

 Agricultural Land Commission Act	Policy L-01 February 2016 ACTIVITIES DESIGNATED AS FARM USE: FARM PRODUCT PROCESSING IN THE ALR
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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 2(1.1) and (2)(c) and Section 1(1).

Section 2

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

- (c) storing, packing, preparing or processing farm products, if at least 50% of the farm product being stored, packed, prepared or processed is
 - (i) produced on the farm,
 - (ii) produced by an association as defined in the [Cooperative Association Act](#) to which the owner of the farm belongs, or
 - (iii) feed required for farm production purposes on the farm.

Section 1 (1)

"farm" means an occupation or use, for farm purposes, of one or several parcels of land or tenured areas of Crown land

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

INTERPRETATION:

The Regulation designates as farm use farm storage, packing, preparing and processing farm products in the ALR if the conditions of Section 2(2)(c) are met.

The storage, packing, product preparation and processing of farm products are designated by the Regulation as farm uses, and as such, may not be prohibited by a local government bylaw, except a farm bylaw approved by the Minister of Agriculture under Section 552 of the *Local Government Act*.

The Regulation designates as farm use the storing, packing, preparing or processing of farm products and related activities on a farm in the ALR provided at least 50% of the

farm product is produced (i.e. grown or raised) on the farm on which the storing, packing, preparing or processing of farm products or related activity takes place or on the farms of a (cooperative) association to which the owner of the farm belongs. The farm may be comprised of one or several parcels of land owned or operated as a farm business by a farmer or by the coop members of the association to which the member belongs.

In the case of feed used to raise animals or fish on a farm, farm product that originates elsewhere may be processed into feed on a farm provided at least 50% of the feed is required and used for animal or fish feed on that farm. The feed not used on the farm (i.e. the remainder) may be sold from the farm.

The 50% threshold is based on the quantity (measured by volume or weight) of processed farm products used, calculated over the full product line.

Related activities of storage, packing, preparing or processing and product preparation, include, under Section 2 (3) of the Regulation, “the construction, maintenance and operation of a building, structure, driveway, ancillary service or utility necessary for that farm use”. There is no building threshold area stipulated for these uses in the Regulation. A local government may regulate these uses, for example by setting a maximum building area or maximum site coverage, but may not prohibit the uses as they are designated farm uses under the Act.

Related uses that are not included in the Regulation for storing, packing, preparing or processing farm products or uses above the threshold require application to and approval from the Commission.

The retail sale of processed farm products on a farm for the purpose of onsite or offsite consumption is a farm use as per the Regulation.

TERMS:

processing means the process of adding value to a primary farm commodity or product by physical, biological or other means including, but not limited to, fermentation, cooking, canning, smoking or drying.

association means an association as defined in the [Cooperative Association Act](#) which was incorporated for farm purposes.

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-02 *Activities Designated as Farm Use: Farm Retail Sales in the ALR*