



To: Planning Committee

Date: August 15, 2014

From: Joe Erceg, General Manager  
Planning and Development

File: 08-4040-01/2014-Vol 01

Re: **Richmond Response to BC Ministry of Agriculture Consultation on Potential Changes to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation**

**Staff Recommendations**

That:

- (1) the attached Richmond response (Attachment 2), which was submitted to the Ministry of Agriculture prior to the deadline of August 22, 2014 regarding potential changes to the Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation be ratified;
- (2) the Ministry of Agriculture be requested to extend the deadline for comments to September 30, 2014 to enable all stakeholders to have reasonable time to provide feedback;
- (3) the Ministry of Agriculture be requested to provide a detailed analysis of the potential impacts and implications (including taxation implications) of each proposed change, enable local governments to also regulate the proposed changes, and allow the local governments and stakeholders the opportunity to review the draft regulations prior to their adoption;
- (4) the Ministry of Agriculture and Agricultural Land Commission (ALC) staff and funding be increased to properly enforce the existing and proposed ALR regulations; and
- (5) this report and recommendations be forwarded to Richmond MPs, MLAs, the Metro Vancouver Board and all Metro Vancouver local governments.

Joe Erceg, General Manager,  
Planning and Development

JE:mp  
Att.3

<b>REPORT CONCURRENCE</b>	
<b>CONCURRENCE OF GENERAL MANAGER</b> <i>TRUSTEE FOR JOE ERCEG</i>	
<b>REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE</b>	<b>INITIALS:</b> <i>me</i>
<i>Acting</i> <b>APPROVED BY CAO</b> <i>A</i>	

## Staff Report

### Origin

With the passage of Bill 24, the Ministry of Agriculture is proposing additional ALR activities and changes to the regulations for some of the allowable ALR uses (Attachment 1). The Ministry conducted a consultation from July 22 to August 22, 2014 to obtain input from local governments, regional stakeholders and the general public on regulation development.

The purpose of this report is to obtain Council's ratification of the attached Richmond response that has been submitted to the Ministry by its August 22, 2014 deadline (Attachment 2) and recommend that Council request the Ministry to extend its deadline to September 30, 2014 to allow local governments and stakeholders to have more time to respond and further consult on the proposed changes.

### Finding of Facts

#### Context

The ALC Act sets a legislative framework for the establishment and administration of the agricultural land preservation program and identifies permissible activities in the ALR. Specific regulations and details of the uses permitted in the ALR are found in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation which supports the Act.

The ALC Act was amended by the passage of Bill 24 in May 2014 and the key intention of the amendment was to allow farmers in the ALR to diversify their businesses and maintain agricultural viability. In order to support this legislative change, the Ministry is proposing to allow additional activities in the ALR without requiring property owners to make an application (e.g., non-farm use application) to the ALC and modify the parameters of the permitted uses.

#### Consultation Process

The Ministry of Agriculture formed a Reference Group that consists of representatives from the Agricultural Land Commission (ALC), the Union of British Columbia Municipalities (UBCM) and the BC Agriculture Council (BCAC) to obtain input on the proposed consultation questions and process. The Group will review the outcome of the consultation and provide input on any draft regulations that the Ministry may consider. The Ministry intends to have the new regulations in place by the end of 2014.

The Ministry's engagement website was live from July 22 to August 22, 2014 and comments were accepted through an online survey, by email, or by regular mail.

In addition, seven regional meetings took place during the consultation period with invited stakeholders including local governments and industry (i.e., agriculture associations and Farmers' Institutes). The City of Richmond's Policy Planning staff attended the regional meeting held in Abbotsford on August 14, 2014 and presented draft responses (Attachment 2) to obtain input from the regional stakeholders prior to the final submission.

## Analysis

### Richmond Responses

The ALR is divided into two zones, Zone 1 and Zone 2; Richmond is in Zone 2. There are a total of 11 questions but four of them are specific to Zone 2. The City of Richmond will not be directly affected by the proposed changes in Zone 2, so the attached response includes answers to only the Zone 1 questions which apply to Richmond.

As Council did not meet in August, staff did not have the opportunity to bring forward a report to Council regarding the proposed changes. Instead, staff circulated a memo to Council to obtain its feedback on staff's draft responses to the consultation questions. No changes were requested by Council, other than a request to require anaerobic digesters to use only materials produced on the farm. Staff presented the draft responses at the Abbotsford regional meeting, prior to the final submission.

The regional meeting was held from 9:00 am to 11:30 am on August 14, 2014 in Abbotsford. Approximately 40 delegations from Metro Vancouver, Fraser Valley Regional District, Sunshine Coast Regional District, Squamish-Lillooet Regional District attended the meeting. Most of them shared Richmond's concerns and their comments and answers to the consultation questions were generally consistent with the Richmond's draft responses. The key comments and concerns expressed by the regional stakeholders are:

- There was not enough time to review and discuss the proposed changes and the timing of the consultation is not adequate.
- It is difficult to answer the consultation questions as sufficient details of the proposed changes are not provided.
- The Ministry must further consult with the local governments and stakeholders once draft regulations are developed.
- The industrialization and commercialization of farmland should be avoided. Allowing an expansion of non-agricultural activities in the ALR would increase the land value and would make it difficult for farmers to find affordable, quality farmland. Soil-based agriculture and farming for food production should be the priority in the ALR.
- The purpose of the ALR is to preserve farmland for future generations. It is unclear how the proposed changes would benefit agriculture and the existing and future farmers. The Ministry should provide a detailed analysis of the impacts and implications of the proposed changes, as well as adequate justifications.
- More effective mechanisms and additional funding should be in place to ensure that the existing regulations are properly enforced before any changes to the regulations are considered.
- The taxation implications of the proposed changes must be analyzed and discussed with local governments.

In response to the comments regarding the timing and length of the consultation period, the Deputy Minister of Agriculture reaffirmed that the deadline would not be extended past noon August 22, 2014.

Based on these comments received at the regional meeting, staff have made minor modifications to the draft responses. The modifications are shown in italics (Attachment 2). The background

provided by the Ministry of Agriculture, as well as the relevant ALR Regulation and the City's zoning regulations are fully stated in Attachment 2.

A summary of the questions and answers are as follows:

<b>Ministry of Agriculture's Consultation Questions</b>	<b>Summary of Richmond Response Submitted by August 22, 2014 Deadline</b>
Should the parameters for allowable on-farm food storage, packing, processing and retail establishments be revised?	Strongly disagree - The existing parameters are sufficient to allow diversification and the current regulations should be properly enforced first.
Should breweries, distilleries and meaderies be allowed on ALR land on the same or similar terms as wineries and cideries are currently allowed?	Agree - Local governments should be allowed to place additional regulations (e.g., overall size limit) if they deem necessary.
Should the allowable footprint for consumption areas (or "lounges") ancillary to wineries and cideries (and potentially also breweries, distilleries and meaderies) be increased and if so on what basis?	Strongly Disagree - The currently allowable footprint (125 m <sup>2</sup> inside & 125 m <sup>2</sup> outside) is sufficient.
Should wineries and cideries (and potentially also breweries, distilleries and meaderies) be allowed to sell alcohol that was produced elsewhere in BC not at the winery or cidery?	Agree - As long as the retail area is limited to the same size (i.e., 300m <sup>2</sup> ) and a minimum of 50% of the products are grown and produced on site
Should anaerobic digesters be permitted in the ALR if the inputs are generated from farming activities?	Agree if all the inputs are generated from the farm and do not include domestic waste.
Should on-farm cogeneration facilities be permitted on farms where a portion of the energy created is used on-farm?	Strongly Agree
Should greater clarity be provided on what constitutes an agri-tourism activity that is allowable in the ALR without an application, and if so what parameters should be established?	Strongly Agree

#### Concerns regarding the Timing and Length of the Consultation

The short one-month consultation period in August, which is the peak holiday period, was not adequate to ensure a meaningful consultation. On August 6, 2014, staff sent an email to the Ministry for an extension of the deadline until the end of September, but the Ministry declined the request due to its commitment to have the changes in place by the end of 2014.

Staff recommend that Council formally request, by resolution, for an extension of the Ministry's deadline until September 30, 2014, so that the City and other local governments have additional time to provide more comprehensive and coordinated responses.

### Richmond Additional Comments

In addition to responding to the Ministry's consultation questions, as directed by Council, staff took this opportunity to request the Minister of Agriculture to address a number of other concerns identified by Council over the years. Also, staff have concerns that details of the regulatory changes are currently unknown. For example, the first consultation question is whether the current parameters for allowable on-farm processing activities should be modified, but it is unclear to what extent the regulations will be revised. The Ministry of Agriculture should provide a detailed analysis and adequate justification for each proposed change and consult with local governments on draft regulations prior to adopting them and enable local governments to regulate the permitted uses.

The additional comments are summarized below and further clarified in the attached letter to the Ministry that was hand delivered at the regional meeting in Abbotsford (Attachment 3).

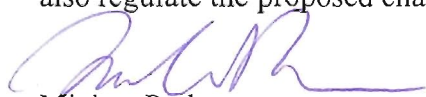
- Seek Provincial Government support to prepare an ALC policy to prohibit Port Metro Vancouver from converting ALR land to port industrial use and encourage the Federal Government to implement a dispute resolution process between PMV and local governments.
- Provide a comprehensive analysis of the impacts and implications of the proposed changes and prepare specific guidelines for local governments, property owners and agricultural producers to appropriately manage the proposed changes.
- Ensure that all the proposed changes reinforce and enhance agricultural viability, sustainability, and the protection and quality of the essential agricultural resources (i.e., soil water, air).
- Increase the Ministry and ALC staff and funding to properly enforce the existing and proposed ALR regulations (e.g., illegal soil fill, research, farm uses, municipal liaison).
- Consult with the First Nations regarding the proposed changes.

### **Financial Impact**

None.

### **Conclusion**

The Ministry of Agriculture conducted a consultation on potential changes to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation from July 22, 2014 to August 22, 2014. Staff submitted the Richmond response prior to the submission deadline of August 22, 2014 along with additional requests to address a number of other concerns identified by Council over the years, and recommend that Council ratify the response (Attachment 2). As the length and timing of the Ministry's consultation period was not appropriate to ensure a meaningful consultation, it is also recommended that Council request the Ministry of Agriculture to extend the deadline for comments on the potential changes to September 30, 2014. It is further recommended the Ministry of Agriculture provide a detailed analysis of the potential impacts and implications (including tax implications) of each proposed change, allow the local governments and stakeholders the opportunity to review the draft regulations prior to their adoption and enable local governments to also regulate the proposed changes.



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MP:cas

<b>Attachment 1:</b>	Ministry of Agriculture's Consultation Paper
<b>Attachment 2:</b>	Richmond Responses to the Ministry of Agriculture's Consultation Questions sent to the Minister of Agriculture on August 22, 2014
<b>Attachment 3:</b>	Richmond Staff's August 13, 2014 Letter delivered to the Deputy Minister Of Agriculture on August 14, 2014 in Abbotsford



Consultation on Potential Changes to the  
*Agricultural Land Commission Act:*  
Agricultural Land Reserve Use, Subdivision  
and Procedure Regulation

July 2014



Ministry of  
Agriculture

# Table of Contents

<b>1. Purpose</b>	<b>1</b>
<b>2. Background</b>	<b>1</b>
<b>3. Consultation Process</b>	<b>2</b>
<i>Minister's Reference Group and ALC</i>	2
<i>Regional Stakeholder Consultations</i>	2
<i>Public Input</i>	2
<b>4. Overview of Changes to the ALCA</b>	<b>3</b>
a) <i>Zones, Regions and Regional Panels</i>	3
b) <i>Decision Making</i>	3
c) <i>Allowable Uses of ALR Land</i>	4
d) <i>Governance</i>	4
e) <i>Other Regulation Making Authorities</i>	4
f) <i>Summary</i>	5
<b>5. Land Uses Currently Allowed in the ALR</b>	<b>5</b>
<b>6. Consultation Questions</b>	<b>7</b>
<i>Farm Use</i>	7
<i>Permitted Use</i>	8
<i>Sub-division</i>	9
<i>Agri-tourism</i>	9
<i>Leasing land</i>	10
<b>7. Thank you!</b>	<b>10</b>
<b>Appendix A:</b>	
<b>List of Recent Amendments to the     Agricultural Land Commission Act</b>	<b>11</b>
<b>Appendix B:</b>	
<b>Excerpt from the Agricultural Land Reserve Use,     Subdivision and Procedure Regulation</b>	<b>13</b>



## 1. Purpose

The purpose of this consultation is to invite your input on some proposed additional activities that could be allowed on farmland in the Agricultural Land Reserve without a requirement to make an application to the Agricultural Land Commission, on whether and to what extent these allowable uses should vary between different regions of the province, and on what parameters you think should be put around the proposed new uses.

## 2. Background

Approximately five percent of BC's land base is included in the Agricultural Land Reserve (ALR), a provincial zone within which agriculture is recognized as the priority activity. The ALR includes public and privately held land and is administered by the Agricultural Land Commission (ALC), an independent government tribunal, with the purpose of preserving agricultural land and encouraging its use for farming.

The *Agricultural Land Commission Act* (the Act) establishes both the ALR and the ALC in legislation. The Act sets out the structure and operations of the ALC and identifies permissible land uses within the ALR. The *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (ALR Regulation) provides greater specificity to many of the provisions in the Act.

Amongst other things, the ALR Regulation identifies specific land uses allowable on farmland in the ALR without an application to the ALC. Current examples include such things as growing plants and raising animals, putting up buildings necessary for the farm, selling agricultural products direct to the public, limited food processing and, unless prohibited a local government, specified non-farm activities such as agri-tourism accommodation, temporary sawmills, kennels, and others.

Any activities not permitted by the ALR Regulation do require an application to the ALC, which can approve, deny or vary the application. Applications are required in order to include or exclude land from ALR, to subdivide land within the ALR, or to carry out an activity not expressly permitted in the Act or Regulations.

The passage of Bill 24 in May 2014 introduced amendments to the Act that change the way in which the ALC is structured and governed. Some of the detail that determines how these legislative changes will be implemented will be provided through changes to the ALR Regulation. One aspect of regulatory change contemplated by the amendments is to expand the list of allowable uses on ALR land, and possibly to vary them between ALR regions.

The focus of this consultation is to ask the question: what further activities should be allowable on farmland in the ALR without an application to the ALC, what parameters should be put around them, and should they vary between regions? A Reference Group convened by the Minister of Agriculture and comprised of representatives from the ALC, the Union of British Columbia Municipalities (UBCM) and the BC Agriculture Council (BCAC) has made a number of specific suggestions in answer to this question, and these suggestions are presented in this paper for your consideration and comment.

Context for the questions is provided in sections 4 and 5 of this paper. Section 6 provides some specific suggestions for new activities that should be allowable in the ALR without an application to the ALC, and also some further specific suggestions for regulatory change related to agri-tourism and the subdivision and leasing of land in the ALR.

## 3. Consultation Process

### Minister's Reference Group and ALC

- ▶ A Minister's Reference Group comprised of representatives from the ALC, UBCM and the BCAC has been struck to inform the consultation process and any regulatory outcomes.
- ▶ An initial meeting of the Reference Group was held in early July to provide advice on the consultation process, and to provide substantive input on the consultation questions.
- ▶ A separate meeting was then held with the ALC (commissioners and staff) to solicit further input on the consultation questions.
- ▶ The input gained from the Reference Group and the ALC form the basis of the consultation questions presented in this paper.
- ▶ As well, the ALC has provided a number of specific, technical suggestions for regulatory amendments aimed at providing greater clarity for landowners, local governments and the ALC itself around some existing allowable uses. While these suggestions are not the subject of this consultation, they will be provided on the consultation website (see Public Input, below) for your information.
- ▶ The Reference Group will meet again mid-way through the process to review stakeholder feedback and provide any additional, interim advice.
- ▶ A final meeting of the Reference Group will be held at the end of the consultation process to review outcomes and provide input on any draft regulations the Ministry may consider at that time.

### Regional Stakeholder Consultations

- ▶ Seven regional meetings will take place between July 22<sup>nd</sup> and August 22<sup>nd</sup> encompassing all six ALR regions.
- ▶ Invited stakeholders include local government (all Regional Districts), industry (wide cross-section of agriculture associations and farmers' institutes) and other key organizations (e.g. agriculture programs from post-secondary institutions).
- ▶ The Ministry will lead the consultation process. The ALC will also attend the regional meetings.

### Public Input

- ▶ Public input on the consultation questions will be solicited via a consultation website: <http://engage.gov.bc.ca/landreserve> or via a dedicated Ministry email address: [ALCA\\_Feedback@gov.bc.ca](mailto:ALCA_Feedback@gov.bc.ca)
- ▶ The website will be live from July 22<sup>nd</sup> to August 22<sup>nd</sup>.
- ▶ Submissions can also be sent by mail to:  
ALR Reg. Consultation  
PO Box 9120 Stn. Provincial Government  
Victoria BC V8W 9B4

## 4. Overview of Changes to the ALCA

The Act was most recently amended in May 2014, by the passage of Bill 24. At that time, several legislative changes were introduced regarding how the ALC is structured and how it makes decisions on applications. These changes directly inform the framework of this consultation – to discuss what activities should be allowable on farmland in the ALR without an application to the ALC, and if these should vary between regions.

### a) Zones, Regions and Regional Panels

The May 2014 amendments to the Act codify the existing six ALR regions into law, and require that a regional panel of at least two commissioners be established in each of the six regions.

The amendments also establish two ALR zones, each comprised of three of the six ALR regions:

*Zone 1:*

Okanagan region  
South Coast region  
Vancouver Island region

*Zone 2:*

Interior region  
Kootenay region  
North region

All applications to the ALC (for land exclusions, land inclusions, subdivisions, and land uses not otherwise permitted by the Act or Regulations) must now be forwarded by the Chair of the ALC to the appropriate regional panel for decision. At its discretion, a regional panel may take an application referred to it by the Chair, and refer this application instead to the ALC Executive Committee.

Subject to any regulations, if the Chair of the ALC determines that an application is of provincial importance, is novel or of general importance to the application of the Act, or may affect more than one panel region, the Chair may also refer the application to the ALC Executive Committee for decision, instead of referring it to a regional panel. The ALC Executive Committee is made up of the six regional panel vice-chairs, and the Chair of the ALC.

While the amendments to the Act provide the ability to further define in regulation when the Chair may refer an application to the Executive Committee, the Minister's Reference Group has advised that the Act provides enough specificity as written (i.e. the Chair may refer an application to the Executive Committee when the Chair considers an application is of provincial importance, is novel or of general importance to the application of the Act, or may affect more than one panel region). As such, it is preferable to allow the Chair the discretion to work within the legislative parameters provided, without further definition being required in regulation at this time.

### b) Decision Making

The amendments to the Act also introduced new factors for the ALC to consider when making decisions on applications in Zone 2. In making decisions on applications the ALC has always considered the purpose of the ALC as defined in Section 6 of the Act:

- a. to preserve agricultural land;
- b. to encourage farming on agricultural land in collaboration with other communities of interest;

- c. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

This has not changed in Zone 1.

In Zone 2, however, the ALC is now required by legislation to consider, in descending order of priority:

- ▶ The purposes of the ALC as defined in section 6 of the Act
- ▶ Economic, cultural and social values;
- ▶ Regional and community planning objectives; and
- ▶ Other prescribed considerations.

While the amendments to the Act provide the ability to further define in regulation the factors the ALC must consider in deciding on applications in Zone 2, there is no intention to develop such regulations at this time, and this consultation does not therefore include any questions on this topic.

## c) Allowable Uses of ALR Land

The activities that are allowable on ALR land without requiring an application to the ALC are established in the ALR Regulation. There are two broad categories of allowable uses, called Farm Uses and Permitted Uses. Farm Uses include a range of things including: the growing of plants and raising of animals, horse riding, the application of fertilizers, the construction of farm buildings, farm related agri-tourism, and agro-forestry (i.e. activities directly related to farming). Farm Uses may not vary between Zone 1 and Zone 2, and may not be prohibited by local governments. Permitted Uses include such things as limited bed and breakfast accommodation, agri-tourism accommodation, temporary sawmills, kennels, and within certain limitations also non-agricultural home-based businesses. Permitted Uses are viewed as less directly related to agriculture than Farm Uses, but as still compatible with (of low impact to) the farm operation. Permitted Uses may vary between Zone 1 and Zone 2, and may be prohibited by local governments.

Whether and to what extent the list of Farm Uses and Permitted Uses in the ALR Regulation should be updated, and how if at all Permitted Uses should vary between zones, is the focus of this consultation. Further detail on what currently constitutes a Farm Use and a Permitted Use, together with suggestions for additional allowable uses, are provided in sections 5 and 6 of this paper for your consideration and comment.

## d) Governance

Other legislative changes introduced in May 2014 include the establishment of additional reporting requirements for the ALC, including a review of operations, performance indicators, details on applications received, survey results, plans, special problems and trends.

The Ministry will be working together with the ALC and other experts in administrative tribunal governance to further define the details of these new operational requirements.

## e) Other Regulation Making Authorities

The May 2014 amendments to the Act also provide new regulation making authorities to: define terms not otherwise defined in the Act; determine how the ALC should make certain information on its operations and decisions public; and to establish residency requirements for commissioners on regional panels.



Regulations establishing residency requirements for commissioners are being developed as part of the process to bring the recent Act amendments into force. Otherwise, there is no intention to move ahead on regulations at this time, other than on the central question of what activities (i.e. Farm Uses and Permitted Uses) should be allowed in the ALR without an application to the ALC, and how, if at all, these should vary between zones.

## f) Summary

In summary, the May 2014 amendments to the Act have introduced changes to the way in which the ALR is structured and governed. Some of the detail that determines how these legislative changes will be implemented will be determined through changes to the ALR Regulation that supports the Act. This consultation is intended to solicit input on potential regulatory changes as they relate to changes in the land use activities allowable in Zone 1 and Zone 2.

An itemized list of the recent amendments to the Act is provided in Appendix A.

# 5. Land Uses Currently Allowed in the ALR

Currently, land in the ALR can be used for farming, ranching, and other uses specified in the ALR Regulation. All other activities require an application to the ALC. The specific land uses permitted in the ALR without application to the ALC are listed in the ALR Regulation either as Farm Uses (Section 2 of the Regulation) or as Permitted Uses (Section 3). Land use activities not included in those sections, such as subdividing land, building additional residences, and excluding land from the ALR, require approval by the ALC through the application process.

Farm Uses include activities that are most directly aligned with the business of farming. Many of these activities are captured in the definition of farm use set out in the Act:

*an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the Farm Practices Protection (Right to Farm) Act<sup>1</sup>. ALCA s.1 (1)*

Section 2 of the ALR Regulation duly designates various activities as Farm Use, including: farm retail sales; operating farm wineries or cideries; storage, packing, and product preparation; timber production; agro-forestry; agri-tourism; and others (the full list of farm uses found in section 2 of the ALR Regulation is provided in Appendix B).

The majority of the activities listed in section 2 are restricted by specific parameters that ensure they support an active farm and have only a minimum impact on agricultural land. For example, farm retail sales are permitted only when either all of the farm products offered are produced on the farm, or at least half of the sales area is for products from the farm. Food processing is permitted only when half of the product being produced was sourced on the farm, or is feed for consumption on the farm. The activities listed in section 2 may be regulated but cannot be prohibited by local governments. The Act does not permit that the activities listed in section 2 may vary between Zone 1 and Zone 2.

Permitted Uses include activities that are not specifically agricultural in nature, but which are permitted

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<sup>1</sup> [http://www.bclaws.ca/civix/document/id/complete/statreg/96131\\_01](http://www.bclaws.ca/civix/document/id/complete/statreg/96131_01)

by regulation on ALR land without application to the ALC. Permitted uses are set out in section 3 of the ALR Regulation and include such activities as: bed and breakfast accommodations; temporary sawmills; breeding pets; establishing telecommunications equipment; and others (a full list of the permitted uses found in section 3 of the ALR Regulation is provided in Appendix B).

Similar to Farm Uses under section 2, parameters are established in the Regulation for the majority of these land uses in order to minimize their impact on agricultural land. For instance, temporary sawmills are permitted when half of the timber harvested is from the farm; bed and breakfasts are limited in size; and biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing land uses are permitted so long as related buildings do not exceed a specified footprint. The permitted uses listed in section 3 may be restricted or prohibited by local governments. Permitted Uses may vary between Zone 1 and Zone 2 of the ALR.

Table 1 illustrates the main differences between farm uses, permitted uses and non-farm uses as provided by the ALR Regulation.

### Possible Uses of Land:

A. Farm Use	B. Permitted Use	C. Non-farm Use
<ul style="list-style-type: none"> <li>▶ Defined as “farm use” in the ALR Regulation s.2</li> </ul>	<ul style="list-style-type: none"> <li>▶ Defined specifically in ALR Regulation s.3</li> </ul>	<ul style="list-style-type: none"> <li>▶ Not permitted on ALR land without ALC approval</li> </ul>
<ul style="list-style-type: none"> <li>▶ No application to the Commission required</li> </ul>	<ul style="list-style-type: none"> <li>▶ No application to the Commission required</li> </ul>	<ul style="list-style-type: none"> <li>▶ Requires application to the Commission</li> </ul>
<ul style="list-style-type: none"> <li>▶ May be regulated but not prohibited by local government (s.2 ALR Regulation)</li> </ul>	<ul style="list-style-type: none"> <li>▶ Permitted unless prohibited by local government bylaw (s.3 ALR Regulation)</li> </ul>	<ul style="list-style-type: none"> <li>▶ Applications go to local government ahead of the Commission. Local Government can refuse to authorize the application, which ends the process, or forward to the Commission with comments and recommendations; the Commission then decides the application.</li> </ul>

## 6. Consultation Questions

### Farm Use

To help identify potential changes to the ALR Regulation, the Ministry has consulted with the Minister's Reference Group (UBCM, BCAC, ALC), and separately also with the ALC. As a result of these consultations, two possible changes to what is an allowable Farm Use of land in the ALR are presented for your consideration and comment. Two additional changes are also presented for your consideration, based on the findings of the recent provincial Liquor Policy Review.

If added to the ALR Regulation, these land use activities would be permitted in the ALR without an application to the ALC, could be regulated but not prohibited by a local government, and would not be able to vary between Zone 1 and Zone 2.

**Q 1) *Should the parameters for allowable on-farm food storage, packing, processing and retail establishments be revised?***

Currently the Regulation states that food storage, packing, product preparation, and food processing are permitted "if at least 50% of the farm product being stored, packed, prepared or processed is produced on the farm or is feed required for farm production purposes on the farm". Retail sales are permitted if "at least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place and the total area ... does not exceed 300m<sup>2</sup>."

These restrictions can inhibit neighbouring farms from investing in joint storage, packing, processing or retail establishment in the ALR, favouring instead the establishment of a number of small, similar operations. This may be an inefficient use of productive farmland, and cost prohibitive for individual small producers. One benefit of the proposed amendment would therefore be to enable cooperative arrangements between farms in proximity to one another.

Amongst other things, lessening the restrictions on on-farm processing could allow the establishment of abattoirs (large, small or mobile), on farms, to serve surrounding cattle, game or poultry farms. Other examples of potential new processing opportunities include value added, further-processing activities related to fresh produce (e.g. grape juice), dairy products (e.g. cheese), or nutraceutical / pharmaceutical products (e.g. related to medical marijuana).

Similarly, lessening restrictions on on-farm retail operations could further enable on-farm markets to sell products from several farms.

**Q 2) *Should breweries, distilleries and meaderies be allowed on ALR land on the same or similar terms as wineries and cideries are currently allowed?***

Currently, wineries and cideries are allowed on ALR land without application to the ALC, so long as a prescribed percentage of the agricultural product used to produce the final product comes from either the farm on which the winery/cidery sits, or another BC farm. The idea here is to extend the same provisions and conditions to breweries, distilleries and meaderies.

**Q 3) *Should the allowable footprint for consumption areas (or 'lounges') ancillary to wineries and cideries (and potentially also breweries, distilleries and meaderies) be increased, and if so on what basis?***

Currently, wineries and cideries in the ALR are allowed to establish consumption areas (or 'lounges') to a maximum size of 125m<sup>2</sup> inside, and 125m<sup>2</sup> outside, which is roughly equal to a maximum of 130 people.

One of the findings from the recent provincial Liquor Policy Review is that government should consult on increasing the limit for allowable consumption areas.

**Q 4) To what extent should wineries and cideries (and potentially breweries, distilleries and meaderies) be allowed to sell alcohol that was produced elsewhere in BC, not at the winery or cidery?**

Currently, a winery or cidery may only sell alcohol produced at that winery or cidery. One of the findings from the recent provincial Liquor Policy Review is that government should consult on allowing the sale of alcohol produced in BC, but not produced on the farm.

**Note:** In all cases, whether expanding existing farm uses or creating new ones, careful consideration should be given to any appropriate parameters for limiting the Farm Use, for example by limiting the total footprint of any facilities in relation to the size of the farm, prescribing the location of a facility on a farm, the percentage of any inputs that should be derived from the farm, and the impact on neighbouring farms. The question of whether or not the property is actually being farmed may also be a consideration, as may be the impact of the proposed activity to the farm operation.

## Permitted Use

To help identify potential changes to the ALR Regulation, the Ministry has consulted with the Minister's Reference Group (UBCM, BCAC, ALC), and separately also with the ALC. As a result of these consultations, three possible changes to what is an allowable Permitted Use of land in the ALR are presented for your consideration and comment. If added to the ALR Regulation, these land use activities would be permitted in the ALR without an application to the ALC, could be prohibited by a local government, and could vary between Zone 1 and Zone 2.

**Q 5) Should anaerobic digesters be permitted in the ALR if the inputs are generated from farming activities?**

Anaerobic digestion is defined as a collection of processes by which microorganisms break down biodegradable material in the absence of oxygen. In the farm context, biodegradable material primarily means animal waste, or manure. The process is used to manage farm waste and/or to produce fuels, which may then be used on farm or sold for revenue. Dairy farms in particular may benefit from being able to establish anaerobic digesters on-farm without an application to the ALC, given the ready availability of feedstock.

**Q 6) Should on-farm cogeneration facilities be permitted on farms where a portion of the energy created is used on-farm?**

Cogeneration or combined heat and power (CHP) is the use of a heat engine or power station to simultaneously generate electricity, useful heat, and CO<sub>2</sub>, which can either be used on the farm or sold. Greenhouse operations in particular may benefit from being able to establish co-gen facilities on-farm without an application to the ALC, since heat and CO<sub>2</sub> are both used in greenhouse production.

**Q 7) Should the parameters be expanded for when non-agriculture related businesses are allowed to operate on ALR properties in Zone 2?**

Currently the Regulation permits a home occupation use that is accessory to a dwelling, of not more than 100 m<sup>2</sup> or such other area as specified in a local government bylaw. One idea is to expand opportunities for a broader range of land-based non-agricultural businesses, such as certain oil and gas ancillary services.



**Note:** As with Farm Uses, careful consideration should be given to any appropriate parameters for limiting the proposed new activities, including the size and location of any facilities, their permanence, the percentage of inputs derived from the farm and/or the percentage of outputs used on the farm, their impact on neighbouring farms, options for land reclamation after the use ends, whether or not the property is actually being farmed, and the likely impact of the proposed use to the farm operation.

## Sub-division

Although most subdivisions require an application to the ALC, section 10 of the ALR Regulation establishes when and how subdivisions of ALR properties can be made by local government (and provincial) Approving Officers, without an application to the ALC. These include subdivisions that will consolidate two or more parcels into a single parcel, and certain other subdivisions when the subdivision will not result in any increase in the number of parcels.

Two ideas have been proposed to enable farmers and ranchers to expand the circumstances under which subdivisions can be approved by an Approving Officer without application to the ALC.

**Q 8) *Should the subdivision of ALR properties in Zone 2 to a minimum parcel size of a quarter section be allowed without an application to the ALC?***

From 1997 to 2003 the ALC “Quarter Section General Order” (or policy) permitted subdivisions down to a minimum size of a quarter section, without an application, in the Peace River and Northern Rockies Regional Districts. The idea here is to reinstate this practice, through regulation, and apply it throughout Zone 2.

**Q 9) *Should the subdivision of ALR parcels in Zone 2 that are of a defined size, and that are divided by a major highway or waterway, be allowed without an application to the ALC?***

Farm properties are often difficult to manage with a major obstruction in the way, and the ALC often allows subdivision of these parcels through an application. The idea here is to allow an Approving Officer to approve subdivisions where such a major obstruction (to be defined in regulation) exists.

## Agri-tourism

One proposal is that further definition of what constitutes an “agri-tourism activity” could usefully be provided in section 2 of the Regulation. Section 2 currently provides that agri-tourism activities are allowable as a farm use if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm. Providing greater clarity on what constitutes a “temporary and seasonal” activity and when that activity “promotes or markets farm products” may be beneficial for farmers, local governments and the ALC.

It has similarly been proposed that further definition be provided on when agri-tourism accommodations are permitted under section 3 of the Regulation, to ensure that any such accommodations are tied to a legitimate agri-tourism activity under section 2.

**Q 10) *Should greater clarity be provided on what constitutes an agri-tourism activity that is allowable in the ALR without an application, and if so what parameters should be established?***

## Leasing land

Currently a landowner in the ALR may lease their entire property without making an application to the ALC, but must make an application in order to lease a portion of their property. It has been proposed that temporary leases of a portion of a property be allowed without an application if the lease is to (a) enable the intergenerational transfer of active farm or ranch operations without a subdivision, or (b) to encourage the use of otherwise unfarmed land by existing or new farmers.

**Q 11) Should temporary leases of portions of a property in Zone 2 of the ALR be allowed without an application to the ALC for:**

**(a) intergenerational transfer of an active farm or ranch operation; and/or**

**(b) to encourage the use of otherwise unfarmed land by existing or new farmers?**

Allowing “life estate leases” for inter-generational transfer would allow retiring farmers to continue to live on their property while leasing or selling it to their children or other new entrants. The lease could allow a second residence to be established on the property, but no permanent subdivision of property would be involved.

Allowing temporary leases of a portion of a property to bring fallow ALR land into production could help new entrants/young farmers get into agriculture, and/or could increase opportunities for existing farmers to access more land without purchase. This kind of lease would not lead to additional residences being permitted on the farm and would not require a subdivision.

## 7. Thank you!

Your input into this consultation is greatly appreciated. If you would like to contribute further comments, you may do so by email at [ALCA\\_feedback@gov.bc.ca](mailto:ALCA_feedback@gov.bc.ca) or through our consultation website at <http://engage.gov.bc.ca/landreserve>

Comments can also be submitted by mail at:

ALR Reg. Consultation  
PO Box 9120 Stn. Provincial Government  
Victoria BC V8W 9B4

# Appendix A:

## List of Recent Amendments to the *Agricultural Land Commission Act*

General "Theme"	Description of Change	Section Reference
<b>1) ALC Reporting and Accountability</b>	Allow government, by regulation, to set service standards and reporting requirements for the Commission to the Minister.	ALCA Section 12(2)
	Minister can by order set performance standards.	ALCA Section 12(2.1)
<b>2) Panel Regions and Panel Composition</b>	Establish the 6 existing panel regions (defined geographically in the new Schedule to ALCA)	ALCA Section 4.1
	Require that a panel be established for each of the 6 panel regions.	ALCA Section 11(1)
	Require that the Chair refer applications from a panel region to the panel for that panel region.	ALCA Section 11(6)
	Sets out when chair of the Commission can refer an application to the executive committee.	ALCA Section 11.2
	Commission must consist of at least 13 individuals.	ALCA Section 5(1)
	Regional panels will have a minimum of 2 members, one of whom will be vice chair for the panel appointed by the LGIC.	ALCA Section 5(2) and ALCA Section 11
	Vice chairs and members must be resident in the region of the panel to which they are appointed ('residency' to be defined by regulation).	ALCA Section 5(2) and ALCA Section 11(3)
<b>3) Zones</b>	Zone 1 = Island, South Coast and Okanagan panel regions.	ALCA Section 4.2
	Zone 2 = the rest of BC (i.e. Interior, Kootenay, North panel regions, and other).	

General “Theme”	Description of Change	Section Reference
<p><b>4) Decision-Making in Zones</b></p>	<p>Zone 1 – no change to decision-making – ALC considers applications on case-by-case basis within the legislated purpose of the Commission, which are as follows:</p> <ul style="list-style-type: none"> <li>(a) to preserve agricultural land;</li> <li>(b) to encourage farming on agricultural land in collaboration with other communities of interest;</li> <li>(c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.</li> </ul> <p>In rendering its decisions in Zone 2, the Commission must also now consider other factors in descending order of priority:</p> <ul style="list-style-type: none"> <li>• economic, cultural and social values;</li> <li>• regional and community planning objectives; and</li> <li>• any other considerations prescribed by regulation.</li> </ul> <p>This does not require the Commission to make decisions that only reflect these new considerations. The Commission is still an independent body and will balance agricultural factors with these other considerations.</p> <p>The legislation provides for greater flexibility in ALC decision-making to allow farmers in Zone 2 to have more options for earning an income.</p>	<p>ALCA Section 4.3</p>
<p><b>5) Local Government Act Amendment</b></p>	<p>Section 879 of the <i>Local Government Act</i> is amended so that local governments must consult with the Commission earlier on in development of, or amendments to, an Official Community Plan (i.e. prior to first reading).</p>	<p><i>Local Government Act</i> Section 879</p>
<p><b>6) Additional Regulation-Making Powers added to the ALCA</b></p>	<p>Several subsections have been added to section 58 of the ALCA to provide for additional regulation-making powers. The regulations we are consulting on in this process are tied to several of these new powers and to the other regulation-making powers that have existed for some time in the ALCA.</p>	<p>ALCA Section 58</p>



## Appendix B: Excerpt from the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*

### Activities designated as farm use

2 (2) The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the *Local Government Act* or, if the activity is undertaken on treaty settlement lands, by a law of the applicable treaty first nation government:

- (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) at least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>;
- (b) a British Columbia licensed winery or cidery and an ancillary use if the wine or cider produced and offered for sale is made from farm product and
  - (i) at least 50% of that farm product is grown on the farm on which the winery or cidery is located, or
  - (ii) the farm that grows the farm products used to produce wine or cider is more than 2 ha in area, and, unless otherwise authorized by the commission, at least 50% of the total farm product for processing is provided under a minimum 3 year contract from a farm in British Columbia;
- (c) storage, packing, product preparation or processing of farm products, if at least 50% of the farm product being stored, packed, prepared or processed is produced on the farm or is feed required for farm production purposes on the farm;
- (d) land development works including clearing, levelling, draining, berming, irrigating and construction of reservoirs and ancillary works if the works are required for farm use of that farm;
- (e) agri-tourism activities, other than accommodation, on land that is classified as a farm under the *Assessment Act*, if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm;
- (f) timber production, harvesting, silviculture and forest protection;

- (g) agroforestry, including botanical forest products production;
  - (h) horse riding, training and boarding, including a facility for horse riding, training and boarding, if
    - (i) the stables do not have more than 40 permanent stalls, and
    - (ii) the facility does not include a racetrack licensed by the British Columbia Racing Commission;
  - (i) the storage and application of fertilizers, mulches and soil conditioners;
  - (j) the application of soil amendments collected, stored and handled in compliance with the Agricultural Waste Control Regulation, B.C. Reg. 131/92;
  - (k) the production, storage and application of compost from agricultural wastes produced on the farm for farm purposes in compliance with the Agricultural Waste Control Regulation, B.C. Reg. 131/92;
  - (l) the application of compost and biosolids produced and applied in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002;
  - (m) the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, if all the compost produced is used on the farm;
  - (n) soil sampling and testing of soil from the farm;
  - (o) the construction, maintenance and operation of farm buildings including, but not limited to, any of the following:
    - (i) a greenhouse;
    - (ii) a farm building or structure for use in an intensive livestock operation or for mushroom production;
    - (iii) an aquaculture facility.
- (3) Any activity designated as farm use includes the construction, maintenance and operation of a building, structure, driveway, ancillary service or utility necessary for that farm use.
- (4) Unless permitted under the *Water Act* or the *Environmental Management Act*, any use specified in subsection (2) includes soil removal or placement of fill necessary for that use as long as it does not
- (a) cause danger on or to adjacent land, structures or rights of way, or
  - (b) foul, obstruct or impede the flow of any waterway.
- (5) The removal of soil or placement of fill as part of a use designated in subsection (2) must be considered to be a designated farm use and does not require notification except under section 4.

### Permitted uses for land in an agricultural land reserve

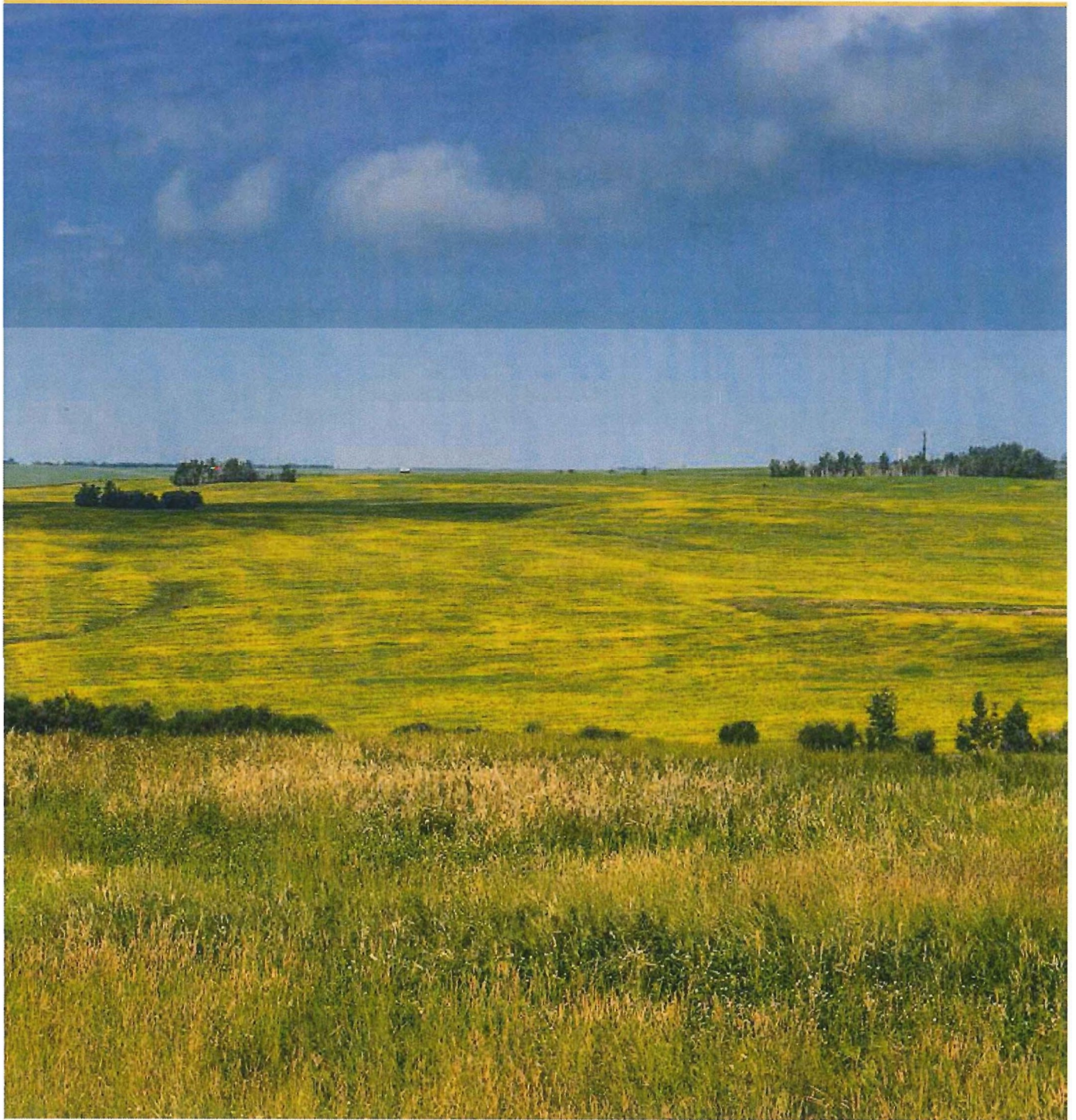
3 (1) The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:

- (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;
- (b) for each parcel,
  - (i) one secondary suite within a single family dwelling, and
  - (ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;
- (c) a home occupation use, that is accessory to a dwelling, of not more than 100 m<sup>2</sup> or such other area as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located;
- (d) bed and breakfast use of not more than 4 bedrooms for short term tourist accommodation or such other number of bedrooms as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located;
- (e) operation of a temporary sawmill if at least 50% of the volume of timber is harvested from the farm or parcel on which the sawmill is located;
- (f) biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, as long as the area occupied by any associated buildings and structures does not exceed 100 m<sup>2</sup> for each parcel;
- (g) use of an open land park established by a local government or treaty first nation government for any of the purposes specified in paragraph (f);
- (h) breeding pets or operating a kennel or boarding facility;
- (i) education and research except schools under the *School Act*, respecting any use permitted under the Act and this regulation as long as the area occupied by any buildings or structures necessary for the education or research does not exceed 100 m<sup>2</sup> for each parcel;
- (j) production and development of biological products used in integrated pest management programs as long as the area occupied by any buildings or structures necessary for the production or development does not exceed 300 m<sup>2</sup> for each parcel;

- (k) aggregate extraction if the total volume of materials removed from the parcel is less than 500 m<sup>3</sup>, as long as the cultivatable surface layer of soil is salvaged, stored on the parcel and available to reclaim the disturbed area;
  - (l) force mains, trunk sewers, gas pipelines and water lines within an existing dedicated right of way;
  - (m) telecommunications equipment, buildings and installations as long as the area occupied by the equipment, buildings and installations does not exceed 100 m<sup>2</sup> for each parcel;
  - (n) construction and maintenance, for the purpose of drainage or irrigation or to combat the threat of flooding, of
    - (i) dikes and related pumphouses, and
    - (ii) ancillary works including access roads and facilities;
  - (o) unpaved airstrip or helipad for use of aircraft flying non-scheduled flights;
  - (p) the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, if at least 50% of the compost measured by volume is used on the farm.
- (2) Nothing in subsection (1) (a) is to be interpreted as permitting the conversion of a building into strata lots by an owner.
- (3) If a use is permitted under subsection (1) (k) it is a condition of the use that once the extraction of aggregate is complete, the disturbed area must be rehabilitated in accordance with good agricultural practice.
- (4) The following land uses are permitted in an agricultural land reserve:
- (a) any
    - (i) ecological reserve established under the *Ecological Reserve Act* or by the *Protected Areas of British Columbia Act*,
    - (ii) park established under the *Park Act* or by the *Protected Areas of British Columbia Act*,
    - (iii) protected area established under the *Environment and Land Use Act*,
    - (iv) wildlife management area established under the *Wildlife Act*, or
    - (v) recreation reserve established under the *Land Act*;
  - (b) dedication or upgrading of an existing road with vehicular access and use declared to be a highway under section 42 of the *Transportation Act*;
  - (c) road construction or upgrading within a dedicated right of way that has a constructed road bed for vehicular access and use;
  - (d) if the widening or works does not result in an overall right of way width of more than 24 m, widening of an existing constructed road right of way for
    - (i) safety or maintenance purposes, or
    - (ii) drainage or flood control works;



- (d.1) widening an existing constructed road right of way to ease one curve;
  - (e) establishing as a forest service road
    - (i) an existing road under the *Forest Act*, or
    - (ii) a new road in a managed forest;
  - (f) increasing the right of way width of a forest service road by up to 4 m if the widening does not result in an overall right of way width of more than 24 m;
  - (g) railway construction, upgrading and operations on an existing railbed within a dedicated right of way, including widening of an existing railway right of way if the widening does not result in an overall right of way width of more than 30 m;
  - (h) surveying, exploring or prospecting for gravel or minerals if all cuts, trenches and similar alterations are restored to the natural ground level on completion of the surveying, exploring or prospecting;
  - (i) surface water collection for farm use or domestic use, water well drillings, connection of water lines, access to water well sites and required rights of way or easements;
  - (j) soil research or testing as long as the soil removed or fill placed is only in an amount necessary for the research or testing.
- (5) Any permitted use specified in subsection (1) or (4) includes the construction, maintenance and operation of buildings, structures, driveways, ancillary services and utilities necessary for that use.
- (6) Unless permitted under the *Water Act* or the *Environmental Management Act*, any use specified in subsection (1) or (4) includes soil removal or placement of fill necessary for that use as long as the soil removal or placement of fill does not
- (a) cause danger on or to adjacent land, structures or rights of way, or
  - (b) foul, obstruct or impede the flow of any waterway.



August 15, 2014

## Richmond Responses to the Ministry of Agriculture's Consultation on Potential changes to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation

**Note:** The Richmond responses in this attachment are the same responses as submitted to the Ministry of Agriculture in Abbotsford on August 14, 2014, except that this attachment contains several additional comments in italics.

### Part 1 – Richmond's Responses to the Ministry of Agriculture's Consultation Questions

**Ministry of Agriculture Question 1. The parameters for allowable on-farm food storage, packing, processing and retail establishments should be revised.**

Ministry of Agriculture Background: Currently, the Regulation states that food storage, packing, product preparation, and food processing are permitted if at least 50% of the product is from the farm or is feed required for the farm. Retail sales are permitted if at least 50% of the retail sales area is used to sell products from the farm. Allowing farms to pack, process and sell more product from neighbouring farms could encourage cooperative arrangements between farms in proximity to one another, could allow the establishment of more licensed abattoirs (large, small or mobile) on farms, and could encourage more on-farm, value added, further-processing activities related to fresh produce (e.g., grape juice), dairy products (e.g., cheese), or nutraceutical / pharmaceutical products (e.g., related to medical marihuana).<sup>1</sup>

City's Current Policy and Regulations: The current City's policy and regulations are generally consistent with the current provincial regulations except for farm-based wineries which are more rigorously regulated and medical marihuana facilities which are prohibited in the ALR. Currently, when a farm does not produce 50% of the products on site, it is not allowed in the ALR but may be allowed in an industrial area.

City's Draft Response: Strongly Disagree

- The existing parameters are sufficient to enable farm operations to diversify as stated.
- *The existing regulations should be properly monitored and enforced to prevent industrialization of farmland and protect productive farmland for soil-based agriculture.*
- The existing land use application process (i.e., ALR and the City non-farm use application process) is the appropriate mechanism to manage the expansion of such uses.
- If this regulation is changed, each local government should have the ability to establish their own regulations based on the context and issues specific to each municipality/region (e.g., Richmond's zoning regulatory approach to farm-based wineries in the ALR).

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<sup>1</sup> At the August 14 regional meeting, the Ministry clarified it is considering allowing only medical marihuana production facilities not other nutraceutical/pharmaceutical product processing facilities.



**Question 2. Breweries, distilleries and meaderies should be allowed on ALR land on the same or similar terms as wineries and cideries are currently allowed.**

Ministry of Agriculture Background: Currently, wineries and cideries are allowed on ALR land without application to the ALC, so long as a prescribed percentage (i.e., 50%) of the agricultural product used to produce the final product comes from either the farm on which the winery/cidery sits, or another BC farm. The idea here is to extend the same provisions and conditions to breweries, distilleries and meaderies.

City's Current Policy & Regulations: The provincial regulations require: at least 50% of farm product offered for sale is grown on the farm on which the winery or cidery is located; or at least 50% of the total farm product for processing is from other BC farms and the farm is more than 2 ha in area. In addition to the provincial regulations, the City limits the overall size of a farm-based winery to 1,000 m<sup>2</sup> (10,800 ft<sup>2</sup>) or a maximum floor area ratio of 0.05.

City's Draft Response: Agree

- Any ALR/provincial land use regulations considered for breweries, distilleries and meaderies should also allow for the City to place additional regulations and prohibit the land use, if the City deems necessary.

**Question 3. The allowable footprint for consumption areas (or 'lounges') ancillary to wineries and cideries (and potentially also breweries, distilleries and meaderies) should be increased.**

Ministry of Agriculture Background: Currently, wineries and cideries in the ALR are allowed to establish consumption areas (or 'lounges') to a maximum size of 125m<sup>2</sup> (1,345.5 ft<sup>2</sup>) inside, and 125m<sup>2</sup> (1,345.5 ft<sup>2</sup>) outside. One of the findings from the recent provincial Liquor Policy Review is that government should consult on increasing the limit for allowable consumption areas.

City's Current Policy & Regulations: The City's regulations are the same as the provincial regulations.

City's Draft Response: Strongly Disagree

- The existing indoor and outdoor consumption area limitations are sufficient.
- Increasing the size limitations for consumption areas will allow for the intensification of commercial activities and uses that are outside of the typical type of supporting commercial uses for a farm based winery (e.g., banquet hall, special event venue) which may negatively affect the agricultural operations and may cause conflict with neighbouring agricultural properties.
- If pursued, further clarification should first be provided to identify the exact proposed increases and their implications.
- *The City should be allowed to place additional regulations and prohibit the land use, if the City deems necessary.*

**Question 4. Wineries and cideries (and potentially breweries, distilleries and meaderies) should be allowed to sell alcohol that was produced elsewhere in BC, not at the winery or cidery.**

Ministry of Agriculture Background: Currently, a winery or cidery may only sell alcohol produced at that winery or cidery. One of the findings from the recent provincial Liquor Policy Review is that government should consult on allowing the sale of alcohol produced in BC, but not produced on the farm.

City's Current Policy & Regulations: In addition to the provincial regulations, the City limits the total area, both indoors and outdoors, used for the retail sales of all products to 300 m<sup>2</sup>.

City's Draft Response: Agree (with conditions)

- As long as the retail area is limited to the same size (i.e., 300 m<sup>2</sup>) and as long as a minimum of 50% of the retail area dedicated to retailing products grown and produced on the farm, this would be consistent with allowing retail activities not just limited to the product produced on site. The City does not want these retail areas to turn into stand alone stores that have no linkage to the farm operation.
- *The City should be allowed to place additional regulations and prohibit the land use, if the City deems necessary.*

**Question 5. Anaerobic digesters should be permitted in the ALR, if the inputs are generated from farming activities.**

Ministry of Agriculture Background: Anaerobic digestion is defined as a collection of processes by which microorganisms break down biodegradable material in the absence of oxygen. In the farm context, biodegradable material primarily means animal waste, or manure. The process is used to manage farm waste and/or to produce fuels, which may then be used on farm or sold for revenue. Dairy farms in particular may benefit from being able to establish anaerobic digesters on-farm without an application to the ALC, given the ready availability of feedstock.

City's Current Policy & Regulations: The City's regulations are the same as the provincial regulations (i.e., anaerobic digesters are not permitted in the ALR).

City's Draft Response: Agree

- Specific guidelines and requirements should be developed for this type of land use to ensure that negative impacts/nuisances to surrounding properties and the City are minimized.
- The province and ALC should establish a provincial permitting process to ensure that guidelines and regulations are being complied with and provide a means to manage complaints by enforcement.
- The province would need to take the lead on permitting and enforcement and have adequate staff to do so.
- Anaerobic digesters should be regulated on the site to ensure that they do not negatively affect farming, ground water, soil and air quality (e.g., odour).
- *All the inputs must be generated from farming activities on the farm and domestic waste should not be allowed (to avoid unwanted chemicals occurring on the farm).*
- *The City should be allowed to place additional regulations and prohibit the land use, if the City deems necessary.*

**Question 6. On-farm cogeneration facilities should be permitted on farms where a portion of the energy created is used on-farm.**

Ministry of Agriculture Background: Cogeneration or combined heat and power (CHP) is the use of a heat engine or power station to simultaneously generate electricity, useful heat, and CO<sup>2</sup>, which can either be used on the farm or sold. Greenhouse operations in particular may benefit from being able to



establish co-gen facilities on-farm without an application to the ALC, since heat and CO<sup>2</sup> are both used in greenhouse production.

City's Current Policy & Regulations: The City's regulations are the same as the provincial regulations (i.e., on-farm cogeneration facilities are not permitted in the ALR).

City's Draft Response: Strongly Agree

- Waste and by-products can be utilized more efficiently and contribute to sustainable energy supply, and nutrient and organic components can be used at the farm.
- The ALC should set the minimum amount of waste that should be produced on the farm to ensure that the facility does not turn into a major industrial site and should regulate where it can be located.
- Provincial guidelines and regulations need to be established to ensure that operations are run effectively and provide a means to address adjacency issues/complaints.
- Adequate staff should be provided to inspect and enforce.
- *The City should be allowed to place additional regulations and prohibit the land use, if the City deems necessary.*

**Question 10. Greater clarity should be provided on what constitutes an agri-tourism activity that is allowable in the ALR without an application, and if so what parameters should be established.**

Ministry of Agriculture Background: Further clarification on what constitutes an “agri-tourism activity” could usefully be provided in section 2 of the Regulation. Section 2 currently provides that agri-tourism activities are allowable as a farm use if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm. Providing greater clarity on what constitutes a “temporary and seasonal” activity and when that activity “promotes or markets farm products” may be beneficial for farmers, local governments and the ALC.

City's Current Policy & Regulations: The City's regulations are the same as the provincial regulations and has no further restrictions.

City's Draft Response: Strongly Agree

- Clearer parameters and regulations should be provided so that municipalities would be able to easily interpret them.
- Any regulations specific to agri-tourism activities as a permitted use should also enable the municipality to regulate it further or not permit it if it is deemed necessary.

## **Part 2 – Richmond's Additional ALR Requests of the Minister of Agriculture**

In addition to responding to the Ministry's questions, Richmond also requests the Minister of Agriculture to address a number of other concerns which are important to Richmond, as they have been identified by Council over the years. These additional Minister requests include:

1. Port Metro Vancouver (PMV) not to use the ALR for industrial purposes: PMV has purchased 240 acres of farmland in the ALR in Richmond and will not commit to farming it. The City of Richmond requests that the Minister seek Provincial government support to prepare an ALC policy to prohibit PMV from converting agricultural land to port industrial uses and that the

Province encourage the Federal Government to prepare and implement a binding dispute/conflict resolution mechanism between local governments and PMV.

2. A Planned and Managed Approach to ALC Act Changes: It is crucial for local governments, key stakeholders and the public to understand the implications of the proposed changes and have the opportunity to review and comment on draft regulations. Council is concerned about the lack of a detailed analysis of the proposed changes and their potential impacts. The City of Richmond requests that:
  - each proposed regulatory change be first clarified and comprehensively analysed for its on and off site impacts (e.g., sustainability, land use, water, sanitary, drainage, hydro, telecommunications, environmental, financial, taxation),
  - specific policies and guidelines for the Province, ALC, local governments and property owners be prepared to enable them to properly manage the proposed changes, and
  - more consultation be conducted on clarified proposed changes, before they are approved.
3. Agricultural Viability as the Priority: The Ministry is requested to ensure that all the proposed changes reinforce and enhance the following:
  - agricultural viability,
  - agricultural sustainability, and
  - the protection and quality of the essential agricultural resources (e.g., air, water, soil).These principles are essential for a viable agricultural sector, production, operations and products.
4. Additional Funding: The Ministry and ALC staff and funding should be increased to properly enforce the existing and proposed ALR regulations (e.g., illegal soil fill, research, farm uses, municipal liaison).
5. Consultation with First Nations: It is requested that First Nations be consulted regarding the proposed changes.

Prepared by: Policy Planning, City of Richmond



# City of Richmond

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Richmond, BC V6Y 2C1  
www.richmond.ca

August 13, 2014  
File: 08-4040-01/2014-Vol 01

Planning and Development Department  
Policy Planning  
Fax: 604-276-4052

Delivered by Hand

PO Box 9120 Stn.  
Provincial Government  
Victoria BC V8W 9B4

**Attention: Derek Sturko, Deputy Minister**

Dear Mr. Sturko:

**Re: City of Richmond Responses: Consultation on Potential Changes to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation**

The purpose of this letter is to provide Richmond's responses to the Ministry of Agriculture's consultation on potential changes to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, and request the Ministry to address several key issues that have been identified by the Richmond City Council over the years.

Council would like to reiterate its concerns regarding the inappropriate timing and the short length of the consultation period and is disappointed that its request for a deadline extension to the end of September, 2014 has been declined. Council asks that you re-consider its request for the extension. To meaningfully engage stakeholders and ensure full participation, the month of August when many people are away on vacation must be avoided and sufficient time must be allowed in order to review the proposed changes and provide comments.

### **Richmond Responses**

Attachment 1 contains Richmond's responses to the consultation questions. Please note that the responses may change based on the discussion at the regional meeting, and if so, they will be submitted by the August 22, 2014 noon deadline.

### **Richmond Additional Requests**

In addition to responding to the consultation questions, Council would like to take this opportunity to request the Minister to address the following issues and concerns:

1. Port Metro Vancouver (PMV) not to use the ALR for industrial purposes: PMV has purchased 240 acres of farmland in the ALR in Richmond and will not commit to farming it. The City of Richmond requests that the Minister seek Provincial government support to

prepare an ALC policy to prohibit PMV from converting agricultural land to port industrial uses and that the Province encourage the Federal Government to prepare and implement a binding dispute/conflict resolution mechanism between local governments and PMV.

2. A Planned and Managed Approach to ALC Act Changes: It is crucial for local governments, key stakeholders and the public to understand the implications of the proposed changes and have the opportunity to review and comment on draft regulations. Council is concerned about the lack of a detailed analysis of the proposed changes and their potential impacts. The City of Richmond requests that:
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4. Additional Funding: The Ministry and ALC staff and funding should be increased to properly enforce the existing and proposed ALR regulations (e.g., illegal soil fill, research, farm uses, municipal liaison).
  
5. Consultation with First Nations: It is requested that First Nations be consulted regarding the proposed changes.

We look forward to your support in addressing the key issues and concerns as noted above. If you need any clarification or wish to discuss this matter further, please contact me at 604-276-4319.

Yours truly,



Terry Crowe  
Manager, Policy Planning

TTC:mp

Att. (1)

Cc: Richmond Council  
Joe Erceg, General Manager, Planning and Development  
Minhee Park, Planner 1, Policy Planning

August 13, 2014

**Richmond Responses to the Ministry of Agriculture's  
Consultation on Potential changes to the Agricultural Land Reserve Use,  
Subdivision and Procedure Regulation**

**Part 1 – Richmond's Proposed Responses to the Ministry of Agriculture's Consultation Questions**

**Ministry of Agriculture Question 1. The parameters for allowable on-farm food storage, packing, processing and retail establishments should be revised.**

Ministry of Agriculture Background: Currently, the Regulation states that food storage, packing, product preparation, and food processing are permitted if at least 50% of the product is from the farm or is feed required for the farm. Retail sales are permitted if at least 50% of the retail sales area is used to sell products from the farm. Allowing farms to pack, process and sell more product from neighbouring farms could encourage cooperative arrangements between farms in proximity to one another, could allow the establishment of more licensed abattoirs (large, small or mobile) on farms, and could encourage more on-farm, value added, further-processing activities related to fresh produce (e.g., grape juice), dairy products (e.g., cheese), or nutraceutical / pharmaceutical products (e.g., related to medical marijuana).

City's Current Policy and Regulations: The current City's policy and regulations are generally consistent with the current provincial regulations except for farm-based wineries which are more rigorously regulated and medical marijuana facilities which are prohibited in the ALR.

City's Draft Response: Strongly Disagree

- The existing parameters are sufficient to enable farm operations to diversify as stated.
- The existing land use application process (i.e., ALR and the City non-farm use application process) is the appropriate mechanism to manage such uses.
- If this regulation is changed, each local government should have the ability to establish their own regulations based on the context and issues specific to each municipality/region (e.g., Richmond's zoning regulatory approach to farm-based wineries in the ALR).
- Currently, when a farm does not produce 50% of the products on site, it is not allowed in the ALR but may be allowed in an industrial area.

**Question 2. Breweries, distilleries and meaderies should be allowed on ALR land on the same or similar terms as wineries and cideries are currently allowed.**

Ministry of Agriculture Background: Currently, wineries and cideries are allowed on ALR land without application to the ALC, so long as a prescribed percentage (i.e., 50%) of the agricultural product used to produce the final product comes from either the farm on which the winery/cidery sits, or another BC farm. The idea here is to extend the same provisions and conditions to breweries, distilleries and meaderies.

City's Current Policy & Regulations: In addition to the provincial regulations, the City limits the overall size of a farm-based winery to 1,000 m<sup>2</sup> (10,800 ft<sup>2</sup>) or a maximum floor area ratio of 0.05.



City's Draft Response: Agree

- Any ALR/provincial land use regulations considered for breweries, distilleries and meaderies should also allow for the City to place additional regulations and prohibit the land use, if the City deems necessary.

**Question 3. The allowable footprint for consumption areas (or 'lounges') ancillary to wineries and cideries (and potentially also breweries, distilleries and meaderies) should be increased.**

Ministry of Agriculture Background: Currently, wineries and cideries in the ALR are allowed to establish consumption areas (or 'lounges') to a maximum size of 125m<sup>2</sup> (1,345.5 ft<sup>2</sup>) inside, and 125m<sup>2</sup> (1,345.5 ft<sup>2</sup>) outside. One of the findings from the recent provincial Liquor Policy Review is that government should consult on increasing the limit for allowable consumption areas.

City's Current Policy & Regulations: The City's regulations are the same as the provincial regulations.

City's Draft Response: Strongly Disagree

- The existing indoor and outdoor consumption area limitations are sufficient.
- Increasing the size limitations for consumption areas will allow for the intensification of commercial activities and uses that are outside of the typical type of supporting commercial uses for a farm based winery (e.g., banquet hall, special event venue) which may negatively affect the agricultural operations and may cause conflict with neighbouring agricultural properties.
- If pursued, further clarification should first be provided to identify the exact proposed increases and their implications.

**Question 4. Wineries and cideries (and potentially breweries, distilleries and meaderies) should be allowed to sell alcohol that was produced elsewhere in BC, not at the winery or cidery.**

Ministry of Agriculture Background: Currently, a winery or cidery may only sell alcohol produced at that winery or cidery. One of the findings from the recent provincial Liquor Policy Review is that government should consult on allowing the sale of alcohol produced in BC, but not produced on the farm.

City's Current Policy & Regulations: The City limits the total area, both indoors and outdoors, used for the retail sales of all products to 300.0 m<sup>2</sup>.

City's Draft Response: Agree (with conditions)

- As long as the retail area is limited to the same size (i.e., 300 m<sup>2</sup>) and as long as a minimum of 50% of the retail area dedicated to retailing products grown and produced on the farm, this would be consistent with allowing retail activities not just limited to the product produced on site. The City does not want these retail areas to turn into stand alone stores that have no linkage to the farm operation.

**Question 5. Anaerobic digesters should be permitted in the ALR, if the inputs are generated from farming activities.**

Ministry of Agriculture Background: Anaerobic digestion is defined as a collection of processes by which microorganisms break down biodegradable material in the absence of oxygen. In the farm context, biodegradable material primarily means animal waste, or manure. The process is used to manage farm

waste and/or to produce fuels, which may then be used on farm or sold for revenue. Dairy farms in particular may benefit from being able to establish anaerobic digesters on-farm without an application to the ALC, given the ready availability of feedstock.

City's Current Policy & Regulations: The City's regulations are the same as the provincial regulations (i.e., anaerobic digesters are not permitted in the ALR).

City's Draft Response: Strongly Agree

- If anaerobic digesters are permitted, it would benefit farmers given the ready availability of feedstock.
- However, specific guidelines and requirements should be developed for this type of land use to ensure that negative impacts/nuisances to surrounding properties and the City are minimized.
- The province and ALC should establish a provincial permitting process to ensure that guidelines and regulations are being complied with and provide a means to manage complaints by enforcement.
- The province would need to take the lead on permitting and enforcement and have adequate staff to do so.
- Anaerobic digesters should be regulated on the site to ensure that they do not negatively affect farming, ground water, soil and air quality (e.g., odour).
- All the inputs must be generated on the farm.

**Question 6. On-farm cogeneration facilities should be permitted on farms where a portion of the energy created is used on-farm.**

Ministry of Agriculture Background: Cogeneration or combined heat and power (CHP) is the use of a heat engine or power station to simultaneously generate electricity, useful heat, and CO<sup>2</sup>, which can either be used on the farm or sold. Greenhouse operations in particular may benefit from being able to establish co-gen facilities on-farm without an application to the ALC, since heat and CO<sup>2</sup> are both used in greenhouse production.

City's Current Policy & Regulations: The City's regulations are the same as the provincial regulations (i.e., on-farm cogeneration facilities are not permitted in the ALR).

City's Draft Response: Strongly Agree

- Waste and by-products can be utilized more efficiently and contribute to sustainable energy supply, and nutrient and organic components can be used at the farm.
- The ALC should set the minimum amount of waste that should be produced on the farm to ensure that the facility does not turn into a major industrial site and should regulate where it can be located.
- Provincial guidelines and regulations need to be established to ensure that operations are run effectively and provide a means to address adjacency issues/complaints.
- Adequate staff should be provided to inspect and enforce.

**Question 10. Greater clarity should be provided on what constitutes an agri-tourism activity that is allowable in the ALR without an application, and if so what parameters should be established.**

Ministry of Agriculture Background: Further clarification on what constitutes an "agri-tourism activity" could usefully be provided in section 2 of the Regulation. Section 2 currently provides that agri-tourism

activities are allowable as a farm use if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm. Providing greater clarity on what constitutes a “temporary and seasonal” activity and when that activity “promotes or markets farm products” may be beneficial for farmers, local governments and the ALC.

City’s Current Policy & Regulations: The City’s regulations are the same as the provincial regulations and has no further restrictions.

City’s Draft Response: Strongly Agree

- Clearer parameters and regulations should be provided so that municipalities would be able to easily interpret them.
- Any regulations specific to agri-tourism activities as a permitted use should also enable the municipality to regulate it further or not permit it if it is deemed necessary.

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