

 <p><b>Agricultural Land Commission Act</b></p>	<p style="text-align: right;"><b>Policy L-02 February 2016</b></p> <p style="text-align: center;"><b>ACTIVITIES DESIGNATED AS FARM USE: FARM RETAIL SALES IN THE ALR</b></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 2(1.1) and (2)(a) and Section 1(1).

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:*

- (a) *farm retail sales if*
  - (i) *all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or*
  - (ii) *the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup> and if at least 50% of that retail sales area is limited to the sale of farm products produced*
    - (A) *on the farm on which the retail sales are taking place, or*
    - (B) *by an association as defined in the Cooperative Association Act to which the owner of the farm on which the retail sales are taking place belongs*

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 retail sales in the ALR if the conditions of Section 2(2)(a) are met.

Farm retail sales designated as a farm use, 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 a farm use, farm retail sales on a farm in the ALR in certain circumstances. If all products originate or are produced on the farm on which the sales are taking place there is no limitation for the retail sales area. If farm or non-farm products offered for sale originate elsewhere, there is a retail sales area limitation or threshold. In this case, where products not originating from the farm or the association to which the owner of the farm belongs are also sold, at least 50% of the retail sales area must be used for the sale of farm product produced on that farm or by the association and the total retail sales area for all products, both farm and off-farm in origin, must not exceed 300 m<sup>2</sup>. The farm may be comprised of one or several parcels of land owned or operated by a farmer as a farm business or by an association to which the owner of the farm belongs.

The 50% area limitation is based on the area devoted to the retail sale of farm products produced on that farm or produced on the combined farms of the association. Wholesale sale of farm products is considered to be a farm activity within the meaning of the definition of "farm use" in the ALCA and thus is not restricted by the Regulation.

Bistros, cafes and restaurants are considered non-farm uses in the ALR. Except for food and beverage service lounges permitted by Section 2.4 of the regulation related to a winery, cidery, brewery, distillery or meadery.

#### **TERMS:**

**farm retail sales** means the retail sale to the public of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs, from that farm or farms and may include the sale of non-farm products as permitted by the Regulation.

**retail sales area** means the floor area or dedicated outside area on which the farm retail sales are taking place and includes areas used for retail purposes inside buildings (indoors) and areas outside buildings (outdoors). It does not include parking, driveways, office space, washrooms or areas for processing or farm product storage.

**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.