




City of Richmond

Report to Council

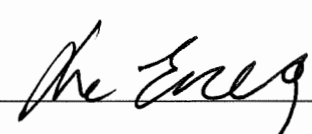
To: Planning Committee **Date:** May 29, 2018
From: Wayne Craig **File:** AG 18-821773
 Director, Development
Re: **Agricultural Land Reserve Non-Farm Use Application by the City of Richmond to Host the Garden City Lands Farmers Market on August 11, 2018, at 5555 No. 4 Road**

Staff Recommendation

That the application by the City of Richmond for an Agricultural Land Reserve Non-Farm Use application to host the Garden City Lands Farmers Market on Saturday, August 11, 2018, located at 5555 No. 4 Road, be endorsed and forwarded to the Agricultural Land Commission for approval.


 Wayne Craig
 Director, Development

Att. 3

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Parks Services Major Events & Filming	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

Staff Report

Origin

On March 12, 2018, Council approved the major events plan for 2018 and 2019, including:

That \$28,000 be approved for the 2018 Garden City Lands Farmer's Market to be funded from the Rate Stabilization Account.

The Garden City Lands Farmers Market is scheduled to take place on Saturday, August 11, 2018, from 10:00 a.m. to 3:00 p.m. at 5555 No. 4 Road, also known as the Garden City Lands (Attachment 1). The subject property is zoned Agriculture (AG1) and is located within the Agricultural Land Reserve (ALR).

In 2016, the Agricultural Land Commission (ALC) amended the *ALC Act* to allow special events or gatherings to occur on ALR land provided a number of conditions are met, including that no more than 150 people are gathered at one time for the purpose of the event. This regulation is reinforced and interpreted in ALC Policy L-22 "Activities Designated as a Permitted Non-Farm Use: Gathering for an Event in the Agricultural Land Reserve" (Attachment 2). As the Garden City Lands Farmers Market is expected to draw 2,000 to 3,000 visitors over the course of five hours, an ALR non-farm use application is required.

This ALR non-farm use application requires consideration and endorsement by City Council to host the Garden City Lands Farmers Market on Saturday, August 11, 2018. If endorsed by Council, this ALR non-farm use application will be forwarded to the ALC for their consideration. If City Council does not endorse the application, the application will not proceed to the ALC for consideration. Without ALC approval, the event will not be permitted to take place and will have to be cancelled.

This report supports Council's 2014-2018 Term Goal #2 A Vibrant, Active and Connected City:

Continue the development and implementation of an excellent and accessible system of programs, services, and public spaces that reflect Richmond's demographics, rich heritage, diverse needs, and unique opportunities, and that facilitate active, caring, and connected communities.

2.4. *Vibrant arts, culture and heritage opportunities.*

This report supports Council's 2014-2018 Term Goal #8 Supportive Economic Development Environment:

Review, develop and implement plans, policies, programs and practices to increase business and visitor appeal and promote local economic growth and resiliency.

8.3. *The City's agricultural and fisheries sectors are supported, remain viable and continue to be an important part of the City's character, livability, and economic development vision.*

Findings of Fact

The purpose of this report is to seek Council endorsement to proceed with an ALR non-farm use application to host the Garden City Lands Farmers Market on Saturday, August 11, 2018 at 5555 No. 4 Road. The single day event will occupy no more than 1 ha (2.47 acres) of the 55.2 ha (136.40 acres) site. Council endorsement is required as a necessary step in the non-farm use application process to the ALC.

ALC Act – Section 3(4)(k)

Under the *ALC Act* s. 3(4)(k), the gathering of an event is permitted in the ALR provided the following conditions are met:

- i. The farm must be located on land classified as a farm under the Assessment Act;
- ii. Permanent facilities must not be constructed or erected in connection with the event;
- iii. Parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;
- iv. No more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;
- v. The event must be of no more than 24 hours duration; and
- vi. No more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.

As the event is expected to draw 2,000 to 3,000 visitors, the Garden City Lands Farmers Market does not comply with subsection 3(4)(k)(iv) listed above. Consequently, an ALR non-farm use application must be referred to the ALC by Council.

Surrounding Development

Table 1: Development Surrounding at 5555 No. 4 Road

Location	Description
North	Multi-family residential and commercial
East	Federal Government Department of National Defence (DND)
South	Multi-family residential
West	Multi-family residential and commercial

2041 Official Community Plan (OCP)

The subject site is designated for “Agriculture” in the 2041 Official Community Plan (OCP), which permits primarily farming, food production and supporting activities, including those activities permitted in the ALR.

Analysis

Project Description

The Garden City Lands Farmers Market was approved by Council on March 12, 2018, as part of the major events plan for 2018 and 2019. The event will feature a marketplace, educational exhibits, agricultural activations, food vendors and a small stage.

Festival highlights will include:

- Agricultural demonstrations and displays by local Richmond farmers and Kwantlen Polytechnic University's Sustainable Agriculture Program;
- Locally grown produce and artisanal products from Richmond farmers and local vendors;
- Community partner displays;
- Bog ecology and conservation education;
- Background music by local artists; and
- An interpreted wagon ride along the perimeter trail showcasing Garden City Lands.

Event Logistics

The set-up and take-down for the event will be carefully designed to ensure that there are no negative impacts on the site's agricultural or natural areas. Set-up and take-down will take place one to two days on either side of the event.

The event will be staged on an existing gravel area located at the west side of the site, accessible via Garden City Road (Attachment 3). No permanent structures will be installed.

Public parking will not be available at the site. Event attendees will be encouraged to arrive on foot, by bike, by public transit, or via a free shuttle service from Lansdowne Shopping Centre. The free shuttle service includes City buses operated by volunteer drivers from the Minoru Place Activity Centre.

Consultation

The Agricultural Advisory Committee (AAC) reviewed the proposal on Wednesday, May 23, 2018, and passed the following motion:

That the Agricultural Advisory Committee supports the non-farm use application as presented for the City of Richmond to host a Farmers Market Festival on August 11, 2018 at the Garden City Lands (5555 No. 4 Road).

Staff Comments

Staff support this one day community event as it promotes agricultural activities. Due to changes in the *ALC Act* in 2016, this event requires approval from the ALC. Endorsement from Council is required prior to the ALC reviewing this application. It is anticipated that the ALC will be able to consider this proposal no later than the end of the July 2018.

Financial Impact

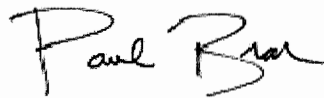
None.

Conclusion

The non-farm use application is to hold a five hour, one day event, which is expected to be well attended by Richmond residents. Staff recommend that the ALR non-farm use application for the Garden City Lands Farmers Market be endorsed by Council and forwarded to the ALC for their consideration.



John Hopkins
Planner 3
(604-276-4279)

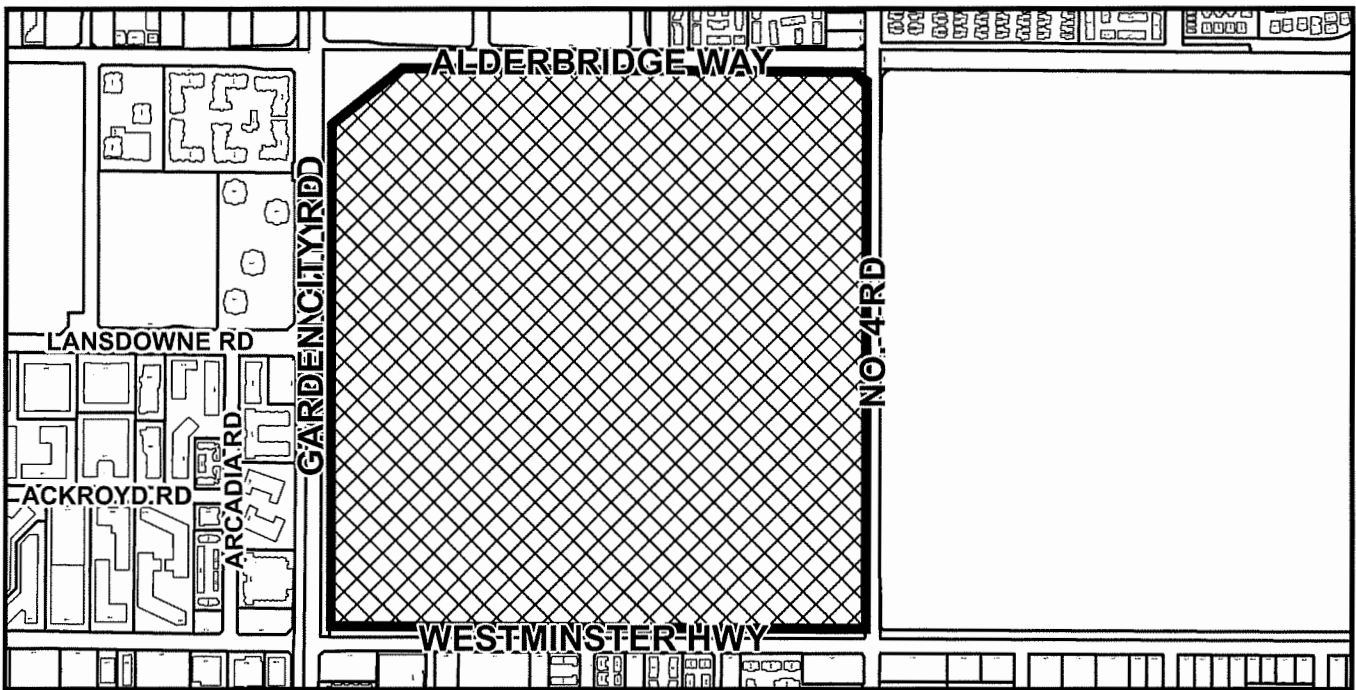
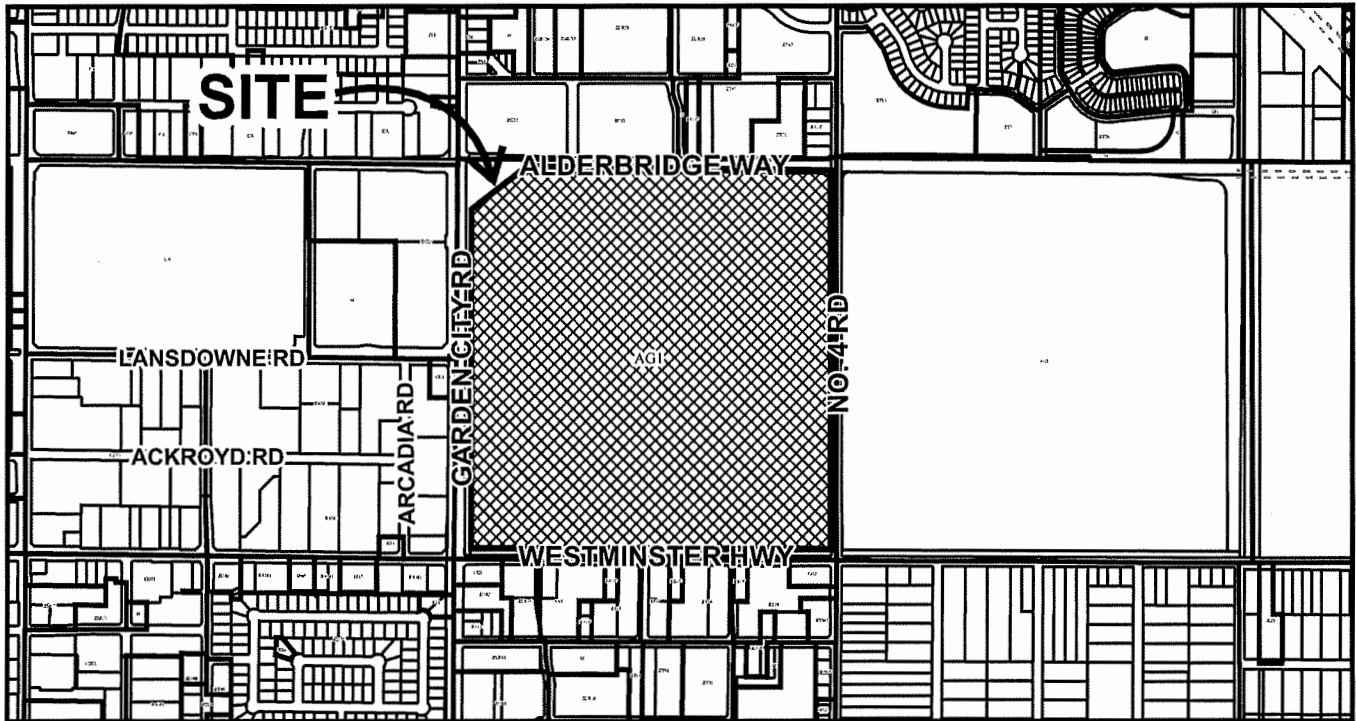


Paul Brar
Manager, Parks Programs
(604-244-1275)

- Att. 1: Location Map of Subject Property
- 2: ALC Policy L-22 Gathering for an Event
- 3: Site Plan for Garden City Lands Farmers Market



City of Richmond



	<h2>ALC 18-821773</h2>	<p>Original Date: 05/15/18 Revision Date: Note: Dimensions are in METRES</p>
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City of
Richmond




ALC 18-821773

Original Date: 05/15/18

Revision Date:

Note: Dimensions are in METRES

 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy L-22 October 2016</p> <p style="text-align: center;">ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE: GATHERING FOR AN EVENT IN THE AGRICULTURAL LAND RESERVE ("ALR")</p>
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This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act](#), 2002, including amendments as of September 2014, (the "ALCA") and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of August 2016, (the "Regulation"). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.

REFERENCE:

Agricultural Land Commission Act, S.B.C. 2002, c. 36, Section 1.

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation", Section 1(4) and Section 3(4).

Section 3(4) The following non-farm uses are permitted in an agricultural land reserve and must not be prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:

(k) gathering for an event, if all of the following conditions are met:

- i. the farm must be located on land classified as a farm under the [Assessment Act](#);*
- ii. permanent facilities must not be constructed or erected in connection with the event;*
- iii. parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;*
- iv. no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;*
- v. the event must be of no more than 24 hours duration;*
- vi. no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.*

Section 1 (4) Definitions:

"gathering for an event" means a gathering of people on a farm for the purpose of attending

- (a) a wedding, unless paragraph (c) (ii) applies,*

(b) a music festival, or

(c) an event, other than

(i) an event held for the purpose of agri-tourism, or

(ii) the celebration, by residents of the farm and those persons whom they invite, of a family event for which no fee or other charge is payable in connection with the event by invitees.

Section 2(2.4) In subsections (2.1) to (2.3):

(f) gathering for an event, if the event is held only in the lounge referred to in paragraph (b) or the special event area referred to in paragraph (c) of this subsection, and, for this purpose, section 3 (4) (k) does not apply.

INTERPRETATION:

Gathering for an event is a permitted non-farm use in the Agricultural Land Reserve and must not be prohibited by a local government bylaw as long as the event meets the conditions set out in the Regulation.

No more than 150 people may be in attendance and the event must be less than 24 hours in duration.

A maximum of 10 events of any type are permitted within a calendar year on a farm. For example, 5 weddings, 2 music concerts and 3 art shows. Where more than one farm business is being operated from a farm, the maximum 10 events applies. It is recommended that a record of events be maintained by the farmer including type of event, date and number of attendees.

There is no requirement for these events to directly market or promote agricultural products grown on the farm and therefore are not considered agri-tourism events.

People hosting events must make every effort to avoid negative impacts to the use of agricultural land including but not limited to, damage to agricultural land and structures, noise that disturbs animals and livestock, trespass, vandalism, theft and blocking access to adjacent farm businesses.

Events may include weddings, private parties, corporate retreats, music concerts and concert series, music festivals, film and theatrical presentations, art shows, dance recitals, charitable and political fundraising events, dances, and sports events, so long as otherwise compliant with the Regulation. Any event that is not an agri-tourism event falls into this category.

The Regulation allows gathering for events in the ALR provided the land is assessed as "farm" under the *Assessment Act*. If the assessment changes, the 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. The farm parcels should be contiguous or in the same general geographic area.

Permanent facilities must not be constructed or erected for any event activity. Permanent facilities include, but are not limited to: buildings or permanent structures, hard surface parking areas, concrete pads, structural foundations, retaining walls, permanent tents (erected for more than 90 days) and permanent alteration to the landscape (fill, gravel, berms, hills, dugouts, amphitheatres). The conversion of existing buildings and the construction associated with bringing them up to public assembly building code is also deemed as the construction or erection of a permanent facility. If permanent facilities are required, an application and approval of the Commission is necessary.

For the purposes of this policy, parking areas must not be permanent (asphalt, concrete, gravel, etc) and parking must not interfere with the farm's agricultural productivity. All vehicles visiting the farm for the event must be parked on site. To minimize impacting farm land, parking should be along field edges, adjacent to internal farm driveways and roads, and in farm yard areas or immediately adjacent to farm buildings and structures.

Personal family celebrations hosted by the farm owner where no fee is charged continue to be allowed.

This Policy does not apply to agri-tourism activities. See Related Policies.

As per subsection 2.4(f) of the regulation, these conditions do not apply to wineries, cideries, meaderies, breweries and distilleries if the event(s) is held only in the ancillary food and beverage service lounge that has been developed in compliance with section 2(2.4)(b) of the Regulation. Regulation section 3(4)(k) and associated restrictions apply if the event(s) are held outside the lounge area. This means wineries, cideries, meaderies, breweries and distilleries may host an unlimited number of events in their lounge area and an additional 10 events as per section 3(4)(k) held outside the lounge area.

Local governments have the authority to regulate events with regard to structures and building occupancy (including determining if an existing farm building is appropriate for a gathering or requires upgrades for public assembly), parking, lighting, hours of operation, health and safety, noise, access for police, fire and emergency vehicles, etc. Local governments have the authority to require permits for events.

Events in excess of the what is permitted under section 3(4)(k) require an application pursuant to section 20(3) of the Agricultural Land Commission Act and approval of the Commission.

TERMS:

family event means an event attended by

- (a) family members, and
- (b) close personal friends or close business associates of family members

family member with respect to a person means

- (a) parents, grandparents and great grandparents,
- (b) spouse, parents of spouse and stepparents of spouse,
- (c) brothers and sisters,
- (d) children or stepchildren, grandchildren and great grandchildren, and

(e) aunts, uncles, cousins, nephews and nieces

fee or other charge includes a gift in lieu of a fee or charge given in connection with the event

wedding means the ceremony of marriage or a marriage-like ceremony and/or the reception celebration

music festival means concert or concert series no more than 24 hours in duration

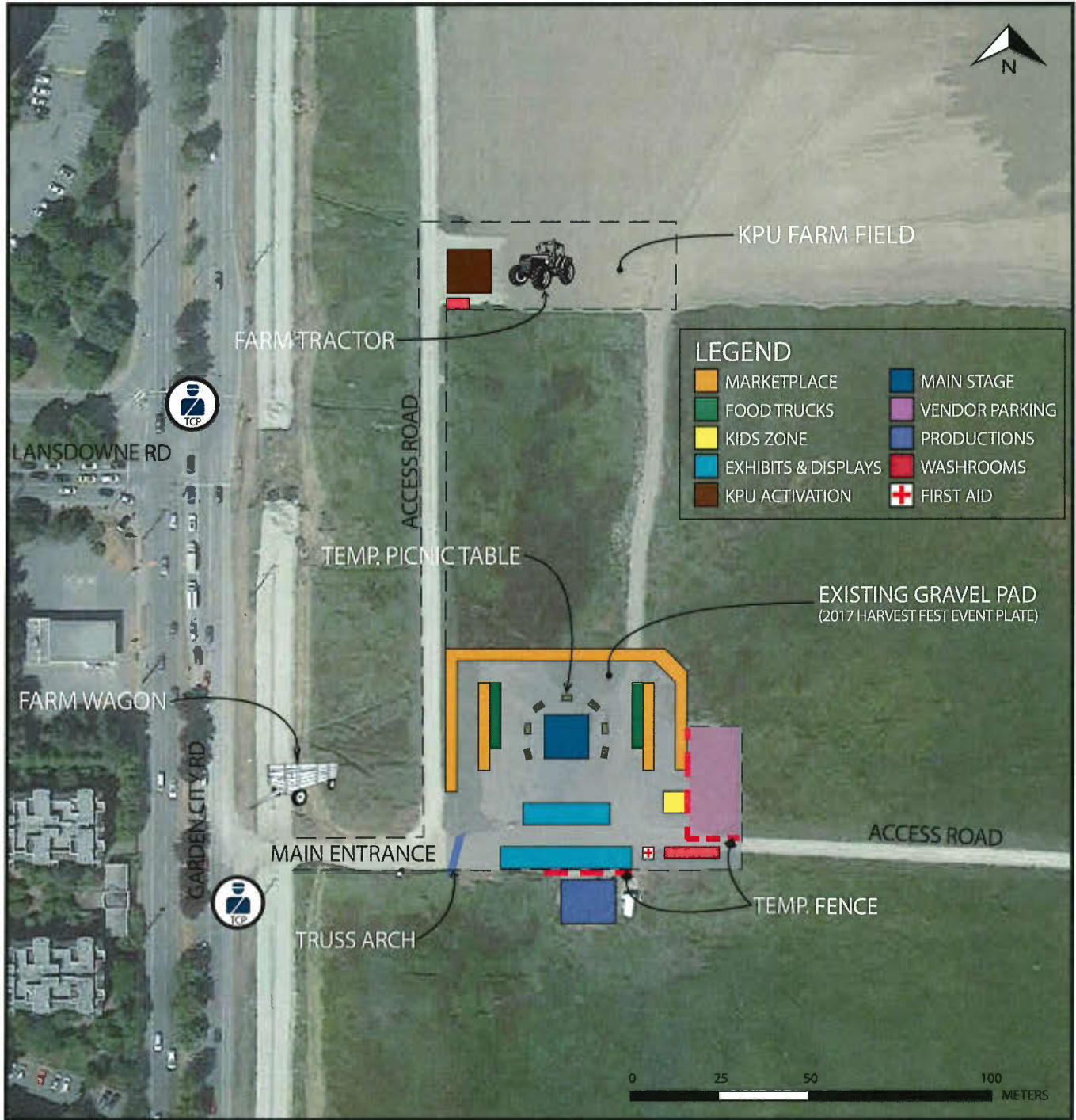
Unless defined in this policy, terms used herein will have the meanings given to them in the ALCA or the Regulation.

RELATED POLICY:

ALC Policy L-04 Activities Designated as a Farm Use: Agri-Tourism Activities in the ALR

ALC Policy L-03: Activities Designated as Farm Use: Wineries and Cideries in the ALR

ALR Policy L-21: Activities Designated as Farm Use: Brewery, Distillery and Meadery in the ALR



GCL Farmers Market Site Plan

Original Date: 2018 May 24

Revision Date: N/A