge planning is available only to regulated local governments. See the Guide to Edge Planning for more information.

possible in order to prevent further encroachment of non-farm uses on agricultural land, even to the point of split-zoning the lot.

## 2.4.2 Permitted Uses

In accordance with ALC policy and regulations, the following uses or *structures* should be permitted in a *farming area*:

1. *Agriculture*;
2. Single Family Dwelling (see Section 2.4.6 and Appendix A for more resources on regulating the siting and size of residential uses in the ALR);
3. Accessory Dwelling for Farm Workers (Refer to ALC Policy #9/2003);
4. *Temporary Farmworker Housing* (see Section 2.4.10 for standards relating to *Temporary Farmworker Housing* and Appendix A for more resources on the standards); and
5. *Agri-tourism* (see Section 2.4.9 for standards relating to *Agri-tourism* and Appendix A for more resources on the standards).

The following accessory uses can be permitted in the ALR by a local government:

6. Accessory Home Occupation Use  
(Refer to ALR Use, Subdivision and Procedure Regulation and Policy #7)
7. Accessory Bed and Breakfast Use  
(Refer to ALR Use, Subdivision and Procedure Regulation and Policy #6)
8. Accessory Agri-tourism Accommodation  
(Refer to ALR Use, Subdivision and Procedure Regulation and Policy #5)
9. Direct Farm Marketing Uses  
(Refer to ALC Policy #2/2003)

The following uses may also be permitted where there is some commodity production on lots which make up a *farm unit* and if ALR regulations are met or approval from the ALC is obtained:

- a) *On-Farm Composting Use* (see ALR Use, Subdivision and Procedure Regulation)
- b) *On-Farm Processing Use* (see ALR Use, Subdivision and Procedure Regulation)
- c) *On-Farm Product Preparation Use*
- d) *On-farm soil-less medium production Use*
- e) *On-Farm Storage Use*

NOTE: Non-farm uses should not be permitted unless approved by the ALC. If various non-farm uses are listed in a bylaw as potentially acceptable, a note should be provided to advise the reader that ALC approval is still required.

NOTE: Local governments may require business licences for Medical Marihuana Production Facilities.

## 2.4.3 Off-Street Loading and Parking

When any *farm building* or *farm structure* is being erected or enlarged and off-street loading areas are required, an area for off-street loading should be provided on the same site as the *building* or *structure*. Each off-street loading site should have vehicular

access to a public *street* or *lane*. The length of the loading space must be such that a vehicle in the process of loading or unloading does not project into any *street*, *lane* or public thoroughfare. Off-street loading spaces and parking facilities should not be required to be covered by a permanent, impervious surface. Permeable surfaces should be allowed.

Off-street parking facilities should be adequate enough to service the farm and address all activities conducted on the farm, including the provision of sufficient parking for employees and, where applicable, customers.

Off-street parking spaces should be required for all commodities that undertake *direct farm marketing* and provided in accordance with the following standards:

Produce Stands:	One (1) parking space per 20 square metres of <i>direct farm marketing area</i> .
Greenhouses:	One (1) parking space per 15 square metres of <i>direct farm marketing area</i> .
Nurseries:	One (1) parking space per 20 square metres of <i>direct farm marketing area</i> .

## 2.4.4 Minimum Lot Size

### 2.4.4.1 Minimum Lot Size for Subdivision

Minimum lot size provisions for land in the ALR will vary by region. Subdivision should be considered only where it will enhance farming opportunities.

Assigning a minimum lot size to ALR land will vary depending on the area of the province as what may be relevant in one area may be inappropriate elsewhere. There are many instances where land has been divided into smaller parcels than is helpful for agriculture in most regions of the province. Since small parcel sizes may limit the range of agricultural uses, it is recommended that local governments establish the largest possible lot size for land in the ALR. This will provide for a wider range of farming opportunities and discourage expectations for subdivision in the future. Wording that could be incorporated into a bylaw is suggested below.

*"Where land is in the agricultural [or other] zone and in the ALR, the minimum lot size of [ ] hectares shall apply when the land is:*

- *excluded from the ALR; or*
- *approved for subdivision within the ALR pursuant to the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission; or*
- *exempted by the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission."*

This wording is based on that found in the ALC publication ALR and Community Planning Guidelines.

#### 2.4.4.2 Minimum Lot Size for Specific Commodity Use

Minimum lot size requirements for a specific commodity in the ALR should not be required. Concerns regarding specific commodities can be addressed by the existing lot size and by meeting criteria such as adequate setbacks, maximum lot coverage, and adherence to normal farm practices and environmental standards established through legislation such as the *Environmental Management Act*, *Integrated Pest Management Act*, and *Public Health Act*. In that way, a wider range of options for agricultural activities is possible. Additional tools in the form of a Farm Bylaw (see Part 3) are also available to address nuisance concerns. For example, instead of requiring a specified lot area or number of animals per hectare, a local government could use a Farm Bylaw to specify *manure* management techniques.

#### 2.4.5 Lot Coverage

Bylaws should not restrict the area of a lot which may be covered by *buildings* and *structures* for farm use, to an area less than 35% or less than 75% for *greenhouses*.

*Confined livestock areas* related to a primary use are included in the lot coverage restriction.

##### 2.4.5.1 Lot Coverage Exclusions

The following *farm structures* should be exempt from lot coverage restrictions:

1. permeable *detention ponds*;
2. support *structures* used for shading, frost and wind protection, netting, or trellising.

Residential lot coverage is not included in the 35/75% restriction and should be restricted by being contained within a *farm residential footprint* as discussed in Section 2.4.6 and in the paper *Regulating the Siting and Size of Residential Uses In the ALR* (see Appendix A).

##### 2.4.5.2 Stormwater and Agricultural Liquid Waste Management Plans

Where the total impervious area of *farm buildings* and *structures* exceeds 3,700 square metres (approximately 40,000 square feet) or covers more than 10% of a lot or contiguous lots, *stormwater* and *agricultural liquid waste* management plans should be considered and developed as necessary.



## 2.4.6 Siting and Size of Residential Uses

This part outlines criteria for the regulation of residential uses in the ALR. The purpose and goals of regulating the siting and size of residential uses served as a foundation for creating the criteria and include:

- a) not restricting agricultural activities;
- b) directing the largest residential uses in a community to non-farming areas;
- c) minimizing the impact of residential uses on farm practices and farming potential in farming areas;
- d) minimizing loss and/or fragmentation of farmland due to residential uses; and
- e) minimizing the impact of residential uses on increasing costs of farmland.

Information from the consultation process helped build the criteria along with AGRI and ALC staff input, which served to add a broad-based perspective. It is acknowledged that different communities have different circumstances. Please see Appendix A for further resources on the development of the standards.

### 2.4.6.1 Options for reducing residential impacts

Three options have been identified for addressing residential impacts. These are:

- regulating the siting of residential uses,
- restricting the size of the *farm residential footprint*, and
- restricting the size of the *farm residence*.

Regulating the siting of farm residential uses is likely the simplest, most effective method of limiting the negative impacts of residential uses on farming in the ALR. Requiring residential development to be located adjacent to the road frontage, in most cases, provides the greatest protection for agricultural areas, by reducing potential conflicts between farm and residential uses, thereby improving farm efficiency. Residential development can also make the use of farm equipment and farm management more difficult and inefficient on that lot.

Restricting the size of the *farm residential footprint* has a greater impact on the alienation of farmland than the actual *residence* size and is the second most important criteria. While limiting the size of the *residence* does have a significant benefit in reducing the impact on farmland prices, it is considered to be of lesser importance compared to the siting of residential uses and the size of the *farm residential footprint*.

### 2.4.6.2 Siting of Farm Residential Uses

The siting of residential uses involves both siting of the *farm residence* as well as the *accessory farm residential facilities*. Generally, a simple maximum setback from the roadway is used together with the minimum setbacks to the *lot lines* already in a local government's zoning bylaw. It is recommended that the setback for the *farm residential footprint* be larger than that for the *farm residence* to allow for a backyard and to avoid farming right up to the back wall of the *residence*. The maximum setback for the *farm residence* would be measured to the back wall (farthest from the road frontage). If a

property has more than one *lot line* with road frontage, then the setbacks would be measured from one road frontage only, at the owner's choice.

#### 2.4.6.3 Size of Farm Residential Footprint

Three general approaches have been identified for limiting the size of the *farm residential footprint*:

- a) The preferred approach is to establish *farm residential footprint size* commensurate with urban or suburban lot areas. At present, density provisions in most land use bylaws are related to lot size. Because lots are generally larger in rural areas, larger *residences* can generally be built in such areas. Accordingly, the largest residential uses in a community are commonly directed to the ALR. Bearing in mind that the priority use in the ALR is farming, permitted residential development should be no larger than that permitted in zones specifically set aside for residential development. The maximum *farm residential footprint* in the ALR should be less than or, at least, not more than, that permitted in other zones in the community where the primary use is residential. However in some communities, the *urban area* lot sizes are much smaller than what would be considered appropriate in rural areas. There may not be significant rural areas outside the ALR to serve as an alternative to locating in the ALR. In this case, placing a cap on residential footprint size in the ALR will place limits on the development of country estates on farmland even if the cap is larger than the lot sizes typically available in *urban areas*.
- b) Establish *farm residential footprint size* as a percentage of the lot size (within limits). Many local governments limit house size in *urban areas* using lot coverage. In rural areas, local governments have used lot coverage to limit the area covered by *farm buildings*. The same approach could be used to restrict *farm residential footprints*, although limits will be required to ensure a minimum sized footprint is possible on very small parcels and a maximum sized footprint is imposed on very large parcels so that the impacts on farming are minimized. Another option would be to set footprints based on parcel size, for example, smaller footprints on parcels less than 8 hectares.
- c) Set a specific *farm residential footprint*. Setting a single footprint size would provide greater consistency between communities and across the province.

#### 2.4.6.4 Size of Farm Residence (House Size)

The same three approaches described for *farm residential footprint* could be applied to house size.

#### 2.4.6.5 Criteria

These criteria are recommended as the minimum level of regulation by a local government. Local governments can choose to be more restrictive of residential uses in the ALR. Local governments may choose to be less restrictive in areas outside the ALR, in part to encourage the largest residential uses to be located outside the ALR.

### 2.4.6.5.1 Maximum Road Setbacks (Siting)<sup>3</sup>

The *farm residential footprint* is to be located close to the *street* (public road), either at the front (*front lot line*) or the side (*exterior lot line*), if it is a corner lot.

1. The maximum setback from the *front lot line* to the rear or opposite side of the *farm residential footprint* is 60 metres, and
2. The maximum setback from the *front lot line* to the rear of the *principal farm residence* or *additional farm residence* is 50 metres to allow for a 10 metre deep back yard.
3. Lots narrower than 33 metres are exempted from the 60 metre maximum setback (for the *farm residential footprint*) from the *front lot line*, however, the footprint must fill the front of the lot to a maximum of 2000 m<sup>2</sup> (refer to Figure 2). There is no exemption for the 50 metre maximum setback for the *residence*.
4. Lots greater than 60 hectares<sup>4</sup> are exempted from the maximum road setbacks for the *residence* and the *farm residential footprint*.

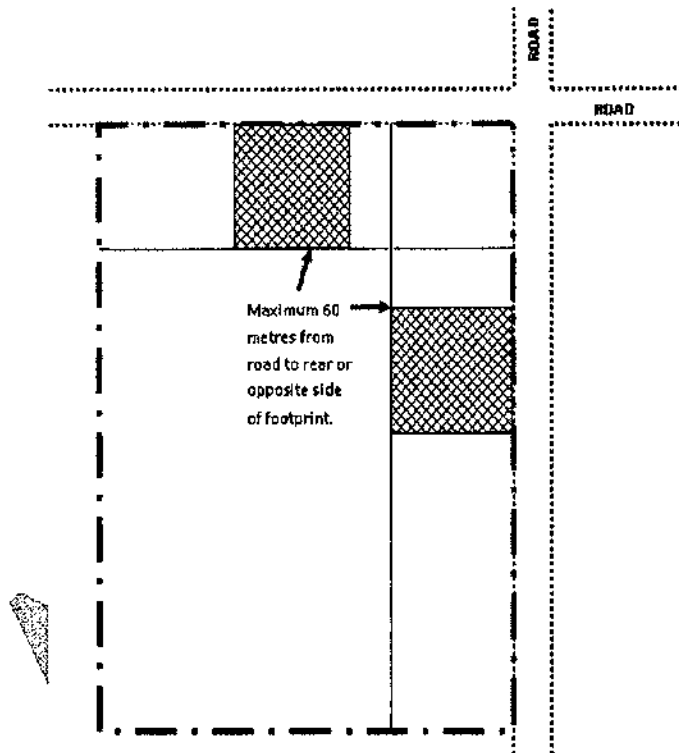


Figure 1 Maximum Road Setbacks

<sup>3</sup> In cases where a property owner cannot meet the maximum road setbacks due to parcel configuration, steep slopes, access to utilities etc, an application can be made for a Development Variance Permit or an appeal made to the local government's Board of Variance. Use or density changes would require a rezoning application. Suggested criteria for variance are in Appendix A.

<sup>4</sup> This exemption recognizes that large lot sizes minimize farm practice issues and the area is likely to be very rural.

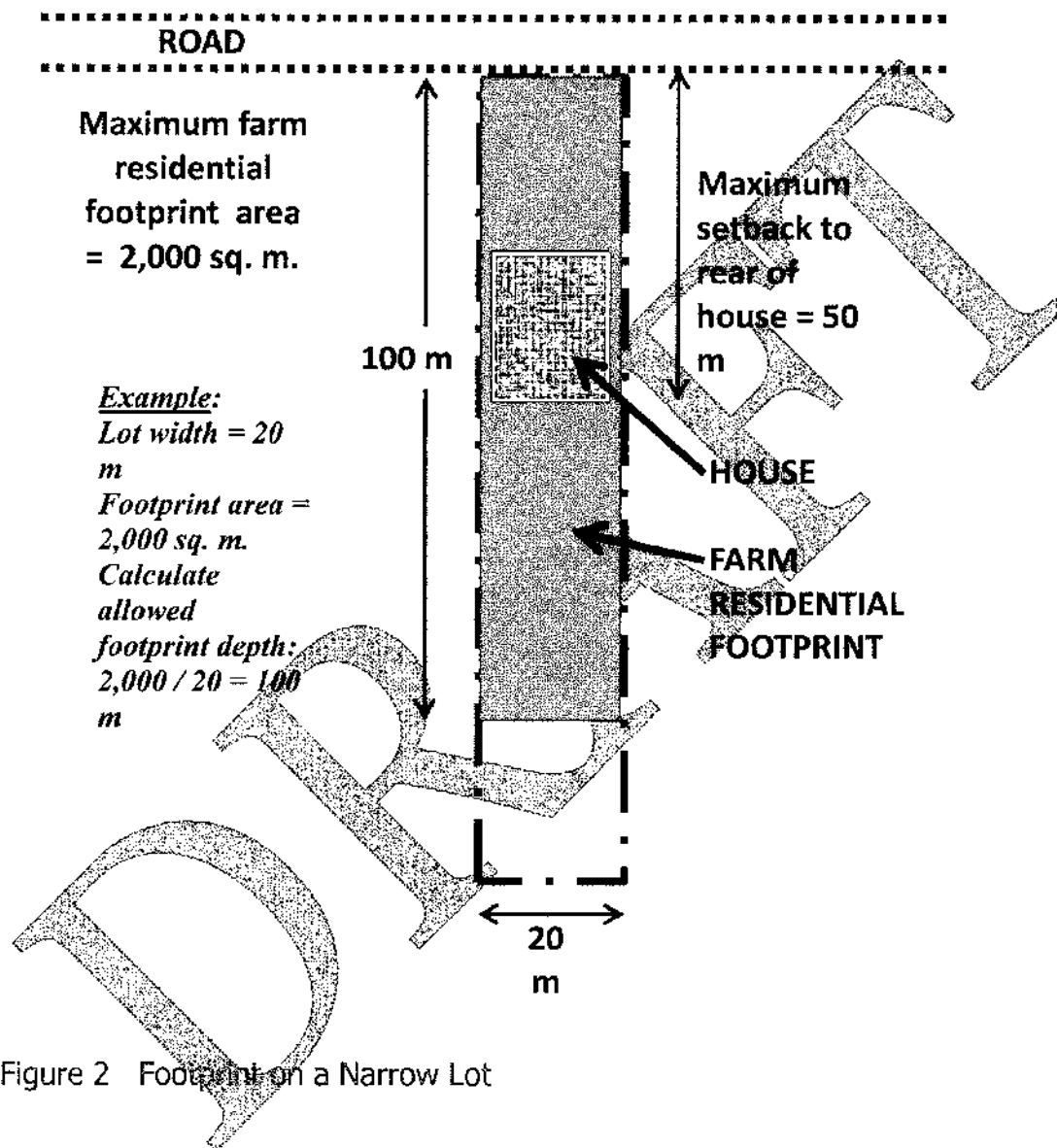


Figure 2 Footprint on a Narrow Lot

#### 2.4.6.5.2 Farm Residential Footprint Size<sup>5</sup>

The maximum size of the *farm residential footprint* is:

- a) the lesser of a footprint commensurate with *urban areas*; or
- b) 2,000 m<sup>2</sup>; plus
  - a. 1000 m<sup>2</sup> for each *additional farm residence* where permitted; plus
  - b. 35 m<sup>2</sup> for each *temporary farm worker housing space* where permitted.

#### 2.4.6.5.3 Maximum Floor Area-Farm Residences

The Minister's Bylaw Standard does not include size restrictions for the *floor area-farm residences*. However, the following is offered as a suggestion where local governments wish to include these restrictions in their bylaws.

The maximum *floor area-farm residence(s)* is the lesser of a floor area commensurate with *urban areas* or:

- a) 500 m<sup>2</sup> for *principal farm residence*;
- b) 300 m<sup>2</sup> for each *additional farm residence* where permitted; and
- c) 15 m<sup>2</sup> for each *temporary farm worker housing space* where permitted<sup>6</sup>.

### 2.4.7 Height Limitations

Local governments are encouraged to exclude farm buildings from restrictions on height. Crop protection and support structures such as deer fencing, netting supports and trellises must be excluded from height requirements. If a local government wishes to restrict height of farm structures then the maximum building heights should be no less than:

Grain bins (including delivery equipment)	46 metres
Silos	34 metres
Combination Silo and Grain Storages	41 metres
Principal <i>livestock buildings</i>	15 metres
All other agricultural buildings	15 metres

These height limitations should be the minimum height restriction placed on *farm buildings* in a zoning bylaw. If a local government wishes to allow *buildings* higher than these or wishes to exempt these *buildings* from the height restrictions, then the zoning bylaw will still be considered in accordance with this section.

### 2.4.8 Setbacks

Appropriate setback distances can help prevent nuisance conflicts, protect natural resources, and safeguard human health. On the other hand, excessive setbacks can present serious challenges to farming operations. The standards in this section seek to strike a balance by recommending setbacks that are large enough to reduce conflict

<sup>5</sup> The *farm residential footprint size* is considered density and would require a rezoning application to vary.

<sup>6</sup> Federal programs allow 10 m<sup>2</sup> of useable floor area which excludes washrooms, laundry, mechanical and storage rooms.

between uses while still being reasonable and economical for *farm operations*. *Structures* for crop protection and support such as deer fencing, trellises and netting supports should be excluded from setback requirements in order to allow a *farm operation* maximal use of a property. However, the *farm residence* must comply with any setback requirements established by other government agencies such as the Ministry of Health and the Ministry of Environment. In addition, setbacks must be in compliance with building code and fire safety requirements. Minimum *lot line* setbacks would meet fire safety requirements between two parcels. Refer to section 2.4.6 for the Minister's Bylaw Standard regarding the siting and size of residential uses in the ALR.

#### 2.4.8.1 Setbacks from Edge Lot Lines

Setback distances along the *edge lot lines* have been established in the Ministry's Guide to Edge Planning. Setbacks are provided for both the *urban* and *agricultural* sides of the boundary.

#### 2.4.8.2 Setbacks from Farm Residences

Minimum setback distances have not been established between a *farm residence* and a *principal* or *accessory farm building* or *structure* on the same *lot*, other than those established for other purposes such as setbacks from a water supply.

#### 2.4.8.3 Setbacks from a Potential Flood Area

Due to the variable nature of British Columbia's land base and water bodies, no general standards have been established for flood proofing. Each municipality or regional district should contact the Provincial Regional Water Management Office for floodplain mapping information and flood proofing requirements. Where local and site-specific information is unavailable, the Ministry of Agriculture has developed a factsheet titled Flood Construction Levels and Setbacks for Farm Building Situations that aims to reduce injury and property damage in flood situations.

### Summary Table

Table 1 lists the *maximum* setback distances for *principal* and *accessory farm buildings, structures*, and facilities from *lot lines* and water supply intakes. The list of *farm buildings, structures*, and facilities may not be all inclusive, and alterations may be needed periodically.

**Table 1 Maximum\*\*\* Setbacks for Farm Buildings, Structures, and Facilities**

Building or Facility	From Lot Lines		From Domestic Water Supply Intake
	Front and Exterior Side	Interior Side and Rear	
<b>Principal Farm Buildings, Animal Containment, and Storages</b>			
Greenhouse (nursery, specialty wood & turf crops): including boiler room, header house, machine storage	7.5 m	4.5 m	30 m
Tree, vine, field, and forage crop storage; granary	7.5 m	4.5 m	
Apiculture: Bee hive; honey house	7.5 m	7.5 m	
Mushroom: barn	15 – 30 m *	7.5 m	
Livestock, poultry, game, or fur: barn, brooder house; fur farming shed; hatchery; livestock shelter; milking facility; stable, confined livestock area	15 – 30 m *	15 – 30 m *	
Free range poultry at a density of less than 1 animal unit	0 m	0 m	
Medical Marijuana Production Facilities	15-30 m	15-30 m	
<b>Accessory buildings, structures and facilities</b>			
Incinerator; silo	30 m	30 m	30 m
Generator shed	15 m	15 m	
Detention pond	7.5 m	4.5 m	
Grain and hay storage; silage storage in plastic bags; straw storage (non-composting materials)	7.5 m	4.5 m	
Machine storage and shelters, and accessory buildings, structures and facilities which are low risk for being potential sources of pollution	4.5 m	4.5 m	
Feeding area location in seasonal feeding area ****	n/a	n/a	
Boilers or walls with fans – all uses	15 m	15 m	
Horse riding rings and exercise yards where no feeding of animals occurs and where a vegetated buffer is provided in the form of a hedge between the ring or yard and neighbouring properties	0 m	0 m	n/a
Horse riding rings and exercise yards where no feeding of animals occurs and where no vegetated buffer is provided	4.5 m	4.5 m	n/a

Building or Facility	From Lot Lines		From Domestic Water Supply Intake
	Front and Exterior Side	Interior Side and Rear	
<b>Marketing, Processing, and Product Preparation Structures and Facilities</b>			
<i>Direct farm marketing</i>	7.5 m	4.5 m	30 m
<i>On-farm processing, on-farm product preparation</i>	7.5 m	7.5 m	
Winery and Cider processing facility	7.5 m	4.5 m	
<i>On-farm soil-less medium production</i>	15 m	15 m	
<i>Soil-less medium storage, wood waste storage</i>	7.5 m	7.5 m	30 m
<b>Waste and Chemical Handling</b>			
<i>Agricultural liquid or solid waste storage facility; solid agricultural waste (field storage**)</i>	30 m	30 m	
<i>Compost storage; on-farm composting</i>	30 m	30 m	
<i>Chemical storage</i>	7.5 m	7.5 m	
<i>Composting materials (non-manure storage)</i>	15 m	15 m	
<b>Medical Marijuana Production Facilities (MMPF)</b>			
Setbacks from Parks and Schools	150 metre maximum setback from MMPFs to Parks and Schools		
Setbacks from non-ALR Residential Uses	30 metre maximum setback from MMPFs to non-ALR Residential Uses with a buffer, or 60 metre maximum setback if a buffer is not employed.		
<p>* Range in setback distance allows for reductions for enclosed animal facilities and for narrower walls that are oriented to lot lines. Current bylaws may have setbacks within the range and thus, could remain unchanged and be consistent with these guidelines.</p> <p>** Field storage for more than 2 weeks.</p> <p>*** Local government zoning or development permit area criteria usually stipulate the “minimum setback” distance - which is the closest to the object a building or structure may be situated. An applicant may choose to locate his feature farther back. In order to minimize the effects on farming, these guidelines give the MAXIMUM setback distance that a local government should use in its bylaws. The dimensions are referred to as – “the setback distance”.</p> <p>**** Seasonal feeding areas are predominately covered by productive vegetation during the growing season.</p>			



#### 2.4.8.4 Setbacks from Watercourses

*Riparian vegetation* provides the following important features and functions for *watercourses*:

- preservation of large woody debris
- bank stability
- channel stability
- shade
- food and nutrients
- filtration

However, it is recognized that maintaining the large woody debris function in agricultural areas is typically incompatible with drainage requirements for free flowing, low-gradient *channelized streams* and *constructed ditches*.

Information on desirable native plant species used for riparian planting can be found in the 'Stewardship Areas' chapter of the Canada – British Columbia Environmental Farm Plan (EFP) Program Reference Guide and in supporting fact sheets available from the Ministry of Agriculture.

##### 2.4.8.4.1 Origins and Applicability

*Riparian vegetation* provides important habitat to support biodiversity. The *Riparian Areas Regulation* (RAR), enacted under the *Fish Protection Act*, calls on local governments to protect *riparian areas* during residential, commercial, and industrial development. The RAR does not apply to agricultural land use and farming activities; however, the standard for agricultural building setbacks complements the RAR for fish protection.

These agricultural building setback standards were developed to provide protection for *riparian areas* from agricultural and farm uses. They apply to agricultural land that is already considered to be developed, i.e., land that has been cleared for crop production or is being actively farmed. Crops can include plants grown under *nursery* and *agroforestry systems*. The setbacks were developed and endorsed by the Partnership Committee on Agriculture and the Environment. This Committee included representatives from Agriculture and Agri-Food Canada, the BC Agriculture Council, the BC Ministry of Agriculture, the BC Ministry of Environment (MOE), Environment Canada, Fisheries and Oceans Canada, and the Union of British Columbia Municipalities.

These setbacks do not apply to:

- Residential *buildings* on agricultural lands and *buildings* for non-farming activities on lands that may otherwise be used, designated, or zoned for *agriculture*. These facilities are considered to be respectively residential, commercial or industrial under RAR.
- Activities and physical works not related to *buildings* or *building* construction such as on-farm drainage and irrigation systems, utility works, farm roads, removal or disruption of soil, cropping, and animal husbandry practices. These are considered

under the Environmental Farm Plan (EFP) review process. Local government zoning or development permit area guidelines usually stipulate the “minimum setback” distance, which is the nearest that a building or *structure* may be situated to the object. An applicant may choose to locate a building or *structure* further back. In order to reduce the effects on farming, these riparian guidelines give the maximum setback distance that a local government should use in its bylaws as minimum setbacks. The dimensions are referred to as “the setback distance”.

#### 2.4.8.4.2 Guidelines

The building setbacks established for the purposes of riparian protection are based on the following guidelines:

- Standards for agricultural areas complement current standards for *fish* protection in areas zoned for residential, commercial and industrial development.
- The minimum setback areas between *watercourses* and *buildings* are set aside as streamside protection and enhancement areas for *riparian vegetation* that is to be either planted or left to grow, and are not to be used for ancillary services such as retention ponds, utilities, machinery storage, access for *building* maintenance, roads, parking or other *impervious surfaces*.
- Standards shown in Table 2 apply to agricultural land that is either currently growing a crop or is lying fallow and is therefore considered to be developed.
- Standards shown in Table 2 do not apply to any areas where *riparian vegetation* may need to be removed to locate or construct a *building* or facility. Fisheries and Oceans Canada must be notified prior to removal of any *riparian vegetation* such as shrubs or trees. For direction related to changes in and about a *stream*, refer to the BC MOE website.
- The *building* setbacks in Table 2 apply to new *buildings* only. Existing agricultural *buildings* and *structures* are exempt.
- The setbacks vary by three classifications of *watercourse* and four categories of agricultural *buildings* and facilities as shown in Table 2.

Variances to the *building* setbacks may be considered if supported by a report by a *Qualified Environmental Professional* (QEP). Variances can only be obtained for Category 3 and 4 *buildings* and facilities, given that the setbacks for Category 1 and 2 facilities are set by the *Agricultural Waste Control Regulation* under the *Environmental Management Act*.

#### 2.4.8.4.3 Agricultural Building and Facility Categories

The agricultural *building* and facility setbacks apply to the construction of agricultural *buildings* and related ancillary service uses. Roads, retention ponds, gas services, water supply services, electrical facilities, machinery storage, *building* maintenance access, parking, or other impervious areas associated with *buildings* must lie outside the setback distances listed in Table 2.

The setback standards also apply to *on-farm composting* and *soil-less media production facilities*, storage facilities, and *confined livestock areas*. The *Agriculture*

*Waste Control Regulation* establishes the setback requirements for Category 1 and 2 structures or buildings. Category definitions and associated setback distances are established as follows:

- Category 1** Specified facilities or buildings identified by the *Agricultural Waste Control Regulation*, that are considered to pose a high risk for causing pollution, must be set back 30 metres from any watercourse. Category 1 facilities include solid agricultural waste field piles for greater than two weeks of storage, confined livestock areas containing more than ten agricultural units, and seasonal feeding areas.
- Category 2** Specified facilities covered by the *Agricultural Waste Control Regulation* and other regulations that are considered to pose a slightly lower risk for causing pollution than those in Category 1 must be set back a minimum distance of 15 metres from any watercourse. Category 2 structures include agricultural waste storage facilities such as engineered manure pits; chemical, compost and wood waste storages; on-farm growing media production areas; mushroom barns; confined livestock areas containing fewer than ten agricultural units; silos; incinerators; and petroleum storages.
- Category 3** Facilities or buildings that pose a higher risk of discharging contaminants than Category 4 buildings and which by definition are not captured by the *Agricultural Waste Control Regulation* are to be set back 15 metres from natural and channelized streams. Facilities in this category can be set back 5 metres from constructed channels and constructed ditches. Examples of Category 3 facilities are livestock barns, brooder houses, fur farming sheds, livestock shelters and stables, hatcheries, and milking facilities.
- Category 4** Category 4 facilities or buildings from which a risk of discharging contaminants is not likely or from which discharges can easily be contained may allow setbacks to be less than for Category 3 buildings in the case of channelized streams (depending on channel width), but are the same for Category 3 facilities insofar as they apply to natural streams (15 m) and constructed channels or ditches (5 m). Examples of Category 4 facilities are greenhouses, machine storage buildings, on-farm processing structures, direct farm marketing buildings, crop storages, granaries, shelters, hives, machine and equipment storages, cider processing facilities, retention and detention ponds, and other impervious surfaces.

In situations where local governments are responsible for the maintenance of constructed channels or constructed ditches, the minimum setback distance for Category 3 and 4 facilities is 7 metres. In such cases, maintenance should be done from the north and east sides whenever possible, allowing the vegetation on the south and west sides to remain undisturbed.

Table 2 summarizes the setbacks associated with the various categories.

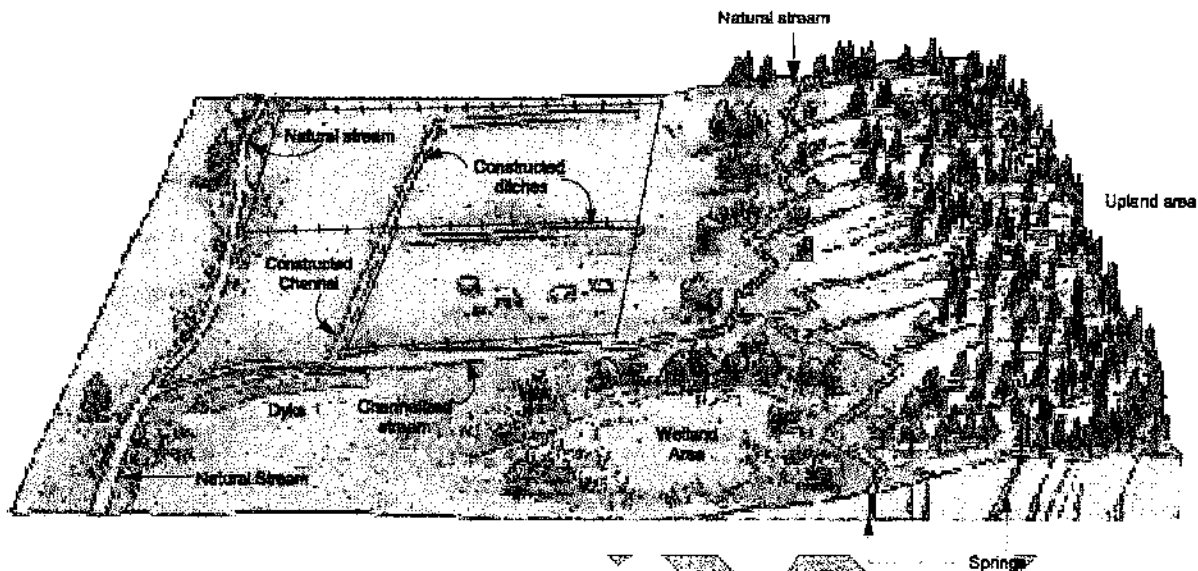


Figure 3 Watercourse Classification

#### 2.4.8.4.4 Setback Distance Measurements

The setback distances for agricultural buildings and facilities adjacent to *watercourses* are shown in Table 2. The setback distance that applies will be based on the classification of the *watercourse* adjacent to the *building* to be constructed. For *channelized streams* and *constructed channels*, a QEP must be retained to determine or confirm a particular classification in regions where appropriate mapping is not available. QEP involvement is not necessary if it is clear that the *watercourse* in question is a *natural stream* or a *constructed ditch*. The building setback distance from each type of *watercourse* must be measured from the top of the bank. The following drawings provide clarification:

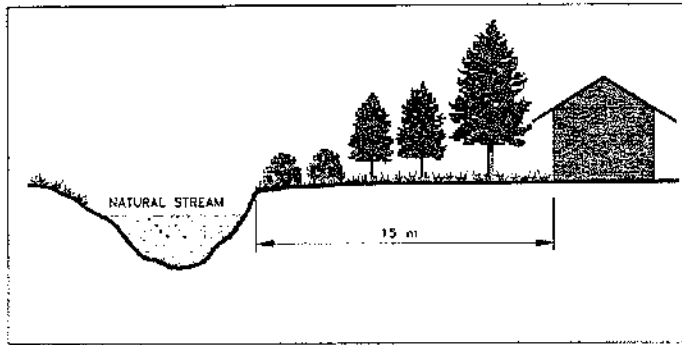


Figure 4 Setback for a Natural Stream with a Single Bank for Categories 2, 3, and 4

#### Natural Streams with Single Bank

*Natural streams* with a distinct *top of bank* will have the setback distance measured from the *top of bank* as shown in Figure 2.

The setback distance<sup>7</sup> for Category 2, 3, and 4 *buildings* is 15 metres.

See Table 2.

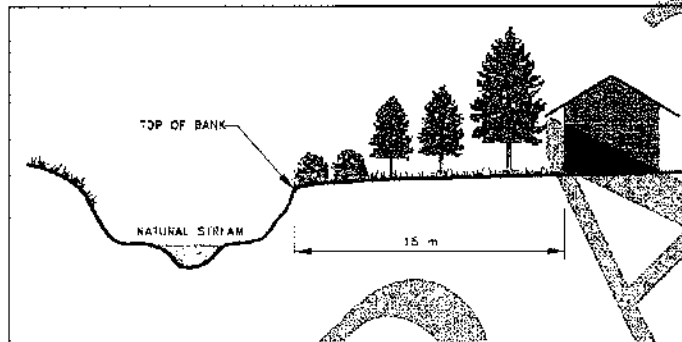


Figure 5 Setback for a Natural Stream with Multiple Banks for Categories 2, 3, and 4

#### Natural Streams with Multiple Bank

For *natural streams* that may have multiple banks, the setback distance should be measured from the bank that is farthest from the centre of the stream as shown in Figure 3.

See Table 2.

<sup>7</sup> Note: Local government zoning or development permit area guidelines usually stipulate the “minimum setback” distance, which is the nearest that a building or *structure* may be situated to the object. An applicant may choose to locate a building or *structure* further back. In order to minimize the effects on farming, these riparian guidelines give the maximum setback distance that a local government should use in its bylaws. The dimensions are referred to as “the setback distance”.

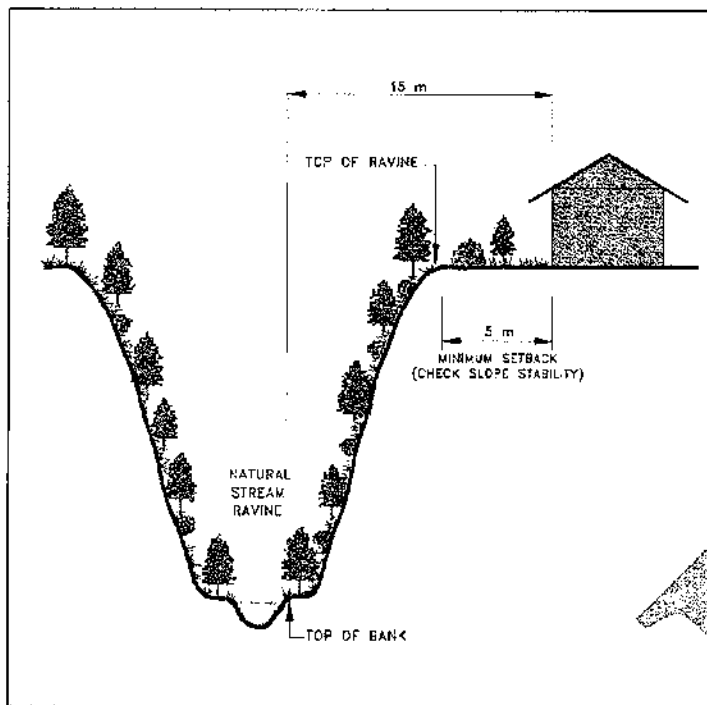


Figure 6 Setback for a Natural Stream in a Large Ravine

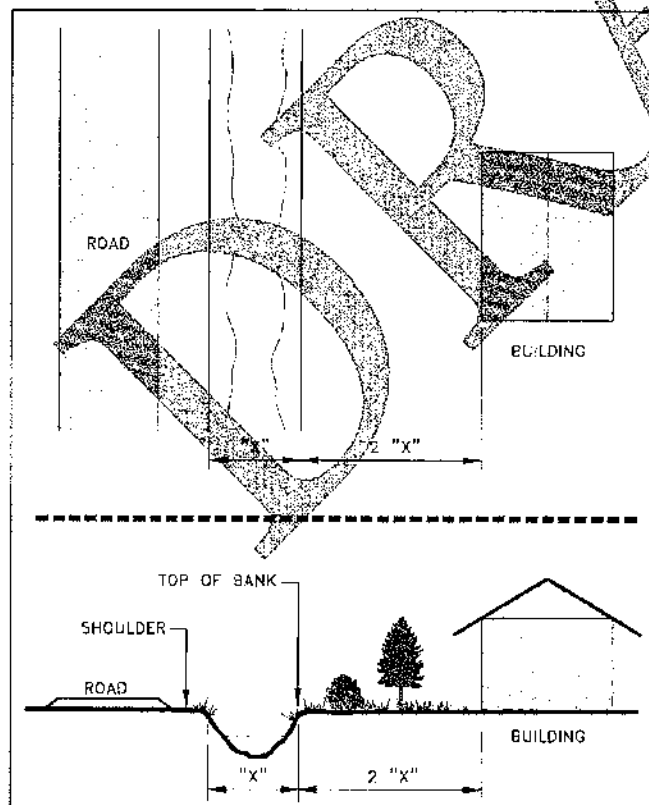
### Natural Streams in a Ravine

For *natural streams* in a *ravine*, the setback distance should be measured horizontally from the *top of bank* as shown in Figure 4. The setback distance must be at least 15 metres from the *stream top of bank*.

There is also a requirement that the *building setback* from the top of the *ravine* be 5 metres.

Where *bank stability* may be a problem, the *setback* distance from the *top of the ravine* should be assessed by a professional. Local governments may also establish covenants or further setbacks in situations where *slope stability* is a problem.

See Table 2.



### Channelized Streams

The setback distance from a *channelized stream* for Category 4 facilities is determined by multiplying the width of the channel at the *top of bank* by two as shown in Figure 5. For Category 4 facilities on *channelized streams*, the setback will be no less than 10 metres and the maximum will be 15 metres.

See Table 2.

Figure 7 Setback for a Channelized Stream

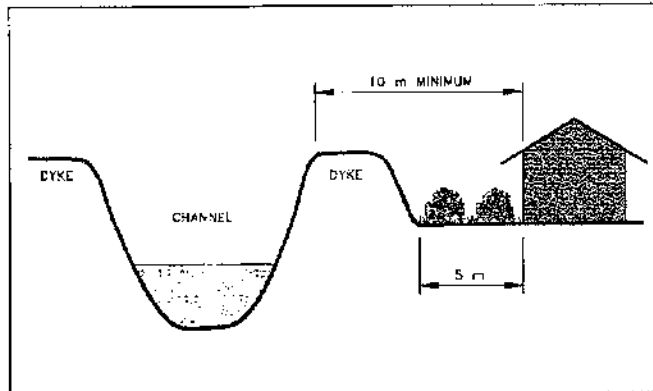


Figure 8: Setback for a Channelized Stream Confined by a Dyke

### Channelized Streams Confined by a Dyke

The setback distance for a *channelized stream* that is confined by a dyke should be measured from the top surface of the dyke as shown in Figure 6. The setback distance from the *channelized stream* may often exceed 10 metres for large dyke systems, as the minimum setback distance from the toe of the dyke should always be 5 metres.

See Table 2.

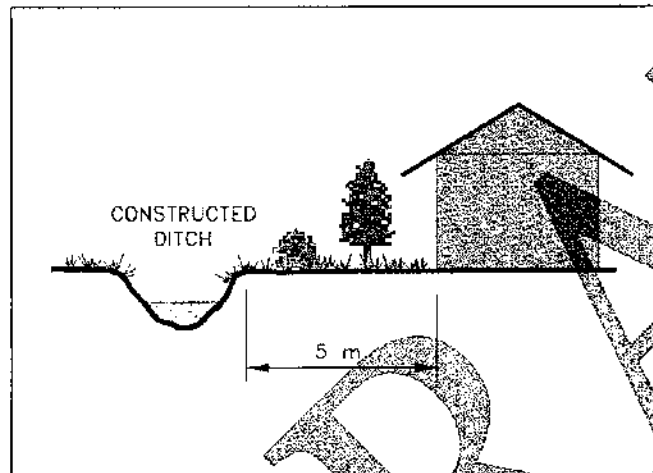


Figure 9 Setback for a Constructed Channel or Ditch

### Constructed Channels and Ditches

*Constructed channels* and ditches by their very nature always have a defined *top of bank*. The setback distance is measured from the top of the bank as shown in Figure 7. The setback distance from *constructed channels* and ditches will be 5 metres for Category 3 and 4 facilities. For *constructed channels* and ditches where the responsibility for maintenance is borne by a municipality, drainage, or dyking district the minimum setback will be 7 metres.

See Table 2.

#### 2.4.8.4.5 Agricultural Building and Facility Setback Standards

The agricultural *building* setback standards are summarized in Table 2. Existing permitted *buildings* are exempt from these setbacks, and those that are closer to *watercourses* than the standards specify will be identified as legally non-conforming within a zoning bylaw. In the event of a fire, the reconstruction of the facility on the same footings with no changes to the *building* will not require an assessment to be done. However, a QEP is required to conduct an assessment if the landowner intends to alter or extend the existing foundation with the result that all or part of the *building* would be closer than the setback standard.

Siting of agricultural *buildings* for floodplain management and flood proofing is not covered in this guide. Information on this subject is available in the fact sheet entitled Flood Construction Levels and Setbacks for Farm Building Situations and in other fact

sheets which can be found on the Sustainable Agriculture Management Branch section of the Ministry of Agriculture website at [www.al.gov.bc.ca/resmgmt](http://www.al.gov.bc.ca/resmgmt)

Local government zoning or development permit area guidelines usually stipulate the “minimum setback” distance, which is the nearest that a *building or structure* may be situated to the object. In order to minimize the effects on farming, these riparian guidelines give the maximum setback distance that a local government should use in its bylaws. Producers may, however, wish to exceed the local government minimum setbacks for their own reasons.

The *watercourse building* setbacks do not take into account other considerations that may require greater setbacks (e.g., *lot lines*, species at risk, municipal maintenance access, water used for domestic purposes, and floodplain requirements). Under some exceptional circumstances, local governments, the Department of Fisheries and Oceans, and the Ministry of Environment may classify some *constructed ditches as channelized streams* because they are important local *fish habitat*.

#### 2.4.8.4.6 Qualified Environmental Professional Requirements

Situations for which a QEP will be required with respect to the establishment of site-specific *building* setbacks are noted below:

1. A QEP must be retained to determine or confirm if a *watercourse* is a *channelized stream* or a *constructed channel* in regions where appropriate classification mapping is not available.
2. If the setback standard causes a hardship for the landowner, a variance from the standard may be investigated using a QEP. The QEP would be retained by the landowner to conduct a site assessment and prepare a report that identifies any options that may be available. The report would then be submitted to the local government and agencies for consideration. Approval for variances is required by local governments where bylaws are in place or, in areas where local government bylaws are not in place, a letter of advice from the Department of Fisheries and Oceans is necessary. Variances may be permitted only for Category 3 and 4 *buildings* and only if undue hardship can be demonstrated as a result of the setback.
3. A QEP will be required where a desired setback is non-conforming with existing local government bylaws.

A QEP may also be required to assess *building* site coverage that does not conform to this *Guide for Bylaw Development in Farming Areas* or to assess other variances from local government bylaws such as:

- a) *farm buildings*, other than *greenhouses*, that cover more than 35% of the lot area or are larger than 3500 square metres in area.
- b) *greenhouses* that cover more than 75% of the lot area.
- c) *farm buildings* to be constructed in the 1-in-200-year floodplain. A QEP may be required to prepare a report that outlines *building* siting, placement of fill, and



site stability for a variance from a local government bylaw for such situations. Further information is included in the Ministry of Agriculture fact sheet entitled Flood Construction Levels and Setbacks for Farm Building Situations.

- d) facilities that may impact channel flows due to increased *stormwater* runoff. Further information is noted in the Ministry of Agriculture and Lands factsheet Stormwater Management Planning for Agricultural Facilities.

### Summary Table

Table 2 on Page lists the *watercourse* setback standards for the four Category 1, 2, 3 and 4 classifications of *farm structures*. The list of *farm buildings, structures*, and facilities may not be all-inclusive, and alterations may be needed periodically.

Table 2 Riparian Protection Setbacks from Watercourses for Buildings and Facilities in Farming Areas<sup>8</sup>

Type Of Watercourse (see Section 2.5.5.2.5 for illustrations)	Type of Building or Facility			
	Category 1	Category 2	Category 3	Category 4
	<ul style="list-style-type: none"> <li>• <i>Confined Livestock Area</i> with more than ten (10) agricultural units;</li> <li>• <i>Seasonal Feeding Area</i>;</li> <li>• <i>Solid Agricultural Waste</i> (Field Storage) with greater than two (2) weeks storage capacity</li> <li>• <i>Medical Marijuana Production Facilities</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Agricultural Waste Storage Facility</i>;</li> <li>• <i>Chemical, Compost and Wood Waste Storage</i>;</li> <li>• <i>Confined Livestock Area</i> with fewer than ten (10) agricultural units;</li> <li>• <i>Incinerator</i>;</li> <li>• <i>Mush-room Barn</i>;</li> <li>• <i>On-Farm Composting</i>;</li> <li>• <i>On-Farm Soil-less Medium Production and Storage</i>;</li> <li>• <i>Silo</i>;</li> <li>• <i>Petroleum Storage</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Brooder House</i>;</li> <li>• <i>Hatchery</i>;</li> <li>• <i>Fur Farming Shed</i>;</li> <li>• <i>Livestock Barn</i>;</li> <li>• <i>Livestock Shelter</i>;</li> <li>• <i>Milking Facility</i>;</li> <li>• <i>Stable</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Boiler Room</i>;</li> <li>• <i>Cider Processing Facility</i>; Cold Frame Structure;</li> <li>• <i>Crop Storage Structure</i>;</li> <li>• <i>Detention Pond</i>; Direct Farm Marketing Buildings;</li> <li>• <i>Greenhouse</i>;</li> <li>• <i>Impervious Surfaces</i>;</li> <li>• <i>Machine Storage Buildings</i>;</li> <li>• <i>On-Farm Processing</i>;</li> <li>• <i>On-Farm Product Preparation</i>;</li> <li>• <i>Retention Pond</i></li> </ul>
<b>Natural Stream</b>	30 m	15 m	15 m	15 m
<b>Channelized Stream</b>	30 m	15 m	15 m	Twice Channel Width <sup>9</sup> (Minimum: 10 m) (Maximum: 15 m)
<b>Constructed Channel or Ditch<sup>10</sup></b>	30 m	15 m	5 m <sup>9</sup>	5 m <sup>11</sup>
<b>GENERAL NOTES:</b> (i) Setback distances are measured from the <i>tops of banks</i> as illustrated and defined in the section of this guide entitled <i>Setback Distance Measurements</i> (Section 2.4.8.7.5). (ii) Property safety and risk management concerns for specific situations may require larger setbacks than specified in the table and will take precedence over the values noted in the table.				

<sup>8</sup> Local government zoning or development permit area guidelines usually stipulate the "minimum setback" distance, which is the nearest that a building or structure may be situated to the object. An applicant may choose to locate a building or structure further back. In order to minimize the effects on farming, these riparian guidelines give the maximum setback distance that a local government should use in its bylaws. The dimensions are referred to as "the setback distance".

<sup>9</sup> See Figure 5 on page 2-21.

<sup>10</sup> No differentiation is made between either constructed channels or constructed ditches when determining building setbacks; however, differences between the two exist for drainage maintenance considerations.

<sup>11</sup> The minimum building setback distance from a constructed channel or constructed ditch for which a local government is responsible is seven (7) metres.

## 2.4.9 Agri-tourism

This section outlines criteria for regulating agri-tourism activities. The basic elements of the definition of agri-tourism was developed by the agri-tourism industry. Agri-tourism activities (other than agri-tourism accommodation) are regulated by the 'ALR USP' Regulation as a farm use and cannot be prohibited by a local government bylaw. The only exception to this is a Farm Bylaw approved by the Minister of Agriculture under section 917 of the *Local Government Act*. Local governments should list agri-tourism as permitted accessory use in all zones where agriculture or farming is a permitted use.

### 2.4.9.1 Farm Class

Agri-tourism is a tourist activity, service or facility that is *accessory* to a farm operation where the land is classified as a 'farm' under the *BC Assessment Act* and the farm is in operation each year. Agri-tourism uses and activities are intended to augment a farmer's regular farm income, not exceed or replace it.

### 2.4.9.2 Examples of Agri-tourism

Table 3 Two Tiers of Agri-tourism Activities

Element	Agri-tourism activities acceptable on farms	On-farm activities or events that require ALC approval
<b>Examples</b> (other similar activities may be proposed)	<ul style="list-style-type: none"> <li>• educational tours – general public, local school children</li> <li>• on-farm marketing, including U-pick</li> <li>• corn maze or Christmas tree maze</li> <li>• agricultural heritage events</li> <li>• ranch or farm tours</li> <li>• livestock shows</li> <li>• harvest festivals</li> <li>• on-farm classes and/or workshops</li> <li>• farm stays or B&amp;B</li> <li>• any other self-contained facility which follows ALC regulations</li> </ul>	<p>a) Non-farm-uses and commercial entertainment activities which do not have an agricultural component:</p> <ul style="list-style-type: none"> <li>• e.g., paint ball course, dirt bike trails, all-terrain vehicles trails, mini-train parks, remote control runways, helicopter tours, etc.</li> </ul> <p>b) Event and facility rentals for:</p> <ul style="list-style-type: none"> <li>• concerts, theatre or music festivals</li> <li>• banquets, celebrations and weddings</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>• self-contained, off-road parking</li> <li>• some overflow could be on neighbouring farm(s)</li> <li>• allow for school and tour buses</li> </ul>	<ul style="list-style-type: none"> <li>• some overflow parking allowed off-site</li> <li>• on-road parking at the discretion of the local government</li> </ul>
<b>Permit requirement</b>	No permit; outright use	<ul style="list-style-type: none"> <li>• ALC approval</li> <li>• Such non-agriculture-related activities or events may also require a separate zone or temporary use permit.</li> </ul> <p>Special local government permit - per event or per day, or both</p>

### 2.4.9.3 Agri-tourism Accommodation

Section 3 of the 'ALR USP Regulation' permits accommodation for agri-tourism on a farm in the ALR, but allows a local government to regulate and/or prohibit the use. Where it is allowed, the following standards are recommended.

Accommodation for agri-tourism:

- The total developed area for buildings, landscaping and access to the accommodation must be no more than 5% of the parcel area.
- Could include a maximum of 10 sleeping units composed of:
  - seasonal campsites, seasonal cabins, or bed-and-breakfast (B+B) bedrooms (a maximum of four B+B bedrooms per parcel is recommended).
  - Unless ALC consent is received, accommodation must not include cooking facilities because doing so may result in long term rental housing on farm land.
  - The local government could specify the number of persons per unit.
  - Should an operator wish to have more than 10 sleeping units, he/she could apply to the local government and the ALC.
  - On smaller lots, a local government may wish to set a lower number of allowed sleeping units.
  - The BC Building Code should be the minimum standard applied for sleeping units such as cabins.

The agri-tourism accommodation should be located close to the front of the lot, or an adjacent side road, and perhaps it could be clustered with the "home plate(s)" of the farm residence(s). A farmer may wish to vary this location to minimise impact on his/her farm.

Depending on the location of the farm, the agri-tourism accommodation that is allowed under the 'ALR USP Regulation' may need to be available during more than one season, or its availability may vary with the seasons; e.g., horseback riding on trails in spring, summer, and fall, and cross-country skiing in the winter.

Occupation of the agri-tourism accommodation on a lot is only permitted to be *temporary, seasonal, and/or regular seasonal*, to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period. The ALC may allow longer occupation if the farmer applies for a non-farm use; local zoning would also have to allow it.

Each local government which permits agri-tourism accommodation could develop a monitoring methodology to ensure the occupation meets the above criteria.

### 2.4.9.4 On-farm Retail Sales

In this type of marketing, the farmer sells his/her own farm products and perhaps some off-farm or non-farm products directly from his/her farm unit. To do so, she/she may require retail sales and display area(s) which might be indoors and/or outdoors.

Not to be counted as part of the retail sales area, but often necessary for on-farm retail sales are:

- Storage space for products awaiting display and/or bulk sales, larger storage areas may be available in a barn;
- An office area for doing sales and farm related paperwork;
- Washrooms;
- Driveways, parking and loading areas; and
- Some preparation space where products are put in packages for display or shipping.

A local government should not place a limit on the retail sales area of a farmer's own farm products. The 'ALR USP Regulation' does not state an upper limit for the retail sales area of a farmer's own farm products.

Local government regulations must allow for the possibility of retail sales area for complementary off-farm farm products. So that the retail emphasis is on a farm's own output, the 'ALR USP Regulation' requires that at least 50% of the total retail sales area be devoted to that farm's products.

Where there are both farm products and off-farm products being sold, the permitted upper limit of the total of the indoor and outdoor sales area is 300 m<sup>2</sup>. Local government regulations should allow no more and no less than 300m<sup>2</sup> in floor area for indoor and outdoor sales area.

### 2.4.9.5 Other Agri-tourism Criteria

#### 2.4.9.5.1 Off-street Loading Area and Parking

An off-street loading area may be needed for transfer of products from the fields to the market stand or shop, and/or for transfer of products from the sales area to the buyer's vehicle. For criteria, see elsewhere in part 2.4.3.

All vehicles visiting the agri-tourism activities must be parked on site, or as otherwise permitted by the local government. The parking capacity should be based on the average daily volume (recommended); local parking bylaws may have a different measure. This Guide offers a few parking standards for direct farm marketing..

If overflow parking occurs on the road, it must adhere to local bylaws and should ensure enough clearance for passage of emergency vehicles and farm machinery.

If an event or activity might generate overflow demand, the agri-tourism operator should provide for and support alternate means of transportation, such as car-pools, shuttles, bicycle parking, or horse holding corral.

To minimise coverage of farm land, parking should be adjacent to a road and/or clustered with other farm structures.

- The parking and loading area surface should maximize infiltration of precipitation in order to limit effects on the farm's ground and surface water; pavement may not be appropriate.
- The depth and type of fill for agri-tourism parking and loading areas should facilitate its possible future removal, if the agri-tourism activity ceases.

#### 2.4.9.5.2 Site Layout for Agri-tourism Activities

Site coverage and setbacks for agri-tourism structures must follow the standards for farm structures provided elsewhere in part 2.

Agri-tourism facilities should be placed on the farm in locations that minimise coverage of farm land and minimise disturbance of the present and potential future operation of that farm or neighbouring farms, or nearby urban uses; e.g., close to the road, and/or clustered with other farm structures.

#### 2.4.9.5.3 Lights

Floodlights and spotlights for agri-tourism activities should be directed away and/or screened from adjacent farms and other land uses.

#### 2.4.9.5.4 Signs

Each agri-tourism and retail operation, and the farm itself should be allowed at least one sign of at least 1.0 square metre. Normally, signs are located at the farm entrance, but variation should be allowed for different building and site layouts and to ensure traffic safety. Third-party signs and lighting of signs should follow local bylaws.

#### 2.4.9.5.5 Noise

Loudspeakers and other noise sources associated with the agri-tourism activity should follow the existing local government noise bylaw.

#### 2.4.9.5.6 Local Government Permits and Fees

Other than the usual permits and fees required for construction, local governments should only require permits and fees for operations that require a non-farm application to the ALC. They should only request reimbursement of extra local government costs generated by the event or operation; e.g., policing, fire service, road clean-up, and/or traffic management.

## 2.4.10 Temporary Farm Worker Housing

This section outlines criteria<sup>12</sup> for regulating *Temporary Farm Worker Housing (TFWH)*. These criteria have been developed for *TFWH* for workers registered in a federal temporary worker program. The goals and objectives of regulating *TFWH* served as a foundation for creating the criteria and include:

- a) meeting the needs of the *agriculture* industry;
- b) minimizing the residential impact of *TFWH* in the agricultural area;
- c) minimizing loss and/or fragmentation of agricultural land due to *TFWH*; and
- d) minimizing the risk of *TFWH* being used for non-farm purposes.

Information from six local government bylaws that address *TFWH* and two rounds of input from local governments helped build the criteria along with BC Ministry of Agriculture and ALC staff input, which served to add a broad-based perspective. These criteria offer a starting point or foundation from which to build. It is acknowledged that different communities have different circumstances. The criteria are intended to be flexible and adapted to each community's situation provided they remain consistent with the *Agricultural Land Commission Act* and regulations.

It is important to note that no guidelines are provided for off-farm accommodation since this is outside the jurisdiction of the BC Ministry of Agriculture. However, some suggestions related to exploring the option of off-farm accommodation are made in the discussion paper of the standards (see Appendix A). In the future, criteria will be developed for *TFWH* for domestic temporary farm workers or temporary farm workers not enrolled in a federal program.

### 2.4.10.1 Farm Class

The farm lot where the *TFWH* is to be located must be classified as 'farm' under the *BC Assessment Act*. Local governments may wish to ask for a copy of the farm's BC Assessment notice, as part of the building permit application.

### 2.4.10.2 Minimum Farm Unit Size

The minimum farm unit size on which *TFWH* can be located is 4 hectares.

### 2.4.10.3 Maximum Useable Floor Area<sup>13</sup>

- Greenhouse operations, mushroom operations, and berry/vegetable operations

<sup>12</sup> In cases where these criteria do not fit a farmer's needs, an application for a Development Variance Permit or an appeal to the Board of Variance could be made. Use or density changes would require a rezoning application.

<sup>13</sup> **Useable Floor Area:** The "Guidelines for the Provision of Seasonal Housing for Migrant Farm Workers in BC" notes the minimum floor area per person is 7.44 m<sup>2</sup> with a minimum of 8.5 m<sup>3</sup> of air space per person in the sleeping area. The floor area in washrooms, laundry rooms, mechanical rooms and storage rooms is not considered useable living area and is not included in the calculation of useable floor area.

with *on-farm processing* or *product preparation*: Maximum useable floor area per worker is 10 m<sup>2</sup>. If desired, local governments may restrict the number of workers per *building*.

- All other commodities: cumulative maximum useable floor area for all *TFWH* on a *farm unit* is 400 m<sup>2</sup>; maximum useable floor area / person is 10 m<sup>2</sup>. If desired, local governments may restrict the number of workers per *building*.

#### 2.4.10.4 Maximum Number of Workers

- Greenhouse* operations, mushroom operations and berry/*vegetable* operations with *on-farm processing* or *product preparation*: 1 worker per 1,000 m<sup>2</sup> of *principal farm building* floor area, to a minimum ceiling of 130 workers per farm.
- All other commodities: a minimum ceiling of 40 workers per farm.

#### 2.4.10.5 Housing Type

The *TFWH* should be either an existing *building*<sup>14</sup> or a *manufactured home*, constructed or manufactured to be moved from one place to another, and to be used for residential use, installed on a temporary foundation with no basement. However, a local government may wish to consider the size and type of *farm operation* should a request for non-manufactured housing be made. Suggested criteria include: the *principal farm building* and the *farm operation* has been in place for at least 5 years; the *temporary farm workers* will be living in the housing at least 8 months in a calendar year; and the local government may ask for removal or decommissioning of the housing if not used for 2 years.

#### 2.4.10.6 Farm Residential Footprint or Setbacks

- If a local government uses the *farm residential footprint*<sup>15</sup> concept in their bylaws all *accessory farm residential facilities*, including new *TFWH*, must be on a declared *home plate* contiguous to a *home plate* of an existing *residence* unless otherwise authorized by a development variance permit.
- If a local government does not use the *farm residential footprint* concept in their bylaws, the maximum setback for new *TFWH* is 15 metres from the primary *residence* and 60 metres from an existing road or other access unless otherwise

<sup>14</sup> **Existing Building:** Buildings that already exist on the farm may be used for *TFWH* provided they comply with the applicable *TFWH* criteria. In areas of the province with building inspection services, existing buildings must have a building permit application or final inspection in place at least two years in advance before applying for conversion. If the existing building exceeds the maximum allowable floor area per worker or per *farm unit*, the excess area must be made inaccessible to the workers. If existing buildings are outside of the declared *farm residential footprint* area they become legally non-conforming [Section 911 (1) of the *Local Government Act*]. The property owner may apply for a development variance permit to include these buildings in the *farm residential footprint*. Note: If 75% or more of a non-conforming building's value above its foundations is damaged or destroyed, it must not be repaired or reconstructed except for a conforming use in the bylaw [Section 911 (8)].

<sup>15</sup> The *farm residential footprint* concept was previously called the '*home plate*' concept. See Section 2.4.6 and the further resources on Siting and Size of Residential Uses in the ALR listed in Appendix A for further discussion of the *farm residential footprint* concept.



authorized by a development variance permit. In cases where the 15 metre and 60 metre setbacks cannot be met simultaneously, then the maximum 15 metre setback from the *principal farm residence* must be met for new *TFWH* unless otherwise authorized by a development variance permit.

- c) If new *TFWH* is located on a vacant lot it must be a temporary, manufactured dwelling(s) and meet the *farm residential footprint* criteria.
- d) *Farm residential footprints* or setbacks may be varied for reasons of topography, agricultural capability, or other special considerations through a development variance permit.

#### 2.4.10.7 Time and User Restrictions

- a) A *statutory declaration* must be filed with the local government annually stating that the *building* will be used only for *TFWH* for a specified period of time.
- b) A *restrictive covenant*<sup>16</sup> must state that the new *TFWH* will only be used by *temporary farm workers* and that the owner will remove the *TFWH* and restore the land to agricultural use if the *TFWH* is vacant for two consecutive years. If an existing *building* is converted to *TFWH* and is not used by *temporary farm workers* for two consecutive years, the owner must either have the *building* removed or decommissioned so that it is no longer habitable.
- c) Under section 905 of the *Local Government Act*, local governments are permitted to enter into a *statutory declaration* to specify restrictions on the user of the *residence*.
- d) The *TFWH* can be used to house *temporary farm workers* employed on other *farm operations* provided a *statutory declaration* is filed with the local government describing the terms of the arrangement and there is a written agreement between the *farm operations*<sup>17</sup>. This applies to workers registered with the Seasonal Agriculture Worker Program (SAWP) only and is subject to prior approval by Human Resource and Skills Development Canada (HRSDC) and the host country. The workers must be employed at least part of the year on the farm with the *TFWH*.

A sample restrictive covenant and *statutory declaration* are located in the discussion paper listed in Appendix A.

#### 2.4.10.8 Financial Guarantee for Building Removal or Decommissioning

- a) A deposit sufficient to either remove the new *TFWH* or decommission an existing *building* used for *TFWH* must be provided to the local government upon approval of the *TFWH*; or

<sup>16</sup> **Restrictive Covenant:** Limits use of the *TFWH* housing to the terms stipulated by the local government, such as dates of occupation, financial security to remove buildings, and agreement to remove the *TFWH* when it is no longer being used. A *restrictive covenant* is registered on the title of the property in favour of the local government in perpetuity (or until the local government removes it).

<sup>17</sup> **Multiple Farms Using a Single TFWH Unit:** Using new or existing buildings on agricultural land to provide *TFWH* for multiple farms rather than each farm having its own *TFWH*, will help to reduce fragmentation of agricultural land and reduce the residential impact of multiple farm worker housing.

- b) The cost of removing new *TFWH* or decommissioning an existing *building* will be recovered by the local government through taxes applied to the property.

#### 2.4.10.9 Other Considerations

- a) Workers living in the *TFWH* must be registered with a federal government *temporary farm worker* program<sup>18</sup>.
- b) *TFWH* must meet the standards in the *BC Health Act*, the *BC Building Code* and the "Guidelines for the Provision of Seasonal Housing for Migrant Farm Workers in BC". Inspections are required prior to initial occupancy (as per the above-noted guidelines), and annually thereafter.
- c) Local governments may want to consider developing a *statutory declaration* as per Section 905 of the *Local Government Act*. Please see the discussion paper listed in Appendix A for further information.
- d) Local governments may wish to specify that *TFWH* can only be built on a parcel of land owned by the applicant.
- e) Although only on-farm housing is covered in the scope of this criteria, alternative options for housing *temporary farm workers* is elaborated on in the discussion paper listed in Appendix A. These options include consolidated housing, both on-farm and off-farm.
- f) Local governments or farmers may wish to request amenity space for workers (either indoor or outdoor). All types of housing should strive to minimize the *building* footprint and amenity space, and attempt to locate on lower capability ALR lands where appropriate.

#### 2.4.11 Combined Heat and Power Generation at Greenhouses (CHP or Cogeneration)

These criteria were developed for natural gas fired cogeneration. Additional criteria may be required to address fuel storage and delivery for biomass fired cogeneration or other fuel sources. Please see Appendix A for further resources on how the standards were developed.

##### 2.4.11.1 Farm Class

The farm lot where the cogeneration facility is to be located must be classified as 'farm' under the *BC Assessment Act*.

Local governments may wish to ask for a copy of the farm's *BC Assessment* notice, as part of a building permit application.

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<sup>18</sup> **Government Temporary Farm Worker Program:** Any federal government program (e.g. SAWP and Occupations Requiring Lower Levels of Formal Training (ORLLFT)), that recruits *temporary farm workers* for a specified period of time. If *farm operations* in a specific community rely on domestic migrant farm labour (and not just foreign migrant farm workers), the local government may not want to include this requirement in their bylaw.

#### 2.4.11.2 Fuel Type

The CHP engine must be fueled by natural gas.

#### 2.4.11.3 CHP Capacity

The CHP must be sized to be commensurate with the heat demand of the farm operation.

#### 2.4.11.4 Maximum CHP Capacity

The CHP capacity must not exceed 1.0 MWe/ha of land in greenhouse crop production on the farm operation. A CHP engine with a capacity up to 1.5 MWe/ha is permitted if high intensity lighting (greater than 10,000 lux) is used in the greenhouse.

#### 2.4.11.5 CHP Efficiency

The CHP must operate with an efficiency of at least 80%.

#### 2.4.11.6 Heat Storage

The farm unit must have the capacity to store excess heat generated by the CHP for beneficial use by the greenhouse.

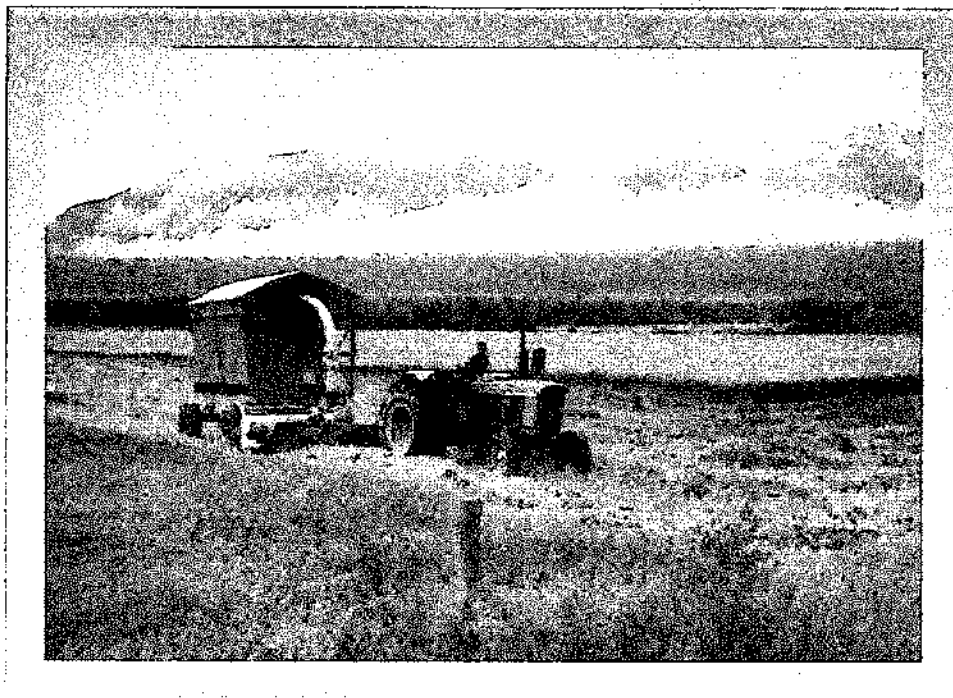
#### 2.4.11.7 Emissions

The CHP must meet emission standards outlined in the *BC Environmental Management Act*.

#### 2.4.11.8 Nuisance

The CHP should be located and managed to minimize noise impacts on neighbours.

# Part 3 Farm Bylaw Standards and Bylaw Approval for Regulated Local Governments



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### 3.1 What does it mean to be regulated under Section 918?

When a local government is regulated under Section 918 of the *Local Government Act*, it is able to use Farm Bylaws to prohibit or restrict the use of land for agriculture in farming areas, subject to approval from the minister responsible for the *Farm Practices Protection Act*, currently the Minister of Agriculture.

Farm Bylaws provide local governments with additional tools to regulate agriculture than are available in zoning bylaws. While zoning bylaws regulate land use, Farm Bylaws can deal with operational matters aimed at enhancing land use compatibility, promoting environmentally sound practices, and generally supporting the industry's long term sustainability. In some cases, regulated local governments may wish to restrict uses under Section 903(5) of the *Local Government Act*.

#### Sections 917 and 918 of the *Local Government Act*

Section 918 of the *Local Government Act* allows a regional district, municipality, or local trust committee to be regulated through an Order in Council. When a local government is regulated, it is specified whether Sections 903(5) and/or 917 apply. If Section 917 applies, the local government may create Farm Bylaws as described in Part 3.3 of this guide.

Local governments that are regulated under Section 918 are expected to amend their bylaws to be consistent with all Minister's Bylaw Standards in Part 2 of this guide and also are expected to utilize the Farm Bylaw Standards in this part of this guide. Where additional Farm Bylaw Standards are needed, local governments are encouraged to develop new ones in partnership with AGRI staff. Once the regulation is in effect, the local government must review any applicable bylaws within a three-year period and is expected to amend its bylaws to achieve consistency with Minister's Bylaw Standards where applicable. If local governments are requesting Section 918 regulation, then they may be requested to review and amend their bylaws before the regulation is made or before a Farm Bylaw or zoning bylaw restricting farming is approved.

#### Section 903(5) of the *Local Government Act*

This section of the *Local Government Act* is applied to local governments through a Section 918 regulation. It allows regulated local governments to prohibit in the ALR the uses classified as intensive agriculture under Section 915 of the *Local Government Act*, provided they receive approval to do so by the minister responsible for the *Farm Practices Protection Act*. Section 915 overrides zoning bylaws that prohibit intensive agriculture in the

The standards and the Minister's approval powers only apply to farm operations as defined under the *Farm Practices Protection Act* which are in the ALR, areas designated as farming areas under the *Farm Practices Protection Act* and licensed *aquaculture* areas. Although the Minister's approval is not involved, local governments are encouraged to use the standards in areas zoned for farming outside the ALR as well.

## 3.2 How does a community become regulated under Section 918?

A local government can become regulated under Section 918 of the *Local Government Act* in one of two ways:

a. Local Government Initiated

If a local government is interested in utilizing one or more of the Farm Bylaw Standards in this part of the guide, extinguishing Section 915 or restricting agriculture in some other way, it can request to become regulated under Section 918 through an Order in Council.

b. Province Initiated

If concerns arise around a particular bylaw or proposed bylaw that restricts farming or has the potential to restrict farming, Section 918 of the *Local Government Act* gives the Province the power to initiate regulation through an Order in Council. This process is likely to involve discussion with the local government beforehand.

If a local government is initiating the process, it should begin by having its staff consult AGRI's Strengthening Farming Program staff (visit the Program's website for contact information). Although the need to use a Farm Bylaw Standard is likely to be identified during bylaw updates, it is best if its enactment is preceded by a review of the local government's zoning bylaw and other bylaws affecting agriculture.

AGRI and ALC staff will provide assistance during the drafting of the proposed bylaw or amendment, drawing on their experience with similar processes in other parts of BC. It is also best to involve affected local farmers at an early stage. Once it is drafted, the approval process begins, during which the Minister will determine whether the bylaw conflicts with provincial interests, the Minister's Bylaw Standards, if the bylaw unreasonably restricts farming in farming areas, or if the restrictions are justified due to local circumstances or other benefits may be gained through the restrictions. Early involvement of AGRI staff in the process of developing or amending a bylaw will ensure that the provincial interests are known and will assist in developing the AGRI staff report that accompanies the bylaw submitted for Ministerial approval.

Once the Section 918 regulation is in effect, a comprehensive bylaw review process must take place within a three-year period to ensure that all bylaws affecting farming areas are compatible with existing Minister's Bylaw Standards and Farm Bylaw Standards. This process provides an opportunity to examine farming issues and develop regulations that can enhance land use compatibility and support farming in that jurisdiction. In cases where the local government requests regulation, the Ministry may require the review and amendment of inconsistent bylaws in advance of the regulation.

### 3.3 What is a Farm Bylaw Standard ?

Local governments that are regulated under Section 918 can use the Farm Bylaw Standards in this part of this guide or work with AGRI staff to develop new standards that can be used to create a Farm Bylaw or amend their Zoning Bylaw. This approach allows local governments to concentrate on the parameters described in Section 917 of the *Local Government Act*. These are:

- a. the conduct of farm operations;
- b. the types of buildings, *structures*, equipment at farm operations;
- c. the siting of stored materials, waste facilities, and stationary equipment at farm operations;
- d. prohibiting specified farm operations.

Here are a few examples that illustrate where a Farm Bylaw might be used:

1. to regulate the use of a specific piece of farm equipment in order to mitigate conflicts with neighbours (e.g. *audible bird scare devices*);
2. to address land use conflict around sensitive adjoining uses such as urban residential areas (e.g. 'Edge Planning' along the ALR boundary);
3. to regulate the conduct of a farm operation with a high potential to create disturbances for neighbours (e.g. on-farm mushroom composting).

#### Section 917(6) of the *Local Government Act*

This section of the *Local Government Act* means that a regulated local government must use a Farm Bylaw when creating a bylaw that affects farming areas.

#### The AGRI Guide to Edge Planning

AGRI's Guide to Edge Planning provides a series of tools for farm-side edge planning, which are available to local governments that have been regulated under Section 918. See Section 3.5.3 for more information.

### 3.4 How does the bylaw approval process work ?

If a bylaw restricts or prohibits an agricultural use or employs the Farm Bylaw powers, the local government is required to obtain the Minister's approval. In fact, once a local government is regulated under Section 918, any bylaw enacted through the LGA or the Community Charter that affects farming may be subject to approval.

Local governments are encouraged to involve AGRI and ALC staff at an early stage of bylaw development and to consult with agriculture industry affected by the bylaw. This consultation will assist local governments to address the provincial and agricultural interests during bylaw development and assist AGRI staff to prepare the report that accompanies the bylaw when it is submitted to the Minister for approval.



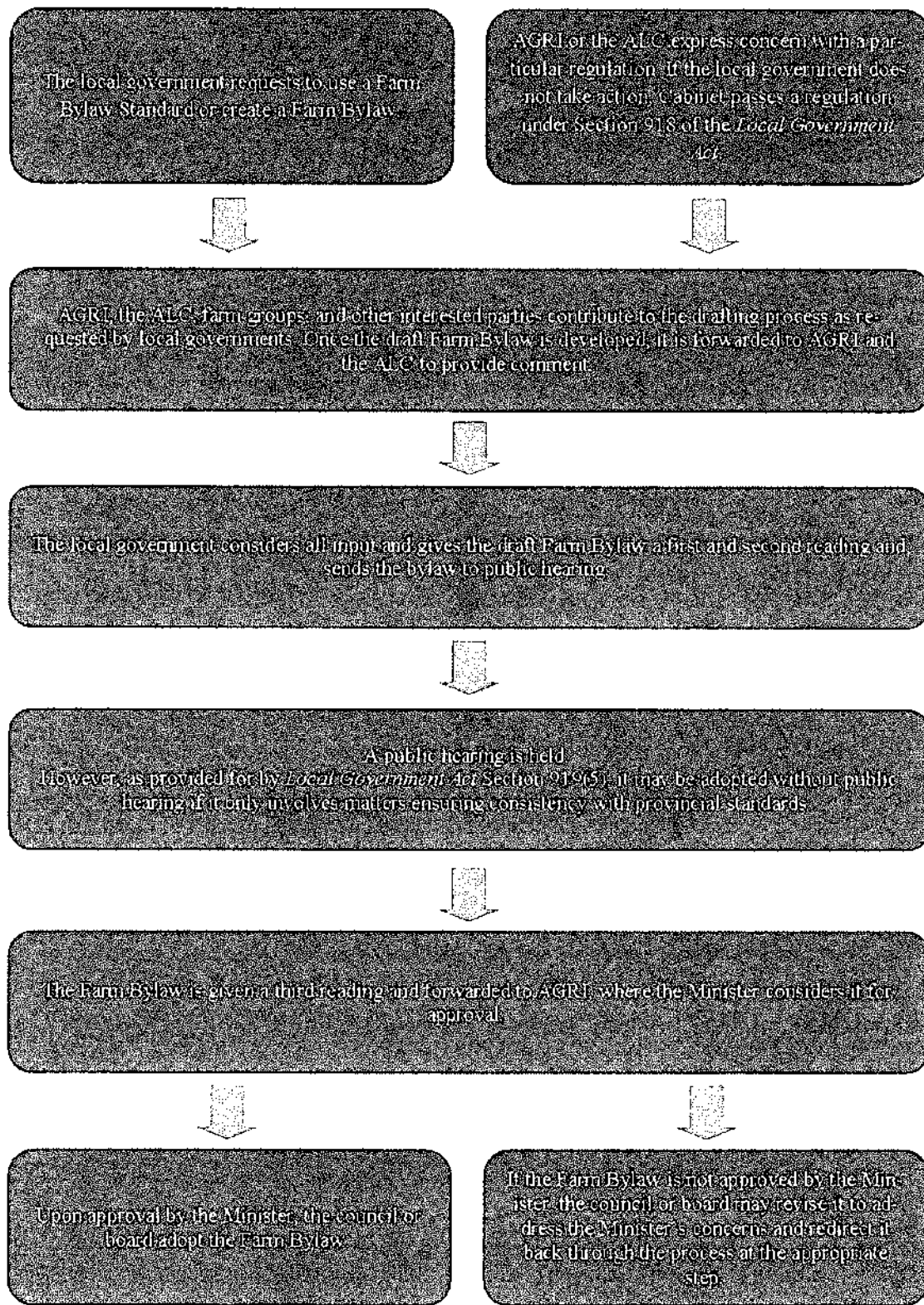
The formal bylaw approval process begins with local governments submitting the following documentation to AGRI:

- a. 2 certified copies of the bylaw after third reading;
- b. 1 cover letter indicating the type of bylaw and explaining the purpose of the bylaw;
- c. 1 copy of correspondence concerning the bylaw from the ALC;
- d. minutes of the public hearing (if one is held);
- e. any other relevant information (e.g. local government staff reports).

The Minister may approve or decline to approve the bylaw. Conditional approval is not an option. The bylaw review process (outlined in Diagram 1) should attempt to resolve all significant discrepancies between the proposed bylaw and provincial interest and the Minister's Bylaw Standards. In cases where matters are unresolved, the bylaw can still be submitted to the Minister for decision. Local governments are encouraged to outline any background or specific circumstances associated with portions of the proposed bylaw that restrict or prohibit farming beyond the standards. AGRI and/or ALC staff may also outline unresolved issues for the Minister's consideration.

If the bylaw is approved by the Minister, it will be returned to the local government for adoption. If the bylaw is not approved, the Minister generally provides reasons for the decision.

## Diagram 1 Farm Bylaw Review Process



## 3.5 Farm Bylaw Standards available to regulated local governments

### 3.5.1 Audible Bird Scare Devices

The use of *audible bird scare devices* to protect crops is often addressed by local government noise bylaws. The noise bylaw provides one avenue of enforcement for these devices. However, farm businesses using *audible bird scare devices* are protected from local government noise bylaws passed under sections 8 and 64 of the *Community Charter* or section 724 of the *Local Government Act* by the *Farm Practices Protection (Right to Farm) Act* (FPPA) if they are following 'normal farm practice'.

The Ministry has published Farm Practice factsheets describing proper and accepted farm practices that the BC Farm Industry Review Board may use to guide them in determining what is considered 'normal farm practice' under FPPA. This topic is described further on the Ministry's webpage. There are two factsheets describing the use of *audible bird scare devices* – one for South Coastal BC and one for the rest of the province (Interior BC).

If a local government is regulated under s.918 of the LGA, then it may adopt the noise bylaw under s.917 of the LGA making the noise bylaw a land use regulation. Farmers must follow land use regulations to obtain protection under FPPA. Regulated local governments may incorporate the elements of the Farm Practice factsheets on Wildlife Damage Control into Farm Bylaws. Model Bylaws are posted on the Ministry website for both South Coastal BC and Interior BC regions.

In addition, regulated local governments implementing edge planning may require a setback to an urban/ALR boundary of 300 m for *Category 'A' noise scare devices* (propane cannons) and 200 m for *Category 'B' noise scare devices*.

The South Coastal region includes Metro Vancouver, the Fraser Valley Regional District, and Vancouver Island. The Interior region includes the remainder of the province.

### 3.5.2 Mushroom Farms and On-Farm Composting

#### 3.5.2.1 Setback Distances

Farmers of new or expanding mushroom farms or composting operations should:

- locate the principal farm buildings, structures and areas (excluding roadways and parking lots) a minimum of 15 metres from the exterior and front lot lines, 7.5 metres from the interior and rear lot lines, 30 metres from domestic water supplies, and 15 metres from natural watercourses or constructed ditches.

- locate composting operation, compost storage and *agricultural waste* storage facilities a minimum of 30 metres from all *lot lines* and *domestic water supplies*, *natural watercourses*, *channelized streams* or *constructed ditches*.
- locate *liquid waste storage facilities* a minimum of 30 metres from all *lot lines*.
- locate *water detention ponds* a minimum of 7.5 metres from all *lot lines* and *domestic water supplies*, and 6 metres from *natural watercourses* or *constructed ditches*.
- locate non-manure based raw materials storage facilities 15 m from all lot lines, domestic water supplies, natural watercourses and constructed ditches.

### 3.5.2.2 Stormwater Management

Farmers of new or expanding mushroom farms or composting operations should:

- include a *stormwater* management plan prepared by a professional engineer who is licensed to practice in BC.
- ensure the plan indicates how the *mushroom farm operation site* is to be drained and graded to divert surface runoff water from buildings and *compost storage areas*.
- ensure the plan is designed to discharge post-development peak flows from the lot at the same rate as occurred before the farm operation was built or expanded.
- ensure the engineer reviews the impact of the proposed drainage system on the existing downstream drainage system and confirms that no negative impacts are anticipated on down-gradient properties.

### 3.5.2.3 Wastewater Management

Farmers of new or expanding mushroom farms or composting operations should:

- have a treatment and disposal system designed by a professional engineer licensed to practice in BC, with the treatment and disposal of *wastewater* meeting criteria established by the Ministry of Environment.
- include a *wastewater* maintenance, monitoring and performance plan that is acceptable to the applicable local government and the Ministry of Environment.
- have a professional engineer, licensed to practice in BC, conduct monitoring and generate reports within 3 months after the commencement of the operation, between 3 and 9 months after the commencement of the operation, and every 12 months following. It must be ensured that the samples of effluent discharged from the *wastewater* treatment system are collected and analyzed by a certified laboratory which can generate reports for review by the local government and the Ministry of Environment.
- be prepared to modify the *wastewater* facility or plan from time to time based on the monitoring results.

### 3.5.2.4 Raw Material Storage and Blending

Farmers of new or expanding mushroom farms or composting operations should:

- store raw materials on an impermeable surface that is covered by a roof to prevent exposure to rain.

- Store pure straw on an impermeable surface that may be uncovered provided any runoff from the area is included in the waste water management plan. The straw storage areas must be set back from property lines, natural watercourses, channelized streams and constructed ditches, similar to the procedure for non-manure based materials.
- Blend raw materials on an impermeable surface, which may be uncovered. All blended, ground or mixed materials must be transferred to the enclosed on-farm composting facility within the same calendar day as the commencement of the blending, grinding or mixing procedure.

### 3.5.2.5 Composting Process

The on-farm composting process begins after the blending, grinding or mixing of two or more raw ingredients.

For the purposes of the Farm Bylaw *On-farm mushroom composting* means the production of a fresh growing medium for mushrooms where a minimum of 20% of the finished compost is produced and used on the same legal parcel where the mushroom operation is located.

Farmers of new or expanding mushroom composting operations should control odour by:

- Housing an on-farm composting process in a building with an impermeable floor and aeration system. Any building(s) containing the composting process must be operated with a negative pressure differential between the inside and outside of the building. Exhaust from the building(s) housing the composting process must be collected and treated through a biofilter that is designed by a professional engineer, licensed in the Province of British Columbia:
  - To remove a minimum of 90% of the odours; and
  - To comply with any requirement of the Ministry of Environment (or *Environmental Management Act*)
- Providing at the time of building permit application, a detailed maintenance and air quality monitoring program by a Professional Engineer, licensed in the Province of British Columbia.
- Having an air quality monitoring program which provides easy verification that the system, including the biofilter, is operating as designed. As a minimum, monitoring shall be conducted and reports shall be submitted:
  - At 3 months and 9 months following commencement of operations; and
  - Every subsequent 12 months.

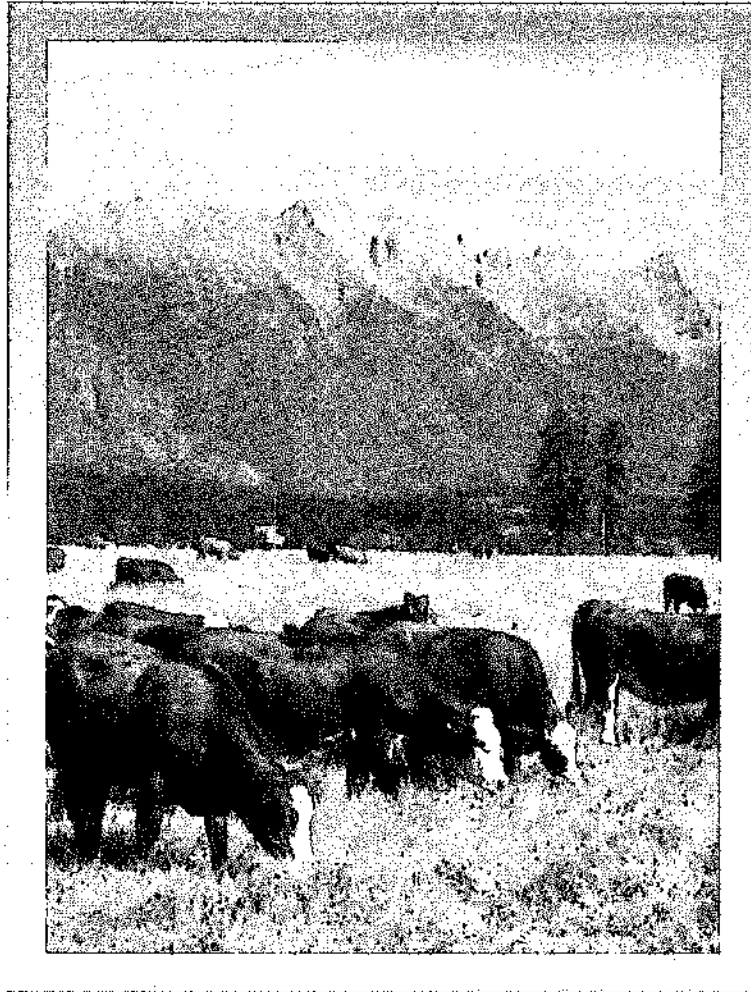
### 3.5.3 Farm-side Edge Planning

Farm-side edge planning tools and implementation methods are available to regulated local governments to promote compatibility between farming and *urban areas*. Application of these tools requires the use of a farm bylaw. Local governments will need to engage the Ministry of Agriculture, as well as their local farmers, early in the process in order to develop and implement the most effective farm-side edge planning tools for their community. The suite of tools available under this section can be found in the Farm-Side Edge Planning section of the Ministry's Guide to Edge Planning (see Appendix A).

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## Part 4 Definitions





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## Definitions

Following are definitions of words, terms, and phrases that relate to the Minister's Bylaw Standards in this guide. Any words or phrases noted in italics in any part of the Guide can be found here. The definitions have been developed for incorporation into bylaws where appropriate but may also be used for reference purposes. The use of terminology in bylaws as prescribed in the definitions encourages greater consistency throughout the province. Commodity-specific information is available in the Farm Practice Reference Guide, available at:

<http://www.al.gov.bc.ca/resmgmt/fppa/refguide/intro.htm>

Definitions for both *agriculture* and *farm operation* are included here. The definition of *agriculture* is based on the ALC definition, while *farm operation* is based on that used in the *Farm Practices Protection (Right to Farm) Act*. Local governments are encouraged to choose one of these definitions for incorporation into bylaws.

### Accessory (agri-tourism)

means that the agri-tourism is subordinate to the active "farm operation" on the same lot. Agri-tourism uses and activities only augment a farmer's regular farm income, not exceed or replace it.

### Accessory Farm Building

means a *farm building* that is normally incidental or subordinate to a *principal farm building* on the *farm unit*.

### Accessory Farm Residential Facilities

means the following *buildings*, structures or improvements associated with a *principal farm residence* or *additional farm residence* on a farm:

1. Attached or detached garages or carports
2. Driveways to residences
3. Decorative landscaping
4. Attached or detached household greenhouse or sunroom
5. Residential-related workshop, tool and storage sheds
6. Artificial ponds not serving farm drainage, irrigation needs or aquaculture use
7. Residential-related recreation areas such as, but not limited to, swimming pools and tennis courts.

### Accessory Farm Structure

means a *farm structure* that is normally incidental or subordinate to a *principal farm structure* on the *farm unit*.

### Additional Farm Residence

Means a *building* on a farm used as a home or residence by:

- A full-time employee of the farm and his/her spouse and children; or

- A member of the land owner's *immediate family*; or
- *Temporary farm worker(s)*.

**Agricultural Liquid Waste**

means a by-product of *agriculture* that contains less than 20% solids and includes *agricultural waste water* and silage juices.

**Agricultural Liquid Waste Storage Facility**

means a structure used to contain *agricultural liquid waste* or *aquacultural liquid waste*. An *agricultural liquid waste storage facility* can include a structure, reservoir, lagoon, cistern, gutter, tank or *bermed* area for containing *agricultural waste* prior to disposal or use for beneficial purposes.

**Agricultural Solid Waste**

means a by-product of *agriculture* that contains greater than 20% *dry matter*, and includes *manure*, used *mushroom medium*, and *agricultural vegetation*.

**Agricultural Solid Waste Storage Facility**

means a facility used to contain *agricultural solid waste*, or *biosolids* prior to its use or disposal, but does not include a vehicle or any mobile equipment used for transportation or disposal of *agricultural solid waste*. An *agricultural solid waste storage facility* can include a structure, tank or *bermed* area for containing *agricultural waste* prior to disposal or use for beneficial purposes.

**Agricultural Unit**

means an equivalent live farm animal weight corresponding to 455 kilograms (1000 pounds) for livestock, poultry or *farmed game*, or any combination of them equaling 455 kilograms as defined under the Code of Agricultural Practice for Waste Management, *Environmental Management Act*.

**Agricultural Waste**

means a by-product of *agriculture* and can include *agricultural waste water*, silage juices, *manure*, used *mushroom medium*, and *agricultural vegetation*.

**Agricultural Waste Storage Facility**

means an *agricultural solid waste storage facility* or an *agricultural liquid waste storage facility*.

**Agricultural Wastewater**

means water which contains any unwanted or unused products or by-products of *agriculture* such as milk, fertilizers, pesticides, detergents, acids, phosphates, chlorine, and *manures*.

**Agriculture**

means the use of land, buildings, and structures for any of the following:

- growing, producing, raising or keeping animals and plants, including apiculture, poultry and the growing of mushrooms and the primary products of those plants or animals, but does not include the breeding of pets or operating a Kennel;
- cultivation in plantations of any specialty wood crops or specialty fibre crops prescribed by the Minister responsible for Agriculture;
- turf production with approval under the *Agricultural Land Commission Act*, if required;
- raising or keeping of *farmed game* by a person licensed to do so under the *Game Farm Act*;
- raising or keeping of *fur-bearing animals* by a person licensed to do so under the *Fur Farm Act*;
- raising or keeping of exotic animals prescribed by the Minister responsible for Agriculture;
- a British Columbia-licensed winery or cidery, provided that the use is in accordance with all conditions in the *Agricultural Land Commission Act*, as amended from time to time and all regulations or orders pursuant thereto;
- the following farm activities to enable uses (1) to (7) above of the farm on that Lot:
  - clearing, draining, irrigating, or cultivating land;
  - using farm machinery, equipment, devices, materials, and structures;
  - applying fertilizers, manure, pesticides, biological control agents, including ground and aerial spraying; and
  - storage of Agricultural Products and the products of *On-farm Processing* and *On-farm Product Preparation*.

**Agri-tourism**

is travel that combines agricultural or rural settings with products of agricultural operations – all within a tourism experience that is paid for by visitors. It is a

tourist activity, service or facility which is *accessory* to a *farm operation*, as defined in the *Farm Practices Protection (Right to Farm) Act*, where the land is classified as a farm under the *Assessment Act*; and, where the farm is in active operation each year.

**Agroforestry System**

Means a land management approach that purposefully integrates managing trees with crops or livestock, blending agriculture, silviculture and conservation practices in the same land use system. Examples, in the context of farmed areas, include *integrated riparian management systems*, *timberbelt systems*, or *forest farming systems*.

**Aquacultural Liquid Waste**

means a waste that contains less than 20% solids, is produced on a farm, and includes fish fecal material and residual fish food material.

**Aquaculture**

means the growing and cultivation of aquatic plants, or fish, for commercial purposes, in any water environment or in man-made containers of water, and includes the growing and cultivation of shellfish on, in, or under the foreshore or in the water.

**Aquatic Plants**

includes benthic and detached algae, marine flowering plants, brown algae, red algae, green algae, and phytoplankton.

**Audible Bird Scare Device**

means a device used to control or reduce the impact of wildlife on crops or livestock feed, and may include propane-fueled cannons or exploders, electronic warblers, bird distress call recorders, motorcycles, and firearms with various cracker or whistler shells.

**Berm**

means an artificial mound containing materials, such as soil, that may be used for buffering, retaining water, and diverting or stopping surface flows, including agricultural liquid waste and agricultural waste.

**Buffer**

means a device or feature arranged and maintained to screen or separate adjoining land uses or properties, and includes any combination of setbacks, existing vegetation, ditches, roads, landscaping, *berming*, and fencing.

<b>Building</b>	means any <i>structure</i> , wholly or partially enclosed by a roof or roofs supported by walls, columns or posts.
<b>Category 'A' Noise Scare Device</b>	means a device used to protect crops and feed that creates an impulse sound generated from impacts or explosions and includes propane-fueled cannons. Firearms and shell launchers such as orchard pistols are not included.
<b>Category 'B' Noise Scare Device</b>	means any stationary device used to protect crops and feed, not in Category 'A', which generates sounds to scare or disturb animals. Devices that broadcast animal calls or other sounds through loudspeakers are included in Category 'B'. Firearms and shell launchers such as orchard pistols are not included.
<b>Channelized Stream</b>	means a permanent or relocated stream that has been dredged, dyked, diverted or straightened and which carries drainage flows from headwaters or significant sources of <i>groundwater</i> . Reaches of channelized streams may be confined by roads and fences and may meander through fields. Channels that divert irrigation water from a stream, but return overflow water back to a stream in a manner that allows fish access, are classified as channelized streams.
<b>Chemical Storage</b>	means a <i>structure</i> used to store or contain chemicals including fuel, fertilizers, insecticides, fungicides, or herbicides used in agricultural production.
<b>CHP</b>	means a combined heat and power engine that produces both electricity and thermal energy for heating or cooling from a single fuel input.
<b>CHP efficiency</b>	Means useful energy output divided by fuel input, based on a 100% load.
<b>Cogeneration Facility</b>	means the CHP engine and all additional components needed to achieve the production and transfer of heat and electricity from the engine to the <i>greenhouse</i> or interconnection site.
<b>Compost</b>	means a product of <i>composting</i> , ready for agricultural use as a fertilizer, soil amendment, artificial topsoil, or growing medium.
<b>Compost Storage Area or Facility</b>	means a <i>farm area</i> or facility used to store finished <i>compost</i> and can include an impermeable pad.

<b>Composting</b>	means the biological degradation or breakdown of organic matter.
<b>Confined Livestock Area</b>	means an outdoor, non-grazing area where <i>livestock, poultry, or farmed game</i> are confined by fences, other structures or topography, and includes <i>feedlots, paddocks, corrals, exercise yards</i> , and holding areas, but does not include a <i>seasonal feeding area</i> .
<b>Constructed Channel</b>	means a man-made channel that carries drainage water from <i>more than one</i> property but does not carry water from headlands or significant sources of <i>groundwater</i> . Flows in agricultural constructed channels may be year-round and are not regulated. Constructed channels may also divert water for irrigation purposes.
<b>Constructed Ditch</b>	means a man-made channel that carries drainage water from <i>one</i> property <i>only</i> but does not carry water from headlands or significant sources of <i>groundwater</i> . Flows in agricultural constructed ditches may be year-round and are not regulated. Constructed ditches may also divert water for irrigation purposes.
<b>Dairy Animal</b>	means an animal kept for the production of milk or farm-separated cream or any milk product, and includes cows, goats, and sheep.
<b>Detention Pond</b>	means a water body, either constructed or natural, used to store water, including storm water runoff or snowmelt but excluding <i>agricultural wastewater</i> , for later use or release into a drainage system.
<b>Direct Farm Marketing</b>	means the selling or distribution of <i>farm products</i> directly to consumers from a <i>farm unit</i> .
<b>Direct Farm Marketing Area</b>	means the indoor or outdoor area used to display <i>farm products</i> or other products for sale, including space for circulation, counter space for the purchase of goods, and space for the service and consumption of food items, but excluding office space, wholesale storage space, processing facilities, and public washrooms.
<b>Domestic Water Supply</b>	means a supply of water used for normal household requirements, including sanitation, human consumption, and food preparation.
<b>Exercise Yard</b>	means an area used to exercise horses and other livestock, and includes outdoor equestrian riding

arenas and training tracks.

**Farm Building**

means any *building* which is used in a *farm operation*.

**Farm Business**

means a business in which one or more *farm operations* are conducted, and includes a farm education or farm research institution to the extent that the institution conducts one or more *farm operations*.

**Farm Class**

means a designation given to a lot or part of a lot that is classified as a "farm" under the *BC Assessment Act*.

**Farm Operation**

as defined under the *Farm Practices Protection (Right to Farm) Act*, means any of the following activities involved in carrying on a *farm business*:

1. growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
2. clearing, draining, irrigating or cultivating land;
3. using farm machinery, equipment, devices, materials, and structures;
4. applying fertilizers, manure, pesticides and biological control agents, including by either ground or aerial spraying;
5. conducting any other agricultural activity on, in, or over agricultural land, and includes:
6. intensively cultivating in plantations, any
7. specialty wood crops, or
8. specialty fibre crops prescribed by the minister;
9. conducting turf production in an agricultural land reserve with the approval under the *Agricultural Land Commission Act* of the Provincial Agricultural Land Commission;
10. aquaculture as defined in the *Fisheries Act* when carried on by a person licensed under Part 3 of that Act to carry on the business of aquaculture;
11. raising or keeping game, within the meaning of the *Game Farm Act*, by a person licensed to do so under that Act;
12. raising or keeping furbearing animals, within the meaning of the *Fur Farm Act*, by a person licensed to do so under that Act;
13. processing or direct marketing by a farmer of



- one or both of
14. the products of a farm owned or operated by the farmer, and
  15. within limits prescribed by the minister, of products not of that farm, to the extent that the processing or marketing of those products is conducted on the farmer's farm;
- but does not include:

16. an activity, other than grazing or hay cutting, if the activity constitutes a forest practice as defined in the *Forest Practices Code of British Columbia Act*;
17. breeding pets or operating a kennel;
18. growing, producing, raising or keeping exotic animals, except types of exotic animals prescribed by the minister.

**Farm Product**

means a commodity or good derived from the cultivation or husbandry of land, plants, or animals (except pets and exotic animals) that are grown, reared, raised or produced on a farm.

**Farm Residential Footprint**

means the portion of a lot that includes a *principal farm residence*, *additional farm residence* and its *accessory farm residential facilities*.

**Farm Structure**

means any structure that is part of a farm operation.

**Farm Unit**

means an area of land used for a farm operation consisting of one or more contiguous or non-contiguous lots, that may be owned, rented or leased, which forms and is managed as a single farm.

**Farmed Game**

means any animal held under the authority of a licence under the *Game Farm Act* and includes fallow deer, bison, and reindeer.

**Farming Area**

means an area of land that

1. is in the Agricultural Land Reserve; or
2. is crown land designated as a farming area under the *Farm Practices Protection (Right to Farm) Act*;
3. is affected by a valid and subsisting licence for aquaculture under the *Fisheries Act*.

**Feedlot**

means a fenced area where *livestock*, *poultry*, or

*farmed game* are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing.

**Fish** means an aquatic animal and applies, as defined in the *Riparian Areas Regulation*, to all life stages of salmonids, game fish and regionally significant fish.

**Floor Area – Farm Residence(s)** means the total combined area of all floors contained within the exterior walls of all farm residences on a lot, including outdoor and indoor household greenhouses and sunrooms, but excluding cellars with a ceiling height less than 1.95 metres and attached or detached garages or carports to a maximum of 42 square metres for a farm residence.

**Forest Farming System** means an *agroforestry system* in which intentional manipulation is practiced through sustainable, integrated cultivation of both timber and shade-requiring non-timber crops in managed forested areas on agricultural lands.

**Fur Farm** means a place in which two or more *furbearing animals* are kept in captivity.

**Furbearing Animal** means an animal that is wild by nature, kept in captivity, and whose pelt is commonly used for commercial purposes, but does not include a species of animal excluded by regulation under the *Fur Farm Act*.

**Game Bird** means guinea fowl, pheasant, partridge, pigeon, quail, silkie, squab, or tinamou.

**Grazing Area** means a pasture or rangeland where *livestock, poultry* or *farmed game* are primarily sustained by direct consumption of feed growing in the area.

**Greenhouse** means a *structure* covered with translucent material and used for the purpose of growing plants, which is of sufficient size for persons to work within the *structure*.

**Groundwater** means water that fills all the unblocked pores of underlying material below the water table at the upper limit of saturation.

**Home Plate** means a *farm residential footprint*.

<b>Honey House</b>	means a <i>farm structure</i> where honey extraction occurs or where hive equipment is stored.
<b>Immediate Family</b>	means, with respect to an owner, the owner's <ul style="list-style-type: none"> <li>• parent, grandparent, and great grandparents;</li> <li>• spouse, parents of spouse and stepparents of spouse;</li> <li>• brothers and sisters; and</li> <li>• children, stepchildren, grandchildren and great grandchildren.</li> </ul>
<b>Impervious Surface</b>	means a building or constructed surface made of concrete, asphalt, plastic or other material that does not permit water to soak into the underlying ground.
<b>Integrated Riparian Management System</b>	means an <i>agroforestry system</i> in which management is carried out in areas bordering watercourses to enhance and protect aquatic resources while generating economic benefit through the production of timber and non-timber forest products.
<b>Land-Based Aquaculture</b>	means <i>aquaculture</i> conducted in a facility built on uplands.
<b>Lane</b>	means a road allowance of less than 10.0 metres in width.
<b>Livestock</b>	means cattle, horses, sheep, goats, swine, rabbits, and fish.
<b>Lot Line</b>	means the legally defined limit of any lot including that formed by any <i>highway</i> , except where a lot is adjacent to an <i>unsurveyed highway</i> in which case it is defined by a line 10.0 metres on either side of the centerline of the driven portion of that <i>highway</i> .
<b>Lot Line – Edge</b>	means any <i>lot line</i> separating an <i>urban area</i> from a <i>farming area</i> .
<b>Lot Line – Exterior</b>	means a <i>lot line</i> , not a <i>front</i> or <i>rear lot line</i> , that is common with a <i>street</i> .
<b>Lot Line – Front</b>	means the cumulative lines common to a lot on an abutting <i>street</i> but not a <i>lane</i> .
<b>Lot Line - Interior</b>	means a <i>lot line</i> , not a <i>front</i> , <i>exterior</i> or <i>rear lot line</i> , that is common to another lot, a <i>lane</i> , or a <i>walkway</i> .

<b>Lot Line – Rear</b>	means the <i>lot line</i> opposite to, not adjoining and most distant from the <i>front lot line</i> , and that approximately spans the width of the lot.
<b>Machine Storage Building</b>	means a <i>building</i> used to store, repair, or maintain farm machinery.
<b>Manufactured Home</b>	means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes.
<b>Manure</b>	means waste material excreted from animals, including livestock, poultry, farmed game and furbearing animals.
<b>Manure, Liquid</b>	means <i>manure</i> that contains less than 20% solids and will flow if piling is attempted.
<b>Manure, Solid</b>	means <i>manure</i> that contains greater than 20% solids.
<b>Marihuana for Medical Purposes Regulations</b>	means the Federal Government Health Canada Marihuana for Medical Purposes Regulations.
<b>Marine Plants</b>	includes seaweeds such as nori, kelp, and sea asparagus.
<b>Medical Marihuana Production Facilities</b>	means 'Site' as defined by the Marihuana for Medical Purposes Regulations.
<b>Milk House</b>	means a <i>farm building</i> or <i>farm structure</i> used to cool or store milk or farm-separated cream and used to clean, sanitize, and store milking equipment for the production and storage of milk or farm-separated cream.
<b>Milking Facility</b>	means a <i>farm building</i> or a <i>farm structure</i> on a dairy farm, and includes milking barns, milking rooms, <i>milking parlours</i> , and <i>milk houses</i> .
<b>Milking Parlour</b>	means a <i>farm building</i> or a <i>farm structure</i> where the milking of dairy animals occurs, but where no animals

	are housed.
<b>Mortalities</b>	means <i>livestock, poultry, farmed game, or furbearing animals</i> that have died and that are unmarketable.
<b>Mushroom Medium</b>	means a composted mixture that is used for growing mushrooms.
<b>Mushroom Farm Operation Site</b>	means that portion of the lot used to contain a mushroom growing operation, including all buildings, structures, agricultural liquid waste storage facilities, and detention ponds, and includes impervious surface areas such as impervious parking lots used for the <i>farm operation</i>
<b>Natural Stream</b>	means a <i>watercourse</i> that has not been significantly altered by human activity and is predominantly in its natural state.
<b>Non-Farm Products</b>	are products that are <b>not from</b> the <i>farm unit</i> of which the subject property is part.
<b>Non-Manufactured Home</b>	means a site-built detached dwelling on a permanent foundation constructed in compliance with the BC Building Code standards applicable to residential occupancy.
<b>Nursery</b>	means a <i>farm operation</i> where woody ornamental or herbaceous perennial plants are grown outdoors or in removable overwintering polyhouses, cold frames, and hot beds.
<b>On-Farm Composting</b>	<p>means <i>composting</i> of agricultural waste or raw materials, which may include <i>manure</i>, straw, vegetative waste, <i>wood waste</i>, ground paper, other sources of carbon and nitrogen, and bulking agents, but does not include production of mushroom medium, on the <i>farm unit</i> to generate finished <i>compost</i> where:</p> <ul style="list-style-type: none"> <li>• 100% of the raw materials or <i>agricultural wastes</i> used for <i>composting</i> originate off the <i>farm unit</i> and the finished <i>compost</i> is used on that <i>farm unit</i>; or</li> <li>• <i>more than 50% of the raw materials or agricultural wastes used for composting</i> originate on the <i>farm unit</i> and the finished <i>compost</i> is either used on that <i>farm unit</i> or distributed or sold off the <i>farm unit</i>; or</li> </ul>

- *less than 50% of the raw materials or agricultural wastes used for composting originate on the farm unit and more than 50% of the finished compost is used on that farm unit.*

**On-Farm Mushroom Composting**

For the purposes of the Farm Bylaw *On-farm mushroom composting* means the production of a fresh growing medium for mushrooms where a minimum of 20% of the finished compost is produced and used on the same legal parcel where the mushroom operation is located. (refer to Farm Bylaw Standard in Section 3.5.2).

**On-Farm Processing**

means the undertaking of processes, including mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments, and biological treatments, *on a farm unit* to:

- prepare *farm products* or value-added products to sell, or
- prepare feed for *livestock, poultry, farmed game, or furbearing animals* located on the farm

but excludes *on-farm composting, on-farm product preparation, and on-farm soilless medium production.*

**On-Farm Product Preparation**

means cleaning, sorting, separating, grading, or packing *farm products* on a *farm unit*.

**On-Farm Soil-less Medium Production**

means the production of *soilless medium* on a *farm unit*, where:

1. *100% of the raw materials used for soilless medium production originate off the farm unit and the finished medium is used on that farm unit; or*
2. *more than 50% of the raw materials used for soilless medium production originate on the farm unit and the finished medium is either used on that farm unit or distributed or sold off the farm unit; or*
3. *less than 50% of the raw materials used for soilless medium production originate on the farm unit and more than 50% of the finished medium is used on that farm unit.*

**On-Farm Storage**

means the storage of *farm products* on a *farm unit*, where, over a 12-month period, more than 50% of *farm*

*products stored on the farm unit are used, produced, grown, or raised on the farm unit.*

**Open Burning**

means the combustion of material with or without control of combustion air, and without a stack or chimney to vent the emitted products of combustion into the atmosphere.

**Other Agricultural Activity**

means an activity that is part of farming, including *on-farm composting, on-farm soilless medium production, on-farm product preparation*, and crop protection using *wind machines or audible bird scare devices*.

**Poultry**

means domesticated birds kept for eggs, meat, feathers, hide, or cosmetic or medicinal purposes, and includes broilers, Cornish hens, layers, breeding stock, replacement pullets, roasters, ducks, geese, turkeys, *game birds*, and *ratites*.

**Principal Farm Building**

means any *farm building* intended to accommodate the main use or uses of the *farm unit* but does not include any accessory *farm buildings*.

**Principal Farm Structure**

means any *farm structure* intended to accommodate the main use or uses of the *farm unit*.

**Principal Farm Residence**

means the main *building* used to accommodate a resident but does not include *Temporary Farm Worker Housing*.

**Qualified Environmental Professional (QEP)**

means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

1. the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association, and
2. the individual's area of expertise is recognized in the *Riparian Areas Regulation* assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of a development proposal, and

3. the individual is acting within that individual's area of expertise.

**Ratite** means a bird that has small or rudimentary wings and no keel to the breastbone, and includes ostriches, rheas, and emus.

**Ravine** means a small, narrow, steep-sided valley with a slope greater than 3:1 and which has been created by the natural flow of a stream.

**Regular Seasonal** means occurrence over the same season(s), or at the same time, each year.

**Residence** means a permanent or seasonal home on a lot.

**Restrictive Covenant** means a legal agreement completed according to the *Land Title Act*.

**Riparian Area** means a streamside protection and enhancement area.

**Riparian Vegetation** means vegetation, other than agricultural crops, that is adjacent to a watercourse in the transitional zone between aquatic and upland environments.

**Season** means:

- one of the four periods of the year: spring, summer, autumn or winter,
- the period of the year when something that regularly occurs every year happens; e.g., pumpkin festival before Halloween, and/or
- the period(s) when most people take their holidays, go to visit places, or take part in an activity outside of work.

**Seasonal** means:

- relating to, dependant on, determined by, or characteristic of a particular season of the year;
- fluctuating according to the season;
- available or used during one or more season, or at specific times of the year.

**Seasonal Feeding Area** means an area:

1. used for forage or other crop production, and
2. used seasonally for feeding *livestock, poultry, or farmed game* that is primarily sustained by supplemental feed

but does not include a confined livestock area or



	grazing area.
<b>Shellfish</b>	means an invertebrate <i>fish</i> and includes clams, oysters, crabs, shrimp sea urchins, and sea cucumbers.
<b>Small-scale</b>	means minor or limited in size, scope, or extent. [Local government could specify amounts.]
<b>Soil-less Medium</b>	means a material that is manufactured for the growing of plants and may contain natural soils or organic compounds such as peat and bark.
<b>Solid Agricultural Waste</b>	means agricultural waste that: <ol style="list-style-type: none"> <li>contains 20% or more solids, and</li> <li>will not flow when piled.</li> </ol>
<b>Statutory Declaration</b>	means a document that is covered under the <i>Evidence Act</i> .
<b>Stormwater</b>	means any precipitation converted to surface runoff water
<b>Stream</b>	means, as defined in the <i>Water Act Regulation</i> , a <i>watercourse</i> or natural source of water supply, whether usually containing water or not, and includes <i>groundwater</i> , lakes, rivers, creeks, springs, <i>ravines</i> , swamps, wetlands, and gulches.
<b>Street</b>	means a road allowance of 10.0 metres or more in width.
<b>Structure</b>	means any construction fixed to, supported by, or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing of a lot.
<b>Temporary</b>	means having a limited duration, lasting or designed to last for only a limited time each week, month, or year; e.g., an activity occurs each year at the same time as a nearby festival or other event, or only a maximum duration of 3 days at a time.
<b>Temporary Farm Worker(s)</b>	means an individual or individuals who carry out agricultural work on a temporary, seasonal basis on a <i>farm operation</i> and are registered with a federal government temporary worker program.
<b>Temporary Farm</b>	means accommodation that is used solely for the

<b>Worker Housing</b>	purpose of providing cooking, sanitary, and sleeping facilities to temporarily house <i>temporary farm worker(s)</i> on a <i>farm operation</i> as necessary for the agricultural labour needs of a <i>farm operation</i> or other farms, if permitted.
<b>Temporary Farm Worker Housing Space</b>	means the area for housing one Temporary Farm Worker.
<b>Timberbelt System</b>	means an <i>agroforestry system</i> in which multiple rows of trees are planted for both <i>environmental</i> protection and the production of traditional agricultural crops, timber and non-timber forest products.
<b>Top of Bank</b>	means the first break in a bank slope such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured horizontally from the break. For multiple banks, setback distances will be measured from the top of the bank that is farthest from the center of the stream.
<b>Urban Area</b>	means land that is not in the Agricultural Land Reserve (ALR) that is currently zoned for residential, commercial, or institutional purposes, but not for industrial purposes.
<b>Walkway</b>	means a surfaced area for the exclusive use of pedestrians, but excludes a sidewalk.
<b>Wastewater</b>	means any water emanating from the mushroom growing process, and includes process water, wash water, compost leachate, and contaminated stormwater.
<b>Water-Based Aquaculture</b>	means <i>aquaculture</i> conducted in a facility on or in an open body of water such as a lake or marine intertidal foreshore or offshore area.
<b>Watercourse</b>	means, as defined in the <i>Water Act Regulation</i> , a stream or natural source of water supply, whether usually containing water or not, and includes <i>groundwater</i> , lakes, rivers, creeks, springs, ravines, swamps, wetlands, and gulches.
<b>Wind Machine</b>	means a machine used to generate air movement to protect crops, including tree fruits and grapes, from frost damage.

**Wood Waste**

means wood materials including hog fuel, mill ends, wood chips, bark, and sawdust, but excluding demolition waste, construction waste, tree stumps, branches, logs, and log ends.

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# Appendix A: Resources



## Further Resources

### Agri-tourism Uses and Activities

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local governments in developing bylaws relating to agri-tourism uses, activities and retail sales. A document was prepared to explain the rationale for establishing this standard and is provided on the Strengthening Farming website at:  
<http://www.agf.gov.bc.ca/resmgmt/sf/index.htm>

### Combined Heat and Power Generation at Greenhouses

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local government bylaw development regulating combined heat and power generation (cogeneration) at greenhouses in the ALR. A discussion paper explaining the rationale for establishing the standard as well as other materials used during the consultation process may be found on the Strengthening Farming website at:  
[http://www.agf.gov.bc.ca/resmgmt/sf/co\\_generation\\_in\\_ALR\\_standard/co\\_gen\\_standard\\_index.htm](http://www.agf.gov.bc.ca/resmgmt/sf/co_generation_in_ALR_standard/co_gen_standard_index.htm)

### Guide to Edge Planning

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local governments in developing bylaws for the purpose of increasing compatibility between urban and agricultural uses. The Guide to Edge planning can be found on the Strengthening Farming website at:  
[http://www.agf.gov.bc.ca/resmgmt/sf/publications/823100-2\\_Guide\\_to\\_Edge\\_Planning.pdf](http://www.agf.gov.bc.ca/resmgmt/sf/publications/823100-2_Guide_to_Edge_Planning.pdf)

The Guide contains provisions for both urban-side edge planning as well as farm-side edge planning.

### Siting and Size of Residential Uses

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local governments in developing bylaws relating to the siting and size of residential uses in the ALR. A discussion paper was prepared to explain the rationale for establishing this Minister's Bylaw Standard and is provided on the Strengthening Farming website at:  
[http://www.agf.gov.bc.ca/resmgmt/sf/residential\\_uses\\_in\\_ALR\\_consultation/residential\\_uses\\_index.htm](http://www.agf.gov.bc.ca/resmgmt/sf/residential_uses_in_ALR_consultation/residential_uses_index.htm), along with consultation materials and a survey which formed the basis for the development of the standard.

### Temporary Farmworker Housing

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local government bylaw development regulating temporary farmworker housing. A discussion paper explaining the rationale for establishing the standard as well as other

materials used during the consultation process may be found on the Strengthening Farming website at:

[http://www.agf.gov.bc.ca/resmgmt/sf/publications/800221-1\\_Temp\\_Farm\\_Worker\\_Housing\\_Mar09.pdf](http://www.agf.gov.bc.ca/resmgmt/sf/publications/800221-1_Temp_Farm_Worker_Housing_Mar09.pdf)

## Medical Marihuana Production Facilities in the ALR

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local government bylaw development regulating Medical Marihuana Production Facilities licenced by Health Canada's Marihuana for Medical Purposes Regulations in the ALR. A discussion paper explaining the rationale for establishing the Bylaw Standard during the consultation process may be found on the Strengthening Farming website.

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## Background: Agri-tourism Uses and Activities, including Retail Sales

## Explanatory Comments

<p>The <i>Guide for Bylaw Development in Farming Areas (Guide)</i> is a publication of the B.C. Ministry of Agriculture. It provides local governments with bylaw criteria that recognise the needs of farm operations.</p> <p>This overview contains definitions and bylaw standards related to agri-tourism, as may be established by the Minister per Section 916 of the <i>Local Government Act</i>. They expand on the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i> [hereinafter called the 'ALR USP Regulation']<sup>1</sup>. In addition to this legislation and local bylaws, there may be other agencies and legislation which may apply to an agri-tourism operation.</p> <p>These standards are intended to provide guidance to local governments for their bylaws as to the level of agri-tourism which is appropriate in the view of the Ministry of Agriculture. Local governments may enact bylaws for any aspect of agri-tourism not covered by other current government bylaws (for example the ALR USP Regulation and this proposed Minister's Bylaw Standard). This will allow local governments some flexibility to regulate some aspects of agri-tourism according to their local issues.</p> <p><b>'Agri-tourism' as a 'permitted accessory use' in a zoning bylaw</b> Local governments should list 'agri-tourism' as a 'permitted <i>accessory</i> use' in all zones where agriculture or farming is a permitted use.</p> <p>Using these standards, local zoning and licensing could limit the extent of agri-tourism business and related accommodation, to avoid future development which may disrupt farming.</p> <p><b>Definitions – Clarification of the Components of Agri-tourism</b></p> <p><b>"Agri-tourism"</b> is travel that combines agricultural or rural settings with products of agricultural operations – all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is <i>accessory to a farm operation</i>, as defined in the <i>Farm Practices Protection (Right to Farm) Act</i>, where the land is classified as a farm under the <i>Assessment Act</i>; and, where the farm is in active operation each year.</p>	<p>This document will help local bylaws to support agri-tourism and on-farm retail operations.</p> <p>Zoning bylaws often have a category of permitted accessory uses. Agri-tourism use must be associated with a farm.</p> <p>These definitions will be added to the list in the <i>Guide</i>.</p> <p>The basic elements of this definition were created by the agri-tourism industry.</p>
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<sup>1</sup> Refer to - [http://www.alc.gov.bc.ca/legislation/Reg/ALR\\_Use-Subd-Proc\\_Reg.htm](http://www.alc.gov.bc.ca/legislation/Reg/ALR_Use-Subd-Proc_Reg.htm)

The agri-tourism use is to:

- be *temporary, seasonal and/or regular seasonal*; and to
  - promote or market farm products grown, raised, or processed on the farm, and/or;
  - provide public education about the farm's operation and agriculture in the region.

*Agri-tourism* may also include subsidiary, *small-scale* activities that are possible due to the farm's location and/or the farm's operational schedule.

e.g., a ranch in the Cariboo might offer bird-watching tours during the fall migration, and sleigh rides or cross-country skiing in the winter when the cattle movements are more limited.

**Accommodation for agri-tourism on a farm**, where it is permitted by local governments, is included in *agri-tourism*.

***Example agri-tourism uses:***

**Fixed Attractions:**

Historic buildings, working farm structures, agricultural displays, on-farm food processing facilities, natural areas, passive recreation facilities;

**Events:**

Seasonal festivals, like fall pumpkin u-pick;

**Recreational services:**

Corn or Christmas tree maze, nature-and-agriculture appreciation, dude ranch work activities;

**Other services:**

Farm stays, B&B, and camping, educational tours, workshops and demonstrations, farm retail sales, food and beverage service.

**"Accessory (agri-tourism)"**

means that the agri-tourism is subordinate to the active "farm operation" on the same lot. Agri-tourism uses and activities only augment a farmer's regular farm income, not exceed or replace it.

This portion of the definition is based on the 'ALR USP Regulation', plus some recognition of the education value of agri-tourism.

Accommodation for agri-tourism in the ALR is permitted by the ALR USP Regulation, but local governments can regulate and/or prohibit it.

These uses and activities are examples. Farmers may have other ideas of activities that would be appropriate on their farms, as long as they are accessory and linked to agriculture.

This definition is a key part of these standards. Its purpose is to ensure that tourism uses do not dominate or disrupt farming, especially in the ALR.

<b>Column A</b>	<b>Column B</b>
<b>Agri-tourism Income Examples</b>	<b>Regular Farm Income Examples</b>
Entry or participation fees, tour fees	Primary agricultural production income
Fees for tours, services and workshops related to the farm operation	Value-added operations: processing of own <i>farm products</i>
Retail sales of <i>off-farm</i> or <i>non-farm products</i>	Retail sales of own <i>farm products</i>
Agri-tourism accommodation charges	



To be considered "*accessory*", the annual income from agri-tourism [Column A] must be no more than the annual regular farm income [Column B].

Income information could be supplied via a declaration at the time of the annual renewal of business licence(s) for the agri-tourism operation(s), or more simply, the local government could ask for this information only if there is a complaint or concern about the size of the agri-tourism operation.

The ALC may allow a larger proportion of agri-tourism activity on a farm, if the farmer applies for a non-farm use. An example of this would be a farmer intending to regularly host special events such as an annual music festival, weddings, or conference. A local government could decide whether to support that commercial activity in its zoning if it is authorized by the ALC.

**"Off-farm and non-farm products (agri-tourism)"**  
are products that are **not** from the *farm unit* of which the subject property is part.

**"Regular seasonal (agri-tourism)"**  
means the occurrence over the same season(s), or at the same time, each year.

**"Season" (agri-tourism)"**

- one of the four periods of the year: spring, summer, autumn or winter,
- the period of the year when something that regularly occurs every year happens; e.g., pumpkin festival before Halloween, and/or
- the period(s) when most people take their holidays, go to visit places, or take part in an activity outside of work.

**"Seasonal (agri-tourism)"**  
means:

- relating to, dependant on, determined by, or characteristic of a particular season of the year;
- fluctuating according to the season;
- available or used during one or more season, or at specific times of the year.

**"Small-scale (agri-tourism)"**  
means to be minor or limited in size, scope, or extent. [Local government could specify amounts.]

Each local government will set the detailed procedure for monitoring *accessory* uses. For example, Abbotsford soil bylaw (no. 1228-2003) requires submission of an annual statement of soil removed or deposited by a certified accountant. The permit fee is adjusted accordingly.

*Farm unit* means an area of land used for a *farm operation* consisting of one or more contiguous or non-contiguous lots, that may be owned, rented or leased, which form and are managed as a single farm.

**"Temporary (agri-tourism)"**

means having a limited duration, lasting or designed to last for only a limited time each week, month, or year;

- e.g., an activity occurs each year at the same time as a nearby festival or other event, or only a maximum duration of 3 days at a time.

**Criteria for Some Specific Agri-tourism Activities**

**On-farm retail**

In this type of marketing, the farmer sells his/her own *farm products*, and perhaps some *off-farm or non-farm products* directly from his/her *farm unit*. To do so, he/she may require retail sales and display area(s) which might be indoors and/or outdoors.

Not to be counted as part of the retail sales area, but often necessary for on-farm retail sales, are:

- storage space for products awaiting display and/or bulk sales, larger storage areas may be available in a barn;
- an office area for doing sales- and farm- related paperwork;
- washrooms;
- driveways, parking, and loading areas; and
- some preparation space where products are put in packages for display or shipping.

No sales area limit for own *farm products*

A local government should not place a size limit on the retail sales area of a farmer's own *farm products* i.e. the direct farm marketing area.

- The 'ALR USP Regulation' does not state an upper limit for the retail sales area of a farmer's own *farm products*.

Off-farm or non-farm products sales area

Local government regulations must allow for the possibility of retail sales area for complementary *off-farm or non-farm products*.

So that the retail emphasis is on a farm's own output, the 'ALR USP Regulation' requires that at least 50% of the total retail sales area be devoted to that farm's products.

Where there are both *farm products* and *off-farm products* being sold, the permitted upper limit of the total of the indoor and outdoor sales areas is 300 m<sup>2</sup> (which is the maximum presently allowed in the 'ALR USP Regulation').

Local governments often wonder which spaces are part of the retail function. This section clarifies what is included.

As long as a farmer is selling only products from his/her own farm, the 'ALR USP Regulation' does not limit the sales area. Local government bylaws should not limit the retail sales area for this purpose.

The present maximum area in the 'ALR USP Regulation' should be adopted by local governments and not reduced.

To develop a larger retail sales area, or to sell less than 50% of that farm's *farm products*, a farmer must apply to the Agricultural Land Commission (ALC) for permission and he/she must have local government approval.

### Agri-tourism Accommodation

Section 3 of the 'ALR USP Regulation' permits accessory accommodation for agri-tourism on a farm in the ALR, but allows a local government to prohibit it. Where it is allowed, the following standards are recommended.

As per the 'ALR USP Regulation', accommodation for agri-tourism:

- could include a maximum of 10 sleeping units composed of: seasonal campsites, seasonal cabins, or bed-and-breakfast (B & B) bedrooms.
  - Unless ALC consent is received, accommodation must not include cooking facilities, because doing so may result in long-term rental housing on farm land.
  - The local government could specify the number of persons per unit.
  - Should an operator wish to have more than 10 sleeping units, he/she could apply to the local government and the ALC.
  - On smaller lots, a local government may wish to set a lower number of allowed sleeping units.
  - In a local area, if there is no regulation of the accommodation's quality, a bylaw should be passed applying the BC Building Code as a minimum standard.
- A maximum of 4 B & B bedrooms per parcel is the number allowed by the ALR USP Regulation, but a local government may allow a different amount.
- The total developed area for buildings, landscaping, and access for the accommodation must be no more than 5% of the parcel area.

The agri-tourism accommodation should be located close to the front of the lot, or an adjacent side road, and perhaps it could be clustered with the "home plate(s)" of the farm residence(s). A farmer may wish to vary this location to minimise impact on his/her farm.

Local governments' zoning could allow sales areas containing non-farm products larger than 300 m<sup>2</sup>.

Before they permit a project, the ALC must approve each project that is above the maximum in the 'ALR USP Regulation'.

Local governments have some flexibility in the regulation of accommodation for agri-tourism. For example, Kelowna only permits agri-tourism accommodation on lots  $\geq 5$ ha; it allows 1 unit per ha rounded down to the nearest whole ha, to a maximum of 10 units, including B&Bs; no more than 5 recreation vehicles or campsites are allowed.

As another example, the Comox Valley Regional District permits a maximum gross floor area of 45 sq.m. per cabin, maximum site area of 150 sq.m. per RV or camper site, and 75 sq.m. per tent campsite.

Accommodation clustered near the road will leave more of a lot available for future farm operations. For example, Kelowna requires agri-tourism accommodation to be within 30 m of the

Depending on the location of the farm, the agri-tourism accommodation that is allowed under the 'ALR USP Regulation' may need to be available during more than one season, or its availability may vary with the seasons; e.g., horseback riding on trails in spring, summer, and fall, and cross-country skiing in the winter.

Occupation of the agri-tourism accommodation on a lot is only permitted to be *temporary, seasonal, and/or regular seasonal*, to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period. The ALC may allow longer occupation if the farmer applies for a non-farm use; local zoning would also have to allow it.

Each local government which permits agri-tourism accommodation could develop a monitoring methodology to ensure the occupation meets the above criteria.

### Criteria that Relate to All Types of Agri-tourism

#### Off-street Loading Area

An off-street loading area may be needed for transfer of products from the fields to the market stand or shop, and/or for transfer of products from the sales area to the buyer's vehicle. For criteria, see page Part 2.

front road or principal dwelling. There must be a landscaped buffer along lot lines.

The *Hotel Guest Registration Act*, Sec. 2 requires an operator to collect basic length of stay information in a guest register.

These existing criteria in the *Guide* say: "When any farm building or farm structure is being erected or enlarged and off-street loading areas are required, an area for off-street loading should be provided on the same site as the building or structure. Each off-street loading site should have vehicular access to a public street or lane. The length of the loading space must be such that a vehicle in the process of loading or unloading does not project into any street, lane, or public thoroughfare. Off-street loading space should not be required to be covered by a permanent, impervious surface. Permeable surfaces should be allowed.

### Site Layout for Agri-tourism Activities

Site coverage and setbacks for agri-tourism structures must follow the standards for farm structures provided elsewhere in Part 2.

Agri-tourism facilities should be placed on the farm in locations that minimise coverage of farm land and minimise disturbance of the present and potential future operation of that farm or neighbouring farms, or nearby urban uses; e.g., close to the road, and/or clustered with other farm structures.

### Parking

All vehicles visiting the agri-tourism activities must be parked on site, or as otherwise permitted by the local government. The parking capacity should be based on the average daily volume (recommended); local parking bylaws may have a different measure. This *Guide* offers a few parking standards for direct farm marketing in Part 2.

If overflow parking occurs on the road, it must adhere to local bylaws and should ensure enough clearance for passage of emergency vehicles and farm machinery.

If an event or activity might generate overflow demand, the agri-tourism operator should provide for and support alternate means of transportation, such as car-pools, shuttles, bicycle parking, or horse holding corral.

To minimise coverage of farm land, parking should be adjacent to a road and/or clustered with other farm structures.

- The parking and loading area surface should maximize infiltration of precipitation in order to limit effects on the farm's ground and surface water; pavement may not be appropriate.
- The depth and type of fill for agri-tourism parking and loading areas should facilitate its possible future removal, if the agri-tourism activity ceases.

For safety, the regular parking should be on the farm. But, to limit coverage of farm land, peak demand parking might be allowed on adjacent lots or on the road, if safety and maintenance are addressed.

### Lights

Floodlights and spotlights for agri-tourism activities should be directed away and/or screened from adjacent farms and other land uses.

### Signs

Each agri-tourism and retail operation, and the farm itself should be allowed at least one sign of at least 1.0 square metre.

Normally, signs are located at the farm entrance, but variation should be allowed for different building and site layouts and to ensure traffic safety. Third-party signs and lighting of signs should follow local bylaws.

### Noise

Loudspeakers and other noise sources associated with the agri-tourism activity should follow the existing local government noise bylaw.

### Local Government Permits and Fees

Other than the usual permits and fees required for construction, local governments should only require permits and fees for operations that require a non-farm application to the Agricultural Land Commission. They should only request reimbursement of extra municipal costs generated by the event or operation; e.g., policing, fire service, road clean-up, and/or traffic management.

For example, a zone in the Fraser Valley Regional District allows farm retail use to have sign(s) on the same parcel where the sales occur with a maximum sign area of 10 sq. m., including any signage on the farm sales building itself.

Local permits and fees should only be required if the proposed scale, frequency, and/or type of agri-tourism activities warrant an application to the ALC.

Two Tiers of Activities		
Element	Agri-tourism activities acceptable on farms	On-farm activities or events that require ALC approval
<b>Examples</b> (other similar activities may be proposed)	<ul style="list-style-type: none"> <li>• educational tours – general public, local school children</li> <li>• on-farm marketing, including U-pick, pumpkin patches</li> <li>• corn maze or Christmas tree maze</li> <li>• agricultural heritage</li> <li>• ranch or farm tours</li> <li>• livestock shows</li> <li>• harvest festivals</li> <li>• on-farm classes and/or workshops related to the farm operation</li> <li>• farm stays or B&amp;B</li> <li>• on-farm processing facility tours</li> </ul>	<ul style="list-style-type: none"> <li>a) Non-farm-uses and commercial entertainment activities which do not have an agricultural component:                             <ul style="list-style-type: none"> <li>• e.g., paint ball course, dirt bike trails, all-terrain vehicles trails, mini-train parks, remote control runways etc.</li> </ul> </li> <li>b) Event and facility rentals for: concerts, theatre, or music festivals</li> <li>• helicopter tours</li> <li>• banquets, celebrations and weddings</li> <li>• any other commercial assembly activity</li> </ul>

Element	Two Tiers of Activities	
	Agri-tourism activities acceptable on farms	On-farm activities or events that require ALC approval
<b>Parking</b>	<ul style="list-style-type: none"> <li>• self-contained, off-road parking</li> <li>• some overflow could be on neighbouring farm(s) provided it's for infrequent events, no permanent alterations to the agricultural land, and no resurfacing such as with gravel or asphalt paving</li> <li>• allow for school and tour buses</li> <li>• on-road parking at the discretion of the local government</li> </ul>	<ul style="list-style-type: none"> <li>• Off-site overflow parking that is used on a frequent basis or that requires resurfacing</li> <li>•</li> <li>•</li> </ul>
<b>ALC non-farm use application approval or local government permit requirements</b>	<ul style="list-style-type: none"> <li>• No local government permit requirements, including temporary use permits; outright use</li> <li>• No ALC non-farm use application approval</li> </ul>	<ul style="list-style-type: none"> <li>• ALC non-farm use application approval</li> <li>• Local government non-agriculture related activities or events may also require a separate zone or temporary use permit Special local government permits - per event or per day, or both</li> </ul>

## 2.4.11 Agri-tourism

This section outlines criteria for regulating agri-tourism activities. The basic elements of the definition of agri-tourism were developed by the agri-tourism industry. Agri-tourism activities (other than agri-tourism accommodation) are regulated by the ALR Use, Subdivision and Procedure Regulation as a farm use and cannot be prohibited by a local government bylaw. The only exception to this is a Farm Bylaw approved by the Minister of Agriculture under section 917 of the *Local Government Act*.

Agri-tourism use is to be *temporary, seasonal* and/or *regular seasonal*; and to:

- promote or market *farm products* grown, raised, or processed on the farm; and/or
- provide public education about the farm's operation and agriculture in the region.

Agri-tourism may also include subsidiary, *small-scale* activities that are possible due to the farm's location and/or the farm's operational schedule. For example a ranch in the Cariboo might offer bird-watching tours during the fall migration, and sleigh rides or cross-country skiing in the winter when cattle movements are more limited.

Local governments should list agri-tourism as permitted accessory use in all zones where agriculture or farming is a permitted use. Agri-tourism uses and activities are intended to augment a farmer's regular farm income, not exceed or replace it.

### 2.4.11.1 Farm Class

Agri-tourism is a tourist activity, service or facility that is *accessory* to a farm operation where the land is classified as a 'farm' under the *Assessment Act* and the farm is in operation each year.

NOTE: A local government may be able to require information about agri-tourism income under certain circumstances.

### 2.4.11.2 Examples of Agri-tourism

Table 3 Two Tiers of Agri-tourism Activities		
Element	Agri-tourism activities acceptable on farms	On-farm activities or events that require ALC approval
Examples (other similar activities may be proposed)	<ul style="list-style-type: none"> <li>• educational tours – general public, local school children</li> <li>• on-farm marketing, including U-pick and pumpkin patches</li> <li>• corn maze or Christmas tree maze</li> <li>• agricultural heritage events</li> <li>• ranch or farm tours</li> </ul>	<p>a) Non-farm-uses and commercial entertainment activities which do not have an agricultural component::</p> <ul style="list-style-type: none"> <li>• e.g., paint ball course, dirt bike trails, all-terrain vehicles trails, mini-train parks, remote control runways, helicopter tours, etc.</li> </ul>



Ref: 181385 Appendix B: Minister's Bylaw Standard for Agri-tourism and Farm Retail Sales

	<ul style="list-style-type: none"> <li>• livestock shows</li> <li>• harvest festivals</li> <li>• on-farm classes and/or workshops related to the farm operation</li> <li>• farm stays or B&amp;B</li> <li>• on-farm processing facility tours</li> </ul>	b) Event and facility rentals for: <ul style="list-style-type: none"> <li>• concerts, theatre or music festivals</li> <li>• banquets, celebrations and weddings</li> <li>• any other commercial assembly activity</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>• self-contained, off-road parking</li> <li>• some overflow could be on neighbouring farm(s) provided it's for infrequent events, no permanent alterations to the agricultural land, and no resurfacing such as with gravel or asphalt paving</li> <li>• allow for school and tour buses</li> <li>• on-road parking at the discretion of the local government</li> </ul>	<ul style="list-style-type: none"> <li>• Off-site overflow parking that is used on a frequent basis or that requires resurfacing</li> </ul>
<b>ALC non-farm use application approval or local government permit requirements</b>	<ul style="list-style-type: none"> <li>• No local government permit requirements, including temporary use permits; outright use</li> <li>• No ALC non-farm use application approval</li> </ul>	<ul style="list-style-type: none"> <li>• ALC non-farm use application approval</li> <li>• Local government non-agriculture related activities or events may also require a separate zone or temporary use permit</li> <li>• Special local government permits - per event or per day, or both</li> </ul>

Table 4 Agri-tourism Farm Income Examples

Agri-tourism Income Examples	Regular Farm Income Examples
Entry or participation fees, tour fees	Primary agricultural production income
Fees for tours, services and workshops related to the farm operation	Value-added operations: processing of own farm products
Retail sales of off-farm or non-farm products	Retail sales of own farm products
Agri-tourism accommodation charges	

### 2.4.11.3 Agri-tourism Accommodation

Section 3 of the ALR Use, Subdivision and Procedure Regulation permits accessory accommodation for agri-tourism on a farm in the ALR, but allows a local government to regulate and/or prohibit the use. Where it is allowed, the following standards are recommended.

Accommodation for agri-tourism:

- Total developed area for buildings, landscaping and access to the accommodation must be no more than 5% of the parcel area;
- Could include a maximum of 10 sleeping units composed of:
  - seasonal campsites, seasonal cabins, or bed-and-breakfast (B+B) bedrooms (a maximum of four B+B bedrooms per parcel is recommended).
  - Unless ALC consent is received, accommodation must not include cooking

facilities because doing so may result in long term rental housing on farm land.

- The local government could specify the number of persons per unit.
- Should an operator wish to have more than 10 sleeping units, he/she could apply to the local government and the ALC.
- On smaller lots, a local government may wish to set a lower number of allowed sleeping units.
- The BC Building Code should be the minimum standard applied for sleeping units such as cabins.

The agri-tourism accommodation should be located close to the front of the lot, or an adjacent side road, and perhaps it could be clustered with the "home plate(s)" of the farm residence(s). A farmer may wish to vary this location to minimise impact on his/her farm.

Depending on the location of the farm, the agri-tourism accommodation that is allowed under the ALR Use, Subdivision and Procedure Regulation may need to be available during more than one season, or its availability may vary with the seasons; e.g., horseback riding on trails in spring, summer, and fall, and cross-country skiing in the winter.

Occupation of the agri-tourism accommodation on a lot is only permitted to be *temporary, seasonal, and/or regular seasonal*, to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period. The ALC may allow longer occupation if the farmer applies for a non-farm use; local zoning would also have to allow it.

Each local government which permits agri-tourism accommodation could develop a monitoring methodology to ensure the occupation meets the above criteria.

#### 2.4.11.4 On-farm retail

In this type of marketing, a farmer sells his/her own *farm products*, and perhaps some *off-farm or non-farm products* directly from his/her *farm unit*. To do so, he/she may require retail sales and display area(s) which might be indoors and/or outdoors.

Some areas necessary for on-farm retail sales, which are **not** to be counted as part of the on-farm retail sales area, are:

- storage space for products awaiting display and/or bulk sales, larger storage areas may be available in a barn;
- an office area for doing sales and farm-related paperwork;
- washrooms;
- driveways, parking and loading areas; and
- some preparation space where products are put in packages for display or shipping.

A local government should not place a size limit on the retail sales area of a farmer's own *farm products* i.e. the *direct farm marketing area*. The ALR Use, Subdivision and Procedure Regulation does not state an upper limit.

Local government regulations must allow for the possibility of a retail sales area for complementary *off-farm or non-farm products*. So that the retail emphasis is on a farm's own output, the ALR Use, Subdivision and Procedure Regulation requires that at least 50% of the total retail sales area be devoted to that farm's products. Where there are both *farm products* and *off-farm or non-farm products* being sold, the allowed upper limit of the total of the indoor and outdoor sales area is 300m<sup>2</sup>. This should be adopted by local governments and not reduced.

To develop a larger retail sales area, or to sell less than 50% of that farm's *farm products*, a farmer must have both local government and ALC non-farm use application approval.

#### 2.4.11.5 Other Agri-tourism Criteria

##### 2.4.11.5.1 Off-street Loading Area and Parking

An off-street loading area may be needed for transfer of products from the fields to the market stand or shop, and/or for transfer of products from the sales area to the buyer's vehicle. For criteria, see elsewhere in Part 2.4.3.

All vehicles visiting the agri-tourism activities must be parked on site, or as otherwise permitted by the local government. The parking capacity should be based on the average daily volume (recommended); local parking bylaws may have a different measure. This Guide offers a few parking standards for *direct farm marketing*.

If overflow parking occurs on the road, it must adhere to local bylaws and should ensure enough clearance for passage of emergency vehicles and farm machinery.

If an event or activity might generate overflow demand, the agri-tourism operator should provide for and support alternate means of transportation, such as car-pools, shuttles, bicycle parking, or horse holding corral.

To minimise coverage of farm land, parking should be adjacent to a road and/or clustered with other farm structures.

- The parking and loading area surface should maximize infiltration of precipitation in order to limit effects on the farm's ground and surface water; pavement may not be appropriate.
- The depth and type of fill for agri-tourism parking and loading areas should facilitate its possible future removal, if the agri-tourism activity ceases.

##### 2.4.11.5.2 Site Layout for Agri-tourism Activities

Site coverage and setbacks for agri-tourism structures must follow the standards for farm structures provided elsewhere in Part 2.

Agri-tourism facilities should be placed on the farm in locations that minimise coverage of farm land and minimise disturbance of the present and potential future operation of that farm or neighbouring farms, or nearby urban uses; e.g., close to the road, and/or clustered with other farm structures.

#### 2.4.11.5.3 Lights

Floodlights and spotlights for agri-tourism activities should be directed away and/or screened from adjacent farms and other land uses.

#### 2.4.11.5.4 Signs

Each agri-tourism and retail operation, and the farm itself, should be allowed at least one sign of at least 1.0 square metre. Normally, signs are located at the farm entrance, but variation should be allowed for different building and site layouts and to ensure traffic safety. Third-party signs and lighting of signs should follow local bylaws.

#### 2.4.11.5.5 Noise

Loudspeakers and other noise sources associated with the agri-tourism activity should follow the existing local government noise bylaw.

#### 2.4.11.5.6 Local Government Permits and Fees

Other than the usual permits and fees required for construction, local governments should only require permits and fees for operations that require a non-farm application to the ALC. They should only request reimbursement of extra local government costs generated by the event or operation; e.g., policing, fire service, road clean-up, and/or traffic management.

#### Under Definitions (Part 4)

##### **Accessory (agri-tourism)**

means that the *agri-tourism* is subordinate to the active *farm operation* on the same lot. *Agri-tourism* uses and activities only augment a farmer's regular farm income, not exceed or replace it.

##### **Agri-tourism**

is travel that combines agricultural or rural settings with products of agricultural operations – all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is *accessory* to a *farm operation*, as defined in the *Farm Practices Protection (Right to Farm) Act*, where the land is classified as a farm under the *Assessment Act*; and, where the farm is in active operation each year.

##### **Off-farm and non-farm products**

means products that are not from the *farm unit* of which the subject property is part.

**Regular Seasonal (agri-tourism)**

means the occurrence over the same *season(s)*, or at the same time, each year.

**Season (agri-tourism)**

means:

- one of the four periods of the year: spring, summer, autumn or winter;
- the period of the year when something that regularly occurs every year happens; e.g. pumpkin festival before Halloween; and/or
- the period(s) when most people take their holidays, go to visit places, or take part in an activity outside of work.

**Seasonal (agri-tourism)**

means:

- relating to, dependant on, determined by, or characteristic of a particular *seasons* of the year;
- fluctuating according to the *season*; and/or
- available, or used, during one or more *seasons*, or at specific times of the year.

**Small-scale (agri-tourism)**

means to be minor or limited in size, scope, or extent. [Local governments could specify amounts.]

**Temporary (agri-tourism)**

means having a limited duration, lasting or designed to last for only a limited time each week, month, or year. E.g. an activity occurs each year at the same time at a nearby festival, or other event, or only a maximum duration of three days at a time.

## Further Resources

### Agri-tourism Uses and Activities

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local governments in developing bylaws relating to agri-tourism uses, activities and retail sales. A document was prepared to explain the rationale for establishing this standard and is provided on the Strengthening Farming website at: <http://www2.gov.bc.ca/gov/StrengtheningFarming>

## Shust, Susan D AGRI:EX

---

**From:** Hughes, Janet AGRI:EX on behalf of Lennox, Brenda AGRI:EX  
**Sent:** Tuesday, October 6, 2015 1:03 PM  
**Cc:** 'karen.cobb@anmore.com'; 'cao@hudsonshope.ca'; 'mkoonts@lionsbay.ca';  
'ktollstam@cnv.org'; 'rzerr@princeton.ca'; 'cao@montrose.ca';  
'grlpourde@cablerocket.com'; 'zeballos@recn.ca'; 'stopham@cumberland.ca';  
'rscott@dist100milehouse.bc.ca'; 'rjholland@fraserlake.ca'; 'chelgesen@elkford.ca';  
'dperehudoff@trail.ca'; 'dhill@sechelt.nation.net'; 'cao@newdenver.ca';  
'rdyson@acrd.bc.ca'; 'cao@alertbay.ca'; 'michelle@ashcroftbc.ca';  
'channigan@barriere.ca'; 'ldysart@belcarra.ca'; 'klalonde@bimbc.ca';  
'gail.chapman@rdbn.bc.ca'; 'sworthing@burnslake.ca'; 'mdeweerd@cachecreek.info';  
'deborah.sargent@campbellriver.ca'; 'rlapham@crd.bc.ca'; 'jbell@cariboord.bc.ca';  
'jmaicolm@castlegar.ca'; 'cao@ccrd-bc.ca'; 'shorn@rdck.bc.ca'; 'breardon@cord.bc.ca';  
'patrick.robins@csaanich.ca'; 'cao@chasebc.ca'; 'dfleming@gochetwynd.com';  
'monteith@chilliwack.com'; 'lgroulx@docbc.ca'; 'tdall@village.clinton.bc.ca';  
'tseibel@coldstream.ca'; 'chamilton@csrd.bc.ca'; 'gnason@colwood.ca';  
'djoakman@comoxvalleyrd.ca'; 'dallen@courtenay.ca'; 'bcarruthers@cvrd.bc.ca';  
'staudt@cranbrook.ca'; XT:Chute, Jim MTIC:IN; 'cao@delta.ca'; 'peter@duncan.ca';  
'lcrane@rdek.bc.ca'; 'tbengtson@cityofenderby.com'; 'laurie.hurst@esquimalt.ca';  
'jim.hendricks@fernie.ca'; 'cao@fortstjames.ca'; 'pgipps@fvrd.bc.ca';  
'jmartin@rdffg.bc.ca'; 'cao@village.fruitvale.bc.ca'; 'emachado@gibsons.ca';  
'dallin@grandforks.ca'; 'ssmith@villageofgranisle.ca'; 'thesse@hazelton.ca';  
XT:Highlands, District ENV:IN; 'jfortoloczky@hope.ca'; 'cao@houston.ca';  
'cao@invermere.net'; Adams, Linda ISLT:IN; 'mark.read@radiumhotsprings.ca';  
'dtrawin@kamloops.ca'; 'cao@kaslo.ca'; 'wmah@district.kent.bc.ca';  
'ssommerville@kimberley.ca'; 'wwaycheshen@kitimat.ca'; 'jmaclean@rdkb.com';  
'adefeo@lakecountry.bc.ca'; 'jfernandez@lakecowichan.ca'; 'fcheung@langleycity.ca';  
'brad@lantzville.ca'; 'tomk@lumby.ca'; 'cao@lytton.ca';  
'pweeber@district.mackenzie.bc.ca'; 'jrule@mapleridge.ca'; 'cao@mcbride.ca';  
'lurlacher@metchosin.ca'; 'midwaybc@shaw.ca'; 'rpoole@mission.ca';  
'cao@nakusp.com'; 'pthorkelsson@rdn.bc.ca'; 'whunt@newhazelton.ca';  
'lspitale@newwestcity.ca'; 'dave.devana@northcowichan.ca'; 'david.sewell@rdno.ca';  
'rbuchan@northsaanich.ca'; 'stuardt@dnv.org'; 'rmclean@northernrockies.ca';  
'hkoning@oakbay.ca'; 'bnewell@rdos.bc.ca'; 'hfrank@oliver.ca';  
'bromanko@osoyoos.ca'; 'fmanson@parksville.ca'; 'chris.cvik@prrd.bc.ca';  
'elemke@peachland.ca'; 'ngilmore@pemberton.ca'; 'eric.sorensen@penticton.ca';  
'kgroul@pittmeadows.bc.ca'; 'mmcdonald@portalice.ca'; 'cao@portclements.ca';  
'leeburnj@portcoquitlam.ca'; 'bpayette@portedward.ca'; 'rickd@porthardy.ca';  
'CBishop@poucecoupe.ca'; 'al.radke@powellriverd.bc.ca'; 'mfraser@cdpr.bc.ca';  
'dsailand@qualicumbeach.com'; 'cao@queencharlotte.ca'; 'bjohnson@quesnel.ca';  
'mark.read@radiumhotsprings.ca'; 'achabot@revelstoke.ca';  
'administrator@office@richmond.ca'; 'andy.laidlaw@saanich.ca';  
'diane.kalensukra@saimo.ca'; 'cbannister@salmonarm.ca'; 'cao@saywardvalley.net';  
'rhumble@sidney.ca'; 'mmiles@silverton.ca'; 'cao@villageofslocan.ca';  
'ghowie@sooke.ca'; 'tmelcer@sparwood.ca'; 'lglenday@squamish.ca';  
'lflynn@slrd.bc.ca'; 'cao@districtofstewart.com'; 'rhotsenpiller@strathconard.ca';  
'ltynan@summerland.ca'; 'cao@sunpeaksmunicipality.ca'; 'janette.loveys@scrd.ca';  
'kimmartinsen@telkwa.com'; 'havison@terrace.ca'; 'sgill@tnrd.ca';  
'bmacpherson@tofino.ca'; 'tradmin@dtr.ca'; 'ayeates@ucluelet.ca'; 'cao@valemount.ca';  
'cao@district.vanderhoof.ca'; 'wpearce@vernon.ca'; 'kanema@viewroyal.ca';  
'administrator@wells.ca'; 'jim.zaffino@westkelownacity.ca';

**Cc:** 'nleemhuis@westvancouver.ca'; 'mfurey@whistler.ca'; 'dbottrill@whiterockcity.ca';  
'dgarceau@williamslake.ca'; 'mstickney@cityofarmstrong.bc.ca';  
'bwoodward@canalflats.ca'; 'vom@mhtv.ca'; 'warfieldadmin@shawlink.ca';  
'cao@golden.ca'; 'admin.greenwoodcity@shaw.ca';  
'corey.paiement@spallumcheentwp.bc.ca'; 'sboven@merritt.ca';  
'dkey@harrisonhotsprings.ca'  
**Subject:** Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales  
**Attachments:** 2015\_09\_14\_agri-tourism\_discussion\_paper.pdf

Dear Stakeholder:

Attached is a discussion paper (white paper) prepared by the BC Ministry of Agriculture (Ministry). This paper contains a draft set of criteria for developing local government bylaws regarding agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve (ALR). The criteria describe what is considered a permitted use in the ALR by the Ministry.

The discussion paper describes the issue, provides the framework for developing the Minister's Bylaw Standards, and proposes criteria for developing local government bylaws. We are most interested in input on the criteria (Part 4) but we welcome feedback on all sections of the paper. Please provide us with comments directed specifically at the content of the paper so that your feedback can be effectively incorporated into the final document. We would like to receive all comments by **November 30, 2015** (via mail, fax or email). Once stakeholder input has been received and incorporated into the discussion paper, the criteria will be sent to the Ministry executive and Minister for final approval. Once approved, the information will be distributed to local governments and incorporated into the Ministry's "Guide for Bylaw Development in Farming Areas" (Bylaw Guide). All local governments are encouraged to incorporate these Minister's bylaw standards into their bylaws. Communities regulated under Section 918 of the LGA are expected to achieve consistency with the Minister's Bylaw Standards.

You may send your feedback by email, Canada Post, or fax.

**Email:** [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**Mail:**

**Agri-tourism and Farm Retail Sales in the ALR Consultation**

**Ministry of Agriculture**

**PO Box 9120 Stn Prov Govt**

**Victoria, BC V8W 9B4**

**Fax: 250 356-0358**

Please direct your questions or comments to:

Gregory Bartle, 250 387-9687, [Gregory.Bartle@gov.bc.ca](mailto:Gregory.Bartle@gov.bc.ca); or

Brenda Lennox, 250 387-356-2945, [Brenda.Lennox@gov.bc.ca](mailto:Brenda.Lennox@gov.bc.ca)

Yours truly,

Derek Sturko

Deputy Minister

Ministry of Agriculture



Ministry of  
Agriculture

**Regulating  
Agri-tourism and Farm Retail Sales  
in the Agricultural Land Reserve**

**DISCUSSION PAPER AND PROPOSED MINISTER'S BYLAW  
STANDARDS**

**September 14, 2015**

**Prepared by:  
Strengthening Farming Program  
Innovation and Adaptation Services Branch**



## Executive Summary

This discussion paper ('white paper') has been prepared by the B.C. Ministry of Agriculture (AGRI) Strengthening Farming Program, Innovation and Adaptation Branch for input on the establishment of a Minister's Bylaw Standard to assist local government bylaw development regarding agri-tourism, agri-tourism accommodation and farm retail sales.

Its preparation follows the 2014 AGRI's consultation on the Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation (ALR USP Regulation) in which local governments expressed strong support for AGRI to provide greater clarity in guidance to local government bylaws on agri-tourism.

The proposed Minister's Bylaw Standard criteria, set out in Part 3.0, result from input contributed by the Agricultural Land Commission (ALC), local governments and the agricultural sector. While the proposed Minister's Bylaw Standard provisions apply to land in the Agricultural Land Reserve (ALR), local governments may also wish to adopt for all agriculturally zoned property.

AGRI invites local governments to review the proposed Minister's Bylaw Standard and provide feedback to the contact listed on page 13 by November 30, 2015. Feedback received will be analysed by AGRI staff, with updates and improvements made to the proposed Minister's Bylaw Standard in preparation for the Minister of Agriculture's (Minister) consideration.

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# Introduction

This paper outlines draft criteria to assist local governments in regulating their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, aiming to encourage further discussion on the matter with local governments, the ALC and the farm sector. It is important that the bylaw standard criteria effectively guide local government land use regulations within the context, and intents, of the *Agricultural Land Commission, Farm Practices Protections (Right to Farm)*, and *Local Government and Community Charter Acts* and their regulations. The draft criteria reflect analysis undertaken by AGRI staff, previous consultations with local governments, the ALC, industry, and the Ministry of Community, Sport and Cultural Development (CSCD).

## 1.0 Part one – The Criteria Development Process

This paper explores and proposes land use regulation and policy guidance for local governments to address agri-tourism and farm retail sales issues in their communities, while recognizing these uses are permitted (with exceptions) within the ALR.

Following consultation with stakeholders and approval by the Minister, the bylaw criteria will become a Minister's Bylaw Standard and incorporated within the "Guide for Bylaw Development in Farming Areas" (Bylaw Guide).<sup>1</sup>

### 1.1 Purpose and Goals

The purposes of establishing land use regulation criteria to address local government concerns regarding agri-tourism and farm retail sales are to:

1. Establish a Minister's Bylaw Standard that provides flexibility for local governments to shape agri-tourism activity in their community while ensuring that agriculture in the ALR continues as a priority use;
2. Address the needs of the agriculture sector/industry to supplement farming income;
3. Minimize the impact of agri-tourism and retail sales on farm practices and farming potential in farming areas;
4. Minimize loss and/or fragmentation of farmland due to agri-tourism and retail sales uses;
5. Reduce the financial imbalance that results from large scale commercial operations locating inexpensively in the ALR and outcompeting those that have located in appropriate commercial zones; and
6. Minimize the risk of agri-tourism and farm retail sales buildings and structures being used for non-farm purposes.

### 1.2 Stakeholders

Stakeholders involved in developing these Bylaw Standard criteria include:

---

<sup>1</sup> Under the *Local Government Act* (Part 26, Division 8, Section 916), the Minister responsible for the *Farm Practices Protection (Right to Farm) Act* can develop bylaw standards to guide the development of zoning and farm bylaws. Development of provincial standards is intended to promote consistency in the regulation of, and planning for, farming. However, provision has been made under Section 916(3) to allow the standards to differ, if necessary, to respond to BC's diverse farming industry and land base.

- a) Local governments and their Agricultural Advisory Committees (AAC);
- b) Agriculture industry;
- c) ALC;
- d) Strengthening Farming Directors Committee,
- e) CSCD; and
- f) Ministry of Jobs, Tourism and Skills Training.

### 1.3 Objectives of the Process

The objectives of the process are to:

- 1. Create a set of Bylaw Standard criteria for stakeholder review;
- 2. Consult with stakeholders; and
- 3. Develop a Minister's Bylaw Standard that local governments can apply as regulation or policy.

### 1.4 Key Steps

The key steps in creating the Minister's Bylaw Standard are:

- 1. Review relevant literature including AGRI and ALC policies;
- 2. Review and compare local government regulations and policies;
- 3. Develop draft criteria;
- 4. Consult with internal and external stakeholders on the draft criteria;
- 5. Revise criteria for consideration by the Minister;
- 6. Seek Minister's approval; and
- 7. Encourage local governments to adopt and apply criteria.

### 1.5 Current Status (August 2015)

AGRI staff have:

- Reviewed previous agri-tourism and farm retail sales consultations with local governments, industry, the ALC and CSCD;
- Reviewed existing ALC policies on agri-tourism, agri-tourism accommodation and farm retail sales; and,
- Prepared this draft discussion 'white paper' on agri-tourism and farm retail sales land use bylaw guidance for further local government consultations over the 2015/2016 fall and winter.

### 1.6 Context for Bylaw Standard Establishment

AGRI has initiated Minister's Bylaw Standards in the past for three significant agricultural issues which have been approved by the Minister. AGRI staff use the Minister's Bylaw Standards to encourage local governments to adopt them into their land use bylaws. They are:

- Regulating Medical Marihuana Production Facilities in the ALR (2014);
- Combined Heat and Power Generation at Greenhouses in the ALR (2013); and

- Siting and Size of Residential Uses in the ALR (2011).

These Minister's Bylaw Standards can be found in AGRI's "Guide for Bylaw Development in Farming Areas" with additional information at:

<http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards-and-farm-bylaws>.

## 2.0 Part two - Background

### 2.1 Context

Farmers throughout B.C. are looking for options to increase their economic viability, including agri-tourism and farm retail sales. These two particular issues have become more prominent in recent years and local governments are amending their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, sometimes causing frustration with farmers and the public. Sometimes there may be conflicting community views on what actually constitutes agri-tourism activities, and what 'accessory', 'seasonal', and 'temporary' within this context really mean.

While the ALC provides direction regarding agri-tourism and farm retail sales in the ALR, one of the questions asked during the Ministry's 2014 ALR USP Regulation consultation process included agri-tourism, with local governments indicating strong support for AGRI to develop greater clarity in bylaw guidance for agri-tourism. Incorporating analysis from previous consultation, AGRI staff anticipate strong response from stakeholders on the subject.

Ideally, developing this new Minister's Bylaw Standard will assist in balancing stakeholder concerns, minimize community frustration, and provide greater certainty while maintaining the flexibility required for local government community decision making and variation. The proposed Minister's Bylaw Standard applies to property in the ALR. Given, however, that agricultural activity in B.C. takes place both on ALR and non-ALR property, local governments with agriculturally zoned land may also consider adopting it.

### 2.2 Current Policy, Legislation and Regulation

Agri-tourism and farm retail sales are defined as farm uses by the ALR USP Regulation<sup>2</sup> of the *Agriculture Land Commission Act* where a farm use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*:

- Agri-tourism is a tourist activity, service or facility accessory to ALR land classified as a farm under the *Assessment Act*, if the use is **temporary and seasonal**, and promotes or markets farm products grown, raised or processed on the farm.
- Farm retail sales if all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or at least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place

<sup>2</sup> B.C. Reg. 171/2002 Agricultural Land Reserve Use, Subdivision and Procedure Regulation. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=A631A2319799460A98F62978A2FE60E3>

and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>.

Local governments cannot prohibit agri-tourism activities, other than agri-tourism accommodation, or farm retail sales regulated by the ALR USP Regulation unless by a Farm Bylaw designated by the Minister by Section 917 of the *Local Government Act*.

The ALC also publishes several policy documents on agri-tourism, agri-tourism accommodation and farm retail sales with respect to land in the ALR.

*"The policies of the Commission provide interpretation and clarification of the regulations; outline guidelines, strategies, rules or positions on various issues and provides clarification and courses of action consistently taken or adopted, formally or informally."*<sup>3</sup> - ALC

These ALC policies include their terms of 'seasonal' and 'temporary':

- **Temporary** – means a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities. If a building or structure is required for this use, temporary use of the building or structure means a use for agri-tourism for less than 12 months of the year. The building or structure may be used for other permitted uses during the course of, or for the remainder of the year.
- **Seasonal** - means a use or activity in a facility or area for less than 12 months of the year.<sup>4</sup>

A recent 2015 B.C. Supreme Court ruling *Heather Hills Farm Society v. Agricultural Land Commission*, addresses the subject of agri-tourism, and in this case whether a particular golf course and sheep pasture is a permitted agri-tourism use. Interestingly, within the reasons for judgement that ultimately dismisses the petition; the judge also references what cannot be described as reasonably temporary, with respect to what is written in the ALR USP Regulation:

*[51] The Regulation also requires that an agri-tourism use be temporary and seasonal. A golf course requires alteration of the land in the form of particular landscaping, sand traps, water hazards etc. Photographs that were put into evidence show changes of precisely that kind to the petitioners' property. Those changes must remain in place as long as operation of the golf course continues and cannot reasonably be described as temporary.*<sup>5</sup>

The intent of this proposed Bylaw Standard is to provide greater clarity on what constitutes agri-tourism, agri-tourism accommodation, farm retail sales, and the definitions of temporary and seasonal.

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<sup>3</sup> ALC. *Legislation and Regulation*. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=4179AB0F33494261A5B6CEF2A4F8F296>

<sup>4</sup> ALC. *Policy #4 Activities designated as Farm Use: Agri-tourism Activities in the ALR*, 2003. Last retrieved August 24, 2015 from [http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy\\_4\\_agri-tourism\\_activities.pdf](http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy_4_agri-tourism_activities.pdf)

<sup>5</sup> *Heather Hills Farm Society v. Agricultural Land Commission*, 2015 BCSC 1108

For farm retail sales, the processing/marketing of off-farm products may not be protected under the *Farm Practices Protection Act* unless there are limits prescribed by the Minister under the *Farm Practices Protection Act*.<sup>6</sup> This has implications for farms considering those options.

### 3.0 Part three – Proposed Set of Criteria

Part three introduces a set of criteria in which local governments would be encouraged to consider when developing or amending their own bylaws on agri-tourism, agri-tourism accommodation and farm retail sales. A rationale is provided for why certain criteria provisions should be introduced and a proposed list is summarized of criteria and definitions.

#### 3.1 Proposed Definitions

<b>Accessory (agri-tourism)</b>	means that the <i>agri-tourism</i> is subordinate to the active <i>farm operation</i> on the same lot. <i>Agri-tourism</i> uses and activities only augment a farmer's regular farm income, not exceed or replace it.
<b>Agri-tourism</b>	is travel that combines agricultural or rural settings with products of agricultural operations – all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is <i>accessory</i> to a <i>farm operation</i> , as defined in the <i>Farm Practices Protection (Right to Farm) Act</i> , where the land is classified as a farm under the <i>Assessment Act</i> ; and, where the farm is in active operation each year.
<b>Off-farm and non-farm products</b>	means products that are not from the <i>farm unit</i> of which the subject property is part.
<b>Regular Seasonal (agri-tourism)</b>	means the occurrence over the same <i>season(s)</i> , or at the same time, each year.
<b>Season (agri-tourism)</b>	means: one of the four periods of the year: spring, summer, autumn or winter; the period of the year when something that regularly occurs every year happens; e.g. pumpkin festival before Halloween; and/or the period(s) when most people take their holidays, go to visit places, or take part in an activity outside of work.
<b>Seasonal (agri-tourism)</b>	means: relating to, dependant on, determined by, or characteristic of a particular <i>season</i> of the year; fluctuating according to the <i>season</i> ; and/or

<sup>6</sup> For more information, readers may wish to review the September 7, 2011 BC Farm Industry Review Board decision *Maddalozzo v. Pacific Coast Fruit Products Ltd* last retrieved September 8, 2015 from [http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo\\_v\\_pcfp\\_dec\\_sep7\\_11.pdf](http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo_v_pcfp_dec_sep7_11.pdf)

available, or used, during one or more *seasons*, or at specific times of the year - for less than twelve months of the year.

**Small-scale (agri-tourism)**

means to be minor or limited in size, scope, or extent. [Local governments could specify amounts.]

**Temporary (agri-tourism)**

means having a limited duration, lasting or designed to last for only a limited time each week, month, or year. E.g. an activity occurs each year at the same time at a nearby festival, or other event, or only a maximum duration of three days at a time.

## 3.2 Accessory Farm Activity

Local governments should identify *agri-tourism* as a permitted *accessory* use in all zones where agriculture or farming is a permitted use. *Accessory agri-tourism* use in the ALR is subordinate and customarily incidental to the active *farm operation* on the same lot. **Agri-tourism uses and activities only augment a farmer's regular farm income, rather than exceed or replace it.**

**Table 1. Examples of Agri-Tourism and Farm Incomes**

<b>Column A</b>	<b>Column B</b>
<b>Agri-tourism Income</b>	<b>Farm Income</b>
Entry or participation fees, tour fees	Primary agricultural production income
Fees for tours, services and workshops related to the farm operation	Value-added operations: processing of <i>own farm products</i>
Retail sales of <i>off-farm</i> or <i>non-farm products</i>	Retail sales of <i>own farm products</i>
Agri-tourism accommodation charges	

To be considered *accessory*, the annual income from *agri-tourism* [Column A] must be no more than the annual regular farm income [Column B]. The ALC may allow a larger proportion of *agri-tourism* activity on a farm, if the farmer applies for a non-farm use approval.

Examples include a farmer intending to regularly host special events such as commercial weddings, conferences or an annual music festival. A local government could decide whether to support those commercial activities in its zoning if it is authorized by the ALC.

## 3.3 Farm Class

Income from *accessory agri-tourism* activities is not used to define *farm class* under the *Assessment Act* (Sec 23 and Farm Class Reg. 411/95). Income for the purposes of *farm class* is calculated based on the farm gate amounts for qualifying agricultural products and must be generated in one of two relevant reporting periods (i.e., once every two years).

## 3.4 Agri-tourism Temporary and Seasonal Use in the ALR

Local governments should regard *agri-tourism* uses as a *temporary* and *seasonal* use. See the definitions for guidance on defining these terms.



### 3.5 Permitted and ALC approval required agri-tourism activities

**Table 2. Tiers of Agri-tourism Activities**

<b>Activities</b>	<b>Tier 1 Permitted Agri-tourism activities</b>	<b>Tier 2 Activities/events that require ALC approval</b>
On-farm	<ul style="list-style-type: none"> <li>• educational tours – general public, school children</li> <li>• on-farm marketing, including U-pick and pumpkin patches</li> <li>• temporary corn maze or Christmas tree maze</li> <li>• agricultural heritage events</li> <li>• ranch or farm tours</li> <li>• livestock shows</li> <li>• harvest festivals</li> <li>• on-farm classes and/or workshops related to the farm operation</li> <li>• farm stays or B&amp;B</li> <li>• on-farm processing facility tours</li> </ul>	<ul style="list-style-type: none"> <li>• Non-farm-uses and commercial entertainment activities which do not have an agricultural component:</li> <li>• e.g., paint ball course, dirt bike trails, all-terrain vehicles trails, mini-train parks, remote control runways, helicopter tours, etc.</li> <li>• event and facility rentals</li> <li>• concerts, theatre or music festivals</li> <li>• commercial weddings, banquets, celebrations and any other commercial assembly activity</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• self-contained, off-road parking</li> <li>• some overflow could be on neighbouring farm(s) provided it's for infrequent events, no permanent alterations to the agricultural land, and no resurfacing such as with gravel or asphalt paving</li> <li>• allow for school and tour buses</li> <li>• on-road parking at the discretion of the local government or Ministry of Transportation in Regional Districts</li> </ul>	<ul style="list-style-type: none"> <li>• Off-site overflow parking that is used on a frequent basis or that requires resurfacing</li> </ul>
ALC non-farm use application approval or local government	<ul style="list-style-type: none"> <li>• No local government temporary use or rezoning permits required,; outright use is permitted</li> </ul>	<ul style="list-style-type: none"> <li>• ALC non-farm use application approval</li> <li>• Local government non-agriculture related activities or</li> </ul>

permit requirements	<ul style="list-style-type: none"> <li>No ALC non-farm use application approval</li> </ul>	<p>events may also require a separate zone or temporary use permit</p> <ul style="list-style-type: none"> <li>Special local government permits - per event or per day, or both</li> </ul>
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### 3.6 Agri-tourism Accommodation

Section 3 of the ALR USP Regulation permits *accessory* accommodation for agri-tourism on a farm in the ALR, but allows a local government to regulate and/or prohibit the use.

Where accommodation for agri-tourism is allowed by a local government the following standards are recommended:

- Total developed area for buildings, landscaping and access to the accommodation must be no more than 5% of the parcel area;
- Could include a maximum of 10 sleeping units composed of:
  - Seasonal* campsites, *seasonal* cabins, or bed-and-breakfast (B+B) bedrooms (**maximum of four**) B+B bedrooms per legal parcel is recommended);
  - Unless ALC consent is received, accommodation must not include cooking facilities because doing so may result in long term rental housing on farm land;
  - The local government could specify the number of persons per unit;
  - Should an operator wish to have more than 10 sleeping units, he/she could apply to the local government and the ALC;
  - On smaller lots, a local government may wish to set a lower number of allowed sleeping units;
  - The BC Building Code should be the minimum standard applied for sleeping units such as cabins.
- Should be located close to the front of the lot, or an adjacent side road, and clustered with the *home plate(s)* of the farm residence(s). A farmer may wish to vary this location to minimise impact on his/her farm.
- Depending on the location of the farm, the *agri-tourism* accommodation may need to be available during more than one *season*, or its availability may vary with the *seasons*; e.g., horseback riding on trails in spring, summer, and fall, and cross-country skiing in the winter.
- Occupation of a lot *by agri-tourism* accommodation are only permitted to be *temporary*, *seasonal*, and/or *regular seasonal*, to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period. The ALC may allow longer occupation if the farmer applies for a non-farm use; local zoning would also have to allow it.
- Each local government which permits *agri-tourism* accommodation could develop a monitoring methodology to ensure the occupation meets the above criteria.

## 3.7 Other Agri-tourism Criteria

### 3.7.1 Off-street Loading Areas and Parking

Off-street loading areas may be needed to transfer field products to a market stand/shop, and to the customer's vehicle. For criteria, see Part 2 of the "Guide for Bylaw Development in Farming Areas".

All vehicles visiting the *agri-tourism* activities must be parked on site, or as otherwise permitted by the local government. The parking capacity could be based on the average daily vehicle numbers (recommended); local parking bylaws may have a different measure and short term events with large numbers of people may require different parking standards. Overflow parking occurs on public roads should adhere to local bylaws including clearances for emergency vehicles and farm machinery.

For farm site parking overflow situations, *agri-tourism* operators should provide alternate means of transportation, such as shuttles, bicycle parking, or horse corrals and off-site horse trailer parking areas.

To minimise impacting farm land, parking should be along field edges, adjacent to farm roads, farm yard areas near farm structures.

- The parking and loading area surfaces should maximize infiltration of precipitation to limit impacting a farm's ground and surface water; pavement may not be appropriate.
- The depth and type of fill for *agri-tourism* parking and loading areas should facilitate possible future removal e.g., if the *agri-tourism* activity ceases.

### 3.7.2 Site Layout for Agri-tourism Activities

Site coverage and setbacks for *agri-tourism* structures must follow the standards for farm structures provided in Part 2 of the "Guide for Bylaw Development in Farming Areas". *Agri-tourism* facilities should be located to minimize coverage of farm land and minimise disturbance of the present and potential future operation of the farm, neighbouring farms or nearby urban uses; e.g., close to the road, and/or clustered with other farm structures.

### 3.7.3 Lights

Floodlights and spotlights for *agri-tourism* activities should be directed away and/or screened from adjacent farms and other land uses.

### 3.7.4 Signage

Each *agri-tourism* and farm retail operation, and the farm itself, should be allowed at least one sign of at least 1.0 square metre. Normally, signs are located at the farm entrance, but variation should be allowed for different building and site layouts and to ensure traffic safety. Third-party signs and lighting of signs should follow local bylaws.

### 3.7.5 Noise

Loudspeakers and other noise sources associated with the *agri-tourism* activity could be regulated with local government noise bylaws.

## 3.8 Farm Retail Sales and Marketing

For on-farm retail marketing, farmers sell their own *farm products*, and may sell some *off-farm or non-farm products* directly from the *farm unit* and may require a retail indoor and/or outdoor sales and display area.

Areas necessary for on-farm retail sales but not calculated as part of the on-farm retail sales area are:

- storage space for products awaiting display and/or bulk sales; larger storage areas may be available in a barn;
- an office area for doing sales and farm-related paperwork;
- washrooms;
- driveways, parking and loading areas; and
- some preparation space where products are put in packages for display or shipping.

Local governments should not limit retail sales area of a farmer's own *farm products* i.e. the *direct farm marketing area*. The ALR USP Regulation does not state an upper limit.

Local government regulations must allow for the possibility of a retail sales area for complementary *off-farm or non-farm products*. The ALR USP Regulation requires at least 50% of the total retail sales area be devoted to that farm's products, and where both *farm products* and *off-farm or non-farm products* being sold, the allowed upper limit of the total of the indoor and outdoor sales area is 300 square metres. This should be adopted by local governments and not reduced.

To develop a larger retail sales area, or to sell less than 50% of that farm's *farm products*, a farmer must have both local government and ALC non-farm use application approval.

## 3.9 Local Government Permits and Fees

Other than the usual permits and fees required for construction, local governments should only require permits and fees for operations that require a non-farm application to the ALC and should not require the use of temporary (commercial) use permits.

Local governments should only request reimbursement of extra local government costs generated by the event or operation; e.g., policing, fire service, road clean-up, and/or traffic management.

## 3.10 Commercial Weddings

The use of the ALR for commercial weddings is considered a non-farm use which requires approval of the ALC. Where a farm has received non-farm use approval from the ALC, the local

government may require a rezoning or temporary use permit. Temporary use permits are the preferred method of dealing with this use as the local government can place additional controls on the use that are not possible through zoning. These requirements could include hours of operation.

### 3.11 Bistros and Restaurants

Bistros, cafes and restaurants are considered in most cases non-farm uses which require non-farm use approval of the ALC. Under specific criteria in the ALR USP Regulation, however, winery, brewery, cidery, distillery, and meadery lounges are permitted which do not require non-farm use approval.

## 4.0 Ministry Contact Information

Stakeholders are welcome to provide feedback on the content of this discussion by email or letter.

**Email:** AgriServiceBC@gov.bc.ca  
**Mailing Address:** Ministry of Agriculture, Strengthening Farming Program  
1767 Angus Campbell Road  
Abbotsford, B.C. Canada V3G 2M3

## Shust, Susan D AGRI:EX

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**From:** Hughes, Janet AGRI:EX on behalf of Lennox, Brenda AGRI:EX  
**Sent:** Wednesday, October 7, 2015 4:06 PM  
**To:** Lennox, Brenda AGRI:EX  
**Cc:** 'frankleonard@ymail.ca'; 'tomk@lumby.ca'; 'cao@lytton.ca';  
'pweeber@district.mackenzie.bc.ca'; 'jrule@mapleridge.ca'; 'cao@mcbride.ca';  
'luriacher@metchosin.ca'; 'midwaybc@shaw.ca'; 'rpoole@mission.ca';  
'cao@nakusp.com'; 'pthorkelsson@rdn.bc.ca'; XT:Hunt, Wendy; District of New Hazelton  
MTIC:IN; 'lspitale@newwestcity.ca'; 'dave.devana@northcowichan.ca';  
'david.sewell@rdno.ca'; 'rbuchan@northsaanich.ca'; 'stuartd@dnv.org';  
'rmclean@northernrockies.ca'; 'hkoning@oakbay.ca'; 'bnewell@rdos.bc.ca';  
'hfrank@oliver.ca'; 'bromanko@osoyoos.ca'; XT:Manson, Fred MTIC:IN;  
'chris.cvik@prrd.bc.ca'; XT:Lemke, Elsie MTIC:IN; 'ngilmore@pemberton.ca';  
'eric.sorensen@penticton.ca'; 'kgrout@pittmeadows.bc.ca'; 'mmcdonald@portalice.ca';  
'cao@portclements.ca'; 'leeburnj@portcoquitlam.ca'; 'bpayette@portedward.ca';  
'rickd@porthardy.ca'; 'CBishop@poucecoupe.ca'; 'al.radke@powellriverrrd.bc.ca';  
'mfraser@cdpr.bc.ca'; 'dsailand@qualicumbeach.com'; 'cao@queencharlotte.ca';  
'bjohnson@quesnel.ca'; 'mark.read@radiumhotsprings.ca'; 'achabot@revelstoke.ca';  
'administratoroffice@richmond.ca'; 'andy.laidlaw@saanich.ca';  
'diane.kalensukra@salmo.ca'; 'cbannister@salmonarm.ca'; 'cao@saywardvalley.net';  
XT:Randy Humble, Town of Sidney MTIC:IN; 'mmiles@silverton.ca';  
'cao@villageofslocan.ca'; 'ghowie@sooke.ca'; 'tmelcer@sparwood.ca';  
'lglenday@squamish.ca'; 'lflynn@slrd.bc.ca'; XT:District, Stewart, CAO TRAN:IN;  
'rhotsenpiller@strathconard.ca'; 'ltynan@summerland.ca';  
'cao@sunpeaksmunicipality.ca'; 'janette.loveys@scrd.ca'; 'kimmartinsen@telkwa.com';  
'havisson@terrace.ca'; 'sgill@tnrd.ca'; 'bmacpherson@tofino.ca'; XT:TumblerRidge,  
District ENV:IN; 'ayeates@ucluelet.ca'; 'cao@valemount.ca';  
'cao@district.vanderhoof.ca'; 'wpearce@vernon.ca'; 'kanema@viewroyal.ca';  
'administrator@wells.ca'; 'jim.zaffino@westkelownacity.ca';  
'nleemhuis@westvancouver.ca'; 'mfurey@whistler.ca'; 'dbottrill@whiterockcity.ca';  
'dgarceau@williamslake.ca'; 'mstickney@cityofarmstrong.bc.ca';  
'bwoodward@canalflats.ca'; XT:Masset, Village ENV:IN; 'warfieldadmin@shawlink.ca';  
'cao@golden.ca'; 'admin.greenwoodcity@shaw.ca';  
'corey.paiement@spallumcheentwp.bc.ca'; 'sboven@merritt.ca';  
'dkey@harrisonhotsprings.ca'; 'mmaturo@rossland.ca'; 'cao@lillooetbc.ca';  
'cao@sicamous.ca'; 'bbeamish@sechelt.ca'  
**Subject:** Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales  
**Attachments:** 2015\_09\_14\_agri-tourism\_discussion\_paper.pdf

Please note the email below was sent yesterday to BC Mayors, with a cc to Chief Administrative Officers. Due to a previously unknown restriction on the number of recipients we can sent to at one time, we are having to resend cc copies to you at this time. Please accept our sincere apologies for the delay.

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Dear Stakeholder:

Attached is a discussion paper (white paper) prepared by the BC Ministry of Agriculture (Ministry). This paper contains a draft set of criteria for developing local government bylaws regarding agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve (ALR). The criteria describe what is considered a permitted use in the ALR by the Ministry.

The discussion paper describes the issue, provides the framework for developing the Minister's Bylaw Standards, and proposes criteria for developing local government bylaws. We are most interested in input on the criteria (Part 4) but we welcome feedback on all sections of the paper. Please provide us with comments directed specifically at the content of the paper so that your feedback can be effectively incorporated into the final document. We would like to receive all comments by **November 30, 2015** (via mail, fax or email). Once stakeholder input has been received and incorporated into the discussion paper, the criteria will be sent to the Ministry executive and Minister for final approval. Once approved, the information will be distributed to local governments and incorporated into the Ministry's "Guide for Bylaw Development in Farming Areas" (Bylaw Guide). All local governments are encouraged to incorporate these Minister's bylaw standards into their bylaws. Communities regulated under Section 918 of the LGA are expected to achieve consistency with the Minister's Bylaw Standards.

You may send your feedback by email, Canada Post, or fax.

**Email:** [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**Mail:**

**Agri-tourism and Farm Retail Sales in the ALR Consultation**

**Ministry of Agriculture**

**PO Box 9120 Stn Prov Govt**

**Victoria, BC V8W 9B4**

**Fax: 250 356-0358**

Please direct your questions or comments to:

Gregory Bartle, 250 387-9687, [Gregory.Bartle@gov.bc.ca](mailto:Gregory.Bartle@gov.bc.ca); or

Brenda Lennox, 250 387-356-2945, [Brenda.Lennox@gov.bc.ca](mailto:Brenda.Lennox@gov.bc.ca)

Yours truly,

Derek Sturko

Deputy Minister

Ministry of Agriculture

## **Shust, Susan D AGRI:EX**

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**From:** Correspondence Unit AGRI:EX  
**Sent:** Monday, March 14, 2016 1:42 PM  
**To:** Cummings, Sahye AGRI:EX  
**Cc:** Correspondence Unit AGRI:EX  
**Subject:** FOR MO APPROVAL: 183771 Agri-Tourism Thank You Mail Out  
**Attachments:** 183771 AGRI Agri-tourism Consultation Letters Database.xlsx; 183771 Agritourism - individuals.docx; 183771 Agritourism - organizations.docx; 183771 AgriToursim - local governments.docx

The attached letter has been approved by the Deputy Minister and is now ready for Minister's review and approval.

If any edits are made to the letter, please provide a copy of the edited letter to the CU. If you could leave tracked changes on, that would be great. Once the letter has been signed and mailed, please send a notification to the CU and I will complete the cliff log.

### **Susan Shust**

Correspondence and Internal Communications Services  
Deputy Minister's Office | Ministry of Agriculture  
Ph: (250) 387-3036 | Fx: (250) 356-8392 | email: [mcu@gov.bc.ca](mailto:mcu@gov.bc.ca)  
*Please consider the environment before printing this email*



Local Government	Name		Address	Email
Abbotsford	Henry Braun	Mayor, City of Abbotsford	323215 South Fraser Way, Abbotsford BC V2T 1W7	<a href="mailto:nfriesen@abbotsford.ca">nfriesen@abbotsford.ca</a>
Delta (Corporation)	Lois E. Jackson	Mayor, The Corporation of Delta	4500 Clarence Taylor Cresnet, Delta BC V4K 3E2	<a href="mailto:mayor@delta.ca">mayor@delta.ca</a>
Kelowna (City)	Todd Cashin	City of Kelowna	1435 Water Street, Kelowna, BC V1Y 1J4	<a href="mailto:tcashin@kelowna.ca">tcashin@kelowna.ca</a>
Campbell River	Kevin Brooks	City of Campbell River	301 St. Ann's Rd., Campbell River BC V9W 4C7	<a href="mailto:Kevin.Brooks@campbellriver.ca">Kevin.Brooks@campbellriver.ca</a>
Capital RD	Jeff Weightman	Capital Regional District, Regional Planning	625 Fisgard Street, Victoria, BC V8W 2S6	<a href="mailto:jweightman@crd.bc.ca">jweightman@crd.bc.ca</a>
Cariboo RD	Francesca Sanna	Cariboo Regional District	Suite D, 180 3rd North Avenue, Williams Lake, BC V2G 2A4	<a href="mailto:fsanna@cariboord.ca">fsanna@cariboord.ca</a>
Central Coast RD	Darla Blake	Central Coast Regional District	P.O. Box 186, Bclla Coola, BC V0T 1C0	<a href="mailto:cao@ccrd-bc.ca">cao@ccrd-bc.ca</a>
Central Okanagan RD	Ron Fralick	Regional District of Central Okanagan	1450 KLO Road, Kelowna, BC V1W 3Z4	<a href="mailto:Jennifer.Maximuik@cord.bc.ca">Jennifer.Maximuik@cord.bc.ca</a>
Central Saanich	Bruce Greig	District of Central Saanich	1903 Mt. Newton Cross Road, Saanichton, BC V8M 2A9	<a href="mailto:Bruce.Greigh@scaanich.ca">Bruce.Greigh@scaanich.ca</a>
Columbia Shuswap RD	Gerald Christie	Columbia Shuswap Regional District	555 Harbourfront Drive NE, Salmon Arm, BC V1E 4P1	<a href="mailto:gchristie@csrd.bc.ca">gchristie@csrd.bc.ca</a>
Chilliwack	Sharon Gaetz	Mayor, City of Chilliwack	8550 Young Road, Chilliwack, BC V2P 8A4	<a href="mailto:stoochnoff@chilliwack.com">stoochnoff@chilliwack.com</a>
Comox Valley RD	Teresa Warnes	Comox Valley Regional District	600 Comox Road, Courtenay, BC V9N 3P6	<a href="mailto:twarnes@comoxvalleyroad.ca">twarnes@comoxvalleyroad.ca</a>
East Kootenay RD	Andrew McLeod	Regional District of East Kootenay	19 24th Ave. S, Cranbrook BC V1C 3H8	<a href="mailto:amcleod@rdek.bc.ca">amcleod@rdek.bc.ca</a>
Fort St John	Ken Rogers	Fort St. John	10631 100 Street, Fort St. John, BC V1J 3Z5	<a href="mailto:Krogers@fortstjohn.ca">Krogers@fortstjohn.ca</a>
Fraser-Fort George RD	Kenna Jonkman	Regional District of Fraser-Fort George	155 George Street, Prince George, BC V2L 1P8	<a href="mailto:khonkman@rdffg.bc.ca">khonkman@rdffg.bc.ca</a>
Islands Trust	Robert Barlow	Islands Trust	200-1627 Fort Street, Victoria, BC V8R 1H8	<a href="mailto:rbarlow@islandstrust.bc.ca">rbarlow@islandstrust.bc.ca</a>
Kent	Darcey Kohuch	District of Kent	7170 Cheam Avenue, PO Box 70, Agassiz, BC V0M 1A0	<a href="mailto:Dkohuch@district.kent.bc.ca">Dkohuch@district.kent.bc.ca</a>

Kitimat Stikine RD	Nicholas Redpath	Regional District of Kitimat-Stikine	300-4545 Lazelle Avenue, Terrace, BC V8G 4E1	<a href="mailto:nredpath@rdks.bc.ca">nredpath@rdks.bc.ca</a>
Maple Ridge (District)	Christine Carter	City of Maple Ridge	11995 Haney Place, Maple Ridge, BC V2X 6A9	<a href="mailto:ccarter@mapleridge.ca">ccarter@mapleridge.ca</a>
Mission	Randy Hawes	Mayor, District of Mission on the Fraser	PO Box 20, 8645 Stave Lake Street, Mission, BC V2V 4L9	<a href="mailto:myounie@mission.ca">myounie@mission.ca</a>
Nanaimo RD	Kristy Marks	Regional District of Nanaimo	6300 Hammond Bay Road, Nanaimo, BC V9T 6N2	<a href="mailto:kmarks@rdn.bc.ca">kmarks@rdn.bc.ca</a>
North Okanagan RD	Laura Frank	Regional District of North Okanagan	9848 Aberdeen Road, Coldstream, BC V1B 2K9	<a href="mailto:laura.frank@rdno.ca">laura.frank@rdno.ca</a>
North Saanich	Alice Finall	Office of the Mayor, District of North Saanich	1620 Mills Road, North Saanich, BC V8L 5S9	<a href="mailto:Lcoburn@northsaanich.ca">Lcoburn@northsaanich.ca</a>
Peace River RD	Bruce Simard	Peace River Regional District	Box 810, 1981 Alaska Avenue, Dawson Creek, BC V1G 4H8	<a href="mailto:prrd.dc@prrd.bc.ca">prrd.dc@prrd.bc.ca</a>
Pemberton	Sheena Fraser	Village of Pemberton	PO Box 100, 7400 Prospect Street, Pemberton, BC V0N 2L0	<a href="mailto:lpedrini@pemberton.ca">lpedrini@pemberton.ca</a>
Powell River RD	Brenda Paquin	Powell River Regional District	#202-4675 Marine Avenue, Powell River, BC V8A 2L2	<a href="mailto:Laura.rodan@powellriverrd.bc.ca">Laura.rodan@powellriverrd.bc.ca</a>
Qualicum Beach	Karla Duarte	Town of Qualicum Beach	201-660 Primrose Street, PO Box 130, Qualicum Beach, BC V9K 1S7	<a href="mailto:Kduarte@qualicumbeach.com">Kduarte@qualicumbeach.com</a>
Richmond	Terry Crowe	City of Richmond	6911 No. 3 Road, Richmond, BC V6Y 2C1	<a href="mailto:tcrowe@richmond.ca">tcrowe@richmond.ca</a>
Spallumcheen (District)	Cindy Graves	Township of Spallumcheen	4144 Spallumcheen Way, Spallumcheen, BC V0E 1B6	<a href="mailto:dco@spallumcheentwp.bc.ca">dco@spallumcheentwp.bc.ca</a>
Squamish Lillooet RD	Kimberly Needham	Squamish-Lillooet Regional District	Box 219, 1350 Aster Street, Pemberton, BC V0N 2L0	<a href="mailto:kneedham@slrd.bc.ca">kneedham@slrd.bc.ca</a>
Summerland	Dawn Boothe	District of Summerland	13122 Henry Avenue, PO Box 159, Summerland, BC V0H 1Z0	<a href="mailto:dboothe@summerland.ca">dboothe@summerland.ca</a>
Sunshine Coast RD	David Rafael	Sunshine Coast Regional District	1975 Field Road, Sechelt, BC V0N 3A1	<a href="mailto:David.Rafael@scrd.ca">David.Rafael@scrd.ca</a>

West Kelowna	Brittany Tuttle	City of West Kelowna	2760 Cameron Road, West Kelowna, BC V1Z 2T6	Brittany.Tuttle@westkelownacity.ca
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Industry	Name	Address	Email
SaltSpring Island Farmer's Institute	s.22		
BC Landscape & Nursery Assn	Hedy I. Dyck	#102 – 19289 Langley Bypass, Surrey, BC V3S 6K1	HDyck@bclna.com
BC Agritourism Farming Association	no contact name	no address	bcat.farmingassociation@yahoo.ca
Tourism Chilliwack	Allison Cothorp	no address	info@tourismchilliwack.com
Tourism Industry Association of BC	Walt Judas	no address	wjudas@tiabc.ca
Chilliwack Economic Partners Corp (Chilliwack Ag Commission)	Walter Dyck	201-46093 Yale Road, Chilliwack, BC V2P 2L8	graham@chilliwackpartners.com
Abbotsford Chamber of Commerce	Allan Asaph	#207-32900 South Fraser Way, Abbotsford, BC V2S 5A1	allan@abbotsfordchamber.com
Abbotsford Tourism	Craig Nichols	34561 Delair Road, Abbotsford, BC V2S 2E1	cnichols@tourismabbotsford.ca
BC Cattlemen's Association	Lary Fossum	AGRI CENTRE - #4 – 10145 Dallas Drive, Kamloops, BC V2C 6T4	elaine@cattlemen.bc.ca
BC Fruit Growers' Association	Glen Lucas	880 Vaughan Avenue, Kelowna, BC V1Y 7E4	glucas@bcfga.com
Pemberton & District Chamber of Commerce	Laura Arnold	no address	laura@pembertonvalleylodge.com
Horse Council British Columbia	Kelly Coughlin	no address	Industry@hcbc.ca
UBCM	Al Richmond	Suite 60 10551 Shellbridge Way, Richmond, BC V6X 2W9	ubcm@ubcm.ca
BCAC	Jaclyn Laic	230-32160 South Fraser Way, Abbotsford	jlaic@ardcorp.ca
Tourism Langley	Deborah Kulchiski	E206 – 20159 88 <sup>th</sup> Avenue, Langley BC V1M 0A4	Deborah@tourism-langley.ca

Individual Stakeholders	Name	Address	Email
s.22			
Debbie Woodward, Privato Vineyard and Winery	Debbie Woodward	no address	dwoodward@privato.ca
Scott Schober, WRM Strata Management and Real Estate Services Ltd	Scott Schober	no address	scott@worm.bc.ca
Marilyn Venturi, Venturi-Schulze Vineyards	Marilyn Venturi	4235 Vineyard Road, Cobble Hill, BC V0R 1L5	marilyn@venturischulze.com
Bob & Ann Collins, Collins Farm	Bob and Ann Collins	5955 Hector Road, Port Alberni, BC	collinsfarm.arrowvale@gmail.com
Jack Froese, J. D. Farms Ltd.	Jack Froese	24726 52 Avenue, Langley, BC V2Z 1E2	jack@jdfarms.ca
Alf and Sandee Krause, Krause Berry Farms & Estate Winery	Alf and Sandee Krause	6179 – 248th Street, Langley, BC V4W 1C3	Alf@krauseberryfarms.com
Ezra Cipes, Summerhill Pyramid Winery	Ezra Cipes	4870 Chute Lake Road Kelowna, BC V1W 4M3	ezra@summerhill.bc.ca
s.22			
Curtis Krouzel, 50th Parallel Estate	Curtis Krouzel	17101 Terrace View Road, Lake Country, BC V4V 1B7	curtis@50thparallel.com
s.22			
Reg Ralph	Alf and Sandee Krause	no address	Alf@krauseberryfarms.com
s.22			
Alan Gatzke (via RA Anne Skinner)	Alan Gatzke	no address	events@gatzkefarmmarkets.com
s.22			

Jill Koster, Topland Farm	Jill Koster	4943 Topland Road, Courtnay, BC V9N 5Y2	no email
s.22			
Garnet Etsell, Singletree Winery and Coligny Hill Farms	Garnet Etsell	PO Box 109, Stn Mt Lehman, Abbotsford, BC V4X 2P7	garnet@singletreewinery.ca
Ron McMillan, McMillan Farms	Ron McMillan	#1 - 3690 Berard Road   Kelowna BC V1W 4A9	information@mcmillanfarms.ca
s.22			
Julia Smith, Urban Digs Farm	Julia Smith	4992 Byrne Road Burnaby, BC V5J 3H9	julia@urbandigsfarm.com
s.22			
Andrea & David McFadden, Okanagan Lavender & Herb Farm	Andrea & David McFadden	4380 Takla Road, Kelowna, BC V1W 3C4	andrea@okanaganlavender.com
Harm & Magdalene Vanderlinde, Saar Bank Farms	Harm & Magdalene Vanderlinde	37523 Maher Road, Abbotsford, BC V3G 1W4	hmvanderlinde@gmail.com
Jeryl & Karen Walters, High Country Tree Farm / Rustic Weddings	Jeryl & Karen Walters	no address	sukhpaul.bal@gmail.com
Paul & Caroline Mostertman, CPM Farms LTD. s.22	Paul & Caroline Mostertman	3387 Tolmie Road, Abbotsford, BC V3G 2T9	pmfarms@gmail.com
Paul Tataryn, Heather Skoretz & Sara Skoretz, Bird's Eye Cove Farm	Paul Tataryn, Heather Skoretz & Sara Skoretz	5881 Genoa Bay Road, Duncan BC V9L 5Y5	paltataryn@shaw.ca
Kristi & James Caldwell, Caldwell Heritage Farm s.22	Kristi & James Caldwell	4275 Goodison Rd, Kelowna, BC V1W 4C6	info@caldwellheritagefarm.com
Sukhpaul Bal, Hillcrest Farm Market Jackie Moad and Laurie Gourlay, Thistledown Farm	Sukhpaul Bal, Jackie Moad and Laurie Gourlay	no address	sukhpaul.bal@gmail.com

s.22

Sarwan Gidda, TBA Farms	Sarwan Gidda	3175 Smith Creek Rd, West Kelowna, BC V4T 1M7	tbafarmsltd@hotmail.com
Kim Sutherland	Kim Sutherland	no address	Kim.Sutherland@gov.bc.ca
Garfield Marshall - BC Landscape & Nursery Assn	Garfield Marshall	#102 – 19289 Langley Bypass, Surrey, BC V3S 6K1	jlgarfieldmarshall@gmail.com
Bobby Gidda, Volcanic Hills Estate Winery	Bobby Gidda	2845 Boucherie Rd, West Kelowna, BC V1Z 2G6	Bobby@volcanichillswinery.com



File: 0280-30

Ref: 183771

<<VARIOUS>>

Dear <<NAME>>r:

I am writing to thank you for providing feedback regarding the Ministry of Agriculture's recent discussion (white) paper consultation on Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Input from individual stakeholders such as yourself has been a valuable contribution to the consultation process. I acknowledge the time and effort made in preparing your submission.

Along with the appropriate staff, I have personally reviewed the received comments and have asked Ministry staff to prepare a coordinated response. If you have any further questions or concerns regarding this issue or other 'Planning for Agriculture' initiatives, please contact Brenda Lennox tel: (250) 356-2945 or [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca).

Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture





File: 0280-30

Ref: 183771

<<VARIOUS>>

Dear <<NAME>>r:

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Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture



File: 0280-30  
Ref: 183771

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Along with the appropriate staff, I have personally reviewed the received comments and have asked Ministry staff to prepare a coordinated response. If you have any further questions or concerns regarding this issue or other 'Planning for Agriculture' initiatives, please contact Brenda Lennox, Senior Manager, Market Development. Ms. Lennox can be reached by telephone at : (250) 356-2945 or by email at [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca).

Thank you again for your submission.

Yours truly,

Norm Letnick  
Minister

cc: Brenda Lennox, Senior Manager  
Ministry of Agriculture

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Monday, November 9, 2015 4:14 PM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX; Smukowich, Don AGRI:EX; Lalani, Arif AGRI:EX  
**Subject:** Re: ALC input website

Well done!

Norm Letnick, MLA  
Minister of Agriculture

On Nov 9, 2015, at 4:09 PM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

**From:** Lalani, Arif AGRI:EX  
**Sent:** Monday, November 9, 2015 4:07 PM  
**To:** Sturko, Derek AGRI:EX; Morales, Stefan AGRI:EX; Smukowich, Don AGRI:EX  
**Cc:** Schmidt, Orlando AGRI:EX  
**Subject:** FW: ALC input website

Complete

Arif Lalani  
Assistant Deputy Minister  
Business Development Division  
Ministry of Agriculture

**From:** Schmidt, Orlando AGRI:EX  
**Sent:** Monday, November 9, 2015 3:01 PM  
**To:** Lalani, Arif AGRI:EX  
**Cc:** Nickel, Ken AGRI:EX  
**Subject:** RE: ALC input website

Hello Arif,

This update is completed. A short paragraph and the link to the discussion paper shows up as the first Popular Topic.

[www.gov.bc.ca/agriservicebc](http://www.gov.bc.ca/agriservicebc)

Note the Strengthening Farming Program does have a website for this as well but it is not as easy to access: <http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and->

[environment/strengthening-farming/local-government-bylaw-standards-and-farm-bylaws/agri-tourism-and-farm-retail-sales-bylaw-standards](#)

Orlando Schmidt | Regional Manager, Coast  
BC Ministry of Agriculture | phone: 604-556-3101 | cell: 604-302-7818 | email:  
[orlando.schmidt@gov.bc.ca](mailto:orlando.schmidt@gov.bc.ca)

[www.gov.bc.ca/agriservicebc](http://www.gov.bc.ca/agriservicebc) | 1-888-211-7141 | [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**From:** Lalani, Arif AGRI:EX  
**Sent:** Monday, November 9, 2015 11:42 AM  
**To:** Sturko, Derek AGRI:EX; Letnick, Norm AGRI:EX; Smukowich, Don AGRI:EX  
**Cc:** Morales, Stefan AGRI:EX; Schmidt, Orlando AGRI:EX  
**Subject:** RE: ALC input website

Yes we can do that. Orlando suggests we add it under popular topics. Orlando can you make this happen please. Thanks.

Arif Lalani  
Assistant Deputy Minister  
Business Development Division  
Ministry of Agriculture

**From:** Sturko, Derek AGRI:EX  
**Sent:** Monday, November 9, 2015 11:02 AM  
**To:** Letnick, Norm AGRI:EX; Smukowich, Don AGRI:EX; Lalani, Arif AGRI:EX  
**Cc:** Morales, Stefan AGRI:EX  
**Subject:** RE: ALC input website

Arif – can you please look into this and report back.

Thanks,

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

**From:** Letnick, Norm AGRI:EX  
**Sent:** Wednesday, November 4, 2015 10:47 AM  
**To:** Smukowich, Don AGRI:EX  
**Cc:** Sturko, Derek AGRI:EX  
**Subject:** Re: ALC input website

Can we add a button link on our agriservicebc main page?

Norm Letnick, MLA  
Minister of Agriculture

On Nov 4, 2015, at 10:16 AM, Smukowich, Don AGRI:EX <[Don.Smukowich@gov.bc.ca](mailto:Don.Smukowich@gov.bc.ca)> wrote:

There isn't a website.

Here is the NR

<https://news.gov.bc.ca/releases/2015AGRI0064-001671>

with a link to the discussion paper:

[http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-by-law-standards/2015\\_09\\_14\\_agri-tourism\\_discussion\\_paper.pdf](http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-by-law-standards/2015_09_14_agri-tourism_discussion_paper.pdf)

feedback can be sent to:

[AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**From:** Norm Letnick [<mailto:nletnick@gmail.com>]  
**Sent:** Wednesday, November 4, 2015 9:56 AM  
**To:** Smukowich, Don AGRI:EX  
**Subject:** Fwd: ALC input website

Agri tourism link to him please

Norm Letnick, MLA  
Minister of Agriculture

Begin forwarded message:

**From:** "dave krysko" <[dave@davara.ca](mailto:dave@davara.ca)>  
**Date:** November 4, 2015 at 9:53:40 AM PST  
**To:** "Norm Letnick" <[nletnick@gmail.com](mailto:nletnick@gmail.com)>  
**Subject:** ALC input website

Hi Norm,  
You mentioned that there was a site we could provide input into the process.  
Could you send me a link?  
Thanks,  
Dave

**Letnick, Norm AGRI:EX**

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Tuesday, December 1, 2015 11:14 AM  
**To:** Bill, Karen F AGRI:EX; Sturko, Derek AGRI:EX  
**Subject:** Agri tourism consultation

Rebecca from Cbc called looking for an interview this afternoon. Taped 5 min.

She says the deadline has been extended.

Can we get enough messaging prepared in time?

250-861-3781 x 224

Norm Letnick, MLA  
Minister of Agriculture

## Letnick, Norm AGRI:EX

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**From:** Letnick, Norm AGRI:EX  
**Sent:** Tuesday, December 1, 2015 3:49 PM  
**To:** Bill, Karen F AGRI:EX; Sturko, Derek AGRI:EX  
**Subject:** Re: Draft KM - help pls by 3:30

Nicely done....I needed these answers and used them.

Norm Letnick, MLA  
Minister of Agriculture

On Dec 1, 2015, at 3:33 PM, Bill, Karen F AGRI:EX <[Karen.Bill@gov.bc.ca](mailto:Karen.Bill@gov.bc.ca)> wrote:

**From:** Sturko, Derek AGRI:EX  
**Sent:** Tuesday, December 1, 2015 3:32 PM  
**To:** Boelens, Robert GCPE:EX; Last, Gavin AGRI:EX  
**Cc:** Phelps, Blair GCPE:EX  
**Subject:** RE: Draft KM - help pls by 3:30

See responses/comments added. I think it's difficult to answer these Qs with such short timelines...

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

**From:** Boelens, Robert GCPE:EX  
**Sent:** Tuesday, December 1, 2015 2:22 PM  
**To:** Last, Gavin AGRI:EX; Sturko, Derek AGRI:EX  
**Cc:** Phelps, Blair GCPE:EX  
**Subject:** FW: Draft KM

Gents, can you pls scan these and correct / adjust / add as you see fit. Have a rush order on their return.

Does a land owner need to apply each time to the Alc for a non farm use? (ie for each wedding)

- Yes? Doubt this is the case. I suspect the ALC would consider a more "blanket" application but we would have to ask them.

Do they go to the local govt first or Alc first?

- Applications are made to the ALC I believe: (1) applications are sent through the local government (who are encouraged, but not required, to comment; and (2) if the LG does not remain neutral or endorse, it won't even go to the ALC.

Please send latest rules around the 50% reg

- The ALR USP Regulation requires at least 50% of the total retail sales area be devoted to that farm's products, and where both *farm products* and *off-farm or non-farm products* being sold, the allowed upper limit of the total of the indoor and outdoor sales area is 300 square metres. This should be adopted by local governments and not reduced.
- To develop a larger retail sales area, or to sell less than 50% of that farm's *farm products*, a farmer must have both local government and ALC non-farm use application approval.

There's are several elements to the 50% rule, such as...

(a) farm retail sales if

- (i) all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or
- (ii) the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup> and if at least 50% of that retail sales area is limited to the sale of farm products produced
  - (A) on the farm on which the retail sales are taking place, or
  - (B) by an association as defined in the *Cooperative Association Act* to which the owner of the farm on which the retail sales are taking place belongs;

(b) Repealed. [B.C. Reg. 117/2015, s. 2 (c).]

(c) storing, packing, preparing or processing farm products, if at least 50% of the farm product being stored, packed, prepared or processed is

- (i) produced on the farm,
- (ii) produced by an association as defined in the *Cooperative Association Act* to which the owner of the farm belongs, or
- (iii) feed required for farm production purposes on the farm;

(2.1) A winery or cidery, and ancillary uses, are designated as farm uses for the purposes of the Act if

- (a) at least 50% of the farm product used to make the wine or cider produced each year is grown on the farm on which the winery or cidery is located, or



(b) the farm on which the winery or cidery is located is more than 2 ha in area and at least 50% of the farm product used to make the wine or cider produced each year is grown

- (i) on the farm, or
- (ii) both on the farm and on another farm located in British Columbia that provides that farm product to the winery or cidery under a contract having a term of at least 3 years.

#### **Agritourism activities in the ALR**

- ? A B.C. farm can be a great setting for a wedding and an option for British Columbians and BC visitors
- ? We need to be clear that on designated farmland in the ALR, agriculture needs to be the main activity, and that farmers can support their farming incomes through other activities like agritourism.
- ? The proposed bylaw standard offers that balance by suggesting that the main source of income on designated farmland be purely agricultural, while allowing BC farmers to supplement their incomes through secondary activities.
- ? The B.C. government consulted with over 100 stakeholder groups all around the province on the topic in 2014, as part of the consultations on the ALC – in fact it was one of twelve specific questions we asked farmers, local governments and all British Columbians.  
[http://www2.gov.bc.ca/local/haveyoursay/Docs/Agriculture Stakeholder Summary.pdf](http://www2.gov.bc.ca/local/haveyoursay/Docs/Agriculture_Stakeholder_Summary.pdf)
- ? A summary of the responses to that question found “A majority of stakeholders from all regions responded that further clarification should be provided on what constitutes agri-tourism to ensure that agri-tourism activities and accommodation are in fact seasonal and are only conducted in support of the main agricultural activity of farming, not in place of it. Local governments in particular were very strongly of the view that further definition is required.”
- ? We heard during those consultations that greater clarity surrounding agritourism activities was required, and we agree.
- ? The discussion paper the Ministry put forward was the next step in moving towards that clarity, and the discussion that it has resulted in has been very valuable.
- ? The whole purpose of a discussion paper is to get comments and input from all involved, so that their opinions and ideas can be considered in the development of the best possible result, in this case a bylaw standard that promotes primary agriculture, and allows farmers to supplement their income on ALR land through defined agritourism activities.
- ? During our province wide consultations on the ALC in the summer of 2014 we heard the sentiment that land the ALR should be used to

support and encourage primary agriculture, and we've acted on that through the ALCA regulations.

- ? The ALC needs to review applications from businesses with predominantly venue-generated revenue to determine if their operations are in the best interest of agriculture, and supporting primary agriculture in the ALR, and I support that process.
- ? Land in the ALR is designated as farm land, to be used as agricultural purposes. Our bylaw standard offers a balance for those genuine farmers in the ALR that wish to supplement their income through agritourism activities, but ensures that farming and agriculture is the core function of farms in the ALR

### **Consultation**

- ? The consultation period on the Minister's bylaw standard for agritourism has been extended till January 2016, to provide agri-tourism related businesses another opportunity to provide comments and input.
- ? The topic was covered during the Ministry's meetings with more than 100 stakeholder groups around B.C. as part of the consultation regarding the modernization of the ALC act in the summer of 2014
- ? The topic was one of 12 discussed in 2014 as part of the Ministry's province-wide consultations on the ALC Act Regulations, and involved 100 stakeholder groups
- ? The consultations were open to the public and more than 800 responses were received to an on-line questionnaire.
- ? During those consultations, local governments, farmers, farming organizations and the public, all were invited to comment on agritourism related activities in the ALR, either as individuals or through agriculture or stakeholder organizations they are members of.
- ? A summary of the responses to the question found "A majority of stakeholders from all regions responded that further clarification should be provided on what constitutes agri-tourism to ensure that agri-tourism activities and accommodation are in fact seasonal and are only conducted in support of the main agricultural activity of farming, not in place of it. Local governments in particular were very strongly of the view that further definition is required."
- ? The Ministry of Agriculture used the responses they received during the consultation to develop the white paper and draft bylaw standard that is currently posted.
- ? We've extended the consultation period to allow one more opportunity for British Columbian businesses to comment on the proposed bylaw standard because the Government is looking to determine that balance, based on input and information from everyone involved.
- ? Comments are welcome until January 15 @ [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

### **Non farm use applications and process**

- ? The use of the ALR for commercial weddings is considered a non-farm use which requires approval of the ALC.
- ? All B.C. farms in the ALR need to apply to the Agricultural Land Commission for non-farm use activities.
- ? The application will be considered by the ALC regional panel, which is independent of government.
- ? Where a farm has received non-farm use approval from the ALC, the local government may require a rezoning or temporary use permit.
- ? There is a process for conducting non-farm use activities on ALR land, and the ALC would be able to provide you with additional information.
- ? To be clear – the B.C. government has not given direction to prohibit weddings on ALR land throughout B.C.

#### **Bylaw standard**

- ? The Minister responsible for the Farm Practices Protection Act has the ability to establish standards to guide local governments in developing bylaws for farming areas under section 916 of the Local Government Act.
- ? Local governments in Abbotsford, Delta, Kelowna, and the Township of Langley are regulated under the Act, and are expected to develop bylaws that are consistent with the bylaw standard
- ? Bylaw standards provide other local governments who choose to enact a bylaw with criteria to develop the bylaw. The bylaw is at the discretion of the community.
- ? The goal of this bylaw standard is to have a set of guidelines for local governments that balance preserving farmland while ensuring we have farmers in an economic viable position to continue farming.
- ? A Minister's Bylaw Standard comes into effect on the date of the Minister's decision. The new standard is communicated to local governments and will be posted on the Ministry's website. The ministry's "Guide for Bylaw Development in farming Areas" will be amended to include the standard ([http://www.agf.gov.bc.ca/resmgmt/publist/800Series/840000-1\\_GuideforByLawDev\\_TofC.pdf](http://www.agf.gov.bc.ca/resmgmt/publist/800Series/840000-1_GuideforByLawDev_TofC.pdf)).

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Saturday, December 19, 2015 11:07 AM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Summary of our December 18, 2015 discussions re: agri-tourism consultations

Yes thank you. Please verify with bcfrb if they believe they have a role to play when meeting with the other organizations. Also I would like to read all the submissions on the topic from our initial consultation last fall and this most recent one ending jan15. Can the submissions be uploaded onto my iPad shortly after the deadline so I can read them on holiday?

Please also upload onto iPad the full report of the farm assessment review committee that frank Leonard co chaired I believe with john Rustad in 2008.

Thank you :<sup>s.22</sup>

Norm Letnick, MLA  
Minister of Agriculture

On Dec 19, 2015, at 10:18 AM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

This note is just to summarize our brief discussions on December 18, 2015 concerning the current consultations on agri-tourism that are scheduled to end on January 15, 2016.

- We re-confirmed the intention to arrange a meeting with the ALC, BCAC and UBCM to review and consider the results of the consultations.
- I advised that staff anticipate completing the analysis and synthesis of the findings by mid-February 2016.
- As a result, we agreed to arrange a single meeting (in late February or early March) with a couple of representatives from each of the ALC, BCAC and UBCM to review and consider the results of the consultations and get advice on how the ministry should respond.
- I advised that, based on our original consultations on this matter in summer 2104, we anticipate quite a range of responses on this matter (in particular in regard to the conduct of weddings on the ALR).
- As a result, we agreed that while consensus among those at the meeting was the ideal outcome, it may be difficult to achieve.
- s.13

Further, I neglected to advise you that ministry staff will also reach out to staff in CSCD (as the ministry responsible for local governments) once we have the results of the consultations synthesized.

Please advise if this is not an accurate reflection of our discussions.

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Friday, January 15, 2016 3:47 PM  
**To:** Bill, Karen F AGRI:EX; Sturko, Derek AGRI:EX  
**Subject:** Fwd: Castanet: Unique food, wine tourism training to grow youth employment opportunities in Osoyoos and area

FYI

Norm Letnick, MLA  
Minister of Agriculture

Begin forwarded message:

**From:** <[tno@gov.bc.ca](mailto:tno@gov.bc.ca)>  
**Date:** January 15, 2016 at 3:58:06 PM CST  
**To:** Undisclosed recipients;;  
**Subject:** **Castanet: Unique food, wine tourism training to grow youth employment opportunities in Osoyoos and area**

Castanet

15-Jan-2016 13:44

Okanagan College Media Release

Copyright

TNO...

This e-mail is a service provided by Government Communications and Public Engagement and is only intended for the original addressee. All content is the copyrighted property of a third party creator of the material. Copying, retransmitting, redistributing, selling, licensing, or emailing the material to any third party or any employee of the Province who is not authorized to access the material is prohibited.

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Sunday, January 17, 2016 1:10 PM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Agri tourism meeting

Of course....when I return but I'm hoping the date is set before too long as I want to get this issue resolved prior to or concomitantly with s.13

Norm Letnick, MLA  
Minister of Agriculture

> On Jan 17, 2016, at 2:29 PM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

>

> Can we discuss just to make sure we have a balanced representation at the meeting?

>

> FYI - s.22

>

> Derek Sturko

> Sent from my iPhone

>

>> On Jan 17, 2016, at 12:19 PM, Letnick, Norm AGRI:EX <[Norm.Letnick@gov.bc.ca](mailto:Norm.Letnick@gov.bc.ca)> wrote:

>>

>> Karen,

>> s.22

>>

>>

>> After a few days of reading submissions received so far and the white paper I would like us to consider adding to our stakeholder meeting our expert land economist, two reps from the young agrarians (or other similar body), and two reps from larger Agri-tourism operators (with one of them being Alan Gatzke).

>>

>> Norm Letnick, MLA

>> Minister of Agriculture



## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Monday, January 18, 2016 12:56 PM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Agri tourism

Derek,

s.13

Norm Letnick, MLA  
Minister of Agriculture

> On Jan 18, 2016, at 2:31 PM, Bill, Karen F AGRI:EX <Karen.Bill@gov.bc.ca> wrote:

>  
s.13

>  
> From BC Assessment page:  
> What happens if my farm does not meet the income requirements, if I fail to provide necessary information, or I stop farming?

>  
> BC Assessment will remove the property from the farm class.

>  
> -----Original Message-----  
> From: Letnick, Norm AGRI:EX  
> Sent: Monday, January 18, 2016 12:08 PM  
> To: Bill, Karen F AGRI:EX  
> Subject: Re: Agri tourism

>  
s.13

>  
> Please no briefing but please ask Derek or other staff to help you find the answer.

>  
> Norm Letnick, MLA

> Minister of Agriculture  
 >  
 >> On Jan 18, 2016, at 12:33 PM, Bill, Karen F AGRI:EX <Karen.Bill@gov.bc.ca> wrote:  
 >>  
 >> 1) as per below: "..., for example, uses that are not taking place on land assessed as 'farm'",  
 >> 2)  
 >> <http://www.bcassessment.ca/Services-products/property-classes-and-exemptions/farm-land-assessment/farm-classification-in-british-columbia/Agriculture-property-for-farm-classification>  
 >> 3) as per 2 AgriTourism is not in the list of Qualifying agricultural use.  
 >>  
 >> Let me know if you would like a briefing note on this question?  
 >> Karen  
 >>  
 >> -----Original Message-----  
 >> From: Letnick, Norm AGRI:EX  
 >> Sent: Monday, January 18, 2016 10:11 AM  
 >> To: Bill, Karen F AGRI:EX  
 >> Subject: Re: Agri tourism

s.13

>>  
 >> Norm Letnick, MLA  
 >> Minister of Agriculture  
 >>  
 >>> On Jan 18, 2016, at 11:58 AM, Bill, Karen F AGRI:EX <Karen.Bill@gov.bc.ca> wrote:  
 >>>  
 >>> Policy 4 posted on ALC website:  
 >>>  
 >>> This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.  
 >>> REFERENCE:  
 >>> Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation".  
 >>> Section 2 (2) (e) and Section 1 (1).  
 >>> Section 2 (2) The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the Local Government Act :  
 >>> (e) agri-tourism activities, other than accommodation, on land that  
 >>> is classified as a farm under the Assessment Act, if the use is  
 >>> temporary and seasonal, and promotes or markets farm products grown,  
 >>> raised or processed on the farm Section 1 (1) "agri-tourism" means a tourist activity, service or facility accessory to land that is classified as a farm under the Assessment Act; "farm product" means a commodity that is produced from a farm use as defined in the Act or designated by this regulation.  
 >>> INTERPRETATION:  
 >>> Subject to the conditions in Section 2 (2) (e) of the Regulation, agri-tourism activities, (other than agri-tourism accommodation) are designated by this regulation as farm uses, and as such, may not be prohibited by a local government bylaw, except a farm bylaw approved by the Minister of Agriculture, Food and Fisheries under Section 917 of the Local Government Act. This permitted farm activity is in addition to general farm uses permitted under the Act.

>>> The Regulation permits temporary and seasonal agri-tourism activities in the ALR provided the land is assessed as 'farm' under the Assessment Act and provided the activity promotes or markets farm products produced on that farm. These activities are accessory and, at the same time, related to the principle use of the farm or ranch and must promote or market farm products from the farm or ranch. This use is permitted only if the property is assessed as 'farm' and if the assessment changes, this use is no longer permitted. The farm may be comprised of one or several parcels of land owned or operated by a farmer as a farm business.

>>> This section does not include agri-tourism accommodation which is regulated under Section 3 (1) (a) of the Regulation and may be prohibited by a local bylaw. See Commission Policy "Permitted Uses in the ALR: Agri-tourism Accommodation".

>>> There is no building threshold area stipulated for these uses in the Regulation. A local government may regulate these uses, for example by setting hours of operation, a maximum building area or maximum site coverage, but may not prohibit the uses as they are designated 'farm uses' under the Act. The local bylaws may further define 'temporary' and 'seasonal' and additional local government requirements must also be met. However in all cases the regulation of the use by local government must be reasonable and not prohibitive.

>>> Page 2 of 2

>>> Examples of agri-tourism activities that may be permitted under this section of the Regulation, provided all conditions are met, include, but are not limited to:

>>> · Agricultural heritage exhibit

>>> · Farm tours and farm demonstrations · Horse riding including cattle

>>> drive activities · Horse or other livestock shows · Hay, tractor and

>>> sleigh rides · Pumpkin patch tours and related activities ·

>>> Picnicking · Farm related educational activities including cooking

>>> classes using farm products from the farm · Seasonal promotional

>>> events (e.g. harvest and Christmas fairs and

>>> activities) · Special promotional events (e.g. private or public

>>> special occasion events for the promotion of farm products) ·

>>> Charity fund-raising events where farm products from the farm are

>>> offered for sale or by contribution and the majority of net proceeds

>>> are donated to a registered charity · Catered food and beverage

>>> service special events where farm products from the farm are

>>> promoted, but not a service requiring the use of a permanent commercial kitchen · Corn mazes · Fishing (stocked pond) · Bird and wildlife refuges and rescue services Farm retail sales are regulated separately under section 2 (2) (a) of the Regulation and may be permitted if the specified conditions are met. See Commission Policy "Activities Designated as Farm Use: Farm Retail Sales in the ALR".

>>>

>>>

>>> Agri-tourism uses that do not meet the conditions established in the regulation, for example, uses that are not taking place on land assessed as 'farm', are not temporary and seasonal, and do not promote or market farm products from the farm, require application to and approval from the Commission.

>>>

>>>

>>> TERMS:

>>> Temporary –means a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities. If a building or structure is required for this use, temporary use of the building or structure means a use for agri-tourism for less than 12 months of the year. The building or structure may be used for other permitted uses during the course of, or for the remainder of the year.

>>> Seasonal - means a use or activity in a facility or area for less than 12 months of the year.

>>>

>>> -----Original Message-----

>>> From: Letnick, Norm AGRI:EX

>>> Sent: Saturday, January 16, 2016 9:49 AM

>>> To: Bill, Karen F AGRI:EX

>>> Subject: Re: Agri tourism

>>>

>>> Thank you for the reply. The next one can wait for Monday....please send me the regulation or legislation that says...."Activities occurring on ALR property where there is no established farm use or where tourism income exceeds agricultural income must apply and receive approval for a non-farm use from the ALC."

>>>

>>> Norm Letnick, MLA

>>> Minister of Agriculture

>>>

>>>> On Jan 16, 2016, at 11:12 AM, Bill, Karen F AGRI:EX <Karen.Bill@gov.bc.ca> wrote:

>>>>

>>>> It came from cscd. They checked with us. It is accurate based on the questions that we are asking in the review.

s.13

>>>>

>>>>> On Jan 16, 2016, at 8:44 AM, Letnick, Norm AGRI:EX <Norm.Letnick@gov.bc.ca> wrote:

>>>>>

>>>>> Karen,

>>>>>

>>>>> Please confirm the accuracy of this statement from the media messaging I received....

>>>>>

>>>>> "The proposed Minister's Bylaw Standard is not proposing to change existing Provincial legislation at this time. Activities occurring on ALR property where there is no established farm use or where tourism income exceeds agricultural income must apply and receive approval for a non-farm use from the ALC."

>>>>>

>>>>> Norm Letnick, MLA

>>>>> Minister of Agriculture

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Monday, January 25, 2016 4:04 PM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Agri tourism

s.13

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Monday, February 1, 2016 5:10 PM  
**To:** Sturko, Derek AGRI:EX; Bill, Karen F AGRI:EX  
**Subject:** Richmond

How are we planning to manage letters like the Jan 14 letter from Richmond with a number of requests re alr outside of the specific Agri tourism discussion?

Norm Letnick, MLA  
Minister of Agriculture

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Monday, February 1, 2016 5:39 PM  
**To:** Sturko, Derek AGRI:EX; Bill, Karen F AGRI:EX  
**Subject:** Fwd: farm assoc  
**Attachments:** agri tourism farm assoc.docx; ATT00001.htm

Curious to know if they formed after we issued the white paper or have existed for a while. Also if Bcac already represents them.

Please consider if we need to invite them to our stakeholder meeting vs leaving them outside the process which may potentially impact their members.

Norm Letnick, MLA  
Minister of Agriculture

Begin forwarded message:

**From:** Norm Letnick <[nletnick@gmail.com](mailto:nletnick@gmail.com)>  
**Date:** February 1, 2016 at 5:36:56 PM PST  
**To:** "[norm.letnick@gov.bc.ca](mailto:norm.letnick@gov.bc.ca)" <[norm.letnick@gov.bc.ca](mailto:norm.letnick@gov.bc.ca)>  
**Subject:** farm assoc

To The Honourable Minister Norm Letnick

cc: The Honourable Premier Christie Clark

This letter represents a number of farmers in British Columbia, who wish to speak out in unison about the recent ALC Regulation Consultation Paper issued by the Provincial Government on Agri-tourism (Discussion Paper and Proposed Minister's Bylaw Standards, Regulating Agri-tourism and Farm Retail Sales in the ALR, Sept. 14, 2015) to municipalities and also on your website.

We are shocked and astounded that a Discussion Paper involving the future of our farms was issued without any consultation or discussion with us, the farmers who will be affected by any outcomes. We view this to be a dereliction of duty by the government of British Columbia.

The matters covered in this paper directly affect not only our farms, but also our families and our industry. We therefore strongly believe we should have been consulted on this paper

The government's failure to involve us communicates a lack of transparency to the farmers of this province. We have therefore formed an alliance over this matter in order to provide a unified voice, and to speak out in opposition to this paper.

We are respectfully requesting a seat at the "discussion" table to voice our concerns and opinions on this paper; and we are also requesting that the closing date of November 30th be postponed to ensure that the intended spirit of this paper – i.e. '**discussion**' – is preserved.

We, as British Columbia farmers of, have rights and deserve consultation on matters of such importance; and deserve to be heard.

We are extremely concerned that the government will press forward with this paper and that the spirit of "**discussion**" will not be honoured by virtue of our potential exclusion.



Specifically, we are concerned that the public and municipalities will assume that the British Columbia farmers affected by this paper have been consulted in this process, and consent to the declarations made in the paper.

In fact, no such consultation has been made, and no consent given.

We wish to deal with the government in a professional and respectful way; but at the same time, feel that the government has not offered us the requisite professional accommodation. Therefore, we have reached out to media in British Columbia. They have been informed of our position and are on standby to publish and broadcast our concerns, should the government fail to respond or consider our wholly reasonable requests outlined in this letter.

The public is sympathetic to our cause and what is transpiring. It is our aim and objective to keep the public fully informed as matters unfold for they, like us, deserve full disclosure and clarity. Due process is not only necessary but is also to be respected by public officials.

We are absolutely certain that the public will see that farmers' rights, as well as public rights, have been overlooked and transgressed by the government in this matter.

This government ran on a theme of transparency.

Our Province is called Beautiful British Columbia, and a large part of that is owed to the multitude of farms that compose our picturesque landscape.

We petition you to attend to our concerns put forth here and to collaborate with us in matters which directly involve us.

To help farmers flourish, the province established future funds and groups such as the B.C. Agritourism Alliance. This Discussion Paper negates much of the work done to establish the important services these groups and funds provide.

We speak out collectively to ask that we are given the opportunity to take part in discussion of policy that affects our future.

**Our requests are simple, straightforward and twofold:**

- We request that the deadline of the paper be extended until January 31, 2016.

- We request a seat at the discussion table prior to this Discussion paper being re-issued for review.

We look forward to your response; however, if the province fails to respond, or the response is delayed, we will then look to the media to assist us with this matter - witnessing the public's response to the province's failure to consult its farmers in matters that concern them.

We, as a group, have retained Ann Soutar-Britton, one of the founding members of British Columbia Agritourism Alliance and a former consultant to the Ministry of Agriculture , to consult us on these matters. With all communication please respond to [bcat.farmingassociation@yahoo.ca](mailto:bcat.farmingassociation@yahoo.ca)

Yours truly,

On Behalf of:

**British Columbia Agritourism Farming Association**

Hillcrest Farm Market

Pacific Country Acres Ltd

Saarbank Farms

CPM Farms Ltd

Fantasy Farms Inc.

Bird's Eye Cove Farm

Barkley Brook Farm & Garden



## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Monday, February 1, 2016 5:54 PM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: farm assoc

K.

Norm Letnick, MLA  
Minister of Agriculture

On Feb 1, 2016, at 5:52 PM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

The letter implies both that: (1) they just formed in response to the white paper; and (2) the province formed the alliance some time ago. So hard to tell the history.

Let me look into this tomorrow before we consider participation.

This may be better dealt with off line....

Derek Sturko  
Sent from my iPhone

On Feb 1, 2016, at 5:39 PM, Letnick, Norm AGRI:EX <[Norm.Letnick@gov.bc.ca](mailto:Norm.Letnick@gov.bc.ca)> wrote:

Curious to know if they formed after we issued the white paper or have existed for a while. Also if Beac already represents them.

Please consider if we need to invite them to our stakeholder meeting vs leaving them outside the process which may potentially impact their members.

Norm Letnick, MLA  
Minister of Agriculture

Begin forwarded message:

**From:** Norm Letnick <[nletnick@gmail.com](mailto:nletnick@gmail.com)>  
**Date:** February 1, 2016 at 5:36:56 PM PST  
**To:** "[norm.letnick@gov.bc.ca](mailto:norm.letnick@gov.bc.ca)" <[norm.letnick@gov.bc.ca](mailto:norm.letnick@gov.bc.ca)>  
**Subject:** farm assoc

<agri tourism farm assoc.docx>

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Monday, February 1, 2016 6:17 PM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: farm assoc

True and as I'm reading the submissions I see some have provided constructive input individually.

Norm Letnick, MLA  
Minister of Agriculture

On Feb 1, 2016, at 6:08 PM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

BTW, they do not comment on the content of the paper or indicate why it could be a problem for their members.....

Derek Sturko  
Sent from my iPhone

On Feb 1, 2016, at 5:52 PM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

The letter implies both that: (1) they just formed in response to the white paper; and (2) the province formed the alliance some time ago. So hard to tell the history.

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Derek Sturko  
Sent from my iPhone

On Feb 1, 2016, at 5:39 PM, Letnick, Norm AGRI:EX  
<[Norm.Letnick@gov.bc.ca](mailto:Norm.Letnick@gov.bc.ca)> wrote:

Curious to know if they formed after we issued the white paper or have existed for a while. Also if Bcac already represents them.

Please consider if we need to invite them to our stakeholder meeting vs leaving them outside the process which may potentially impact their members.

Norm Letnick, MLA  
Minister of Agriculture

Begin forwarded message:

**From:** Norm Letnick <[nletnick@gmail.com](mailto:nletnick@gmail.com)>  
**Date:** February 1, 2016 at 5:36:56 PM PST  
**To:** "[norm.letnick@gov.bc.ca](mailto:norm.letnick@gov.bc.ca)"  
<[norm.letnick@gov.bc.ca](mailto:norm.letnick@gov.bc.ca)>  
**Subject:** farm assoc

<agri tourism farm assoc.docx>

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Tuesday, February 2, 2016 11:07 AM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Agri tourism

Derek,

Some of the submissions speak about not realizing we were consulting on this topic until late. Please provide at our stakeholders meeting this week a summary of our consultations and why we began the process in the first place.

I think.....

Ubcn asked for clarity on temp and seasonal In 2014 it was one of the 12 questions (how did we get the public informed that we were doing reg consultations and how many responses did we get on this question?) In 2015 we adopted reg changes but decided to go out to further consultations on this topic (again how did we inform the public etc) In 2015 we extended the deadline to Jan 15

Norm Letnick, MLA  
Minister of Agriculture

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Tuesday, February 2, 2016 11:48 AM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Agri tourism

Sure. Later today's fine.

Norm Letnick, MLA  
Minister of Agriculture

> On Feb 2, 2016, at 11:47 AM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

>

> Ok. Can we spend a couple of minutes today discussing agri-tourism (what you're getting from reading the submissions, etc.)?

>

> Derek Sturko

> Deputy Minister

> BC Ministry of Agriculture

> (250) 356-1800

>

>

> -----Original Message-----

> From: Letnick, Norm AGRI:EX

> Sent: Tuesday, February 2, 2016 11:07 AM

> To: Sturko, Derek AGRI:EX

> Cc: Bill, Karen F AGRI:EX

> Subject: Agri tourism

>

> Derek,

>

> Some of the submissions speak about not realizing we were consulting on this topic until late. Please provide at our stakeholders meeting this week a summary of our consultations and why we began the process in the first place.

>

> I think.....

>

> UbcM asked for clarity on temp and seasonal In 2014 it was one of the 12 questions (how did we get the public informed that we were doing reg consultations and how many responses did we get on this question?) In 2015 we adopted reg changes but decided to go out to further consultations on this topic (again how did we inform the public etc) In 2015 we extended the deadline to Jan 15

>

> Norm Letnick, MLA

> Minister of Agriculture



## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Tuesday, February 2, 2016 11:51 AM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Agri tourism

K

Norm Letnick, MLA  
Minister of Agriculture

> On Feb 2, 2016, at 11:49 AM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

>

> Does 2:30 work for you both?

>

> Derek Sturko

> Deputy Minister

> BC Ministry of Agriculture

> (250) 356-1800

>

>

>

> -----Original Message-----

> From: Letnick, Norm AGRI:EX

> Sent: Tuesday, February 2, 2016 11:48 AM

> To: Sturko, Derek AGRI:EX

> Cc: Bill, Karen F AGRI:EX

> Subject: Re: Agri tourism

>

> Sure. Later today's fine.

>

> Norm Letnick, MLA

> Minister of Agriculture

>

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>> Ok. Can we spend a couple of minutes today discussing agri-tourism (what you're getting from reading the submissions, etc.)?

>>

>> Derek Sturko

>> Deputy Minister

>> BC Ministry of Agriculture

>> (250) 356-1800

>>

>>

>> -----Original Message-----

>> From: Letnick, Norm AGRI:EX

>> Sent: Tuesday, February 2, 2016 11:07 AM

>> To: Sturko, Derek AGRI:EX

>> Cc: Bill, Karen F AGRI:EX

>> Subject: Agri tourism

>>

>> Derek,

>>

>> Some of the submissions speak about not realizing we were consulting on this topic until late. Please provide at our stakeholders meeting this week a summary of our consultations and why we began the process in the first place.

>>

>> I think,....

>>

>> Ubcm asked for clarity on temp and seasonal In 2014 it was one of the 12 questions (how did we get the public informed that we were doing reg consultations and how many responses did we get on this question?) In 2015 we adopted reg changes but decided to go out to further consultations on this topic (again how did we inform the public etc) In 2015 we extended the deadline to Jan 15

>>

>> Norm Letnick, MLA

>> Minister of Agriculture

**Letnick, Norm AGRI:EX**

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Tuesday, February 2, 2016 4:49 PM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: For discussion tomorrow: agri-tourism draft materials for Feb 4 meeting

I've read the material. Good work in a short amount of time. Please inform the team somehow that my  
s.13

Norm Letnick, MLA  
Minister of Agriculture

On Feb 2, 2016, at 4:26 PM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

For discussion as part of tomorrow's video-conference call (2nd on the agenda), attached (in PDF format) are 4 documents related to the agri-tourism consultation.

Summary Document and Context (see especially principles on page 4)

Analysis of Comments

Agenda (distribution and annotated versions)

Joan Easton and Brenda Lennox will join us at the Victoria video-conference suite for this item only.

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

<Summary Report - AT Consultation v Feb 2.pdf>

<Agritourism summary v Feb2 Ver 7.pdf>

<Agenda - Feb 4 2016 Agritourism meeting draft Feb 2.pdf>

<Feb 4 Agritourism Discussion Draft Agenda.pdf>

## Letnick, Norm AGRI:EX

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**From:** Letnick, Norm AGRI:EX  
**Sent:** Tuesday, February 2, 2016 5:25 PM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: For discussion tomorrow: agri-tourism draft materials for Feb 4 meeting

I guess we will see what happens on Thursday.

Norm Letnick, MLA  
Minister of Agriculture

On Feb 2, 2016, at 5:19 PM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

Okav but:  
s.13

Derek Sturko  
Sent from my iPhone

On Feb 2, 2016, at 4:48 PM, Letnick, Norm AGRI:EX <[Norm.Letnick@gov.bc.ca](mailto:Norm.Letnick@gov.bc.ca)> wrote:

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Minister of Agriculture

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<Agenda - Feb 4 2016 Agritourism meeting draft Feb 2.pdf>

<Feb 4 Agritourism Discussion Draft Agenda.pdf>

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Sunday, February 14, 2016 8:34 PM  
**To:** Sturko, Derek AGRI:EX  
**Subject:** Agri tourism & fees

8 am Monday meeting with MC. , s.13  
s.13

Norm Letnick, MLA  
Minister of Agriculture

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Sunday, February 14, 2016 9:30 PM  
**To:** Sturko, Derek AGRI:EX  
**Subject:** Re: Agri tourism & fees

Can talk now if you like or 6:30-7:20am

Norm Letnick, MLA  
Minister of Agriculture

> On Feb 14, 2016, at 9:12 PM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

>

> What time are you in the office (pre 8:00 mtg)?

>

> I can pop by there if it works... Both need an explanation...

>

> Derek Sturko

> Sent from my iPhone

>

>> On Feb 14, 2016, at 8:34 PM, Letnick, Norm AGRI:EX <[Norm.Letnick@gov.bc.ca](mailto:Norm.Letnick@gov.bc.ca)> wrote:

>>

s.13

>>

>> Norm Letnick, MLA

>> Minister of Agriculture

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Wednesday, February 24, 2016 9:38 AM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Caucus 2nd draft agri-tourism PP

You missed change on issue slide re temp and seasonal

Norm Letnick, MLA  
Minister of Agriculture

On Feb 24, 2016, at 9:34 AM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

Attached is an updated third draft (in PP and DF formats) for comment.

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

---

**From:** Sturko, Derek AGRI:EX  
**Sent:** Tuesday, February 23, 2016 3:41 PM  
**To:** Letnick, Norm AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** RE: Caucus 2nd draft agri-tourism PP

Attached is an updated second draft (in PP and DF formats) for comment.

<< File: Agritourism deck Feb 23 2016.pptx >> << File: Agritourism deck Feb 23 2016.pdf >>

Thanks

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

---

**From:** Sturko, Derek AGRI:EX  
**Sent:** Monday, February 22, 2016 12:01 PM  
**To:** Letnick, Norm AGRI:EX



**Cc:** Bill, Karen F AGRI:EX

**Subject:** Caucus 1st draft agri-tourism PP

1<sup>st</sup> draft of PowerPoint for Caucus. Comments/thoughts?

<< File: Agritourism deck Feb 19 2016 final.pdf >>

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

<Agritourism deck Feb 24 2016.pptx>

<Agritourism deck Feb 24 2016.pdf>

## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Wednesday, February 24, 2016 9:47 AM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Caucus 2nd draft agri-tourism PP

Check white paper.....focus is on temp and seasonal

Norm Letnick, MLA  
Minister of Agriculture

On Feb 24, 2016, at 9:44 AM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

Could it just read "ALC asked for clarity on what constitutes agri-tourism"?

I don't recall it being exactly temp and seasonal they asked about...

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

**From:** Letnick, Norm AGRI:EX  
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Norm Letnick, MLA  
Minister of Agriculture

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Thanks

Derek Sturko  
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BC Ministry of Agriculture  
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**Sent:** Monday, February 22, 2016 12:01 PM  
**To:** Letnick, Norm AGRI:EX  
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**Subject:** Caucus 1st draft agri-tourism PP

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Derek Sturko  
Deputy Minister  
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## Letnick, Norm AGRI:EX

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**From:** Letnick, Norm AGRI:EX  
**Sent:** Wednesday, February 24, 2016 9:52 AM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Caucus 2nd draft agri-tourism PP

Temp and seasonal please.

Norm Letnick, MLA  
Minister of Agriculture

On Feb 24, 2016, at 9:50 AM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

The temp and seasonal are among the things for which the ALC (and others) have asked for clarity.

The white paper also addresses ““what is, and is not, permissible” and “when an activity “promotes or markets farm products””.

Your call

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

**From:** Letnick, Norm AGRI:EX  
**Sent:** Wednesday, February 24, 2016 9:47 AM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Caucus 2nd draft agri-tourism PP

Check white paper.....focus is on temp and seasonal

Norm Letnick, MLA  
Minister of Agriculture

On Feb 24, 2016, at 9:44 AM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

Could it just read “ALC asked for clarity on what constitutes agri-tourism”?

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Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

**From:** Letnick, Norm AGRI:EX  
**Sent:** Wednesday, February 24, 2016 9:38 AM  
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**Subject:** Re: Caucus 2nd draft agri-tourism PP

You missed change on issue slide re temp and seasonal

Norm Letnick, MLA  
Minister of Agriculture

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**To:** Letnick, Norm AGRI:EX  
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**Subject:** RE: Caucus 2nd draft agri-tourism PP

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Thanks

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
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**To:** Letnick, Norm AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Caucus 1st draft agri-tourism PP

1<sup>st</sup> draft of PowerPoint for Caucus. Comments/thoughts?

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Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

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## Letnick, Norm AGRI:EX

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Wednesday, February 24, 2016 9:57 AM  
**To:** Sturko, Derek AGRI:EX  
**Cc:** Bill, Karen F AGRI:EX  
**Subject:** Re: Caucus 3rd draft agri-tourism PP

Ok

Norm Letnick, MLA  
Minister of Agriculture

On Feb 24, 2016, at 9:55 AM, Sturko, Derek AGRI:EX <[Derek.Sturko@gov.bc.ca](mailto:Derek.Sturko@gov.bc.ca)> wrote:

Updated slide 2. Will his work or any other changes? I left the 2<sup>nd</sup> bullet (former 1<sup>st</sup> bullet) in but shortened it.

Derek Sturko  
Deputy Minister  
BC Ministry of Agriculture  
(250) 356-1800

---

**From:** Sturko, Derek AGRI:EX  
**Sent:** Wednesday, February 24, 2016 9:34 AM  
**To:** Letnick, Norm AGRI:EX  
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**Subject:** RE: Caucus 2nd draft agri-tourism PP

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BC Ministry of Agriculture  
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## **Letnick, Norm AGRI:EX**

---

**From:** Letnick, Norm AGRI:EX  
**Sent:** Wednesday, February 24, 2016 3:36 PM  
**To:** Sturko, Derek AGRI:EX  
**Subject:** Please send again

Two pager coming to caucus re Agri tourism

Norm Letnick, MLA  
Minister of Agriculture