

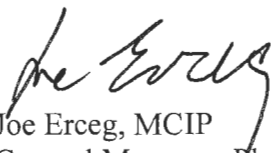


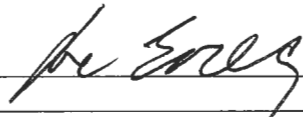


To: General Purposes Committee **Date:** October 27, 2015
From: Joe Erceg, MCIP **File:** 08-4430-03-07/2015-
General Manager, Planning and Development Vol 01
Re: **Richmond Comments: Proposed Ministry of Agriculture Bylaw Standards for Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve (ALR) and Related Matters (ALR Wineries, Monitoring and Enforcement)**

Staff Recommendation

1. That regarding the proposed Ministry of Agriculture Bylaw Standards for Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve (ALR), the Minister of Agriculture be requested to:
 - a) specify how agri-tourism is to be subordinate to the principal active farm operation and only augment a farmer's regular farm income, not exceed or replace it;
 - b) provide specific guidelines to determine the appropriate amount to be considered "small-scale (agri-tourism)" based on the size of the farm operation;
 - c) provide more detailed criteria to determine the appropriate size and siting of agri-tourism structures (e.g., the maximum building area and site coverage);
 - d) provide clarification on what types of uses can be permitted in an agri-tourism structure;
 - e) provide specific guidance on the adequate amount of parking necessary for farm retail sales, to avoid excessive paving and minimize negative impacts on farmland;
2. That regarding ALR wineries, the Minister of Agriculture be requested to:
 - a) amend the Agricultural Land Use, Subdivision and Procedure Regulation of the Agricultural Land Commission Act, to enable Richmond and other municipalities:
 - i) to allow only Type 1 Wineries which grow at least 50% of the farm product used to make the wine on the farm where the winery is located, and
 - ii) to not allow Type 2 Wineries which are industrial-scaled operations with limited ALR farming activity.
 - b) monitor all ALR farm-based wineries, to ensure that they comply with the 50% on site grow rule and enforce all related Ministry and ALR regulations;

- c) where specific winery operators are already approved to enter into three year contracts with offsite BC farmers, allow them to enter into year to year contracts; not only the current Provincially required three year contracts, to provide more flexibility; and
- 3. That regarding ALR regulation monitoring and enforcement, the Minister of Agriculture and the Agricultural Land Commission, as the case may be, be requested:
 - a) to monitor and enforce all Ministry and ALR regulations and requirements, as municipalities have limited resources, and
 - b) to more frequently review the ALR regulations and requirements, in consultation with municipalities, for their effectiveness, practicality and ease of enforceability.
- 4. That the above recommendations and this report be forwarded to the Ministry of Agriculture and the Agricultural Land Commission for a response.


Joe Erceg, MCIP
General Manager, Planning and Development

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER	
	
REVIEWED BY STAFF REPORT AGENDA REVIEW SUBCOMMITTEE	INITIALS: 
APPROVED BY CAO	
	

Staff Report

Origin

The Ministry of Agriculture has prepared a Discussion Paper that contains a draft set of criteria to assist local governments when they prepare bylaws regarding agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve (ALR) (Attachment 1).

The Deputy Minister of Agriculture sent the Discussion Paper to the Mayor and Councillors by email on October 6, 2015 and requested feedback on all sections of the paper, specifically the proposed criteria, by November 30, 2015.

Findings of Fact

Context

The Discussion Paper was prepared following the Ministry of Agriculture's consultation, conducted from July 22 to August 22, 2014, on potential changes to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation of the *Agricultural Land Commission Act*. One of the consultation questions asked during the consultation process 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?

The Ministry received strong support from local governments to provide clearer parameters and guidelines for permitted agri-tourism activities in the ALR.

The purpose of the Ministry's 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 in their community.

Once approved, these clearer standards will be incorporated into the Ministry's Guide for Bylaw Development in Farming Areas, to assist municipalities when preparing and amending bylaws affecting farming areas.

Analysis

Agri-Tourism, Agri-Tourism Accommodation and Retail Sales in the ALR

Agri-tourism is permitted to allow farmers to increase the economic viability of the farms. It must be accessory to land classified as a farm under the *Assessment Act*, must be temporary and seasonal, and promote or market farm products grown, raised or processed on the farm.

Agri-tourism and retail sales are defined as farm uses by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation of the *Agricultural Land Commission Act*. As these uses are designated farm uses, they can be regulated but cannot be prohibited.

On the other hand, agri-tourism accommodation is considered a non-farm use that is permitted in the ALR and can be either regulated and/or prohibited by local governments.

The City of Richmond's Zoning Bylaw permits all three uses in the "Agriculture (AG1)" zone.

Discussion Paper

The Discussion Paper provides more detailed definitions and a set of criteria to help guide local governments in managing agri-tourism and farm retail sales.

Part 3 of the Discussion Paper introduces a set of criteria which local governments will be encouraged to consider when preparing or amending their own bylaws. The proposed set of criteria includes:

- New definitions of various terms, specifically definitions of "accessory", "temporary" and "seasonal", to clarify what constitutes agri-tourism activities
- Examples of permitted agri-tourism activities and those activities that require ALC's non-farm use approval
- A set of recommended standards for agri-tourism accommodation (e.g., the total developable area for agri-tourism accommodation buildings)
- Standards for parking and loading areas associated with agri-tourism
- Criteria for signage, lighting and noise
- Clarification on how areas (both indoors and outdoors) of farm retail sales should be calculated

Richmond Agri-Tourism Comments

Staff have reviewed the Discussion Paper and have the following comments focusing on the proposed set of criteria and definitions.

1. "Accessory (Agri-Tourism)" Definition

The proposed definition of "accessory (agri-tourism)" is as follows:

"Accessory" 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.

The City of Richmond requests that the Ministry and ALC, as the case may be, monitor and enforce the requirement that agri-tourism is subordinate to the active farm operation and only augments a farmer's regular farm income, not exceed or replace it.

2. "Small-Scale (Agri-Tourism)" Definition

The proposed definition of "small-scale (agri-tourism)" is as follows:

"Small-scale (agri-tourism)" means to be minor, or limited in size, scope or extent (local governments could specify amounts).

The City of Richmond requests that the Ministry provide specific guidelines, to determine the appropriate amount to be considered “small-scale” based on the size of the farm operation.

3. Agri-Tourism Structure

The Discussion Paper notes that 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”. It also notes that agri-tourism facilities should be located to minimize the coverage of farm land and minimize disturbance to the present and potential future operation of the farm, neighbouring farms and nearby urban uses (e.g., be close to the road, and/or clustered with other farm structures).

It is requested that more detailed criteria be provided to determine the appropriate size and siting of agri-tourism structures (e.g., the maximum building area and site coverage) and to clarify what types of uses can be permitted in an agri-tourism structure (e.g., administration office).

4. Parking For Retail Sales Area

The City of Richmond requests the Ministry to provide specific guidance on the amount of parking necessary for farm retail sales to avoid excessive paving and minimize potential impact on farmland.

5. Monitoring and Enforcement

The City of Richmond requests that the Ministry and / or ALC, as the case may be, monitor and enforce the proposed agri-tourism and farm retail sales regulations and requirements, as municipalities have limited resources.

Richmond Additional Comments

In responding to the Ministry’s consultation on agri-tourism and farm retail sales, staff suggest that Council take this opportunity to share its concerns regarding the ALR farm-based wineries, breweries, distilleries, cideries and meaderies, as they also affect farming in the ALR.

1. Clarifying The 50% Requirement for ALR Breweries, Wineries and Distilleries

On September 28, 2015, Richmond Council made the following referral:

That staff investigate the requirements for microbreweries, wineries and distilleries on farmland in Richmond to determine whether the City can require that they be required to produce at least 50% of their product in Richmond. (Note that in the ALR regulations “microbreweries” are just called “breweries”).

Staff advise that, in the ALR, breweries, distilleries and meaderies (honey) are designated farm uses, if at least 50% of the farm product used to make the beer, spirits, or mead produced each year is grown on the farm on which the brewery, distillery or meadery is located. Thus, they are required to produce at least 50% of their product in Richmond.

2. Encouraging Only Certain Wineries in the ALR

On October 20, 2015, Richmond Planning Committee requested staff to advise the Ministry of Agriculture that Richmond would like ALR wineries and distilleries to provide a minimum of 50% of agricultural product on the site. As stated above, distilleries must meet the 50% requirement.

Currently, two types of farm-based wineries are permitted in the ALR:

- Type 1 Wineries: at least 50% of the farm product used to make the wine produced each year is grown on the farm on which the winery is located.
- Type 2 Wineries: the farm on which the winery is located is more than 2 ha in area and at least 50% of the farm product used to make the wine produced each year is grown:
 - a) on the farm, or
 - b) both on the farm and another farm located in British Columbia that provides that farm product to the winery under a contract having a term of at least three years.

Richmond City Council has expressed that they prefer Type 1 Wineries as they promote the best farming. Council does not wish to consider additional Type 2 Wineries, as their operations are often on an industrial scale.

On October 21, 2015, staff attended a Professional Development Session organized by the Ministry of Agriculture with ALC staff in attendance at the Metro Vancouver office, to state that:

- the City of Richmond would like to allow only Type 1 wineries where at least 50% of the farm product used to make the wine be produced on the farm where the winery is located, and
- as the City has limited resources, the Ministry and ALC should monitor and enforce Provincial ALR guidelines and requirements (e.g., the amount of winery farm products provided under contracts, and whether the contracts are properly renewed). Other municipalities attending the Session agreed with this approach.

3. ALR Wineries, ALR Monitoring and Enforcement Recommendations

As staff could not address all of Richmond's concerns at the Session, it is recommended that Council make the following requests to the Ministry of Agriculture and Agricultural Land Commission (ALC):

1. That the City of Richmond have:
 - (a) the authority to allow only Type 1 Wineries which grow at least 50% of the farm product used to make the wine on the farm where the winery is located, and
 - (b) the authority to not allow Type 2 Wineries which are industrial-scaled operations with limited ALR farming activity.
2. That, as some current ALR winery operators have indicated that off site farm wine product growers are willing to provide only a year to year supply contract, rather than the Provincially required three year minimum, one year contracts be allowed.
3. That the Ministry and / or ALC staff:
 - (a) monitor and enforce all Provincial ALR Ministry and ALC regulations, and requirements, as municipalities have limited resources, and
 - (b) review Provincial ALR Ministry and ALC regulations more frequently in consultation with municipalities to determine their effectiveness, practicality and ease of enforceability.

Financial Impact

None.

Conclusion

The Ministry of Agriculture has prepared a Discussion Paper to assist local government in preparing agri-tourism, agri-tourism accommodation and farm retail sales bylaw amendments, and has requested that comments be provided by November 30, 2015.

Staff recommend that the Ministry and ALC be requested to make changes to the proposed ALR agri-tourism and farm retail sales criteria, clarify ALR winery requirements and take the lead role in ALR regulation monitoring and enforcement, as municipalities have limited resources.



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Attachment 1: Discussion Paper and Proposed Minister's Bylaw Standards