

Richmond Response on Revitalizing the Agricultural Land Reserve and Agricultural Land Commission

To: The BC Minister of Agriculture's Advisory Committee on Revitalizing the Agricultural Land Reserve and Agricultural Land Commission

From: City of Richmond

Re: **City of Richmond Response on Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission**

Please accept the following response from the City of Richmond on revitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC).

The 10 themes from the Advisory Committee's Discussion Paper, along with a brief summary of each theme, are described below. The on-line survey question(s) for each theme is also identified. Richmond's comments are provided below, along with responses to specific survey questions.

Theme 1: A Defensible and Defended ALR

Summary: The ALR boundary is often viewed as temporary and adjustable. A focus on applications made by individual landowners to modify the ALR detracts from pro-active work such as focussing on regional-level land use planning, analysis of permitted uses and the preservation and encouragement of farm use.

Online Survey Question:

Do you have any comments about ensuring a defensible and defended ALR into the future?

Richmond Comments:

- *Clearer guiding principles and more stringent evaluation criteria are required to support the ALC and local governments in reviewing and making decisions on ALR exclusion requests. Applications are often assessed based on "a net benefit to agriculture". This is an important concept which contributes to a more defensible ALR but lacks sufficient guiding detail.*
- *The ALC should have a greater role in encouraging farming through a range of policies, incentives, services and programs (e.g., a land matching program, educational programs, training, tax benefits and agricultural grants). Such initiatives could help to put underutilized ALR land into agricultural production and thereby assist existing farmers, as well as the next generation of farmers.*

Theme 2: ALR Resilience

Summary: Pressure for non-agricultural uses persists on the ALR land base and on the ALC, the administrative body that oversees it. The ALR, ALC and agriculture in BC should be stable and resilient from pressure for non-agricultural uses on the ALR land base.

Online Survey Question:

What do you see as the top three challenges to ALR and ALC resilience into the future?

Richmond Comments:

- *Three key challenges:*
 1. **Competing land uses:** *Richmond's farmland faces continuous pressure from residential development and non-farm uses. Agro-industrial uses (e.g. processing and large scale greenhouses) can negatively affect the viability of farming and soil-based agriculture in particular.*
 2. **Lack of local control:** *Agricultural land owned by other levels of governments with the ability to override the ALC poses a serious threat to farmland being used for farming. The ALC requires a stronger legislative mandate. This may include requirements for consultation with affected local governments regarding intended non-farm uses in the ALR and greater consideration of all potential impacts on agricultural viability.*
 3. **Greater encouragement for farming.** *This may include programs such as land matching for those who wish to lease farmland, grants, training, tax benefits and educational programs.*

Theme 3: Stable Governance

Summary: The ALC's independence is often threatened from interests outside of the ALC. Independence is vital to strengthening the ALC and ALR into the future.

Online Survey Question:

Do you have any comments on ensuring stable ALC governance into the future?

Richmond Comments:

- *As an administrative tribunal, the Agricultural Land Commission's ability to exercise its statutory decision making functions independently should be respected and not be overturned by senior levels of government. The ALC's legislative framework should be strengthened, and a clear procedure for delegation and exceptions should be provided to ensure transparency in the decision making process.*

Theme 4: Efficacy of Zones 1 and 2

Summary: Bill 24 introduced amendments to the Act that included the division of the ALR into Zone 1 and Zone 2. Zone 1 includes Vancouver Island, the South Coast, and Okanagan Panel regions. Zone 2 includes the Interior, Kootenay, and North Panel regions. In Zone 1, land use decisions are based on the agricultural purposes of the ALC laid out in section 6 of the ALC Act. However, in Zone 2, the Commission can also consider economic, cultural and social values and regional and community planning objectives in making land use decisions. Online Survey Question:

What are your thoughts on the current two-zone approach?

Richmond Comments:

- *Richmond would support removing the two-zone approach as land use decisions made by the Agricultural Land Commission should be based on the purposes related to agriculture rather than other economic interests, and consistent criteria across the Province.*

Theme 5: Interpretation and Implementation of the Act and Regulation

Summary: In some instances, definitions, criteria, thresholds, and the intent of the ALC Act and ALR Regulation are interpreted differently by local governments, ALR land owners, farmers and ranchers and the general public across the Province. There is a need for clearer regulations and consistency in interpretation.

Online Survey Question:

Do you have comments or suggestions for improving clarity and consistency?

Richmond Comments:

- *Some of the permitted uses in the ALR require specific definitions, regulations or thresholds. Interpretation on whether such uses meet the intent of the Act and Regulation can vary. Clearer definitions, regulations, thresholds and guidelines for interpretation should be provided for the following permitted uses in the ALR:*
 - *Alcohol production facilities (e.g., farm based wineries) and ancillary uses: there are no specific regulations and thresholds to determine whether the permitted ancillary uses (e.g., tasting rooms, parking) are appropriate in scope and scale. The ALC should provide a set of regulations for all the permitted ancillary uses and clear guidelines on how to interpret the regulations.*
 - *Agri-tourism and ancillary uses: There should be a clear definition and a set of parameters established for permitted agri-tourism and ancillary activities.*
 - *Farm retail sales, value-added activities such as processing and storing of farm products and associated buildings, structures and parking: There should be clear parameters established for buildings and structures used for farm retail sales, value-added activities and associated parking. Guidelines for interpretation of the regulations are also required.*

Theme 6: Food Security and BC's Agricultural Contribution

Summary: Concern over the source and quality of food has raised public attention to the issue of food security and the long-term ability of the ALR to accommodate continuous, secure food production for domestic consumption and export. Often, agriculture's vital role in the BC economy and the potential for export and trade opportunities is forgotten in the discussion.

Online Survey Questions:

1. What is your level of agreement with the following statements?
(The answer choices are: very important, somewhat important, not important and not sure).
 - How important is the province's ability to produce and provide food to the residents of BC?
 - How important is the province's ability to produce and provide food for export?
2. Do you have any additional comments about food security and B.C.'s agricultural contribution?

Richmond Comments:

- *Question 1: The City of Richmond's 2041 Official Community Plan supports strengthening the local food system to contribute to the economic, ecological and social well-being of the City and increasing access to affordable, healthy food for residents. BC's ability to produce and provide food for both local use and export allow the agricultural sector to remain economically viable and competitive both in domestic and international markets.*
 - *In response to the question: How important is the province's ability to produce and provide food to the residents of BC? Very important*
 - *In response to the question: How important is the province's ability to produce and provide food for export? Very important*
- *Question 2:*
 - *Richmond recognizes that farmers may be able to increase agricultural viability by diversifying farm operations and incorporating supportive services (e.g. food processing) on site. However, in some instances, greater focus has been placed on supportive services rather than agricultural production. Richmond supports maximizing the amount of land for food production with supportive services being accessory to agriculture. In some cases where there is limited agricultural production, supportive services to agriculture may be better suited on industrially designated land.*
 - *To improve the financial viability of farming, help farmers achieve long-term economic success, and to ensure agricultural sector continues to contribute significantly to the BC economy, more province-wide programs, initiatives and incentives are required.*

Theme 7: Residential Uses in the ALR

Summary: There are concerns regarding residential uses such as additional dwellings, farm worker housing and mega homes and lifestyle estates in the ALR. While not currently legislated provincially, some local governments have adopted restrictions on sizing and siting of residential uses in the ALR.

Online Survey Questions:

1. Should residential uses in the ALR (such as number, size and siting) be regulated?
2. Who should regulate residential land uses in the ALR?
(The answer choices are: local governments, provincial government, the ALC, all the above, and not sure).
3. Do you have any additional comments about residential uses in the ALR?

Richmond Comments:

- *Question 1: Yes. In 2017, after consulting with residents, farmers, property owners and other interested stakeholders, Richmond established limits on residential land in the ALR in order to better preserve land for agriculture. In late 2017 and early 2018, these regulations were reviewed again by residents, farmers, property owners and other interested stakeholders to balance various interests and ensure the most effective approach is taken.*
- *Question 2: This issue should be mandated by the Province as the preservation of farmland is a provincial issue. Leaving this issue with local government creates an uneven playing field.*
- *Question 3: Establishing limits on the size of residential development on farmland tends to divide the local community and is difficult to find any kind of compromise. As the preservation of farmland is a provincial issue, limits to the size of residential development should be mandated across the Province rather than individually by each local government, ensuring consistency in the issue across the province.*

Theme 8: Farm Processing and Sales in the ALR

Summary: The ALR Regulation permits landowners in the ALR to process and retail farm products on a parcel of land subject to criteria that attempts to ensure that the product is associated with the farm or a registered co-operative. The Regulation affords farmers and ranchers the ability to produce “value added” products (e.g. berry processing, alcohol production, farm stands). Processing and retail facilities range in size and sometimes incorporate other ancillary uses such as parking lots, food services, patios, galleries, event spaces, meeting rooms, etc. However, there is concern that some facilities are occupying large areas of arable ALR land with little connection to agricultural production on the farm or ALR land is purchased for ancillary permitted uses with no agricultural production.

Online Survey Questions:

1. Should ancillary uses on the parcel be tied to agricultural production?
2. Do you have any additional comments about farm processing and sales in the ALR?

Richmond Comments:

- *Question 1: Ancillary uses on the parcel should be tied to agricultural production. Richmond is concerned that some of the permitted ancillary uses do not require any active farming operation on the site. For example, there is the possibility that a large industrial-type of winery building can be constructed with no or limited farming activities on the site where the building is located. The regulations for alcohol production facilities should be tightened to ensure permitted ancillary uses remain subordinate to active farming operation.*
- *Question 2:*
 - *There are no specific regulations, thresholds or guidelines for parking or retail uses permitted in the ALR, and there are concerns related to intensification of commercial activities in the ALR. Specific guidelines and more strict regulatory parameters should be provided in the ALR Regulation to ensure that negative impacts of these ancillary uses on agriculture are minimized.*
 - *Some of the ancillary uses that are currently permitted such as event spaces, and agri-tourism accommodation, should not be permitted as outright permitted uses in the ALR without requiring an application to the ALC.*

Theme 9: Unauthorized Uses

Summary: Some unauthorized uses include illegal filling, commercial uses and residential uses. These activities may directly damage the agricultural land base.

Online Survey Questions:

1. What do you think would decrease the instances of unauthorized use in the ALR?
(the answer choices are: awareness and education, fines and penalties, more enforcement, ticketing, other sanctions and none of the above. A survey respondent can choose multiple answers.)
2. Do you have any additional comments on unauthorized uses in the ALR?

Richmond Comments:

- *Question 1: The ALC's enforcement actions should be strengthened for non-farm uses such as illegal fill and unauthorized uses of farmland and farm buildings, and more efforts should be made to raise public awareness regarding the goals of the ALC and the permitted uses on the ALR land.*
 - *In response to the question: What do you think would decrease the instances of unauthorized use in the ALR? awareness and education, more enforcement.*
- *Question 2:*
 - *With few legal fill sites in Greater Vancouver, fill such as soil, sand, and demolition waste tends to end up illegally on land within the ALR. A long term coordinated response and plan with a regional approach addressing appropriate fill sites, including land within the ALR, needs to be considered. This combined with stronger regulations and bylaw enforcement as they pertain to fill is required.*
 - *Clear guidelines for permitted activities that meet the intent of the ALC Act and ALR Regulation would decrease misinterpretation and the instances of unauthorized uses.*

Theme 10: Non-farm uses and Resource Extraction in the ALR

Summary: Other activities, from agri-tourism and agri-tourism accommodation to resource extraction such as oil and gas and aggregate (sand and gravel) can take place in the ALR. Concerns about cumulative impacts of these activities and remediation of agricultural land have been raised.

Online Survey Question: Do you have any comments about non-farm uses and/or resource extraction in the ALR?

Richmond Comments:

- *As there are no clear thresholds and parameters established for permitted agri-tourism activities, multiple agri-tourism activities can be combined and become the dominant use on an ALR property. There should be a clear set of regulations to ensure that the primary use on an ALR designated site remains farming activities.*
- *The City of Richmond does not permit “agri-tourism accommodation” as an outright permitted use in the Zoning Bylaw. Agri-tourism accommodation on ALR land in Richmond requires Council’s approval through rezoning.*

Other Issues:*Richmond Comments:*

- *Greenhouses and Large Industrial Buildings: Richmond is concerned about the size of greenhouses that may be used for cannabis production, when recreational use of cannabis becomes legal, or for other non-food based production that are grown in greenhouses on farmland. Richmond is also concerned about the impacts of permitted industrial types of buildings (e.g., greenhouses on concrete slab) which should be directed to non-ALR properties. Soil-based farming for food production should be the ALR’s priority.*
- *Foreign Ownership and Taxation: Richmond strongly recommend that the Advisory Committee work with other responsible ministries/agencies to review the issues related to foreign ownership, taxation and land speculation in the ALR and consider the following recommendations:*
 - *Restricting foreign ownership by applying the Foreign Buyers Tax to land that is assessed for farming;*
 - *Increasing the minimum farm income thresholds required in declaring farm class status;*
 - *Revisiting the tax structure for farmland that is not farmed; and*
 - *Introducing a tax that would prevent farm properties being resold during a short period of time.*
- *Climate Change: The impacts of climate change and sea-level rise on agriculture should be assessed and addressed.*

