



General Purposes Committee

**Anderson Room, City Hall
6911 No. 3 Road**

**Monday, November 16, 2015
4:00 p.m.**

Pg. # ITEM

MINUTES

GP-4 *Motion to adopt the **minutes** of the meeting of the General Purposes Committee held on November 2, 2015.*



COUNCILLOR BILL McNULTY

1. **2016 JAPAN NATIONAL SAIL TRAINING INSTITUTE VISIT AND 2017 CANADA 150 PLANNING**
(File Ref. No. 06-2345-01) (REDMS No. 4803582 V. 2)

GP-10

See Page GP-10 for full report

RECOMMENDATION

That the report titled “2016 Japan National Sail Training Institute Visit and 2017 Canada 150 Planning,” from Councillor Bill McNulty be approved for implementation.



PLANNING AND DEVELOPMENT DIVISION

2. **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)**

(File Ref. No. 08-4430-03-07) (REDMS No. 4768773)

GP-14

See Page GP-14 for full report

Designated Speaker: Terry Crowe

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; and*
- (4) *That the above recommendations and this report be forwarded to the Ministry of Agriculture and the Agricultural Land Commission for a response.*

☐

ADJOURNMENT

☐



General Purposes Committee

Date: Monday, November 2, 2015

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair
Councillor Derek Dang
Councillor Carol Day
Councillor Ken Johnston
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Linda McPhail
Councillor Harold Steves

Absent: Councillor Chak Au

Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

It was moved and seconded

That the minutes of the meeting of the General Purposes Committee held on October 19, 2015, be adopted as circulated.

CARRIED

DELEGATION

1. Robert Kiesman, Chair, Steveston Harbour Authority (SHA), and Bob Baziuk, General Manager, SHA, provided an update on the Authority's present and future activities, and highlighted the Authority's objectives to (i) enhance and expand the existing operations, (ii) become more visible in the public realm, (iii) tidy their properties, and (iv) encourage greater industry involvement in their operations. Also, it was noted that the SHA received federal funding in the amount of \$14 million for nine separate projects at the Paramount and Gulf of Georgia Cannery sites.

1.

General Purposes Committee

Monday, November 2, 2015

Mr. Baziuk commented on "Net-Works" - a net recycling program and advised that preliminary discussions are underway for the construction of a \$20 million recycling facility in Richmond pending the establishment of a sufficient supply of nylon fishing nets.

Mr. Kiesman noted that the SHA Board approved a 1% Sediment Management Fee as a funding mechanism for future dredging of the Steveston Cannery Channel and encouraged Council to view the promotional video on the SHA.

In reply to queries from Committee, Mr. Kiesman advised that the SHA would not be pursuing Port Metro Vancouver's East Tidal Marsh project as further study indicated that the projected 20% reduction in sediment in the Steveston channel would not be realized by the construction of the proposed tidal marsh. He further advised that the SHA was in favour of the transfer of road rights-of-way between the Federal government and the City and suggested that any minor modifications could be considered at a later date. Also, Mr. Baziuk commented that the net recycling program has resulted in disposal fee savings of approximately \$50,000.

FINANCE AND CORPORATE SERVICES DIVISION

2. INTER-MUNICIPAL BUSINESS LICENCE BYLAWS

(File Ref. No. 12-8060-20-009492/009493; 12-8275-10) (REDMS No. 4741708)

In reply to queries from Committee, Glenn McLaughlin, Special Projects, accompanied by Cecilia Achiam, Director, Administration and Compliance, advised that the intention of the Inter-Municipal Business Licence program was to remain revenue neutral; therefore, the proposed bylaw amendments would ensure that municipalities are able to recover their operating costs particularly in the event the program expands to other Lower Mainland municipalities. Also, Ms. Achiam commented that further consideration would be required in order to ensure revenue neutral conditions for the participating municipalities should there be interest in expanding the program to include other business industries.

It was moved and seconded

- (1) *That Inter-municipal Business Licence Agreement Bylaw No. 9493 be introduced and given first, second and third readings; and*
- (2) *That Inter-municipal Business Licence Bylaw No. 9040, Amendment Bylaw No. 9492 be introduced and given first, second and third readings.*

CARRIED

General Purposes Committee
Monday, November 2, 2015

LAW AND COMMUNITY SAFETY DIVISION

3. SOIL MANAGEMENT IN THE AGRICULTURAL LAND RESERVE
(File Ref. No. 12-8060-20-009002/009003) (REDMS No. 4757194 v. 4)

In response to queries from Committee, Ed Warzel, Manager, Community Bylaws, provided the following information:

- soil management applications are submitted to both the City and the Agricultural Land Commission (ALC);
- the proposed bylaw amendment allows the City to provide immediate enforcement in the event of a violation;
- an agrologist will be available to the City to assist in controlling the quality of soil deposits; and
- discussions were held with the ALC to further expand on collaboration efforts, however no new enhancements have been brought forward.

Discussion ensued regarding whether the ALC is considering expanding the City's authority to exercise more ALC powers and whether additional staff or costs would be incurred by the City. It was suggested that staff meet with the ALC to explore the possibility of further municipal control regarding soil management.

In response to questions from Committee, Mr. Warzel commented that the number of soil management complaints received in 2015 is an indication that the City's Soil Watch Program has been effective. Also, he commented that bylaw violation fines are limited to a maximum of \$500; however the City may write a Municipal Ticket Information for serious offences, with fines of approximately \$10,000 per incident per day. Also, it was noted that approximately 30% of complaints received are indeed a violation of the City's bylaw and that investigative timeframes vary.

It was moved and seconded

- (1) *That the staff report titled "Soil Management in the Agricultural Land Reserve", dated October 19, 2015, from the General Manager, Law and Community Safety, be received for information;*
- (2) *That the Soil Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 9002 be introduced and given first, second and third readings; and*
- (3) *That the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003 be introduced and given first, second, and third readings.*

CARRIED

ENGINEERING AND PUBLIC WORKS DIVISION

**4. ODOUR MANAGEMENT FROM ORGANIC WASTE
MANAGEMENT FACILITIES IN RICHMOND AND SURROUNDING
AREAS**

(File Ref. No. 10-6175-02-01) (REDMS No. 4756818 v. 8)

Peter Russell, Senior Manager, Sustainability and District Energy, introduced Ray Robb, Division Manager, Environmental Regulatory and Enforcement Services, Metro Vancouver, and Scott Kerr, Regional Regulatory Compliance Officer, Harvest Power.

In reply to a question from Committee, Mr. Robb advised that the majority of odour management complaints received by Metro Vancouver have been attributed to activities by Harvest Power and West Coast Reduction.

Mr. Kerr commented that Harvest Power has taken steps towards managing odour at the facility and that continued research to identify solutions are underway. He further commented that (i) contaminate-free organics (i.e., no garbage and no plastics) generate less odour, (ii) over 50% of organic waste processed at the facility comes from outside of Richmond, and (iii) there is little risk of pesticide contamination due to municipal regulations.

In response to a query from Committee, Suzanne Bycraft, Manager, Fleet and Environmental Programs, noted that approximately 14,000 tonnes of Richmond's organic waste is processed at Harvest Power.

It was moved and seconded

- (1) That staff continue to monitor odour issues and work with Harvest Power and Metro Vancouver to develop durable odour mitigation strategies;*
- (2) That a letter be sent to the Metro Vancouver Board expressing the City's concerns regarding current air quality from local organic waste management facilities and requesting that it investigate the feasibility of implementing an organics management odour control regulation for composting facilities regionally;*
- (3) That a letter be sent to the Metro Vancouver Board requesting that it consider a requirement that member municipalities be limited to disposing organic waste at facilities with air quality permits or approvals; and*
- (4) That a letter be sent to the BC Minister of Environment requesting that Operational Certificates regulating air emissions and odours be required for existing and new municipal facilities managing organic waste.*

CARRIED

General Purposes Committee
Monday, November 2, 2015

**5. NATIONAL ZERO WASTE COUNCIL – FOOD WASTE REDUCTION
FEDERAL TAX INCENTIVE PROPOSAL**

(File Ref. No. 10-6370-10-01) (REDMS No. 4775301)

The Chair advised that the Food Waste Reduction Federal Tax Incentive proposal was a result of the National Zero Waste Council's (NZWC) Food Working Group efforts to tax safe, healthy, and edible food waste. He further advised that should the proposal gain support across Canada, it would be presented at the Federation of Canadian Municipalities prior to examining the enforcement and national standards required to implement the proposed tax.

Committee expressed support for the tax proposal and discussed the potential for avenues to channel safe, healthy, and edible food to local food banks and other such agencies.

It was moved and seconded

That the following resolution be adopted and forwarded to the Federation of Canadian Municipalities (FCM) for consideration at FCM's upcoming Annual General Meeting:

BE IT RESOLVED that the City of Richmond supports the National Zero Waste Council's food waste reduction federal tax incentive proposal and urges the Government of Canada to implement tax incentives for food producers, suppliers and retailers to donate unsold edible food.

CARRIED

COMMUNITY SERVICES DIVISION

6. CANADA 150 CELEBRATION STEERING COMMITTEE

(File Ref. No. 11-7400-01) (REDMS No. 4777603)

It was moved and seconded

- (1) That a Canada 150 Celebration Steering Committee comprised of three members of Council be established as per the Terms of Reference to help guide Richmond's Canada 150 Program of activities, events and infrastructure projects; and*
- (2) That the Terms of Reference for a Canada 150 Celebration Steering Committee as outlined in the staff report titled "Canada 150 Celebration Steering Committee," dated October 23, 2015, from the General Manager, Community Services, be endorsed.*
- (3) That Councillors Bill McNulty, Linda McPhail, and Harold Steves be appointed to the Canada 150 Celebration Steering Committee.*

CARRIED

General Purposes Committee
Monday, November 2, 2015

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (4:48 p.m.).

CARRIED

Certified a true and correct copy of the
Minutes of the meeting of the General
Purposes Committee of the Council of the
City of Richmond held on November 2,
2015.

Mayor Malcolm D. Brodie
Chair

Heather Howey
Legislative Services Coordinator



City of Richmond

Report to Committee

To: General Purposes Committee

Date: November 10, 2015

From: Bill McNulty
Councillor

File: 06-2345-01/2015-Vol
01

Re: 2016 Japan National Sail Training Institute Visit and 2017 Canada 150
Planning

Recommendation

That the report "2016 Japan National Sail Training Institute Visit and 2017 Canada 150 Planning," from Councillor Bill McNulty be approved for implementation.

Bill McNulty
Councillor
(604-276-4134)

Origin

At the November 9, 2015, Council meeting as part of the report 2017 Canada 150th Steveston Ships to Shore Events the following recommendation was approved by Council:

1. That the proposed 2017 Tall Ship and Ships to Shore celebrations as detailed in the staff report titled “2017 Canada 150th Steveston Ships to Shore Events,” from the Senior Manager, Parks, dated October 8, 2015, be endorsed for the purposes of event planning and budget preparation;
2. That \$895,000 be transferred from the Council Community Initiatives Fund in 2016 to support the event delivery for the 2017 Canada 150th Steveston Ships to Shore Events and that the 2017 Canada 150th Steveston Ship to Shore Events be considered in the 2016 budget process; and
3. That Staff make the necessary arrangements for meeting with the National Sail Training Institute in Japan in April 2016 to finalize negotiations as part of the 2017 Tall Ships recruitment process.

The purpose of this report is in response to the above approved Council resolutions and to seek approval for travel to Japan in 2016 for one councilor, staff support and an interpreter to continue and finalize ship recruitment and celebration planning for Canada 150 Celebrations in May 2017.

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.

2.3. Outstanding places, programs and services that support active living, wellness and a sense of belonging.

2.4. Vibrant arts, culture and heritage opportunities.

Analysis

The 2017 arrival of the Kaiwo Maru is fitting to celebrate Richmond’s connection to the Pacific Rim and Japan. In addition to 2017 being Canada’s 150th anniversary, it is also the 140th anniversary of the arrival of Mr. Manzo Nagano, the first Japanese settler to BC who transited up the Fraser River (Mount Nagano is named after him on the Central Coast of BC), and the 130th anniversary of Mr. Gihei Kuno (Kuno Gardens at Garry Point Park) from Wakayama prefecture, near Richmond’s sister City.

2016 Liaison with Japanese National Sail Training Institute

Since April 2015, staff have been in contact with the Japanese National Sail Training Institute (NIST) and the City has now received a positive formal response indicating that the necessary preparations have begun for sending the tall ship Kaiwo Maru to Richmond in the first or second week of May 2017. Planning with NIST will continue in 2015 to 2016. Detailed discussions are proposed to occur at the NIST federal naval offices to ensure the required coordination for a successful arrival of the vessel 12 months prior to the planned arrival in 2017. Approximately 200 crew and officers will be visiting Richmond on the vessel and planning for the arrival is essential to ensure a safe and successful celebration for all.

In addition, an invitation has been received from a City Councilor in Nagasaki, Japan inviting representatives to visit the 2016 Nagasaki Tall Ship festival where vessels from Japan (including the Kaiwo Maru), Russia and other countries will be present and discussions and ship recruitment will occur. Nagasaki is also the home city of Manzo Nagano.

Proposed 2016 Japan Ship to Shore Recruitment Program

The proposed 2016 Japan Ships to Shore recruitment program includes following key objectives:

- Continued relationship development with the Japanese Sail Training Institute;
- Specific and detailed negotiations, detailed planning and logistics for the Canada 150 celebrations in May 2017;
- Relationship development with other Pacific Rim tall ship ports (Japan, Russia and Korea) through attendance and meetings at a Tall Ship festival;
- A best practice visit and attendance at the Nagasaki Tall Ship festival to meet with the City event organizers and captain's on board the vessels;
- A courtesy visit to Wakayama Richmond's sister City; and
- Research for 2017 event planning.

Proposed 2016 Program Itinerary and Costing:

Key to the timing of this opportunity is the upcoming Nagasaki Tall Ship festival where many international vessels will be in attendance from April 21 to 25, 2016.

| Date | Itinerary |
|----------|---|
| April 17 | Depart YVR |
| April 18 | Arrive in Tokyo next day. |
| April 19 | Travel to Yokohama – Naval Sail Training Institute/Maritime Museum visit. |
| April 20 | Yokohama/Tokyo |
| April 21 | Travel to Wakayama – courtesy visit to Mayor and Council and Sister City. |
| April 22 | Travel Day to Nagasaki by train, evening arrival. |

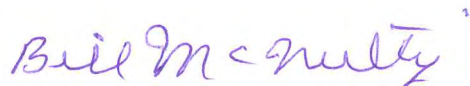
| | |
|----------|--|
| | Nagasaki Tall Ship Festival – Meet City staff and visit on Kaiwo Maru present letters of invitation/introduction to vessels in attendance: Korea, Russia, Japan. |
| April 23 | Nagasaki Tall Ship Festival Meeting on Kaiwo Maru with NIST officers. |
| April 24 | Nagasaki Tall Ship Festival Meeting with City of Nagasaki and participation festival. |
| April 25 | Nagasaki – area and closing event or travel day to be confirmed. |
| April 26 | Tokyo – Transit Day. |
| April 27 | Train to airport/flight to Tokyo/YVR |
| April 28 | Arrive YVR |

Financial Impact

The proposed travel expenses for the April 2016 Japan visit are \$30,000. This includes airfare, accommodation, rail passes, transit, meals, car rental, and insurance costs for the delegation. Existing approved funding for 2017 Ships to Shore recruitment is \$19,450 and as part of the 2016 Council approved 2017 Ships to Shore Canada Day program the remainder of the funding is included within the 2017 Ship recruitment budget. Donations will be solicited for financial support including rail pass sponsorship for the delegation.

Conclusion

This report details a proposed 2016 program for on-going relationship development for 2017 ship recruitment and best practises in Japan for April 2016.



Bill McNulty
Councillor
(604-276-4134)



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)**

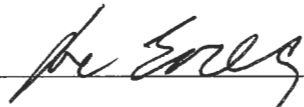


Staff Recommendation

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.



Terry Crowe
Manager, Policy Planning
(604-276-4139)



Minhee Park
Planner 1
(604-276-4188)

MP:cas

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



**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.

Table of Contents

| | |
|---|----|
| Executive Summary | 1 |
| Introduction..... | 3 |
| 1.0 Part one – The Criteria Development Process..... | 3 |
| 1.1 Purpose and Goals..... | 3 |
| 1.2 Stakeholders | 3 |
| 1.3 Objectives of the Process | 4 |
| 1.4 Key Steps..... | 4 |
| 1.5 Current Status (August 2015) | 4 |
| 1.6 Context for Bylaw Standard Establishment | 4 |
| 2.0 Part two - Background..... | 5 |
| 2.1 Context..... | 5 |
| 2.2 Current Policy, Legislation and Regulation | 5 |
| 3.0 Part three – Proposed Set of Criteria..... | 7 |
| 3.1 Proposed Definitions | 7 |
| 3.2 Accessory farm activity..... | 8 |
| 3.3 Farm Class..... | 8 |
| 3.4 Agri-tourism temporary and seasonal use in the ALR..... | 8 |
| 3.5 Permitted and ALC approval required agri-tourism activities | 9 |
| 3.6 Agri-tourism Accommodation | 10 |
| 3.7 Other Agri-tourism Criteria..... | 11 |
| 3.7.1 Off-street Loading Areas and Parking..... | 11 |
| 3.7.2 Site Layout for Agri-tourism Activities..... | 11 |
| 3.7.3 Lights | 11 |
| 3.7.4 Signage..... | 11 |
| 3.7.5 Noise | 12 |
| 3.8 Farm retail sales and marketing | 12 |
| 3.9 Local Government Permits and Fees | 12 |
| 3.10 Commercial Weddings | 12 |
| 3.11 Bistros and Restaurants | 13 |
| 4.0 Ministry contact information | 13 |

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).¹

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:

¹ 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 Regulation² 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

² 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 m².

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.”³ - 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.⁴

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.⁵

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.

³ ALC. *Legislation and Regulation*. Last retrieved August 24, 2015 from

<http://www.alc.gov.bc.ca/alc/content.page?id=4179AB0F33494261A5B6CEF2A4F8F296>

⁴ 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

⁵ *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*.⁶ 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

| | |
|--|--|
| Accessory (agri-tourism) | 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. |
| 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 <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. |
| Off-farm and non-farm products | means products that are not from the <i>farm unit</i> of which the subject property is part. |
| Regular Seasonal (agri-tourism) | means the occurrence over the same <i>season(s)</i> , 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 <i>season</i> of the year; fluctuating according to the <i>season</i> ; and/or |

⁶ 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

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

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

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

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