



The Corporation of the District of Saanich

Report

To: Mayor and Council

From: Lindsay Chase, Director of Planning

Date: December 12, 2024

Subject: Zoning Bylaw Amendments to Permit Agri-Tourism Activities

File: 2110-55

RECOMMENDATIONS

That the Zoning Bylaw, 2003, Amendment Bylaw, 2024, No. 10103 be given three readings.

PURPOSE

The purpose of this Report is to bring forward amendments to the Zoning Bylaw, 2003, to permit agri-tourism activities, under specific conditions, as an accessory use to all lots where the primary use is 'agriculture'. This work supports the District of Saanich's Agriculture and Food Security Plan (2018) and is in alignment with provisions set by the Agricultural Land Commission (ALC), in the Agricultural Land Commission Act (ALCA).

BACKGROUND

Discussion

The 2018 Agriculture and Food Security Plan (AFSP) lays out clear actions for the District of Saanich to enhance local agriculture and food security over the next 10-15 years. Priority 3.14 in the Agriculture and Food Security Plan is to "review the Zoning Bylaw, 2003, to ensure that new regulations within the *Agriculture Land Commission Act* regarding agri-tourism are addressed."

Agri-tourism activities offer numerous benefits to local agriculture and the local food economy, including financial, educational and social benefits for producers and consumers. Agri-tourism provides an opportunity for local producers to showcase their products and operations, raising awareness among local consumers and offering opportunities for education and engagement with the local food system. Examples of agri-tourism activities may include heritage exhibits, farm tours, harvest festivals and other activities that promote or market agricultural products on a private property. Agri-tourism activities are not a use that is currently regulated in the District of Saanich.

Agricultural Land Commission

Through the ALCA and *Agricultural Land Reserve Use Regulation*, the ALC encourages land uses in the ALR that are compatible with agriculture and contribute to the success of bona fide farm businesses. The ALC permits agri-tourism activities on land in the ALR, if the use is secondary, incidental and compatible with the agricultural use of the property, and the following conditions are met:

- The activity is conducted on agricultural land that is classified as a farm under the *Assessment Act*;
- Members of the public are ordinarily invited to the activity, whether or not a fee or other charge is payable.
- No permanent facilities are constructed or erected in connection with the activity; and
- Parking areas must not be permanent (asphalt, concrete, gravel, etc.) and parking cannot interfere with the property's agricultural activity.

Agri-tourism is designated by the *Agricultural Land Use Regulation* as a necessary farm use, and as such, agri-tourism activities in the ALR cannot be prohibited by a local government. Local governments do have the authority to regulate agri-tourism activities regarding structures and building occupancy, including parking, lighting, hours of operation, noise, and determining if a farm building is appropriate for a gathering.

Given that the above conditions are met, the following agri-tourism activities are permitted through the ALCA in the ALR:

- an agricultural heritage exhibit displayed on the agricultural land (e.g. farm equipment displays).
- a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these (e.g. milking barn tour, cheese making demonstration, harvest demonstration, farm crafts such as wreath making or garlic braiding).
- cart, sleigh and tractor rides on the agricultural land.
- activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos.
- dog trials held on the agricultural land (e.g. agility and stock dog events).
- harvest festivals and other seasonal production events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land (e.g. pumpkin patch, garlic festival, blueberry festival); and
- corn mazes prepared using corn produced on the agricultural land on which the activity is taking place.

The ALC outlines activities that are not considered agri-tourism, including but not limited to paint ball, dirt biking/atv trails, mini-train parks, model aircraft runways, rodeos, helicopter tours, activities operated as a commercial business, permanent food service facilities, permanent mazes, and non-domestic animal petting zoos. Overnight accommodation for agri-tourism and larger-scale events (e.g. weddings and music concerts) are separate uses through the ALCA and are not considered agri-tourism activities for the purpose of this report. Generally speaking, Assembly is how the zoning bylaw speaks to uses that involve the gathering of people.

Other Jurisdictions

A summary of other jurisdictions that regulate agri-tourism through zoning bylaws is below:

Jurisdiction	Agri-Tourism Permitted	Size Restrictions
North Saanich	In most agricultural zones	None
Central Saanich	In "Tourist Commercial" zone only	235 m ²
Kelowna	Accessory to an agricultural use	None
Cowichan Bay	Accessory to an agricultural use	None
Richmond	Accessory to an agricultural use	300 m ² (excluding farm tours)
Delta	Accessory to an agricultural use	None

Saanich Regulations

Agri-tourism is not currently a regulated use in any zone through the District of Saanich Zoning Bylaw, 2003. However, it appears that the A-1DF (Demonstration Farm) Zone includes uses of a similar nature to agritourism. This is problematic for all other agricultural zones because where a use is explicitly permitted in one zone, it is therefore not permitted in any other zone. The A-1DF zone speaks to land set aside for producers, government, private industry, or private landowners that allows farmers, researchers, and educators to teach and practice farming. Haliburton Farms is currently the only A-1DF (Demonstration Farm) Zoned parcel in the District of Saanich.

Assembly is defined in Zoning Bylaw, 2003, as a use providing for the gathering of people or artifacts for scientific, educational, cultural, religious, philanthropic, charitable or recreational purposes. Assembly is a use allowed in multiple zones within the District but is not currently a permitted use in any agricultural zones in the District of Saanich. To ensure clarity, staff are not recommending that this use be included in Agricultural zones. Staff are recommending a specific definition of agri-tourism that includes activities related to people gathering in support of farm activities.

To address the issues noted in this section, a new definition of Agri-tourism is proposed.

BYLAW AMENDMENTS

Permitting agri-tourism activities under specific conditions through the Zoning Bylaw, 2003, will align with the ALC direction for properties in the ALR, achieve a priority action in the AFSP, support bona fide farm businesses and help the District regulate agri-tourism operations. To support a wider-range of agricultural properties in the District of Saanich, it is recommended that agri-tourism activities are also permitted on agricultural properties outside of the ALR, under specific conditions. The proposed amendments to Zoning Bylaw allow for agri-tourism activities on all lots where the primary use is 'agriculture' (this would include A-Zoned properties inside and outside of the ALR), where all of the following conditions are met:

- The activity is conducted on agricultural land that is classified as a 'Farm' under the BC Assessment Act;
- Members of the public are ordinarily invited to the activity, whether or not a fee or other charge is payable;
- No permanent facilities or parking areas are constructed or erected in connection with the activity. This includes any construction or conversion of existing buildings. Permanent facilities include, but are not limited to buildings or structures, hard surface parking areas, concrete pads, structural foundations, retaining walls, permanent tents (erected for more than 90 days) and permanent alteration to the landscape (fill, gravel, berms, hills, dugouts, amphitheatres). Parking cannot interfere with the property's agricultural activity; and
- The agri-tourism activity must be accessory to the agricultural use of the land.

Definition

A new Zoning Bylaw definition is required to define what agri-tourism activities are permitted in the District of Saanich. In alignment with the ALCA, it is recommended that the District of Saanich permits the same agri-tourism activities that are permitted through the ALCA. The recommended definition for Agri-Tourism is as follows:

Agri-Tourism- means the following activities, unless otherwise defined by the *Agricultural Land Commission Act* or *Agricultural Land Use Reserve Regulation*: an agricultural heritage exhibit displayed on the agricultural land; a tour of the agricultural land, an educational activity or

demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these; cart, sleigh and tractor rides on the agricultural land; activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos; dog trials (agility and stock dog events) held on the agricultural land; harvest festivals and other seasonal production events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land; and corn mazes prepared using corn produced on the agricultural land on which the activity is taking place. For greater certainty, agri-tourism excludes agri-tourism accommodation, and gathering for an event, both as defined under the *Agricultural Land Reserve Use Regulation*.

NEIGHBOURHOOD IMPACTS

Staff anticipate that parking, noise and garbage would be typical concerns from neighbourhood properties for agri-tourism activities. Property owners would be responsible for ensuring compliance with all District of Saanich bylaws and for maintaining the property where agri-tourism activities occur. Noise levels, garbage clean-up and related concerns would be regulated and enforced through existing District of Saanich bylaws.

COUNCIL OPTIONS

1. That Council endorse the staff recommendation.
2. That Council reject the staff recommendation.
3. That Council provide alternative direction to staff.

STRATEGIC PLAN IMPLICATIONS

This initiative works towards the District of Saanich 2023 – 2027 Strategic Plan goal of encouraging local agriculture by supporting food security and farmland initiatives and implementing key initiatives from the Agriculture and Food Security Plan.

CONCLUSION

Through the *Agricultural Land Commission Act (ALCA)* and *Agricultural Land Reserve Use Regulation*, the ALC permits agri-tourism activities on land in the ALR, if the use is secondary, incidental and compatible with the agricultural use of the property. Permitting agri-tourism activities is not a use that is currently regulated in the District of Saanich. Agri-tourism is designated by the *Agricultural Land Use Regulation* as a Farm Use, and as such, agri-tourism activities in the ALR cannot be prohibited by a local government, however a local government may regulate elements of agri-tourism activities. In alignment with the ALC, staff recommend amending Zoning Bylaw, 2003, to permit agri-tourism activities as an accessory use to all properties that permit “agriculture” under specific conditions, including the requirement that the activity is conducted on agricultural land that is classified as a farm under the *Assessment Act*. This would permit agri-tourism activities (as defined by the ALC) on all eligible properties both inside and outside of the ALR in the District of Saanich.

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Reviewed by: Cameron Scott, Manager of Community Planning

Approved by: Lindsay Chase, Director of Planning

CD/kb

Attachments: Zoning Bylaw, 2003, Amendment Bylaw, 2024, No. 10103

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer