

 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy L-04 October 2016</p> <p style="text-align: center;">ACTIVITIES DESIGNATED AS FARM USE: AGRI-TOURISM ACTIVITIES 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.

*(1) "**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](#);*

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), Section 1(1) and (4), Section 2(1.1), (2)(e) and Section 3(4).

2(1.1) The activities designated under this section as farm uses for the purposes of the Act must not be prohibited

(a) by any local government bylaw except a bylaw under section 552 of the [Local Government Act](#), or

(b) by a law of the applicable treaty first nation government, if the activity is undertaken on treaty settlement lands.

2(2) The following activities are designated as farm use for the purposes of the Act:

(e) agri-tourism, other than accommodation;

1(1) and (4) Definitions:

"agri-tourism" means

(a) an activity referred to in subsection (4)

(i) that is carried out on land that is classified as a farm under the Assessment Act,

- (ii) to which members of the public are ordinarily invited, with or without a fee, and
- (iii) in connection with which permanent facilities are not constructed or erected, and
- (b) services that are ancillary to activities referred to in paragraph (a)

“farm product” means a commodity that is produced from a farm use as defined in the Act or designated by this regulation.

(4) **“Agri-tourism on a farm”** means the following:

- (a) an agricultural heritage exhibit displayed on the farm;
- (b) 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;
- (c) cart, sleigh and tractor rides on the land comprising the farm;
- (d) subject to section 2 (2) (h), activities that promote or market livestock from the farm, whether or not the activity also involves livestock from other farms, including shows, cattle driving and petting zoos;
- (e) dog trials held at the farm;
- (f) harvest festivals and other seasonal events held at the farm for the purpose of promoting or marketing farm products produced on the farm;
- (g) corn mazes prepared using corn planted on the farm.

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) and (4) of the Regulation apply, agri-tourism activities (other than agri-tourism accommodation) are designated by the Regulation as farm uses, and as such, may not be prohibited by a local government bylaw.

The 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 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 ALC is required for bistros, cafes and restaurants except for food and beverage service lounges permitted by Section 2.4 of the Regulation for wineries, cideries, breweries, distilleries or meaderies.

The following are agri-tourism activities specified in Section 1(4) of the 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 Regulation or do not meet the conditions established in the 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 Regulation or other regulatory requirements or it has not been approved by the Commission, it will be considered in contravention of the Act.

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 3(1)(a) of the Regulation for the purpose of the Agricultural Land Commission unless prohibited by a local bylaw. See Related Policies.

Farm retail sales are addressed separately under Section 2(2)(a) of the 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 Regulation.

RELATED POLICIES:

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

ALC Policy L-05 Activities Designated as a Permitted Non-Farm Use in the ALR: Agri-Tourism Accommodation

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