

Assessment of Local Legislative Framework for Protecting Farmland Richmond, British Columbia July, 2017

SUMMARY

The City of Richmond’s local legislative framework for farmland protection is **very strong**. The City has a very clear, direct commitment to protecting farmland that is supported by a comprehensive set of policies that ensure this commitment is upheld. Refer to Table 1 (at the end of this report) for a summary of the legislative framework for protecting farmland.

Strength of Local Legislative Framework: Summary Assessment

	Maximize Stability	Integrate Across Jurisdictions	Minimise Uncertainty	Accommodate Flexibility
City of Richmond, BC	*****	****	****	****

*=Very weak; *****=Very strong

ABOUT THE SITE

The City of Richmond, the fourth largest city in British Columbia (BC) and part of the Metro Vancouver Regional District (MVRD) (Figure 1), is deeply entrenched in agriculture. Richmond has maintained a large portion of its agricultural land, with about 39% (4,993 ha) of its total land base protected as agricultural land as part of the provincial Agricultural Land Reserve (ALR) (Figure 2 and 3). Presently, only 62% (3,072 ha) of land is being farmed (Richmond OCP). The most prominent type of farming in the City is cranberry farms (858 ha), accounting for 33% of all cranberry acreages in British Columbia (BC) in 2011. Other important crops include blueberries, hay, potatoes, cabbage, strawberries, and sweet corn (City of Richmond, n.d.).

Richmond is facing a very high demand for urban development. The City has a total population of 198,309 (Canada Census 2016). By 2041, the City is expected to grow by 40% with 80,000 more people. To accommodate this growth, roughly 42,000 new housing units will be required, with 61% of this growth expected in the City centre. Current policies indicate that the City does not want this development to impact farmland or employment lands and is interested in containing urban environment, especially when considering that the municipality is within a floodplain. The pressure of development on the agricultural land base is evident in Figure 2 that shows ALR land directly east of the City Centre.

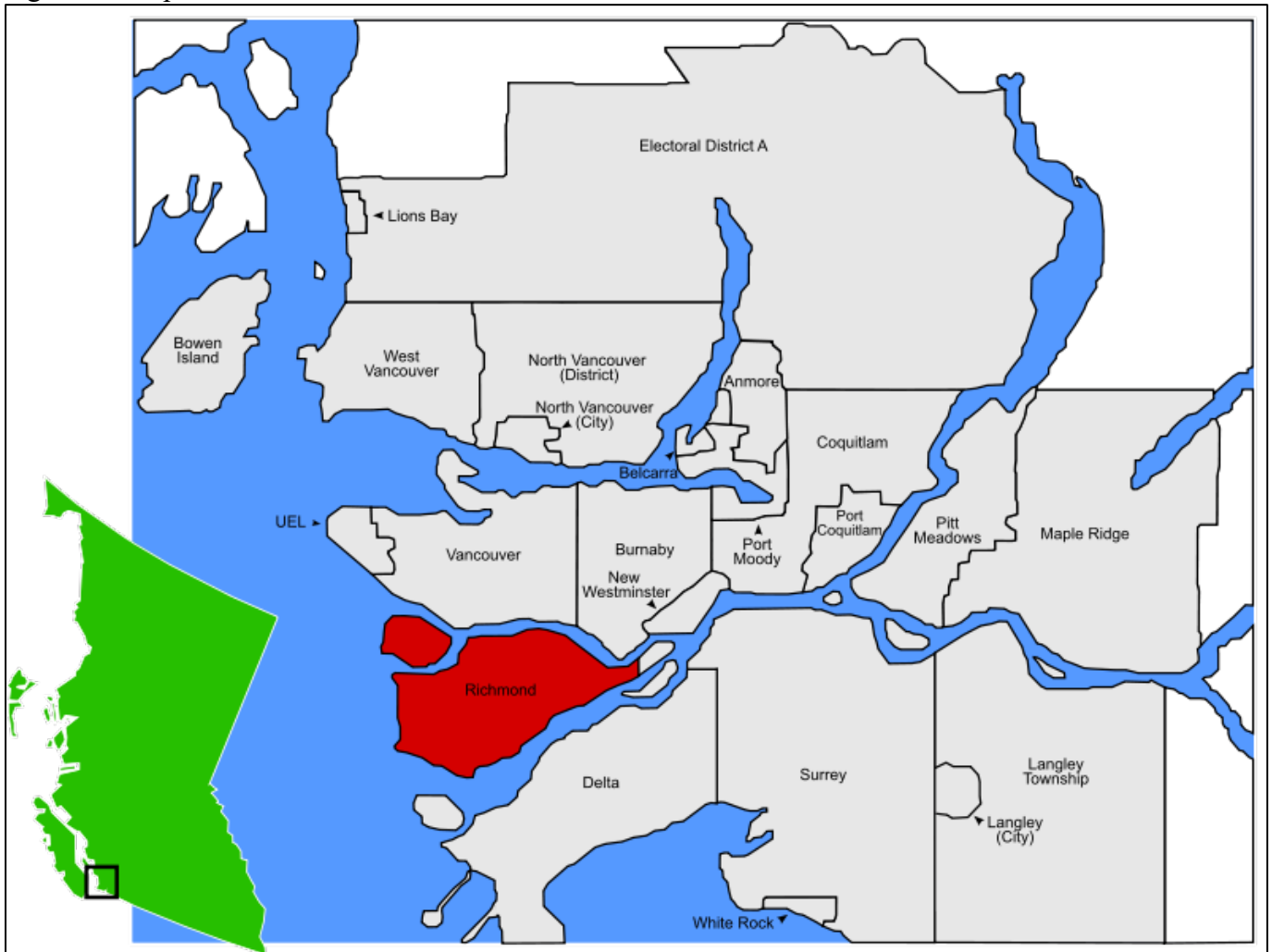
Aside from pressures from urban development, one of Richmond’s largest farming challenges is drainage. If drainage was not an issue, nearly all of Richmond’s ALR land would be prime land (City of Richmond, n.d.). Other issues concerning agricultural land in Richmond include rural-urban conflict, high land values, and non-farm uses on ALR land (City of Richmond, 2003).

Assessment of Legislative Framework: Richmond, BC

The MVRD provides an additional layer within the legislative framework between the City of Richmond and the province. The combination of Regional Growth Strategy, Regional Food System Strategy, and Regional Food System Action Plan are the cornerstones for a very strong policy focus on farmland protection. These documents support a clear commitment to farmland protection in conjunction with Urban Containment Boundaries for all of its member municipalities.

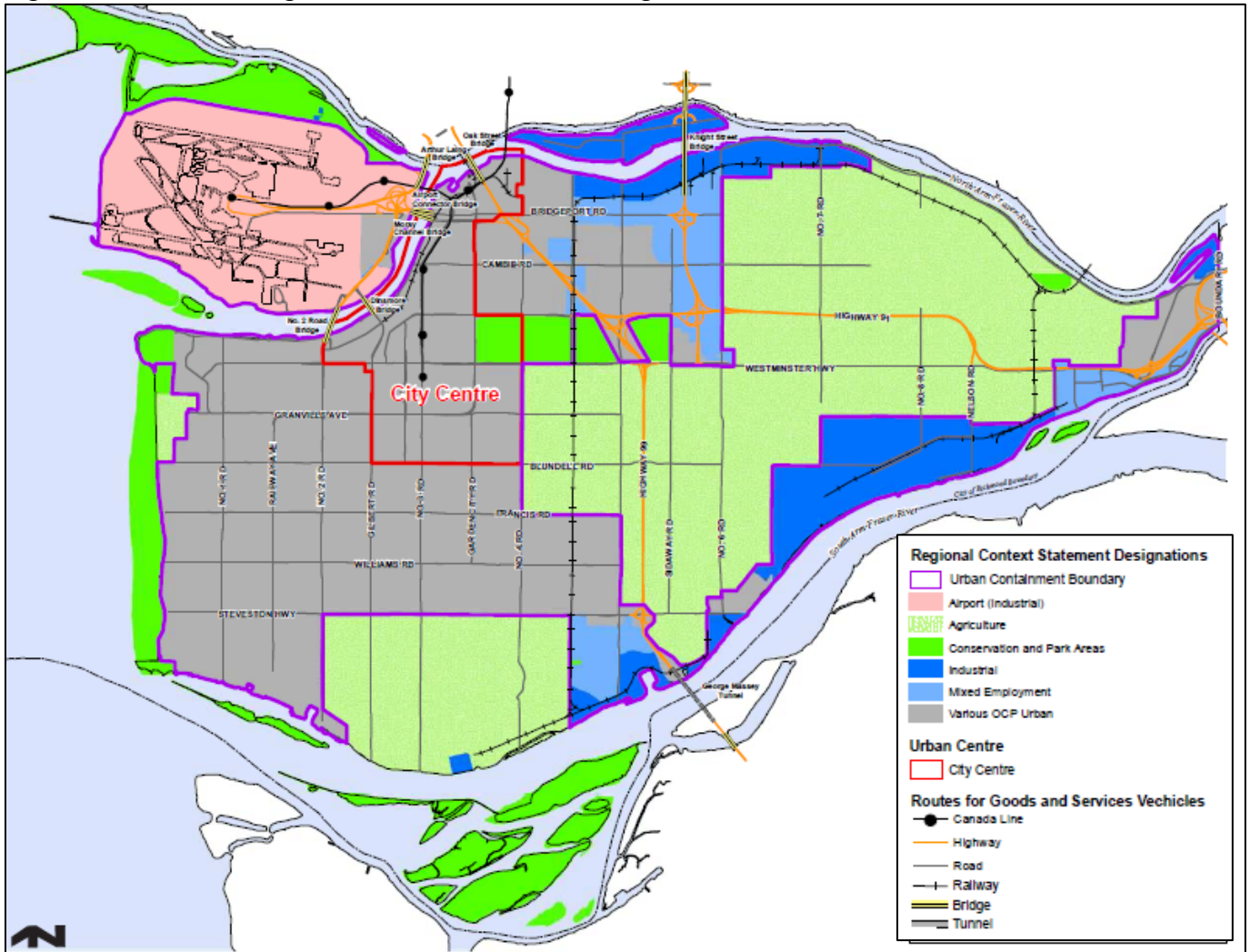
The legislative framework for protecting farmland in British Columbia is very strong. The *Agricultural Land Commission (ALC) Act*, enacted in 1973 with major revisions in 2002 and 2014, established the Agricultural Land Reserve (ALR) and the ALC. The ALC is a quasi-judicial tribunal that is responsible for implementing the Act with a clear mandate to protect farmland. The ALR is restrictive land zoning that protects all classes of agricultural land. The ALC Act is supported by the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation and the *Farm Practices Protection (Right to Farm) Act*.

Figure 1. Map of Richmond, BC, in Relation to Metro Vancouver



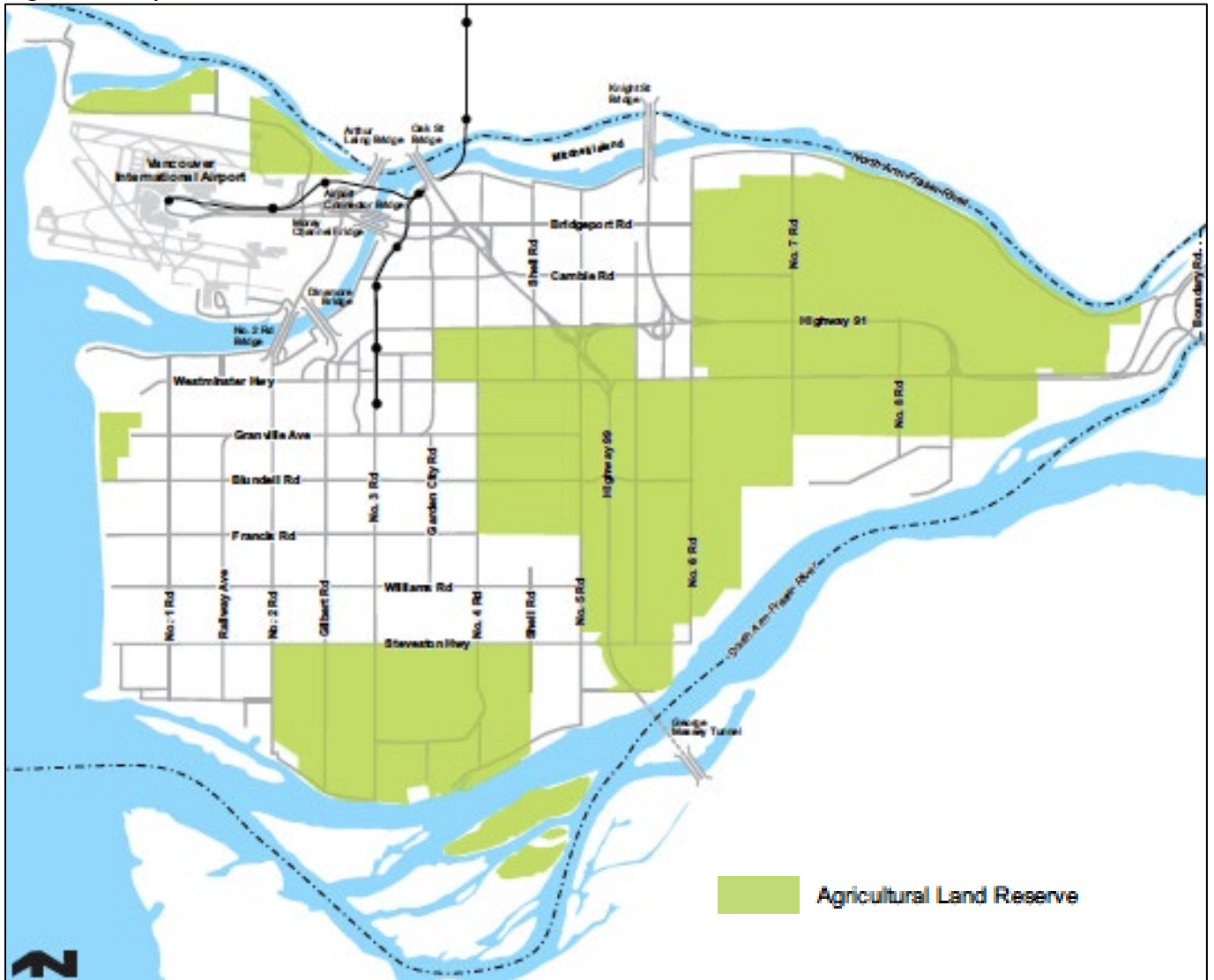
Source: Wikipedia, GVRD_-_Richmond.svg: TastyCakes

Figure 2. Richmond Regional Context Statement Designations



Source: City of Richmond Official Community Plan

Figure 3. City of Richmond ALR Land



Source: City of Richmond Official Community Plan

RESULTS

Maximise stability

A stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. A key element of stability is a clear statement of purpose regarding farmland protection among the primary goals and objectives within each enforceable document. Thus, stability is a critical measure of the strength of an agricultural land use planning framework.

The City of Richmond's legislative framework is very stable. Richmond's Official Community Plan (OCP) emphasizes the importance of farmland protection. The OCP acknowledges the City's historical roots in agriculture and recognises agriculture as a "heritage asset." This recognition, in combination with strong policies, reinforces Richmond's dedication to protecting agricultural land. In particular, the Vision states that, as part of achieving a sustainable city, the City will have "protected and productive agricultural lands." As well, keeping farmland intact and productive is a stated direction for planning. In the section dedicated to Agriculture and Food (7.0), the over-arching theme is protecting farmland and enhancing its viability. These statements show consistency and a dedication to farmland protection as a top priority for the City. References are also made throughout the document, including the Climate Change Adaptation, Sustainable Resource Use, and Resilient Economy sections that identify many different benefits to farmland protection, beyond just food security (which is mentioned in the introduction). Furthermore, Richmond's Area and Sub-Area Plans also increase stability, with especially strong language found in the Hamilton and McLennan Sub-Area Plans. For example, the only two goals of the McLennan sub-area plan are to preserve agricultural lands and minimise urban/rural conflicts.

Another legislative document contributing to stability is Richmond's Agricultural Viability Strategy (AVS) (and corresponding Profile and Survey Reports), an enforceable policy that is referenced several times in the City's OCP. The AVS aims to strengthen and enhance the agricultural sector in Richmond. As stated, "The purpose of the AVS is not to remove land from the Agricultural Land Reserve unless there is a substantial net benefit to agriculture and there is consultation with agricultural stakeholders."

Integrate public priorities across jurisdictions

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. One can also think of integration as a formal "linkage" that provides consistency among them. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government plans and strategies.

Integration for the City of Richmond is strong. There are numerous references to provincial and regional legislative documents. Specifically, there is substantial integration between the Metro Vancouver RGS, the City's AVS, and OCP. To ensure Richmond's OCP aligns closely with the RGS, they have included Regional Context Statements in the form of a table. These required statements list specific strategies and goals identified by the Regional District and match them to policies in their OCP. One specific strategy from the RGS is Strategy 2.3, which aims to "protect the supply of agricultural land and promote agricultural viability with an emphasis on food production." In support of this strategy, the City of Richmond notes that their Agricultural policies are in line with this strategy and that other documents, such as the Agricultural Viability Strategy, also support this regional goal. Beyond

references and the alignment of goals between documents, Richmond also emphasizes a desire for co-operation with the Region throughout their OCP and Agricultural Viability Strategy.

Minimise uncertainty

The presence of uncertainty, typically introduced via ambiguous language, exceptions or gaps, is a critical measure of the weakness of an agricultural land use planning framework. Thus, in addition to maximising the stability of a legislative framework through enforceable policies, people want to know they can rely on these rules and regulations to be applied consistently under different circumstances.

Richmond's legislative framework is rated as strong with regard for minimising uncertainty. The City has provided context and background on farmland in the area, making clear their commitment to protecting farmland. In particular, the Urban Containment Boundary (UCB) (shown on Figure 2), which has been created to keep residential growth outside of the ALR, helps to minimise uncertainty because it restricts growth to urban areas while protecting farmland. The Area and Sub-Area Plans containing ALR land all recognise the importance of protection and created policies with this in mind; further contributing to consistency.

One statement of ambiguity in the OCP worth noting is the policy to "discourage, wherever possible, roads in the ALR, except as noted on the Existing Status of Road Improvements in the ALR Map." This statement contributes to uncertainty because it is unclear how lenient they are with creating roads on ALR land, although other policies suggest that this might only apply for agricultural operations that have no direct access to a road.

Accommodate flexibility

Creating an effective legislative framework is an act of balance, without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximising stability and minimizing uncertainty. The means to accommodate flexibility is typically done through governance mechanisms.

Richmond's legislative framework rated strong in accommodating flexibility. Richmond's zoning accommodates flexibility by providing three different types of agricultural zones and a specific golf course zone. These policies distinguish traditional farming uses (A1) from those with seasonal farm labour accommodation (A3), cranberry processing facilities (A4), and golf courses (GC). Furthermore, Richmond has a number of Site Specific Zones in their zoning bylaw, three of which pertain to agriculture. The City has recognised the importance of preserving intensive agricultural areas and also allowing other uses on what is probably less desirable farmland. The final piece of flexibility can be seen in their Development Permit Areas. Although the City has not created a Development Permit Area specifically for agriculture yet, they have expressed a desire to create one for the purpose of protecting farmland. Another way in which the City accommodates flexibility is through their ALR landscape buffers. The buffers are intended to "accommodate and encourage development while minimizing the impacts of new developments on agricultural land." This policy suggests that they want to minimise conflict between urban and rural land uses, thereby accommodating both uses. Flexibility can also be seen in its No. 5 Road Backlands Policy. The policy allows community institutional uses in a specific area but only if the rest is being actively farmed. The presence of an Agricultural Advisory Committee (AAC) at both the regional and local level shows a commitment to accommodating flexibility by creating a place for agricultural interests in land use decisions.

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Table 1. City of Richmond, British Columbia, Legislative Framework

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL	<p>ALC] <u>Annual Service Plans</u> [MAL] <u>Strengthening Farming</u> [ALC] ALR and Community Planning Guidelines [Smith] “Planning for Agriculture”</p>	<p><i>Agricultural Land Commission Act</i> <i>Local Government Act</i> <i>Farm Practices Protection (Right to Farm) Act</i> <i>Forest and Range Practices Act</i> <i>Range Act</i> <i>Land Title Act</i> <i>Water Act</i> Agricultural Land Reserve Use, Subdivision, and Procedure Regulation</p>	<p>Agricultural Land Commission [ALC Act] <i>Administrative Tribunals Act</i> Governance Policy for the Agricultural Land Commission</p>
REQUIRED INTEGRATION	<p>LGA Part 25 849 Purpose of regional growth strategy (e) maintaining the integrity of a secure and productive resource base, including the agricultural land reserve</p>		
REGIONAL	<p>Metro Vancouver Regional Food System Strategy (2011) Metro Vancouver Regional Food System Action Plan (2016)</p>	<p><i>Metro Vancouver Regional Growth Strategy (Bylaw No. 1136, 2010)</i></p>	<p>Metro Vancouver Agricultural Advisory Committee (AAC)</p>
REQUIRED INTEGRATION	<p>ALC Act Section 46 Conflict with bylaws (2) A local government in respect of its bylaws and a first nation government in respect of its laws must ensure consistency with this Act, the regulations and the orders of the commission (4) A local government bylaw or a first nation government law that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect ALC Act 13 Dispute resolution on community issues LGA Part 25 882 (3) (OCP) Adoption procedures 882 The local government must refer the plan to the ALC for comment. LGA Part 25 946 (3) Subdivision to provide residence for a relative</p>		
LOCAL	<p>City of Richmond & Richmond Farmers Institute Agricultural Viability Strategy (AVS) (2003) City of Richmond & Richmond Farmers Institute Agricultural Profile Report (2002) City of Richmond & Richmond Farmers Institute Agricultural Survey Report City of Richmond’s Ecological Network Management Strategy (2015)</p>	<p><i>City of Richmond Official Community Plan (Bylaw No. 9000, 2012)</i> <i>Official Community Plan Land Use Map (Bylaw 2041, 2012)</i> <i>Area and Sub Area Plans (Bylaw No. 9000 and 7100)</i> <i>City of Richmond Zoning (Bylaw No. 8500, 2009)</i></p>	<p>City of Richmond Agricultural Advisory Committee (AAC)</p>

Acts (provincial laws), bylaws (local government laws, e.g., official municipal plan) [italicised]

Enforceable policy, regulations pursuant to acts [bold]

Aspirational policy at all levels [plain text]

REFERENCES

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