

Vancouver Urban Agriculture Forum: November 26th, 2011

Table 3 Group Discussion Notes - Government support, regulation, bylaws, and licensing theme

Exercise 1

Count (not exclusive, i.e. people could identify with more than one group) of which group people identify with:

Provincial govt: 2

Municipal govt: 1

Farmer: 5

NGO: 4

Academia: 2

Law: 1

Construction for farming: 1

Initial ideas:

Borrow from provincial legislature: Farm Protection Act protects farmers in the Agricultural Reserve for nuisances and individual lawsuits, if not in Reserve only protected from individual lawsuits. Municipal government could borrow from this provincial legislation to exempt farmers from nuisances. *Seeding the City* (NPLAN and PHLP report, October 2011) contains suggested bylaw language that could be useful.

Business Licensing: doing this puts farmers in the small business category, there is currently no category for farmers specifically. Because of that we sell mostly illegally except in the farmer's markets. This should be changed; the rationale being to legalize and legitimize urban farming (UF) as small business.

Borrow from Chicago's urban agriculture (UA) Ordinance to define and create policy. This could improve access while creating market opportunities. Right now it is hard for local business to source legitimate local produce so instead they go conventional.

100 yard exception(?), can't bring in produce or canning for sale. Selling valued-added products is only allowed at farmers markets, not in supermarkets because of federal labelling requirements. This means most farmers can't sell value-added products on an artisan level. Can't import or export canned goods across border too. Would have to deal with cost of labelling too. Lobbies support this legislation because it keeps out small producers. Rationale: increase food security and local food production and availability.

Liability insurance is an issue. Landowners want to know that they are protected if something happens. I work outside the city so it is less a problem. Insurance brokers are not familiar with

UF operations, don't fit categories so it can be challenging, get assigned to expensive categories. Need to identify risks. Municipalities need to make sure they require reasonable or appropriate insurance and can help farmers get it.

Quantify the social, health, economic benefits of UF. Employment, economic development, education. Need to delve into this to advocate why UF is beneficial. Especially a problem outside the municipalities outside of Vancouver. This rationale would be to justify UF to municipalities, who have similar priorities of being livable, healthy, etc.

I am interested in breaking down a barrier in where food can be sold, specifically private and public space. Clarifying bylaws to allow local food to be sold in more places and spaces. Rationale: to be able to bring food to large corporations like Telus, BC Hydro. They have specific requirements in where the food can be served or sold. Make local food convenient. Farmgate also an issue here. Public amenity park, private space but can't be used even though people agree that it would be good.

Less regulation. UF is a business, often individual. Should it be licensed at all? Can there be clarity without requiring a license. Like Victoria's chicken bylaw, regulation by absence. What does licensing bring, what does it solve?

Portland and NYC don't have chicken bylaws, just nuisance. Lack of protein in UF, 4 chickens can feed 2 people who like eggs, why don't we say that a certain amount of noise or odor is acceptable?

To the above: Victoria doesn't have limits and has only had 1 complaint. Seattle uses dog licensing system for goats to use existing policy.

Would the rationale be clarification of these benefits? It is on government's radar.

The outcome of not being licensed means you are illegal. If its is permissive unless it is regulated than that is better. Without licensing are we not legitimate?

Yes, within the city bylaw we are. Do we need a framework?

But this doesn't solve the issues, we need a framework. Other people can work without a license to make a living. I can do consulting out of home, but can't farm. If we make it legal.

Anything physical that you sell in Canada must be licensed. Difference between selling and producing for consumption.

If that happens the government can control what is being produced. Reduces ability to thrive economically.

I am interested in the licensing issue and can see it both ways. I am interested in the social benefits of UF being recognized. As a specific example if we are going to be developing UF policy, I want farmers to be brought to the table and be equal with the policy makers in the

process. Using urban farmers for consulting, or paying urban farmers for their social benefits they produce. Rationale: UFarmers produce social benefits that they need to be paid for. Selling food isn't a huge income generator within current food system. UFarmers should be integrated into the policy process, recognition of the nutritional value and contribution to public health. I don't know what it looks like but there are benefits they should be paid for.

From a legal standpoint, it is important to have an integrated look at the effects of policy on the food system. Talking about Vancouver, an inventory of the bylaws and regulations that affect this sector, remember that it is part of the greater food system. Look at the chain of food production. It is clearly disconnected. Rationale: integrating so that there is a rationale with all the regulations that affect the area, remove policy obstacles. And people that are coming into this area, it would be useful to know what bylaws affect you. This could be integrated from different departments.

Social policy and development and engineering services don't get integrated enough. Cutting down on bureaucratic process.

I might just throw zoning in separate from bylaws.

I think that the whole regulatory framework is important.

And where food is grown, that is dealt with zoning.

This goes to the argument of quantifying benefits. From a government point of view. The CRD manages 40 buildings, put out a bid on landscaping, no one bid for it, it was too low. I suggested gardens instead of ornamental. 40 buildings now have community plantings, government saves money, community gets involved, produce food. Works well for government because they see UF leads to cost-saving and benefits. All municipalities have required greenhouse gas reduction plans, projects like that help. Cost-saving and generating income and they understand that.

Shows how food can add benefits to many projects. Policy often is better when it is ground-up, how can they serve the population they are meant to serve?

Can I just add, I want to recognize that the City has laid out a UF plan for Greenest City, policy directives are top down and now we are coming up to meet that. I am finding hammering doesn't work, need to nudge the city on policy.

Communities want standardized food production. What is that consumers want? Do we have the capability to meet the consumer's expectations? This is a potentially difficult task. We could use surveys; it is easy for farmers to say what they want, but not to know what the consumers want.

Exercise 2

I don't want to have to get a license.

Why not?

Don't want to pay, don't want them in my business. Nuisance laws should be enough. I know more about farming than they do. I would be concerned about barriers.

I just want to differentiate between licensing and regulation. They are not always together and regulation is more of a concern. Licensing has to be on cost-neutral basis. It may be painful in some ways but I am more worried about regulation and licensing. Any sold product has to be licensed in North America. These have to be differentiated.

I have problems with my city council if we, for example, raise chickens. They don't want to hear about it.

We just added it as a home based business.

I am ok with it if it is low cost.

Yea, if it is not a barrier to entry.

Could they be based around production levels?

That is related to the idea that governments want predictability and risk avoidance. We want best practices and model bylaws. Look at Seattle and Portland, goats are ok so we can do it. Officials can use model bylaws so they know they aren't the first, makes it easy.

Can I suggest UF is zoning neutral, (three agreements). Doesn't have to be in a specifically zoned area, you can do it anywhere there is space you own.

Rationale: it makes more land available. Opens up opportunity.

Creates more green space, especially in areas devoid of it already.

That suggests another step, an UF inventory within the city.

Vancity is doing one now.

Public and private land inventory.

But it isn't just horizontal, there are vertical farming options too.

Identify parcels for potential urban farming.

I suggest public engagement instead of consultation. It is better to engage instead of present new bylaw. The research project (UF inventory/census in Vancouver) by Marc Shutzbank is the best, research saved Insite, we need to be able to use this data to quantify effects of such projects. Community based research and engagement.

We want to make it neighborhood level, there is knowledge there, each neighborhood will want to craft something different.

You could even do something around kitchen table level or surveys to get ideas.

Need to include private business owners and elected officials, need more.

And from the staffing side.

How do you allow the public to truly engaged?

Like this, community driven, include all key stakeholders.

City to invest in infrastructure for multilingual, cultural forum. Lots of people who eat and grow in this city don't speak English.

Price makes farmers markets dominated by English speakers.

We need knowledge from the people that are really involved in growing their own food because they are not at table, there are knowledge gaps from barriers like generational and language gaps.

So these barriers need to be identified and addressed by the City. Seattle allows regulations around selling food, you can sell on site and off site, how can we explore not having regulations, to ensure that food being grown can be sold on and off site.

You can have permissive regulation, doesn't have to be restrictive. We have a clear framework that way.

Licensing is the first step to regulation. Licensing could be neutral, you don't have to sell a certain product, in a certain place, etc. License should allow you to sell wherever, not the case with produced liquor sales.

What I can say, 70% of council is development proposals, most of the discussion is about traffic. The reason Victoria has a bylaw saying you can produce food and sell it but not farmgate is because of traffic. We are all talking about the walkable city. There is no reason to drive to Granville Island if you can buy from your neighbors. But people don't want more traffic, resistance will be immense.

Answer: email list of customers when we have farmgate, this is illegal but they come and pick it up by appointment.

We should get academics to map this to show that customers are local.

City of Richmond passed law to allow a secondary agricultural zoning on all land in Richmond, has to do with farm gate question.

Are there legal issues that could scare the City on this?

Neighbors. More people show up about local residential building than big projects. New City Market project is a good idea, because it gives a new outlet in addition to farmgate. This allows centralized distribution.

And the potency of neighborhood farms can pick up veggies as they walk, increase access, better system than a food hub. Good secondary walkable city.

Can add value added project to a central hub too.

The big problem is that the City is very protectionist around commercial lease holders. They protect the space for people that provide commercial food. Food carts happen too, restaurant owners complain they are losing customers to them. Need to make sure it is legitimate, protect BC grown products, makes sure people aren't dumping products to sell illegitimately.

You can do it with weekly sales at QuickStop. Partnerships with local businesses to facilitate local sales.

Won't let you do that here. Problems are that zoning won't let you sell fresh products. Need to change zoning to allow this.

City of Vancouver has a lot of successful models to follow, don't have to just change zoning from scratch can use best practices and model bylaws.

Exercise 3

(We have laid all the existing papers out, this method worked well as it allowed us to synthesize as well as clarify, some topics were repeated on different pages or clarified later)

We need to recognize UF as a social benefit and amenity: consultation, other applications.

Use Farm Practices Protection Act as a model for bylaws.

Non-restrictive licensing

Create permitted use in every zone, if a social benefit everywhere it should be everywhere.

Rationale: to decrease barriers, legitimizing UF as a business, increase accessibility and convenience of local and nutritious food for consumers and producers and security for farmers

Inventory of available land

Researching current bylaws, identifying gaps, looking for good model bylaws and best practices

People who are getting in trouble with the government for keeping chickens, building new farming buildings, or other 'novel' UF practices, should be allowed a period for research to prove it is good.

Can use Temporary Use Permits for the above.

Can show how different bylaws or departments conflict or compliment, or don't communicate together, figure out how to streamline bylaws from production to selling, etc.

Look at how all the bylaws link to licensing process.

Neighborhood-based consultation on bylaws, multi-lingual and culturally relevant, take into account needs and wants of both consumers and producers

Exercise 4

Decided we already have our top three big ideas, want to clarify rationales.

Incorporating community ideas while minimizing conflict.

Increasing number of people engaged through outreach, especially those who aren't here and represented now, more inclusive of other cultures, languages, incomes.

Increasing the possibilities of success for UF endeavours.

Ensure that change to bylaws are useful and relevant to UF producers and consumers.

Cut the bureaucracy of licensing.

Make the process of UF easier and more attractive, reduce barriers to entry.

Also encourages cooperation and communication between different departments, bureaucratic reform? Hopefully this will increase synergy and efficiency.

Hopefully recognizing UF as a community asset and public benefit would help in legitimizing UF, especially within the business development community, as a small business.

Eligible to receive Development Cost Charge (DCC) benefits from developers, *quid pro quo*.

Top three ideas: recognizing the social benefits of UF, inventorying and revising bylaws, and public engagement in the policy process.

(Comments now re: top idea for UF)

Public engagement is key because it is the process for recognizing the social benefits and revising bylaws.

(Decided that although they are all related, inventorying and revising and inventorying bylaws is the priority.)