

 <p>Agricultural Land Commission Act</p>	<p>ACTIVITIES DESIGNATED AS FARM USE:</p> <p>AGRI-TOURISM ACTIVITIES IN THE ALR</p>	<p>POLICY L-04</p> <p>Amended April 2019 Amended April 2018 October 2016</p>

This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act](#), 2002, (the “ALCA”) and BC Regulation 30/2019 ([Agricultural Land Reserve Use Regulation](#)), (the “Use Regulation”). In case of ambiguity or inconsistency, the ALCA and Use Regulation will govern.

INTERPRETATION:

The highest priority is the agricultural activity that takes place on the farm. Agri-tourism uses shall be secondary, incidental and compatible with the agricultural production activities. The agri-tourism activity must also be similar to the types of activities identified as farm use in the ALCA.

If the definitions in section 1(1) of the Use Regulation apply, agri-tourism activities (other than agri-tourism accommodation) are designated by the Use Regulation as farm uses, and as such, may not be prohibited by a local government bylaw.

The Use Regulation allows agri-tourism activities 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. Agri-tourism activities include both fee and non-fee based activities.

Permanent facilities must not be constructed or erected for any agri-tourism activity. Permanent facilities include, but are not restricted to, any permanent structure, hard surfacing such as asphalt, concrete or other hard surface paths or parking areas, concrete pads, structural foundations, retaining walls, permanent tents (erected for more than 90 days) and permanent alteration to the landscape (permanent 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 interpreted as a permanent facility. If permanent facilities are required, an application and approval of the Agricultural Land Commission (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 agri-tourism activity 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.

Services ancillary to the agri-tourism activities are services that support or enhance the activity including services such as food product sales (temporary concessions or temporary food trucks/stands), portable washrooms, ticket booths, temporary stages, eating areas. All of the foregoing must be temporary for the event only.

Bistros, cafes and restaurants are not agri-tourism activities and are considered non-farm uses in the ALR. Commercial kitchens are not permitted except those used for processing farm products (but not for food service). An application and approval of the Commission is required for bistros, cafes and restaurants except for food and beverage service lounges permitted by section 13 of the Use Regulation for wineries, cideries, breweries, distilleries or meaderies.

The following are agri-tourism activities specified in section 12 of the Use Regulation:

- an agricultural heritage exhibit displayed on a farm (e.g. farm equipment displays);
- a tour of the farm, an educational activity or demonstration in respect of all or part of the farming operations that take place on the farm, and activities ancillary to any of these (e.g. milking barn tour, cheese making demonstration, harvest demonstration, farm crafts such as wreath making or garlic braiding);
- cart, sleigh and tractor rides on the land comprising the farm;
- activities that promote or market livestock (e.g. cattle, horses, sheep, goats, poultry) from the farm, whether or not the activity also involves livestock from other farms, including shows, cattle driving and associated domestic livestock petting zoos;
- dog trials held at a farm (e.g. agility and stock dog events);
- harvest festivals and other seasonal events on a farm for the purpose of promoting or marketing farm products produced on the farm (e.g. pumpkin patch, garlic festival, blueberry festival)
- Corn mazes prepared using corn planted on the farm.

Agri-tourism uses that are not listed in the Use Regulation or do not meet the conditions established in the Use Regulation (such as uses that are not taking place on land assessed as farm, that do not promote or market livestock from the farm, that do not promote or market farm products produced on the farm or that require permanent facilities), must make an application for non-farm use and seek approval from the Commission.

Activities that are not considered agri-tourism events include, but are not limited to, paint ball, dirt bike/atv trails, mini-train parks, model aircraft runways, rodeos, helicopter tours, activities operated as a commercial business, permanent food service facilities, permanent mazes, non-domestic animal pettings zoos, etc.

If a farm building (existing or new) is used for an agri-tourism activity and it does not meet the Use Regulation or other regulatory requirements or it has not been approved by the Commission, it will be considered in contravention of the ALCA.

Local governments have the authority to regulate agri-tourism activities 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.

This policy does not address gathering for an event. See Related Policies.

This policy does not address agri-tourism accommodation, which in some circumstances is a permitted use under section 33 of the Use Regulation for the purpose of the Commission unless prohibited by a local bylaw. See Information Bulletin 06 – Accommodation for Tourists in the ALR.

Farm retail sales are addressed separately under section 11(3) of the Use Regulation and may qualify as a designated farm use if the specified conditions are met. See Related Policies.

TERMS:

ancillary means subordinate or supplementary to the primary farm use

seasonal means a use or activity that fluctuates according to one or more seasons (spring, summer, fall and winter) (but not all seasons) or available or taking place during one or more seasons (but not all seasons) or at a specific time of the year.

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

RELATED POLICIES:

ALC Policy L-02 Activities Designated as Farm Use: Farm Retail Sales in the ALR

ALC Policy L-22 Activities Designated as a Permitted Non-Farm Use in the ALR: Gathering for an Event in the ALR

REFERENCE:

Agricultural Land Reserve Use Regulation (BC Reg. 30/2019), Sections 1, 3, 4, 5(1), 12,

Definitions

Section 1 In this regulation:

"agri-tourism activity" means an activity referred to in section 12 [agri-tourism];

"farm product" means a commodity that is produced from a farm use but does not include water;

If farming extends over multiple parcels

Section 3 Unless a contrary intention appears, a reference to a use of agricultural land includes all of the agricultural land on which a single farm operation is conducted, regardless of

(a) whether activities are conducted over one parcel or multiple parcels, or

(b) whether, in the case of multiple parcels, the parcels are adjacent.

Farm uses that may not be prohibited

Section 4 The farm uses referred to in this Part may not be prohibited

(a) by a local government enactment except a bylaw under section 552 [farming area bylaws] of the Local Government Act, or

(b) by a first nation government law, if the activity is conducted on settlement lands.

Necessary structures and ancillary services

Section 5 (1) Subject to any limits and conditions set out in this Part, the use of agricultural land to construct, maintain or operate any of the following is designated as a farm use and may not be prohibited as described in section 4:

- (a) a structure, other than a residential structure, that is necessary for a farm use;*
- (b) a driveway or utility that is necessary for a farm use*

Agri-tourism

Section 12 (1) The use of agricultural land for conducting an agri-tourism activity described in subsection (2) of this section is designated as a farm use and may not be prohibited as described in section 4 if all of the following conditions are met:

- (a) the activity is conducted on agricultural land that is classified as a farm under the Assessment Act;*
- (b) members of the public are ordinarily invited to the activity, whether or not a fee or other charge is payable;*
- (c) no permanent facilities are constructed or erected in connection with the activity.*

(2) The following are agri-tourism activities for the purposes of subsection (1):

- (a) an agricultural heritage exhibit displayed on the agricultural land;*
- (b) a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these;*
- (c) cart, sleigh and tractor rides on the agricultural land;*
- (d) subject to section 9 [horse facilities], activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos;*
- (e) dog trials held on the agricultural land;*
- (f) harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;*
- (g) corn mazes prepared using corn produced on the agricultural land on which the activity is taking place.*

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

Definitions

Section 1(1)

"agricultural land" means land that

- (a) is included in the agricultural land reserve under section 15 (1.1), 17(3.1) or 45(1) of this Act, or*
- (b) was included under a former Act as agricultural land or land in an agricultural land reserve, unless the land has been excluded from the agricultural land reserve under this Act or from an agricultural land reserve under a former Act;*

"farm use"

- (a) means an occupation or use of agricultural land for*
 - (i) farming land, plants, mushrooms, truffles or animals,*

*(ii) a farm operation as defined in the Farm Practices Protection (Right to Farm) Act, or
(iii) a purpose designated as a farm use by regulation, and*

(b) does not include a residential use or a soil or fill use;