

Summary of Stakeholder Input on Proposed Amendments to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation



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Overview of the Consultation Process

On March 27, 2014 Bill 24 (the Agricultural Land Commission Amendment Act) was introduced to the Legislative Assembly of British Columbia. At that time, the government announced that consultations would be held with representatives of the B.C. Agriculture Council (BCAC), the Union of British Columbia Municipalities (UBCM) and the Agricultural Land Commission (ALC) on the development of any subsequent regulatory amendments. On July 8, 2014 Minister of Agriculture Norm Letnick met with representatives from these three organizations to discuss the process for consulting on potential amendments to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALR Regulation). On July 22, 2014 the Minister announced that senior ministry officials would host stakeholder consultations in each of the six regions of the Agricultural Land Reserve (ALR) and, in addition to these meetings, provide British Columbians an opportunity to review a discussion paper and submit their ideas via an ALR Consultation Website.

Subsequent to this announcement, a series of regional consultation meetings on potential amendments to the ALR Regulation took place between July 22, 2014 and August 19, 2014. In total, the process involved nine days of meetings in eight communities across BC (Kelowna, Kamloops, Prince George, Fort St John, Cranbrook, Nanaimo, Abbotsford, and by phone with the Regional Districts of Kitimat-Stikine and Skeena Queen Charlotte). Several hundred individuals from over 100 stakeholder groups attended the meetings, representing local governments, farm and ranch organizations, individual producers and landowners, and agriculture and farmland advocacy groups (Appendix A: stakeholder attendees, by region).

These meetings were organized, chaired and facilitated by staff from the Ministry of Agriculture, including the Deputy Minister/Assistant DM, policy manager, policy staff and regional staff. The Agricultural Land Commission (ALC) also attended and supported each of the meetings, represented by the Chair, commissioners and staff. A number of observers were also present at some of the meetings, including MLAs and representatives from the Minister's ALC Reference Group (ALC; Union of BC Municipalities; BC Agriculture Council).

The structure of the meetings followed the structure of the Consultation Paper developed for this process (Appendix B: ALR Regulation Consultation Paper), whereby Ministry staff explained the basic tenets of the Agricultural Land Commission Act (ALC Act), and the recent amendments made to this Act, and then asked 12 specific consultation questions. These questions were focused on gathering input on ideas put forward by the Minister's ALC Reference Group with respect to activities that could be allowed on the ALR, via amendments to the ALR Regulation, without the need for an application to the ALC.

In addition to the in-person regional consultation meetings with invited stakeholders, input was solicited from the public, ALR landowners, farmers, ranchers and other interested parties through a questionnaire available on the ALR Regulation Consultation website: <http://engage.gov.bc.ca/landreserve/>. The questionnaire was comprised of the same 12 questions as those posed in the regional meetings, structured to allow responses along a 5-point scale from strongly disagree through to strongly agree (a “Likert Scale”), as well as providing comment boxes for respondents to provide additional feedback and suggestions.

Individuals and organizations were also encouraged to make submissions by mail (written hard-copy submissions), or via a dedicated ALR Consultation email address (ALCA_Feedback@gov.bc.ca).

In total, the Ministry received over 1,500 submissions via the website, email address and in the mail.

Treaty First Nations were also informed of the consultation process and invited to participate. Further engagement with these First Nations will take place as any regulatory amendments are developed.

The Nature of the Responses Received

In total, the Ministry received feedback via:

1. Nine days of meetings in eight communities across BC involving several hundred individuals from over 100 stakeholder groups;
2. 813 submissions using the on-line questionnaire, which combined a Likert Scale analysis (a five point scale ranging from *strongly disagree* to *strongly agree*) and comment boxes for each question; and
3. 883 written submissions received via mail and email, of which 88 were unique, individual submissions. The balance of these submissions was made up of two template, or 'form' responses: one was a batch of 573 submissions expressing general support for the ALR but not answering the consultation questions; the second was a batch of 222 submissions from individuals in the Dawson Creek area.

The detailed analysis of responses provided in this summary document is based on:

1. What was heard in the regional meetings;
2. The results of the online questionnaire; and
3. The contents of the written submissions.

Note: some stakeholder groups made a single submission representing the views of their collective membership (e.g. BC Cattlemen's Association, BC Food Systems Network); others encouraged individual submissions from each of their members. The analysis presented here is cognizant of, and attempts to balance, this variation.

In total there were 1123 valid responses that were included in the analysis. Those submissions that did not answer the consultation questions (i.e. the batch of 573 emails expressing general support for the ALR) are not included in the analysis.

Views expressed during the consultation process varied widely, from those not wanting to see any additional uses of land in the ALR without an application to the ALC, to those wanting to see significantly more flexibility in what landowners may do with and on their land. Views varied by region, by stakeholder group (farmer/rancher, non-farming ALR landowners, local governments, and others), and by question.

Analysis of Responses to the 12 Consultation Questions

Question 1: *Should the parameters for allowable on-farm food storage, packing, processing and retail establishments be revised?*

Background

Currently the ALR Regulation states that food storage, packing, product preparation, and food processing are permitted without an application to the ALC “if at least 50% of the farm product being stored, packed, prepared or processed is produced on the farm or is feed required for farm production purposes on the farm”. Retail sales are permitted if “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 ... does not exceed 300m².”

Why is this under consideration?

The parameters currently in place in the ALR Regulation can inhibit neighbouring farms from investing in joint storage, packing, processing or retail establishment in the ALR, favouring instead the establishment of a number of small, similar operations. The current approach may be an inefficient use of productive farmland, and cost prohibitive for individual small producers. Changing the existing parameters would enable cooperative arrangements between farms in proximity to one another.

Responses

A considerable majority of stakeholders from all regions responded that there should be no change to the current “50% rule”.

Those stakeholders that did wish to see a change in this area focused mainly on allowing small farms, and especially those in close proximity to one another, to develop and operate joint facilities on a single farm, as opposed to each developing their own individual facilities (a ‘co-operative’ model).

A small number of stakeholders in Zone 1 proposed that as well as a minimum of 50% of farm product coming from the farm, the balance should come from either the local region (e.g. the panel region), or from BC.

Two groups from Zone 2 proposed that the % threshold be eliminated altogether, in favour of establishing a limit on the maximum footprint for the buildings used for processing, packing, storage or retail. Two groups proposed that the 50% rule be amended specifically for small scale on-farm abattoirs.

In addition, the template responses from the Dawson Creek area proposed that the 50% threshold be reduced to 10%, and that up to 10% of a property should be available for this type of activity.

The issue of compliance with, and enforcement of, the 50% rule was a recurring theme in all regions, as was the issue of property tax equity between packing, processing and retail operations located on and off farm. A number of stakeholders commented that reducing the 50% rule would exacerbate this inequity by allowing generic (as opposed to farm-specific) packing, processing and retail operations to set up inside the ALR.

Question 2: *Should breweries, distilleries and meaderies be allowed on ALR land on the same or similar terms as wineries and cideries are currently allowed?*

Background

Currently, wineries and cideries are allowed on ALR land without application to the ALC, so long as 50% of the agricultural product used to produce the final product comes from either the farm on which the winery/cidery sits, or another BC farm.

Why is this under consideration?

Wineries and cideries are permitted in the ALR without application to the ALC. Craft breweries, distilleries and meaderies have become increasingly popular in the province, and have expressed interest in being provided with the same opportunities for operation on ALR land as wineries and cideries.

Responses

Responses were mixed, but a majority of stakeholders from each region supported the proposal that breweries, distilleries and meaderies be allowed on ALR land, without an application to the ALC, on the same basis as wineries and cideries. Support was particularly strong from local governments, and especially from local governments in Zone 1.

There was discussion in the regional meetings about whether meeting the 50% rule was feasible for breweries and distilleries, since malting barley, hops and grains (for distilling) are not major farm products in BC. Advice from stakeholders was that further consultation with experts should be undertaken prior to making any final recommendations or drafting any regulations in this area.

Question 3: Should the allowable footprint for consumption areas (or ‘lounges’) ancillary to wineries and cideries (and potentially also breweries, distilleries and meaderies) be increased?

Background

Currently, wineries and cideries in the ALR are allowed to establish consumption areas (or ‘lounges’) to a maximum size of 125m² inside, and 125m² outside, which is roughly equal to a maximum of 130 people. One of the findings from the recent provincial Liquor Policy Review is that government should consult on increasing the limit for allowable consumption areas.

Why is this under consideration?

This question was included in the current consultation as a result of the provincial Liquor Policy Review. The review was intended to streamline provincial regulation of alcohol production, provide more convenience for consumers, and encourage agritourism and market growth for BC wine, craft brewing and craft distilleries.

Responses

A considerable majority of stakeholders from all regions responded that the allowable consumption area for wineries and cideries should not be expanded. Stakeholders felt that any variance from the current limit should be dealt with, as now, via an application to the ALC.

The Dawson Creek area template responses supported increasing the allowable consumption area, up to a maximum of 10% of the total area of a farm.

The issue of property tax equity between alcohol consumption areas located on and off farm was a recurring theme. Concerns were expressed in all regions about restaurant/pub style operations being located on farmland, with many stakeholders noting that this could impact the viability of the farm, neighbouring farm operations, municipal services, and public safety.

Question 4: To what extent should wineries and cideries (and potentially breweries, distilleries and meaderies) be allowed to sell alcohol that was not produced on the farm?

Background

Currently, a winery or cidery may only sell alcohol produced at that winery or cidery. One of the findings from the recent provincial Liquor Policy Review is that government should consult on allowing the sale of alcohol produced in BC, but not produced on the farm.

Why is this under consideration?

This question was included in the current consultation as a result of the provincial Liquor Policy Review.

The review was intended to streamline provincial regulation of alcohol production, provide more convenience for consumers, and encourage agritourism and market growth for BC wine, craft brewing and craft distilleries.

Responses

A considerable majority of stakeholders from all regions responded that the sale of alcohol produced off-farm should not be allowed at wineries or cideries located in the ALR without an application to the ALC. Opposition to this proposal was strongest in the North and on Vancouver Island.

There was agreement from all regions that if the sale of alcohol produced off-farm was to be allowed at wineries and cideries located in the ALR, this should only be allowed in food service areas, for consumption on-site, and not for retail.

One stakeholder group in Zone 1 proposed that any such sales be limited to 25% of total alcohol sales from the farm. The template responses from the Dawson Creek area proposed that a minimum of 10% of the alcohol sold on a farm should be produced on that farm (i.e. 90% of total alcohol sales could be of alcohol produced off-farm). Two stakeholder groups in Zone 1 proposed that any such sales be limited to alcohol produced locally or in BC.

The issue of property tax equity between alcohol consumption areas located on and off farm was a recurring theme. Concerns were also expressed in all regions about restaurant/pub style operations being located on farmland, with many stakeholders noting that this could impact neighbouring farm operations, municipal services, and public safety.

Question 5: Should anaerobic digesters be permitted in the ALR if the inputs are generated from farming activities?

Background

Anaerobic digestion is defined as a collection of processes by which microorganisms break down biodegradable material in the absence of oxygen. In the farm context, biodegradable material primarily means animal waste, or manure. The process is used to manage farm waste and/or to produce fuels, which may then be used on farm or sold for revenue. Dairy farms in particular may benefit from being able to establish anaerobic digesters on-farm without an application to the ALC, given the ready availability of feedstock.

Why is this under consideration?

The Province and the agricultural sector are committed to expanding on opportunities for sustainable green energy production. Anaerobic digestion (A.D.) provides opportunity to utilise rural and/or urban wastes for productive purposes. A.D. systems generate biogas and produce liquid and solid digestate, products that may be useful on the host farm or neighbouring farms. In cases where the biogas can be used to power a co-generation facility, the A.D. may also contribute to on-farm energy requirements. The digestates produced can add value to farms with compatible nutrient management needs or may be packaged and sold as a commercial product, providing income to farmers.

To date, the ALC has approved four A.D. systems within the ALR. This consultation question aims to determine whether stakeholders feel there is sufficient familiarity with these systems to allow them to be established without the oversight of the ALC, subject solely to the regulation of local governments.

Responses

Responses to this question were varied. While a large number of stakeholders support alternative energy production technologies like anaerobic digestion, and while many are not opposed in principle to locating these facilities on farm land, a considerable majority of stakeholders from the regional meetings felt that anaerobic digesters should continue to require an application to the ALC, since their suitability for farm land needs to be assessed on a case-by-case basis.

By contrast, a considerable majority of respondents making submissions on-line, by mail, and by email took a different view, responding that anaerobic digesters should be allowed without an application to the ALC. A small majority of local governments also supported allowing anaerobic digesters without an application to the ALC. Those most in favour were ALR landowners.

Many stakeholders commented that if anaerobic digesters were to be allowed on the ALR without an application to the ALC, parameters should be put in place requiring that a certain percentage of the feedstock for the digester be sourced from the farm where it is located (e.g. at least 50%), or from elsewhere in BC, that a certain percentage of the power produced by the digester be used on-farm, that a maximum footprint be established for a digester, and that digesters be limited to farms above some minimum parcel size.

A considerable number of stakeholders also suggested that if anaerobic digesters are to be made an allowable use on the ALR, this should be subject to completion and approval of a nutrient management plan specifying how and where the digestate will be utilised.

Many stakeholders expressed concern over the impact of anaerobic digesters on farm land and on neighbouring farm operations, and on the need for effective compliance and enforcement of any regulation by the ALC.

Question 6: Should on-farm cogeneration facilities be permitted on farms where a portion of the energy created is used on-farm?

Background

Cogeneration or combined heat and power (CHP) is the use of a heat engine or power station to simultaneously generate electricity, useful heat, and CO², which can either be used on the farm or sold. Greenhouse operations in particular may benefit from being able to establish co-gen facilities on-farm without an application to the ALC, since heat and CO² are both used in greenhouse production.

Why is this under consideration?

The Province and the agricultural sector are committed to expand on opportunities for sustainable green energy production. Cogeneration or combined heat and power (CHP) is the use of a heat engine or power station to simultaneously generate electricity and useful heat, which can either be used on the farm or sold, providing an additional revenue source for farmers. This technology is of particular interest to the greenhouse sector.

To date the ALC has approved two cogeneration systems in the ALR (with conditions). This consultation question aims to determine whether stakeholders feel there is sufficient familiarity with these systems at this point to allow them to be established without the oversight of the ALC, subject solely to the regulation of local governments.

Responses

Responses to this question were varied. While supportive in general of alternative energy production technologies like co-generation, a considerable majority of stakeholders at the regional meetings responded that co-generation facilities should continue to require an application to the ALC, so that the merits of locating them on the ALR can be assessed on a case-by-case basis. Those most opposed were local governments in Zone 1.

By contrast, a small majority of respondents making submissions on-line, by mail, and by email took a different view, responding that co-generation facilities should be allowed without an application to the ALC. Amongst this latter group, those most in favor were ALR landowners, and those in the North.

Many stakeholders commented that if co-generation facilities were to be allowed on the ALR without an application to the ALC, parameters should be put in place requiring that a certain percentage of the energy and CO² generated by the co-generation facility be used on the farm where it is located (e.g. at least 50%), that a maximum footprint be established for a co-generation facility, and that they be limited to farms above some minimum parcel size.

Question 7: Should the parameters be expanded for when non-agriculture related businesses are allowed to operate on ALR properties in Zone 2?

Background

Currently the Regulation permits a home occupation use that is accessory to a dwelling, of not more than 100 m² or such other area as specified in a local government bylaw. One idea is to expand opportunities for a broader range of land-based non-agricultural businesses, such as certain oil and gas ancillary services.

Why is this under consideration?

Some farmers and ranchers have expressed concern about their ability to make a living based solely on their farm income. Some supplement their income with other forms of business (e.g.: accounting services; welding services, or service activities in support of the oil or gas industry, etc.). Currently, those activities cannot occur on their farm unless approved by the Agricultural Land Commission through an application. In addition, new farmers may be able to benefit from being able to earn additional income while they are learning the business of farming or ranching. Expanding the parameters for allowable non-agricultural businesses could help farmers and ranchers increase the income they earn on their land. Such activities would have to respect the needs of other groups and future generations of farmers and ranchers.

Responses

A considerable majority of stakeholders from all regions responded that any additional non-agriculture businesses should continue to require an application to the ALC. This was the question with the strongest and most consistent view between regions and stakeholder groups. Of those that did support allowing additional non-agricultural businesses without an application, ALR landowners in Zone 2 were the strongest supporters.

Of those who supported allowing additional non-agricultural businesses, a number commented that parameters should be put in place around such activities to minimize the impacts on farmland and surrounding farm operations, including that any such activities be directly linked to or supportive of an active farm operation, that the activity and land use be temporary and reversible (as per the model in the ALC's Delegation Agreement with the Oil and Gas

Commission), that such activities be limited to non-productive portions of a farm, and that a maximum footprint and minimum parcel size be established.

The template responses from the Dawson Creek area proposed that 10-15 hectares of a property should be available for non-agricultural businesses, with no restriction on the size of any associated buildings.

The issue of compliance and enforcement with respect to non-agricultural businesses on the ALR was a recurring theme in all regions, as was the issue of property tax equity between non-agricultural businesses located on and off farm.

Question 8: Should the subdivision of ALR properties in Zone 2 to a minimum parcel size of a quarter section be allowed without an application to the ALC?

Background

Although most subdivisions require an application to the ALC, section 10 of the ALR Regulation establishes when and how subdivisions of ALR properties can be made by local government (and provincial) Approving Officers, without an application to the ALC. These include subdivisions that will consolidate two or more parcels into a single parcel, and certain other subdivisions when the subdivision will not result in any increase in the number of parcels.

From 1997 to 2003 the ALC “Quarter Section General Order” (or policy) permitted subdivisions down to a minimum size of a quarter section, without an application, in the Peace River and Northern Rockies Regional Districts. The idea here is to reinstate this practice, through regulation, and apply it throughout Zone 2 by allowing Approving Officers to approve such subdivisions without reference to the ALC. Most properties of a half section or bigger in BC are in the North of the province, though they can also be found in the East Kootenay region and other areas of BC, in smaller numbers.

Why is this under consideration?

The purpose of the ALC’s 1997-2003 General Order was to make it easier for farmers to buy and sell quarter sections (often considered the basic building block of agricultural land). The order was rescinded by the ALC on the basis that many of the quarter sections being subdivided were taken out of agricultural production by new residential owners. Some local governments and property owners continue to express dissatisfaction with the decision. This question seeks to determine the level of interest in re-introducing the policy across Zone 2. The approach would make it easier for ALR land holders to arrange ALR property lines in ways that best serve their needs.

Responses

A considerable majority of stakeholders from all regions, except the North, responded that subdivision to a minimum quarter section should not be allowed without an application to the ALC.

A slight majority of stakeholders in the North were in favour of allowing Approving Officers to decide such subdivisions without reference to the ALC. Local governments in Zone 2, whose Approving Officers would in some cases be responsible for making decisions under this proposal, were the most strongly opposed to the idea.

Comments from many stakeholders expressed a view that a quarter section is too small to support a viable farm or ranch operation, and that allowing subdivision to a quarter section could result in the alienation of many parcels from agricultural production, as they could be purchased and utilised more as rural estate homes than as viable ranching or farming operations.

Question 9: Should the subdivision of ALR parcels in Zone 2 that are of a defined size, and that are divided by a major highway or waterway, be allowed without an application to the ALC?

Background

Farm properties can be difficult to manage when divided by a major obstruction. The idea here would be to allow an Approving Officer to approve subdivisions where such a major obstruction (to be defined in regulation) exists.

Why is this under consideration?

Expanding the circumstances under which an Approving Officer can approve a subdivision in this way would simplify the subdivision process for farmers and ranchers wishing to subdivide portions of their property that may create operational difficulties or safety risks. Agricultural properties that are physically divided by major highways and waterways (or certain other obstructions) can pose safety risks to farmers and may be difficult to manage.

Responses

A majority of stakeholders from all regions, except the North East, responded that subdivision based on the existence of a major obstruction should not be allowed without an application to the ALC.

A majority of mostly non-farming ALR landowners in the N.E. were in favour of allowing Approving Officers to decide such subdivisions, without reference to the ALC.

A number of stakeholders commented that if such subdivisions were to be allowed based on the decision of an Approving Officer, it would be important to define what constitutes a “major” highway or waterway (e.g. a numbered highway or large river, as opposed to a minor road or stream). Others suggested that were this proposal to move forward, railways and possibly major topographical obstructions should also be included. Two groups also suggested that any such provision only be applied to major obstructions introduced after a person had purchased their property, not for those that pre-existed the purchase of the property.

Question 10: 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?

Background

Section 2 of the ALR Regulation currently provides that agri-tourism activities are allowable as a farm use if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm. Section 3 provides that accommodation for agri-tourism is permitted without an application if it is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms, and if the total developed area is less than 5% of the parcel. Providing greater clarity on what constitutes “temporary” and “seasonal”, and on when an activity “promotes or markets farm products” may be beneficial for farmers, local governments and the ALC.

Why is this under consideration?

Local governments and others have identified that the existing definition of agri-tourism, and the circumstances under which agri-tourism activities and accommodations may be established in the ALR without application to the ALC, would benefit from further definition. Providing further certainty on what is and is not permissible in this area could help farmers to earn additional income by showcasing aspects and attributes of an active farm, while minimizing the impact of such activities on agricultural land, neighbouring farm operations, and local governments. This question seeks to determine the extent of concern associated with the current definition, and to solicit specific proposals for providing further clarity to that definition.

Responses

A majority of stakeholders from all regions responded that further clarification should be provided on what constitutes agri-tourism to ensure that agri-tourism activities and accommodation are in fact seasonal and are only conducted in support of the main agricultural activity of farming, not in place of it. Local governments in particular were very strongly of the view that further definition is required.

A small number of groups from Zone 2, and the template responses from the Dawson Creek area, felt there should be fewer restrictions on agri-tourism than is currently the case. Suggested ideas included allowing rodeos, fall fairgrounds, and equestrian events.

The issue of compliance and enforcement with respect to agri-tourism activities on the ALR was a recurring theme in all regions, as was the issue of property tax equity between tourism related businesses located on and off farm.

Question 11: *Should temporary leases of portions of a property in Zone 2 of the ALR be allowed without an application to the ALC for:*

- (a) intergenerational transfer of an active farm or ranch operation; and/or**
- (b) to encourage the use of otherwise unfarmed land by existing or new farmers?**

Background

Currently a landowner in the ALR may lease their entire property without making an application to the ALC, but must make an application in order to lease a portion of their property. This question asks whether temporary leases of a portion of a property should be allowed without an application if the lease is to (a) enable the intergenerational transfer of active farm or ranch operations without a subdivision, or (b) to encourage the use of otherwise unfarmed land by existing or new farmers.

Allowing “life estate leases” for inter-generational transfer would allow retiring farmers to continue to live in their homes for the balance of their lives, while selling the farm or ranch to their children, or to others. The lease could allow a second primary residence to be established on the property, for the new owner, but no permanent subdivision of the property would be involved, since the home-site occupied by the retired farmer would remain part of the overall property.

Allowing temporary leases of a portion of a property to encourage the use of farmland for agriculture could help new entrants/young farmers get into agriculture, and/or could increase opportunities for existing farmers to access more land without purchase. This kind of lease would not lead to a second primary dwelling.

Why is this under consideration?

Question 11a would provide for “life estate leases” in the ALR Regulation as an option for farm families who wish to pass their farm on to a new generation of farmers, while also retiring on their land. It may be considered as an alternative to permanent farm subdivision (so called “home-site severance”).

Question 11b would simplify the process for farmers who wish to register a lease for a portion of a property with the Land Titles Office. Lessees may include farmers who may put otherwise unproductive ALR land into production, and new farmers seeking land to farm. Registering a lease provides additional financial and tenure security to a lessee.

Responses

(a) Life Estate Leases

Stakeholder responses in the regional meetings were mixed on the question of allowing life estate leases for inter-generational transfer without an application to the ALC. A majority of on-line respondents from each region and category expressed support for the proposal.

Several stakeholders thought the option should be available for landowners in both Zone 1 and Zone 2. Others felt the option should be available only after a landowner had actively farmed their property for a prescribed number of years (e.g. 20 years), or that the provision should only apply when the lessor and lessee were directly related as members of the same immediate family. Still others responded that a maximum lot size (or footprint) should be established for the portion of the property that would be subject to the life estate lease, and that any additional dwelling resulting from the life estate lease should be temporary and removed at the expiry of that lease.

A small number of stakeholders in Zone 2 that did not support the life estate lease option for inter-generational transfer felt a preferable option would be to allow sub-divisions for this purpose (so called “home site severance”), perhaps after a landowner had owned or actively farmed their property for a prescribed number of years (e.g. 25 years). The template responses from the Dawson Creek area supported this idea.

(b) Production Leases

A clear majority of stakeholders from all regions responded in favour of the second question related to leasing, agreeing that leases of a portion of a property should be permitted without an application to the ALC if this would facilitate the active use of the land for agriculture, and if no additional dwelling was permitted under the lease. A number of stakeholders also responded that this option should be available in both Zone 1 and Zone 2. Support for this proposal was strongest amongst non-farming ALR landowners in Zone 2.

Question 12: Do you have any other proposals for amendments to the ALR Regulation?

Responses to question 12 fell into three general categories:

I. Potential further amendments to the ALR regulation:

- 1) Provide additional flexibility in the allowable uses of ALR land:

- Give greater flexibility for land uses on low class soils, e.g. for homes, non-ag businesses and property subdivisions.
- Allow water dug-outs without an application to the ALC.
- Allow additional oil and gas ancillary services without an application to the ALC.
- Support new income streams for farmers, but only where those other activities support and are secondary to an active farm.
- Revise the home-site severance policy to permit ALR landowners who purchased their properties after the ALR was introduced to subdivide their property at retirement.
- Allow subdivisions titled in fee simple around home sites on up to 10 or 15 hectares.

2) Encourage the use of the ALR for agriculture:

- Prohibit all oil and gas activities as well as other resource extraction within the ALR.
- Prohibit all non-agricultural businesses and further subdivisions within the ALR.
- Only permit non-ag businesses that are reversible (ie where land can be feasibly returned to agricultural use).
- Require bonds or other measures to help ensure proper site remediation of ALR lands.
- Prohibit the development of very large homes and residential estates.
- Prioritize activities that support the long-term capability of agricultural land over those that support short term income generation.
- Regulate dumping within the ALR.
- Put excluded ALR land back in the ALR if it is not developed within a prescribed time period.
- Discourage speculation within the ALR.
- Prohibit water dug-outs.
- Only permit soil based agriculture or food production within the ALR.
- Do not make any further amendments to the Agricultural Land Use, Subdivision and Procedure Regulation, as most of the proposed changes could weaken the preservation of agricultural land.

III. General Suggestions not directly related to the ALR Regulation

1) Support the Agricultural Land Commission:

- Ensure the ALC has the capacity to fulfil its mandate.
- Resource the ALC to carry out compliance and enforcement of the ALR Regulations.
- Increase ALC fees to better allow the ALC to fund its operations.
- Support the independence of the ALC.

2) Encourage the use of the ALR for agriculture:

- Prevent site C Dam and Port Metro Vancouver development of ALR land.
- Restrict foreign ownership of farmland purchased to plant trees to generate carbon credits.
- Tax the ‘windfall’ profits realized when an exclusion or non-farm use application is approved by the ALC, and use this money for the net benefit of agriculture.
- Make sale and transfer of ALR land capital gains free.

- Rescind the existing Delegation Agreements the ALC has with local governments and preclude the option for any further Delegation Agreements in the future.
- Make crown ALR land available to BC resident farmers and ranchers to lease for grazing and agricultural use.
- Make agriculture the priority use on crown ALR land and encourage local governments to support this approach.
- Tax ALR land that is not producing food at higher/non-ALR rates.
- Use tax incentives to encourage agricultural production in the ALR (provide an income tax credit for bona-fide farmers; apply ALR tax exemptions only to farm class properties).
- Enact policies/procedures to ensure that grassland ecosystems remain intact (e.g. not fragmented by subdivisions, other land uses) so they can continue to support the ranching sector.

3) Other Ideas:

- Address the issue of property tax assessment equity between activities located on-farm and off-farm.
- Promote cross-agency dialogue in government on food policies to promote better alignment of mandates, operations.
- Include first nations and considerations of first nations food systems and relationships to the land in all policies and regulations regarding the ALR and agriculture.
- Consider climate change and water resource management in all food and planning related policies and legislation.
- Compensate farmers for the provision of ecological goods and services.
- Conduct boundary reviews of the ALR.

III. Feedback on the consultation process:

1. Comments on the Bill 24 process and content.
2. Comments on the current consultation process conducted for proposed changes to the ALR Regulation, including poor timing for supporting farmer participation.

Appendix A: Stakeholder Attendees at the Regional Consultation Meetings

July 22 - Kelowna	July 31 - Fort St. John
BC Grapegrowers Association	BC Bison Association
BC Wine Institute	BC Grain Producers Association
City of Kelowna	BC North Peace River Regional
City of Penticton	Citizens for Agricultural Land Reform
District of Lake Country	City of Fort St. John
District of Peachland	Northern Rockies Regional Municipality
District of Summerland	Peace Region Forage Seed Association
District of West Kelowna	Peace River Forage Association
North Okanagan Livestock Association	Peace River Regional District
Regional District of Central Okanagan	August 8 - Cranbrook
Regional District of North Okanagan	City of Cranbrook
Regional District of Okanagan-	Creston Valley Agricultural Association
Southern Interior Stockmen's	Creston Valley Beef Grower's
Village of Lumby	Kootenay Livestock Association
July 25 - Kamloops	Regional District of East Kootenay
BC Cattlemen's Association	Regional District of Kootenay Boundary
Cariboo Cattlemen's Association	Windermere Farmer's Institute
Certified Organic Associations of BC	August 12 - Nanaimo
Grassland Conservation Council of BC	BC Honey Producers' Association
Thompson-Nicola Regional District	Capital Regional District
July 29 - Prince George	Certified Organic Associations of BC
Regional District of Bulkley-Nechako	City of Parksville
Cariboo Regional District	Comox Farmer's Market
City of Prince George	District A Farmer's Institute
District of 100 Mile House	District of Saanich
F.A.R.M Community Council	Gabriola Organization for Agricultural
Nechako Valley Regional Cattlemen's	Islands Trust
North Cariboo Agricultural Marketing	Regional District of Strathcona
Regional District of Fraser Fort-George	Powell River Regional District
Skeena Regional Cattlemen's	Regional District of Alberni-Clayoquot
University of Northern BC (PG)	Regional District of Comox Valley
	Regional District of Cowichan Valley
	Regional District of Nanaimo

August 14 and 15 - Abbotsford	
BC Association of Farmers Markets	Fraser Basin Council
Farmland Defence League	Fraser Valley Peas, Bush Beans and
BC Blueberry Council	Fraser Valley Regional District
BC Certified Seed Potato Growers	Fraser Valley Strawberry Growers'
BC Dairy Association	Fraser Valley University – Agriculture
BC Dairy Council	Metro Vancouver Regional District
BC Food Processors' Association	Raspberry Industry development council
BC Food Systems Network	Squamish-Lillooet R.D.
BC Fruit Growers Association	Sunshine Coast R.D.
BC Greenhouse Growers Association	Township of Langley
BC Potato and Vegetable Growers'	UBC – Faculty of Land and Food
BC Sheep Federation	United Flower Growers Cooperative
BC Women's Institute	Vancouver Food Policy Council
BC Young Farmers	Village of Harrison Hot Spring
City of Abbotsford	Young Agrarians
City of Burnaby	Corporation of Delta
City of Chilliwack	Delta Farmer's Institute
City of Richmond	District of Kent
City of Surrey	Farm Folk/City Folk
BC Association of Cattle Feeders	
August 19 – Tele-Conference	
R.D. of Skeena Queen Charlotte	
RD of Kitimat Stikine	

Appendix B: ALR Regulation Consultation Paper

Consultation on Potential Changes to the
Agricultural Land Commission Act:
Agricultural Land Reserve Use, Subdivision and Procedure Regulation

B.C. Ministry of Agriculture
July 2014

1. Purpose

The purpose of this consultation is to invite your input on some proposed additional activities that could be allowed on farmland in the Agricultural Land Reserve without a requirement to make an application to the Agricultural Land Commission, on whether and to what extent these allowable uses should vary between different regions of the province, and on what parameters you think should be put around the proposed new uses.

2. Background

Approximately five percent of BC's land base is included in the Agricultural Land Reserve (ALR), a provincial zone within which agriculture is recognized as the priority activity. The ALR includes public and privately held land and is administered by the Agricultural Land Commission (ALC), an independent government tribunal, with the purpose of preserving agricultural land and encouraging its use for farming.

The *Agricultural Land Commission Act* (the *Act*) establishes both the ALR and the ALC in legislation. The *Act* sets out the structure and operations of the ALC and identifies permissible land uses within the ALR. The Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALR Regulation) provides greater specificity to many of the provisions in the *Act*.

Amongst other things, the ALR Regulation identifies specific land uses allowable on farmland in the ALR without an application to the ALC. Current examples include such things as growing plants and raising animals, putting up buildings necessary for the farm, selling agricultural products direct to the public, limited food processing and, unless prohibited a local government, specified non-farm activities such as agri-tourism accommodation, temporary sawmills, kennels, and others.

Any activities not permitted by the ALR Regulation do require an application to the ALC, which can approve, deny or vary the application. Applications are required in order to include or exclude land from ALR, to subdivide land within the ALR, or to carry out an activity not expressly permitted in the *Act* or Regulations.

The passage of Bill 24 in May 2014 introduced amendments to the *Act* that change the way in which the ALC is structured and governed. Some of the detail that determines how these legislative changes will be implemented will be provided through changes to the ALR Regulation. One aspect of regulatory change contemplated by the amendments is to expand the list of allowable uses on ALR land, and possibly to vary them between ALR regions.

The focus of this consultation is to ask the question: what further activities should be allowable on farmland in the ALR without an application to the ALC, what parameters should be put around them, and should they vary between regions? A Reference Group convened by the

Minister of Agriculture and comprised of representatives from the ALC, the Union of British Columbia Municipalities (UBCM) and the BC Agriculture Council (BCAC) has made a number of specific suggestions in answer to this question, and these suggestions are presented in this paper for your consideration and comment.

Context for the questions is provided in sections 4 and 5 of this paper. Section 6 provides some specific suggestions for new activities that should be allowable in the ALR without an application to the ALC, and also some further specific suggestions for regulatory change related to agri-tourism and the subdivision and leasing of land in the ALR.

3. Consultation Process

Minister's Reference Group and ALC

- A Minister's Reference Group comprised of representatives from the ALC, UBCM and the BCAC has been struck to inform the consultation process and any regulatory outcomes.
- An initial meeting of the Reference Group was held in early July to provide advice on the consultation process, and to provide substantive input on the consultation questions.
- A separate meeting was then held with the ALC (commissioners and staff) to solicit further input on the consultation questions.
- The input gained from the Reference Group and the ALC form the basis of the consultation questions presented in this paper.
- As well, the ALC has provided a number of specific, technical suggestions for regulatory amendments aimed at providing greater clarity for landowners, local governments and the ALC itself around some existing allowable uses. While these suggestions are not the subject of this consultation, they will be provided on the consultation website (see Public Input, below) for your information.
- The Reference Group will meet again mid-way through the process to review stakeholder feedback and provide any additional, interim advice.
- A final meeting of the Reference Group will be held at the end of the consultation process to review outcomes and provide input on any draft regulations the Ministry may consider at that time.

Regional Stakeholder Consultations

- Seven regional meetings will take place between July 22nd and August 22nd encompassing all six ALR regions.
- Invited stakeholders include local government (all Regional Districts), industry (wide cross-section of agriculture associations and farmers' institutes) and other key organizations (e.g. agriculture programs from post-secondary institutions).
- The Ministry will lead the consultation process. The ALC will also attend the regional meetings.

Public Input

- Public input on the consultation questions will be solicited via a consultation website: <http://engage.gov.bc.ca/landreserve> or via a dedicated Ministry email address: ALCA_Feedback@gov.bc.ca
- The website will be live from July 22nd to August 22nd.

4. Overview of Changes to the ALCA

The *Act* was most recently amended in May 2014, by the passage of Bill 24. At that time, several legislative changes were introduced regarding how the ALC is structured and how it makes decisions on applications. These changes directly inform the framework of this consultation – to discuss what activities should be allowable on farmland in the ALR without an application to the ALC, and if these should vary between regions.

a) Zones, Regions and Regional Panels

The May 2014 amendments to the *Act* codify the existing six ALR regions into law, and require that a regional panel of at least two commissioners be established in each of the six regions.

The amendments also establish two ALR zones, each comprised of three of the six ALR regions:

<i>Zone 1:</i>	<i>Zone 2:</i>
Okanagan region	Interior region
South Coast region	Kootenay region
Vancouver Island region	North region

All applications to the ALC (for land exclusions, land inclusions, subdivisions, and land uses not otherwise permitted by the *Act* or Regulations) must now be forwarded by the Chair of the ALC to the appropriate regional panel for decision. At its discretion, a regional panel may take an application referred to it by the Chair, and refer this application instead to the ALC Executive Committee.

Subject to any regulations, if the Chair of the ALC determines that an application is of provincial importance, is novel or of general importance to the application of the *Act*, or may affect more than one panel region, the Chair may also refer the application to the ALC Executive Committee for decision, instead of referring it to a regional panel. The ALC Executive Committee is made up of the six regional panel vice-chairs, and the Chair of the ALC.

While the amendments to the *Act* provide the ability to further define in regulation when the Chair may refer an application to the Executive Committee, the Minister’s Reference Group has advised that the *Act* provides enough specificity as written (i.e. the Chair may refer an application to the Executive Committee when the Chair considers an application is of provincial importance, is novel or of general importance to the application of the *Act*, or may affect more than one panel region). As such, it is preferable to allow the Chair the discretion to work within

the legislative parameters provided, without further definition being required in regulation at this time.

b) Decision Making

The amendments to the *Act* also introduced new factors for the ALC to consider when making decisions on applications in Zone 2. In making decisions on applications the ALC has always considered the purpose of the ALC as defined in Section 6 of the *Act*:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

This has not changed in Zone 1.

In Zone 2, however, the ALC is now required by legislation to consider, in descending order of priority:

- The purposes of the ALC as defined in section 6 of the *Act*
- Economic, cultural and social values;
- Regional and community planning objectives; and
- Other prescribed considerations.

While the amendments to the *Act* provide the ability to further define in regulation the factors the ALC must consider in deciding on applications in Zone 2, there is no intention to develop such regulations at this time, and this consultation does not therefore include any questions on this topic.

c) Allowable Uses of ALR Land

The activities that are allowable on ALR land without requiring an application to the ALC are established in the ALR Regulation. There are two broad categories of allowable uses, called Farm Uses and Permitted Uses. Farm Uses include a range of things including: the growing of plants and raising of animals, horse riding, the application of fertilizers, the construction of farm buildings, farm related agri-tourism, and agro-forestry (i.e. activities directly related to farming). Farm Uses may not vary between Zone 1 and Zone 2, and may not be prohibited by local governments. Permitted Uses include such things as limited bed and breakfast accommodation, agri-tourism accommodation, temporary sawmills, kennels, and within certain limitations also non-agricultural home-based businesses. Permitted Uses are viewed as less directly related to agriculture than Farm Uses, but as still compatible with (of low impact to) the farm operation.

Permitted Uses may vary between Zone 1 and Zone 2, and may be prohibited by local governments.

Whether and to what extent the list of Farm Uses and Permitted Uses in the ALR Regulation should be updated, and how if at all Permitted Uses should vary between zones, is the focus of this consultation. Further detail on what currently constitutes a Farm Use and a Permitted Use, together with suggestions for additional allowable uses, are provided in sections 5 and 6 of this paper for your consideration and comment.

d) Governance

Other legislative changes introduced in May 2014 include the establishment of additional reporting requirements for the ALC, including a review of operations, performance indicators, details on applications received, survey results, plans, special problems and trends.

The Ministry will be working together with the ALC and other experts in administrative tribunal governance to further define the details of these new operational requirements.

e) Other Regulation Making Authorities

The May 2014 amendments to the *Act* also provide new regulation making authorities to: define terms not otherwise defined in the *Act*; determine how the ALC should make certain information on its operations and decisions public; and to establish residency requirements for commissioners on regional panels.

Regulations establishing residency requirements for commissioners are being developed as part of the process to bring the recent *Act* amendments into force. Otherwise, there is no intention to move ahead on regulations at this time, other than on the central question of what activities (i.e. Farm Uses and Permitted Uses) should be allowed in the ALR without an application to the ALC, and how, if at all, these should vary between zones.

f) Summary

In summary, the May 2014 amendments to the *Act* have introduced changes to the way in which the ALR is structured and governed. Some of the detail that determines how these legislative changes will be implemented will be determined through changes to the ALR Regulation that supports the *Act*. This consultation is intended to solicit input on potential regulatory changes as they relate to changes in the land use activities allowable in Zone 1 and Zone 2.

An itemized list of the recent amendments to the *Act* is provided in Appendix A.

5. Land Uses Currently Allowed in the ALR

Currently, land in the ALR can be used for farming, ranching, and other uses specified in the ALR Regulation. All other activities require an application to the ALC. The specific land uses permitted in the ALR without application to the ALC are listed in the ALR Regulation either as Farm Uses (Section 2 of the Regulation) or as Permitted Uses (Section 3). Land use activities not included in those sections, such as subdividing land, building additional residences, and excluding land from the ALR, require approval by the ALC through the application process.

Farm Uses include activities that are most directly aligned with the business of farming. Many of these activities are captured in the definition of *farm use* set out in the *Act*:

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*¹. ALCA s.1 (1)

Section 2 of the ALR Regulation duly designates various activities as Farm Use, including: farm retail sales; operating farm wineries or cideries; storage, packing, and product preparation; timber production; agro-forestry; agri-tourism; and others (the full list of farm uses found in section 2 of the ALR Regulation is provided in Appendix B).

The majority of the activities listed in section 2 are restricted by specific parameters that ensure they support an active farm and have only a minimum impact on agricultural land. For example, farm retail sales are permitted only when either all of the farm products offered are produced on the farm, or at least half of the sales area is for products from the farm. Food processing is permitted only when half of the product being produced was sourced on the farm, or is feed for consumption on the farm. The activities listed in section 2 may be regulated but cannot be prohibited by local governments. The *Act* does not permit that the activities listed in section 2 may vary between Zone 1 and Zone 2.

Permitted Uses include activities that are not specifically agricultural in nature, but which are permitted by regulation on ALR land without application to the ALC. Permitted uses are set out in section 3 of the ALR Regulation and include such activities as: bed and breakfast accommodations; temporary sawmills; breeding pets; establishing telecommunications equipment; and others (a full list of the permitted uses found in section 3 of the ALR Regulation is provided in Appendix B).

Similar to Farm Uses under section 2, parameters are established in the Regulation for the majority of these land uses in order to minimize their impact on agricultural land. For instance, temporary sawmills are permitted when half of the timber harvested is from the farm; bed and

¹ http://www.bclaws.ca/civix/document/id/complete/statreg/96131_01

breakfasts are limited in size; and biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing land uses are permitted so long as related buildings do not exceed a specified footprint. The permitted uses listed in section 3 may be restricted or prohibited by local governments. Permitted Uses may vary between Zone 1 and Zone 2 of the ALR.

Table 1 illustrates the main differences between farm uses, permitted uses and non-farm uses as provided by the ALR Regulation.

Possible Uses of Land:		
A. Farm Use	B. Permitted Use	C. Non-farm Use
Defined as “farm use” in the ALR Regulation s.2	Defined specifically in ALR Regulation s.3	Not permitted on ALR land without ALC approval
No application to the Commission required	No application to the Commission required	Requires application to the Commission
May be regulated but not prohibited by local government (s.2 ALR Regulation)	Permitted unless prohibited by local government bylaw (s.3 ALR Regulation)	Applications go to local government ahead of the Commission. Local Government can refuse to authorize the application, which ends the process, or forward to the Commission with comments and recommendations; the Commission then decides the application.

6. Consultation Questions

Farm Use

To help identify potential changes to the ALR Regulation, the Ministry has consulted with the Minister’s Reference Group (UBCM, BCAC, ALC), and separately also with the ALC. As a result of these consultations, two possible changes to what is an allowable Farm Use of land in the ALR are presented for your consideration and comment. Two additional changes are also presented for your consideration, based on the findings of the recent provincial Liquor Policy Review.

If added to the ALR Regulation, these land use activities would be permitted in the ALR without an application to the ALC, could be regulated but not prohibited by a local government, and would not be able to vary between Zone 1 and Zone 2.

Q 1) Should the parameters for allowable on-farm food storage, packing, processing and retail establishments be revised?

Currently the Regulation states that food storage, packing, product preparation, and food processing are permitted “if at least 50% of the farm product being stored, packed, prepared or processed is produced on the farm or is feed required for farm production purposes on the farm”. Retail sales are permitted if “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 ... does not exceed 300m².”

These restrictions can inhibit neighbouring farms from investing in joint storage, packing, processing or retail establishment in the ALR, favouring instead the establishment of a number of small, similar operations. This may be an inefficient use of productive farmland, and cost prohibitive for individual small producers. One benefit of the proposed amendment would therefore be to enable cooperative arrangements between farms in proximity to one another.

Amongst other things, lessening the restrictions on on-farm processing could allow the establishment of abattoirs (large, small or mobile), on farms, to serve surrounding cattle, game or poultry farms. Other examples of potential new processing opportunities include value added, further-processing activities related to fresh produce (e.g. grape juice), dairy products (e.g. cheese), or nutraceutical / pharmaceutical products (e.g. related to medical marijuana).

Similarly, lessening restrictions on on-farm retail operations could further enable on-farm markets to sell products from several farms.

Q 2) Should breweries, distilleries and meaderies be allowed on ALR land on the same or similar terms as wineries and cideries are currently allowed?

Currently, wineries and cideries are allowed on ALR land without application to the ALC, so long as a prescribed percentage of the agricultural product used to produce the final product comes from either the farm on which the winery/cidery sits, or another BC farm. The idea here is to extend the same provisions and conditions to breweries, distilleries and meaderies.

Q 3) Should the allowable footprint for consumption areas (or ‘lounges’) ancillary to wineries and cideries (and potentially also breweries, distilleries and meaderies) be increased, and if so on what basis?

Currently, wineries and cideries in the ALR are allowed to establish consumption areas (or ‘lounges’) to a maximum size of 125m² inside, and 125m² outside, which is roughly equal to a maximum of 130 people. One of the findings from the recent provincial Liquor Policy Review is that government should consult on increasing the limit for allowable consumption areas.

Q 4) To what extent should wineries and cideries (and potentially breweries, distilleries and meaderies) be allowed to sell alcohol that was produced elsewhere in BC, not at the winery or cidery?

Currently, a winery or cidery may only sell alcohol produced at that winery or cidery. One of the findings from the recent provincial Liquor Policy Review is that government should consult on allowing the sale of alcohol produced in BC, but not produced on the farm.

Note: In all cases, whether expanding existing farm uses or creating new ones, careful consideration should be given to any appropriate parameters for limiting the Farm Use, for example by limiting the total footprint of any facilities in relation to the size of the farm, prescribing the location of a facility on a farm, the percentage of any inputs that should be derived from the farm, and the impact on neighbouring farms. The question of whether or not the property is actually being farmed may also be a consideration, as may be the impact of the proposed activity to the farm operation.

Permitted Use

To help identify potential changes to the ALR Regulation, the Ministry has consulted with the Minister's Reference Group (UBCM, BCAC, ALC), and separately also with the ALC. As a result of these consultations, three possible changes to what is an allowable Permitted Use of land in the ALR are presented for your consideration and comment. If added to the ALR Regulation, these land use activities would be permitted in the ALR without an application to the ALC, could be prohibited by a local government, and could vary between Zone 1 and Zone 2.

Q 5) Should anaerobic digesters be permitted in the ALR if the inputs are generated from farming activities?

Anaerobic digestion is defined as a collection of processes by which microorganisms break down biodegradable material in the absence of oxygen. In the farm context, biodegradable material primarily means animal waste, or manure. The process is used to manage farm waste and/or to produce fuels, which may then be used on farm or sold for revenue. Dairy farms in particular may benefit from being able to establish anaerobic digesters on-farm without an application to the ALC, given the ready availability of feedstock.

Q 6) Should on-farm cogeneration facilities be permitted on farms where a portion of the energy created is used on-farm?

Cogeneration or combined heat and power (CHP) is the use of a heat engine or power station to simultaneously generate electricity, useful heat, and CO^2 , which can either be used on the farm or sold. Greenhouse operations in particular may benefit from being able to establish co-gen facilities on-farm without an application to the ALC, since heat and CO^2 are both used in greenhouse production.

Q 7) Should the parameters be expanded for when non-agriculture related businesses are allowed to operate on ALR properties in Zone 2?

Currently the Regulation permits a home occupation use that is accessory to a dwelling, of not more than 100 m² or such other area as specified in a local government bylaw. One idea is to expand opportunities for a broader range of land-based non-agricultural businesses, such as certain oil and gas ancillary services.

Note: As with Farm Uses, careful consideration should be given to any appropriate parameters for limiting the proposed new activities, including the size and location of any facilities, their permanence, the percentage of inputs derived from the farm and/or the percentage of outputs used on the farm, their impact on neighbouring farms, options for land reclamation after the use ends, whether or not the property is actually being farmed, and the likely impact of the proposed use to the farm operation.

Sub-division

Although most subdivisions require an application to the ALC, section 10 of the ALR Regulation establishes when and how subdivisions of ALR properties can be made by local government (and provincial) Approving Officers, without an application to the ALC. These include subdivisions that will consolidate two or more parcels into a single parcel, and certain other subdivisions when the subdivision will not result in any increase in the number of parcels.

Two ideas have been proposed to enable farmers and ranchers to expand the circumstances under which subdivisions can be approved by an Approving Officer without application to the ALC.

Q 8) Should the subdivision of ALR properties in Zone 2 to a minimum parcel size of a quarter section be allowed without an application to the ALC?

From 1997 to 2003 the ALC “Quarter Section General Order” (or policy) permitted subdivisions down to a minimum size of a quarter section, without an application, in the Peace River and Northern Rockies Regional Districts. The idea here is to reinstate this practice, through regulation, and apply it throughout Zone 2.

Q 9) Should the subdivision of ALR parcels in Zone 2 that are of a defined size, and that are divided by a major highway or waterway, be allowed without an application to the ALC?

Farm properties are often difficult to manage with a major obstruction in the way, and the ALC often allows subdivision of these parcels through an application. The idea here is to allow an Approving Officer to approve subdivisions where such a major obstruction (to be defined in regulation) exists.

Agri-tourism

One proposal is that further definition of what constitutes an “agri-tourism activity” could usefully be provided in section 2 of the Regulation. Section 2 currently provides that agri-tourism activities are allowable as a farm use if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm. Providing greater clarity on what constitutes a “temporary and seasonal” activity and when that activity “promotes or markets farm products” may be beneficial for farmers, local governments and the ALC.

It has similarly been proposed that further definition be provided on when agri-tourism accommodations are permitted under section 3 of the Regulation, to ensure that any such accommodations are tied to a legitimate agri-tourism activity under section 2.

Q 10) 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?

Leasing land

Currently a landowner in the ALR may lease their entire property without making an application to the ALC, but must make an application in order to lease a portion of their property. It has been proposed that temporary leases of a portion of a property be allowed without an application if the lease is to (a) enable the intergenerational transfer of active farm or ranch operations without a subdivision, or (b) to encourage the use of otherwise unfarmed land by existing or new farmers.

Q 11) Should temporary leases of portions of a property in Zone 2 of the ALR be allowed without an application to the ALC for:

- (a) intergenerational transfer of an active farm or ranch operation; and/or**
- (b) to encourage the use of otherwise unfarmed land by existing or new farmers?**

Allowing “life estate leases” for inter-generational transfer would allow retiring farmers to continue to live on their property while leasing or selling it to their children or other new entrants. The lease could allow a second residence to be established on the property, but no permanent subdivision of property would be involved.

Allowing temporary leases of a portion of a property to bring fallow ALR land into production could help new entrants/young farmers get into agriculture, and/or could increase opportunities for existing farmers to access more land without purchase. This kind of lease would not lead to additional residences being permitted on the farm and would not require a subdivision.

7. Thank you!

Your input into this consultation is greatly appreciated. If you would like to contribute further comments, you may do so by email at ALCA_feedback@gov.bc.ca or through our consultation website at <http://engage.gov.bc.ca/landreserve>

