

APPENDIX A: LIST AND SUMMARIES OF RELEVANT LEGISLATION¹

This Appendix lists municipal, provincial, and federal legislation and policies that are most relevant to Richmond’s agricultural sector and to the Richmond Agricultural Viability Strategy. A full list of Acts relating to agriculture in BC may be accessed at:

<http://www.agf.gov.bc.ca/resmgmt/fppa/refguide/intro.htm>.

The full text of all provincial Acts may be accessed at: <http://www.legis.gov.bc.ca/>.

The full text of all federal Acts may be accessed at: <http://canada.justice.gc.ca/FTP/EN/Laws/index.html>.

A1. CITY OF RICHMOND BYLAWS AND POLICIES

Annual Property Tax Rates Bylaw

Schedule A of this bylaw establishes the following tax rates for General Purposes:

Property Class ²	Total Tax Rate
1. Residential	3.55666
2. Utility	45.04946
4. Major Industry	9.59869
5. Light Industry	12.52939
6. Business / Other	9.92454
8. Recreation / Non Profit	1.24270
9. Farm	6.60192

Greater Vancouver Transit Authority and Greater Vancouver Regional District tax rates for each of these classes are also listed in the bylaw.

Although the Farm class tax rate is higher than the Residential tax rate, Farm class properties are assessed at a much lower value which results in lower property taxes. See the “Assessment Act” entry in Section A.2 for more details on Farm class.

City of Richmond Official Community Plan (OCP)

The OCP contains many provisions related to agriculture, including, in Chapter 2.0 Jobs and Business, the following commitments:

- Objective 1: Continue to protect all farmlands in the Agricultural Land Reserve.
- Objective 2: Maintain and enhance agricultural viability and productivity in Richmond.

Focussing only upon the parts of the OCP which are most relevant to agricultural operations, the document also establishes landscaped buffering requirements for developments adjacent to the ALR; commits the city to developing and maintaining efficient road, gas, flood protection and drainage, irrigation, and City water servicing in much of the agricultural lands and the City as a whole; the development and protection of Environmentally Sensitive Areas (ESAs); and the development of Parks, Open Space, and Trail networks.

No. 5 Road Backlands Policy: Policy 5037

This policy allows certain Assembly District and School/Public Use District Uses within the Agricultural Land Reserve on the eastern side of No. 5 Road, between Blundell Road in the north and Steveston Highway in the south. Only the front 110 m of the property may have these uses, and the remaining “backlands” may be used for farming uses only.

Currently, this policy states that there will be a moratorium on non-farm uses in this area. The moratorium may be lifted on an individual lot basis according to the following procedure:

- An acceptable farm plan is prepared;
- The owner enters into a restrictive covenant;
- A financial guarantee to farm is provided;
- Active farming is actually occurring.

After this procedure is followed, Land Reserve Commission approval and a rezoning application to the City are still required.

¹ Sources: 1) City of Richmond Policy Planning Department; 2) [for list and summaries of relevant legislation] BC Ministry of Agriculture and Food, 1999. Farm Practices in BC Reference Guide. Available online at: <http://www.agf.gov.bc.ca/resmgmt/fppa/refguide/intro.htm>; 3) [for full text of BC legislation] Government of British Columbia, 2000. Revised Statutes of British Columbia, 1996, Amendment No. 3 (Consolidated to November, 1999). Available online at: <http://www.legis.gov.bc.ca/>.

² Note: Classes 3 and 7, which pertain to Forest land, are not recognized in Richmond. See BC Assessment Property Classifications (online at: http://bcassessment.gov.bc.ca/3_val/3_class.html) for more information.

Zoning Bylaw: Bylaw 5300

Division 221 of this bylaw provides for the Agricultural District zone (AG1). The intention of this zone is “to ensure that rural lands will be preserved for farming and farm-related purposes.”

Permitted uses in this zone are:

- Residential, limited to one-family dwelling;
- Boarding and lodging, limited to two persons per dwelling unit;
- Home occupation;
- Agriculture;
- Keeping and raising of animals for commercial purposes;
- Horticulture;
- Peat extraction and processing;
- Horse riding academy;
- Roadside stands (Classes A and B) ancillary to a permitted agricultural use;
- Animal hospital or clinic;
- Radio and television transmission facilities;
- Public sewage collection, treatment, and disposal facilities;
- Accessory uses, buildings and structures, but excluding secondary suites.

The zone also allows for up to three additional dwellings for full-time agricultural workers employed on the lot in question.

Division 222 of this bylaw provides for the Golf Course District zone (AG2). Permitted uses include:

- Residential, limited to one-family dwelling;
- Boarding and lodging, limited to two persons per dwelling unit;
- Home occupation;
- Agriculture;
- Horticulture;

- Golf course or golf driving range together with sales of golf products, and a food catering establishment;
- Accessory uses, buildings, and structures.

Division 223 of this bylaw provides for the Roadside Stand (Class C) District (RSC). This zone allows for the establishment of a larger roadside stand than Class A or B roadside stands. According to Bylaw 6902 (Business Regulation) Chapter 4, Regulations/Division 3/Subdivision 1/Part 14, Class C stands are allowed to sell produce imported from outside British Columbia (Class A and B stands are not).

A2. PROVINCIAL LEGISLATION³

Land Reserve Commission Act [RS 2000]

This Act establishes the Land Reserve Commission, which administers the Agricultural Land Reserve Act, the Forest Land Reserve Act and the Soil Conservation Act. One of its roles is to preserve and regulate the use of agricultural land in the Agricultural Land Reserve. The Commission hears applications for non-conforming uses, subdivision of land, and the outright removal of land from the Reserve or the inclusion of land into the Reserve. The Act supersedes local government bylaws.

Assessment Act [RS 1996]

This Act establishes nine different property classifications in BC, one of which is “Farm Land.” Farm class properties are afforded a much lower value than residential properties, which means that property taxes for these properties will be lower. A formula, based upon income from the sale of agricultural products, is used to determine whether a property may be considered farm class (see Section 4.1, sidebar, of this document for a description of this formula).

According to BC Regulation 411/95, the assessor will qualify as “farm” all or part of a parcel of land used for:

- a) Primary agricultural production
- b) A farmers’ dwelling, or
- c) The training and boarding of horses when operated in conjunction with horse rearing.

All farm structures are classified as residential.

³All legislation consolidated to June, 2000.

Drainage, Ditch and Dyke Act [RS 1996]

The Act “establishes a system for the regulation and authorization of ditches, watercourses, drainages, and dykes throughout the province.”

Environment Management Act [RS 1996]

This Act gives the Ministry of the Environment the responsibility for environmental protection and management, including water resource management, fisheries and aquatic life management, wildlife management, waste management, and air management, all of which can have an impact on farming and farm practices.

Farm Practices Protection (Right to Farm) Act [RS 1996]

This Act protects farmers from nuisance actions, court injunctions, or specific municipal nuisance bylaws as long as the farmer is operating using “normal Farm Practices.” The Act establishes the Farm Practices Board as the tribunal for complaints about farm practices. The Act is especially relevant to Richmond due to the proximity of farms to urban and residential areas.

Health Act [RS 1996]

This Act provides a legislative framework for the monitoring and safeguarding of British Columbians’ health. Included are regulations concerning sanitation standards, water and food safety, manure handling, dead animal disposal, farm workplace conditions, and farm practices which involve the discharge of nutrients, contaminants, or pathogens into or on the land, air, and water.

Highway Act [RS 1996]

The Act establishes standards for all of BC’s public highways and roads. It includes restrictions on the placement of signage (e.g. for a roadside stand), as well as on the installation or modification of ditches.

Land Title Act [RS 1996]

The relevant portion of this Act is Section 86 (1) which gives approving officers the power to assess the impacts of new subdivisions on farmland and to require the installation of buffers before approval is granted.

Milk Industry Act [RS 1996]

The Act lists the requirements that must be met in order to operate a dairy farm.

Motor Vehicle Act [RS 1996]

The purpose of this Act is to protect public safety on public roads. The Act includes provisions regarding the movement of farm equipment on public roads.

Local Government Act [RS 2000]

This Act provides the legislative framework that allows municipal governments, regional districts, and improvement districts to function. In addition to various corporate powers (such as forming a council, collecting taxes, administration, and spending), the Act determines the powers of municipal governments to license and regulate local businesses, perform community planning and zoning, and engage in public works and utilities. Also included in the Act are specific provisions relating to farming in the context of community planning, zoning, nuisance regulations, the removal and deposit of soil, weed and pest control, and water use and drainage. Recent amendments to the Act allow community plans to include policies aimed at maintaining and strengthening farming.

Natural Products Marketing Act [RS 1996]

This Act allows producers of agricultural commodities (examples include milk, eggs, and cranberries) to establish marketing boards. The marketing boards are empowered to control and regulate the production, transportation, packing, storage and marketing of these commodities. Currently under review is the relevance of this act, and the Marketing Boards it enables, to organic production.

Pesticide Control Act [RS 1996]

The Act regulates the sales, purchases, and use of pesticides in BC.

Soil Conservation Act [RS 1996]

The Act regulates the deposition or removal of soil on land in the Agricultural Land Reserve. The removal or deposition of soil, outside of designated farming activities, requires approval from the Agricultural Land Commission and a permit from local government.

Trespass Act [RS 1996]

The Act outlines some statutory rights and responsibilities of property owners. Common law also applies to issues of trespass.

Waste Management Act [RS 1996]

The Act makes the Ministry of the Environment responsible for waste management in the Province, including powers over waste discharge, storage, and transportation; waste management planning; and spill prevention, controls, and remediation. Agricultural issues covered include: agricultural waste control, open burning smoke control, compost production and use, petroleum storage, chemical waste control, and spill reporting.

Weed Control Act [RS 1996]

This Act places the onus of weed control on landowners, and provides for the appointment of inspectors to ensure compliance.

Wildlife Amendment Act [RS 1996]

This Act provides for the regulation of hunting and angling, and the management of the Province's fish and wildlife.

Workers Compensation Act [RS 1996]

This Act creates the Workers Compensation Board (WCB) of BC, which is responsible for ensuring workplace health and safety, including that of agricultural workers. The WCB also provides rehabilitation and income compensation to workers.

A3. FEDERAL LEGISLATION⁴**Agriculture and Rural Development Act (1999)**

The Act enables joint projects between the federal government and provincial governments in the following areas: enhancing the efficient use and economic development of rural lands, the development and conservation of water supplies for agricultural or other rural purposes, soil improvement and the conservation of rural lands in the province, or the development of income and employment opportunities in rural areas and the improvement of standards of living in those areas.

Canadian Agricultural Products Act (1999)

The Act regulates the marketing of agricultural products in import, export, and inter-provincial trade.

Export and Import Permits Act (1999)

This Act concerns the import and export of agricultural products, and provides a framework whereby a) certain raw goods may be restricted for export in order to ensure processing within Canada, or b) certain goods may be restricted for importation into Canada.

Fisheries Act (1999)

This Act concerns the management of Canada's fisheries. It includes provisions regarding the protection of fish habitat and pollution prevention, and states that "fishways" may not be damaged or obstructed. It places the onus on the landowner to keep ditches, channels, and canals in good repair. The dumping of "deleterious substances," such as fertilizer, pesticides, fuel, manure, and suspended solids into "fishways" is prohibited.

Migratory Birds Convention Act (1999)

This Act protects migratory game birds, migratory insectivorous birds, and migratory non-game birds. The Act prohibits the release of substances that may harm such birds, even if they are damaging agricultural lands.

Pest Control Products Act (1999)

This Act provides for the regulation of pest control products in order to protect human health, the environment, and pest control product performance. Any form of pest control product must be approved before use in Canada.

⁴ All Acts consolidated to 1999.