

**From:** Hopkins,John  
**To:** "Chaim Kempler"; "Doug Wright"; "Janet Langelaan"; "Joe Rodwell"; "Lynn Kemper"; "Robert Savage"; "Scott May"; "Stephen Easterbrook"; "Teresa Murphy"; "Todd May"  
**Cc:** Steves,Harold; Geesing, Dieter AGRI:EX; Mark, Kamelli ALC:EX; Dorward, Caitlin ALC:EX; Konkin,Barry; De Sousa,Steven; Eng,Kevin; Kurnicki,Alexander; Esko,Jamie  
**Subject:** RE: Next AAC Meeting on Wednesday, May 23  
**Date:** Wednesday, May 9, 2018 1:50:53 PM

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Hi all,

A couple of corrections from my last email. They are:

1. the bylaw on agricultural buildings and structures proposes to regulate concrete construction for greenhouses and agricultural buildings, not restrict the size.
2. a minor typo on the bylaw revising the farm home plate (it accidentally says farm home place rather than farm home plate – thanks to spell check I did not catch that one).

Corrections can be found below in the original email.

Thanks to those who have already RSVP'd.

John

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**From:** Hopkins,John  
**Sent:** Wednesday, 9 May 2018 11:29  
**To:** 'Chaim Kempler'; 'Doug Wright'; 'Janet Langelaan'; 'Joe Rodwell'; 'Lynn Kemper'; 'Robert Savage'; 'Scott May'; 'Stephen Easterbrook'; 'Teresa Murphy'; 'Todd May'  
**Cc:** Steves,Harold; 'Geesing, Dieter AGRI:EX'; 'Mark, Kamelli ALC:EX'; Dorward, Caitlin ALC:EX; Konkin,Barry; De Sousa,Steven; Eng,Kevin; Kurnicki,Alexander; Esko,Jamie  
**Subject:** Next AAC Meeting on Wednesday, May 23

Hello AAC members,

The next AAC meeting will be held on Wednesday, May 23<sup>rd</sup> beginning at 7pm in Room M.2.002.

One of the main items on the agenda will relate to an anticipated referral from Council to the AAC on a series of bylaws that will be introduced at next Monday's Council meeting (May 14). The bylaws include:

1. ~~restricting the size of certain~~ **regulating** agricultural buildings and structures that involve concrete construction;
2. re-introducing the allowance of an additional dwelling in the Agriculture (AG1) zone and amending the OCP policy on additional dwellings on agriculturally zoned land; and
3. revising the maximum farm home ~~place~~ **plate** area, and introducing a maximum farm house footprint regulation in the Agriculture (AG1) zone.

Council will be considering referring these bylaws to the AAC requesting feedback prior to the Public Hearing on those bylaws in June. As a result, it will be important to have quorum at the May 23<sup>rd</sup>

AAC meeting. If you cannot attend, please let me now as soon as possible.

Other items on the agenda for the next AAC meeting will include a couple of non-farm use applications for two special events to be held in the City; the RCMP Musical Ride and the Garden City Lands Farmers Market, both to be held in August.

Once again, please RSVP as soon as possible. Thanks.

John

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**John Hopkins, MCIP, RPP**

Senior Planner, Policy Planning Department,  
Planning & Development Division  
City of Richmond  
Tel: 604.276.4279  
Fax: 604.276.4052  
Email: [jhopkins@richmond.ca](mailto:jhopkins@richmond.ca)

**From:** Hopkins,John  
**To:** [Geesing, Dieter AGRI:EX](#)  
**Subject:** RE: Proposed Motion on Agricultural Buildings and Greenhouses  
**Date:** Thursday, May 24, 2018 12:24:13 PM

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Good catch – thanks Dieter.

John

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**From:** Geesing, Dieter AGRI:EX [<mailto:Dieter.Geesing@gov.bc.ca>]  
**Sent:** Thursday, 24 May 2018 11:40  
**To:** Hopkins,John; 'Chaim Kempler s.22'; 'Doug Wright'; 'Janet Langelaan'; 'Joe Rodwell'; 'Lynn Kemper'; 'Robert Savage'; 'Scott May'; 'Stephen Easterbrook s.22'; 'Teresa Murphy'; 'Todd May'  
**Cc:** Steves,Harold; Mark, Kamelli ALC:EX; Dorward, Caitlin ALC:EX; Konkin,Barry; De Sousa,Steven; Eng,Kevin  
**Subject:** RE: Proposed Motion on Agricultural Buildings and Greenhouses

Hello John – it should say food safety, not security (although ultimately, food security, will be impacted, too).

D

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**From:** Hopkins,John [<mailto:JHopkins@richmond.ca>]  
**Sent:** Thursday, May 24, 2018 10:15 AM  
**To:** 'Chaim Kempler s.22'; 'Doug Wright'; 'Janet Langelaan'; 'Joe Rodwell'; 'Lynn Kemper'; 'Robert Savage'; 'Scott May'; 'Stephen Easterbrook s.22'; 'Teresa Murphy'; 'Todd May'  
**Cc:** Steves,Harold; Geesing, Dieter AGRI:EX; Mark, Kamelli ALC:EX; Dorward, Caitlin ALC:EX; Konkin,Barry; De Sousa,Steven; Eng,Kevin  
**Subject:** Proposed Motion on Agricultural Buildings and Greenhouses

Good morning,

As promised, here is the draft motion that was passed last night. I have made a couple of minor organizational changes but hopefully the intent is all there. Please review and provide staff (Barry, Kevin, Steven and myself) with any edits before the end of day today. As discussed last night, this motion will be forwarded to the next Council meeting on Monday, May 28<sup>th</sup>.

The proposed motion states:

**“The Agricultural Advisory Committee does not support the draft regulations for agricultural buildings, structures and greenhouses, contained in Bylaw 9861 as:**

- 1. the proposed regulations are contrary to all types of agricultural viability over the short, medium and long term;**
- 2. concrete slab and related structures are essential to modern and current agricultural practices, which includes greenhouses, for the purposes of food security, bio-security, productivity, worker safety, equipment storage and handling, amongst others; and**
- 3. in keeping with the 2041 Official Community Plan and the 2003 Richmond Agricultural**

**Viability Strategy, the Agricultural Advisory Committee supports all types of agricultural activities, not just soil-based agriculture.**

**As stated above, the Agricultural Advisory Committee does not support size limits of agricultural buildings and structures, including greenhouses; however, if Council wishes to proceed with regulations on agricultural buildings, structures and greenhouses, the maximum outright permitted size of an agricultural building, structure or greenhouse should not be less than 2,000 m<sup>2</sup> per building.”**

John

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**John Hopkins, MCIP, RPP**

Senior Planner, Policy Planning Department,

Planning & Development Division

City of Richmond

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**To:** Mayor and Councillors  
**From:** Barry Konkin  
Manager, Policy Planning  
**Date:** May 25, 2018  
**File:** 08-4430-03-10/2018-Vol 01  
**Re:** **Response to Referral – Agricultural Advisory Committee Comments on Additional Dwellings for Farm Workers and Proposed Agricultural Building and Greenhouse Regulations**

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Origin

This memo responds to the referrals arising from the May 14, 2018 Council meeting:

*Referral – Additional dwelling for farm workers*

*“(6) That the staff report and the above recommendation be forwarded to the Agricultural Advisory Committee for their input prior to the June Public Hearing.”*

*Referral – Proposed agricultural building and greenhouse regulations*

*“(3) To protect the long-term viability of soil-based agriculture:*

- (a) That Richmond Zoning Bylaw 8500, Amendment Bylaw 9861, to regulate large agricultural buildings and greenhouses, be introduced and given first reading;*
- (b) Whereas Section 463 of the Local Government Act allows the withholding of building permits that conflict with bylaws in preparation;*

*Whereas Council has granted first reading to a bylaw to preserve high-quality agricultural soils, through the regulation of construction methods for agricultural buildings and greenhouses;*

*Therefore be it resolved that staff bring all building permit applications for agricultural buildings and greenhouses in the Agriculture (AG1) zone, received more than 7 days after the date of first reading, forward to Council to determine whether such applications are in conflict with the proposed bylaw to preserve high-quality agricultural soils, through the regulation of construction methods for agricultural buildings and greenhouses; and*

- (c) That a letter be sent to the Premier of BC, the BC Minister of Agriculture, and the BC Minister of Finance, with copies to all Richmond Members of the Legislative Assembly, the Leader of the Third Party, the Leader of the Official Opposition, and the Chair of the BC Agricultural Land Commission requesting that the province impose a temporary moratorium on the use of lands in the Agricultural Land Reserve for cannabis production;*

*be referred to staff to report back prior to the Public Hearing scheduled for June 18, 2018."*

Council also directed that the staff report be forwarded to the Agricultural Advisory Committee for their input prior to the June Public Hearing on proposed regulations for agricultural buildings and greenhouses.

#### Agricultural Advisory Committee (AAC)

The AAC met on May 23, 2018 to review and provide feedback on

- Additional dwellings for farm workers; and
- The proposed regulations on agricultural buildings and greenhouses.

The AAC passed the following draft motion in relation to additional dwellings for farm workers:

*That the Agricultural Advisory Committee supports the motion moved by Council at the May 14, 2017 Council meeting, including the removal of the contiguous farm home plate requirement.*

The AAC passed the following draft motion in relation to proposed regulations on agricultural buildings and structures

*The Agricultural Advisory Committee does not support the draft regulations for agricultural buildings, structures and greenhouses, contained in Bylaw 9861 as:*

- 1. the proposed regulations are contrary to all types of agricultural viability over the short, medium and long term;*
- 2. concrete slab and related structures are essential to modern and current agricultural practices, which includes greenhouses, for the purposes of food safety, bio-security, productivity, worker safety, equipment storage and handling, amongst others; and*
- 3. in keeping with the 2041 Official Community Plan and the 2003 Richmond Agricultural Viability Strategy, the Agricultural Advisory Committee supports all types of agricultural activities, not just soil-based agriculture.*

*As stated above, the Agricultural Advisory Committee does not support size limits of agricultural buildings and structures, including greenhouses; however, if Council wishes to proceed with regulations on agricultural buildings, structures and greenhouses, the maximum outright permitted size of an agricultural building, structure or greenhouse should not be less than 2,000 m<sup>2</sup> per building.*

#### Additional Staff Comments

Staff have confirmed with the City's Building Approvals Division (Manager, Plan Review; Architect, AIBC and Code Engineer, P. Eng) on the ability to utilize the construction methods outlined in the proposed agricultural building regulations contained in the drafted Bylaw 9861 to construct these types of buildings.



### Options

In response to Council's referral and consultation with the AAC, staff have prepared three options for Council's consideration. For the options requiring resolutions of Council, the recommended wording of the resolutions is contained in the following sections including a resolution to temporarily withhold building permits where applicable and a resolution to send a letter to government officials pertaining to the production of cannabis in the Agricultural Land Reserve.

#### **Option 1: Move forward with the regulations for agricultural buildings and greenhouses proposed in the original staff report (Bylaw 9861)**

This option is consistent with the original recommended regulations (Bylaw 9861 – Attachment 1) contained in the staff report considered at the May 14, 2018 Council meeting, which would prohibit the use of concrete slab floors and strip footing type construction for agricultural building and greenhouses. Construction methods that limit individual concrete footings and restricts impermeable surfaces for agricultural buildings only are permitted under the draft bylaw. Agricultural buildings with a lot coverage of less than 300 m<sup>2</sup> are exempted from the regulations (cumulative lot coverage of all existing and proposed agricultural buildings).

Council approval would be required for farmers wishing to construct a building that does not comply with the above regulations.

This option provides for maximum protection of high-quality soils for soil-based agriculture.

The recommended wording of resolutions for Option 1 is as follows:

1. *That Richmond Zoning Bylaw 8500, Amendment Bylaw 9861, to regulate large agricultural buildings and greenhouses, be introduced and given first reading.*
2. *Whereas Section 463 of the Local Government Act allows the withholding of building permits that conflict with bylaws in preparation;  
Whereas Council has granted first reading to a bylaw to preserve high-quality agricultural soils, through the regulation of construction methods for agricultural buildings and greenhouses;  
Therefore be it resolved that staff bring all building permit applications for agricultural buildings and greenhouses in the Agriculture (AG1) zone, received more than 7 days after the date of first reading, forward to Council to determine whether such applications are in conflict with the proposed bylaw to preserve high-quality agricultural soils, through the regulation of construction methods for agricultural buildings and greenhouses.*
3. *That a letter be sent to the Premier of BC, the BC Minister of Agriculture, and the BC Minister of Finance, with copies to all Richmond Members of the Legislative Assembly, the Leader of the Third Party, the Leader of the Official Opposition, and the Chair of the BC Agricultural Land Commission requesting that the province impose a temporary moratorium on the use of lands in the Agricultural Land Reserve for cannabis production.*

**Option 2: Introduce a new Bylaw 9890 that regulates agricultural buildings and greenhouses with a lot coverage greater than 2,000 m<sup>2</sup> per building**

This option maintains the restrictions on the use of concrete slab floors and concrete strip footings and allowance for limited concrete footings for supports. The key revisions in the new bylaw (Bylaw 9890 – Attachment 2) are summarized as follows:

- It allows for significantly larger agricultural buildings with a lot coverage equal to or less than 2,000 m<sup>2</sup> to be exempted from the regulations.
- A greenhouse building is included in the exemption.
- The exemption is determined on a per building basis.

This option provides for protection of high-quality soils for soil-based agriculture while also taking into account the feedback from the AAC about the need for larger agricultural buildings and greenhouses (with up to 2,000 m<sup>2</sup> lot coverage per building) to support all types of agricultural activities.

Council approval would be required for farmers wishing to construct an agricultural building or greenhouse greater than 2,000 m<sup>2</sup> lot coverage that do not comply with the regulations in the draft Bylaw 9890.

The recommended wording of resolutions for Option 2 is as follows:

1. *That Richmond Zoning Bylaw 8500, Amendment Bylaw 9890, to regulate large agricultural buildings and greenhouses with a lot coverage greater than 2,000 m<sup>2</sup> per building, be introduced and given first reading.*
2. *Whereas Section 463 of the Local Government Act allows the withholding of building permits that conflict with bylaws in preparation;  
Whereas Council has granted first reading to a bylaw to preserve high-quality agricultural soils, through the regulation of construction methods for agricultural buildings and greenhouses;  
Therefore be it resolved that staff bring all building permit applications for agricultural buildings and greenhouses in the Agriculture (AG1) zone, received more than 7 days after the date of first reading, forward to Council to determine whether such applications are in conflict with the proposed bylaw to preserve high-quality agricultural soils, through the regulation of construction methods for agricultural buildings and greenhouses.*
3. *That a letter be sent to the Premier of BC, the BC Minister of Agriculture, and the BC Minister of Finance, with copies to all Richmond Members of the Legislative Assembly, the Leader of the Third Party, the Leader of the Official Opposition, and the Chair of the BC Agricultural Land Commission requesting that the province impose a temporary moratorium on the use of lands in the Agricultural Land Reserve for cannabis production*



**Option 3: Do not move forward with any regulations for agricultural buildings and greenhouses**

This option maintains existing regulations in the Agriculture (AG1) zoning district and does not propose any further changes. Based on the motion passed by the AAC on May 23, 2018, Option 3 is consistent with the position and comments from the Committee.

No resolution on regulations for agricultural buildings and greenhouses from Council is required for Option 3. A resolution would be required to request from the Province of BC a temporary moratorium on cannabis production in the Agricultural Land Reserve (ALR) as follows:

*That a letter be sent to the Premier of BC, the BC Minister of Agriculture, and the BC Minister of Finance, with copies to all Richmond Members of the Legislative Assembly, the Leader of the Third Party, the Leader of the Official Opposition, and the Chair of the BC Agricultural Land Commission requesting that the province impose a temporary moratorium on the use of lands in the Agricultural Land Reserve for cannabis production*

Conclusion

This memo responds to the referrals from the May 14, 2018 Council meeting on additional dwellings for farm workers and proposed regulations to agricultural buildings and greenhouses. Staff met with the AAC on May 23, 2018 to discuss these referrals with the AAC passing two motions included in this memo.

In relation to proposed regulations to agricultural buildings and greenhouses, three options are proposed by staff and summarized as follows:

- Option 1: Move forward with the regulations for agricultural buildings and greenhouses proposed in the original staff report (Bylaw 9861)
- Option 2: Introduce a new Bylaw 9890 that regulates agricultural buildings and greenhouses with a lot coverage greater than 2,000 m<sup>2</sup> per building
- Option 3: Do not move forward with any regulations for agricultural buildings and greenhouses

In addition, a letter to the Province is included as a resolution in each of the three options requesting a temporary moratorium on the use of lands in the ALR for cannabis production.

  
Barry Konkin  
Manager, Policy Planning

BK:ke

Att. 1 – Bylaw 9861

Att. 2 – Bylaw 9890

pc: SMT  
John Hopkins, Planner 3  
Kevin Eng, Planner 2



City of  
Richmond

Bylaw 9861

**Richmond Zoning Bylaw 8500  
Amendment Bylaw 9861  
(Agricultural Building and Greenhouse Regulations)**

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

1. Richmond Zoning Bylaw 8500 is amended by repealing and replacing and adding text to various sections of Richmond Zoning Bylaw 8500 as follows:
  - i) Add the following clauses into Section 14.1.4 (Permitted Density Section in the Agriculture (AG1) zone):
    - “4) **Agricultural buildings and structures** and greenhouses solely for supporting a **farm business** or for growing, producing, raising or keeping animals and plants are not permitted to have concrete construction, **hardsurfacing** or other impermeable **structure** or construction sunk into, at or below the **natural grade** of the **site** except:
      - a) Where **Agricultural buildings and structures**, excluding greenhouses, are supported by a system of columns or posts, where each supporting column or post has a minimum radius of 3 m to the next adjacent column or post and that the maximum footprint area for each concrete footing associated with each column or post is 0.5 m<sup>2</sup>; and
      - b) Concrete grade beams connecting concrete pad foundations are not permitted.
    - 5) **Agricultural buildings and structures**, excluding greenhouses, are permitted a maximum of 10% coverage of the **gross floor area** at the ground level of the **building** to be covered by impermeable surfaces.
    - 6) The provisions of Section 14.1.4.4 and 14.1.4.5 do not apply for:
      - b) **Agricultural buildings and structures** on a **lot**, excluding greenhouses, with a cumulative **lot coverage** equal to or less than 300 m<sup>2</sup> in total area for all existing and proposed **agricultural buildings and structures**.”
2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 9861**”.



FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

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CITY OF RICHMOND
APPROVED by <i>JE</i>
APPROVED by Director or Solicitor <i>BK</i>

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MAYOR

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CORPORATE OFFICER



City of  
Richmond

Bylaw 9890

**Richmond Zoning Bylaw 8500  
Amendment Bylaw 9890  
(Agricultural Building and Greenhouse Regulations)**

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

1. Richmond Zoning Bylaw 8500 is amended by repealing and replacing and adding text to various sections of Richmond Zoning Bylaw 8500 as follows:
  - i) Add the following clauses into Section 14.1.4 (Permitted Density Section in the Agriculture (AG1) zone):
    - “4) **Agricultural buildings and structures** and greenhouses solely for supporting a **farm business** or for growing, producing, raising or keeping animals and plants are not permitted to have concrete construction, **hardsurfacing** or other impermeable **structure** or construction sunk into, at or below the **natural grade** of the **site** except:
      - a) Where **Agricultural buildings and structures**, excluding greenhouses, are supported by a system of columns or posts, where each supporting column or post has a minimum radius of 3 m to the next adjacent column or post and that the maximum footprint area for each concrete footing associated with each column or post is 0.5 m<sup>2</sup>; and
      - b) Concrete grade beams connecting concrete pad foundations are not permitted.
    - 5) **Agricultural buildings and structures**, excluding greenhouses, are permitted a maximum of 10% coverage of the **gross floor area** at the ground level of the **building** to be covered by impermeable surfaces.
    - 6) The provisions of Section 14.1.4.4 and 14.1.4.5 do not apply for:
      - b) **Agricultural buildings and structures** and greenhouses with a **lot coverage** equal to or less than 2,000 m<sup>2</sup> for each **building**.”
2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 9890**”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

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CITY OF RICHMOND
APPROVED by VE
APPROVED by Director or Solicitor PK

\_\_\_\_\_  
MAYOR

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CORPORATE OFFICER



**Richmond Zoning Bylaw 8500  
Amendment Bylaw 9861  
(Agricultural Building and Greenhouse Regulations)**

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

1. Richmond Zoning Bylaw 8500 is amended by repealing and replacing and adding text to various sections of Richmond Zoning Bylaw 8500 as follows:
  - i) Add the following clauses into Section 14.1.4 (Permitted Density Section in the Agriculture (AG1) zone):
    - “4) **Agricultural buildings and structures** and greenhouses solely for supporting a **farm business** or for growing, producing, raising or keeping animals and plants are not permitted to have concrete construction, **hardsurfacing** or other impermeable **structure** or construction sunk into, at or below the **natural grade** of the **site** except:
      - a) Where **Agricultural buildings and structures**, excluding greenhouses, are supported by a system of columns or posts, where each supporting column or post has a minimum radius of 3 m to the next adjacent column or post and that the maximum footprint area for each concrete footing associated with each column or post is 0.5 m<sup>2</sup>; and
      - b) Concrete grade beams connecting concrete pad foundations are not permitted.
    - 5) **Agricultural buildings and structures**, excluding greenhouses, are permitted a maximum of 10% coverage of the **gross floor area** at the ground level of the **building** to be covered by impermeable surfaces.
    - 6) The provisions of Section 14.1.4.4 and 14.1.4.5 do not apply for:
      - b) **Agricultural buildings and structures** on a **lot**, excluding greenhouses, with a cumulative **lot coverage** equal to or less than 300 m<sup>2</sup> in total area for all existing and proposed **agricultural buildings and structures**.”
2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 9861**”.

**MAY 28 2018**

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_  
MAYOR

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CORPORATE OFFICER

CITY OF RICHMOND
APPROVED by LE
APPROVED by Director or Solicitor BL





**To:** General Purposes Committee

**Date:** April 18, 2018

**From:** Barry Konkin  
Manager, Policy Planning

**File:** 08-4430-03-10/2018-  
Vol 01

Carli Edwards  
Manager, Community Bylaws and Licensing

**Re:** Cannabis Bylaw Framework and Regulation of Agricultural Structures

### Staff Recommendation


1. To implement the City's framework to regulate cannabis retailing, medical and non-medical (recreational) cannabis production, cannabis research and development and cannabis distribution in advance of the Federal legalization of cannabis, it is recommended that:
  - a. Official Community Plan (OCP) Bylaw 9000, Amendment Bylaw 9837, to revise and update the City's land use regulations and strategic management of cannabis related activities city-wide in Section 3.6.5 to Schedule 1 of the OCP, be introduced and given first reading.
  - b. That Bylaw 9837, having been considered in conjunction with:
    - The City's Financial Plan and Capital Program; and
    - The Greater Vancouver Regional District Solid Waste and Liquid Waste and Management Plans;is hereby found to be consistent with the said programs and plans, in accordance with Section 477(3)(a) of the *Local Government Act*.
  - c. That Bylaw 9837, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found not to require further consultation.
  - d. That Richmond Zoning Bylaw 8500, Amendment Bylaw 9838, proposing revisions to existing medical cannabis related regulations, new regulations for non-medical cannabis activities and other changes for cannabis related activities, be introduced and given first reading.
  - e. That Consolidated Fees Bylaw 8636, Amendment Bylaw 9840, to add development application fees specific to cannabis related land use proposals, be introduced and given first reading.
2. That the costs and resources arising from the municipal response to the Federal legalization of cannabis contained in the report, dated April 18, 2018 from the Manager, Policy Planning and Manager, Community Bylaws and Licensing, be received for information and that staff be directed to pursue all Federal and Provincial cannabis related funding resources available and update Council as needed.



3. To protect the long-term viability of soil-based agriculture, it is recommended that:
- a. Richmond Zoning Bylaw 8500, Amendment Bylaw 9861, to regulate large agricultural buildings and greenhouses, be introduced and given first reading.
  - b. Upon first reading of Richmond Zoning Bylaw 8500, Amendment Bylaw 9861, a resolution be passed pursuant to Section 463 of the *Local Government Act*, to withhold building permits for agricultural buildings and greenhouses, which may be in conflict with the bylaw under consideration, and that staff bring forward all such building permit applications in the Agriculture (AG1) zone received more than 7 days after the first reading of Richmond Zoning Bylaw 8500, Amendment Bylaw 9861, to determine whether such applications are in conflict with the proposed bylaw.
  - c. A letter be sent to the Premier of BC, the BC Minister of Agriculture, and the BC Minister of Finance, with copies to all Richmond Members of the Legislative Assembly, the Leader of the Third Party, the Leader of the Official Opposition, and the Chair of the BC Agricultural Land Commission requesting that the province impose a temporary moratorium on the use of lands in the Agricultural Land Reserve for cannabis production.

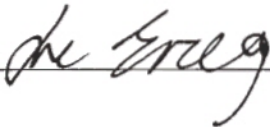

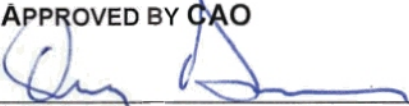


Barry Konkin  
Manager, Policy Planning



Carli Edwards  
Manager, Community Bylaws  
and Licensing

BK:ke

REPORT CONCURRENCE		
<b>ROUTED TO:</b>  Development Applications Building Approvals RCMP Richmond Fire Rescue Finance	<b>CONCURRENCE</b>  <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<b>CONCURRENCE OF GENERAL MANAGER</b>  
<b>REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE</b>	<b>INITIALS:</b> 	<b>APPROVED BY CAO</b> 

## Staff Report

### Origin

At the January 15, 2018 Council meeting, the following referral was made:

*That staff report back to Council with bylaw amendments and information on required infrastructure and programs for the regulation of production, processing, and sale of cannabis (medical and recreational) in the City.*

At the March 26, 2018 Council meeting, the following referral was made:

*That staff comment on the City's ability to impact and limit the size of farm structures on farmland.*

This report responds to the January 15, 2018 referral on the production, processing and sale of cannabis, and to the above referral from the March 26, 2018 Council meeting in relation to possible regulations of the size of agricultural buildings.

This report supports Council's 2014-2018 Term Goal #1 A Safe Community:

*Maintain emphasis on community safety to ensure Richmond continues to be a safe community.*

- 1.1. Policy and service models that reflect Richmond-specific needs.*
- 1.2. Program and service enhancements that improve community safety services in the City.*

This report supports Council's 2014-2018 Term Goal #3 A Well-Planned Community:

*Adhere to effective planning and growth management practices to maintain and enhance the livability, sustainability and desirability of our City and its neighbourhoods, and to ensure the results match the intentions of our policies and bylaws.*

- 3.1. Growth and development that reflects the OCP, and related policies and bylaws.*

This report outlines proposed amendments to Official Community Plan Bylaw 9000, Richmond Zoning Bylaw 8500, and Consolidated Fees Bylaw 8636, to establish regulations for both medical and non-medical cannabis activities, in order to have a regulatory framework in place prior to Federal legalization. This report is broken into the following three sections:

**Section 1:** Cannabis Retailing, Production, Research & Development, and Distribution;

**Section 2:** Costs and Fees Arising from the Municipal Response to Federal Legalization of Cannabis; and

**Section 3:** Proposed New Regulations on Agricultural Buildings and Greenhouses.



## **Proposed Federal and Provincial Regulations**

Federal Bill C-45 – the Cannabis Act – is under Federal legislative review, and was granted Second Reading by the Senate on March 22, 2018. Senate Hearings are still in progress, with the expected legalization to occur in summer or fall of 2018.

The Province of BC introduced legislation on April 26, 2018 on the proposed cannabis retail and distribution framework. A summary of both the proposed Federal regulations in Bill C-45 and the Provincial regulations regarding cannabis retail are provided in Attachment 1.

Of key interest to Council will be the proposed Provincial regulations, which indicate that the local government can decide if cannabis retail activities will be permitted:

*“The Province will permit local governments to decide whether they wish to have a non-medical cannabis retail store in their community. For the province to issue a license, applicants must have the support of the local government in the community where the proposed store would be located” [excerpt from Province of BC document – BC Cannabis Private Retail and Licensing Guide, February 2018].*

The proposed regulations presented by the Province also indicate that public retail cannabis stores (i.e., government run) will be subject to local government support.

Based on the above, local government may exercise land use controls and regulations for cannabis retail within their boundaries, including outright prohibition. As the federal and provincial cannabis related regulations are still under review and may change through the legislative review process, future bylaw amendments may be required in order for the City of Richmond regulations to be consistent with the new laws.

## **Existing Official Community Plan and Zoning Bylaw Regulations for Cannabis**

### *Official Community Plan*

The City’s Official Community Plan (OCP) contains policies to manage Health Canada licensed medical marihuana production and research and development facilities (see Attachment 2 for an excerpt of the OCP). In general, the existing OCP policies state that:

- all medical marihuana production and research and development facilities require a rezoning application;
- the number of permitted facilities is limited to one, on “Mixed Employment” and/or “Industrial” OCP designated land only – other rezoning application proposals beyond the one site are to be considered by Council on a case-by-case basis and may require additional amendments to the OCP; and
- proposals are to be reviewed on specific land use criteria (surrounding sensitive land uses, impacts and neighbours, local context and community safety).

*Zoning Bylaw 8500*

Richmond Zoning Bylaw 8500 currently has land use definitions for “medical marihuana production facility”, “medical marihuana research and development facility” and “marihuana dispensary”. The Zoning Bylaw provisions identify that none of these land uses are currently permitted in any zoning district city-wide, and a rezoning application is required to allow the use. Furthermore, the zoning definition of “farm business” excludes these activities.

**Status of Rezoning Applications – Medical Cannabis Production Facilities**

To date, there have been four rezoning applications submitted to the City for the purposes of developing a licensed Health Canada medical cannabis production facility (See Attachment 3 for an application status summary). One application has been closed and the bylaw abandoned and one application was granted third reading on September 6, 2016.

The other two rezoning applications are in the process of staff review, based on existing policies applicable to medical cannabis production in the City and policies and the regulations proposed in this report specific to cannabis related facilities (medical and non-medical) and protection of soil-based agriculture (where applicable). Of these two applications, one facility is proposed to be located in an Industrial OCP designated area, which would be consistent with the locational policy in the OCP, but would exceed Council’s objective of one facility city-wide. The second application proposes a site zoned AG1 and located within the Agricultural Land Reserve (ALR), which is inconsistent with Council’s OCP policy on the location of cannabis production facilities, and the limit of one such facility city-wide.

**Analysis****Section 1: Cannabis Retailing, Production, Research & Development, and Distribution****1.1 General Cannabis Housekeeping Amendments**

The current Zoning Bylaw regulations refer to “medical marihuana” as this was the terminology utilized in the initial Federal legislation providing access to medical cannabis and any other cannabis production is unlawful. Based on the new Federal and Provincial regulations proposed, all references to “marihuana” in the Richmond Zoning Bylaw 8500 will be replaced with the term “cannabis”.

Existing regulations regarding retailing of cannabis and production in the Zoning Bylaw will remain unchanged. These uses are not permitted without Council approval of a site specific rezoning application. Staff also recommend that the following land use definitions in the Zoning Bylaw be amended to specifically exclude cannabis retailing and production activities: “agriculture”, “greenhouse & plant nursery”, “office”, “retail convenience”, “retail general” and “service business support”.



## 1.2 Cannabis Retail

A “marihuana dispensary” is a prohibited use in all zones in the City and a site specific rezoning would require Council approval to allow the use. Richmond Zoning Bylaw 8500 currently defines “marihuana dispensary” as “a business or other operation involving the sale, barter, storage, distribution or dispensing of cannabis, marihuana or any products containing or derived from cannabis or marihuana.”

Richmond Zoning Bylaw 8500 Amendment Bylaw 9838 would replace the “marijuana dispensary” definition with a new definition of “retail cannabis” – to reflect the upcoming legalization – and this use would remain as a prohibited use in all zones. The proposed definition of “retail cannabis” is as follows:

*means a business or other operation involving the sale, barter, storage, distribution or dispensing of cannabis (medical and non-medical) or any products containing or derived from cannabis intended for consumption by individuals in accordance with the appropriate federal and provincial legislation and regulations.*

Proposed provincial regulations indicate that retail cannabis stores (government run and private stores) will be subject to local government support, which effectively gives Council the right to prohibit this use in Richmond. Retail sales of cannabis products – both public stores and private stores – would only be permitted through a Council supported and site specific rezoning application.

## 1.3 Cannabis Production, Research & Development, and Distribution

### *Official Community Plan (OCP) Amendments*

Current Council policy on cannabis production is focussed on medicinal production as all other production is unlawful. The OCP limits only one production facility in the City, and the facility must be located in an “Industrial” or “Mixed Employment” designated area. Official Community Plan Bylaw 9000 Amendment Bylaw 9837 would amend the existing OCP policy to change the reference from “medical marihuana” to “cannabis”, and extend the current regulations to all types of cannabis production – medical and non-medical. These regulations would also apply to cannabis research and development facilities.

### *Richmond Zoning Bylaw 8500 Amendments*

In addition to the general terminology housekeeping amendments outlined above, Richmond Zoning Bylaw 8500 Amendment Bylaw 9838 would introduce a number of new land use definitions related to all forms of cannabis cultivation, production and distribution. Non-medical cannabis production, cannabis retailing or cannabis warehousing would not be permitted in all zones within the City and could only be permitted through a successful rezoning application.

The proposed provincial regulatory framework has identified that the BC Liquor Distribution Branch (BCLDB) will be the wholesale distributor of non-medical cannabis; therefore the Provincial Government will be solely responsible for warehousing and distributing cannabis. Provincially run facilities are not typically subject to the City's zoning bylaw regulations. In the event that the provincial distribution framework for cannabis changes to allow for private (non-government) distribution facilities, the proposed "warehouse, cannabis" zoning definition would require a rezoning application to be considered by Council for any private cannabis distribution warehouse.

#### **1.4 Summary**

The proposed amendment to the OCP would still limit the number of permitted production facilities, and research and development facilities as they relate to cannabis to one facility in an OCP designated Mixed Employment or Industrial area. Any future proposals for a cannabis production facility or a cannabis research and development facility may be considered on a case-by-case basis and may require additional OCP amendments. The proposed amendment to the Zoning Bylaw will prohibit the retailing of cannabis in any form and continue to regulate all cannabis production, research and development and distribution (private, if permitted) facilities unless a property was successfully rezoned to allow such use. On this basis, staff recommend first reading of the following OCP and Zoning Bylaw amendments:

- Official Community Plan Bylaw 9000 Amendment Bylaw 9837; and
- Richmond Zoning Bylaw 8500 Amendment Bylaw 9838.

### **Section 2: Costs and Fees Arising from the Municipal Response to Federal Legalization of Cannabis**

#### **2.1 Proposed Amendments to Consolidated Fees Bylaw 8636**

In order to ensure cost recovery for anticipated applications for site-zoning amendments to allow cannabis-related activities in Richmond, staff propose the introduction of a new application fee to Consolidated Fees Bylaw 8636, as follows:

- \$4,000 base fee plus an incremental fee (\$28.25 per 100 m<sup>2</sup> for the first 1,000 m<sup>2</sup> of floor area; \$17.50 per 100 m<sup>2</sup> of floor area for all building area in excess of 1,000 m<sup>2</sup>).

The rezoning application fee amount has been established to cover staff time associated with the likely processing steps required for cannabis related applications.

#### **2.2 Public Safety and Staffing Costs**

The legalization of non-medical cannabis is expected to impact the delivery of Planning, Fire and Community Safety programs, including the RCMP. However, with the Federal and Provincial regulations still under legislative review and uncertainty around what services will fall to the municipalities and what will remain with senior levels of government, it is difficult to estimate the costs of legalization of non-medical cannabis.



Despite uncertainty in this area, staff from Richmond Fire Rescue, the RCMP, Community Bylaws and Planning have developed an estimate of projected equipment and staffing costs based on the bylaws and regulations contemplated in this report. In total, staff estimate these costs to be approximately \$1 million in the first year and ranging from \$500,000 to \$600,000 per year subsequent to the initial implementation of the new regulations. Moving forward, costs could potentially decrease or increase dependent on the final program structure. The details of the current estimate are shown in Attachment 4 with the items summarized in Table 1 below.

Table 1 – Projected costs related to legalization of Non-Medical Cannabis

Department	Description of Item
Richmond Fire Rescue	<ul style="list-style-type: none"> <li>• Training for Fire suppression and prevention staff to prevent fires started from smoking or from equipment used for growing cannabis, in and outside of buildings;</li> <li>• Equipment for Fire inspectors to detect the presence of mould;</li> </ul>
RCMP	<ul style="list-style-type: none"> <li>• Training for the RCMP for drug awareness, field sobriety testing and drug recognition;</li> <li>• Purchase of roadside screening equipment;</li> <li>• Increase in funding for medical testing to detect drug impairment;</li> <li>• Construction of a drug detection room;</li> </ul>
Community Bylaws	Additional inspector to respond to complaints of growing marijuana contrary to the regulations
Planning	Additional staff to process rezoning or development applications received related to cannabis

While the potential costs are uncertain, so too are the sources of funding available to municipalities. In recent correspondence from Health Canada, the Director General of Cannabis Legalization and Regulation Secretariat states that, “\$161 million has been dedicated to build law enforcement training capacity across Canada, train frontline officers in how to detect the signs and symptoms of drug-impaired driving, provide access to drug screening devices, develop policy, bolster research, and raise public awareness about the dangers of drug-impaired driving.” The Federal government has also agreed to direct 75% of tax revenue to Provinces with the expectation that a substantial portion be transferred to municipalities and local communities.

In addition to commitments on sharing tax revenue and supporting law enforcement, Health Canada has announced a federal funding program that can be accessed by municipalities. It is not clear if this is part of the funding commitments already made or a separate process.

While the legalization of non-medical cannabis applies nationally, it is not clear if prohibiting cannabis retail or limiting production and distribution will have an impact on funding available to the municipalities. The current approach in this report assumes that there will be no impact to funding available to municipalities.

Staff from Community Safety will be coordinating efforts to pursue all funding sources, including that recently offered by Health Canada. Council will be updated as needed as the funding sources are clarified, regulations implemented and as part of the budget process.

### **2.3 Summary**

Staff recommend first reading to Consolidated Fees Bylaw 8636, Amendment Bylaw 9840 which would add development application fees specific to cannabis related land use proposals. This will ensure cost recovery due to additional staff time required to review these type of rezoning applications.

With respect to public safety and staffing costs, it is recommended that staff be directed to pursue all Federal and Provincial cannabis related funding resources available and update Council as needed.

## **Section 3: Proposed Regulations for Agricultural Buildings and Greenhouses**

### **3.1 Recent Inquiries and Building Permits for Large Agricultural Buildings and Greenhouses**

The pending approval of Bill C-45 has raised concerns of an increased demand to use agricultural land for growing and cultivation activities for cannabis. In recent months, staff have received a number of inquiries for cannabis production facilities including greenhouse construction, which staff feel could be related to the pending legalization of recreational cannabis.

A building permit has been issued for a property in the ALR, with a concrete slab footprint of over 7,000 m<sup>2</sup> (75,000 ft<sup>2</sup>) as it was consistent with City bylaws, including the AG1 zone. The issued permit was based on the applicant's assertion that the building would be used for vegetable production. However, in anticipation of new Federal laws legalizing cannabis, staff have noted a great deal of interest in the press and social media, in converting existing greenhouses and constructing new greenhouses for cannabis production.

### **3.2 Provincial Ministry of Agriculture Regulations**

The Provincial Ministry of Agriculture Standards for bylaw preparation identifies the following recommended standards applicable to agricultural buildings and structures and greenhouses:

- Agricultural buildings and structures – lot coverage no less than 35%.
- Greenhouses – lot coverage no less than 75%.

The Richmond Zoning Bylaw AG1 zone is consistent with these recommended standards.



### 3.3 Agricultural Land Commission Regulations

The *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* identifies farm buildings, including greenhouses, as a permitted farm use, therefore a local zoning bylaw cannot prohibit farm buildings in the ALR.

The ALR regulations combined with the existing Provincial bylaw standard guidelines for greenhouses, which recommends a site coverage limitation of no less than 75% for greenhouse buildings, is in staff's opinion, a threat to long-term soil-based farm viability, and the standards do not sufficiently protect high-quality, viable soils for the following reasons:

- greenhouses are permitted on any classification of soil (including Class 1 to 3 – the best soils, which are capable of supporting a wide range of crops);
- the negative impacts of a greenhouse operation covering 75% of a parcel can have on future soil-based farming are not considered;
- there are no Provincial recommended regulations on the construction methods for a greenhouse; and
- the City's AG1 zoned land located within the ALR has agricultural soil capability classifications which are able to support a wide range of soil-based crops with minimal improvements.

### 3.4 Existing AG1 Zone

Richmond's existing Zoning Bylaw is consistent with the Ministry's Standards as the bylaw allows a maximum 35% lot coverage for agricultural buildings and a maximum 75% for greenhouses in the AG1 zone. Based on the permitted coverage in the AG1 Zone, the potential size of greenhouses and large agricultural buildings is considerable, as shown in the table below:

Lot Size	Lot Coverage (Footprint) Greenhouses – 75%	Lot Coverage (Footprint) Agricultural Buildings – 35%
0.4 ha (1 acre)	3,035 m <sup>2</sup> (32,668 ft <sup>2</sup> )	1,416 m <sup>2</sup> (15,242 ft <sup>2</sup> )
1 ha (2.5 acres)	7,588 m <sup>2</sup> (81,677 ft <sup>2</sup> )	3,541 m <sup>2</sup> (38,115 ft <sup>2</sup> )
2 ha (5 acres)	15,176 m <sup>2</sup> (163,353 ft <sup>2</sup> )	7,082 m <sup>2</sup> (76,230 ft <sup>2</sup> )

### 3.5 Impacts to Native Soil – Large Agricultural Buildings and Greenhouses

Careful management of existing native soil on farmland is critical to being able to undertake viable soil-based farming over the long-term. Large agricultural buildings and commercial greenhouses negatively impact the soil capability of land and limit the ability to undertake soil-based farming in the future. Negative impacts to the native soil and agricultural capability of the land may arise from:

- land and site preparation activities needed in advance of construction of buildings, including removal and wasting of existing native soil and required fill activities;

- the actual buildings and structures, concrete slabs/footings and other infrastructure that become permanent fixtures on farmland with no provision for removal of the structure and site remediation at the end of the building life-span; and
- resulting compaction of the underlying sub-soils.

Land preparation works intended to support agricultural buildings and commercial greenhouses typically result in full removal of the native soil to level the site to enable installation of concrete footings and slabs on harder ground to support the building. Native soil removal, in conjunction with construction of agricultural buildings with impermeable surfaces, can also have impacts on stormwater drainage. This may have considerable negative impacts on the agricultural capability of the soil for large areas around the agricultural building unless substantial infrastructure and capital investment is implemented by the farmer to manage on-site drainage.

In the event that an owner/farmer wished to remove agricultural buildings or commercial greenhouses, significant work and investment would be required to revert and remediate the site to allow soil-based agriculture. When building and foundation removal and remediation activities are completed, the soils are likely to be at a lower agricultural capability when compared to the previous undisturbed soils. In staff's opinion, it is more likely that a site occupied by large agricultural buildings and greenhouses would not be used for soil-based agriculture in the future.

### **3.6 Zoning Bylaw Amendments**

In order to protect existing high-quality soils for future soil-based agriculture, Richmond Zoning Bylaw 8500 Amendment Bylaw 9861 incorporates a number of changes to regulate agricultural buildings and greenhouses, including:

- prohibiting the use of concrete slab floors and strip footing type construction to support an agricultural building or greenhouse, thereby preventing large areas of contiguous concrete slab;
- limiting farm building construction methods (not applicable to greenhouses) to individual spread footing construction, with each concrete footing no greater than 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>) in area, and support column/post at a minimum 3 m (10 ft.) spacing. Concrete grade beams connecting concrete pad foundations are not permitted;
- within an agricultural building, limiting the amount of impermeable surfaces at grade to no greater than 10% of the gross ground level floor area of the building – this regulation would not apply to greenhouses; and
- exempting agricultural buildings less than 300 m<sup>2</sup> (3,230 ft<sup>2</sup>) in area from the above regulations – this exemption would not apply to greenhouses.

If a farmer wished to construct a building that would not comply with these regulations, they could apply to rezone the property, which would be reviewed by staff and brought forward to Council for consideration. Through the processing of a rezoning application, information from a Professional Agrologist would be required to justify the scale and construction methods for the proposed building, assess the impact to the soil and future soil-based farming activities. Further,



a financial security would be retained to remediate the site in the future if the greenhouse were removed.

In response to concerns about cannabis production occurring in the ALR on AG1 zoned land, staff recommend that a letter be sent to the Premier of BC, the BC Minister of Agriculture, and the BC Minister of Finance, with copies to all Richmond Members of the Legislative Assembly, the Leader of the Third Party, the Leader of the Official Opposition, and the Chair of the BC Agricultural Land Commission requesting that the Province impose a temporary moratorium on the use of lands in the Agricultural Land Reserve for cannabis production.

### 3.7 Temporary Withholding of Building Permits

Due to the number of inquiries staff have fielded regarding cannabis production in the City based on pending legalization, the potential for large greenhouses and agricultural buildings for cannabis production, and the experience of conversion of greenhouses from vegetables to cannabis production in adjacent municipalities such as the City of Delta and the Township of Langley, staff recommend that Council consider a resolution under Section 463 of the BC *Local Government Act* which allows a local government to withhold issuance of a building permit where the permit would be in conflict with a bylaw(s) under preparation.

If Council were to grant first reading to Richmond Zoning Bylaw 8500 Amendment Bylaw 9861 to regulate agricultural buildings and greenhouses, and wished to withhold the issuance of building permits for such buildings while the bylaw was under preparation, a resolution would need to be endorsed by Council authorizing the following:

*Whereas Section 463 of the Local Government Act allows the withholding of building permits that conflict with bylaws in preparation; and*

*Whereas Council has granted first reading to a bylaw to preserve high-quality agricultural soils, through the regulation of construction methods for agricultural buildings and greenhouses.*

*That staff bring all building permit applications for agricultural buildings and greenhouses in the Agriculture (AG1) zone, received more than 7 days after the date of first reading, forward to Council to determine whether such applications are in conflict with the proposed bylaw to preserve high-quality agricultural soils, through the regulation of construction methods for agricultural buildings and greenhouses.*

### 3.8 Summary

Staff recommend first reading to Richmond Zoning Bylaw 8500 Amendment Bylaw 9861 which aims to strengthen soil-based farming by regulating the type of agricultural buildings and greenhouses and the amount of impermeable (concrete slab) surface that can be constructed.

If Council grants first reading to Richmond Zoning Bylaw 8500 Amendment Bylaw 9861, staff also recommend that Council pass a resolution under Section 463 of the BC *Local Government Act*, which allows a local government to withhold issuance of a building permit where the permit would be in conflict with a bylaw(s) under preparation.

Staff also recommend that a letter be sent to the Premier of BC, the BC Minister of Agriculture, and the BC Minister of Finance, with copies to all Richmond Members of the Legislative Assembly, the Leader of the Third Party, the Leader of the Official Opposition, and the Chair of the BC Agricultural Land Commission requesting that the Province impose a temporary moratorium on the use of lands in the Agricultural Land Reserve for cannabis production.

### **Public Consultation**

Staff have reviewed the proposed OCP amendment, with respect to the *Local Government Act* and the City's OCP Consultation Policy No. 5043 requirements, and recommend that this report does not require referral to external stakeholders as the OCP amendment is generally consistent with the existing policy framework on cannabis, and is an update to the City's existing regulatory framework, to capture the range of issues associated with the pending legalization of recreational cannabis. It is also critical that the bylaw amendments are in place in advance of the approval of Bill C-45 by the Federal government.

A Public Hearing will be held for the proposed bylaws, which will give all interested parties an opportunity to provide Council with their input, and the Public Hearing notice will be placed in the local newspapers, in compliance with the requirements of the *Local Government Act*.

### **Financial Impact**

Section 2.0 of this report provides an overview of anticipated City costs and impacts to resources as a result of the legalization of non-medical cannabis, which are also contingent on funding made available by the Federal and Provincial Government. Staff estimate these costs to be approximately \$1million in the first year and ranging from \$500,000 to \$600,000 per year subsequent to the initial implementation of the new regulations. These anticipated City costs will be subject to future budget discussions.

### **Conclusion**

As directed by Council, staff has reviewed the pending Federal legalization of cannabis and proposed Provincial regulations, and potential implications for Richmond. Staff have also reviewed large agricultural buildings and greenhouses and resulting impacts to future long-term soil-based agriculture. In response, staff has recommended a number of amendments to Official Community Plan, Richmond Zoning Bylaw 8500, and Consolidated Fees Bylaw 8636 to:

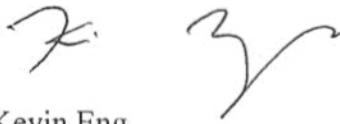
- reinforce Council's Official Community Plan policy on cannabis production to a total of one facility only city-wide in an OCP designated "Mixed Employment" or "Industrial" area;
- maintain the existing prohibition on cannabis retail;
- update land use definitions related to cannabis in the Richmond Zoning Bylaw 8500;
- continue to regulate all cannabis production and related activities on OCP designated "Agriculture" areas to require site specific consideration through a rezoning in accordance with City guidelines; and



- introduce new regulations on agricultural buildings and greenhouses to preserve high-quality agricultural soils to prohibit the use of extensive concrete footings, slabs or other impermeable surfaces for any agricultural building or greenhouse.

In response to concerns about cannabis production occurring in the ALR on AG1 zoned land, staff recommend that a letter be sent to the Premier of BC, the BC Minister of Agriculture, and the BC Minister of Finance, with copies to all Richmond Members of the Legislative Assembly, the Leader of the Third Party, the Leader of the Official Opposition, and the Chair of the BC Agricultural Land Commission requesting that the Province impose a temporary moratorium on the use of lands in the Agricultural Land Reserve for cannabis production.

It is further recommended that staff be directed to pursue all Federal and Provincial cannabis related funding resources available, and update Council as needed.



Kevin Eng  
Planner 2

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- Att. 1: Summary of Proposed Federal and Provincial Regulations
- Att. 2: Official Community Plan (Excerpt) – Existing Policy on Medical Marihuana
- Att. 3: Status of Rezoning Applications – Medical Cannabis Production Facilities
- Att. 4: Cost Estimate for City of Richmond Programs Related to Legalization of Non-medical Cannabis

## Federal Regulatory Regime

A summary of the proposed Cannabis Act as it relates to regulations surrounding the production, distribution, sale and possession of cannabis across Canada is summarized as follows:

- The Federal Government will be responsible for regulating the legal production of non-medical cannabis.
- Possession, sale and/or providing cannabis to any person under the age of 18 will not be permitted (provinces will be able to increase the minimum age).
- Regulate adult (age 18 and older) possession, share, purchase and growing of cannabis.
- Medical cannabis production and access (through the *Access to Cannabis for Medical Purposes regulations – ACMPR*) will continue after the proposed Cannabis Act becomes law. Medical cannabis will not be permitted to be retailed, and all distribution will be required to be directly from licensed producer to patient in accordance with the ACMPR, which is expected to continue, for at least five years, following the legalization of non-medical cannabis.
- The selling or giving of cannabis to youth, including use of youth to commit cannabis related offences will be criminal offences under the proposed Cannabis Act. Other regulations are also integrated into the legislation to prohibit cannabis marketing oriented to youth.
- Personal cultivation by adults of up to 4 cannabis plants per residence/household for personal use only.

## Provincial Regulatory Regime

The provincial regulatory framework is summarized as follows:

- Adults aged 19 years and older will be permitted to possess and/or purchase non-medical cannabis, consistent with the proposed federal legislation.
- The Provincial Government, will be responsible for regulating the distribution, sale and use of cannabis in the province, and have communicated the following:
  - Province of BC will have a government-run wholesale distribution model with the BC Liquor Distribution Branch (LDB) being responsible for province-wide non-medical cannabis distribution.
  - The Province of BC will regulate the retail sale of non-medical cannabis through public stores (government run), private stores and online sales (note: government cannabis online sales only). The LDB will be responsible for operating government stores. The Liquor Control and Licensing Board (LCLB) will be responsible for licensing and monitoring the retail sector (private stores and government operated stores). The province has also communicated that in urban areas, non-medical cannabis will not be permitted to be sold in the same stores where liquor or tobacco is available.
- Personal cultivation by adults of up to 4 cannabis plants per residence/household for personal use only (aligned with Federal regulations). The Province has also identified that cannabis plants cannot be visible from public spaces off the property and will be banned in dwellings used as daycares.





### 3.6.4 Potential City Centre Building Height Increase

#### OVERVIEW

The City wishes to explore increasing building height in a portion of the City Centre. Transport Canada regulates building heights around the airport. YVR and the City have identified a possible area to study for increasing building height (around City Hall see OCP ANSD Map).

#### OBJECTION 1:

Maximize City Centre viability safely by exploring with YVR possible increases in building height around City Hall to improve sustainability, social, economic and environmental benefit.

#### POLICIES:

- a) continue to explore with YVR the possibility of increasing building height around City Hall;
- b) if such building height increases are allowed by the Federal Government, study the implications and benefits (e.g., how high to build, what uses would occur, what the community benefits may be).

Bylaw 9110  
2014/03/24

### 3.6.5 Health Canada Licensed Medical Marihuana Production, and Research and Development Facilities

#### OVERVIEW

In June 2013, Health Canada enacted the *Marihuana for Medical Purposes Regulations (MMPR)* to better manage the research, production and distribution of medical marihuana.

In December 2013, Council amended the Zoning Bylaw to not permit medical marihuana production facilities and medical marihuana research and development facilities in any zoning district City-wide, as they were a new land use, their potential impacts were unknown and it is desirable to prevent the unnecessary proliferation of facilities. Over time, if Council receives requests to approve medical marihuana production facilities and medical marihuana research and development facilities, to protect the City's interests, Council may consider such proposed facilities, on a case-by-case review basis, subject to meeting rigorous social, community safety, land use, transportation, infrastructure, environmental and financial planning, zoning and other City policies and requirements. This section establishes the policies and requirements, by which such proposed facilities may be considered and, if deemed appropriate, approved.

#### TERMS

In this section, the following terms apply:

- "Medical Marihuana Production Facility"—means a facility for the growing and production of medical marihuana in a fully enclosed building as licensed and lawfully sanctioned under Health Canada's *Marihuana for Medical Purposes Regulations* (as amended from time to time), including the necessary supporting accessory uses related to processing, testing, research and development, packaging, storage, distribution and office functions that are directly related to and in support of growing and cultivation activities;





Bylaw 9110  
2014/03/24

- “Medical Marihuana Research and Development Facility”—means a facility for the research and development of medical marihuana only in a fully enclosed building as lawfully sanctioned by Health Canada under the Controlled Drugs and Substances Act (as amended from time to time).

### **OBJECTION 1:**

Protect the City’s social, economic, land use and environmental interests when considering proposed medical marihuana production facilities and medical marihuana research and development facilities by preventing their unnecessary proliferation, avoiding long-term negative effects, and ensuring minimal City costs.

### **POLICIES:**

- a) limit medical marihuana production facilities and medical marihuana research and development facilities, through the rezoning process, to one facility in an OCP designated Mixed Employment or Industrial area. Any future proposals for a medical marihuana production facility or a medical marihuana research and development facility may be considered on a case-by-case basis and may require additional OCP amendments;
- b) a medical marihuana production facility must:
  - i) be located in a stand-alone building, which does not contain any other businesses;
  - ii) have frontage on an existing, opened and constructed City road, to address infrastructure servicing and emergency response requirements;
  - iii) avoid negatively affecting sensitive land uses (e.g., residential, school, park, community institutional);
  - iv) not emit any offensive odors, emissions and lighting to minimize negative health and nuisance impacts on surrounding areas;
- c) medical marihuana production facility applicants shall engage qualified professional consultants to prepare required studies and plans through the City’s regulatory processes (e.g., rezoning, development permit, building permit, other);
- d) medical marihuana production facility applicants shall ensure that proposals address the following matters, through the City’s regulatory processes (e.g., rezoning, development permit, building permit, other):
  - i) compliance with City social, community safety, land use, building, security (e.g., police, fire, emergency response), transportation, infrastructure (e.g., water, sanitary, drainage), solid waste management, environmental (e.g., Environmentally Sensitive Areas, Riparian Management Areas, Ecological Network), nuisance (e.g., noise, odour and emissions) financial and other policies and requirements;
  - ii) compliance with all federal, provincial and regional (e.g., Metro Vancouver) policies and requirements;



Bylaw 9110  
2014/03/24

- iii) compliance with the City Building Regulation Bylaw, Fire Protection and Life Safety Bylaw, Noise Regulation Bylaw, Business License Bylaw, Business Regulation Bylaw and other related, applicable City Bylaws;
- iv) compliance with the current BC Building Code, BC Fire Code, BC Fire Services Act, BC Electrical Code, and other related codes and standards;
- e) the applicant/owner of a Health Canada licensed and City approved medical marihuana production facility shall be responsible for full remediation of the facility should it cease operations or upon closure of the facility;
- f) consultation with stakeholders on a proposed medical marihuana production facility shall be undertaken as deemed necessary based on the context specific to each proposal.

## Status of Rezoning Applications – Medical Cannabis Production Facilities

Application Number	Site Address	Official Community Plan Land Use Designation (Existing)	Current Status
RZ 13-639815	11320 Horseshoe Way	Mixed Employment	Application closed and Bylaw abandoned by Council on July 25, 2016
RZ 14-665028	5960 No. 6 Road	Mixed Employment	Public Hearing September 6, 2016  Bylaw at 3 <sup>rd</sup> reading  Applicant is working on fulfilling conditions of rezoning, including confirmation of licensing approval from Health Canada.
RZ 17-769785	13751 Garden City Road	Agriculture (within the Agricultural Land Reserve)	Staff currently reviewing.  Not consistent with OCP policy (located on Agriculture OCP designated land and would result in more than one cannabis related facility in the City.)
RZ 18-811041	23000 Fraserwood Way	Mixed Employment	Staff review  Not consistent with OCP policy (would result in more than one cannabis related facility in the City.)



**Cost Estimate for City of Richmond Programs Related to Legalization of Non-medical Cannabis**

DEPARTMENT AND CATEGORY	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Richmond Fire Rescue</b>					
Training	\$ 76,000	\$ 8,000	\$ 8,000	\$ 82,000	\$ 8,000
Equipment	\$ 5,000	\$ -	\$ 5,000	\$ -	\$ 5,000
Staff	\$ 270,000	\$ 277,000	\$ 284,000	\$ 291,000	\$ 298,000
TOTAL	\$ 351,000	\$ 285,000	\$ 297,000	\$ 373,000	\$ 311,000
<b>RCMP</b>					
Training	\$ 127,000	\$ 29,000	\$ 29,000	\$ 29,000	\$ 29,000
Equipment	\$ 324,000	\$ 44,000	\$ 44,000	\$ 45,000	\$ 45,000
TOTAL	\$ 451,000	\$ 73,000	\$ 73,000	\$ 74,000	\$ 74,000
<b>Community Bylaws</b>					
Staff	\$ 100,000	\$ 100,000	\$ 102,000	\$ 105,000	\$ 108,000
TOTAL	\$ 100,000	\$ 100,000	\$ 102,000	\$ 105,000	\$ 108,000
<b>Planning</b>					
Staff	\$ 43,000	\$ 43,000	\$ 43,000	\$ 43,000	\$ 43,000
TOTAL	\$ 43,000	\$ 43,000	\$ 43,000	\$ 43,000	\$ 43,000
<b>TOTAL ESTIMATE</b>	\$ 945,000	\$ 501,000	\$ 515,000	\$ 595,000	\$ 536,000



**Richmond Zoning Bylaw 8500  
Amendment Bylaw 9861  
(Agricultural Building and Greenhouse Regulations)**

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

1. Richmond Zoning Bylaw 8500 is amended by repealing and replacing and adding text to various sections of Richmond Zoning Bylaw 8500 as follows:
  - i) Add the following clauses into Section 14.1.4 (Permitted Density Section in the Agriculture (AG1) zone):
    - “4) **Agricultural buildings and structures** and greenhouses solely for supporting a **farm business** or for growing, producing, raising or keeping animals and plants are not permitted to have concrete construction, **hardsurfacing** or other impermeable **structure** or construction sunk into, at or below the **natural grade** of the **site** except:
      - a) Where **Agricultural buildings and structures**, excluding greenhouses, are supported by a system of columns or posts, where each supporting column or post has a minimum radius of 3 m to the next adjacent column or post and that the maximum footprint area for each concrete footing associated with each column or post is 0.5 m<sup>2</sup>; and
      - b) Concrete grade beams connecting concrete pad foundations are not permitted.
    - 5) **Agricultural buildings and structures**, excluding greenhouses, are permitted a maximum of 10% coverage of the **gross floor area** at the ground level of the **building** to be covered by impermeable surfaces.
    - 6) The provisions of Section 14.1.4.4 and 14.1.4.5 do not apply for:
      - b) **Agricultural buildings and structures** on a **lot**, excluding greenhouses, with a cumulative **lot coverage** equal to or less than 300 m<sup>2</sup> in total area for all existing and proposed **agricultural buildings and structures**.”
2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 9861**”.

**MAY 28 2018**

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED by LE
APPROVED by Director or Solicitor BL



June 18, 2018

Sent via email: [cityclerk@richmond.ca](mailto:cityclerk@richmond.ca) , [mayorandcouncillors@richmond.ca](mailto:mayorandcouncillors@richmond.ca)

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

Re: Proposed Amendment Bylaws 9861 and/or 9890 (Agricultural Buildings and Greenhouse Regulations)

Dear Mayor and Council,

We acknowledge and recognize the challenges faced by a number of municipalities with regard to the increased interest in medicinal cannabis and possibly recreational cannabis production on farmland with the impending and uncertain Federal Legislation.

The BC Greenhouse Growers' Association (BCGGA) represents 60 vegetable greenhouses in BC, producing on 750 acres. Greenhouse vegetable production is a major sector of the British Columbia Agricultural economy. The BC greenhouse vegetable industry contributes over \$350 million annually in farm cash receipts to the BC economy and exports over \$200 million of greenhouse vegetable products (tomatoes, peppers, cucumber, and lettuce) annually. The Fraser Valley in BC is the second largest greenhouse vegetable producing region in Canada behind Leamington Ontario.

The proposed amendment bylaw 9861 and the Richmond Agricultural Advisory Committee option 2, proposed amendment bylaw 9890 have been put forward to preserve and protect the long term viability of high quality agricultural soils for future soil based agriculture.

The BCGGA respectfully submits that greenhouse vegetable agriculture is an accepted and viable method of producing food for British Columbians, Canadians and the World, both now and for the

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future. With greenhouses able to produce between 10 – 20 times more food than the same footprint in soil based agriculture, we believe with world population growth and increasing encroachment on agricultural lands that greenhouses will be large contributors in feeding the growing world population.

It is wrong to restrict the structure of greenhouses; there are always innovations in growing methods and new technologies, who of us knows what the future will bring? An example of a new technology being introduced in greenhouses currently is an induction tape in the concrete that moves carts from the production greenhouse to the grading and packing warehouse automatically, reducing the need for human involvement and creating efficiencies. This new innovative use of automation requires more concrete on the floor of a greenhouse and warehouse than previously used. The proposed amendment bylaws would not permit this adoption of new and innovative technologies.

There is mention of concerns for the possible impact greenhouses may have on the future soil-based farming of a parcel; there is no mention of the science behind those possible impacts. Greenhouse owners, when looking for land to purchase for a greenhouse expansion look for a large parcel of flat land with uncomplicated access to services such as water and natural gas and also proximity to market. The land is then laser leveled with minimal topsoil disruption. Concrete post supports and work pathways are poured in the greenhouse and slabs in the grading and packing areas and the warehouse. This concrete allows for the movement of equipment for production and harvesting needs as well as safeguards the food safety standards in the grading and packing areas and the warehouse. Food Safety requirements include a need for a cleanable surface that also ensures the ability to control rodents. This certainly allows the topsoil to be available for future soil-based farming, the soil has not been removed and the concrete can be removed if the greenhouse is ever decommissioned.

There is a discussion in the staff report of impermeable surfaces having an impact on storm water drainage, many municipalities require a storm water management plan when planning to build a greenhouse. This storm water management plan addresses on-site drainage and any possible impacts to the agricultural capability of the soil surrounding the greenhouse.

The staff report mentions that if a farmer wishes to construct a building that would not comply with the new bylaw amendment they could apply to rezone the property, which would be reviewed by staff and brought forward to Council for consideration. The BCGGA respectfully submits that the permitting process for a new greenhouse is onerous enough already without adding another unnecessary layer.

The BCGGA strongly supports the conclusions of the Richmond Agricultural Advisory Committee that the Bylaw Amendments should not be passed. We believe that the Bylaw Amendment will not solve the challenges faced by Richmond (and other municipalities) with regard to the increased interest in medicinal cannabis and possibly recreational cannabis production on farmland with the impending and





uncertain Federal Legislation. We do not believe this bylaw amendment is necessary to protect soil based agriculture for the future.

There needs to be more discussion and consultation with agricultural stakeholders to help shape the future of regulations that affect sustainable agricultural land use.

The BC Greenhouse Growers' Association and its' members remain available to take part in any further discussion.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Armand VanderMeulen".

Armand VanderMeulen  
President, Chair, BC Greenhouse Growers' Association

Cc. Premier John Horgan  
Honourable Lana Popham, Minister of Agriculture  
Honourable Carole James, Minister of Finance  
Dr. Andrew Weaver, BC Green Party Leader  
Andrew Wilkinson, Leader of the BC Legislative Official Opposition  
Jennifer Dyson, Chair, Agricultural Land Commission

**Ministry of Agriculture**  
**BRIEFING NOTE FOR MINISTER FOR INFORMATION**

Ref: 188606

Date: June 25, 2018

**Title:** City of Richmond Zoning Amendment Bylaw No. 9861

**Issue:** City of Richmond (the City) has adopted Richmond Zoning Bylaw 8500, Amendment Bylaw 9861 (Bylaw No. 9861), which has the potential to negatively impact several agriculture sectors.

**Background:** The City of Richmond is concerned about the impact that legalization of cannabis may have on agricultural lands within the city. In response, the City prepared Bylaw No. 9861 (attached as Appendix 1). The bylaw places restrictions on the amount of concrete that can be used in the construction of any agricultural building over 300 m<sup>2</sup> (3229 ft<sup>2</sup>) in size.

Bylaw No. 9861 was never referred to Ministry of Agriculture (ministry) staff for comment. The draft bylaw was forwarded to the City's Agricultural Advisory Committee (AAC) on May 23, 2018. A ministry staff member was present at this meeting and expressed concern over the bylaw. The AAC did not support the bylaw on the basis that it was contrary to the long-term viability of many modern forms of agriculture, and could affect food safety, bio-security and worker safety. The AAC did provide an alternative for Council's consideration; imposing a maximum size for agricultural buildings of 2,000m<sup>2</sup>.

The bylaw package proceeded very quickly. It went forward to public hearing on June 18, 2018. Following the public hearing, Council declined to consider the AAC alternative proposal and adopted Bylaw 9861 without any amendments.

**Discussion:** The provisions of Bylaw No. 9861 are an effective prohibition on farm buildings over 300 m<sup>2</sup> in size in the City and all greenhouses with any concrete in the structure. While Council and City staff state that farmers can apply for a development variance permit to build a larger building or a greenhouse with concrete floors, Council has full discretion under the *Local Government Act* to refuse to issue a development variance permit. Buildings on farms that are typically over 300 m<sup>2</sup> in size with fully concrete floors include dairy and poultry barns, machine storage sheds, produce storage and packing facilities, and processing facilities, including abattoirs.

The BC Greenhouse Growers' Association (BCGGA) has expressed concern about Bylaw No. 9861 to ministry staff, and wrote a letter to the City ahead of the public hearing outlining their concerns (attached as Appendix 2). This letter was copied to the Agricultural Land Commission (ALC) and many government ministers and MLAs, including the Premier and the Minister of Agriculture. The Delta Farmers' Institute, the United Flower Growers and the BC Agriculture Council also wrote letters to the City ahead of the public hearing that supported the BC Greenhouse Growers' Association's position.

The City of Richmond has effectively created a situation that favours residential development rather than farming. The City recently adopted a farm residential footprint of 1,000 m<sup>2</sup> and has now limited the size of buildings to under 300 m<sup>2</sup>; a house can be more than three times the size of a farm building.

When a local government takes action that have the potential to severely undermine agriculture (i.e., there is an imminent threat against a particular industry or that significant provincial interests are affected), the Ministry of Agriculture and Ministry of Municipal Affairs and Housing staff consider whether those actions could be sufficient to trigger an Order In Council (OIC) to regulate the local government. At best, Bylaw No. 9861 will cause unnecessary red tape for farmers who are starting or expanding farm operations that require barns, machine sheds, processing facilities or greenhouses. At worst, it could prevent these uses from occurring as Richmond City Council has full discretion to refuse any development variance permit requests. Staff are continuing to assess the implications of Bylaw No. 9861 and the possible precedent it creates for other non-regulated local governments.

**ADVICE TO MINISTER**



**Ministry of Agriculture**  
**BRIEFING NOTE FOR MINISTER FOR INFORMATION**

Regulating the City of Richmond due to Bylaw No. 9861 merits consideration. Unfortunately, regulating a local government does not provide a mechanism to change a bylaw. Regulation does trigger a local government under s. 554(2) of the *Local Government Act* to do a review of bylaws to identify any inconsistencies with the Minister's Bylaw Standards, but there is no obligation for the local government to correct any inconsistent bylaws. Regulating the City of Richmond could prevent future bylaws from being passed that negatively affect agriculture, and would also send a message to other local governments that prohibitive bylaws in the Agricultural Land Reserve will not be tolerated by the province.

**Immediate Next Steps:**

s.13,s.14

**Appendices:**    Appendix 1 – Bylaw 8500 and Amendment 9861  
                         Appendix 2 – BCGGA Response to City of Richmond Proposed Bylaw Amendment 9861

Contact: Alison Fox, Land Use Agrologist, Innovation and Adaptation Services Branch, 604-556-3106

DIR        WM    ED    JE    ADM    AL        DM    WS

**ADVICE TO MINISTER**