



To: Planning Committee
From: Raul Allueva
Director of Development

Date: July 7, 2004
File: ZT 04-269801

RE: **ZONING BYLAW TEXT AMENDMENTS RE: FARM-BASED WINERIES AND CIDERIES ON AG1 (AGRICULTURAL DISTRICT) ZONED LAND IN THE AGRICULTURAL LAND RESERVE**

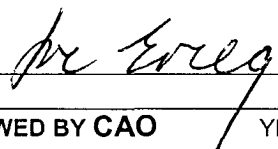
Staff Recommendation

That Bylaw No. 7765, to amend Zoning and Development Bylaw No. 5300, to permit farm-based wineries and cideries on lands zoned "Agricultural District (AG1)" and "Roadside Stand (Class C) District (RSC)", be introduced and given first reading.


Raul Allueva
Director of Development

RA:jl

Att. 2

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Customer Service		Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>		
REVIEWED BY TAG		YES <input type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO	
				YES <input type="checkbox"/>	NO <input type="checkbox"/>

Staff Report

Origin

Kabel Atwall has applied on behalf of Sukhdev and Navjit Sandhu to amend the Zoning Bylaw to permit farm-based wineries and cideries on AG-1 (Agricultural District) zoned lands. The purpose of the requested amendment is to enable a blueberry winery to be established at 12791 Blundell Road (**Attachment 1**).

Background

The Sandhus, who have been in the farming business for over 10 years, operate a blueberry farm at 12791 and 12951 Blundell Road. They currently own or lease over 100 acres in Richmond for blueberry and cranberry production. Their intention is to utilize a portion of the fruit that they grow to produce fruit wines.

The Sandhus are in the process of constructing a new fruit cleaning and packing facility, approximately 1,300 m² (14,000 sq.ft.) in area, for their farm operation at 12791 Blundell Road. The proposed winery would occupy approximately 46.5 m² (500 sq.ft.) of this facility.

A 70 m² (750 sq.ft.) area to be built adjacent to the new cleaning and packing facility would be used for wine tasting and wine sales in addition to the sale of other farm products. A plan of the proposed development is provided in **Attachment 2**.

Provincial Regulations

Agricultural Land Reserve Use, Subdivision and Procedure Regulation

The Provincial *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* states that the following activities may be regulated but must not be prohibited by any local government:

- “(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) 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 and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m²;
- (b) a British Columbia licensed winery or cidery, and an ancillary use, if the wine or cider produced and offered for sale is made from farm product and
 - (i) at least 50% of that farm product is grown on the farm on which the winery or cidery is located, or

- (ii) the farm that grows the farm products used to produce wine or cider is more than 2 ha in area, and, unless otherwise authorized by the commission, at least 50% of the total farm product for processing is provided under a minimum 3 year contract from a farm in British Columbia.”

Furthermore, the regulations allow for the following ancillary uses to be carried out at a licensed winery or cidery:

- processing, storage and retail sales;
- tours;
- a food and beverage service lounge, if the area does not exceed 125 m² (1,345 sq.ft.) indoors and 125 m² outdoors.

The proposal complies with all relevant Provincial conditions noted above.

Liquor Control and Licensing Act

The Provincial *Liquor Control and Licensing Act* contains extensive regulations and procedures regulating the manufacture and sale of wine. Any prospective winery operator would have to make application with the Liquor Control and Licensing Branch (LCLB). As part of the application process, the LCLB refers all winery applications to the Agricultural Land Commission (ALC) for review to ensure that the proposed winery complies with the regulations in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

Analysis

The applicant has submitted an application to the LCLB but is unable to obtain the necessary licences because the existing AG1 zone (Agricultural District) does not specify wineries and cideries. As a municipality is not permitted to prohibit such uses, under the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, the AG1 zone should be amended to explicitly permit them.

The farm-based winery proposal was presented to the Agricultural Advisory Committee (AAC) on April 8, 2004. The AAC expressed enthusiastic support for farm-based wineries in the ALR as long as they are ancillary to farming. AAC members noted that wineries:

- Are a good fit with agricultural use;
- Support agricultural viability; and
- Are advantageous to the agricultural community.

The establishment of a farm-based winery is consistent with the policies of the Richmond Agricultural Viability Strategy that encourage diversification, adding value to products, agri-tourism, etc.

The applicant is aware of the Provincial regulations and specific procedures for wineries and has been working with Provincial authorities to ensure compliance with all regulations.

Other Zones

The “Roadside Stand (Class C) District (RSC)” allows “Agriculture” and “Roadside Stand (Class C)” as permitted uses. Most of the RSC zones are located on larger AG1-zoned parcels that are in active production. It is reasonable to permit some of the processing, tasting and sales associated with a farm-based winery to take place on RSC-zoned land as an ancillary use to agriculture. Therefore, the provisions for a farm-based winery will be added to the RSC zone as part of the proposed amendments.

The “Golf Course District (AG2)” zone also includes “Agriculture” as a permitted use. However, it is unlikely that AG2-zoned lands will be actively farmed. Therefore, no amendments to include farm-based wineries in the AG2 zone will be brought forward as part of the proposed amendments.

Proposed Amendments

The proposed amendments consist of two parts:

1. Add a definition of “Farm-Based Winery” to the Zoning Bylaw; and
2. Add “Farm-Based Winery” to the list of permitted uses in the AG1 and RSC zones, provided that it is an operation that is ancillary to an agricultural use.

The above changes also necessitate some minor amendments to the Business Licence Bylaw. Those changes will be presented in a separate report to the General Purposes Committee.

No further detailed operational requirements are proposed to be specified in the Zoning Bylaw because there are detailed regulations at the Provincial level to govern the use.

Financial Impact

None.

Conclusion

The proposed amendments would permit farm-based wineries and cideries on AG1 and RSC zoned lands as ancillary uses to an agricultural operation, and will bring the Zoning Bylaw in line with existing Provincial regulations regarding farm-based wineries. Provincial legislation in the *Agricultural Land Commission Act and Regulations* and the *Liquor Control and Licensing Act* regulate the operation of the farm-based wineries and associated uses (retail sales, tasting, etc.).

The proposed amendments will enable a blueberry farm at 12791 Blundell Road to complete its application for a Winery Licence from the LCLB. Once the changes are in place, other farms on AG1 or RSC zoned properties would be able to apply to the LCLB for a Winery Licence as well.

July 7, 2004

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As this is a reasonable use for agricultural lands that provides an opportunity for diversification, Staff recommend that the Zoning Bylaw text amendments be approved.

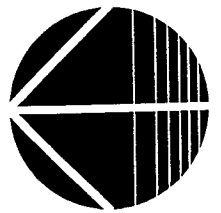
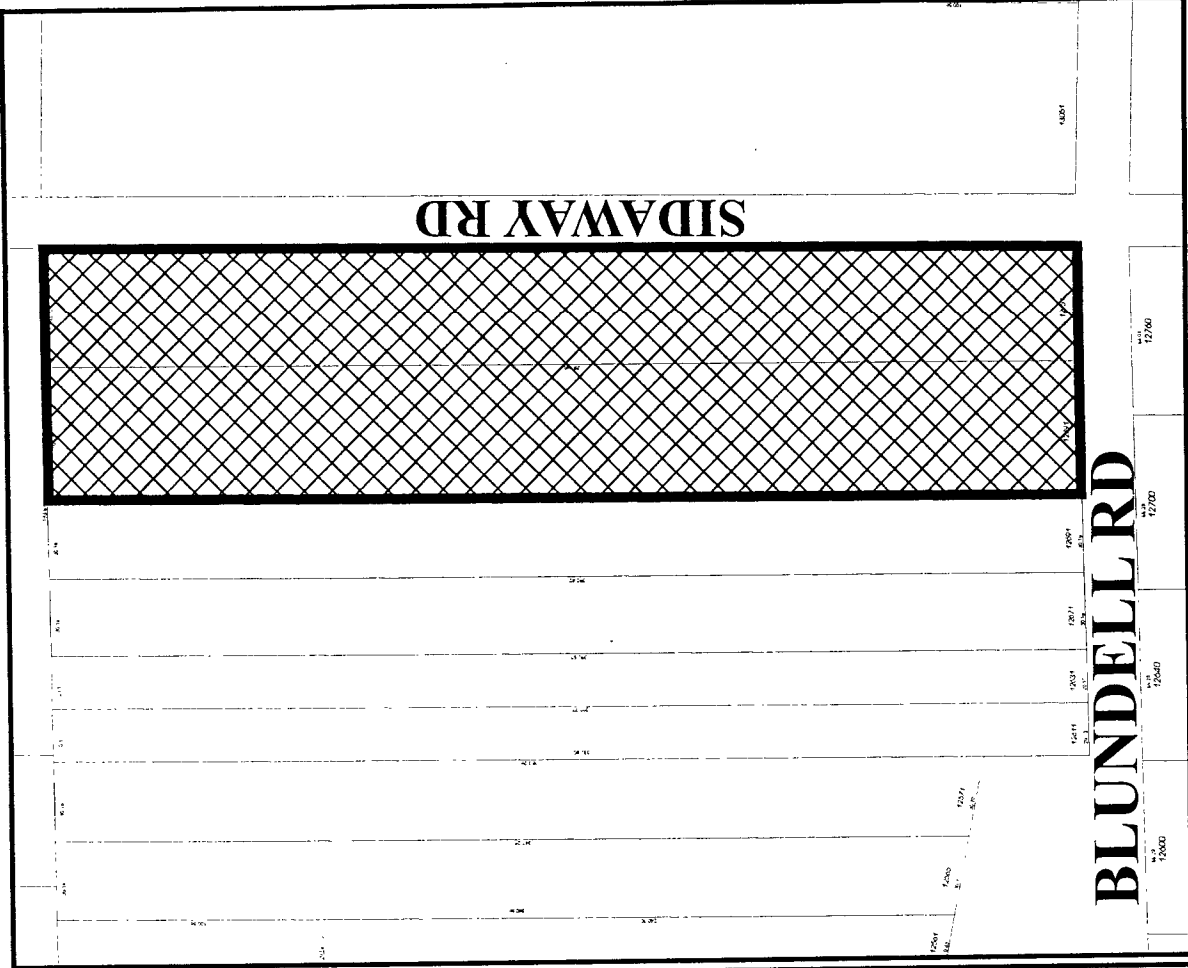
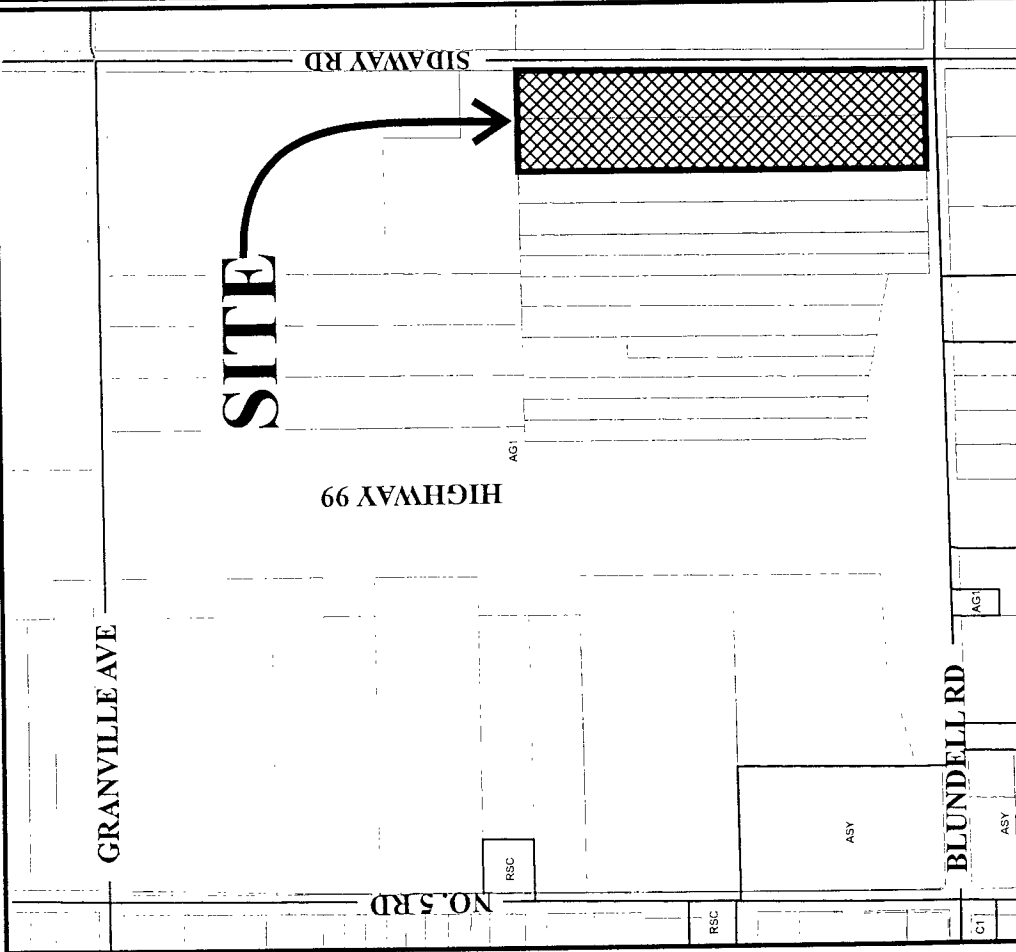
A handwritten signature in black ink, appearing to read "Janet Lee". The signature is written in a cursive, flowing style.

Janet Lee
Planner 2
(4108)

JL:cas



City of Richmond



ZT 04-269801

Original Date: 06/16/04

Revision Date:

Note: Dimensions are in METRES



**Richmond Zoning and Development Bylaw 5300
Amendment Bylaw 7765 (ZT 04-269801)
12791 AND 12951 BLUNDELL ROAD**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning and Development Bylaw 5300 is amended by:
 - i. Adding the following new definition of “Farm-Based Winery” to Section 104 Definitions:

“FARM-BASED WINERY

“Farm-Based Winery” means a wine-making establishment within the Agricultural Land Reserve that operates under the conditions specified in the *Agricultural Land Commission Act* and which is licensed under the *Liquor Control and Licensing Act*. **“Farm-Based Winery”** includes cideries, cider-making and ancillary uses as outlined in the *Agricultural Land Commission Act*.”

- ii. Adding the following after “Roadside Stand (Classes A and B)” to Section 221.1 Permitted Uses of the Agricultural District (AG1):

“FARM-BASED WINERY, provided that the operation is ancillary to a permitted agricultural use”

- iii. Adding the following after “Agriculture” to Section 223.1 Permitted Uses of the Roadside Stand (Class C) District (RSC):

“FARM-BASED WINERY, provided that the operation is ancillary to a permitted agricultural use”

2. This Bylaw may be cited as **“Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7765”**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
<i>AS.</i>
APPROVED for Legality by Solicitor
<i>[Signature]</i>

MAYOR

CITY CLERK