



Planning Committee

Anderson Room, City Hall
6911 No. 3 Road

Tuesday, September 16, 2014
4:00 p.m.

Pg. # ITEM

MINUTES

PLN-5 *Motion to adopt the **minutes** of the meeting of the Planning Committee held on Wednesday, September 3, 2014.*



NEXT COMMITTEE MEETING DATE

Tuesday, October 7, 2014, (tentative date) at 4:00 p.m. in the Anderson Room

PLANNING & DEVELOPMENT DEPARTMENT

1. **APPLICATION BY URBAN DESIGN GROUP ARCHITECTS LTD. FOR REZONING AT 3011 NO. 5 ROAD FROM “GAS STATION COMMERCIAL (ZC12) – BRIDGEPORT ROAD AND IRONWOOD AREA” TO “CAR WASH & SERVICE STATION (ZC35) – BRIDGEPORT”**

(File Ref. No. 12-8060-20-009174, RZ 13-642848) (REDMS No. 4332972 v. 2)

PLN-10

See Page PLN-10 for full report

Designated Speaker: Wayne Craig

STAFF RECOMMENDATION

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9174, to create “Car Wash & Service Station (ZC35) – Bridgeport” and for the rezoning of 3011 No. 5 Road from “Gas Station Commercial (ZC12) – Bridgeport Road and Ironwood Area” to “Car Wash & Service Station (ZC35) – Bridgeport”, be introduced and given first reading.



2. **APPLICATION BY THE CITY OF RICHMOND FOR A ZONING TEXT AMENDMENT TO THE OFFICE AND EDUCATION (ZIS5) – CITY HALL WEST (THOMPSON AREA) ZONING DISTRICT AT 6931 GRANVILLE AVENUE**

(File Ref. No. 12-8060-20-009165, ZT 14-667206) (REDMS No. 4303879 v. 2)

PLN-35

See Page PLN-35 for full report

Designated Speaker: Wayne Craig

STAFF RECOMMENDATION

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9165, to amend the “Office and Education (ZIS5) – City Hall West (Thompson Area)” zoning district for the property at 6931 Granville Avenue to add “emergency service” as a permitted use under Section 24.5.2, be introduced and given first reading.



3. **APPLICATION BY FIREWORK PRODUCTIONS LTD. FOR A TEMPORARY COMMERCIAL USE PERMIT RENEWAL AT 8351 RIVER ROAD, DUCK ISLAND (LOT 87 SECTION 21 BLOCK 5 NORTH RANGE 6 WEST PLAN 34592) AND 8411/8431/8451 WEST ROAD FOR 2015, 2016 AND 2017**

(File Ref. No. TU 14-666140) (REDMS No. 4342837)

PLN-51

See Page PLN-51 for full report

Designated Speaker: Wayne Craig

STAFF RECOMMENDATION

- (1) *That the application by Firework Productions Ltd. for a Temporary Commercial Use Permit renewal for the properties at 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and 8411/8431/8451 West Road be considered at Public Hearing to be held on October 20, 2014 at 7:00 pm in the Council Chambers of Richmond City Hall, and that the following recommendation be forwarded to that meeting for consideration:*

“That a Temporary Commercial Use Permit be issued to Firework Productions Ltd. for the properties at 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and 8411/8431/8451 West Road for the purposes of permitting an evening night market event between May 15, 2015 to November 1, 2015 (inclusive), May 13, 2016 to October 30, 2016 (inclusive) and May 12, 2017 to October 29, 2017 (inclusive) subject to the fulfillment of all terms, conditions and requirements outlined in the Temporary Commercial Use Permit and attached Schedules.”

- (2) *That the Public Hearing notification area include all properties to the north of Bridgeport Road and west of Great Canadian Way as shown in Attachment 4 to the staff report dated September 9, 2014 from the Director of Development.*



4. **REFERRAL: COMPARISON OF RICHMOND AND METRO VANCOUVER PROPOSED RESPONSES THE BC MINISTRY OF AGRICULTURE CONSULTATION ON POTENTIAL CHANGES TO THE AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION**

(File Ref. No. 08-4040-01) (REDMS No. 4341599)

RICHMOND RESPONSE TO BC MINISTRY OF AGRICULTURE CONSULTATION ON POTENTIAL CHANGES TO THE AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION

(File Ref. No. 08-4040-01) (REDMS No. 4310143 v. 2)

PLN-86

See Page **PLN-86** for memorandum

PLN-169

See Page **PLN-169** for full report

Designated Speaker: Terry Crowe

STAFF RECOMMENDATION

- (1) *That the memorandum titled Referral: Comparison of Richmond and Metro Vancouver Proposed Responses the BC Ministry of Agriculture Consultation on Potential Changes to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation dated September 10, 2014 from the Manager, Policy Planning, be received for information;*
- (2) *That 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;*
- (3) *That 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;*
- (4) *That 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;*
- (5) *That the Ministry of Agriculture and Agricultural Land Commission (ALC) staff and funding be increased to properly enforce the existing and proposed ALR regulations; and*
- (6) *That this report and recommendations be forwarded to Richmond MPs, MLAs, the Metro Vancouver Board and all Metro Vancouver local governments.*



5. MANAGER'S REPORT

ADJOURNMENT





Planning Committee

Date: Wednesday, September 3, 2014

Place: Anderson Room
Richmond City Hall

Present: Councillor Bill McNulty, Chair
Councillor Evelina Halsey-Brandt
Councillor Chak Au
Councillor Linda Barnes
Councillor Harold Steves
Mayor Malcolm Brodie (entered at 4:01 p.m.)

Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

It was moved and seconded

- (1) *That the minutes of the meeting of the Planning Committee held on Tuesday, July 17, 2012, be amended to read as follows in the second paragraph under Item No. 8:*

"The Chair stated that residents in Burkeville have indicated, through the Sea Island Community Association Board, that they wish to take a hiatus from participating in the public consultation surveys regarding form and character guidelines for granny flats or coach houses."

- (2) *That the minutes of the meeting of the Planning Committee held on Tuesday, July 22, 2014, be adopted as circulated.*

CARRIED

Mayor Brodie entered the meeting (4:01 p.m.).

NEXT COMMITTEE MEETING DATE

Tuesday, September 16, 2014, (tentative date) at 4:00 p.m. in the Anderson Room.

COMMUNITY SERVICES DEPARTMENT

1. **RICHMOND MEDIA LAB**
(File Ref. No. 11-7144-01) (REDMS No. 4258707)

In reply to queries from Committee, Kim Somerville, Manager, Arts Services, advised that future funding to operate the Richmond Media Lab is proposed to be included in the 2015 budget process. She also advised that the Richmond Media Lab is collaborating with the Richmond Public Library on joint programming.

It was moved and seconded

- (1) *That the staff report titled Richmond Media Lab, dated July 29, 2014, from the Director, Arts, Culture and Heritage Services, be received for information; and*
- (2) *That future funding to operate the Richmond Media Lab be included in the 2015 budget process for Council consideration.*

CARRIED

PLANNING & DEVELOPMENT DEPARTMENT

2. **RICHMOND RESPONSE: PROPOSED METRO VANCOUVER (MV) REGIONAL GROWTH STRATEGY (RGS) TYPE 3 AMENDMENT – MINOR B FOR CITY OF PORT MOODY**
(File Ref. No. 01-0157-30) (REDMS No. 4306475)

Terry Crowe, Manager, Policy Planning, commented on the proposed amendments to Metro Vancouver Regional Growth Strategy for the Moody Centre Transit-Oriented Development Area and Murray Street Boulevard Area, noting that staff have no objections to the proposed amendments. He added that the request made by the City of Port Moody proposing amendments to Metro Vancouver 2041 Regional Growth Strategy (RGS) with respect to its waterfront was a separate matter and would be addressed at a later date.

Planning Committee
Wednesday, September 3, 2014

It was moved and seconded

That:

- (1) Metro Vancouver be advised that the City of Richmond does not object to the City of Port Moody's application to amend the Metro Vancouver (MV) Regional Growth Strategy (RGS) for the Moody Centre Transit-Oriented Development Area and Murray Street Boulevard Area; and***
- (2) staff continue to monitor any future MV RGS amendment applications which involve removing RGS Industrial and Mixed Employment designations, participate in MV industrial and employment land studies and update Council as necessary.***

CARRIED

3. RICHMOND RESPONSE TO BC MINISTRY OF AGRICULTURE CONSULTATION ON POTENTIAL CHANGES TO THE AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION

(File Ref. No. 08-4040-01) (REDMS No. 4310143)

Discussion ensued with regard to the consultation process associated with potential changes to the Agricultural Land Reserve (ALR) regulations as proposed by the Ministry of Agriculture.

Discussion then ensued with regard to the response by Metro Vancouver to the proposed regulatory changes to the ALR.

As a result of the discussion, the following **referral** was introduced:

That staff examine the response by Metro Vancouver to the potential changes to the Agricultural Land Reserve regulations as proposed by the Ministry of Agriculture and report back to the Tuesday, September 16, 2014 Planning Committee meeting.

The question on the referral was not called as discussion ensued regarding (i) concerns about the proposed amendments that would allow non-farm activities on ALR land, (ii) concerns about the consultation process and the consultation questions given by the Ministry of Agriculture, and (iii) the timing and short timeframe of the consultation process.

The question on the referral was then called and it was **CARRIED**.

Planning Committee
Wednesday, September 3, 2014

4. **APPLICATION BY AJIT THALIWAL FOR REZONING AT 4800 PRINCETON AVENUE FROM LAND USE CONTRACT 009 TO SINGLE DETACHED (RS1/B)**

(File Ref. No. 12-8060-20-009167; RZ 14-662753) (REDMS No. 4308739)

The Chair commented on the proposed development and gave recognition to the developer's rezoning efforts from the land use contract.

In reply to queries from Committee, Wayne Craig, Director, Development, spoke of the land use contract provisions, including the (i) lot coverage, (ii) building height restrictions, and (iii) side yard setback allowances. He added that the developer may be seeking to build a secondary suite on-site.

Mr. Craig advised that Land Use Contract 009 covers other properties in the area and added that there are approximately 3500 single family lots under land use contracts in the city.

In reply to queries from Committee, Mr. Craig noted that he does not expect any changes to the City's zoning policies if the proposed application is approved. Also, he indicated that the City prefers to discharge land use contracts and have sites be subject to current zoning regulations.

Joe Erceg, General Manager, Planning and Development, noted that a staff report on the use of land use contracts in the city is forthcoming.

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9167:

- (1) for the rezoning of 4800 Princeton Avenue from "Land Use Contract 009" to the "Single Detached (RS1/B)" zone; and***
- (2) to authorize the termination, release and discharge of "Land Use Contract 009" entered into pursuant to "Imperial Ventures Ltd. Land Use Contract By-law No. 2981, 1973", as it affects 4800 Princeton Avenue;***

be introduced and given first reading.

CARRIED

5. **MANAGER'S REPORT**

Vancouver Airport Authority Zoning Review

Mr. Crowe spoke of the Vancouver Airport Authority's zoning review and noted that details of the review would be presented at an upcoming Planning Committee meeting.

Planning Committee
Wednesday, September 3, 2014

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (4:11 p.m.).

CARRIED

Certified a true and correct copy of the
Minutes of the meeting of the Planning
Committee of the Council of the City of
Richmond held on Wednesday, September
3, 2014.

Councillor Bill McNulty
Chair

Evangel Biason
Auxiliary Committee Clerk



City of Richmond

Report to Committee Planning and Development Department

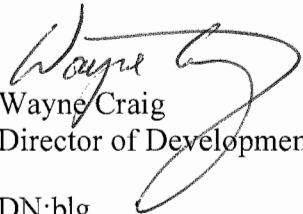
To: Planning Committee
From: Wayne Craig
Director of Development

Date: August 21, 2014
File: RZ 13-642848

Re: Application by Urban Design Group Architects Ltd. for Rezoning at
3011 No. 5 Road from "Gas Station Commercial (ZC12) - Bridgeport Road and
Ironwood Area" to "Car Wash & Service Station (ZC35) - Bridgeport"

Staff Recommendation

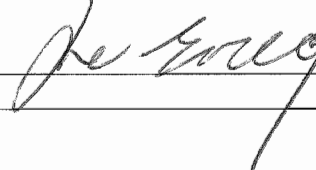
That Richmond Zoning Bylaw 8500, Amendment Bylaw 9174, to create "Car Wash & Service Station (ZC35) - Bridgeport" and for the rezoning of 3011 No. 5 Road from "Gas Station Commercial (ZC12) - Bridgeport Road and Ironwood Area" to "Car Wash & Service Station (ZC35) - Bridgeport", be introduced and given first reading.


Wayne Craig
Director of Development

DN:blg
Att.

REPORT CONCURRENCE

CONCURRENCE OF GENERAL MANAGER



Staff Report

Origin

Urban Design Group Architects Ltd., on behalf of 0976440 B.C. Ltd., has applied to the City of Richmond for permission to rezone 3011 No. 5 Road (Attachment 1) from “Gas Station Commercial (ZC12) – Bridgeport Road and Ironwood Area” to a new site-specific zone, “Car Wash & Service Station (ZC35) – Bridgeport” in order to permit development of the site as a drive-through car wash and drive-through oil change service centre (Attachment 2).

Project Overview

The subject site is located at the southwest corner of Bridgeport Road and No. 5 Road, is located within the Bridgeport Area generally, and is located within the Bridgeport Road Corridor specifically. The area is characterized by existing automobile-oriented commercial development. Redevelopment of the currently vacant site as a drive-through oil change and car wash service centre is compatible with nearby uses and in accordance with the Bridgeport Area Plan’s objective to retain the corridor as an automobile-oriented commercial area.

Findings of Fact

The subject site is approximately 1,286 m² (0.32 acres) in size and no dedications are required. The subject property has frontages on both No. 5 Road and Bridgeport Road. The site is currently vacant and was previously used as a gas station.

The site is currently zoned “Gas Station Commercial (ZC12) – Bridgeport Road and Ironwood Area”, which supports gas station use, as well as car wash and retail convenience as secondary uses. The proposed drive-through car wash and drive-through oil change service centre would be generally consistent with the existing uses and character of the area.

A Development Application Data Sheet providing details about the development proposal is attached (Attachment 3).

A Servicing Agreement is required as a condition of rezoning and will address off-site works, which are discussed in a subsequent section of this report.

Surrounding Development

To the North: A range of commercial uses are located on the north side of Bridgeport Road including a Scotia Bank, restaurant and a Chevron gas station. The sites are zoned “Neighbourhood Commercial (CN)” and “Gas Station Commercial (ZC 25) – Bridgeport Area” respectively and are designated “Industrial” in the Bridgeport Area Plan.

To the East: Retail and commercial uses are located on the east side of No. 5 Road. The site is zoned “Industrial Retail (IR1)” and designated “Commercial/Industrial” in the Bridgeport Area Plan.

To the South and West: Bridgeport Centre, which contains a furniture store and a tile and flooring centre that wraps around the south and west edges of the subject site with frontages on both No. 5 Road and Bridgeport Road. The site is zoned “Industrial Retail (IR1)” and designated “Commercial/Industrial” in the Bridgeport Area Plan.

Related Policies & Studies

Ministry of Environment

A Certificate of Compliance, issued by the Ministry of Environment, was submitted to the City at the time the applicant initiated a development application with the City. A Certificate of Compliance was required because the site was previously used and occupied by Petro Canada and operated as a full service gas station. The certificate issued on April 12, 2012 certifies that the subject lands were satisfactorily remediated to meet Contaminated Sites Regulation Standards and qualifies approval with a list of conditions that are described in Schedule “B”, which is attached to the issued Certificate of Compliance.

Official Community Plan (OCP)

The subject site is designated “Mixed Employment” in the Official Community Plan (OCP), which supports the automobile oriented commercial use that is proposed on-site.

Bridgeport Area Plan

The site is located within the Bridgeport Area Plan generally, and within the Bridgeport Road Corridor specifically. The associated land use map supports Commercial/Industrial use on the site. The proposed redevelopment of the site to accommodate a drive-through car wash and an oil change facility is generally consistent with the site’s land use designations in both the OCP and the Bridgeport Area Plan.

OCP Aircraft Noise Sensitive Development (ANSND) Policy

The subject site is located within an area where new aircraft noise sensitive land uses are prohibited. Although noise sensitive land use is not proposed, an aircraft noise indemnity covenant is required as a condition of rezoning (Attachment 5).

Public Art

The City’s Public Art Program applies to non-residential development that is greater than 2,000 m² (21,530 ft²). Based on the size of the proposed development, the applicant is not required to contribute to the City’s Public Art Program.

Floodplain Management Implementation Strategy

The applicant is required to comply with the Flood Plain Designation and Protection Bylaw (No. 8204). In accordance with the Flood Management Strategy, a Flood Indemnity restrictive covenant, specifying the minimum flood construction level (2.9 m GSC) is required prior to rezoning bylaw adoption.

The drive-through oil service operation has been designed so that users drive into the service bay and the car is serviced from a below ground service pit beneath the vehicle. The applicant is seeking a site-specific exemption from the Director of Building Approvals to permit the proposed service pit area, which would have a floor level lower than the minimum flood elevation required. The applicant has submitted construction and water-proofing details and the proposal has been conditionally supported by relevant City departments including Building Approvals. The applicant has been advised of the following terms:

- Prior to Building Permit issuance the applicant must:
 - Demonstrate to the satisfaction of Building Approvals that the pit area will be tanked to ensure it is not water permeable.
 - Provide details, to the satisfaction of Building Approvals, for the access hatch to the mechanical room proposed within the pit. The details must demonstrate that the hatch and associated area is water tight and that the hatch cannot be closed and/or locked when someone is in the area. If the floor elevation of the hatch is higher than (or at) the flood plain elevation, then the hatch will need to demonstrate the safety features that allow someone from inside the mechanical room to egress at any time. If the room is accessed from within the pit, the door will be required to be watertight.
- The applicant must comply with the BC Plumbing Code, which requires installation of a sand trap, which collects sediment, and an oil interceptor.
- The applicant has confirmed that an oil interceptor, which includes a separator, will be installed as part of their required storm drainage works to mitigate the potential of a spill or oil/gasoline from entering the storm system.
- The applicant has been advised that all wash water must be either recycled on site or sent to the sanitary system, which requires compliance with Metro Vancouver Liquid Waste Management bylaws and a Waste Water Discharge Permit from Metro Vancouver. The applicant has been advised to work directly with Metro Vancouver to secure approval and permits and will be required to demonstrate compliance as a condition of Building Permit issuance.

Consultation

The rezoning process includes the erection of a development sign, notification of neighbours and local advertising of the Public Hearing. The applicant has forwarded confirmation that a development sign has been posted on the site. Staff did not receive any phone calls or written correspondence regarding the proposed development.

Staff Comments & Analysis

The following provides a synopsis of the issues identified through the technical review process and the associated actions. The Rezoning Considerations (Attachment 5) outline the various aspects to be addressed prior to the application being finalized.

Site Plan

The proposed site plan was reviewed with consideration of:

- The Bridgeport Area Plan's support for retention of the corridor as an important automobile oriented commercial area;
- The site's location at the busy intersection of Bridgeport Road and No. 5 Road;
- On-site parking, queuing, truck turning, and circulation requirements; and
- The Bridgeport Area Plan's objective to improve the visual appearance of Bridgeport Road and enhance the area's overall "image".

To accommodate the circulation, queuing and parking requirements, which are outlined in the following section, the proposed building footprint is located less than a metre from the Bridgeport Road property line, which is significantly closer than the standard 6 m -12 m (20 ft. – 40 ft.) front yard building setback for service station and car wash developments in the city. However, the setback area will be treated with landscaping and an upgraded City sidewalk and boulevard will be introduced through the Servicing Agreement (SA) to enhance the frontage of both Bridgeport Road and No. 5 Road.

Noise

Although the proposed development is more than 130 m (425 ft.) from a residential area, as a condition of rezoning bylaw adoption, the applicant is required to demonstrate that operation of the proposed car wash will comply with the City's Noise Regulation Bylaw No. 8856.

Transportation

The applicant has demonstrated, to the satisfaction of Transportation staff, that on-site circulation, vehicle queuing and all required vehicle parking can be accommodated on-site. No road dedications or additional rights-of-way to accommodate traffic circulation or frontage improvements have been identified through Transportation Division's review of the proposal.

Vehicle Access & Circulation

The subject site is located at the intersection of Bridgeport Road and No. 5 Road. Reduction and/or consolidation of individual access points along main arterial roads is a priority with any redevelopment in this area. As a result, redevelopment of the subject site includes traffic management provisions that control access to and from the site.

The Servicing Agreement (SA) will limit Bridgeport Road access to right-in, right-out movements through the inclusion of a raised island "pork chop". It will also secure signage to prevent vehicle traffic from exiting the site via the No. 5 Road access, which is designed to facilitate right-in only vehicle access to the site. An existing covenant registered on the property's title (document BM 226125) limits access via No. 5 Road to a single entrance and egress; the proposed site plan further limits access along this frontage.

The internal drive aisle width is limited to 4.8 m (15 ft.); therefore, only one-way traffic is accommodated on-site and all vehicle traffic will be required to exit the site via the Bridgeport

Road access. Using a turning template for a SU9 truck (9.1 m long), the applicant has demonstrated, to the satisfaction of Transportation staff, that the site plan accommodates truck movements in and out of the site.

Queuing & Parking

Transportation Division has applied the required parking rates for “Service Station” to determine the minimum number of required on-site parking spaces. Transportation Division has accepted the applicant’s proposal to provide:

- Two (2) parking stalls are located on the south side of the building and three (3) stalls are located on either side of the car vacuum station. The stall located on the north side of the vacuum station (stall #8) will be secured for employee use while the remaining stalls are available for use by both employees and visitors. The provision of five (5) stalls is based on the proposed usable commercial floor area (215.2 m² (2,315 ft²)).
- Two (2) queuing stalls for the car wash bay.
- Three (3) queuing stalls for each oil change bay; for a total of six (6) queuing stalls.

Boulevard Upgrades

A minimum 1.5 m (5 ft.) wide sidewalk and a treed boulevard along both Bridgeport Road and No. 5 Road will be secured through the Servicing Agreement (SA). The width of the boulevard ranges from the standard 1.5 m (5 ft.) requirement along Bridgeport Road to an enhanced 2.4 m (8 ft.) wide boulevard at the north east corner of the site, and 3.4 m (11 ft.) wide boulevard along No. 5 Road.

Engineering

All Engineering servicing issues will be addressed through the required Servicing Agreement (SA) for this application and are discussed in detail in Attachment 5. Works include but are not limited to the following:

- Confirmation of adequate available water flow at the Building Permit stage;
- Upgrading the storm sewer on the Bridgeport Road frontage along approximately 18 m (59 ft.) of the frontage;
- Addressing sanitary service connection requirements for both the interim and ultimate scenarios, which includes securing a 6 m (20 ft.) wide utility right of way along the south property line of the subject site in recognition that when the adjacent lot, which wraps along the west and south edges of the subject site (11938 Bridgeport Road) develops, the existing sanitary system connection may be relocated.
- Discharge of Statutory Right of Way located at the south west corner of the site (3 m x 3m) (Plan 70538, Reference No. Y170166).
- Any conflict between sidewalk and boulevard improvements and existing BC Hydro poles must be resolved at the developer’s cost to the satisfaction of the Director of Engineering.

Trees

There are no trees on the subject site. Parks supports the removal of two (2) existing City trees that are located along No. 5 Road, which will be affected by the required sidewalk and boulevard

upgrades. The applicant will compensate for the removal of the trees at the standard 1:1 compensation rate as detailed in Attachment 5.

Proposed Bylaw

The proposed site-specific zone, “Car Wash & Service Station (ZC35) – Bridgeport” is a tailored version of the site’s existing zoning (“Gas Station Commercial (ZC12) – Bridgeport Road and Ironwood”), and the “Gas & Service Stations (CG1 & CG2)” zone, which is the zone typically used outside of the City Centre to accommodate car wash use. A site-specific zone, rather than the “Gas & Service Stations (CG1 & CG2)” zone, is proposed based on consideration of site-specific constraints, which include access and parking capacity. The following is a synopsis of the proposed site-specific zone:

Uses: The site’s existing ZC12 zoning permits gas station, car wash and retail, convenience use. The proposed site-specific zone omits gas station use and retail, convenience use, and introduces car wash and service station to support the drive-through oil change and car wash uses that are proposed.

Gas station and retail, convenience uses are not supported based on consideration of the size and location of the subject site, and the site’s inability to accommodate the additional on-site parking that would be required by the uses. Omitting retail, convenience use will not affect the owner’s ability to sell oil products associated with the oil change service. The trend in gas station development is to include a sizable convenience store area and/or restaurant services, which both require on-site parking that cannot be provided on the site. Transportation staff support development of the site provided uses are limited to drive-through services.

Density & Lot Coverage: The 0.28 Floor Area Ratio (FAR) and 17% lot coverage proposed by the development is less than the 0.35 FAR and 35% lot coverage supported by the ZC12 and CG1/2 zones. Accordingly, the proposed site-specific zone supports 0.30 FAR and 20% lot coverage.

Yards & Setbacks: A 0.9 m (3 ft.) building setback is proposed from Bridgeport Road and a 10 m (32 ft.) building setback is proposed from No. 5 Road. Staff support the reduced setbacks based on site-specific constraints including on-site manoeuvring requirements and the improvements to the public boulevard and sidewalk that will be undertaken through the development process.

Landscaping & Screening: The Richmond Zoning Bylaw requires commercial development to provide a minimum 3.0 m (9 ft.) wide landscaping treatment along a property line abutting a road. The proposed site-specific zone supports a reduced landscaped area that is 0.9 m (3 ft.) wide along a portion of Bridgeport Road and 2.0 m (6 ft.) along No. 5 Road based on consideration of on-site manoeuvring requirements and the overall improvement to the public realm that will be achieved through the process of developing the site.

Other Regulations: To minimize noise impact on adjacencies, the car wash must be wholly contained within the building and must comply with the City's Noise Regulation Bylaw No. 8856.

All other sections of the bylaw, including height, minimum lot size, on-site parking and loading, are consistent with the CG1/CG2 zone, which is customarily used to facilitate service station and car wash use outside the City Centre.

Sustainability

The applicant has provided a summary of sustainability features that will be included within the development (Attachment 4). The features include:

- Low maintenance building materials to increase the life cycle of the building;
- Radiant heating and compliance with ASHRAE 2010 for energy efficiency;
- LED light fixtures;
- Low flow plumbing fixtures and water wise landscaping;
- Installation of a rain water collection system on the roof that collects water from the roof and roof drains, which will be used by the car wash water system;
- Collection of used oil by a third party, which will be recycled off-site;
- Antifreeze will be collected for recycling.

Proposed Development Permit (DP 13-641791)

The proposed design will be further reviewed as part of the Development Permit review process. The applicant has been advised that the following will be considered:

- Design development of building facades including consideration of materials, signage, and illumination fixture details;
- If applicable, material and design development for screening of roof top mechanical equipment;
- Opportunities to introduce additional on-site landscaping; and
- Demonstration that the principles of Crime Prevention Through Environmental Design (CPTED) have been integrated both into the site plan and the building design.

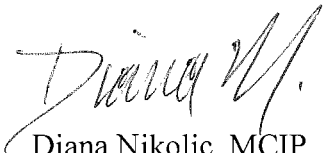
Financial Impact or Economic Impact

No financial or economic impact is anticipated as a result of the proposed development.

Conclusion

Overall, the proposed development of a drive-through car wash and oil change service centre is consistent with the land use objectives of the OCP and Bridgeport Area Plan. Further, the applicant has addressed site-specific constraints to the satisfaction of City staff. As a result, a site-specific zone, “Car Wash & Service Station (ZC35) – Bridgeport” has been drafted and proposes a tailored list of permitted uses and provisions for reduced building setbacks. Based on the suitability of the proposed land use and the applicant’s design response, staff recommend that the proposed development be approved to proceed.

It is recommended that Bylaw No. 9174 to rezone the subject property from “Gas Station Commercial (ZC12) – Bridgeport Road and Ironwood Area” to “Car Wash & Service Station (ZC 35) – Bridgeport” be introduced and given first reading.



Diana Nikolic, MCIP
Planner 2-Urban Design
(604-276-4040)

DN:blg

Attachemnt1: Location Map

Attachment 2: Conceptual Development Plans

Attachment 3: Development Application Data Sheet

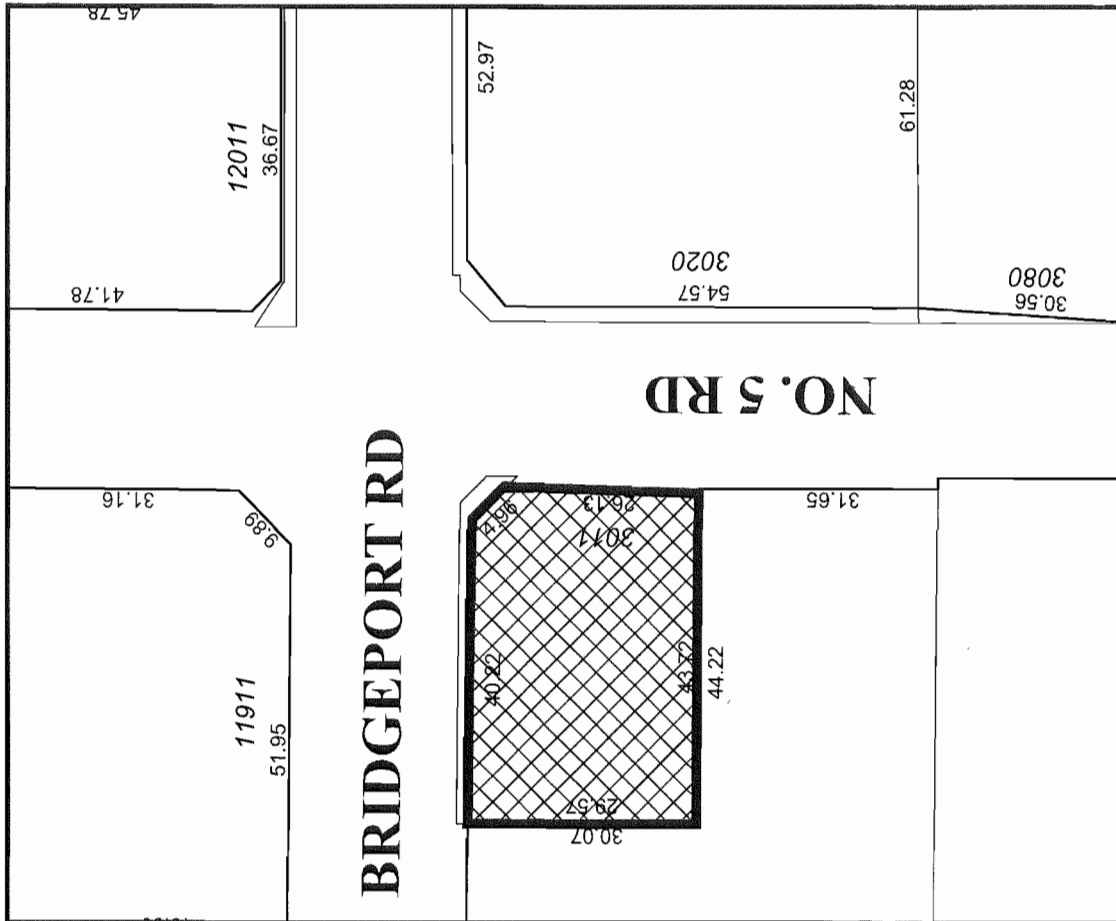
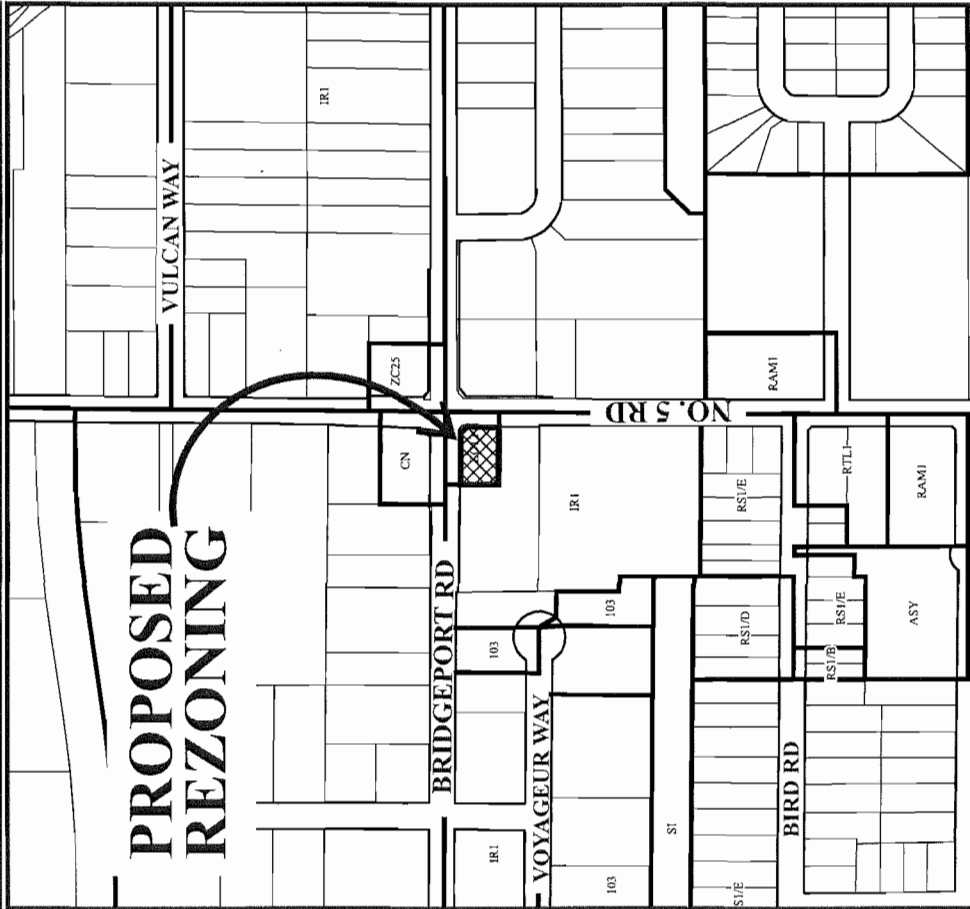
Attachment 4: Sustainability Response Provided by Applicant

Attachment 4: Rezoning Considerations



City of Richmond

PROPOSED REZONING

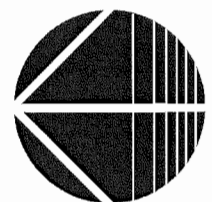


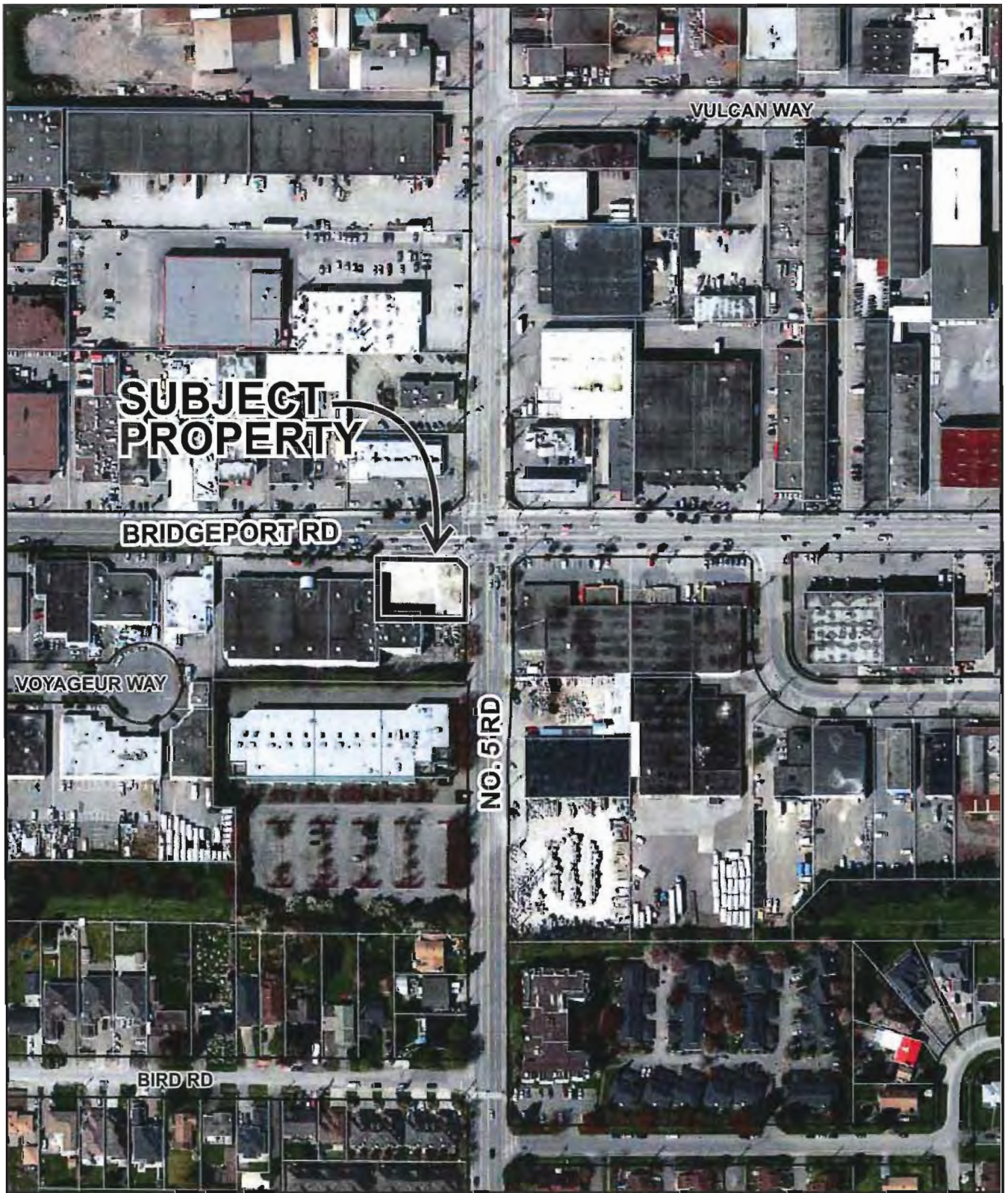
Original Date: 08/13/13

Revision Date:

Note: Dimensions are in METRES

RZ 13-642848





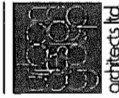
RZ 13-642848

Original Date: 08/13/13

Amended Date:

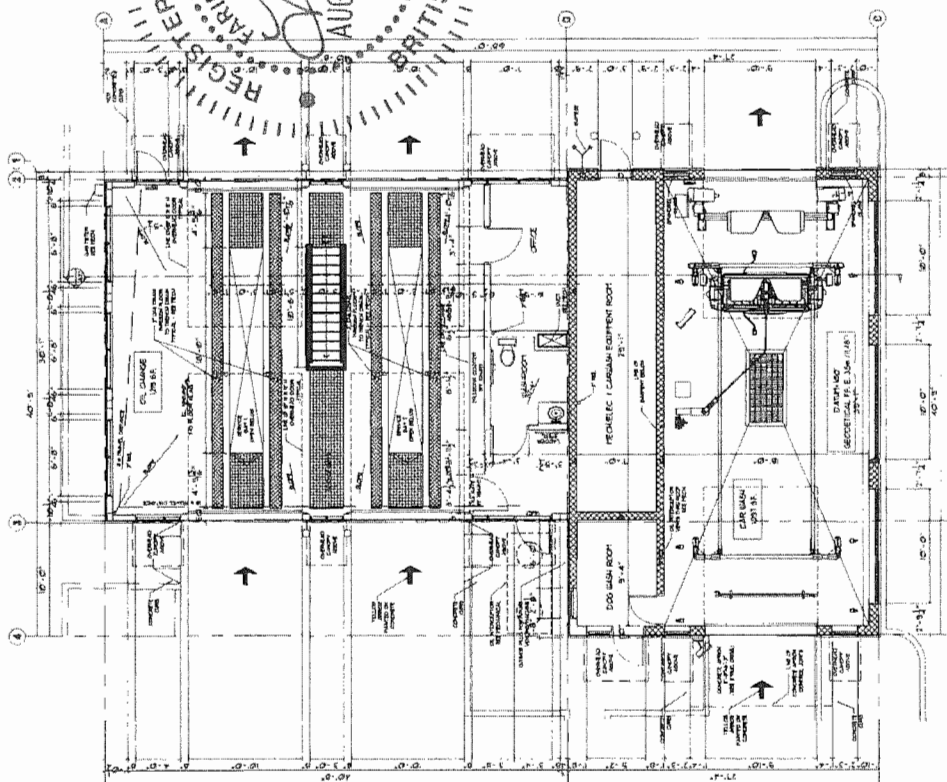
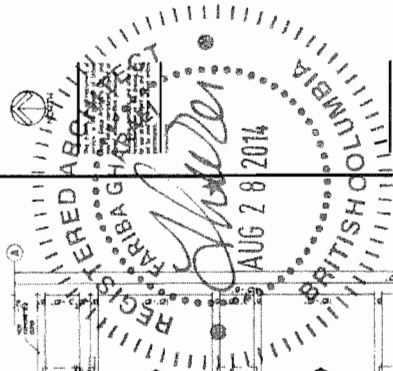
Note: Dimensions are in METRES

MOBILE 1 - OIL CHANGE AND CAR WASH
3011 NO. 5 ROAD, RICHMOND, BC
FOR BILL'S DEVELOPMENT LTD

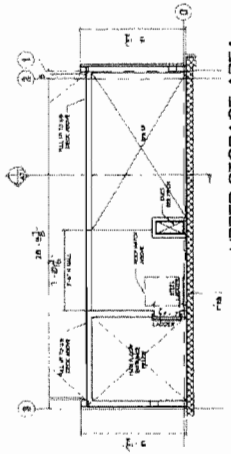


architects ltd
400 W. 10TH AVENUE
VANCOUVER, BC V6C 2M8
TEL: 604-681-1111
FLOOR PLAN

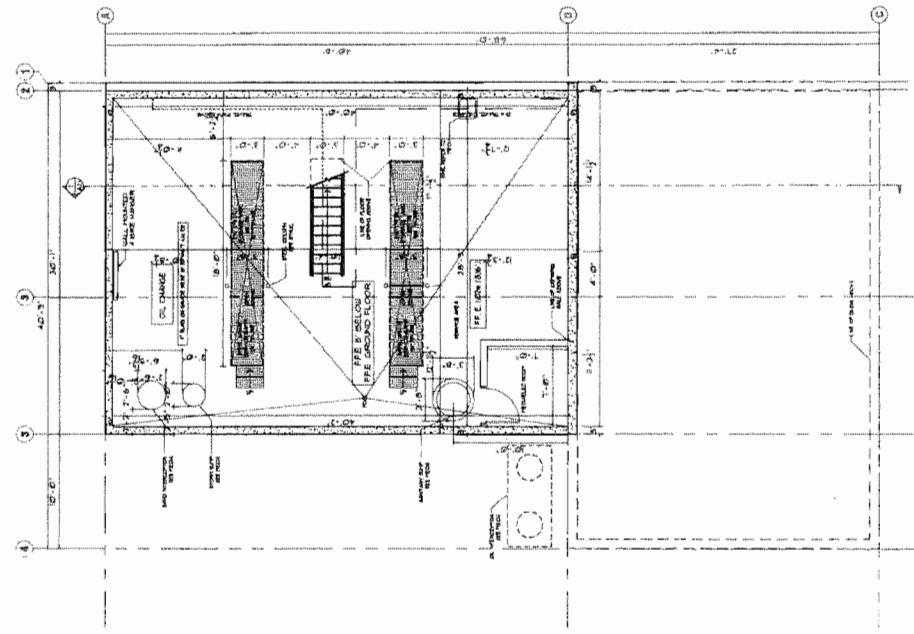
DATE	2014.08.28
SCALE	1/8" = 1'-0"
PROJECT	MOBILE 1 - OIL CHANGE AND CAR WASH
CLIENT	BILL'S DEVELOPMENT LTD
DESIGNER	ARCHITECTS LTD
DRAWN BY	ARCHITECTS LTD
CHECKED BY	ARCHITECTS LTD
APPROVED BY	ARCHITECTS LTD



1 FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 UPPER STORAGE AREA
SCALE: 1/8" = 1'-0"

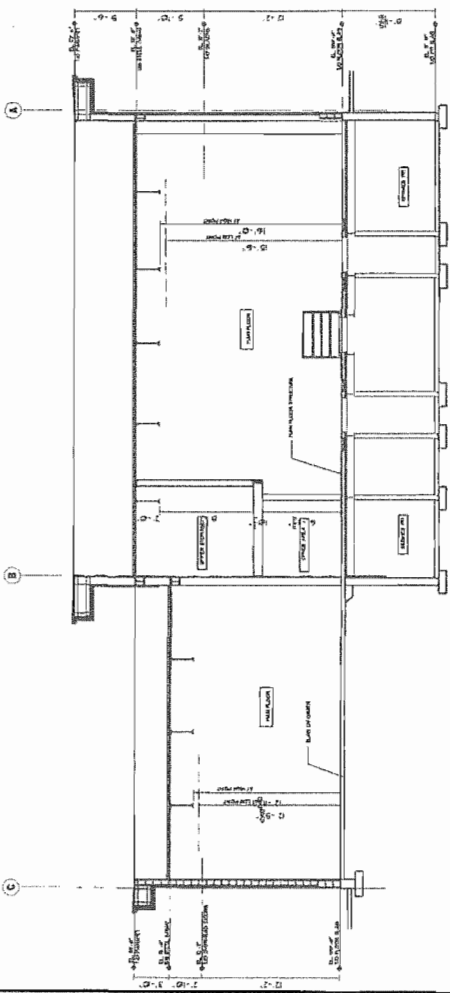
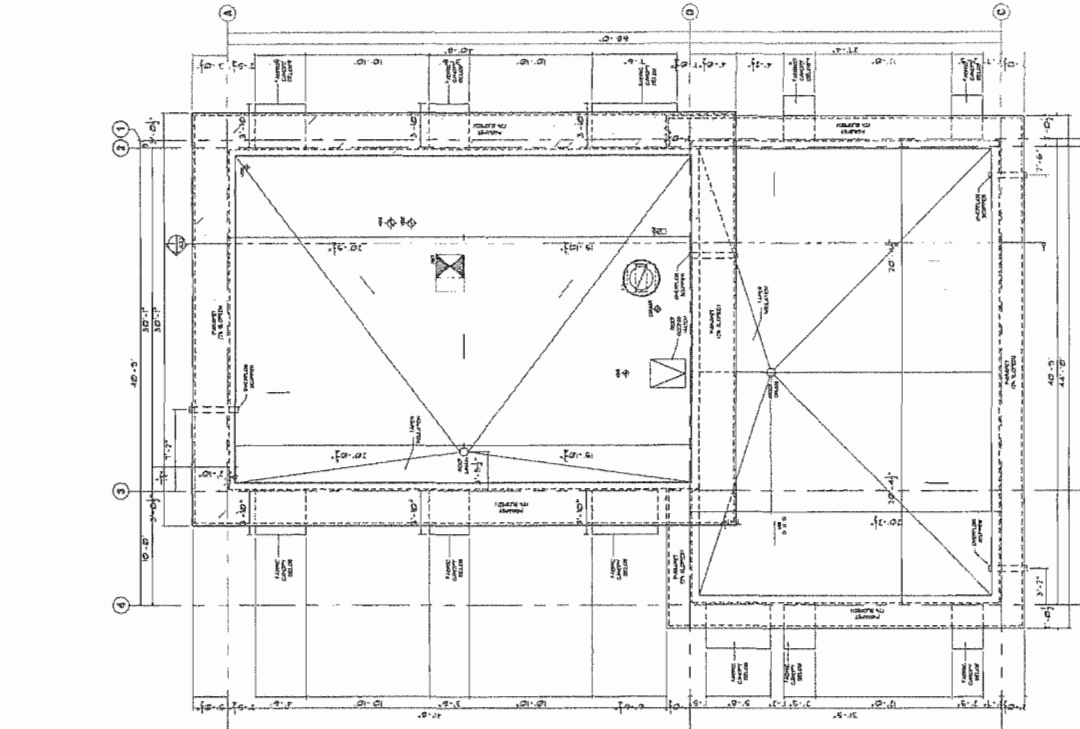


3 SERVICE PIT PLAN
SCALE: 1/8" = 1'-0"

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING ACT AND REGULATIONS.
2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED BUDGET.
6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED QUALITY STANDARDS.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED SAFETY STANDARDS.
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED ENVIRONMENTAL STANDARDS.
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ROOF PLANS
1. ROOF PLAN
2. BUILDING SECTION

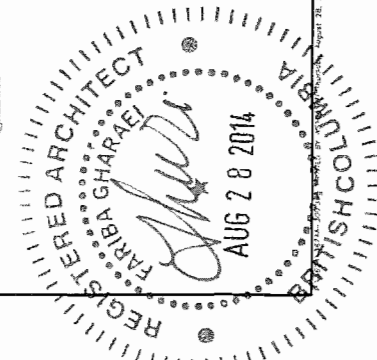
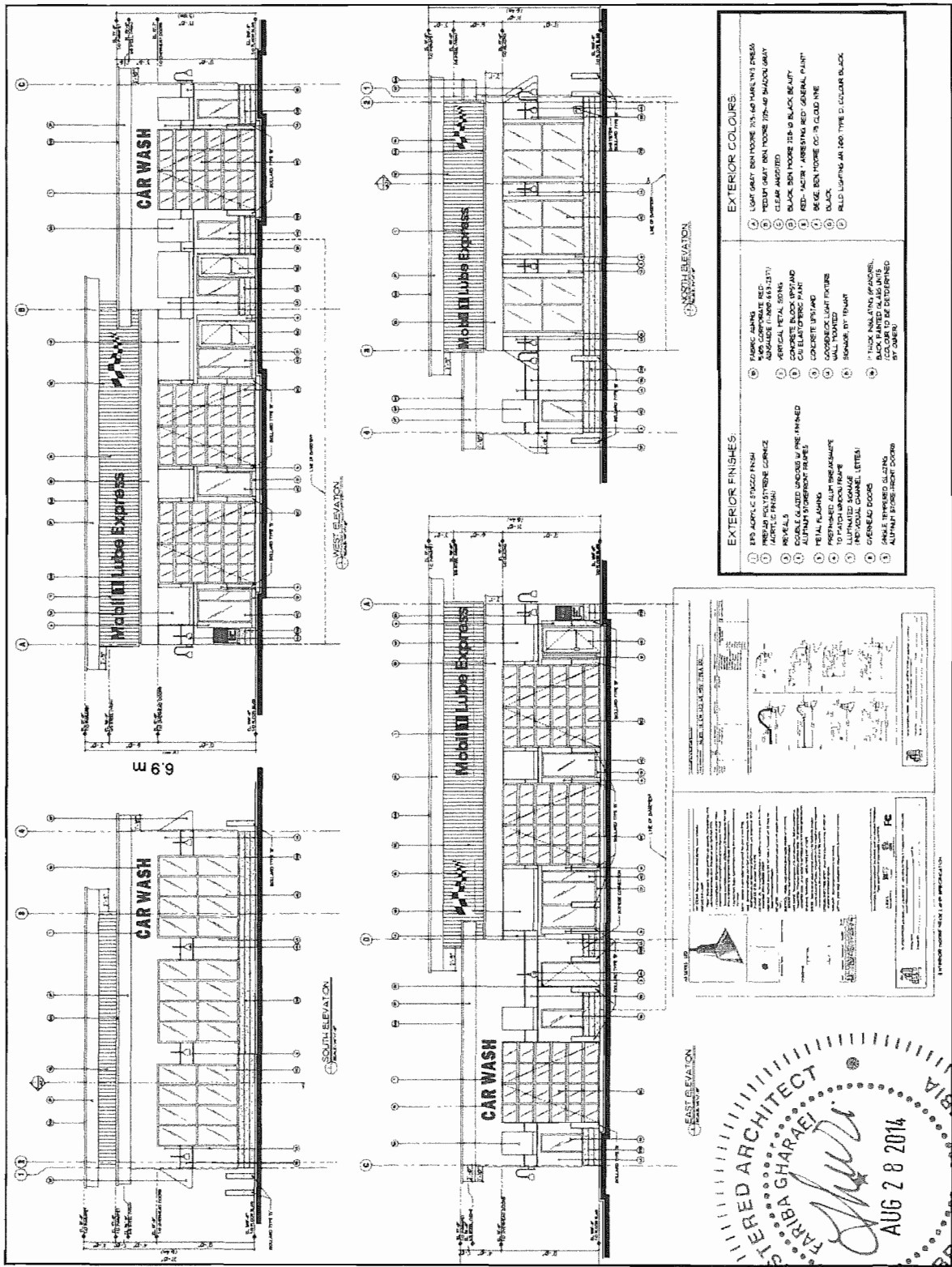


BUILDING SECTION
1. BUILDING SECTION
2. ROOF PLAN

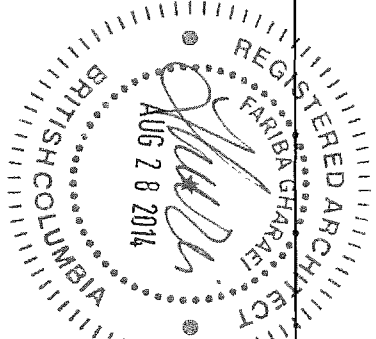
GENERAL NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL MATERIALS AND CONSTRUCTION SHALL BE AS SHOWN ON THE DRAWINGS.
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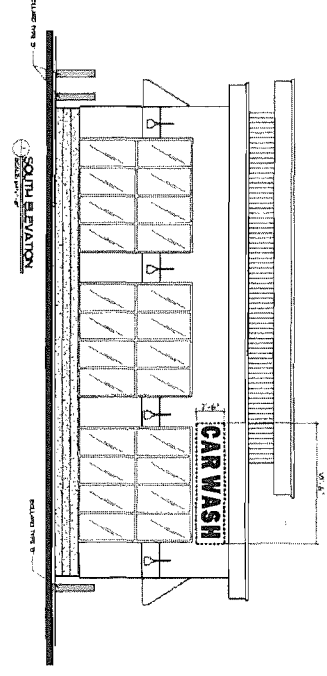




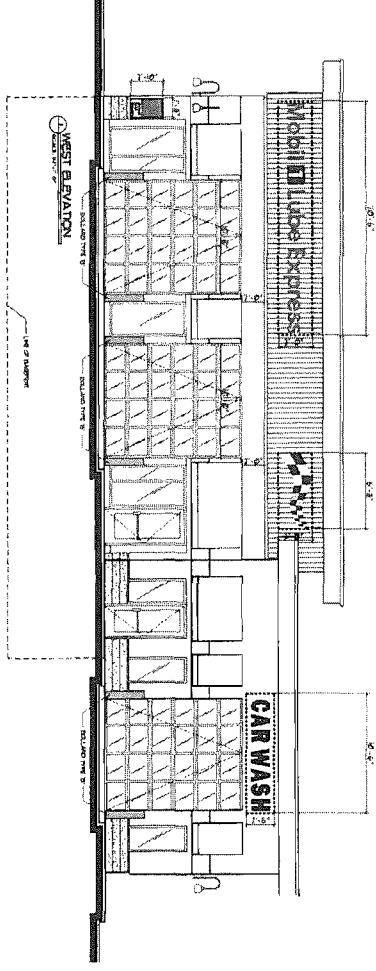
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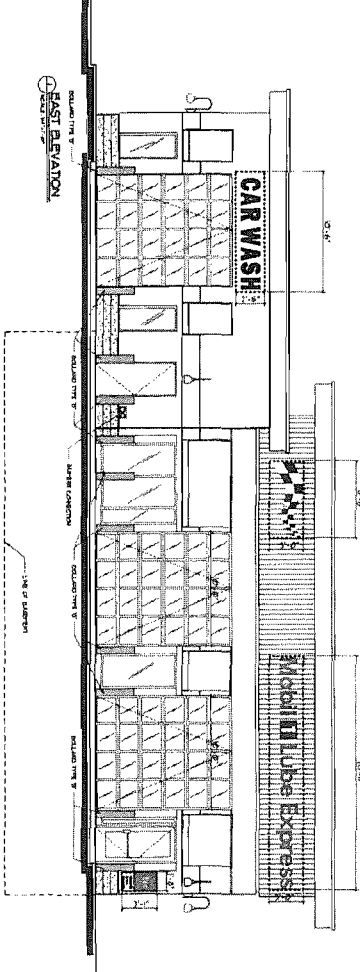
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10'-0" x 23'-0" - 18'-0" x 3'-0"



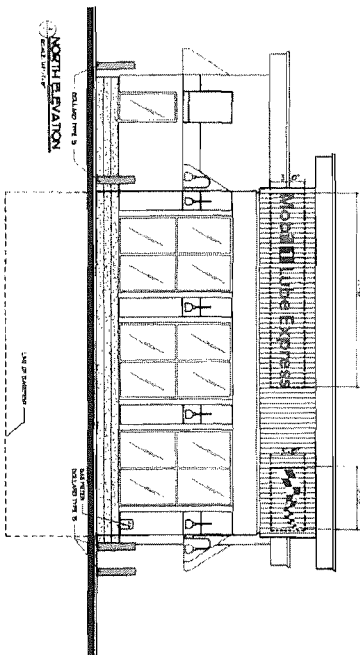
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10'-0" x 23'-0" - 18'-0" x 3'-0"



EAST ELEV.
120'-0" x 23'-0" - 18'-0" x 3'-0"
10'-0" x 23'-0" - 18'-0" x 3'-0"



NORTH ELEV.
120'-0" x 23'-0" - 18'-0" x 3'-0"
10'-0" x 23'-0" - 18'-0" x 3'-0"



MOBILE 1 - OIL CHANGE AND CAR WASH
3011 NO. 5 ROAD, RICHMOND, BC
For BILL'S DEVELOPMENT LTD
PLN - 25

odirects ltd
3011 NO. 5 ROAD
RICHMOND, BC
V6V 2G1
5872
SIGNAGE
A-31



RZ 13-642848

Attachment 3

Address: 3011 No. 5 Road

Applicant: Urban Design Group Architects Ltd.

Planning Area(s): Bridgeport Area Plan

	Existing	Proposed
Owner:	0976440 B.C. Ltd.	0976440 B.C. Ltd.
Site Size (m²):	1,289 m ² (13,870 ft ²) (0.32 acre)	1,289 m ² (13,870 ft ²) (0.32 acre)
Land Uses:	Vacant	Drive-through oil change and car wash (sale of oil related to oil change service)
OCP Designation:	Mixed Employment	Mixed Employment
Bridgeport Area Plan Designation:	Commercial Industrial	Commercial Industrial
Zoning:	Gas Station Commercial (ZC12) – Bridgeport Road and Ironwood Area	Car Wash & Service Station (ZC35) - Bridgeport
Number of Units:	Vacant	1 building

	Proposed Bylaw No. 9174 “(Car Wash & Service Station (ZC35))”	Proposed	Variance
Floor Area Ratio:	Max. 0.30 FAR	0.26	none permitted
Lot Coverage – Building:	Max. 20%	16.7%	none
Lot Size (min. dimensions):	No minimum	1,286.7 m ² (13,850 ft ²) (0.32 acre)	none
Setback – Bridgeport (Front Yard) (m):	Min. 0.9 m	Min 0.9 m	none
Setback – No. 5 Road (Exterior Yard) (m):	Min. 10.0 m	Min. 10.4 m	none
Setback – interior side yard and rear yard (m):	Min. 7.9 m	Min. 7.9 m (south) Min. 20.8 m (west)	none
Height (m):	Building: 9.0 m	6.4 m	none
Off-street Parking Spaces	Service Station: 2/100 m ² of gross leasable floor area; plus: - 1 space for each car wash bay; plus - 3 spaces for each vehicle service bay	Customer/employee parking: 5 stalls Car wash: 2 queuing stalls Vehicle Service Bay: 3 queuing stalls for each oil change bay (total 6)	none

	Proposed Bylaw No. 9174 “(Car Wash & Service Station (ZC35))”	Proposed	Variance
Off-street Parking Spaces – Total:	12 (including queuing stalls) Customer/employee parking: 5 Queuing stalls: Car wash: 1 Vehicle Service Bay: 6	13 (including queuing stalls) Customer/employee parking: 5 Queuing stalls: Car wash: 2 Vehicle Service Bay: 6	none
Bike Parking	Class 1: 1 Class 2: 1	Class 1: 1 Class 2: 1	none
Amenity Space – Indoor:	n/a	n/a	none
Amenity Space – Outdoor:	n/a	n/a	none

Other: Tree replacement compensation required for loss of significant trees.

URBAN DESIGN GROUP ARCHITECTS LTD. 600 - 1140 W PENDER ST. VANCOUVER, BC V6E 4G1 (604) 687-2334 FAX (604) 688-7481

Paul Chiu, Architect AIBC, MRAIC, AAA, SAA, MAA, OAA, SBA, Principal
Fariba Gharai, Architect AIBC, MRAIC, OAA, LEED AP, SBA, Associate
Steven Wagner, Architect AIBC, MRAIC, AIA, LEED AP, Associate
Rudi Klauser, RID, NCIDQ, LEED AP, Senior Associate
Crosby Chiu, MRAIC, SBA, Senior Associate

Rick Jones, Principal
Aaron Vornbrock, Senior Vice President
Eric Ching, CSBA, Vice President
Martin Grube, Associate
Bojan Ilic, Associate

June 23, 2014

City of Richmond
6911 No. 3 Road
Richmond BC
V6Y 2C1

Attention: Diana Nikolic, MCIP
Planner

Re: Sustainability

Mobile 1 – Oil Change & Car Wash, 3011 No. 5 Road, Richmond

Our Project No. 3674

Dear Mayor and Councilors,

This new development is for a Mobile 1 – Oil Change and Car Wash facility which incorporates the following:

- High quality building materials with low maintenance are proposed to increase the life-cycle of the building and minimize the need for repair/additional construction work.
- Radiant heating systems are to be used to heat the occupant rather than the space. This building is categorized as a semi-heated building and we will comply with the requirements of ASHRAE 2010 for energy efficiency.
- LED light-fixtures will be used to minimize both energy consumption and frequent replacement of the lighting.
- Low-flow plumbing fixtures and water wise landscaping is proposed in order to lower water consumption for this development.
- High efficiency plumbing fixtures to be provided.
- Rain water collection and re-use of the water system to be provided to minimize discharge of the water to the City sanitary line and reduce the water usage for the car wash.

- Recycled measures to be considered during the construction time.
- The used oil will be recycled and reused. Garbage recycling is provided to minimize the waste material.
- Antifreeze and used motor oil will be picked up for recycling.

Yours Truly,



Fariba Gharai, Architect AIBC, MRAIC, OAA, LEED AP, SBA, Associate
URBAN DESIGN GROUP ARCHITECTS LTD.

FG/mp



Rezoning Considerations

Development Applications Division
6911 No. 3 Road, Richmond, BC V6Y 2C1

Address: 3011 No. 5 Road

File No.: RZ 13-642848

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9174, the developer is required to complete the following:

1. Registration of a flood indemnity covenant on Title that includes reference to the proposed site-specific exemption that is required to facilitate the proposed service pit and is subject to approval from the Director of Building Approvals.
2. Registration of an aircraft noise indemnity covenant on Title.
3. Demonstrate that operation of the proposed car wash will comply with the City's Noise Regulation Bylaw No. 8856 (e.g. submission of an acoustic report prepared by a professional Engineer).
4. Discharge of Statutory Right of Way located at the south west corner of the site (3 m x 3m) (Plan 70538, Reference No. Y170166).
5. City acceptance of the developer's offer to voluntarily contribute \$1,300.00 to the City's Tree Compensation Fund for the planting of replacement trees within the City.
6. The submission and processing of a Development Permit* completed to a level deemed acceptable by the Director of Development.
7. Enter into a Servicing Agreement* for the design and construction of a new 1.5 m wide sidewalk at the property line along both Bridgeport Road and No. 5 Road. A minimum 1.5 m wide grass and treed boulevard to the curb is required along Bridgeport Road. A grass and treed boulevard is required along No. 5 Road and the width will vary between 2.4 m and 3.4 m. The Servicing Agreement is to include, but is not limited to the following:

Water works servicing:

- a) Using the OCP Model, there is 564 L/s available at 20 psi residual at the hydrant located at the northwest corner of Bridgeport Road and No. 5 Road and 358 L/s available at 20 psi residual at 3080 No. 5 Road. The proposed development requires a minimum fire flow of 220 L/s. Water analysis is not required. However, when the building design is confirmed at the Building Permit stage, fire flow calculations that are signed and sealed by a professional engineer based on the Fire Underwriter Survey or ISO is required to be submitted to confirm that there is adequate available flow.
- b) Based on the proposed rezoning, the proposed site will require a fire hydrant, spaced as per City standard, along No. 5 Road frontage.
- c) Water service connection will be from No. 5 Road frontage.

Drainage works servicing:

- a) In lieu of upgrading the existing 450 mm diameter storm sewer on Bridgeport Road frontage, a 600 mm diameter storm sewer, with an approximate length of 18 m, is to be provided at Bridgeport Road to connect existing manhole STMH-3156 (located at the proposed site's northeast corner) and existing manhole STMH-3168 (located at the proposed site's northeast corner).
- b) Drainage service connection will be from No. 5 Road frontage.

Sanitary works servicing:

- a) The proposed development may get sanitary service from the existing City sanitary system located within a north-south utility right of way near the No. 5 Road frontage of 11938 Bridgeport Road.

- b) The sanitary service connection shall be designed to match both interim and ultimate scenarios as follows:
- i. Provide a type 3 inspection chamber complete with a sanitary lead directed south and tie-in to an existing sanitary manhole (SMH 6372) located south of the south property line of 3011 No. 5 Road.
 - ii. The required inspection chamber (per item number i) shall have another lead directed east and it shall terminate at the east property line of 3011 No. 5 Road. The east opening of the required inspection chamber shall be temporarily plugged.
 - iii. A 6m wide utility right of way along the south property line of 3011 No. 5 Road shall be required to contain the required inspection chamber and sanitary leads per item number i and ii above.

In the interim, the proposed development shall be serviced through the lead directed south to the existing sanitary manhole.

When 11938 Bridgeport Road develops in the future, the existing sanitary system located within the north-south utility right of way near the No 5 Road frontage of 11938 Bridgeport Road may be abandoned and the existing utility right of way discharged. Before abandonment, 11938 Bridgeport Road will be required to provide service to 3011 No 5 Road through the required lead that is capped at the east property line of 3011 No 5 Road (per item number ii above).

Private utility works:

- a) Developer to provide Private utility companies rights-of-ways to accommodate their above ground equipment (i.e., Pad mounted transformers, LPT kiosks, Shaw kiosk, Telus Sac pad, etc.) and any future under-grounding of overhead lines.
- b) Existing BC Hydro Poles at No 5 Road frontage will conflict with the required frontage improvements. Alterations and relocation of any private utilities will be at the developer's cost.
- c) It is recommended that the developer contact the private utility companies (i.e., BC Hydro, Shaw, Telus, etc.) to learn of their requirements.

Transportation:

On-site circulation is two way from Bridgeport to the service bays and one-way westbound from the exits of the service bays and the No. 5 Road access.

- a) For the Bridgeport Road access, a raised island "pork chop" is required to limit turning movements to right-in, right-out at the intersection of the driveway.
- b) For the No. 5 Road access, a "Do Not Enter" sign is required facing the left turn traffic on No. 5 Road. In addition, a raised internal island at the driveway is required to restrict movement. On-site circulation is restricted
- c) All new driveway letdowns designed as per the City's Engineering Design Specifications.

General:

An assessment is required from a Professional Engineer with experience in Geotechnical Engineering on the impact of the proposed on-site works to the existing offsite infrastructures along Bridgeport Road and No 5 Road frontages (i.e., AC sanitary forcemains, AC watermain, etc.)

Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required, including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

The Engineering design, via the Servicing Agreement and/or the Development Permit and/or the Building Permit design must incorporate the recommendations of the impact assessment.

Prior to Building Permit Issuance, the developer must complete the following requirements:

1. Submission of a Construction Parking and Traffic Management Plan to the Transportation Division. Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.

2. Incorporation of accessibility measures in Building Permit (BP) plans as determined via the Rezoning and/or Development Permit processes.
3. Demonstrate the following to the satisfaction of the Building Department:
 - a) Demonstration that the pit area is not water permeable;
 - b) Provide details associated with the access hatch to the mechanical room at pit elevation. The details must demonstrate that the hatch and associated area is water tight and that the hatch cannot be closed and/or locked when someone is in the area. If the floor elevation of the hatch is higher than (or at) the flood plain elevation, then the hatch will need to demonstrate the safety aspects that allow someone from inside the mechanical room to egress at any time. If the room is accessed from within the pit, the door will be required to be watertight.
 - c) Compliance with the BC Plumbing Code, which requires installation of a sand trap and oil interceptor.
 - d) Any waste water sent to the sanitary system requires compliance with Metro Vancouver Liquid Waste Management bylaws and a Waste Water Discharge Permit from Metro Vancouver. The applicant must demonstrate compliance as a condition of Building Permit issuance.
4. Obtain a Building Permit (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit. For additional information, contact the Building Approvals Division at 604-276-4285.

Note:

- * This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, Letters of Credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.
- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

Signed

Date



**Richmond Zoning Bylaw 8500
Amendment Bylaw 9174 (13-642848)
3011 No. 5 Road**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning Bylaw 8500 is amended by inserting Section 22.35 thereof the following:

“22.35 Car Wash & Service Station (ZC35) - Bridgeport

22.35.1 Purpose

The zone provides for **car wash** and **service station use**.

22.35.2 Permitted Uses

- **car wash**
- **service station**

22.35.3 Permitted Density

1. The maximum **floor area ratio** is 0.30.

22.35.4 Permitted Lot Coverage

1. The maximum **lot coverage** is 20% for **buildings**.

22.35.5 Yards & Setbacks

1. The minimum **front yard** (abutting Bridgeport Road) is 0.9 m for **buildings**.
2. The minimum **exterior side yard** (abutting No. 5 Road) is 10 m for **buildings**.
3. The minimum **interior side yard** and **rear yard** is 7.9 m for **buildings**.

22.35.6 Permitted Heights

1. The maximum **height** for **buildings** is 9.0 m.
2. **Accessory structures** are not permitted.

22.35.7 Subdivision Provisions/Minimum Lot Size

1. There are no minimum **lot width**, **lot depth** or **lot area** requirements.

22.35.8 Landscaping & Screening

1. **Landscaping** and **screening** shall be provided in accordance with the provisions of Section 6.0 except, that the minimum required landscaping is reduced from 3.0 m to:

- a) 0.9 m on the portion of the **lot** which **abuts** Bridgeport Road; and
- b) 2.0 m on the portion of the **lot** which **abuts** No. 5 Road.

22.35.9 On-Site Parking and Loading

- 1. On-site **vehicle** and bicycle parking and loading shall be provided according to the standards set out in Section 7.0.

22.35.10 Other Regulations

- 1. An automated or semi-automated **car wash** must be wholly contained in a **building** and must comply with the **City's Noise Regulation Bylaw No. 8856**.
- 2. In addition to the regulations listed above, the General Development Regulations in Section 4.0 and the Specific Use Regulations in Section 5.0 apply."
- 2. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it **CAR WASH & SERVICE STATION (ZC35) – BRIDGEPORT**.

P.I.D. 007-376-723

East 150 Feet (Reference Plan 17050) Lot 1

Except: Firstly; Part On Bylaw Plan 59971,

Secondly; Part In Plan LMP21779

Thirdly; Part On Plan LMP39115

Section 25 Block 5 North Range 6 West New Westminster District Plan 1366

- 3. This Bylaw may be cited as "**Richmond Zoning Bylaw 8500, Amendment Bylaw 9174**".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER



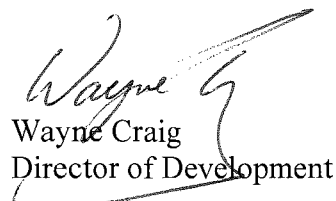
City of Richmond

Report to Committee Planning and Development Department

To: Planning Committee
From: Wayne Craig
Director of Development
Date: August 29, 2014
File: 12-8060-20-009165/Vol01
ZT 2014-667206
Re: Application by the City of Richmond for a Zoning Text Amendment to the Office and Education (ZIS5) – City Hall West (Thompson Area) Zoning District at 6931 Granville Avenue

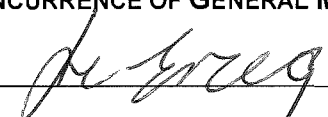
Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9165, to amend the “Office and Education (ZIS5) – City Hall West (Thompson Area)” zoning district for the property at 6931 Granville Avenue to add “emergency service” as a permitted use under Section 24.5.2, be introduced and given first reading.


Wayne Craig
Director of Development

WC:jh

Att.

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Transportation	<input checked="" type="checkbox"/>	

Staff Report

Origin

An application has been made by the City of Richmond's Capital Buildings Project Development Division of the Engineering & Public Works Department for a zoning text amendment to the existing "Office and Education (ZIS5) – City Hall West (Thompson Area)" zoning district to include the term "emergency service" as a permitted use under Section 24.5.2 of Richmond Zoning Bylaw 8500 for the property at 6931 Granville Avenue (Attachment 1). The purpose of the zoning text amendment is to facilitate the reconstruction of Brighthouse Fire Hall No. 1 by utilizing the subject property as a temporary fire hall until the new fire hall is completed.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is attached in Attachment 2.

Surrounding Development

The site is presently occupied by a single storey building and a surface parking lot at the northwest corner of Granville Avenue and Gilbert Road. The immediate context surrounding the site is as follows:

To the North: Single family residential detached dwellings, zoned "Single Detached (RS1/E)" and designated "Neighbourhood Residential (NRES)" in the 2041 Official Community Plan (OCP) Land Use Map.

To the East: Gilbert Road and the existing Brighthouse Fire Hall No. 1 zoned "School & Institutional Use (SI)" and designated "Park" in the 2041 OCP Land Use Map.

To the South: Granville Avenue and townhouses zoned "Town Housing (ZT26) – East Livingstone" and "Town Housing (ZT39) – East Livingstone", and designated "Neighbourhood Residential (NRES)" in the 2041 OCP Land Use Map.

To the West: Single family residential detached dwellings, zoned "Single Detached (RS1/E)" and designated "Neighbourhood Residential (NRES)" in the 2041 OCP Land Use Map.

Related Policies & Studies

2041 Official Community Plan

The 2041 Official Community Plan (OCP) designates the subject site as "Limited Mixed Use" which allows a mix of residential uses along with limited commercial, industrial, office, institutional or community and pedestrian-oriented uses intended to enhance the public amenity and livability of the area. The proposed text amendment would comply with the 2041 OCP land use designation. The site is not within an Area Plan or Sub-Area Plan.

OCP Aircraft Noise Sensitive Development (ANSD) Policy

The site is located within Area 4 of the Aircraft Noise Sensitive Development (ANSD) map, which allows consideration of all new aircraft noise sensitive uses.

Floodplain Management Implementation Strategy

In accordance with the City's Flood Management Strategy, the minimum allowable elevation for habitable space is 2.9 metres GSC or 0.3 metres above the highest crown of the adjacent road.

Public Input

As the site is a corner lot, two public notification signs were erected on the subject property to inform residents of the proposed zoning text amendment. Staff have not received any telephone calls or written correspondence in association with the subject application.

A series of public open houses are to be held on September 19, 20, and 23 on the City's overall concept plan for the Minoru Civic Precinct. Although the subject property is not the focus of these open houses, residents adjacent to the subject property will be notified and may wish to discuss any concerns with staff about the proposed temporary fire hall during reconstruction of the new Brighthouse Fire Hall No. 1. If there are any concerns or comments identified, they will be summarized and provided to Council prior to the Public Hearing.

Analysis

Proposal

As one of the City's Major Facilities Phase 1 projects, Brighthouse Fire Hall No. 1 is proposed to be rebuilt on the same site as the existing fire hall at the northeast corner of Granville Avenue and Gilbert Road. The subject property, known as City Hall West, is currently used by Human Resources and Bylaws staff. As part of a larger program to consolidate staff at or near City Hall, staff from City Hall West will be moving to the Annex building (former RCMP building) at the end of October 2014. This presents an opportunity for fire protection staff to use the subject property during construction of the new Brighthouse Fire Hall No. 1. Attachment 3 includes the proposed site plan layout for the subject property, and Attachment 4 provides some photos of the site and building.

The intention is to begin the site and building improvements by late 2014 and move fire protection staff to the subject property in early 2015. It is anticipated that it will take 18 to 24 months to complete construction of the new fire hall. At that time, fire protection staff would be able to move their operations back to the new facility.

Most of the improvements to the existing building would be limited to the interior with some minor modifications to the exterior of the building. Exterior work to the subject property would include the reconfiguration of the parking area, including the addition of an emergency service vehicle bay facing Gilbert Road and moving 12 vehicular parking spaces for staff along Granville Avenue.

Land Use

The existing “Office and Education (ZIS5) – City Hall West (Thompson Area)” zone permits “government service” which includes taxation offices, courthouses, employment offices, social service offices and other similar uses, in addition to a municipal works yard or recycling drop off. In order to allow the proposed temporary fire hall, the City of Richmond has applied to include “emergency service” as a permitted use. The term “emergency service” is an existing use defined in Zoning Bylaw 8500, and is defined as a building or land used by fire protection, police, ambulance or other such services as a base of operations, and includes a fire hall.

The “Office and Education (ZIS5) – City Hall West (Thompson Area)” zoning district is a site specific zone, which applies only to the subject property and adding “emergency service” as a permitted use would generally be in keeping with the intent of the existing zone.

Vehicular Circulation

Site modifications would be needed to allow one emergency vehicle (fire truck) to be parked on site. The remaining fire truck vehicles currently at Brighthouse Fire Hall No. 1 would be parked at other locations near the City Centre. To allow the fire truck to park on the subject property, it would be required to back into the subject property from Gilbert Road. A temporary shelter will be installed on the east side of the existing building for this emergency vehicle. The existing driveway location will be moved slightly to the south to ensure that the existing Green Ash tree remains. Attachment 5 indicates the turning radius for the fire truck in three different scenarios.

Accommodating the emergency vehicle will displace 12 of the existing parking spaces on site, which will be relocated and face Granville Avenue in front of the existing building. This would involve a new vehicular crossing on Granville Avenue at the western limit of the site to allow access to these parking spaces. The new driveway crossing would be on an interim basis to support the temporary fire hall operations. The City’s long term objective is to have only one vehicular crossing on Granville Avenue and such a driveway configuration will be pursued after the temporary use of the site as a fire hall is complete.

The remaining parking spaces would be reconfigured in the existing parking lot. A total of 35 parking spaces would be provided which meets the minimum requirements under Section 7.0 (Parking and Loading) in Zoning Bylaw 8500 and would meet the operational requirements of the temporary fire hall. Transportation staff have reviewed and concur with the site and circulation plan.

Tree Retention, Removal and Replacement

There are 27 trees on the subject property that meet the minimum specifications in Tree Protection Bylaw 8057. Of these trees, 14 are proposed to be removed. Most of these trees are considered in poor shape due to structural defects from previous topping for hydro line clearance or are located within the reconfigured parking area. Tree protection staff have reviewed and agreed with the project arborist’s assessment that these trees are not viable for long term retention and should be removed and replaced.

Fourteen trees are proposed to be replanted which is consistent with Tree Protection Bylaw 8057. Attachment 6 includes landscaping details including the proposed locations of the replacement trees. The replacement trees include 12 Red Maple trees to be planted along the frontage of Granville Avenue and Gilbert Road and two Red Cedar trees to be planted along the north property line.

The remaining 13 trees are to be retained and protected on site. This includes a large Green Ash tree on the east side of the subject property facing Gilbert Road which will be retained.

Financial Impact

None

Conclusion

The City of Richmond's Capital Buildings Project Development Division of the Engineering and Public Works Department is requesting a zoning text amendment in order to allow the term "emergency service" as a permitted use under Section 24.5.2 of Richmond Zoning Bylaw 8500 at 6931 Granville Avenue. The site is currently zoned as "Office and Education (ZIS5) – City Hall West (Thompson Area)" which permits child care, commercial education, government service, and office uses. Adding "emergency service" as a permitted use would be in keeping with the intent of the existing zone.

It is recommended that Zoning Bylaw 8500, Amendment Bylaw 9165 be introduced and given first reading.



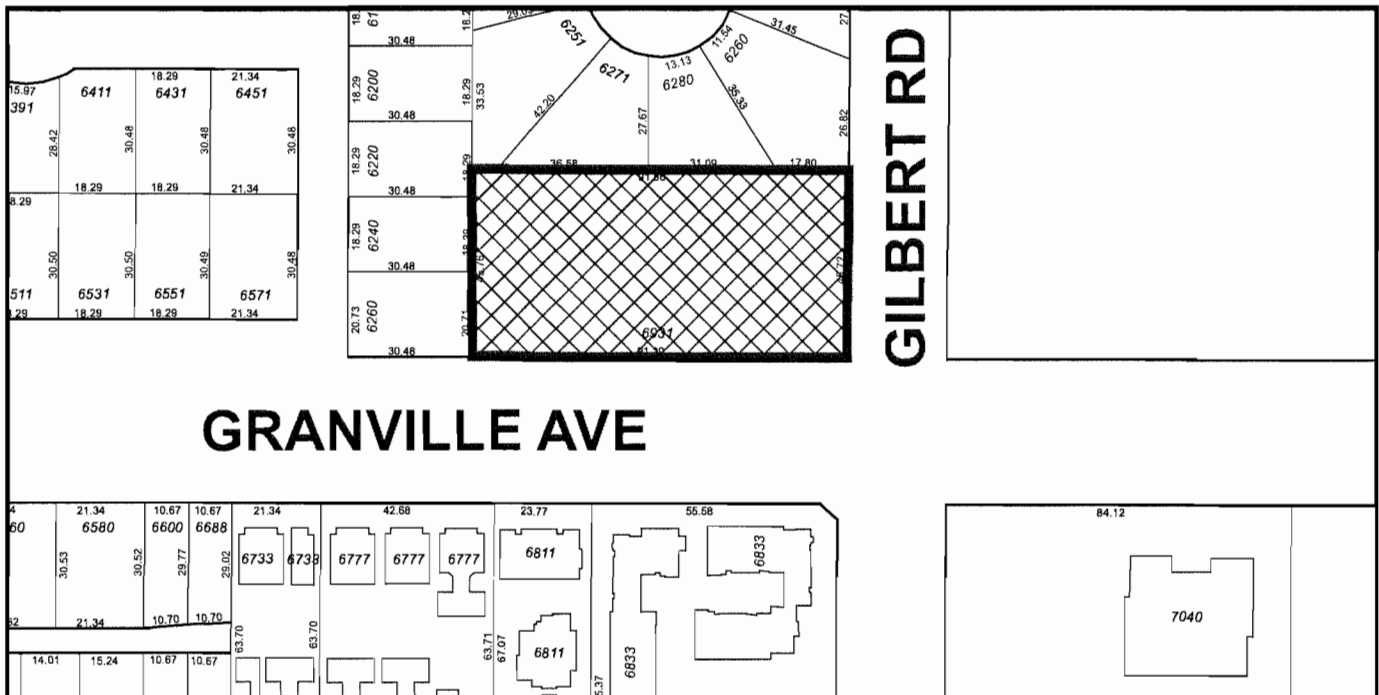
John Hopkins
Senior Planner

JH:cas

- Att. 1: Location Map
- Att. 2: Development Application Data Sheet
- Att. 3: Site Plan
- Att. 4: Photos of Site
- Att. 5: Turning Radius Templates for Fire Truck
- Att. 6: Landscaping Plan

The map displays a residential and commercial area with the following features:

- Streets:** GRANVILLE AVE, GILBERT RD, ADAMS PL, REDFERN CR.
- Zoning Districts:** RS1/E, RS1/B, RS2/A, RS1/K, ZT40, ZT39, ZT26, RCL1, RAM1, ASY, HC.
- Site Location:** A parcel is highlighted with a cross-hatch pattern and labeled "SITE". An arrow points from the text "SITE" to this parcel.
- Other Labels:** "PL" is visible within the highlighted site area.



ZT14-667206

Note: Dimensions are in METRES



City of
Richmond



ZT 14-667206

Original Date: 07/09/14

Revision Date:

Note: Dimensions are in METRES



Development Application Data Sheet
Development Applications Division

ZT 2014-667206

Attachment 2

Address: 6931 Granville Avenue

Applicant: The City of Richmond

Planning Area(s): None

	Existing	Proposed
Owner:	City of Richmond	No change
Site Size (m ²):	4,177 m ² (44,961 ft ²)	No change
Land Uses:	Child care Commercial education Government service Office	Child care Commercial education Government services Office Emergency service
OCP Designation:	Limited Mixed Use	No change
Area Plan Designation:	N/A	N/A
Zoning:	Office and Education (ZIS5) – City Hall West (Thompson Area) which provides for education, office and a child care facility in the existing structure on the site.	Office and Education (ZIS5) – City Hall West (Thompson Area) which provides for education, office, fire hall and a child care facility in the existing structure on the site.



Photo 1: Green Ash tree facing Gilbert Road to be saved



Photo 2: Looking at eastern elevation and parking area facing Gilbert Road



Photo 3: Looking at south elevation of existing building facing Granville Avenue



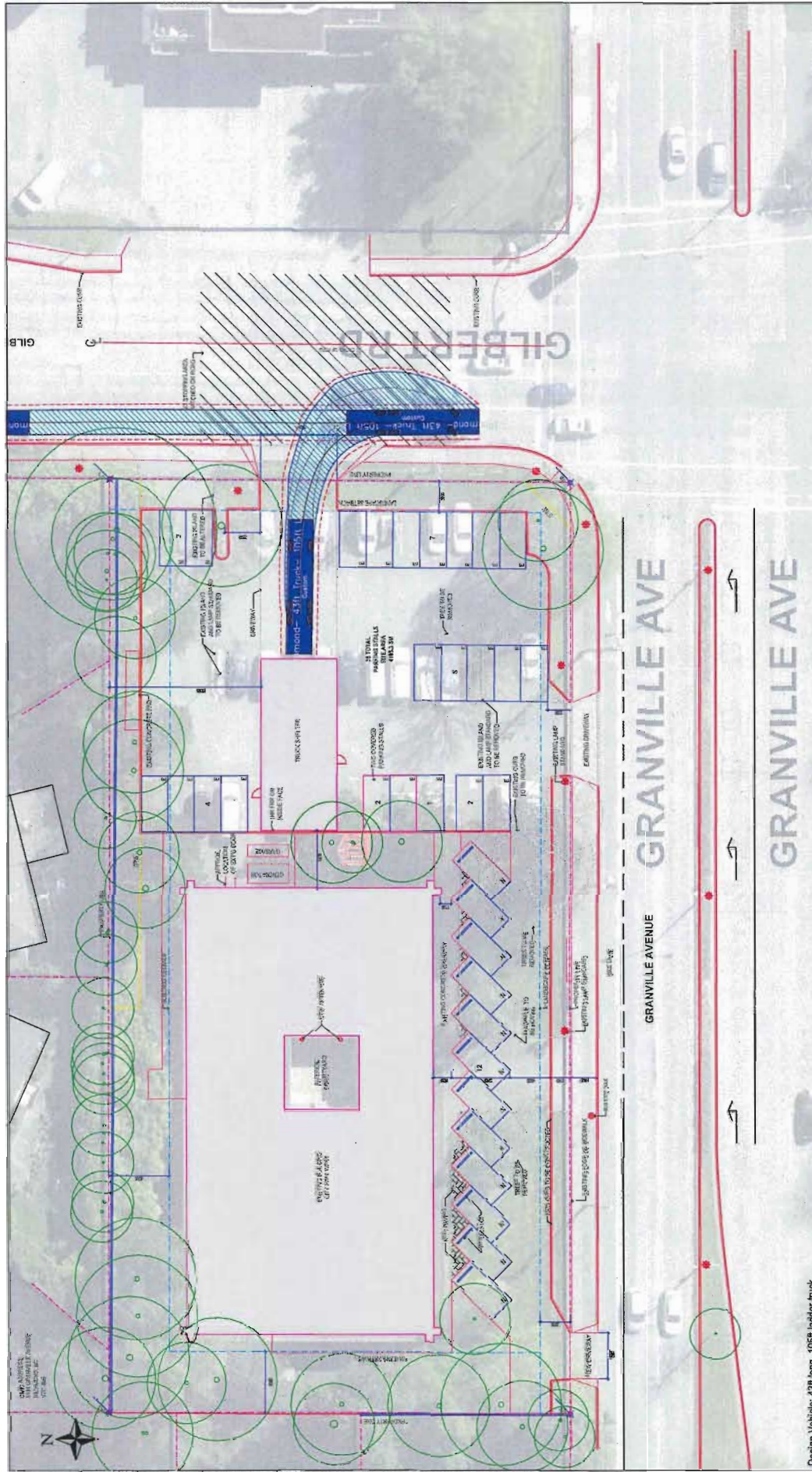


Exhibit 1
Fire Truck Entering via Gilbert Road

Minoru MMF and Firehall
4428.06 August 26, 2014 Scale NTS



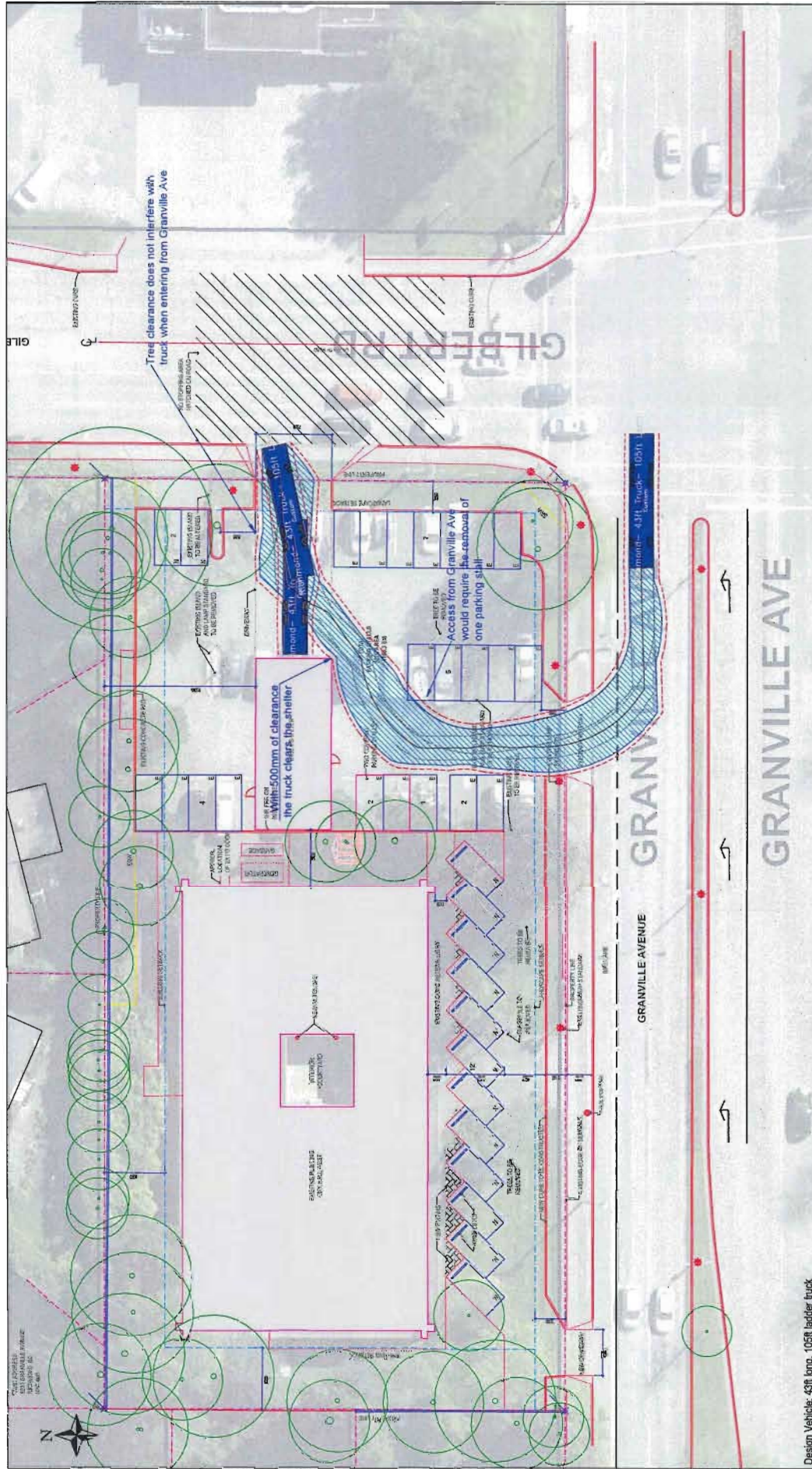
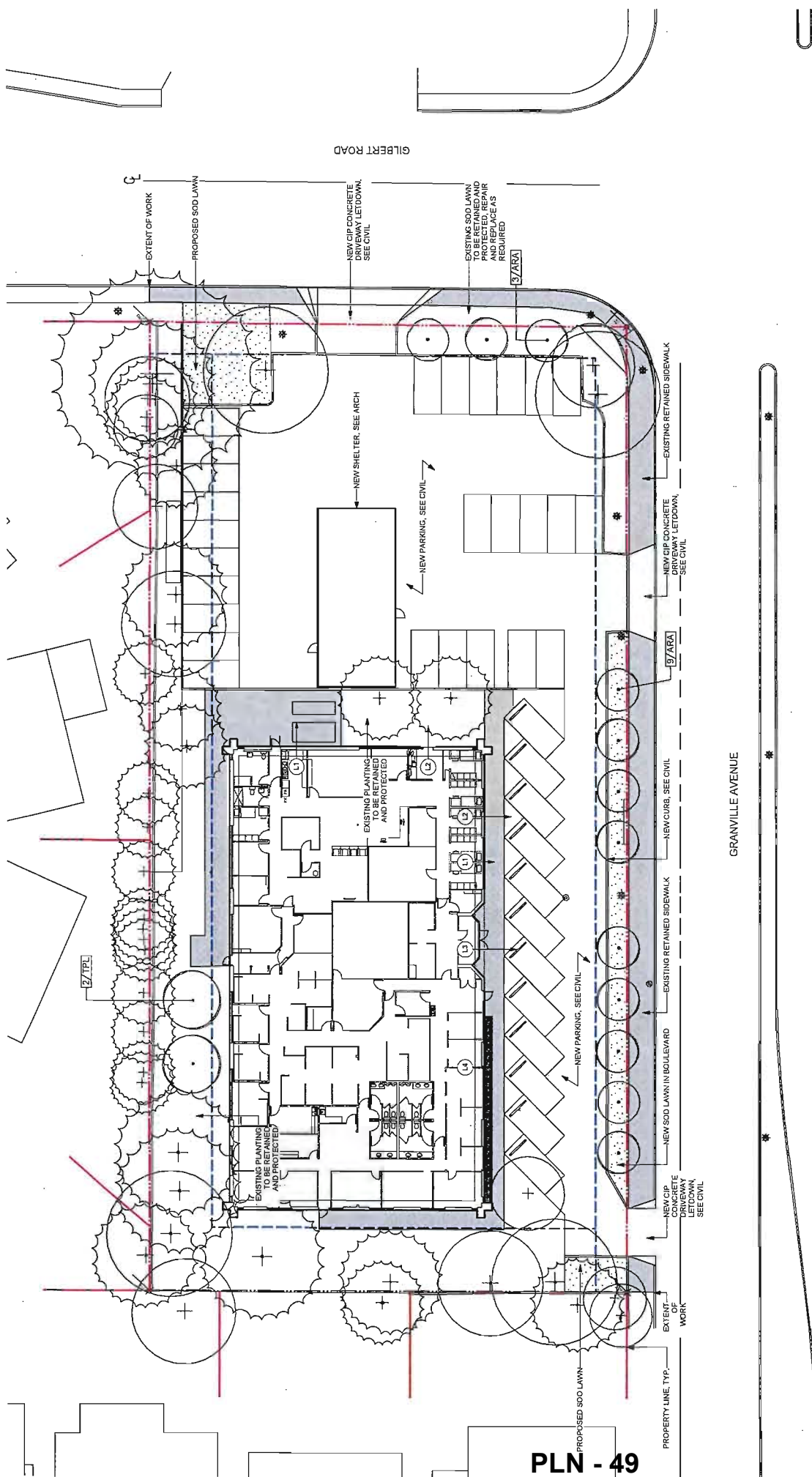


Exhibit 3
Fire Truck Entering via Granville Ave

Minority MAF and Firehall
4428.06 August 26, 2014 Scale NTS



PLN - 49

LAYOUT AND MATERIALS GENERAL NOTES

1. DO NOT SCALE DRAWING. LAYOUT AS PER DIMENSIONS NOTED ON LANDSCAPE PLANS. REPORT ANY DISCREPANCIES TO CONSULTANT FOR REVIEW AND RESPONSE.
2. LAYOUT AND MATERIALS DRAWINGS ARE TO BE READ IN CONJUNCTION WITH LANDSCAPE SPECIFICATIONS.
3. LANDSCAPE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ARCHITECTURAL AND CIVIL DRAWINGS. REPORT ANY DISCREPANCIES TO CONSULTANT FOR REVIEW AND RESPONSE.
4. VERIFY ALL DIMENSIONS WITH FIELD CONDITIONS. REPORT ANY DISCREPANCIES TO CONSULTANT FOR REVIEW AND RESPONSE.
5. EXTERIOR LIGHTING SHOWN ON LANDSCAPE PLANS IS FOR REFERENCE ONLY. LIGHTING LAYOUT AND MATERIALS DRAWINGS IS TO BE READ IN CONJUNCTION WITH ELECTRICAL ENGINEER'S DRAWINGS.
6. REFERENCE CIVIL ENGINEER'S DRAWINGS FOR LAYOUT OF ROAD CURVES AND OUTTERS.

LEGEND

KEY	DESCRIPTION
(1)	EXISTING PAVING TO BE RETAINED AND PROTECTED SAWCUT IN A CLEAN STRAIGHT LINE AT EXTENTS OF RETENTION
(2)	ASPHALT PAVING, SEE CIVIL
(3)	WHEEL STOP, SEE CIVIL
(4)	EXISTING DRAINAGE STRIP AT BUILDING FACE TO BE RETAINED AND COVERED WITH LANDSCAPE FABRIC AND RIVER ROCK

Plant List
FIREHALL NO 1 ENABLING SITE

ID Qty Botanical Name Common Name Scheduled Size Spacing Remarks

TREES					TREES	
ARA 12	2	Acer rubrum 'Armstrong'	Armstrong Red Maple	5cm cal. 12.5' cal. 2.4m tall (8' 4" tall)	As Shown	10.6.8 Uniform branching, densest 7.721 m tall.
ARA 12	2	Thuja occidentalis 'Smaragd'	Robust Thuja	5cm cal. 12.5' cal. 2.4m tall (8' 4" tall)	As Shown	10.6.8 Uniform branching, densest 7.721 m tall.



Richmond Zoning Bylaw 8500
Amendment Bylaw 9113 (ZT 14-667206)
6931 Granville Avenue

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning Bylaw 8500 is amended by adding the following permitted use under Section 24.5.2 in alphabetical order:

“• **emergency service**”.
2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 9165**”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

_____ _____ _____ _____ _____

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER



City of Richmond

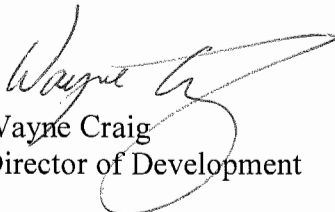
Report to Committee

To: Planning Committee **Date:** September 9, 2014
From: Wayne Craig **File:** TU 14-666140
Director of Development
Re: **Application by Firework Productions Ltd. for a Temporary Commercial Use Permit Renewal at 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and 8411/8431/8451 West Road for 2015, 2016 and 2017**

Staff Recommendation

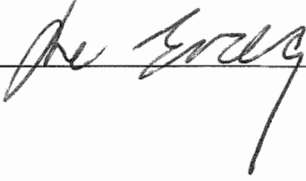
1. That the application by Firework Productions Ltd. for a Temporary Commercial Use Permit renewal for the properties at 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and 8411/8431/8451 West Road be considered at Public Hearing to be held on October 20, 2014 at 7:00 pm in the Council Chambers of Richmond City Hall, and that the following recommendation be forwarded to that meeting for consideration:

“That a Temporary Commercial Use Permit be issued to Firework Productions Ltd. for the properties at 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and 8411/8431/8451 West Road for the purposes of permitting an evening night market event between May 15, 2015 to November 1, 2015 (inclusive), May 13, 2016 to October 30, 2016 (inclusive) and May 12, 2017 to October 29, 2017 (inclusive) subject to the fulfillment of all terms, conditions and requirements outlined in the Temporary Commercial Use Permit and attached Schedules.”
2. That the Public Hearing notification area include all properties to the north of Bridgeport Road and west of Great Canadian Way as shown in Attachment 4 to the staff report dated September 9, 2014 from the Director of Development.


Wayne Craig
Director of Development

WC:ke

Att.

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Business Licences	<input checked="" type="checkbox"/>	
Engineering	<input checked="" type="checkbox"/>	
Community Bylaws	<input checked="" type="checkbox"/>	
Fire Rescue	<input checked="" type="checkbox"/>	
RCMP	<input checked="" type="checkbox"/>	
Building Approvals	<input checked="" type="checkbox"/>	
Transportation	<input checked="" type="checkbox"/>	

Staff Report

Origin

Firework Productions Ltd. (Raymond Cheung) has applied to the City of Richmond for a Temporary Commercial Use Permit (TCUP) renewal at 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and 8411/8431/8451 West Road (the “subject site”) for the purposes of operating a seasonal night market event during specified periods for 2015, 2016 and 2017 (refer to Attachment 1 for a location map). On March 19, 2012, Council issued the original TCUP (TU 11-595782) for a 3 year term expiring at the end of the 2014 season.

The subject site is also subject to a rezoning application (RZ 12-598104) proposing a comprehensive mixed use development for the site, which is being processed by staff. The event organizer (Raymond Cheung c/o Firework Productions Ltd.) has obtained authorization from the property owner to apply for a TCUP renewal to operate this event from 2015 to 2017 as an interim use as this proposal goes through the necessary development application processes.

Proposed Temporary Commercial Use Permit

The proposed TCUP renewal for the night market is generally similar to past events on the subject site. The main changes being made in this renewal application are:

- The inclusion of 8411, 8431 and 8451 West Road in the TCUP proposal for additional off-street parking use (dedicated vendor parking only).
- Minor amendments to the hours of operation for the event.
- Extending the event to the end of October for each year under the renewed permit.

Event Description

The event consists of the market area located on the south west portion of Duck Island that contains the food and commercial vendor booths, entertainment activities and other supporting event functions (i.e., administrative and storage space, first aid area, outdoor displays). The remaining portion of the Duck Island site consists of parking dedicated to the event. The three properties at 8411, 8431 and 8451 West Road are proposed to be included in this renewal application for the purposes of providing dedicated parking to the event vendors.

A site plan of the subject site is contained in Attachment 2. The event proposal includes:

- A maximum total of 220 commercial and 100 food vendors.
- 1,480 parking stalls on the Duck Island site plus an additional 200 parking stalls for use by event vendors located at 8411, 8431 and 8451 West Road.
- Supporting services and on-site entertainment activities.

Event Dates Hours of Operation

	Opening/ Closing Dates	Days of Operation	Hours of Operation
2015	May 15 to November 1	<ul style="list-style-type: none"> Friday, Saturday, Sunday and Statutory Holidays. No event proposed for Canada Day or the evening prior to July 1 79 operation days proposed. 	<ul style="list-style-type: none"> 7pm-12am: Friday and Saturday. 6pm-11pm: Sunday and Statutory Holidays. 6pm-12am: Day preceding a Statutory Holiday.
2016	May 13 to October 30	<ul style="list-style-type: none"> Friday, Saturday, Sunday and Statutory Holidays. Event proposed to be open on June 30 (Thursday) – Prior to Canada Day 80 operation days proposed. 	<ul style="list-style-type: none"> 7pm-12am: Friday and Saturday. 6pm-11pm: Sunday and Statutory Holidays. 6pm-12am: Day preceding a Statutory Holiday.
2017	May 12 to October 29	<ul style="list-style-type: none"> Friday, Saturday, Sunday and Statutory Holidays. July 3 (Monday after July 1 Canada Day). 80 operation days proposed. 	<ul style="list-style-type: none"> 7pm-12am: Friday and Saturday. 6pm-11pm: Sunday and Statutory Holidays. 6pm-12am: Day preceding a Statutory Holiday.

The proposed days of operation of the night market will be on Friday, Saturday, Sunday and Statutory holiday Monday evenings with the exception of the event opening on one Thursday evening (June 30) in 2016, which is the evening prior to the Canada Day Statutory holiday.

Findings of Fact

Item	Existing	Proposed
Owner	<ul style="list-style-type: none"> Sanhurgon Investment Ltd (Inc. No. BC908774) 0916544 BC Ltd (Inc. No. 0916544) 	No change
Applicant	Firework Productions Ltd. (Raymond Cheung)	No change
Site Size	Combined total area - 84,886 sq. m (21 acres)	No change
Land Uses	<ul style="list-style-type: none"> Currently vacant gravel/sand lots that has been levelled and graded. Existing Canada Line guide way. Existing event infrastructure (gravelled parking lots/drive-aisles; vendor booth, services) 	Proposed temporary evening market consisting of food/retail vendors, on-site entertainment, supporting services and off-street parking stalls (no change from previous TCUP approval).
2041 OCP Designation – General Land Use Map	Commercial and Park	No change
2041 OCP – Temporary Use Permits	2041 OCP permits Temporary Use Permits in areas with a Commercial Land Use Designation	TCUP renewal application complies with 2041 OCP policies on consideration of Temporary Use Permits.
City Centre – Bridgeport Village Sub Area Plan Designation	Urban Centre (T5)	No change
Zoning	Light Industrial (IL)	No change

Surrounding Development

To the north: Fraser River and foreshore.

To the east: Fraser River and foreshore; River Rock Casino zoned “Casino Hotel Commercial (ZC17)” that contains casino, hotel and parking facilities.

To the south: River Road and a closed rail line on property owned by the City. On the opposite side of River Road, “Light Industrial (IL)” zoned properties.

To the west: Bridgeport Road and bridge to Sea Island.

Comprehensive Rezoning Proposal for Duck Island – Potential Impacts to TCUP

Through the processing of the comprehensive rezoning application for Duck Island, a number of City requirements involving land transactions and dedications for various road, dike and park works and upgrades will likely be secured if approved by Council. Depending on the timing of rezoning application approval, completion of these land transactions and related servicing and other site preparation activities may have an impact on the proposed night market event. Staff will review these rezoning requirements in conjunction with the night market event in the future to determine impacts to any approved TCUP to determine any applicable impacts. No impacts to the processing of the rezoning application are anticipated from the proposed TCUP renewal application or operation of a temporary night market event on site.

Night Market Event at 12631 Vulcan Way (Lions Communication Inc.)

A TCUP renewal application for 12631 Vulcan Way by Lions Communication Inc. has also been recently submitted to the City (application received August 25, 2014) and proposes a market event on the site similar to previous years. The TCUP issued to Lions Communication for the night market at 12631 Vulcan Way expires at the end of the 2014 season and the renewal application is seeking a similar 3 year extension. Staff review of the application is underway.

Local Government Act – Temporary Land Uses

The Local Government Act (LGA) enables municipalities the ability to:

- Designate areas where temporary commercial uses may be considered.
- Issue temporary use permits through Council resolution.
- Undertake public notification on the proposed temporary use.
- Specify terms and conditions applicable to the proposed temporary use.

Maximum time periods that a TCUP is valid for is 3 years. Upon expiration, a renewal can be applied for a maximum of 3 years. The proposed TCUP renewal proposal for a night market on Duck Island from 2015 to 2017 complies with the provisions of the LGA.

2012 to 2014 – Issues and Responses

This section summarizes specific issues that arose from the night market operating on the subject site from 2012 to 2014 and provides a response summary (in *italics*) to outline how the issue was resolved.

- Ensuring access to/from River Rock Casino
 - *Traffic Management Plan designed to direct night market traffic to No. 3 Road for access/egress purposes, while also facilitating access for casino traffic.*
 - *Digital sign boards and signage in the surrounding area directs traffic to No. 3 Road for access to the night market.*

- *Event organizer markets and promotes visitors to utilize the Canada Line.*
- *Traffic controls along No. 3 Road are designed to allow two lanes northbound travel, which enables casino traffic to be diverted to the River Rock parkade and not queued along No. 3 Road.*
- *By encouraging night market traffic to utilize No. 3 Road, Great Canadian Way and River Road are generally available to provide full access to the River Rock Casino and other businesses in the surrounding area.*
- *City Traffic Operations staff have observed traffic patterns in the area and have confirmed that the above access arrangements work well to manage night market and River Rock Casino traffic to ensure efficient access to both venues.*
- **Improve access arrangements for River Rock Casino and night market visitors**
 - *Early in the 2012 season, the City arranged implementation of additional travel lanes along No. 3 Road, north of Bridgeport Road to improve with access/egress for the night market and River Rock Casino.*
 - *Additional lanes of travel were differentiated along River Road in proximity to the River Rock Casino's parkade structure and No. 3 Road/River Road intersection to improve vehicle movements to and from the area.*
 - *Traffic Management Plan (TMP) was adjusted based on the above referenced road lane changes.*
 - *Additional signage added to the area to assist with traffic direction and parking.*
- **Ensuring sufficient off-street parking for the event**
 - *As required in the original TCUP approved by Council in 2012, the organizer is required to maintain a minimum of 1,150 free parking stalls for night market visitors and 300 stalls dedicated to event vendors.*
 - *In the middle of the 2013 season, the organizer secured an additional 3 properties to the immediate south of the event site that could accommodate an additional 200 parking stalls. These parking stalls are dedicated for use by event vendors, which therefore opens up an additional 200 stalls on the Duck Island event site for public use. These properties are being added to the TCUP renewal application for 2015 to 2017 for use as a dedicated vendor parking area.*
- **Promotion of Canada Line service**
 - *During night market events, the Canada Line is well utilized by visitors to the event.*
 - *The organizer continues to promote and market the use of the Canada line to night market visitors through advertisements.*
 - *Adjust the TMP to account for pedestrian traffic between the Canada Line station and night market event site.*

Public Consultation and Notification

The proponent consulted with businesses and residents in the surrounding area. The organizer discussed the proposed event directly with people who were available to provide feedback from property owners/tenants/residents about the event. A summary of the consultation feedback and comments is shown in Attachment 3. A majority of the comments received were related to ensuring availability of parking passes to facilitate vehicle access to the area for residents and businesses. Concerns about garbage and littering are being addressed through a garbage management plan to be implemented by the event organizer, which will also be incorporated into the terms and provisions of the proposed TCUP renewal.

City staff also have plans to meet with River Rock representatives to discuss the proposed night market TCUP renewal application. Any specific comments or concerns communicated by River Rock staff will be forwarded to Council in advance of the Public Hearing.

Public Hearing and Notification by the City of Richmond

The Temporary Commercial Use Permit renewal requires that the application be forwarded to a Public Hearing. A public hearing notification area generally bounded by Bridgeport Road to the south, Great Canadian Way to the East and Fraser River to the west and north is recommended by staff (refer to Attachment 4 for a proposed notification area map).

Staff Comments

Transportation

Transportation staff have reviewed the application to renew the TCUP for an additional 3 years with the additional lots for parking. Based on observations of the event and traffic management provisions (TMP) by staff, it is noted that the traffic flow to and from the event operates effectively to ensure access to the night market site and River Rock Casino. A summary of the Transportation requirements to be incorporated into the proposed TCUP renewal is as follows:

- Parking requirements:
 - Duck Island site – 1,480 parking stalls
 - 8411, 8431 and 8451 West Road – 200 parking stalls (vendor parking only)
 - All event parking stalls to be provided free of charge.
- Submission and approval of a Traffic Management Plan (TMP) (prepared by a professional consultant) for review and approval by the City, based on previous years operations that includes any revisions required by City staff.
- Implementation of the TMP to be undertaken by a professional Traffic Control Company with appropriate trained and certified staff. Changes to the TMP can be made at the sole discretion of Transportation staff.
- The TMP and operation by a Traffic Control Company is at the event organizers sole cost.
- Implementation of directional/way finding signage based on the plan approved by Transportation staff at the event organizers sole cost.
- Continued initiatives by the event organizer to market and promote the use of public transit (Canada Line and bus) for attendees to the night market.
- Additional off-site parking stalls secured by the event organizer at their own initiative would be considered extra and beyond what the City requires for this event and is not a required component of the TMP or TCUP renewal.

Community Bylaws

Attendance by dedicated Community Bylaws officers/staff based on the previous years arrangement is required for any proposed renewal of the TCUP for the purposes of monitoring and enforcing on-street parking and related City roadway regulations around the night market event site. Dedicated Community Bylaw officers to patrol the surrounding night market event area are recommended to be a minimum of six hours of bylaw officer patrol during all event hours of operation, which would provide sufficient coverage. The proponent is responsible for the costs of the 6 hours of Community Bylaw officer(s) patrol each night the event is in operation, with scheduling of hours at the discretion of Community Bylaws staff. The estimated

cost of Community Bylaw staffing for the event has been incorporated into the required bond amounts to be secured for this event (see Financial Impact section).

RCMP

Attendance by dedicated RCMP officers (minimum of 2 members) based on the previous year's arrangement is required for any proposed renewal of the TCUP for the purposes providing a police presence, oversee event attendees and vendor operations, monitor operation of the TMP and intervene if necessary. Having RCMP on-site during event hours also facilitates a quick response in the event of an emergency. RCMP member attendance at the night market event will be in addition to the existing RCMP deployment in Richmond, with the proponent responsible for all costs of RCMP members dedicated to the night market event.

The estimated cost of RCMP officer staffing has been incorporated into the required bond amounts (2015 to 2017), with provisions built into the bond to enable the RCMP Commercial Crimes Unit to undertake necessary investigative and enforcement work to address product counterfeiting/intellectual property issues if any arise. Also included in the bond amount is RCMP staff time allocated to administering and managing the scheduling of officers for the event (see Financial Impact section).

Richmond Fire Rescue

The proposed night market location and required emergency access provisions are remaining generally unchanged from previous years. An updated Fire Safety Plan is required to be completed by the appropriate consultant for submission and approval by Richmond Fire Rescue prior to the opening of the event that includes fire safety provisions associated with the general event operations, fire safety measures for retail and food vendors and compliance with applicable Building Code and Fire Code for all buildings, structures and appliances (hot water tanks, cooking equipment, electrical appliances and machinery etc.). Approval of the Fire Safety Plan by Richmond Fire Rescue prior to the opening of the event is incorporated into the terms of the TCUP renewal. The event organizer and each applicable food vendor is required to comply with Richmond Fire Rescue's Food Vendor Checklist and is included in the terms and conditions of the TCUP renewal for the proposed event.

Building Approvals

Any buildings, structures, services or changes to existing on-site servicing infrastructure (including service connections) will require consultation with Building Approvals and will require the submission of all appropriate applications for building permit and site service permit work.

Business Licensing

All commercial retail and food vendor booths operating at the night market event are required to apply for and obtain Business Licenses to operate. The event proponent (Raymond Cheung C/O Firework Productions Ltd.) is also required to obtain an appropriate Business License for the purposes of operating the night market event. Each vendor at the night market is required to obtain a Business License for each year of operation.

Engineering

All servicing and related technical issues were resolved through the review of the initial TCUP application on this site in 2012. No engineering or servicing issues arise from the proposed TCUP renewal proposal.

Vancouver Coastal Health

All vendors involved in the selling or handling of food and beverage product at the event are required to obtain appropriate permits to operate from Vancouver Coastal Health (VCH) to ensure compliance with food safety, sanitation and food handling requirements. VCH will determine requirements associated with provisions for food vendors having access to water (hot and cold), access to appropriate refrigeration and food safety measures that the event organizer and each food vendor booth is responsible for compliance.

VCH has an application and inspection process to ensure compliance with their regulations, which they implement prior to food vendors opening at the event. Any deficiencies or infractions are required to be resolved by the food vendors or event proponent prior to opening of the food court or individual food vendors.

Analysis

All technical issues and changes to the night market event included in the TCUP renewal application have been incorporated into the proposed permit that would enable the night market to operate on the subject site in 2015, 2016 and 2017 generally from mid-May to the end of October during the dates and times specified in this report.

A majority of the applicable terms and conditions identified in the original 2012 TCUP approval for this site will also be incorporated into the TCUP renewal being considered in this report. The main changes being forwarded in the TCUP renewal that is different from the original permit granted in 2012 is summarized as follows:

- Inclusion of 8411, 8431 and 8451 West Road in the TCUP renewal application to provide dedicated parking for market vendors. Staff support this revision as it allows for an additional 200 parking stalls to be secured for this event for use by event vendors, thereby making available an additional 200 free parking stalls on the Duck Island site north of River Road for the general public.
- Extension of the event into the end of October for each year. In previous years, the night market closing date would coincide with the Thanksgiving long weekend in October. The event organizer has requested an extension to the end of October. The event organizer is responsible for informing the City if they intend on closing the night market early in the season and ensuring that all event vendors are also informed of the earlier closure.

Financial Impact

Cost Recovery – City and RCMP Expenses

The proposed night market is a privately operated event that is open to the general public. Due to the significant popularity of past events hosted on other sites in Richmond and increasing draw of attendees from across the region and visiting tourists, presence from RCMP members, Community Bylaw Officers and various staff from other divisions is required with costs to be

paid by the event organizer. This enables existing service levels for policing and bylaws across the City to be maintained. In summary, a cost recovery model is applied for the proposed night market TCUP renewal.

Operational Security Bond Requirements

The estimated costs will be submitted prior to Council consideration of the TCUP at Public Hearing (tentatively October 20, 2014) for the first year of operation in 2015 and one month in advance of the event opening date for subsequent years (2016 and 2017). The following is a summary of what the bond submission will cover:

- 2 RCMP members assigned to the night market event each day of operation and during all hours of operation at the applicable overtime rate (commute time to and from the event is included).
- RCMP commercial crimes unit resources and staff hours to supplement event organizer policing and enforcement of counterfeit products and other illegal goods.
- Community Bylaws – 6 hours (based on the applicable overtime rate) of dedicated patrol by Community Bylaw Officers for each day of operation for the night market event (scheduling of hours is at the discretion of Community Bylaws).
- A 20% contingency fund in addition to the base operational security bond for each year of event operation.
- Attendance by City staff to oversee and monitor implementation of the TMP and general event operations.
- Production, posting and takedown of night market directional signage by City staff.

Security bond requirements are as follows:

- 2015 – \$181,000 (base amount) + \$36,000 (20% contingency) = **\$217,000** (Adjusted for additional days of operation and anticipated wage increases).
- 2016 – \$194,000 (base amount) + \$39,000 (20% contingency) = **\$233,000** (Adjusted for additional days of operation and anticipated wage increases).
- 2017 – \$197,000 (base amount) + \$39,000 (20% contingency) = **\$236,000** (Adjusted for additional days of operation and anticipated wage increases).

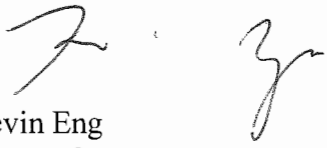
Upon conclusion of the night market event for each year, any surplus leftover from the bond will be returned to the event proponent. Provisions are also included in the TCUP to require payment of any outstanding invoices (in excess of the estimated security bond amount) to be paid in full for the event to operate.

The Procedure Bylaw for Council consideration of Temporary Commercial Use Permits (Bylaw 7273), requires that security bonds be submitted prior to Council consideration of the TCUP at Public Hearing. As a result, the following security bond submission deadline dates apply for the TCUP renewal:

- For 2015 – \$217,000 to be submitted prior to October 20, 2014 as the initial security bond amount.
- For 2016 – \$233,000 to be submitted prior to April 13, 2016.
- For 2017 – \$234,000 to be submitted prior to April 12, 2017.

Conclusion

The proposed night market TCUP renewal on the subject site has addressed all technical components and met all City requirements related to operating a seasonal event on this site from 2015 to 2017. The subject property is well serviced by public transit and the event organizer has also provided the required amount of off-street parking and traffic management measures based on previous year's operation, which proved successful in managing vehicle traffic to the site and minimizing impacts to existing businesses in the surrounding area. On this basis, staff recommend approval of the Temporary Commercial Use Permit for the subject site and that this recommendation be forwarded to Council for consideration at a Public Hearing, tentatively scheduled for October 20, 2014. Staff also recommend expanding the Public Hearing notification area include all properties to the north of Bridgeport Road and west of Great Canadian Way as shown in Attachment 4 to this staff report.



Kevin Eng
Planner 2

KE:cas

Attachment 1 – Location Map

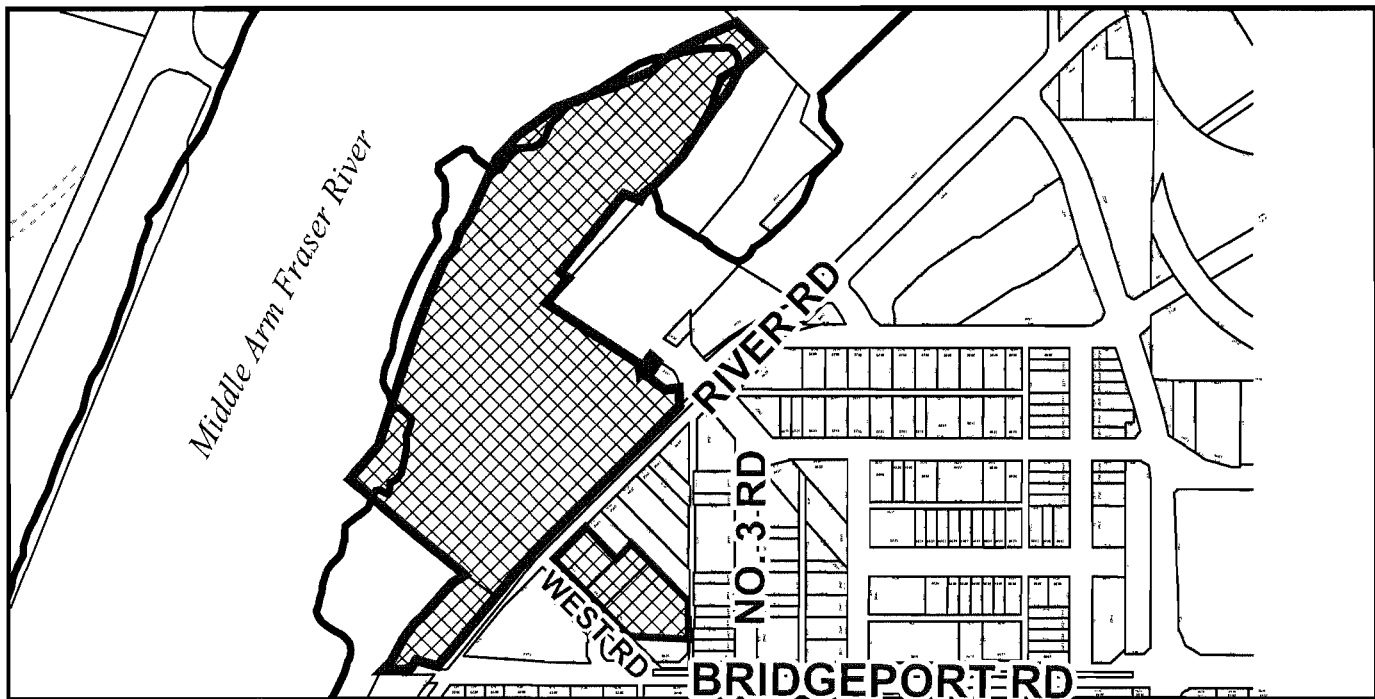
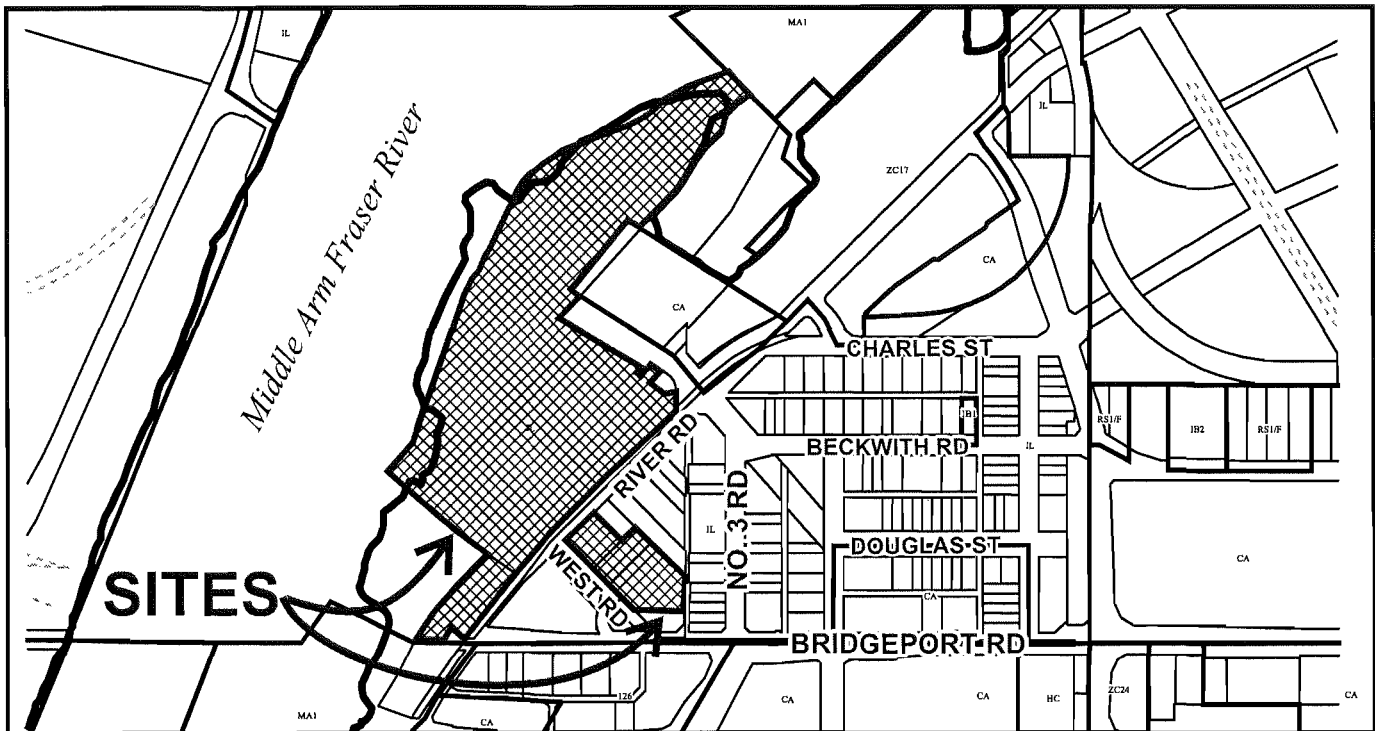
Attachment 2 – Night Market Site Plan

Attachment 3 – Public Consultation Summary

Attachment 4 – Recommended Public Hearing Notification Area



City of
Richmond



TU 14-666140

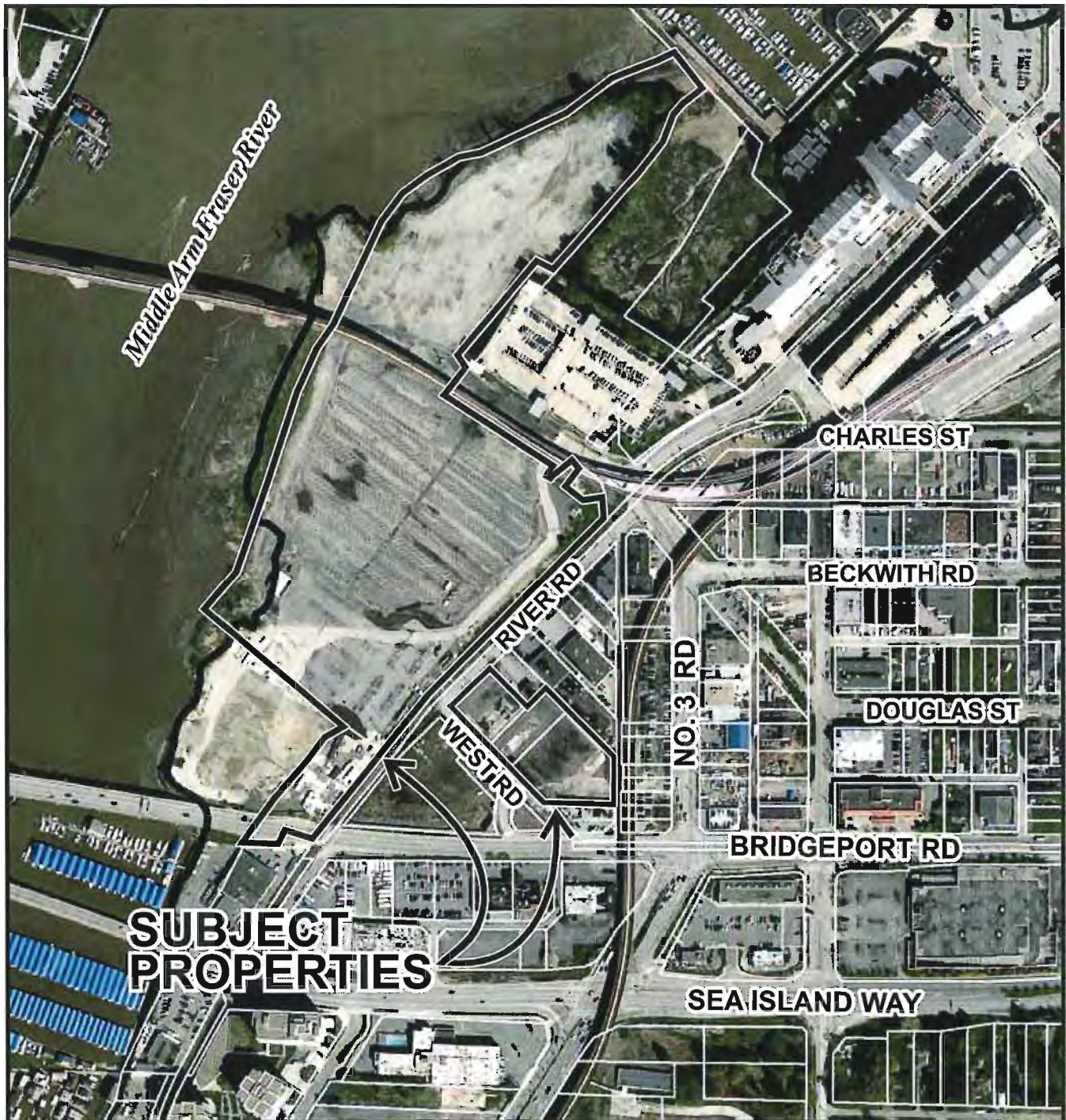
Original Date: 07/03/14

Revision Date: 09/08/14

Note: Dimensions are in METRES



City of
Richmond

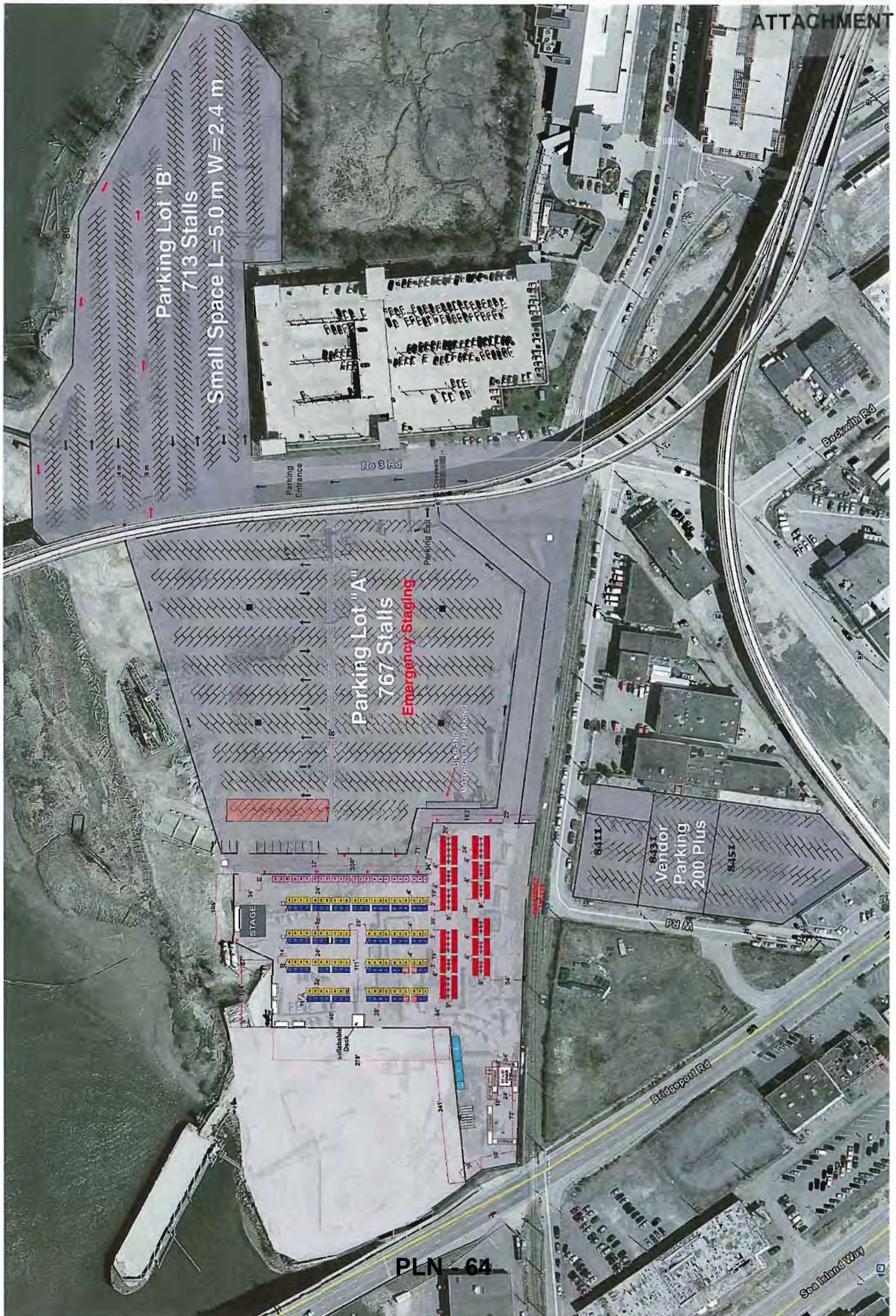


TU 14-666140

Original Date: 07/07/14

Revision Date: 09/09/14

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Schedule 3:

Neighbour Consultations below were completed on April 10, 2014. Neighbours who did not have parking passes/no parking signs or who requested additional signs were provided with them free of charge as of May 3, 2014. This addressed the issues and concerns for these neighbours who were worried about Night Market visitors parking on their property.

Richmond Night Market Neighbour Consultation 2014

	Street Name	Unit/Building	Contact Person	Phone No.	Comments	Issues	No Issues
1	River Road	8480			closed		✓
2	River Road	8500			closed		
3	River Road	8520			no answer		
4	River Road	8540	Thomas Fairbrother Dandridge Supplies	604 273 7112			✓
5	River Road	8560	Nancy Davies The Barn	604 244 1106			✓
6	River Road	8580	Juan's Auto service	604 241 2848	concerns about parking and garbage		✓
7	No. 3 Road	2651 A		604 278 5232	no answer		
8	No. 3 Road	2651 B	Paul Chan Auto Body One	604 270 7123			✓
9	No. 3 Road	2651	Supriya Oberoi Top Tech	604 304 1111			✓
10	No. 3 Road	2700	Shirley Bridgeport Collision	604 273 2766			✓
11	No. 3 Road	2780 A			closed		
12	No. 3 Road	2780			closed		

Richmond Night Market Neighbour Consultation 2014

	Street Name	Unit/Building	Contact Person	Phone No.	Comments	Issues	No Issues
13	No. 3 Road	2800	Carmen Deveau Housestone Enterprises	778-995-1122			✓
14	No. 3 Road	2820	Guarddeep Vancouver Fleet Services	604-278-1701			✓
15	No. 3 Road	2840	Dan Coquincio Express Lube & Tune	604-278-1018			✓
16	No. 3 Road	2980	Al Norman ABC Traders Ltd.	604-278-2456			✓
17	Bridgeport Road	175/150	Ben Wang Richmond Auto Wash	604-986-9274	traffic concerns new business		✓
18	Bridgeport Road	125	Shibuyatei		no comment		✓
19	Bridgeport Road	8811	Georgetta Denici Hampton Inn	604-232-5505			✓
20	Bridgeport Road	8911	Grace	778-701-5552			✓
21	Bridgeport Road	8971	Raymond Discount Car & Truck Rentals	604-370-2277			✓
22	Smith St.	#1-2900	Arden Lau Island Carpet Sales	604-278-6256			✓
23	Smith St.	#3-2900			closed		
24	Smith St.	#4-2900			closed		

Richmond Night Market Neighbour Consultation 2014

	Street Name	Unit/Building	Contact Person	Phone No.	Comments	Issues	No Issues
25	Smith St.	#6-2900			closed		
26	Smith St	#8-2900	BPG Auto Sound	604-278-4142			✓
27	Smith St	#9-2900	ALEX Viva Java	604-270-7740			✓
28	Smith St	2751	Danny Knight Boss Automotive Ltd.	604-270-9608			✓
29	Smith St	2731			no answer		
30	Smith St	2711		604 657 2250	no answer		
31	Smith St	2691			no answer / closed		
32	Smith St	2680			no answer		
33	Smith St	2660			no answer		
34	Smith St	2640			no answer		
35	Smith St	2571	Lena Vo Bisco	604-276-2662	Parking, need a no parking sign		✓
36	Smith St	2611			no answer		

Richmond Night Market Neighbour Consultation 2014

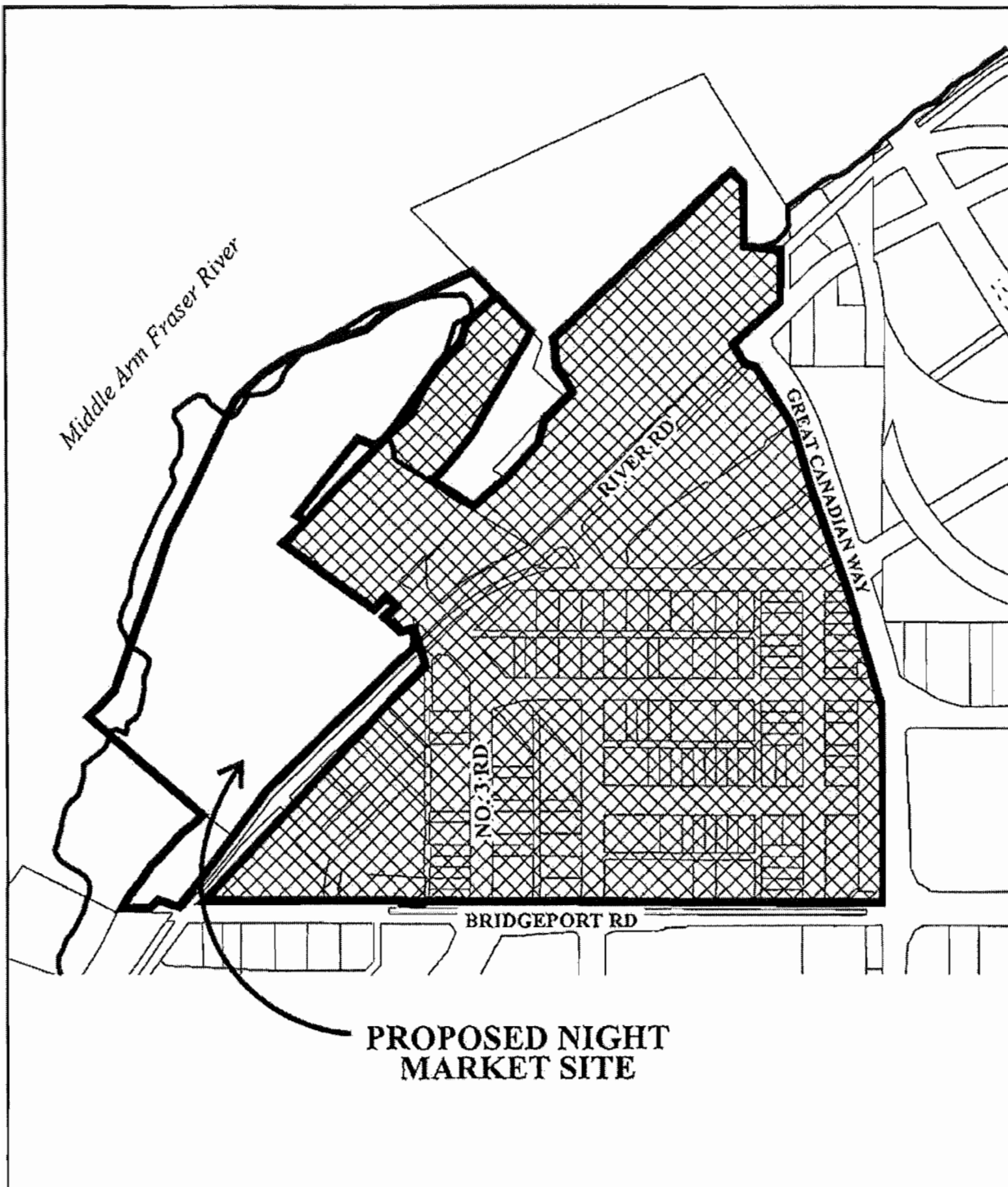
	Street Name	Unit/Building	Contact Person	Phone No.	Comments	Issues	No Issues
37	Smith St.	2651	Todd King	604-232-0724	garbage + parking		✓
38	Smith St.		Tony	604-802-5587	Parking + Passes		✓
39	Beckwith Rd.	8971	Triton		Closed		
40	Beckwith Rd.	120 - 8960	Angela Richmond Quilting Ltd.	604-278-0060			✓
41	Beckwith Rd.	220 - 8960			closed		
42	Beckwith Rd.	110 - 8960	Chen Hsueh Cheng Excel Custom Cabinets		Parking concerns closed		✓
43	Beckwith Rd.	210 8960			closed		
44	Beckwith Rd.	8931	Yoshi Yamaguchi 44 Japanese Fragrance	604-278-4289	Parking pass required		✓
45	Beckwith Rd.	#230 8911	Alex Ning Notary Corporation	604-270-4751			✓
46	Beckwith Rd.	#120 8911	Jimmy	778-829-2809	garbage concerns		✓
47	Beckwith Rd.	#720 8911	Adrian Loh S.M. Loh (C.C.A.)	604-207-2251	garbage concerns		✓
48	Beckwith Rd.	#210 8911	Danny Ong Young + Only Studios	778-227-4415	would like a no parking sign		✓

Richmond Night Market Neighbour Consultation 2014

	Street Name	Unit/Building	Contact Person	Phone No.	Comments	Issues	No Issues
49	Beckwith Rd	200 - 8888	Glenn McPherson Bouchard Projects	604-614-1054	closed		✓
50	Beckwith Rd	8888	Warren Koehn Briarhouse	604-273-4904			✓
51	Beckwith Rd	120 - 8860			closed		
52	Beckwith Rd	220 - 8860			closed		
53	Beckwith Rd	210 - 8860			closed		
54	Beckwith Rd	110 - 8860	Garry VanBoden Richmond Wine Boutique	604-273-5164	Parking - need no parking signs		✓
55	Beckwith Rd	8811	trnc International Textiles	604-270-7537	would like parking passes		✓
56	Beckwith Rd	8820	Kim J + R Excavations	604-247-0337	no parking signs (2)		✓
57	Beckwith Rd	130 - 8740			closed		
58	Beckwith Rd	120 - 8740			no issue		✓
59	Beckwith Rd	110 - 8740	Grace Knox Canadian Rockie Material	604-771-5580			✓
60	Beckwith Rd	8731	Gary Ching Zippro Stone Ltd.	778-388-3138			✓

Richmond Night Market Neighbour Consultation 2014

	Street Name	Unit/Building	Contact Person	Phone No.	Comments	Issues	No Issues
61	Sexsmith Rd.	2840	Mandeep Dys Inn (VA)	604-207-8000	would like new parking signs (S)		✓
62	Douglas St.	8711			closed		
63	Douglas St.	8811	Haroon	778-899-3577	parking issues / blocking resident only signs		✓
64	Douglas St.	8831			no answer		
65	Douglas St.	8851			no answer		
66	Douglas St.	8900			no answer		
67	Douglas St.	8940			closed		
68	Douglas St.	8995	Dharm Kohlon Lo-lost Auto Repairs Ltd.	604-278-1936			✓
69	Douglas St.	9011			no answer		
70							
71							
72							



Public Hearing
Notification Area

Original Date: 02/08/12

Revision Date: 02/09/12

Note: Dimensions are in METRES



No. TU 14-666140

To the Holder: Firework Productions Ltd.
Sanhurgon Investment Ltd., Inc. No. BC908774
0916544 B.C. Ltd., Inc. No. 0916544

Property Address: 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North
Range 6 West Plan 34592 and 8411/8431/8451 West Road

Address: C/O Mr. Raymond Cheung
3063 – 8700 McKim Way
Richmond, BC V6X 4A5

1. This Temporary Commercial Use Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Commercial Use Permit is issued subject to compliance with all the items outlined on the attached Schedule "A" to this permit.
3. Should the Holder fail to adhere and comply with all the terms and conditions outlined in Schedule "A", the Temporary Commercial Use Permit Shall be void and no longer considered valid for the subject site.
4. This Temporary Commercial Use Permit applies to and only to those lands shown cross-hatched on the attached Schedule "B" to this permit.
5. The subject property may be used for the following temporary commercial uses:

A night market event on the following dates:

- May 15, 2015 to November 1, 2015 inclusive (as outlined in the attached Schedule "C" to this permit);
- May 13, 2016 to October 30, 2016 inclusive (as outlined in the attached Schedule "C" to this permit); and
- May 12, 2017 to October 29, 2017 inclusive (as outlined in the attached Schedule "C" to this permit).

The night market event dates and hours of operation shall be in accordance with the attached Schedule "C" to this permit.

The night market event shall be in accordance with the site plan as outlined in Schedule "D" to this permit.

To the Holder: Firework Productions Ltd.
Sanhurgon Investment Ltd., Inc. No. BC908774
0916544 B.C. Ltd., Inc. No. 0916544

Property Address: 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North
Range 6 West Plan 34592 and 8411/8431/8451 West Road

Address: C/O Mr. Raymond Cheung
3063 – 8700 McKim Way
Richmond, BC V6X 4A5

6. Any temporary buildings, structures and signs shall be demolished or removed and the site and adjacent roads shall be maintained and restored to a condition satisfactory to the City of Richmond, upon the expiration of this permit or cessation of the use, whichever is sooner.
7. As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder, or should the Holder carry out the temporary commercial use permitted by this permit within the time set out herein and comply with all the undertakings given in Schedule "A" attached hereto, the security shall be returned to the Holder.
 - A cash security (or acceptable letter of credit) in the amount of \$217,000 must be submitted prior to October 20, 2014 for the purposes of operating an evening market event during the specified dates set out in Schedule "C" in 2015.
 - A cash security (or acceptable letter of credit) in the amount of \$233,000 must be submitted prior to April 13, 2016 for the purposes of operating an evening market event during the specified dates set out in Schedule "C" in 2016.
 - A cash security (or acceptable letter of credit) in the amount of \$236,000 must be submitted prior to April 12, 2017 for the purposes of operating an evening market event during the specified dates set out in Schedule "C" in 2017.
8. Should the Holder fail to provide the cash security by the dates specified in this permit, the Temporary Commercial Use Permit shall be void and no longer considered valid for the subject site.
9. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

To the Holder: Firework Productions Ltd.
Sanhurgon Investment Ltd., Inc. No. BC908774
0916544 B.C. Ltd., Inc. No. 0916544

Property Address: 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North
Range 6 West Plan 34592 and 8411/8431/8451 West Road

Address: C/O Mr. Raymond Cheung
3063 – 8700 McKim Way
Richmond, BC V6X 4A5

10. Monies outstanding and owed by the Holder to the City of Richmond for costs associated with the previous evening market event must be paid in full by the following dates:

- All monies outstanding from the 2015 event must be paid in full prior to April 13, 2016.
- All monies outstanding from the 2016 event must be paid in full prior to April 12, 2017.

Should the Holder fail to provide any outstanding monies by the date specified in this permit, the Temporary Commercial Use Permit shall be void and no longer considered valid for the subject site.

11. This Temporary Commercial Use Permit is valid for the dates specified in Schedule “C” for 2015, 2016 and 2017 only.

This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO.
DAY OF , .

ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF , .

MAYOR

CORPORATE OFFICER

Schedule “A”

In consideration of the City of Richmond issuing a Temporary Commercial Use Permit (TCUP) for the purposes of operating a night market event for 2015, 2016 and 2017 on the subject site, the event organizer (Firework Productions Ltd. c/o Raymond Cheung) acknowledges and agrees to the following terms and conditions:

Traffic Management Plan (TMP)

- Traffic control and operations during the event is to be in accordance with the TMP approved by the City’s Transportation Division.
- Operation of the TMP is to be undertaken by a professional Traffic Control Company with the appropriate trained and certified staff. Costs associated with operations and running of the TMP is the responsibility of the event organizer.
- The TMP is to be monitored by the City’s Transportation Division in consultation with on-site RCMP and Community Bylaws staff and is subject to revision and changes (i.e., alteration of the plan; additional Traffic Control staff) should the need arise.
- Approval of the TMP, including any necessary revisions, is at the sole discretion of Transportation Division staff.
- Posting of signage and erection of barricades and road markings will be undertaken based on the TMP and is to be at the cost of the event organizer.
- The Event organizer is required to implement a marketing and promotion strategy (approved by Transportation Division staff) that encourages night market patrons to take public transit to the event

Off-Street Parking

- Parking stalls required for the night market event under the following provisions:
 - 1,480 parking stall located on Duck Island.
 - 200 parking stalls located on 8411/8431/8451 West Road.
 - Of the total number of parking stalls secured (1,680), a minimum of 300 stalls shall be allocated to event vendors.
 - All off-street parking stalls provided on the event site is required to be free.

City of Richmond and RCMP Staffing

- A minimum of 2 RCMP members must be in attendance for each night the event is being held during the hours of operation for the purposes of providing a police presence and overseeing the TMP and general event operations (Note: Implementation and operation of the TMP is required to be undertaken by a professional traffic control company with appropriate trained and certified staff).
- Six (6) hours of dedicated patrol by Community Bylaw Enforcement Officers is required for each day the event is in operation with scheduling at the discretion of Community Bylaws.
- Periodic attendance by Transportation Division and City staff to monitor and oversee the operations of the event and TMP.
- All costs for RCMP members and City staffing at the applicable rates is the responsibility of the event organizers.

Implementation of Works on City Property

- Any works on City property is required as a result of the night market event must comply with the following requirements:
 - Works include, but are not limited to construction of asphalt walkways, temporary pedestrian crosswalks and a secondary emergency access to the market event area. Works also include any required upgrades and maintenance to existing works
 - Design for works to be undertaken by the appropriate professional and approved by the City.
 - Construction of works to be undertaken through a City Work Order or other appropriate process prior to issuance of the building permit(s) and/or on-site servicing permit for the night market event.
 - All costs associated with the design, construction, maintenance and removal (if required) of works is the responsibility of the event organizer.
 - Enter into the appropriate agreements where necessary for the above referenced works prior to issuance of the building permit(s) and/or on-site servicing permit for the night market event.

Required Approvals from External Agencies

Review and approval (if necessary) from the following external agencies is required prior to operating a night market event on the subject site:

- Approval from the Provincial Diking Authority for the existing emergency access ramp structure located over the existing dike statutory right-of-way.
- Ministry of Transportation and Infrastructure (MOTI) review of traffic control provisions identified in the TMP for intersections under MOTI jurisdiction.

Flood Construction Level (FCL) Requirements

- All buildings and structures on the subject site must be temporary and cannot be utilized year round.
- If these criteria are met, temporary buildings and structures are not required to comply with the minimum FCL of 4.35 m.
- Buildings and structures that do not meet these criteria are required to be constructed at a minimum FCL of 4.35 m.

Required Permits/Licenses from the City of Richmond and Stakeholders

- Building permits and on-site servicing permits for any buildings, structures, services, service connections, including any changes to on-site servicing infrastructure.
- Business Licenses for all commercial/food vendors to operate at the night market event (including the event operator).
- Vancouver Coastal Health (VCH) permits and licenses for the overall food court area and all food and beverage vendors to operate at the night market event, including inspection approval by VCH staff.

Richmond Fire Rescue (RFR) Requirements

- Implementation of an emergency response route and access location to the event market area. This response route is required to remain clear and unimpeded at all times to facilitate access for emergency vehicles, personnel and equipment.
- Implementation of a dedicated approved emergency response route for RFR truck access and turnaround to facilitate access to the proposed parking lot “B” as shown in the night market site plan attached as **Schedule “D”** to the TCUP. This fire access lane is required to be designed to support the expected loads imposed by firefighting equipment to permit accessibility under all climatic conditions.
- Submission and approval of an updated Fire Safety Plan on a yearly basis by Richmond Fire Rescue for the night market event.
- The event organizer and each applicable food vendor at the night market event is required to complete and sign the Richmond Fire Rescue Food Vendor Checklist (**Schedule “E”**) and be able to produce the completed and signed documents upon request by Richmond Fire Rescue personnel.

Night Market Site Plan

- Implementation of the event in general accordance to the night market site plan as shown in the TCUP report and attached as **Schedule “D”** to the TCUP.
- Amendments to the night market site plan can be considered if they are required/deemed necessary by City staff or other external agencies/stakeholders. Any changes to the night market site plan approved by the City of Richmond will be considered the approved site attached to and forming part of the TCUP.
- The maximum number of vendors allowed in this TCUP is:
 - 220 commercial vendors; and
 - 100 food vendors.
- Related accessory entertainment activities and displays that are ancillary to the market event activities are permitted.

Night Market Operations

- The event organizer is required to provide dedicated event security, parking lot patrollers, event liaison staff and certified first aid staff.
- The event organizer is responsible for providing adequate means of communication amongst event staffing, security, first aid, traffic control personnel, RCMP members and Community Bylaw Officers.
- Garbage and Litter Management Plan – Clean up and litter removal before, during and after the evening market event each night of operation. Clean-up and litter removal is to be conducted by the event organizers and is to include the subject property as well as surrounding areas impacted by the evening market event. The plan will also include placement of garbage receptacles off-site along heavily travelled pedestrian routes.

Product Anti-Counterfeiting Strategy

The event organizer is responsible for implementing the following action items as part of their anti-counterfeiting strategy:

- Liaise with agencies involved with intellectual property rights (Canadian Anti-Counterfeiting Network – CACN) to develop and communicate their strategy.
- Include specific provisions in vendor contracts that prohibit retailing of counterfeit, pirated and other illegal products with clauses on vendor booth termination and removal from the event and product seizure and turnover to the RCMP or Intellectual Property representatives if illegal goods are found.
- Partner with RCMP and Intellectual Property representatives to undertake education with vendor booth operators to ensure they are aware of the counterfeit good restrictions and related consequences (i.e., vendor booth contract termination).
- Have dedicated, trained market event staff to inspect and monitor retailers to ensure no counterfeit or pirated products are being sold.

Night Market Event Cancellation Procedure

- In the event of an evening market event closure on any identified operational day, event organizers are responsible for notifying appropriate City staff and RCMP members a minimum of 24 hours prior to the start of the event. Should event cancellation notification be within the 24 hour time period, staffing costs will be incurred based on minimum call out times.
- The event organizer is responsible for notifying all vendors of any event cancellation.
- The event organizer is responsible for notifying the City and any related stakeholders (i.e., RCMP, VCH) if they decide to close early for the season prior to the last date permitted in this TCUP renewal application for 2015, 2016 and 2017.

Security Bond Requirements

- The event organizer is required to submit an operational security bond to the City in accordance with the terms and conditions identified in the TCUP.
- The operation security bond is required to cover City costs and expenses as a result of the night market event, which includes a contingency fund to address any issues arising during event operations.
- The event organizer is required to pay for additional City costs, in the event that costs exceed the amount submitted in the operational security bond.

General Provisions

- At the conclusion of each event operation day, any road modifications (temporary signage, barriers, cones) associated with the TMP must be removed and original road conditions restored to the satisfaction of the Transportation Division staff.
- Upon expiration of this permit or cessation of the permitted use, whichever is sooner, the following shall be completed:
 - The property described in **Schedule “B”** shall be restored to its original condition.
 - Adjacent roads shall be maintained and restored to a condition satisfactory to the City of Richmond.

Undertaking

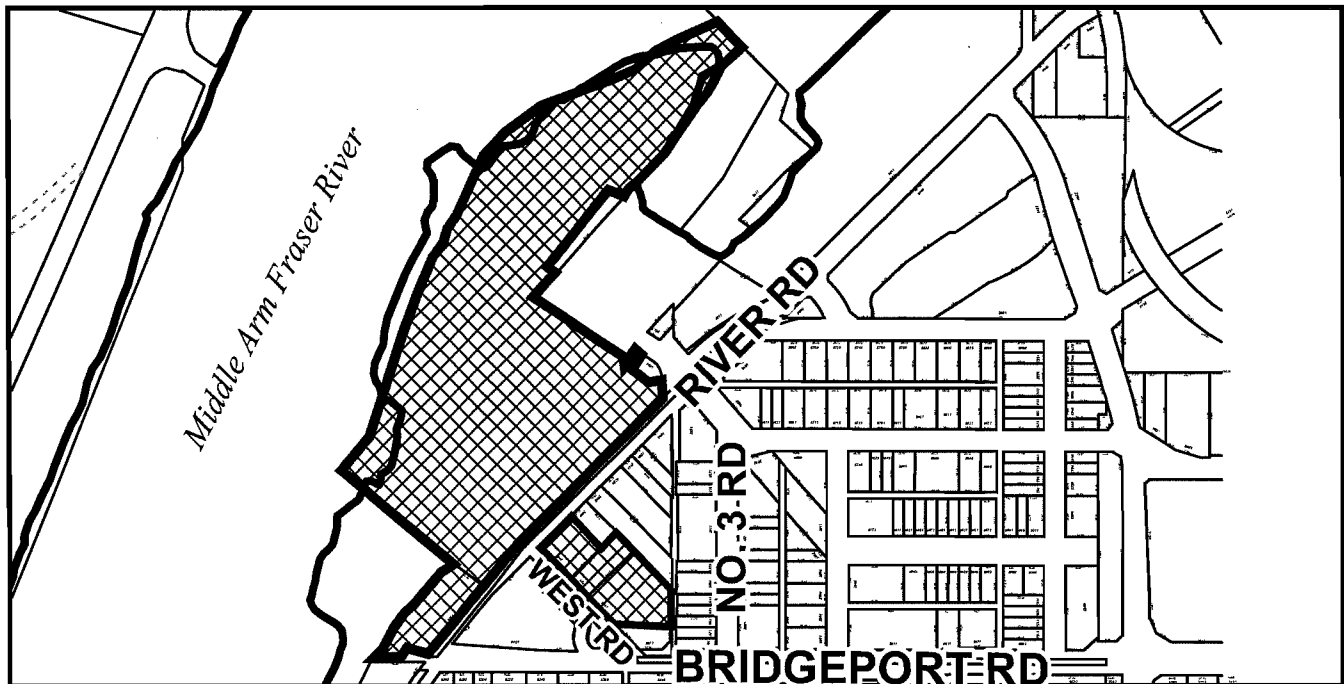
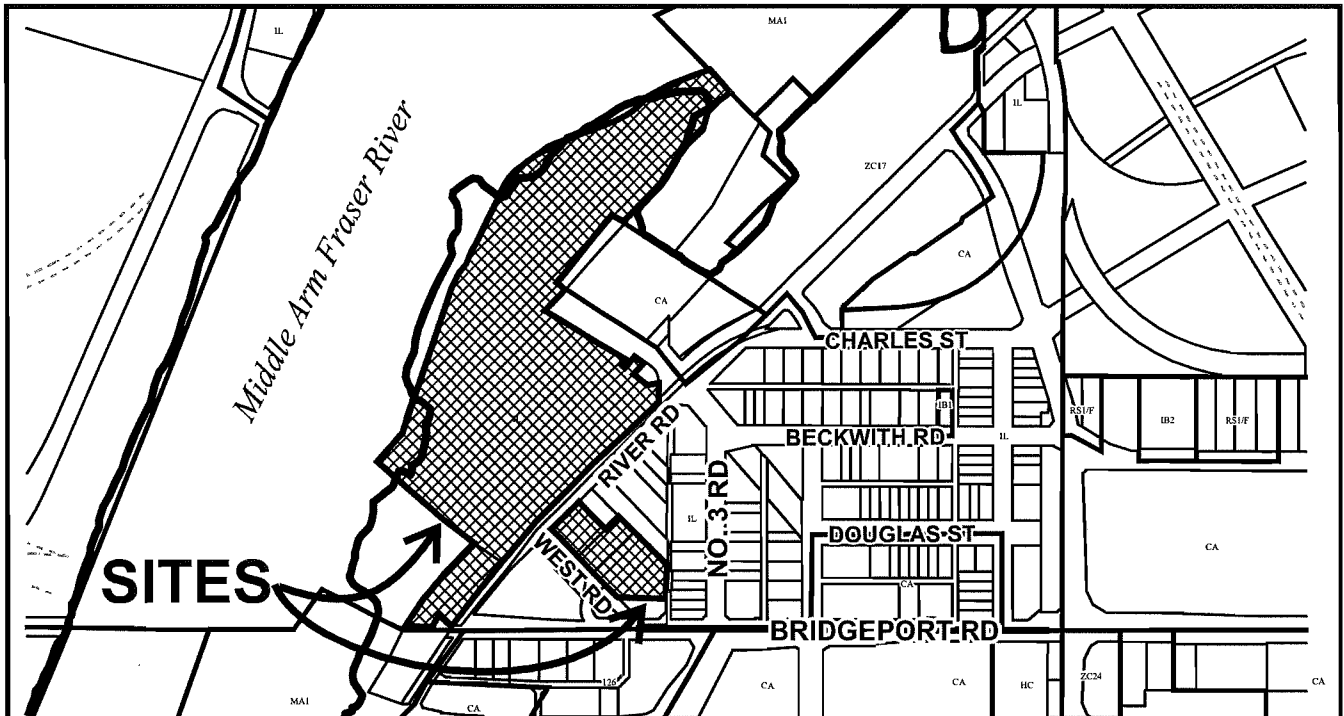
- In consideration of the City of Richmond issuing the Temporary Commercial Use Permit, we the undersigned hereby agree to demolish or remove any temporary buildings, structures and signs; to restore the land described in **Schedule "B"**; and to maintain and restore adjacent roads, to a condition satisfactory to the City of Richmond upon the expiration of this Permit or cessation of the permitted use, whichever is sooner.

Firework Productions Ltd.
by its authorized signatory
(Signed copy on file)

Raymond Cheung
Firework Productions Ltd.



City of
Richmond



TU 14-666140

Original Date: 07/03/14

Revision Date: 09/08/14

Note: Dimensions are in METRES

Schedule "C"

Evening Market Event Schedule of Dates for 2015

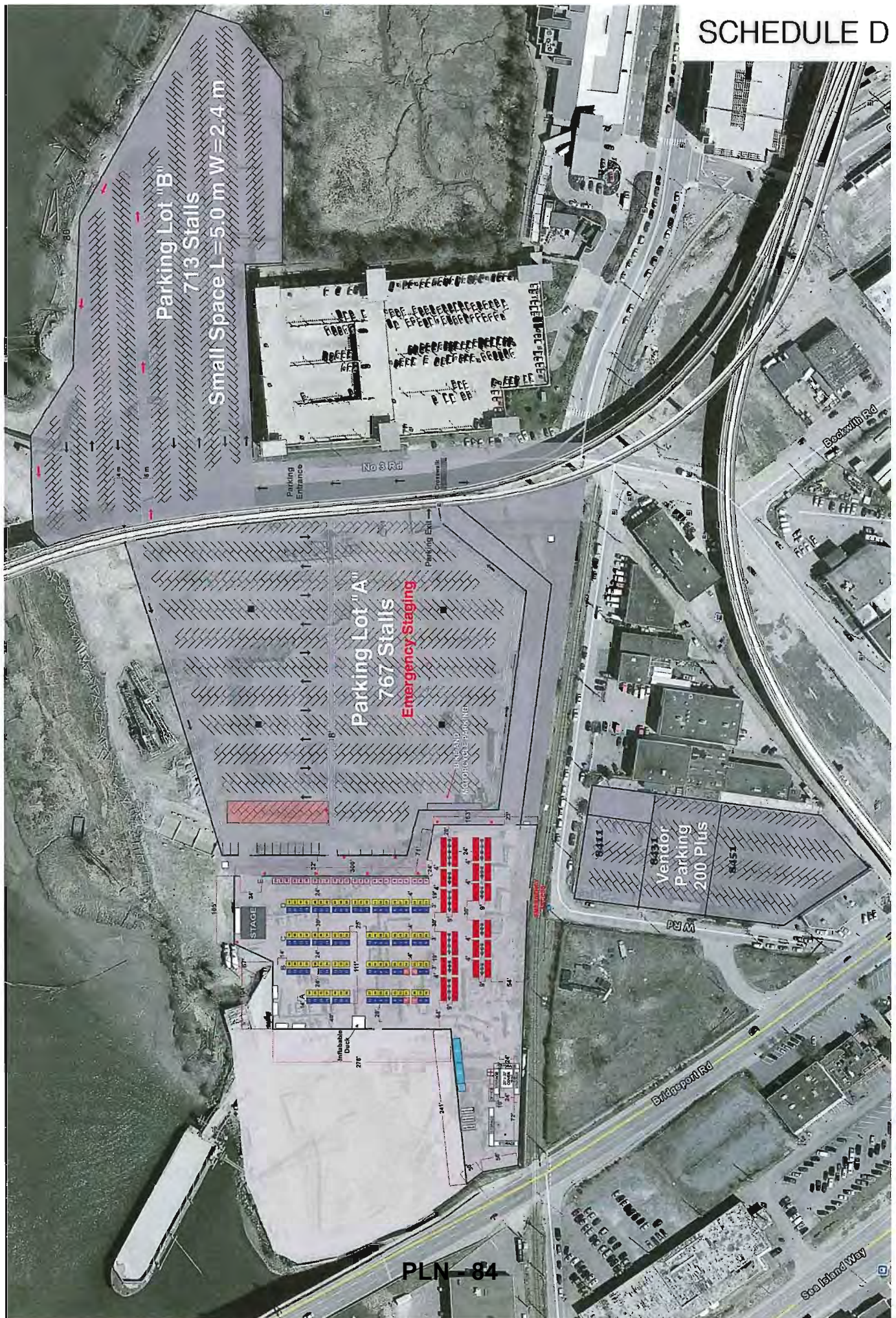
Month	Day	Event Hours	Month	Day	Event Hours
May (10 Days)	15	7pm-12am	June (12 Days)	5	7pm-12am
	16	7pm-12am		6	7pm-12am
	17	6pm-12am		7	6pm-11pm
	18	6pm-11pm		12	7pm-12am
	22	7pm-12am		13	7pm-12am
	23	7pm-12am		14	6pm-11pm
	24	6pm-11pm		19	7pm-12am
	29	7pm-12am		20	7pm-12am
	30	7pm-12am		21	6pm-11pm
	31	6pm-11pm		26	7pm-12am
		27		7pm-12am	
		28		6pm-11pm	
July (13 Days)	3	7pm-12am	August (15 Days)	1	7pm-12am
	4	7pm-12am		2	6pm-12am
	5	6pm-11pm		3	6pm-11pm
	10	7pm-12am		7	7pm-12am
	11	7pm-12am		8	7pm-12am
	12	6pm-11pm		9	6pm-11pm
	17	7pm-12am		14	7pm-12am
	18	7pm-12am		15	7pm-12am
	19	6pm-11pm		16	6pm-11pm
	24	7pm-12am		21	7pm-12am
	25	7pm-12am		22	7pm-12am
	26	6pm-11pm		23	6pm-11pm
	31	7pm-12am		28	7pm-12am
		29		7pm-12am	
		30		6pm-11pm	
September (13 days)	4	7pm-12am	October (16 Days)	2	7pm-12am
	5	7pm-12am		3	7pm-12am
	6	6pm-12am		4	6pm-11pm
	7	6pm-11pm		9	7pm-12am
	11	7pm-12am		10	7pm-12am
	12	7pm-12am		11	6pm-12am
	13	6pm-11pm		12	6pm-11pm
	18	7pm-12am		16	7pm-12am
	19	7pm-12am		17	7pm-12am
	20	6pm-11pm		18	6pm-11pm
	25	7pm-12am		23	7pm-12am
	26	7pm-12am		24	7pm-12am
	27	6pm-11pm		25	6pm-11pm
		30		7pm-12am	
		31		7pm-12am	
		November 1		6pm-11pm	
Total Number of Event Operation Days - 79					

Evening Market Event Schedule of Dates for 2016

Month	Day	Event Hours	Month	Day	Event Hours
May (10 Days)	13	7pm-12am	June (13 Days)	3	7pm-12am
	14	7pm-12am		4	7pm-12am
	15	6pm-11pm		5	6pm-11pm
	20	7pm-12am		10	7pm-12am
	21	7pm-12am		11	7pm-12am
	22	6pm-12am		12	6pm-11pm
	23	6pm-11pm		17	7pm-12am
	27	7pm-12am		18	7pm-12am
	28	7pm-12am		19	6pm-11pm
	29	6pm-11pm		24	7pm-12am
July (15 Days)				25	7pm-12am
				26	6pm-11pm
				30	7pm-12am
			August (13 Days)		
	1	7pm-12am		1	6pm-11pm
	2	7pm-12am		5	7pm-12am
	3	6pm-11pm		6	7pm-12am
	8	7pm-12am		7	6pm-11pm
	9	7pm-12am		12	7pm-12am
	10	6pm-11pm		13	7pm-12am
	15	7pm-12am		14	6pm-11pm
	16	7pm-12am		19	7pm-12am
	17	6pm-11pm		20	7pm-12am
	22	7pm-12am		21	6pm-11pm
	23	7pm-12am		26	7pm-12am
	24	6pm-11pm		27	7pm-12am
September (14 days)	29	7pm-12am		28	6pm-11pm
	30	7pm-12am	October (15 Days)		
	31	6pm-12am		1	7pm-12am
				2	6pm-11pm
	2	7pm-12am		7	7pm-12am
	3	7pm-12am		8	7pm-12am
	4	6pm-12am		9	6pm-12am
	5	6pm-11pm		10	6pm-11pm
	9	7pm-12am		14	7pm-12am
	10	7pm-12am		15	7pm-12am
	11	6pm-11pm		16	6pm-11pm
	16	7pm-12am		21	7pm-12am
	17	7pm-12am		22	7pm-12am
	18	6pm-11pm		23	6pm-11pm
	23	7pm-12am		28	7pm-12am
	24	7pm-12am		29	7pm-12am
	25	6pm-11pm		30	6pm-11pm
	30	7pm-12am			
Total Number of Event Operation Days - 80					

Evening Market Event Schedule of Dates for 2017

Month	Day	Event Hours
May (10 Days)	12	7pm-12am
	13	7pm-12am
	14	6pm-11pm
	19	7pm-12am
	20	7pm-12am
	21	6pm-12am
	22	6pm-11pm
	26	7pm-12am
	27	7pm-12am
	28	6pm-11pm





Richmond Fire-Rescue

General Fire Safety for Food Vendors Including Mobile Food Trucks

General Fire Safety Requirements

Vendors shall meet requirements defined in NFPA 96. This checklist outlines specific fire requirements for vendors and is provided to eliminate or reduce last minute delays to vendors applying for event approval.

- ☐ All commercial cooking units (deep fryers, grills, etc) in trailers or trucks shall have an automatic suppression system (meeting ULC300) and at least one portable Class K wet chemical extinguisher.
- ☐ All commercial deep fryers are required to have a portable Class K wet chemical extinguisher.
- ☐ Vendors using heating or cooking units shall provide for their own use at least one portable multi-purpose extinguisher (minimum 10 pound 4A-60B:C rated). Fire Extinguishers must be **visible**, **accessible**, and may not sit on the ground.
- ☐ All commercial cooking units, other than approved self-contained units, require non-combustible hoods, filters, or trays for containing grease laden vapours—must have been cleaned and tagged by a certified Applied Science Technologist Technician (ASTT) or company within the past 6 months.
- ☐ All appliances are required to have appropriate certification and/or listing (e.g. CSA, ULC).
- ☐ All tents and awnings with any heat sources and/or cooking units underneath must be fire treated and labelled to meet NFPA 705 (regardless of clearances - **no** exceptions).
- ☐ All commercial cooking exhaust hoods must have required filters and trays installed at all times (mesh filters are not permitted). Tagged by a certified ASST within the past 6 months.
- ☐ All extinguishers and automatic suppression systems to have current service completed by an ASTT, complete with stamped service tag.
- ☐ Stand alone stove or burners and self-contained cooking appliances shall be supported on an approved base or non-combustible surface and kept away from combustibles (do not place directly on the ground). No folding tables with oil cooking on top.
- ☐ Propane cylinders and tanks shall be secured to a permanent surface to prevent tipping and located away from cooking and heat devices as per all applicable Gas Codes and Standards.
- ☐ No unattached (spare) propane tanks in cooking area.
- ☐ Temporary electrical power, generators, and any connections to vendors must be proper gauge, properly rated (e.g. CSA, ULC), protected from weather and vehicle traffic and restricted from public access—do not use damaged cords. No household extension cords.
- ☐ Generators may require a noise cover or acceptable non-combustible housing depending on location. Combustible items may not be placed on generators in contact with hot surfaces e.g. tarps.

For further information or questions, please contact Richmond Fire-Rescue at 604-278-5131, Monday to Friday, 8:15 am to 5:00 pm.

Information contained here is subject to change without notice.

Richmond Fire-Rescue's Mission is to *protect and enhance the City's livability through service excellence in prevention, education and emergency response.*



To: Mayor and Councillors
From: Terry Crowe
Manager, Policy Planning
Date: September 10, 2014
File: 08-4040-01/2014-Vol 01
Re: **Referral: Comparison of Richmond and Metro Vancouver Proposed Responses the BC Ministry of Agriculture Consultation on Potential Changes to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation**

Purpose

On September 3, 2014, Planning Committee deferred consideration of the staff report titled "Richmond Response to BC Ministry of Agriculture Consultation on Potential Changes to the Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation" (Attachment 1), until the September 16, 2014 Planning Committee meeting, and directed staff to "examine the response by Metro Vancouver to the potential changes to the Agricultural Land Reserve regulations, as proposed by the Ministry of Agriculture and report back to the Tuesday, September 16, 2014 Planning Committee meeting". The purpose of this memo is to report back on this referral.

Background

On September 5, 2014, the Metro Vancouver (MV)'s Regional Planning and Agriculture Committee considered the MV staff report titled "Provincial Consultation on Potential Changes to the Agricultural Land Commission (ALC) Act" (Attachment 2) and recommended that the MV Board endorse the comments at its upcoming September 19, 2014 meeting.

Analysis

Comparison of City and Metro Vancouver Responses To the Ministry's Questions:

A summary comparison of the City's and Metro Vancouver's responses to the Ministry's Zone 1 questions is as follows:

1. Ministry Q1. Should the parameters for allowable on-farm food storage, packing, processing and retail establishments be revised?
 - Similar Comments: MV says no: Richmond says no.
2. Ministry Q2. Should breweries, distilleries and meaderies be allowed on ALR land on the same or similar terms as wineries and cideries are currently allowed?
 - Different Comments: Metro Vancouver first wants current ALC regulations adequately monitored and enforced; Richmond agrees only if City can regulate the uses.
3. Ministry Q3. Should the allowable footprint for consumption areas (or 'lounges') ancillary to wineries and cideries (and potentially also breweries, distilleries and meaderis) be increased, and if so on what basis?
 - Similar Comments: MV says no: Richmond says no.

4. Ministry Q4. 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?
 - Different Comments: Metro Vancouver disagrees to ensure that ALR activities prioritize farming; Richmond agrees only if City can regulate like now (same 300m² areas, minimum of 50% from the farm).
5. Ministry Q5. Should anaerobic digesters be permitted in the ALR if the inputs are generated from farming activities?
 - Different Comments: Metro Vancouver disagrees that anaerobic digesters should be permitted in the ALR without an application to the ALC; Richmond agrees that they can be permitted without an application to the ALC, as long as the City can place additional regulations.
6. Ministry Q6. Should on-farm co-generation facilities be permitted on farms where a portion of the energy created is used on farm?
 - Different Comments: Metro Vancouver disagrees that on-farm cogeneration facilities should be permitted in the ALR without an application to the ALC; Richmond agrees that they can be permitted without an application to the ALC, as long as the City can place additional regulations.
7. Ministry Q10. Should greater clarity be provided on what constitutes an agri-tourism activity that is allowed in the ALR without an application, and if so what parameters should be established?
 - Similar Comments: MV says yes; Richmond says yes.

From the above, while the City and Metro Vancouver support the ALR, their responses vary depending on the Question and how it is interpreted.

Comparison of City and Metro Vancouver Additional Responses

In addition to responding to the questions posed by the Ministry of Agriculture, similar to Richmond, MV has identified the following key points, which were supported by many local governments at the Abbotsford regional meeting on August 14, 2014. MV is requesting that the following points be considered before any expansion to the range of allowable uses in the ALR is pursued:

1. The lack of monitoring and enforcement of the current regulations should be addressed.
2. Unexplored tax implications which result from a decision to allow additional manufacturing, retail and restaurant activities on farmland should be addressed.
3. Potential impacts of proposed changes on local governments in terms of utility services, road maintenance, policing, bylaw enforcement, nuisance complaints and property taxes should be explored.
4. Primary agricultural production must be the top priority for ALR lands.
5. The need for a self-sustaining ALC that has the ability to recover the true costs of processing applications should be addressed.

Attachment 3 more clearly identifies the similarities and differences between Metro Vancouver's and Richmond's proposed comments.

Summary

In summary, staff suggest that the proposed City recommendations which were presented at the September 3, 2014 Planning Committee meeting and are to be considered at Planning Committee on September 16, 2014 are still appropriate as they address important City concerns. Metro Vancouver's proposed comments can also be supported as they too are aimed at protecting the ALR and local government interests from a different point of view with different conditions (e.g., the City can support allowing on-farm anaerobic digesters and co-generation without an application to the ALC, if it can regulate them; but if the Province does not allow a municipality to regulate them, then Metro Vancouver's comments are useful, as they want such uses to be reviewed on the case by case basis and not automatically allowed).

Policy Planning staff will be available to discuss this memo further at the September 16, 2014 Planning Committee meeting. For clarification, please contact Terry Crowe at 604-276-4139 or Minhee Park at 604-276-4188.



Terry Crowe
Manager, Policy Planning
(604-276-4139)



Minhee Park
Planner 1
(604-276-4188)

MP: cas

Att. 3

pc: Joe Erceg, General Manager, Planning and Development

Attachments

- Att.1: Richmond staff report to the Planning Committee dated August 15, 2014
- Att.2: Metro Vancouver staff report to the Regional Planning and Agricultural Committee dated August 20, 2014
- Att.3: Comparison proposed Metro Vancouver & Richmond responses to the Ministry of Agriculture's ALC Act consultation questions



City of Richmond

Report to Committee

To PLN - Sep 3, 2014

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
Joe Erceg, General Manager,
Planning and Development

JE:mp
Att.3

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER <i>THOMAS FOR JOE ERCEG</i>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: <i>me</i>
APPROVED BY ^{Acting} CAO <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:

Ministry of Agriculture's Consultation Questions	Summary of Richmond Response Submitted by August 22, 2014 Deadline
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 ² inside & 125 m ² 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 ²) 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).

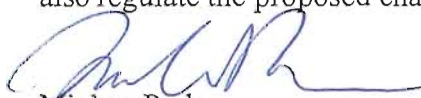
- Seek Provincial Government support to prepare an ALC policy to prohibit Port Metro Vancouver from converting ALR land to port industrial use and encourage the Federal Government to implement a dispute resolution process between PMV and local governments.
- Provide a comprehensive analysis of the impacts 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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Planner 1 (604-276-4188)



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MP:cas

Attachment 1:	Ministry of Agriculture's Consultation Paper
Attachment 2:	Richmond Responses to the Ministry of Agriculture's Consultation Questions sent to the Minister of Agriculture on August 22, 2014
Attachment 3:	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



BRITISH
COLUMBIA

Ministry of
Agriculture

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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 22nd and August 22nd 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
- The website will be live from July 22nd to August 22nd.
- 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) Act¹. 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

¹ 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
▶ Defined as “farm use” in the ALR Regulation s.2	▶ Defined specifically in ALR Regulation s.3	▶ Not permitted on ALR land without ALC approval
▶ No application to the Commission required	▶ No application to the Commission required	▶ Requires application to the Commission
▶ May be regulated but not prohibited by local government (s.2 ALR Regulation)	▶ Permitted unless prohibited by local government bylaw (s.3 ALR Regulation)	▶ 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.

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 300m²."

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 125m² inside, and 125m² 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 CO₂, 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 CO₂ 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 m² 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 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
1) ALC Reporting and Accountability	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)
2) Panel Regions and Panel Composition	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)
3) Zones	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
4) Decision-Making in Zones	<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"> (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. <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"> • economic, cultural and social values; • regional and community planning objectives; and • any other considerations prescribed by regulation. <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>	ALCA Section 4.3
5) Local Government Act Amendment	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).	<i>Local Government Act</i> Section 879
6) Additional Regulation-Making Powers added to the ALCA	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.	ALCA Section 58

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 m²;
 - (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;

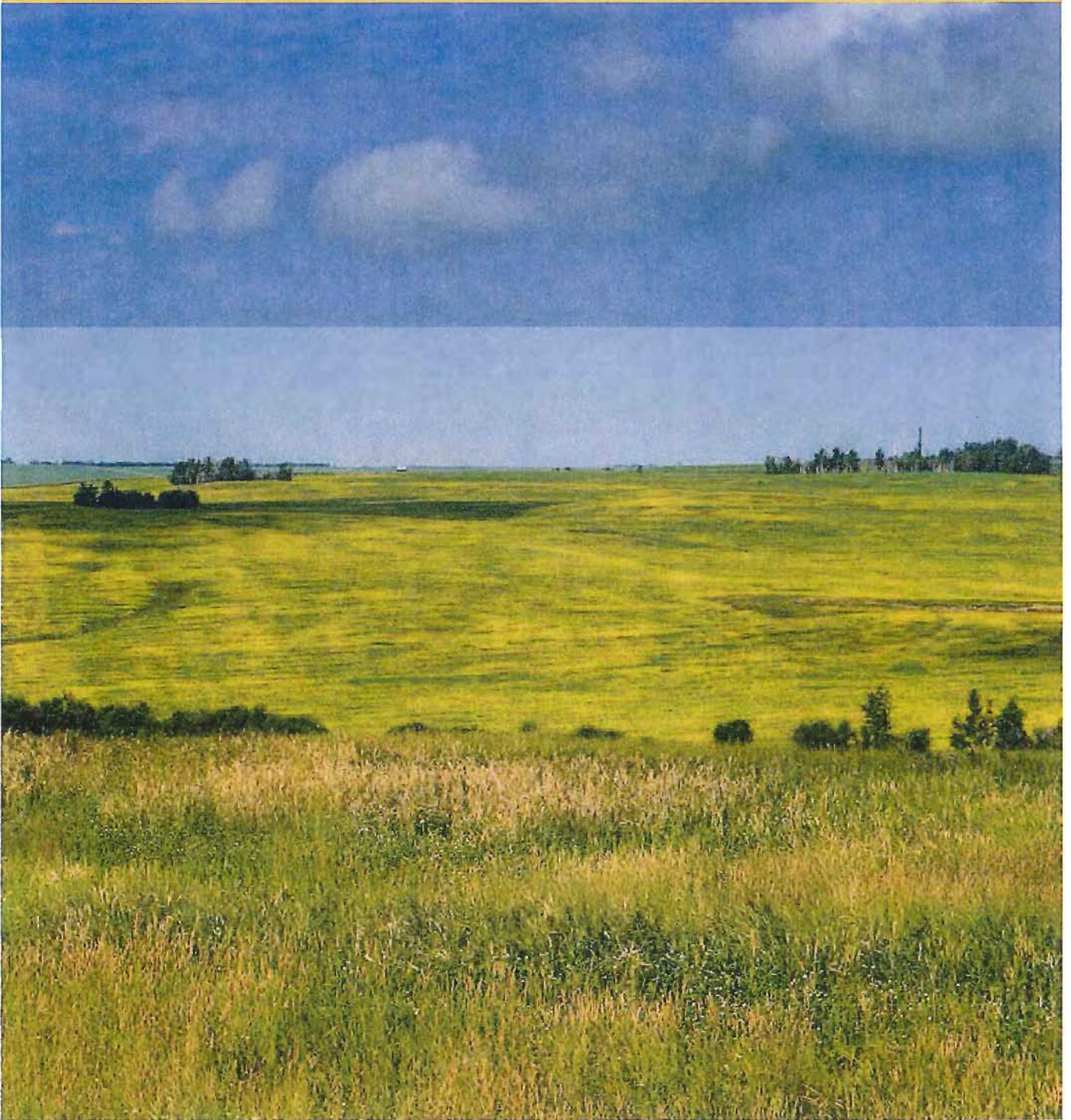
- (g) agroforestry, including botanical forest products production;
 - (h) horse riding, training and boarding, including a facility for horse riding, training and boarding, if
 - (i) the stables do not have more than 40 permanent stalls, and
 - (ii) the facility does not include a racetrack licensed 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 m² 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 m² 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 m² 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 m² for each parcel;

- (k) aggregate extraction if the total volume of materials removed from the parcel is less than 500 m³, 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 m² 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.



PLN - 114

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). ¹

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).

¹ 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 m² (10,800 ft²) 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 125m² (1,345.5 ft²) inside, and 125m² (1,345.5 ft²) 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 m².

City's Draft Response: Agree (with conditions)

- As long as the retail area is limited to the same size (i.e., 300 m²) 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 CO², 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 CO² 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**

6911 No. 3 Road
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:

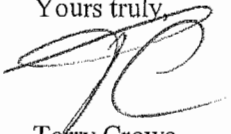
1. Port Metro Vancouver (PMV) not to use the ALR for industrial purposes: PMV has purchased 240 acres of farmland in the ALR in Richmond and will not commit to farming it. The City of Richmond requests that the Minister seek Provincial government support to

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:
 - 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.

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 marihuana).

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.

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 m² (10,800 ft²) 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 125m² (1,345.5 ft²) inside, and 125m² (1,345.5 ft²) 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 m².

City's Draft Response: Agree (with conditions)

- As long as the retail area is limited to the same size (i.e., 300 m²) 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 CO², 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 CO² 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.

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

To: Regional Planning and Agriculture Committee

From: Theresa Duynstee, Regional Planner
Planning, Policy and Environment Department

Date: August 20, 2014 Meeting Date: September 5, 2014

Subject: **Provincial Consultation on Potential Changes to the *Agricultural Land Commission Act***

RECOMMENDATION

That the GVRD Board endorse the comments submitted to the BC Ministry of Agriculture regarding proposed changes to the *Agricultural Land Commission Act*.

PURPOSE

This report describes the recent Ministry of Agriculture consultation process on proposed additions to allowable uses in the Agricultural Land Reserve (ALR) without an application to the Agricultural Land Commission (ALC).

BACKGROUND

On March 27, 2014, the provincial government introduced Bill 24 - 2014 *Agricultural Land Commission Amendment Act*. The Bill subsequently passed on May 14, 2014 creating two Agricultural Land Reserve (ALR) zones, six regional panels and incorporating various changes to ALC governance.

On July 14, Metro Vancouver received an invitation from Derek Sturko, Deputy Minister of Agriculture to a consultation session to discuss proposed changes to "farm uses" and "permitted uses" as defined by the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. A consultation paper titled, "Consultation on Potential Changes to the *Agricultural Land Commission Act: Agriculture Land Reserve Use, Subdivision and Procedure Regulation*", provided information about the proposed changes to the regulation and posed specific questions for the discussion (Attachment 1). The South Coast regional stakeholder meeting on August 14, 2014 was held to obtain input from Metro Vancouver, the Fraser Valley Regional District, the Squamish Lillooet Regional District and the Sunshine Coast Regional District, as well as member municipalities.

The *ALC Act* consultation process included a Minister's Reference Group¹, regional stakeholder meetings and a [website](#) for public input (see Reference). All feedback was requested by August 22, 2014. Staff correspondence requesting an extension due to the short notice for submissions and to enable the Regional Planning and Agriculture Committee and GVRD Board to review the Metro Vancouver response was denied; the Ministry of Agriculture stated it has committed to having the changes to the *Regulation* in place by the end of the year.

¹ The Minister's Reference Group comprised of representatives from the ALC, UBCM and the BC Agriculture Council and their role was to inform the consultation process and any regulatory outcomes.

DISCUSSION

The Metro Vancouver delegation to the Ministry of Agriculture consultation session was led by Director Derek Corrigan, Chair of the Regional Planning and Agriculture Committee (RPA) and Director Harold Steves, Vice Chair of the RPA. Other members of the delegation included Councillor David Davis of the Township of Langley and staff from the Corporation of Delta, City of Richmond, City of Burnaby and Metro Vancouver. A Briefing Note was distributed to the Metro Vancouver delegation prior to the consultation session on August 14th, 2014 (Attachment 2).

About 40 people representing South Coast Regional Districts attended the 2½ hour meeting in Abbotsford. Ministry of Agriculture staff provided an overview of the recent and proposed changes to the ALC Act before the participants were invited to comment on the 11 questions posed in the consultation paper. It was explained that the purpose of changing allowable uses in the ALR is to find more income generating activities for farmers and ranchers.

There was general consensus at the August 14th consultation session on the response to many of the discussion questions posed by the Province. The key points made by local government representatives were as follows:

1. It is difficult to reflect local government opinion when the timing and length of the consultation process occurs over 4 weeks in the summer when no/few regional Committee, Board or municipal Council meetings are scheduled.
2. Many of the questions were difficult to address without knowing the details and ability to consider the nuances that may arise as a result of changing allowable uses on ALR land.
3. Problems already exist with monitoring and enforcing the current ALC regulations. It is not clear who is checking to see if businesses are actually meeting existing regulatory requirements. There was little support for making changes until the current regulations are adequately enforced.
4. The proposed allowable uses move away from the original intent of the Regulation, which was to promote on-farm products. Expanding commercial and entertainment activities on farmland competes with businesses located in commercial zones and works against growth management strategies to build vibrant urban centres serviced by public transportation.
5. The tax implications of the proposed changes have to be considered. The proposed changes can provide a tax advantage for commercial/industrial businesses to move to farmland, even if farming the land is a requirement because it is too easy to obtain Farm Class status. This incentive is unfair to existing businesses that are located in commercially zoned areas.
6. Increasing the scale of commercial businesses and agri-tourism on ALR land *industrializes* the farmland, diverting priorities away from primary agriculture production and creating significant impacts on municipal services, local traffic, policing and property tax distribution.
7. Allowing farms to supplement their income in theory is positive, but the reality is that activities not related to agricultural production can easily expand beyond the regulatory requirements. It is best to keep unrelated businesses and agri-tourism activities at the micro-scale to prevent non-farmers from locating their businesses in the ALR.
8. The proposal for life estate (or temporary leases) enables two permanent residences on a property. Although it is important to accommodate retiring farmers, the additional residence does not have to be permanent housing. A key consideration is whether the farm

unit can support more than one family (and two residences), which depends on the size and type of farm operation.

9. When it comes to permitted uses that have limited connection to agriculture, it is better to keep the status quo and the current ALC application process so that the impact to agriculture can be appropriately assessed on a case-by-case basis.
10. All agricultural land is in the provincial interest. More effort should be directed toward getting vacant farm land in production and promoting soil-based agriculture, not expanding commercial uses of farmland.

There was also a discussion pertaining to medical marihuana. Many participants denounced the decision to allow medical marihuana facilities in the ALR as a farm use that cannot be prohibited by local governments. At the same time, the Province's decision to prevent these facilities from obtaining Farm Class status and associated property tax benefits was acknowledged.

Despite numerous requests from representatives at the meeting, the deadline for feedback on the proposed changes to allowable uses in the ALR was not extended. As a result, staff prepared a submission for Metro Vancouver based on the key points made by the elected officials, and submitted these comments to the Ministry of Agriculture on August 22, 2014 (Attachment 3). This submission can be confirmed or modified at the direction of the Regional Planning and Agriculture Committee and GVRD Board, and re-submitted as part of the public record.

ALTERNATIVES

1. That the GVRD Board endorse the comments submitted to the BC Ministry of Agriculture regarding proposed changes to the *Agricultural Land Commission Act*.
2. That the GVRD Board receive for information the report dated August 15, 2014, titled "Provincial Consultation on Potential Changes to the *Agricultural Land Commission Act*".

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

SUMMARY / CONCLUSION

In May 2014, the provincial government passed Bill 24 - 2014 *Agricultural Land Commission Amendment Act*, which creates two Agricultural Land Reserve (ALR) zones, six regional panels and incorporates various changes to ALC governance. On July 14, Metro Vancouver received an invitation from Derek Sturko, Deputy Minister of Agriculture, to a consultation session to discuss proposed changes to "farm uses" and "permitted uses" as defined by the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

Metro Vancouver Directors and local government staff represented the region at the consultation meeting hosted by the Ministry of Agriculture. The participants identified five key points to consider prior to pursuing an expansion to the range of allowable uses in the ALR. They identified that: existing problems with the lack of monitoring and enforcement be addressed; there are unexplored tax implications that need to be addressed; that expanding commercial uses in the ALR would have significant potential impacts on local governments in terms of utility services, road maintenance, policing, bylaw enforcement, and property taxes which all need to be further explored; primary agricultural production must be the top priority for ALR lands; and a self-sustaining ALC is imperative prior to considering changing the criteria for allowable farm and permitted uses in the *ALC Act*. Staff communicated this input to the Ministry of Agriculture on August 22, 2014 in order to

meet the Province's deadline for feedback. Staff recommends Alternative 1, that the Board endorse the comments submitted to the Province regarding proposed changes to the *Agricultural Land Commission Act*.

Attachments (Doc. #10070763):

1. Consultation on Potential Changes to the *Agricultural Land Commission Act*: Agricultural Land Reserve Use, Subdivision and Procedure Regulation. July 2014. Ministry of Agriculture.
2. Provincial Consultation on Potential Changes to the *Agricultural Land Commission Act* - BRIEFING NOTE to Metro Vancouver Delegation. August 7, 2014.
3. Provincial Consultation on Potential Changes to the *Agricultural Land Commission (ALC) Act* - Metro Vancouver Submission to the Ministry of Agriculture. August 22, 2014.

Reference:

ALC Act public consultation website: <http://engage.gov.bc.ca/landreserve/>

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

July 2014



Ministry of
Agriculture

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☒. Thank you!

Appendix A:

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

Appendix B:

**Excerpt from the Agricultural Land Reserve Use,
Subdivision and Procedure Regulation**

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 22nd and August 22nd 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
- The website will be live from July 22nd to August 22nd.
- 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:

<i>Zone 1:</i>	<i>Zone 2:</i>
Okanagan region	Interior region
South Coast region	Kootenay region
Vancouver Island 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) Act¹. 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

¹ 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
▷ Defined as "farm use" in the ALR Regulation s.2	▷ Defined specifically in ALR Regulation s.3	▷ Not permitted on ALR land without ALC approval
▷ No application to the Commission required	▷ No application to the Commission required	▷ Requires application to the Commission
▷ May be regulated but not prohibited by local government (s.2 ALR Regulation)	▷ Permitted unless prohibited by local government bylaw (s.3 ALR Regulation)	▷ 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.

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 300m²."

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 125m² inside, and 125m² 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 CO₂, 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 CO₂ 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 m² 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 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
1) ALC Reporting and Accountability	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)
2) Panel Regions and Panel Composition	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)
3) Zones	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
4) Decision-Making in Zones	<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"> (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. <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"> • economic, cultural and social values; • regional and community planning objectives; and • any other considerations prescribed by regulation. <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>	ALCA Section 4.3
5) Local Government Act Amendment	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).	<i>Local Government Act</i> Section 879
6) Additional Regulation-Making Powers added to the ALCA	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.	ALCA Section 58

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 m²;
 - (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;

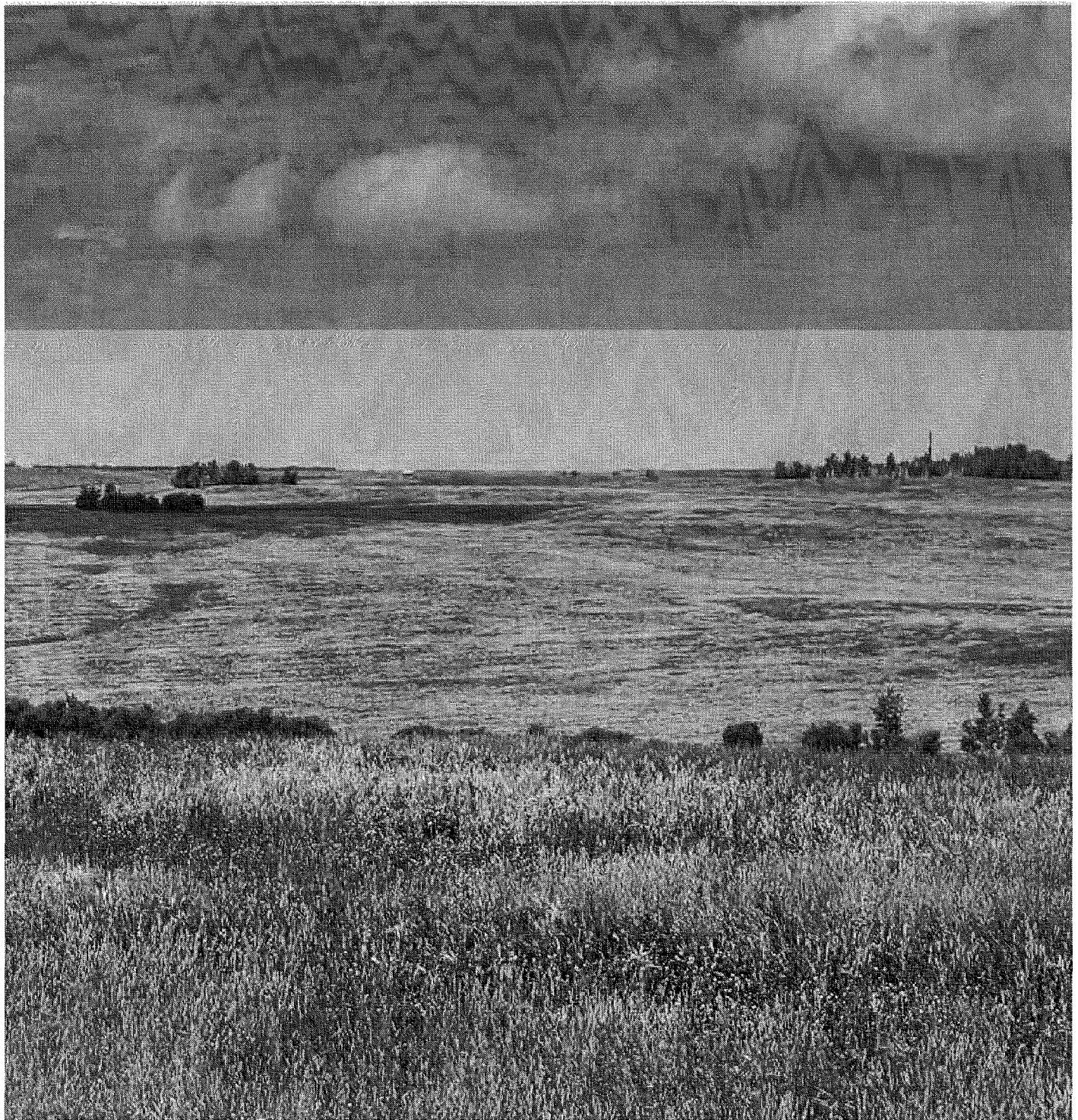
- (g) agroforestry, including botanical forest products production;
 - (h) horse riding, training and boarding, including a facility for horse riding, training and boarding, if
 - (i) the stables do not have more than 40 permanent stalls, and
 - (ii) the facility does not include a racetrack licensed 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 m² 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 m² 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 m² 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 m² for each parcel;

- (k) aggregate extraction if the total volume of materials removed from the parcel is less than 500 m³, 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 m² 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.



BRIEFING NOTE*Prepared by: Regional Planning, Planning, Policy and Environment*

TO:	Metro Vancouver Delegation	DATE:	August 7, 2014
FROM:	Allan Neilson	Briefing Note:	2014-014
ISSUE:	PROVINCIAL CONSULTATION ON POTENTIAL CHANGES TO THE <i>AGRICULTURAL LAND COMMISSION ACT</i>		

RECOMMENDATIONS:

That the Metro Vancouver delegation raise the following items at the consultation meeting:

1. The Province should extend the consultation period on the potential changes to the *Agricultural Land Commission (ALC) Act* until the end of September 2014 to allow the Greater Vancouver Regional District Board and municipal Councils to formally respond to the proposed changes.
2. The legislative amendments made to the *ALC Act* on May 29th, 2014 including:
 - the formation of two zones and six regional panels;
 - the expanded list of new factors for the ALC to consider when making decision on applications in Zone 2;
 - the criteria that will be used to select regional panel commissioners; and
 - ALC reporting requirements on operations, performance indicators, status of applications, survey results, plans, special problems and trends,

were made without local government consultation and result in an approach that is counter to collaborative land use planning as an essential means to preserving agricultural land. The Province should ensure adequate opportunity for comment on these changes as well.

3. Local governments are supportive of initiatives to enhance the long-term viability of agriculture in this metropolitan region; however, prior to expanding allowable uses, new policies to address existing non-farm uses in the Agricultural Land Reserve (ALR) are required to prevent a proliferation of commercial activities which are not dependent on agricultural production.
 4. The Province should consider the implications associated with expanding business operations in the ALR for local governments in terms of additional services required, the ability to contain urban growth via an urban containment boundary, and the property tax implications of allowing additional commercial uses on farmland.
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PURPOSE

This briefing note provides a regional perspective on the context and potential implications of proposed changes to the *Agricultural Land Commission Act: Agricultural Land Reserve Use, Subdivision and Procedure Regulation (herein called the ALC Act)* in preparation for a consultation meeting hosted by the BC Ministry of Agriculture on August 14, 2014. The consultation is specifically seeking feedback on the types of additional activities that should be allowed in the ALR **without** an application to the Agricultural Land Commission.

KEY MESSAGES

1. The provincial intention to increase economic opportunities for farmers aligns with Metro Vancouver's goals for agricultural viability. The potential impacts of an expansion in the range of allowable uses in the ALR on efforts to restrict non-farm uses of agricultural land; however, have not been adequately addressed. The need to protect farm land for agricultural production is an important policy goal in Metro Vancouver. Already today 50% of the ALR within the Metro Vancouver area is not used for farming.
2. Of concern to Metro Vancouver are the existing cumulative impacts of non-farm uses in the ALR that have resulted from:
 - Expanding residential and commercial activities in the ALR that divert capital and business resources away from maintaining primary agriculture production;
 - The lack of effective policies to motivate ALR landowners to farm or lease their property so that new farmers can secure access agricultural land and existing farm businesses can expand their food production operations; and
 - The limited capacity of the Agricultural Land Commission to enforce existing regulations related to the 50% requirement for on-farm products, agri-tourism and illegal fill deposition on farmland.

These impacts should be addressed before the range of allowable non-farm uses is expanded.

3. An expansion of commercial uses in the ALR would have significant impacts on local governments in terms of utility services, road maintenance, bylaw enforcement and nuisance complaints about conflicts over conventional farm practices. Clarification is required on the property tax implications of the proposed *farm uses* and *permitted use*. The decision to classify such uses as farm buildings (Class 1 Residential) or businesses (Class 6, Other Business) in the *Assessment Act* will matter greatly to local governments.
4. When considering changes to the *ALC Act*, it is recommended that all changes reinforce the maintenance and enhancement of primary agricultural production. Each proposed change should be subject to a comprehensive impact analysis on the implications to land use, utility services, transportation corridors and property taxation.

BACKGROUND

On March 27, 2014, the Provincial government introduced *Bill 24 - 2014 Agricultural Land Commission Amendment Act*. Despite significant public concern, the Bill passed on May 14, 2014 creating two ALR zones, and six regional panels and introducing various changes to ALC governance. Yet to be resolved are new allowable activities on ALR land that will not require an application to the ALC. These changes will be encapsulated in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* as either "farm use" or "permitted use". The Province's consultation process on possible changes to the range of allowable uses involves a Minister's Reference Group, regional stakeholder meetings and a website for public input (July 22- Aug 22). The meeting on Thursday, August 14, is a regional stakeholder meeting for representatives of Metro Vancouver, the Fraser Valley Regional District, the Squamish Lillooet Regional District and the Sunshine Coast Regional District.

The *BC Agrifoods: Strategy for Growth* (released March 12, 2012) envisions an innovative, adaptive, globally competitive agrifoods sector valued by all British Columbians. A key target in the plan is to

increase agrifood revenues from \$10.5 to \$14.0 billion a year by 2017 by strengthening domestic markets and expanding international markets. BC currently exports \$2.5 billion of agricultural products to 130 countries; increased demand is anticipated from Asia. Both the *Ministry of Agriculture Revised 2013/14 - 2015/16 Service Plan* and the federal *Growing Forward 2 Program* are focused on the development of new products, processes, markets and job opportunities.

Metro Vancouver 2040: Shaping our Future (Metro 2040) envisions a protected agricultural land base where actively farmed land is increased and agriculture economic viability is sustained. The region's role is to work in collaboration with the Province and the ALC. Municipalities are encouraged to develop policies that support economic development opportunities for agriculture. Metro Vancouver does **not** support the extension of regional sewerage services into Agricultural areas, except under special circumstances.

CONSULTATION TOPICS

The consultation questions posed by the Province relate to five aspects of allowable uses in the ALR¹

1. FARM USE

The Province is seeking to expand the list of allowable *farm uses* that would **not** require an application to the ALC and that may not be prohibited by local governments. The questions and parameters proposed by the Province on new *farm uses* are as follows:

- Q1.** Should the parameters for allowable on-farm food storage, packing, processing and retail establishments be revised?
- Q2.** Should breweries, distilleries and meaderies be allowed on ALR land on the same or similar terms that exist currently for wineries and cideries?
- Q3.** 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?
- Q4.** To what extent should wineries, 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?

Parameters are additional restrictions to ensure farm uses support an active farm and have only minimum impact on agricultural land such as:

- limiting total footprint of any facilities in relation to size of the farm;
- prescribing the location of a facility on a farm;
- the percentage of inputs derived from the farm (currently at 50%); and
- impacts on neighbouring farms (e.g. traffic).

¹ An explanation of some of the terms referred to in this document is provided in the Attachment.

METRO VANCOUVER CONSIDERATIONS

The table below lists some of the potential pros and cons of expanding allowable farm uses as described above. Additional considerations for Metro Vancouver to raise follow the table.

PROS	CONS
Expands economic development opportunities on farms and creates new jobs in the region.	Expanded commercial activities on farms can divert business priorities and resources away from primary agriculture production.
Storage, packing and processing may improve opportunities to access domestic and international markets.	Elevates the demand for ALR land by non-farm landowners who may have little interest in maintaining the productivity of the farmland.
ALR properties used for farming can serve as aggregating facilities for multiple smaller farm operations.	Farm sites with expanded food and alcohol services can increase pressure to extend utility services into agricultural areas.

- Once designated a farm use, local governments will have little ability to restrict the land use.
- There is no information about the property tax implications of proposed new allowable uses. It is not clear whether new facilities will be considered “farm buildings” or “commercial businesses”. The proposed additional uses will have cumulative impacts on local government services that may necessitate corresponding increases in property tax
- An expansion of commercial uses may exacerbate existing problems related to residential housing in the ALR. Guidelines for bylaw standards were developed by the Province for residential uses in the ALR in 2011; however, the guidelines are not supported by provincial legislation that governs where houses may be sited, or the size of residential footprints on ALR land. The GVRD Board requested such legislation in 2012 ([GVRD Board minutes March 2, 2012](#)).
- The ALC has not been able to effectively enforce existing regulations on non-farm uses. Today, there are situations where the proposed allowable uses already exist on ALR land without meeting the proposed parameter requirements. There need to be stronger measures in place to enable timely, low-cost and effective enforcement.
- An increase in the size of consumption areas for wineries and cideries may result in farm areas playing host to lucrative events such as weddings, banquets and other large gatherings of people (>130) that may require expanded parking and requests for extended utility services. These uses would further exacerbate conflicts over conventional farm practices that create noise, dust and smells.

2. PERMITTED USES

Permitted uses have limited connection to agriculture, but are considered compatible with farm operations. They are allowed without an ALR application but can be prohibited by a local government. The questions and parameters proposed by the Province on new *permitted uses* are as follows:

- Q5.** Should anaerobic digesters be permitted in the ALR if the inputs are generated from farm activities?
- Q6.** Should on farm co-generation facilities be permitted on farms where a portion of the energy created is used on farm?

Q7. Should the parameters be expanded for when non-agricultural related businesses are allowed to operate on ALR properties in Zone 2?

Parameters add restrictions to ensure that permitted uses have minimal impact on farm operations. Parameters address:

- the size and location of any facilities;
- the permanence of the facility;
- the percentage of inputs derived from the farm and outputs used on the farm;
- impacts on neighbouring farms (e.g. traffic, smells, noise);
- options for land reclamation after the use ends;
- whether or not the property is actually farmed (and to what extent); and
- the likely impact of the proposed use on the farm operation.

METRO VANCOUVER CONSIDERATIONS

The table below lists some of the potential pros and cons of expanding allowable permitted uses as described above. Additional considerations for Metro Vancouver to raise are listed following the table.

PROS	CONS
Anaerobic digesters provide a useful technology for treating livestock manure.	Anaerobic digesters are not economically viable without inputs from the municipal waste system.
Increased co-generation energy facilities can reduce input costs and CO ² emissions from greenhouses.	Processing municipal waste on farmland facilitates nutrient loading on farms, which is already a significant problem.
Non-agricultural related activities can help ensure ALR landowners have year-round business income.	Expansion of non-agricultural activities on ALR land can reduce the incentive to farm or lease land to farmers.

- It will be important to set limits on the amount of waste processed or energy exported from a farm site to prevent these types of non-farm activities from becoming predominant over primary agriculture production.
- The property tax implications of new facilities is an important consideration given that the facilities may trigger additional local government service requirements. Also, it not clear whether these new facilities will be considered a “farm improvement” and eligible for a property tax exemption.
- Capital investments in infrastructure and buildings that are not dependent on farm operations will not help to ensure a long-term commitment to agriculture.
- A staff report (Item 5.9) to the GVRD Board on the proposed *Bylaw Standards for Anaerobic Digestion in the ALR* alerted the Ministry of Agriculture about the regulatory processes for air and solid waste management that are under the authority of Metro Vancouver.

3. SUB-DIVISION

This option refers to how subdivisions approved by local and provincial governments can occur without an application to the ALC. The proposed questions are as follows:

Q8. 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?

Q9. Should the subdivision of ALR parcels in Zone 2 that are of a defined size, and that are divided by a major highway, be allowed without an application to the ALC?

METRO VANCOUVER CONSIDERATIONS

- Subdivision of parcels is the most common type of application received by the ALC in Metro Vancouver and accounted for 29% of applications in the region from 2006-2013.
- While this item only relates to Zone 2, what happens on farmland in the Interior, Kootenay and Northern region is of concern to the BC's most populated region.

4. AGRI-TOURISM

An agri-tourism activity is currently defined as a temporary or seasonal use that promotes or markets farm products raised on the farm site.

Q10. 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?

It is similarly proposed that 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.

METRO VANCOUVER CONSIDERATIONS

The table below lists some of the potential pros and cons of redefining agri-tourism. Additional considerations for Metro Vancouver to raise follow the table.

PROS	CONS
Year round agri-tourism activities create new business opportunities and jobs.	Expanding tourism in agricultural areas increases the demand for other non-farm and utility services.
Selling off-farm products increases the business diversity of a farm operation.	Allowing off-farm products to be sold reduces the incentive to promote farm-based products.

- Allowing off-farm products to be sold on a farm site still requires restrictions and enforcement, in order to ensure that agri-tourism activities do not take precedence over primary agricultural production.
- There should be restrictions on the commercial footprint of all agri-tourism businesses. Existing problems with residential footprints persist.
- Classification of a parcel as *farmed* under the *Assessment Act* means that a farmer, not the individual parcel, meets the minimum qualifying requirement. Therefore agri-tourism activities could easily usurp farm production by leasing a portion of the land to an existing farmer. Under this scenario, the operator would receive Farm Class status without investing in the farm operation.

5. LEASING LAND

The explanation of leasing land in the consultation document does not clearly indicate that only leases registered on title are under consideration. Currently, a landowner can only lease their whole property without an application to the ALC and the proposal is to allow 'temporary' leases on a portion of the property without an application.

Q11. 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?

METRO VANCOUVER CONSIDERATIONS

Possible pros and cons of life estate leases allowing retiring farmers to live on the property while leasing or selling it to family or new entrants and considerations are listed in the table followed by considerations for Metro Vancouver to raise.

PROS	CONS
Retired farmers can generate income without moving or selling to non-farmers. This provision enables better succession planning for farm operations.	There is no mechanism to ensure that the land will continue to be farmed once the farmer is retired.

- There is no definition of 'temporary lease' provided.
- Life estate leases are only appropriate for Zone 2 only where farm parcels are much larger and a second residence would be unlikely result in non-farm use of an ALR parcel.
- There should be some parameter attached to life estate leases to ensure that over the long-term the additional residence is used only by relatives or farm workers. Such a condition would help sustain livestock operations that are dependent on farm workers to live nearby for animal care.

Possible pros and cons of leasing land to encourage the use of otherwise unfarmed land by existing or new farmers are listed in the table, followed by considerations for Metro Vancouver to raise.

PROS	CONS
Formal leases become a more readily available option for new and established farmers to access agricultural land.	There is still no requirement for formal leases to obtain Farm Class status and associated property tax exemptions.

- The option to have a lease on a portion of a parcel is desirable in Zone 1 because it gives farmers more security of tenure when leasing land in the ALR.
- Financial institutions are reluctant to provide loans to farm operations unless there is a lease on title because of the capital investments in the land and buildings required to build a profitable business.

- Encouraging more leases could help to increase the amount of actively farmed land in Metro Vancouver where almost 60% of the parcels are not used for farming.

ITEMS NOT INCLUDED IN THE CONSULTATION

1. The issue of enforcement of existing ALC regulations where there is inadequate capacity to address current infractions such as illegal fill deposition. Enforcement issues need to be resolved through more effective mechanisms such as punitive penalties and empowering delegation agreements with municipalities.
2. Changing the criteria for allowable farm and permitted uses may reduce the number of applications to the ALC, but still would not address the need for a self-sustaining ALC that has the ability to recover the true costs of processing applications, similar to the municipal application fee system (GVRD Board minutes May 23, 2014).

METRO VANCOUVER PROCESS FOR PROVIDING FEEDBACK TO THE PROVINCE

ACTION ITEM	DATE
1. Attend Ministry meeting in Abbotsford	Thursday, August 14
2. Submit draft comments to the Province (Comments to be confirmed by the Board at the earliest opportunity)	Friday, August 22
3. Integrate outcomes of meeting into a Regional Planning and Agriculture Committee (RPA) and Board report	RPA Agenda posted on Friday, August 29, 2014
4. Regional Planning and Agriculture Committee meeting	Friday, September 3
5. GVRD Board meeting	Friday, September 19
6. Submit Board comments/recommendation(s) to Province	Monday, September 22

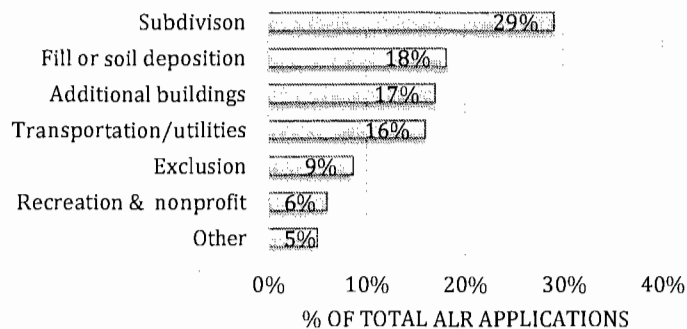
EXPLANATION OF TERMS

Agri-tourism: Defined as a tourist activity, service or facility accessory to land, it is currently an allowable farm use if temporary or seasonal and classified as farm under the *Assessment Act*. The farm may be comprised of one or several parcels of lands owned or operated by a farmer as a farm business. There is no building threshold stipulated although a local government can regulated these uses, for example, setting hours of operation, a maximum building area or maximum site coverage, but cannot prohibit the use.

Agri-tourism accommodation: This is a permitted use in the ALR and is classified as a farm under the *Assessment Act* unless otherwise prohibited by a local government bylaw. The accommodations are limited to 10 sleeping units and the total developed area for buildings, landscaping and access is less than 5% of the parcel.

ALR Applications: Referred to as an application to the ALC, any non-farm activity in the ALR that is not a farm use or a permitted use must obtain written permission from the ALC. The figure below illustrates that of the 430 applications to the ALC in Metro Vancouver, the most prevalent pertained to subdivisions (29%) followed by soil (fill) deposition (18%). All applications must now be forwarded to the regional panels unless the Chair considers them of provincial significance.

Types and Percent of Applications to the ALC in Metro Vancouver (2006-2013)



Anaerobic Digesters: These are currently not identified as a farm use or permitted use in the ALR. While there are benefits of having an anaerobic digester to livestock operations, there are also concerns about these types of facilities used to manage municipal waste, particularly fats, oil and grease with high energy value. The concern is the additional nutrient loading from digestate (post anaerobic digestion residue) being spread on agricultural lands and displacing farm manure applications.

BC Assessment Classifications (pertaining to agriculture land uses)

- Class 1, Residential includes farm residences and farm buildings
- Class 5, Light Industry includes wineries except for properties used for the production of food and non-alcoholic beverage which fall in to Class 6.
- Class 6, Business Other includes properties used for retail, warehousing, hotels and other properties that do not fall into other classes.
- Class 8, Recreation Property, non-profit organization includes recreational facilities, golf courses and places of worship. All improvements (such as clubhouses) fall into Class 6.

- Class 9, Farm Land must produce a prescribed amount of qualifying primary agricultural products for sale as crops or livestock. The gross sales from a farm operation that could include multiple parcels, not the individual land parcel, is used to determine Farm Class status.

Bylaw Standards: The Ministry of Agriculture establishes bylaw standards to guide local government bylaw development rather than use provincial regulations.

Delegation Agreements: The ALC authorizes a local government to act on its behalf to make non-farm use and subdivision decisions in the ALR under the *ALC Act*. The local government and ALC negotiate the terms of the agreement including powers to be delegated, geographic areas of application, responsibilities, monitoring, reporting, transition, enforcement, fees, training, information sharing, term, renewal and cancellation. This voluntary provision has been in effect since 1994 and there are currently three agreements: Fraser Fort George Regional District (2001), Regional District of East Kootney (2003) and the Oil and Gas Commission (2004).

Farmer: There is no formal definition of a “farmer”. This has raised concerns from the agricultural community because often “hobby” farmers receive the same benefits as commercial, full time farmers. The current definition of a farm operation is whether it receives Farm Class status from the BC Assessment, considered to be inadequate because of the low qualifying requirements.

Farm Product Processing: Farm product processing is considered the storage, packing and product preparation of a commodity produced from a farm. This is a *permitted farm use* in the *ALC Act* if at least 50% of the farm product is produced on the farm on which the processing takes place. Related activities of farm product processing includes the construction, maintenance and operation of a building, structure, driveway, ancillary service or utility necessary for that farm use. There is no building threshold area stipulated, although a local government may regulate these uses for example by setting a maximum building area or maximum site coverage, but cannot prohibit the use.

Farm Retail Sales: Farm retail sales are designated as a *farm use* and cannot be prohibited by a local government bylaw. If all products originate or are produced on the farm site where the sales are taking place, there is no limitation for the retail sales area. However if the farm products offered for sale originate elsewhere, at least 50% of the retail sales area must be dedicated to farm products produced on site. Also the total retail sales area, both indoors and outdoors, for all products must not exceed 300m². Wholesale of farm products is considered to be a farm activity.

Food Processing: Food processing is generally defined as the transformation of raw ingredients into food or food products or as adding value to a farm commodity or product by physical, biological or other means including but not limited to fermentation, cooking, canning, smoking or drying. Food processing is not a permitted use in the *ALC Act*.

Lower Mainland: A useful geographic scale for referring to agricultural issues is the Lower Mainland that includes both Metro Vancouver and the Fraser Valley Regional District and encompasses 59% of the BC population. Metro Vancouver has 22 municipalities and 1 Electoral Area with a population of 2,313,328 (2011). Fraser Valley has 6 municipalities and 7 electoral areas with a population of 277, 593 (2011).



Metro Vancouver Submission to the Ministry of Agriculture

August 22, 2014

To: The Honourable Norm Letnick
Minister of Agriculture

Re: **Provincial Consultation on Potential Changes to the *Agricultural Land Commission (ALC) Act***

As context, the following comments are the result of Metro Vancouver's participation in an August 14, 2014 consultation session put on by the Province. The Metro Vancouver delegation to the Ministry of Agriculture consultation session was led by Director Derek Corrigan, Chair of Metro Vancouver's Regional Planning and Agriculture Committee. Director Corrigan was accompanied by Director Harold Steves, who serves as Vice Chair of the Committee. Other members of the delegation included Councillor David Davis of the Township of Langley, and staff from the Corporation of Delta, City of Richmond, City of Burnaby and Metro Vancouver. The comments below are provided by Metro Vancouver staff, and constitute Metro Vancouver's interim submission. They will be presented for endorsement to Metro Vancouver's Regional Planning and Agriculture Committee and to the GVRD Board in September, 2014. The Ministry should expect to receive the Metro Vancouver's formal submission by the end of September.

Thank you for inviting Metro Vancouver to participate in the consultation process regarding potential changes to the *ALC Act*. While we are pleased to submit our comments on the consultation questions, we are deeply frustrated by the Ministry's consultation process. The Ministry's decision to limit consultation to a four-week period over the summer has made it very difficult for Metro Vancouver and its member municipalities to participate effectively. Metro Vancouver's Boards and Committees have not had scheduled meetings during the consultation period, and as a consequence have not had an opportunity to review and discuss the questions posed by the Ministry. The situation has been the same for the Councils and Committees of our member municipalities. A more fulsome dialogue than that which has been provided is essential to ensure that local government remains an effective partner in efforts aimed at preserving the long-term integrity of the Agricultural Land Reserve (ALR).

Metro Vancouver is also disappointed that the legislative amendments made to the *ALC Act* on May 29, 2014, were made without local government consultation. The South Coast region in which Metro Vancouver is situated represents 60% of the province's population. Residents in this region are very concerned about the future of the ALR and its critical role in food production.

The provincial direction to increase income-generating activities for farmers and ranchers aligns with Metro Vancouver's goal to enhance agricultural viability. The Province's proposed measures, however, provide no assurance that farmers, rather than non-farm business operators and land speculators, will benefit from the proposed allowable uses. The Province's proposal also does little to ensure that primary agriculture production remains the priority activity in the ALR. The potential expansion of allowable uses in the ALR is not warranted until existing restrictions on non-farm uses of agricultural land are adequately monitored and enforced.

There are five key points to consider before pursuing any expansion to the range of allowable uses in the ALR:

- Problems already exist with the lack of monitoring and enforcement of current ALC regulations. These shortcomings have resulted in the need for inordinate amounts of municipal staff resources to address provincial regulations. The ALC's inability to effectively address non-compliance issues related to the 50% requirement for on-farm products, residential/commercial footprints and illegal fill deposition on farmland has also resulted in extensive legal bills for municipalities. These shortcomings should be addressed before expanding the range of allowable non-farm uses in the ALR.
- A decision to allow additional manufacturing, retail and restaurant activities on farmland would result in business operations being able to circumvent the business property tax classification, and would unfairly penalize existing and new businesses located in commercial zones within the Urban Containment Boundary. The decision would create a "slippery slope" situation that could easily result in an escalation in agricultural land values to the extent that farmers would be unable to afford land in the ALR. This outcome has already occurred in situations where ALR properties, unprotected by proper restrictions on house size and location, have been acquired for use as country estates.
- The expansion of commercial uses in the ALR would also have significant potential impacts on local governments in terms of utility services, road maintenance, policing, bylaw enforcement, nuisance complaints and property taxes. At a minimum, clarification is required on the property tax implications of the proposed farm and permitted uses. The decision to classify such uses as farm buildings (Class 1 Residential) or businesses (Class 6, Other Business) in the *Assessment Act* is one that will matter greatly to local governments.
- When considering any changes to the *ALC Act*, it is essential to consider primary agricultural production as the top priority for ALR lands. There is currently a void of effective policies to ensure that the ALR is actively farmed, and to motivate ALR landowners to farm or lease their properties to enable new/young farmers to start a farm business, or to enable existing farms to expand their food production operations.
- Before changing the criteria for allowable farm and permitted uses in the *ALC Act*, it is imperative that the Province address the need for a self-sustaining ALC that has the ability to recover the true costs of processing applications. This change in and of itself would help to discourage landowners with no serious desire to preserve agriculture from submitting unreasonable applications that serve only to divert scarce ALC staff resources from important enforcement and other activities.

Specific responses to the questions posed in the Ministry's document, *Consultation on Potential Changes to the Agricultural Land Commission Act: Agricultural Land Reserve Use, Subdivision and Procedure Regulation* are provided in the Attachment. In light of these comments, and prior to expanding allowable uses, Metro Vancouver is requesting that the Province:

1. Extend the consultation period on the potential changes to the *ALC Act* until the end of September, 2014, to provide the Greater Vancouver Regional District Board and Municipal Councils the opportunity to respond properly to the proposed changes.
2. Create an adequate mechanism for local governments to provide input to the selection of South Coast regional panel commissioners.

3. Determine how monitoring and enforcement of the existing ALC regulations will be achieved.
4. Strengthen existing policies and create new ones aimed at preventing in the ALR the proliferation of commercial activities that are independent of primary agricultural production.
5. Conduct a comprehensive analysis of the impacts of each proposed change to determine the implications to land use, utility services, transportation corridors and property taxation.
6. Provide all regional districts, in a timely manner, information that will result from the new ALC reporting requirements, including performance indicators, status of applications, survey results, plans, special problems and trends.

Metro Vancouver Response to the Consultation Questions Posed by the Province

PROVINCIAL QUESTIONS	METRO VANCOUVER RESPONSE
Q1. Should the parameters for allowable on-farm food storage, packing, processing and retail establishments be revised?	Keep the status quo. Do not expand allowable uses until current ALC regulations are adequately monitored and enforced.
Q2. Should breweries, distilleries and meaderies be allowed on ALR land on the same or similar terms that exist currently for wineries and cideries?	No changes until current ALC regulations are adequately monitored and enforced.
Q3. 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?	No. This change would alter the intent of farmland from agriculture production to commercial business that is better located within urban areas serviced by existing utilities and public transportation.
Q4. To what extent should wineries, cideries (and potentially breweries, distilleries and meaderies) be allowed to sell alcohol that was produced elsewhere in BC, not at the winery or cidery?	None. Expanding retail sales of non-farm products beyond the 50% rule changes the intent of businesses located in the ALR, which is to promote on-farm products and support primary agriculture production.
Q5. Should anaerobic digesters be permitted in the ALR if the inputs are generated from farm activities?	No. Keep the status quo. The ALC should make the decisions on a case-by-case basis because of the potential impacts on neighbours and the farmland receiving the anaerobic digestion residuals.
Q6. Should on farm co-generation facilities be permitted on farms where a portion of the energy created is used on farm?	No. Keep the status quo. The ALC should make the decisions on a case-by-case basis because of known and potential future impacts.
Q7. Should the parameters be expanded for when non-agricultural related businesses are allowed to operate on ALR properties in Zone 2?	No. Keep the current application process that allows the ALC to determine what is in the best interest of preserving agricultural land over the long-term.
Q8. 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?	No. Keep the current application process that allows the ALC to determine if subdivision will reduce the economic viability of the farm operation and other ecosystem/public values provided by farmland.
Q9. Should the subdivision of ALR parcels in Zone 2 that are of a defined size, and that are divided by a major highway, be allowed without an application to the ALC?	No. Keep the current application process that allows the ALC to determine the critical factors to consider in subdivision applications.
Q10. 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?	Yes, further clarification would be helpful. However, agri-tourism should not be allowed if it does not support primary agriculture production. Factors to consider are scale, frequency, timing and whether expansion of the activity could make farming a secondary revenue generating use.
Q11. 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?	Maybe. As long as the additional residence is also temporary to co-inside with the lease. Encouraging leasing of farmland is positive, but not if they are only short term lease agreements that allow landowners to receive property tax benefits without providing secure land tenure necessary for encouraging financial investments in the farm operation.

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Comparison Proposed Metro Vancouver & Richmond Responses To the Ministry of Agriculture's ALC Act Consultation Questions				
PART 1 - Responses to Ministry's Questions				
Ministry's Consultation Questions	Proposed Metro Vancouver Response	Proposed Richmond Response	Comparative Comments	
Q1. Should the parameters for allowable on-farm food storage, packing, processing and retail establishments be revised?	Keep the status quo. Do not expand allowable uses until current ALC regulations are adequately monitored and enforced.	Strongly Disagree. The existing parameters are sufficient and they should be properly monitored and enforced first.	<u>Similar Comments</u> <ul style="list-style-type: none"> - MV says no - Richmond says no 	
Q2. Should breweries, distilleries and meaderies be allowed on ALR land on the same or similar terms as wineries and cideries are currently allowed?	No changes until current ALC regulations are adequately monitored and enforced.	Agree. However, 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.	<u>Different Comments</u> <ul style="list-style-type: none"> - Metro Vancouver first wants current ALC regulations adequately monitored and enforced. - Richmond agrees only if City can regulate and prohibit. 	
Q3. 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?	No. This change would alter the intent of farmland from agriculture production to commercial business that is better located within urban areas serviced by existing utilities and public transportation.	Strongly Disagree. Increasing the size limitations for consumption areas will allow for the intensification of commercial activities. If pursued, further clarification should first be provided to identify the exact proposed increases and their implications.	<u>Similar Comments</u> <ul style="list-style-type: none"> - MV says no - Richmond says no 	
Q4. 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?	None. Expanding retail sales of non-farm products beyond the 50% rule changes the intent of businesses located in the ALR, which is to promote on-farm products and support primary agriculture production.	As long as the retail area is limited to the same size (i.e., 300 m ²) 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.	<u>Different Comments</u> <ul style="list-style-type: none"> - Metro Vancouver disagrees to ensure that ALR activities prioritize farming. - Richmond agrees only if City can regulate like now (same 300m² area, minimum of 50% from the farm). 	
Q5. Should anaerobic digesters be permitted in the ALR if the inputs are generated from farming activities?	No. Keep the status quo. The ALC should make the decisions on a case-by-case basis because of known and potential future impacts.	Agree. Specific guidelines and requirements should be developed and all the inputs must be generated from farming activities on the farm.	<u>Different Comments</u> <ul style="list-style-type: none"> - Metro Vancouver disagrees that anaerobic digesters should be permitted in the ALR without an 	

Comparison Proposed Metro Vancouver & Richmond Responses To the Ministry of Agriculture's ALC Act Consultation Questions				
PART 1 - Responses to Ministry's Questions				
Ministry's Consultation Questions	Proposed Metro Vancouver Response	Proposed Richmond Response	Comparative Comments	
Q6. Should on-farm co-generation facilities be permitted on farms where a portion of the energy created is used on farm?	No. Keep the status quo. The ALC should make the decisions on a case-by-case basis because of known and potential future impacts.	Strongly Agree. The ALC should set the minimum amount of waste that should be produced on the farm and the City should be able to place additional regulations 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.	<p>application to the ALC.</p> <ul style="list-style-type: none"> - Richmond agrees that they can be permitted without an application to the ALC, as long as the City can place additional regulations. <p><u>Different Comments</u></p> <ul style="list-style-type: none"> - Metro Vancouver disagrees that on-farm cogeneration facilities should be permitted in the ALR without an application to the ALC. - Richmond agrees that they can be permitted without an application to the ALC, as long as the City can place additional regulations. 	
Q10. Should greater clarity be provided on what constitutes an agri-tourism activity that is allowed in the ALR without an application, and if so what parameters should be established?	Yes. Further clarification would be helpful. However, agri-tourism should not be allowed if it does not support primary agriculture production. Factors to consider are scale, frequency, timing and whether expansion of the activity could make farming a secondary revenue generating use.	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.	<p><u>Similar Comments</u></p> <ul style="list-style-type: none"> - MV says yes - Richmond says yes 	

Part 2 - Comparison of the Additional Proposed Comments by Metro Vancouver and Richmond		
Metro Vancouver	Richmond	Comparative Comments
<p>1. <u>Extend Comment Deadline</u> Extend the consultation period on the potential changes to the ALC Act until the end of September, 2014, to provide the Greater Vancouver Regional District Board and Municipal Councils the opportunity to respond properly to the proposed changes.</p>	<p>1. <u>Extend Comment Deadline</u> Extend the deadline for comments to September 30, 2014 to allow stakeholders to have reasonable time to provide feedback.</p>	Similar Comments
<p>2. <u>A Planned and Managed Approach to ALC Act Changes:</u> Conduct a comprehensive analysis of the impacts of each proposed change to determine the implications to land use, utility services, transportation corridors and property taxation.</p>	<p>2. <u>A Planned and Managed Approach to ALC Act Changes:</u> 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:</p> <ul style="list-style-type: none"> – 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. 	Similar comments
<p>3. <u>Agricultural Viability as the Priority:</u> Strengthen existing policies and create new ones aimed at preventing in the ALR the proliferation of commercial activities that are independent of primary agricultural production.</p>	<p>3. <u>Agricultural Viability as the Priority:</u> The Ministry is requested to ensure that all the proposed changes reinforce and enhance the following:</p> <ul style="list-style-type: none"> – agricultural viability, – agricultural sustainability, and – the protection and quality of the essential agricultural resources (e.g., air, water, soil). <p>These principles are essential for a viable agricultural sector, production, operations and products.</p>	Similar comments
<p>4. <u>ALC Monitoring and Enforcement</u> Determine how monitoring and enforcement of the existing ALC regulations will be achieved.</p>	<p>4. <u>ALC Additional Funding</u> 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).</p>	Similar comments

Part 2 - Comparison of the Additional Proposed Comments by Metro Vancouver and Richmond		
Metro Vancouver	Richmond	Comparative Comments
5. Consultation with <u>First Nations</u> No similar comment	6. Consultation with First Nations It is requested that First Nations be consulted regarding the proposed changes.	Only Richmond asked that First Nations be consulted
5. Port Metro ALR Land Use No comment	7. 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.	Only Richmond commented
8. ALC Reporting: Provide all regional districts, in a timely manner, information that will result from the new ALC reporting requirements, including performance indicators, status of applications, survey results, plans, special problems and trends.	No similar comment	Only Metro Vancouver asked for better ALC reporting requirements
9. Selecting South Coast Regional Panel Commissioners (<u>Metro Vancouver</u> , <u>Fraser Valley</u> , <u>Squamish</u> – <u>Lillooet</u> , <u>Sunshine Coast</u>) Create an adequate mechanism for local governments to provide input to the selection of South Coast regional panel commissioners.	No similar comment	Only Metro Vancouver asked for better Commission selection mechanism



City of Richmond

Report to Committee *To PLN - Sep 3, 2014*

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.

JE for
Joe Erceg, General Manager,
Planning and Development

JE:mp
Att.3

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER <i>THROW FOR JOE ERCEG</i>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: <i>md</i>
APPROVED BY <i>Acting</i> CAO <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:

Ministry of Agriculture's Consultation Questions	Summary of Richmond Response Submitted by August 22, 2014 Deadline
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 ² inside & 125 m ² 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 ²) 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).

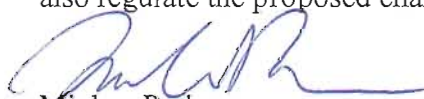
- Seek Provincial Government support to prepare an ALC policy to prohibit Port Metro Vancouver from converting ALR land to port industrial use and encourage the Federal Government to implement a dispute resolution process between PMV and local governments.
- Provide a comprehensive analysis of the impacts 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.



Minhee Park
Planner 1 (604-276-4188)



Terry Crowe
Manager, Policy Planning (604-276-4139)

MP:cas

Attachment 1:	Ministry of Agriculture's Consultation Paper
Attachment 2:	Richmond Responses to the Ministry of Agriculture's Consultation Questions sent to the Minister of Agriculture on August 22, 2014
Attachment 3:	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



BRITISH
COLUMBIA

Ministry of
Agriculture

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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 22nd and August 22nd 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
- The website will be live from July 22nd to August 22nd.
- 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 ALCA 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) Act¹. 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

¹ 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
› Defined as "farm use" in the ALR Regulation s.2	› Defined specifically in ALR Regulation s.3	› Not permitted on ALR land without ALC approval
› No application to the Commission required	› No application to the Commission required	› Requires application to the Commission
› May be regulated but not prohibited by local government (s.2 ALR Regulation)	› Permitted unless prohibited by local government bylaw (s.3 ALR Regulation)	› 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.

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 300m²."

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 125m² inside, and 125m² 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 CO₂, 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 CO₂ 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 m² 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 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
1) ALC Reporting and Accountability	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)
2) Panel Regions and Panel Composition	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)
3) Zones	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
4) Decision-Making in Zones	<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"> (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. <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"> • economic, cultural and social values; • regional and community planning objectives; and • any other considerations prescribed by regulation. <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>	ALCA Section 4.3
5) Local Government Act Amendment	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).	<i>Local Government Act</i> Section 879
6) Additional Regulation-Making Powers added to the ALCA	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.	ALCA Section 58

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 m²;
- (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;

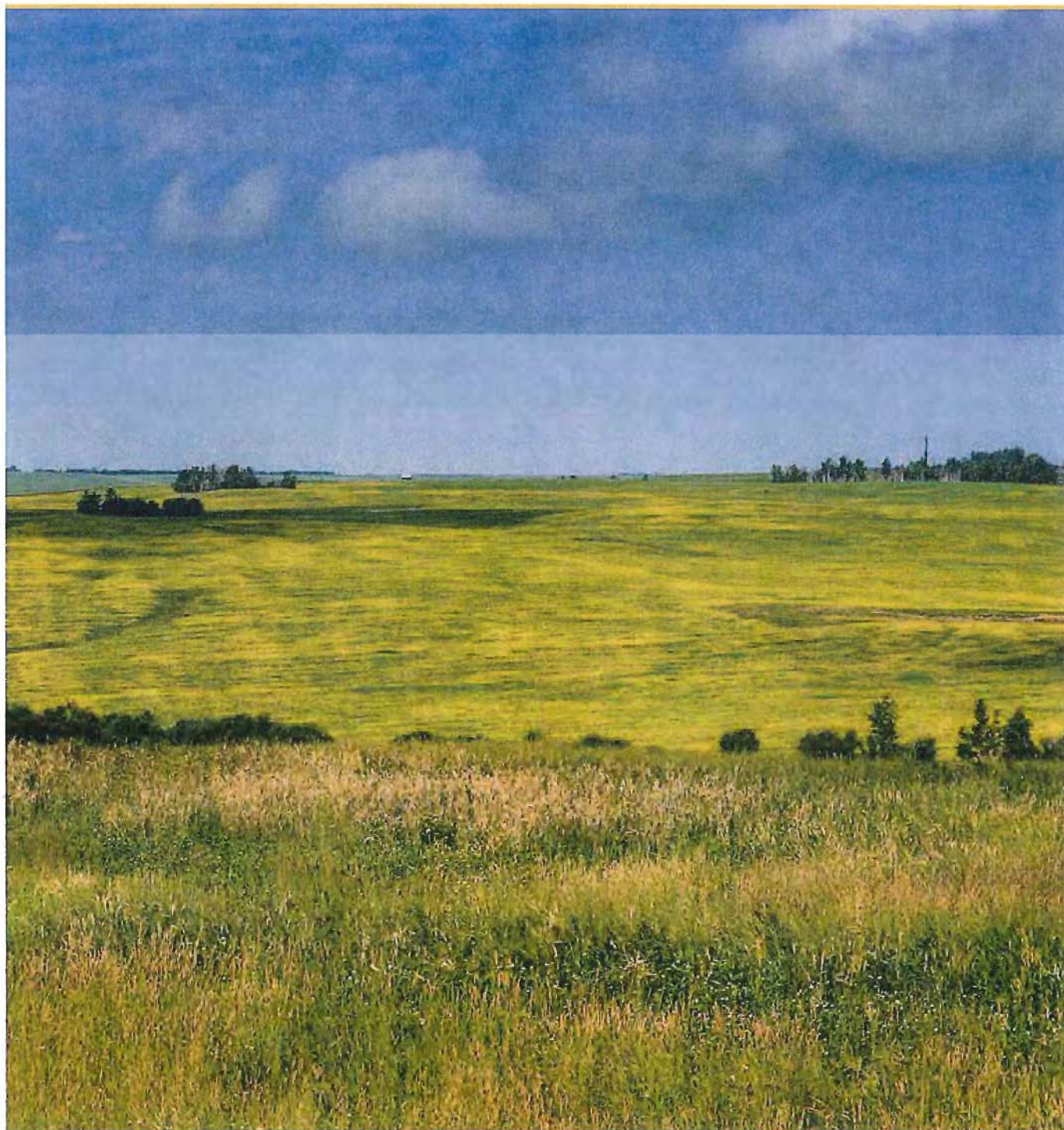
- (g) agroforestry, including botanical forest products production;
 - (h) horse riding, training and boarding, including a facility for horse riding, training and boarding, if
 - (i) the stables do not have more than 40 permanent stalls, and
 - (ii) the facility does not include a racetrack licensed 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 m² 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 m² 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 m² 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 m² for each parcel;

- (k) aggregate extraction if the total volume of materials removed from the parcel is less than 500 m³, 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 m² 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.



PLN - 194

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).¹

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).

¹ 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/ciderie 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 m² (10,800 ft²) or a maximum floor area ratio of 0.05.

City's Draft Response: Agrée

- 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 125m² (1,345.5 ft²) inside, and 125m² (1,345.5 ft²) 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 m².

City's Draft Response: Agree (with conditions)

- As long as the retail area is limited to the same size (i.e., 300 m²) 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 CO², 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 CO² 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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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:
 - 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.

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 marihuana).

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.

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 m² (10,800 ft²) 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 125m² (1,345.5 ft²) inside, and 125m² (1,345.5 ft²) 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 m².

City's Draft Response: Agree (with conditions)

- As long as the retail area is limited to the same size (i.e., 300 m²) 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 CO², 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 CO² 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.

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.
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