

 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy L-05 October 2016</p> <p style="text-align: center;">ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE: AGRI-TOURISM ACCOMMODATION 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 Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), Section 3(1)(a)

3(1) *The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:*

- (a) *accommodation for agri-tourism on a farm if*
 - (i) *all or part of the parcel on which the accommodation is located is classified as a farm under the [Assessment Act](#),*
 - (ii) *the accommodation is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms under paragraph (d), and*
 - (iii) *the total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel;*

“sleeping unit” means

- (a) *a bedroom or other area used as a bedroom in a cabin, dwelling or accessory building, and*
- (b) *a tent or recreational vehicle on a campsite*

INTERPRETATION:

Agri-tourism with respect to accommodation means a tourist activity, service or facility accessory to land that is classified as a farm under the *Assessment Act*.

The Regulation permits as a non-farm use accommodations for agri-tourism on a farm if all the criteria in Section 3(1)(a)(i-iii) are met. Agri-tourism accommodation is for temporary use by tourists in conjunction with agricultural uses and farm activities or experiences. The agri-tourism accommodation use must be ancillary to the primary use of the land for agriculture. The small scale nature of the agri-tourism accommodation is intended to provide an additional economic opportunity for farmers and ranchers.

The use is only permitted if the property is classified as “farm” and if the classification changes, this use is no longer permitted. A maximum of 10 sleeping units is permitted on a short term and seasonal basis. The total area used for agri-tourism

accommodation must not be greater than 5% of the total area of the parcel on which the accommodation is located including access, landscaping, parking and sanitary facilities.

Agri-tourism accommodation use must not change the character of the principal use of the property which is farming and must have no negative impact on agricultural activity on the farm parcel or on adjacent farms.

In order to reduce negative impacts, accommodation must be sited and designed carefully. Agri-tourism accommodation should be located close to the front of the parcel, or an adjacent side road, and clustered with the home plate(s) of the farm residence(s). A farmer may vary this location to minimize impacts on his/her farm operation.

Location and site considerations include:

- locating the accommodation on poorer agriculture capability lands
- access that avoids conflicts with agricultural uses on the farm and adjacent farms
- accommodation located near existing farm and ranch buildings
- mitigating possible negative impacts using landscape buffers

Local governments may prohibit this use or allow the use with restrictions. Local governments may restrict the number of sleeping units in a bylaw to fewer than 10 and may specify the number of persons per sleeping unit. Where a zoning bylaw is in place, this use must be specifically permitted by the bylaw. A local government may have additional requirements related to maximum floor area, parking, signage, setbacks, fire and emergency servicing, etc. Local governments that permit agri-tourism accommodation may wish to develop monitoring methodology or require permits to ensure the occupation of agri-tourism accommodation meet the requirements of this regulation and their bylaw.

Agri-tourism accommodations are temporary and must not be constructed in such a way that there is a potential for them to become permanent accommodations or year round rentals on agricultural land. This means there should be no extension of municipal servicing including sewer and water for agri-tourism accommodation uses unless local governments or health officials determine it is necessary. All structures will only contain accommodation units. Accommodation must not include cooking facilities. Space for additional uses such as food and alcohol service, meeting rooms, conference facilities or event space is not permitted.

Occupation of an agri-tourism accommodation must only be temporary and seasonal for one or more tourists to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period.

Seasonal Campsites:

Campsites are undeveloped outdoor sites where tents and recreational vehicles (RV) may be temporarily located and where no individual sewage disposal, water and electrical hook-ups are provided. Recreational vehicles must be on wheels and transportable. Communal sanitary and washing facilities may be provided, however no other permanent facilities including administration offices, supply stores or laundry facilities are permitted. There may not be any permanent structures (patios, porches, decks, covered or enclosed rooms, partial walls or screened rooms with windows) or hard surfaces (pavement or concrete pads). No storage of RVs is permitted for any length of time.

A single tent or recreational vehicle on a site counts as one sleeping unit.

Seasonal Cabins:

Cabins are detached buildings that may contain sleeping, sanitary and washing facilities but must not contain cooking facilities other than a microwave, hotplate or bbq. There may be a maximum floor area set by local government bylaw. Cabins must be clustered together on a parcel. No additional permanent facilities are permitted. BC Building Code must be the minimum standard for these units.

Sleeping units in cabins are determined by the number of beds available in a cabin.

Short Term Use of Bedrooms

Bedrooms in a home, other than bed and breakfast bedrooms, may be used for agri-tourism accommodation. However, they must meet the requirements of Section 3(1)(a) of the Regulation.

Sleeping units are determined by the number of beds available.

The maximum limit of 10 sleeping units includes the number of bed and breakfast bedrooms permitted under Section 3(1)(d) of the Regulation. For example, if there are already 3 bed and breakfast bedrooms on a parcel, only 7 additional sleeping units may be permitted under the Regulation, to meet the maximum of 10 in total.

Other types of permanent accommodation including lodges, motels, inns, resorts, resort based campgrounds and RV parks with full servicing and amenities and bare land strata ownership require a non-farm use application and approval of the Commission.

The farm on which the agri-tourism accommodation is located may be comprised of one or several parcels of land owned or operated by a farmer as a farm business. However, the 10 sleeping units are per ranch or farm not per parcel.

Agri-tourism accommodation proposals that do not meet the conditions established in the Regulation (for example uses with more than 10 sleeping units) require an application and approval of the Commission.

TERMS:

ancillary means subordinate or supplementary to the primary farm use.

agri-tourism means a tourist activity, service or facility accessory to land that is classified as a farm under the *Assessment Act*.

permanent facilities mean pavement or concrete pads, buildings for administration office, supply stores, laundry facilities, commercial bathrooms, patios, porches, decks, covered or enclosed rooms, partial walls or screen rooms with windows.

recreational vehicle means a vehicle or a trailer designed and manufactured for travel, vacation or recreational use and includes travel trailers, motor homes, coaches, slide-in campers, chassis-mounted campers and tent trailers but not manufactured homes, mobile homes or other buildings. Recreational vehicles must be connected to wheels that can be used to move from one location to another.

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.

short term means the use by a tourist of accommodation for agri-tourism for a period of not more than 30 consecutive days.

tourist means a person who travels for pleasure from place to place away from their permanent residence.

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

RELATED POLICY:

ALC Policy L-06 *Permitted Non-Farm Uses in the ALR: Bed and Breakfast Use*