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Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION

Ref: 188668

Date: July 6, 2018

Title: Completion of the 2018 Class D and E Slaughter Licensing Consultation

Issue: Ministry of Agriculture provided a summary of consultation results to the Select Standing Committee on Agriculture, Fish and Food to inform the committee's review of rural slaughter licensing

Background:

From March to April 2018, the Ministry of Agriculture (AGRI) consulted with rural abattoirs and other stakeholders for feedback and suggestions on how to improve rural slaughter licensing in B.C. The consultation focused on Class D and E licences only, and did not consider provincial Class A and B, or federally licensed slaughterhouses.

In March, AGRI invited current and former Class D and E licence holders, the BC Association of Abattoirs, the BC Cattlemen's Association and Regional Health Authorities (RHA) to participate in the consultation. After hearing concerns and confirming there were no privacy impacts, AGRI expanded the scope of the consultation to allow additional input from: Class D and E applicants who had been denied, Class E applicants who were approved but chose not to proceed, the BC Sheep Federation, the Small Scale Meat Producers Association (SSMPA), and the Alberni-Clayoquot Regional District. In total, 200 Class D and E applicants, five RHAs, one regional district, and four industry associations were invited to participate.

The consultation was in the form of three confidential surveys – one for each stakeholder group: Class D and E applicants (current and former licence holders, denied applicants and Class E applicants who were approved but chose not to complete the licensing process); industry associations; and RHAs.

Discussion:

On March 28, surveys were distributed to all three stakeholder groups, who were given 30 days to respond. AGRI received feedback from 65 Class D and E applicants, 11 SSMPA members, five RHAs, the Alberni-Clayoquot Regional District, the BC Sheep Federation, the BC Cattlemen's Association, the BC Association of Abattoirs, and the SSMPA.

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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 m² (3229 ft²) 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 2,000m².

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 m² 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 m² 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 m² and has now limited the size of buildings to under 300 m²; 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

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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.

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

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