

REPORT TO COUNCIL



Date: January 18, 2016
RIM No. 1210-20
To: City Manager
From: Community Planning Department (MS)
Subject: Discussion Paper and Proposed Minister's Bylaw Standards - Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve

1.0 Recommendation

THAT Council receives, for information, the report from the Planner Specialist dated January 18th, 2016 regarding the Discussion Paper and Proposed Minister's Bylaw Standards - Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve (September 14, 2015).

AND THAT Council endorse City staff response to the Discussion Paper (Appendix C);

AND FURTHER THAT Council provides the following supplemental comments to the Ministry of Agriculture:

- Additional enforcement is welcome and required in Kelowna. Council is encouraged by the recent steps taken in this regard.
- An overall review of the role and function of the ALR in BC in a current context is needed, including a review of historical mapping errors and omissions.
- A review of fees and taxes applicable to farms in BC is required. The tax avoidance model in Kelowna is prominent and ALC support is essential in this review.

2.0 Purpose

To update Council on the Discussion Paper and Proposed Minister's Bylaw Standards - Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve (September 14, 2015), including recommendations from the City of Kelowna Agricultural Advisory Committee and staff.

3.0 Community Planning

On September 14, 2015, the Ministry of Agriculture released a Discussion Paper and Proposed Minister's Bylaw Standards - Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve (the Discussion Paper, Appendix A). The purpose and goals for the Discussion Paper are¹:

¹ Ministry of Agriculture, 2015. Discussion Paper and Proposed Minister's Bylaw Standards – Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve (September 14, 2015), http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/2015_09_14_agri-tourism_discussion_paper.pdf

Establishing land use regulation criteria to address local government concerns regarding agri-tourism and farm retail sales are to:

- 1. Establish a Minister's Bylaw Standard that provides flexibility for local governments to shape agri-tourism activity in their community while ensuring that agriculture in the ALR continues as a priority use;*
- 2. Address the needs of the agriculture sector / industry to supplement farming income;*
- 3. Minimize the impact of agri-tourism and farm retail sales on farm practices and farming potential in farming areas;*
- 4. Minimize loss and/or fragmentation of farmland due to agri-tourism and retail sales uses; and*
- 5. Reduce the financial imbalance that results from large scale commercial operations locating inexpensively in the ALR and out-competing those that have located in appropriate commercial zones; and minimize the risk of agri-tourism and farm retail sales buildings and structures being used for non-farm purposes.*

The intention of the Discussion Paper is to establish a set of Ministry Bylaw Standards for agri-tourism activities and farm retail sales within the ALR. Once established, the standards would be available for local governments to improve bylaws that regulate these activities, and any related structures.

Staff notes that once the Ministry produces Bylaw Standards, a local government would need to adopt a bylaw through due process in order for any of the standards to have effect. In addition, the local government would have flexibility within the Ministry Standards of which regulations are most appropriate for their community. In addition, Kelowna, as a regulated community under Section 918 of the Local Government Act, would require the approval of the Minister of Agriculture prior to adoption of any bylaw changes that affect land in the Agricultural Land Reserve.

4.0 Background

The Discussion Paper was first identified by staff on September 30th, 2015. The background information was first presented to the Agricultural Advisory Committee (AAC) on October 8th, 2015, and subsequently the document was sent for their review on October 9th, 2015. The AAC later met on November 12th, 2015 and prepared a number of comments on the paper which were included in their Draft Minutes of that meeting (Appendix B). As the AAC meets on a monthly basis, there was insufficient time to ratify the minutes prior to Ministry deadline for comments. Therefore, the Draft Minutes were sent to the Ministry on November 30th.

On November 30th, the Ministry extended the deadline to January 15th, 2016. The Draft Minutes of the AAC (November 12th, 2015) were ratified on December 10th, 2015. Given the deadline extension, staff invited AAC members to submit any additional comments. To date, staff have not received additional comments on the Discussion Paper from the AAC since the November 12th, 2015 meeting.

The key recommendations by the AAC on the Discussion Paper were:

- The Ministry needs to develop a way to audit agri-tourist accommodation and create an auditing process.
- The business license fee should be increased to cover the cost of enforcement.

- Noted that there are issues with respect to monitoring/enforcement on agricultural property and the Ministry needs to provide resources for monitoring and enforcement.
- The Ministry needs to ensure that agri-tourism is truly supplemental to farming, specifically RV parks, and should tie agri-tourism activity directly to farming.
- Agri-tourism should be tourism that involves agriculture.
- The Ministry needs to find ways to ensure that the resources are adequate to enforce regulations.
- A business license fee or some sort of tax that would be allocated to enforcement. The ALC should maybe be charging a fee for non-farm uses as well as establish an audit process.

The Discussion Paper was reviewed by staff in the context of the City's existing regulations, in particular our requirements for the A1t-Agriculture 1 with Agri-tourist Accommodation (Appendix C). In addition, it was reviewed in the context of challenges with various agri-tourism activities that have received bylaw complaints and infractions. These include but are not limited to RV Parks that preceded the A1t zoning designation, as well as weddings and commercial assemblies. Staff sent a memo summarizing our technical comments to the Ministry on November 30th, 2015.

This report includes as attachments, the Discussion Paper (Appendix A), the City of Kelowna Agricultural Advisory Committee (AAC) Post Meeting Minutes (Appendix B) with respect to their discussion on the Discussion Paper, and City staff response to the Discussion Paper (Appendix C). The latter two documents were sent to the Ministry of Agriculture on November 30th, 2015.

5.0 Application Chronology

Discussion Paper Released by the Ministry:	September 14, 2015
Staff became aware of Discussion Paper:	September 30, 2015
Agricultural Advisory Committee Received Paper:	October 8, 2015
Agricultural Advisory Committee Meeting:	November 12, 2015
First Deadline for Consultation:	November 30, 2015
AAC Minutes Ratified:	December 10, 2015
Second Deadline for Consultation:	January 15, 2016

Report prepared by:

Melanie Steppuhn, Planner Specialist

Reviewed by: ☐ Todd Cashin, Subdivision, Suburban and Rural Planning Manager

**Reviewed by
Approved for Inclusion:** ☐ Ryan Smith, Community Planning Department Manager

Approved for Inclusion: ☐ Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Appendix A - Discussion Paper

Appendix B - AAC Minutes November 12th, 2015

Appendix C - Staff Response to Paper (November 30th, 2015)