

Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission

Interim Committee Report to the
Minister of Agriculture

Prepared by
**B.C. Minister of Agriculture's Advisory Committee for
Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission**

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Acknowledgements

The Minister of Agriculture's Advisory Committee for Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission (the Committee) includes the following members:

- Vicki Huntington (Chair);
- Irmi Critcher;
- Arzeena Hamir;
- Chris Kloot;
- Chief Byron Louis;
- Lenore Newman;
- Shaundehl Runka; and
- Brian Underhill.

Ministry of Agriculture staff serves as the Committee's Secretariat: Martha Anslow and Britney Irvine. Agricultural Land Commission staff serves as advisors to the Committee: Kim Grout, Liz Sarioglu and Lindsay McCoubrey. The Committee is grateful for the high value these staffs bring to the Committee's work.

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The Committee would like to especially recognize the efforts of the current ALC Chair and former Chair of the Committee, Jennifer Dyson, whose dedication and vision set the path for much of the Committee's work.

Finally, the Committee wishes to thank the Honourable Lana Popham, BC Minister of Agriculture, for the opportunity to lead this important initiative and to be able to bring forward this Interim Committee Report.

Executive Summary

On January 4, 2018, the Honourable Lana Popham, B.C. Minister of Agriculture, appointed an independent Advisory Committee (hereafter “the Committee”; see Appendix A Terms of Reference) to lead stakeholder and public engagement and to deliver to the Province interim and final recommendations for legislative, regulatory and/or administrative changes that would revitalize the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) now and for the future benefit of all British Columbians.

This interim report has been prepared to support the development of a bill for legislative change needed to address province-wide risks to the ALR and the work of the ALC. Additional recommendations will be made as part of the Committee’s final report later this fall.

This report focuses on three sets of recommendations for immediate action:

- Changes to the *Agricultural Land Commission Act* to address key impediments to a strong ALR and ALC;
- Provincial actions to ensure that the federal legalization of cannabis does not have an irrevocable impact on the value and integrity of the ALR; and
- Development of a strategy for the Northeast to promote responsible resource extraction while protecting the ALR and providing support for a strong farming sector.

In developing this report, the Committee considered the results of its nine community stakeholder meetings and other public engagement, including a survey of more than 2,300 online respondents, over 275 written submissions, and numerous expert presentations and reports.

This input led to the Committee’s identification of two critical concerns they considered core to the development of recommendations to strengthen and revitalize the ALR:

The urgent need for province-wide shift to an ‘agriculture-first’ focus in the ALR

- The Committee’s interim recommendations reflect the pressing need for strong provincial leadership and a government wide shift to an ‘agriculture-first’ policy approach to all government actions and decision-making in the ALR. It is the Committee’s considered opinion that unless the provincial government raises the profile of agriculture across all provincial ministries/agencies, the erosion of the ALR and the decline of British Columbia’s (B.C.’s) agricultural industry is a certainty.

The urgent need to curb speculation in the ALR

- As urban land prices increase and population grows, the pressure to develop agricultural land continues to build and prime agricultural land is being taken out of production by investors and speculators or converted to support non-farm uses.
- The Committee believes speculation on agricultural land must be curtailed if the long term viability of agriculture in B.C. is to be realized.

The recommendations contained in this report are organized into three parts:

Part I: Recommendations for Immediate Legislative and Regulatory Change

The need for immediate legislative and regulatory change is focused on four targeted areas:

- i. Protecting the ALR land base into the future;
- ii. Preserving the productive capacity of the ALR;
- iii. Improving governance of the ALR; and
- iv. Supporting farmers and ranchers in the ALR.

Part II: Recommendations for Immediate Action to Protect the ALR

Mitigating the impacts of oil and gas activity in the ALR:

The Committee is recommending the immediate establishment of a Deputy Minister level taskforce with internal and external agriculture partners and stakeholders from the natural resource sector. The Committee recommends that the taskforce be directed to develop a strategy to address the significant resource extraction issues impacting the ALR and its farmers and ranchers in B.C.'s Peace River region.

The development of the important and expanding provincial oil and gas resources in the North has exceeded the capacity of the current regulatory environment to protect farmland. The Committee believes there is a policy imbalance so acute that the productive agricultural land base of the area is threatened.

Restricting cannabis production in the ALR:¹

The Committee has significant concerns about the future regulation and production of cannabis in the ALR and is recommending actions be taken to better protect the ALR. The Committee did not seek specific comments from stakeholders and the public on cannabis: however the issue was a common and urgent concern heard throughout the engagement process. The Committee notes that the Minister of Agriculture recused herself from provincial cannabis-related decisions but was committed to bringing this key ALR-related concern to the Province's attention.

Part III: Key Issues Under Consideration for Final Report

As stated earlier, this report summarizes interim findings only and the Committee continues to examine issues that are important to stakeholders. This report should not be considered a complete list of recommendations put forward by the Committee, especially given the Committee has not yet had the opportunity to review the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. As such, Part III presents other issues that are still to be considered for the final report.

¹ Although the Minister of Agriculture recused herself from cannabis-related decisions, the Committee has made recommendations on cannabis production in the ALR for forwarding to the Minister of Forests, Lands, Natural Resource Operations and Rural Development, who has assumed the Minister's role in cannabis-related decisions.

Some of the issues that the Committee continues to examine fall into themes that are interconnected with the recommendations set out in Parts I and II of this report. These recommendations are viewed also as potential policy actions that will support and complement the purposes of the ALR and work of the ALC. These include:

- Regulatory changes needed to preserve the productive capacity of the ALR;
- The encouragement of farming and ranching in the ALR; and
- Administrative and program changes.

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Interim Report

Introduction

The Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) were put in place in the early 1970's to preserve the limited agricultural land resource in British Columbia (B.C.) at a time when urban development was starting to have a serious negative impact. The legislation is unique and viewed around the world as visionary.

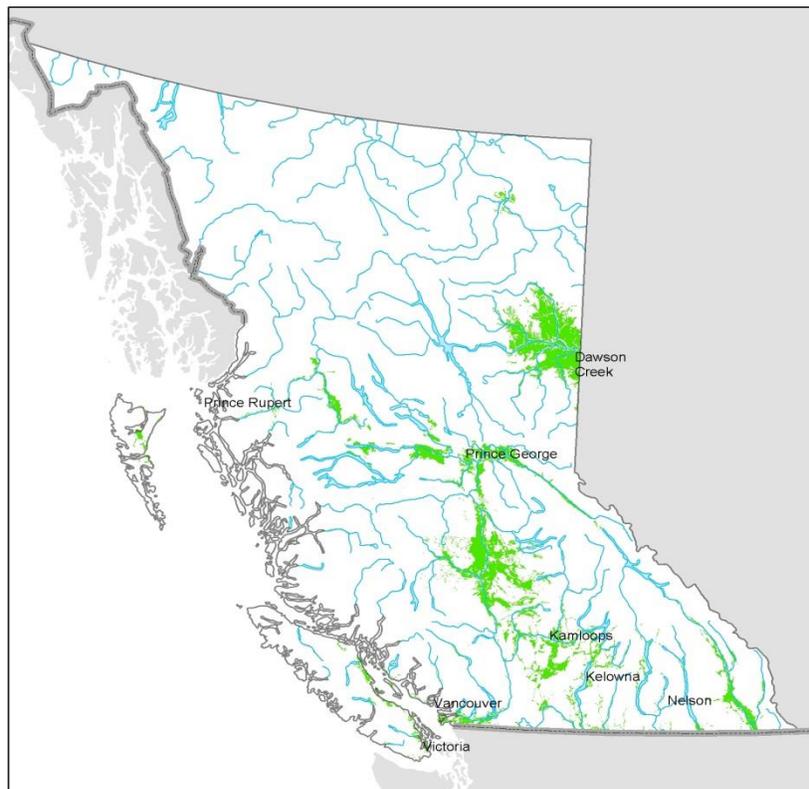
The ALR is a provincial zone in which agriculture is recognized as the priority use, farming is encouraged and non-agricultural uses are restricted. The ALR comprises just five per cent of B.C.'s total land base and is the area with the greatest agricultural capacity.

The ALR is a working landscape where the business of agriculture takes place and upon which farmers and ranchers rely to make a living and grow food for both local consumption and export. More than 17,500 farms operate within the ALR, employing more than 44,500 workers and producing more than 200 different agricultural products. Total farm capital in B.C. in 2016 was more than \$37.5 billion.

Agriculture is a strong component of the B.C. economy and a stable industry in many parts of the province. In 2016, B.C. agriculture generated \$2.5 billion in exports and \$1.3 billion in GDP.²

The work of the Minister of Agriculture's Advisory Committee (the Committee) is

Agricultural Land Reserve in BC



² Statistics were drawn from the "Sector Snapshot 2016: B.C. Agriculture", Ministry of Agriculture, https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/statistics/industry-and-sector-profiles/sector-snapshots/bc_agriculture_sector_snapshot_2016.pdf, August, 2017 and from "Agriculture in Brief", Ministry of Agriculture, https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/statistics/census/census-2016/aginbrief_2016_all_province_region_regional_districts.pdf, 2016

centered on the revitalization of the ALC and the ALR. The objective is not just about agricultural land and the people today, but is meant to be forward looking, resilient and poised for the future.

The Committee recognizes that the ALC needs to be innovative and flexible to adjust, while keeping the mandate as its compass and agriculture as its priority.

The ALR is based on the biophysical capacity of the soil and climate to produce agricultural products. Agricultural soils can be used again and again; however, agricultural land is an irreplaceable, non-renewable resource. Since its inception in 1973, the ALC has considered over 45,000 ALR land use applications.

The pressures on the ALR are significant and inevitably lead to a reduction in the amount of existing, agriculturally capable land within the ALR. They threaten the physical capacity and availability of ALR land to adequately support B.C. farmers and ranchers now and in the future. They impact B.C.'s option to grow its own food. They include:

- Natural limitations: portions of the ALR are covered by lakes, wetlands, waterways and other natural obstructions that impact agricultural production;
- Infrastructure and jurisdictional limits: portions of the ALR include or are impacted by roads, railways, rights of way, and other built or jurisdictional impediments (i.e. federally regulated lands), which impact the potential for agricultural production;
- Intensive non-farm use: land owner activities that do not support agriculture include large scale residential development, commercial activities and resource extraction. All impact the productive capacity of ALR parcels;
- Increasing agricultural land prices that arise from speculation and non-farm use impacts both the ability of existing farmers to expand their farm businesses, and for new entrant farmers to purchase farmland;
- Extensive operations that may or may not be ancillary to agriculture 'pave over' large sections of ALR parcels, rendering them un-farmable and thereby undermining the purpose and intent of the ALR;
- Proliferation of unauthorized and illegal activity, including the illegal dumping of fill and urban waste disposal, severely impacts the agricultural capacity of the soil; and
- Uses permitted in the regulation are being conducted with little or no connection to on-farm agricultural production.

The ALC works with local governments at the municipal and regional level to ensure that an agriculture lens is presented and that land use planning is consistent and supportive of the ALR. The ALC also works with provincial government agencies and ministries to ensure agricultural land is a priority and the function of the ALC is understood by a wide array of stakeholders.

Despite the success of the ALR, the nature of pressures has been changing and remains significant and relentless. Many of the pressures have little to do with the business of agriculture but everything to do with urban expansion. The pressure threatens the physical capacity and availability of ALR land to adequately support B.C. farmers and ranchers now and in the future.

The Committee's Interim Report addresses many of these pressures through recommendations to better protect and revitalize the ALR, to reduce physical impacts to the ALR's productive capacity, and to ensure strong governance of the ALR well into the future. It is the hope of the Committee that the recommendations for legislative and regulatory changes will not only inform and support the Minister as

she proceeds with the revitalization of the ALR and ALC, but will also set the stage for effective, final recommendations from the Committee.

ALR and ALC Revitalization Objectives

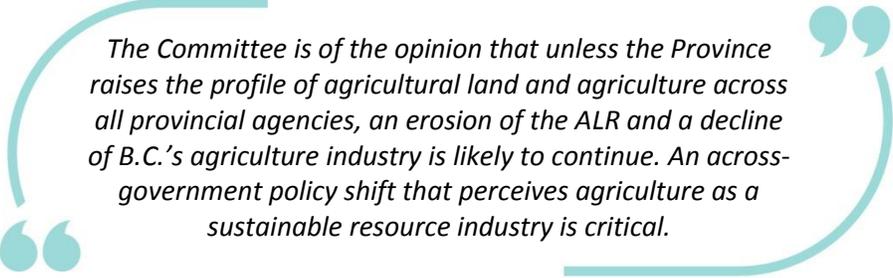
To better understand ALR pressures and opportunities, the Committee undertook stakeholder and public engagement from February 5 to April 30, 2018, and prepared a [Discussion Paper](#) focused on ten common ALR and ALC themes and three broad revitalization objectives:

1. Preserve the productive capacity of land in the ALR;
2. Encourage farming of land in the ALR for uses related to agriculture and food production; and
3. Strengthen the administration and governance of the ALR and ALC to both increase public confidence and to ensure that land use regulation and land use decisions are about preserving agricultural land and encouraging farming and ranching in the ALR.

Over the course of its nine-community stakeholder consultations, broad online public engagement, and research and reporting from sector experts, it became clear to the Committee that these objectives are also fundamental principles for effective revitalization and that they have broad and deep public support. They have guided the Committee's work, and the resulting principle and objectives-based approach to revitalization is reflected in the Committee's interim recommendations. They will also be integral to the Committee's final report.

Urgent Need for a Province-wide Shift to an 'Agriculture-first' Priority Focus in the ALR

The Committee's interim recommendations reflect the pressing need for an 'agriculture-first' policy shift based on strong provincial leadership and a commitment not only to preserve and protect farmland, but also to support farming and ranching in B.C.



The Committee is of the opinion that unless the Province raises the profile of agricultural land and agriculture across all provincial agencies, an erosion of the ALR and a decline of B.C.'s agriculture industry is likely to continue. An across-government policy shift that perceives agriculture as a sustainable resource industry is critical.

Indeed, throughout the Committee's stakeholder and public engagement, the need for an 'agriculture-first' priority approach was a key message of farmers, ranchers, local governments, agricultural organizations, partner organizations, and experts across the agricultural spectrum. This message has guided the development of the Committee's Interim Report. It is the Committee's strong opinion that an 'agriculture-first' approach to all government actions and decision-making in the ALR is necessary going forward.

Urgent Need to Curb Speculation in the ALR

As urban land prices increase and population grows, the pressure to develop agricultural land continues to build. Agricultural land is being taken out of production and investors and speculators are being allowed to exploit tax system incentives intended only for those who farm.

The permissive nature of the ALC Act and regulations, that include very few, if any, limits on the size and scale of permitted farm and non-farm uses, including both mega-homes, and regulations that allow anyone to apply to remove land or develop non-farm uses in the ALR regardless of how long they have owned a property or farmed it, contributes to the perception that the ALR is “open for development”.

The Committee believes speculation on agricultural land must be curtailed if the long term viability of agriculture in B.C. is to be realized. The ALC was intended to protect and encourage the agricultural use of land. It was not intended to be a rationing board tasked with regulating the slow release of agricultural land from the reserve or the conversion of the land base to support non-farm uses.

Committee Engagement and Research

Throughout the development of the interim recommendations, the Committee considered previous analyses of the ALR and ALC; the current and past authority and functions of the ALC; farmland protection in other jurisdictions; and the results of stakeholder meetings and public responses. The Committee reviewed and considered all written submissions, a significant body of research, expert presentations, and advice from recognized industry, academic and other agriculture sector leaders. Please see the Appendix 2 Bibliography for more information.

The Committee’s consultation process took place from February 5 to April 30, 2018, and included stakeholder meetings in nine communities, public engagement via an online survey, and mail and email responses. More than 2,300 British Columbians responded to the online survey, including more than 750 farmers; 115 agriculture specialists; and more than 1,400 responses from the general public. There were also 240 responses from people representing an agricultural industry or interest group. South Coast residents completed 900 surveys, while submissions topped 800 from the Island, 200 from the Okanagan, and more than 100 from each of the North, Kootenay and Interior regions. Over 270 direct email and regular mail submissions were also received by the Committee.

Part I: Recommendations for Immediate Legislative and Regulatory Change

The Committee's interim recommendations include changes to the legislative and regulatory framework under the authority of the Minister of Agriculture.

Recommendation 1: Strengthen the Act to prioritize agriculture by better defining the ALR, including the purposes of the ALR, and establishing 'agriculture-first' criteria for consideration in all ALC decisions

Issue/Rationale:

The ALC Act (the Act) currently includes the purposes of the ALC, but does not include the purpose of the ALR. Putting renewed emphasis on the nature and longevity of the land reserve itself and committing to actions that effectively preserve it for farming now and into the future is the single-most important action the Province can take to revitalize B.C.'s ALR and instill additional meaning into its administrative structure.

The existing purposes of the ALC are often interpreted differently (and at times incorrectly) by local governments, ALR landowners and other stakeholders and, sometimes unwittingly, result in an attempt to use the ALR for non-agricultural purposes. Given the significant challenges and pressures impacting the ALR at this time, it is critical to focus ALC decision-making on protections that sustain the scope, scale and productive capacity of B.C.'s agricultural land and uses that are strongly connected to agriculture and supportive of farming.

The Committee heard from stakeholders throughout the province that revitalization of the ALR and ALC is not possible without strong, stated provincial government leadership. Despite the important role of the ALC, agricultural land continues to be targeted for uses other than farming, and farmers receive increasingly fewer supports and incentives to actively farm. Clear statutory direction/authority for the ALC to consider priority factors and considerations that ensure a farmable, sustainable ALR is essential. Stakeholders emphasized the need to focus on agricultural land preservation and protection in the interest of farming and farmers.

Acting upon this recommendation will build greater clarity, enhanced transparency, and improved consistency of ALC decision-making. These changes will require the ALC and Ministry of Agriculture to not only take leadership in shifting provincial agencies to an 'agriculture-first' model, but will also require an on-going public education program to solidify support for the ALR.

Recommendation 2: Increase the autonomy, independence and effectiveness of the ALC by ensuring that merit based Commission appointments are made in consultation with the Chair and by increasing the oversight role of the Chair in the selection of both Commission members and the CEO

Issue/Rationale:

Strong, stable governance is critical to the long-term success of ALC revitalization. The ALR must be preserved and positioned to support and sustain agricultural production into the future—across the province. To do this, the ALC must be an independent, administrative tribunal able to make strong, sound and final decisions on agricultural land use within the ALR.

Previous policy decisions to move away from merit-based Commission appointments, and remove active Chair participation in the selection of Commissioners and the ALC Chief Executive Officer, have eroded the ALC's credibility and its capacity to reflect agriculture sector interests and effectively lead and guide

appropriate ALC decisions, programs and services. At times, government interference in the appointment process and in ALC governance, contributed to an erosion of public trust.

ALC Commissioners should be appointed as set out in the *Administrative Tribunals Act* and with the same rigour as other administrative tribunals in B.C. The Committee heard strong support for ALC independence; merit-based Commission appointments; well-managed and timely decision-making structures and processes; and responsive programs and services.

Recommendation 3: Ensure province-wide decision making that is consistent and fair with an ALC governance structure that is flexible, locally-informed, regionally-representative, and puts 'agriculture-first'

Issue/Rationale:

Based on the need for strong, stable governance and a provincial-level understanding and approach to ALR decision making, the Committee considered whether the current panel structure supports the revitalization of a strong and defensible ALR and ALC into the future. It is the Committee's opinion that:

- The current structure of one Chair, six Vice Chairs and 12 Commissioners (for a total of 19 Commission members), operating in six statutorily-prescribed regional panels with an Executive Committee reviewing decisions, is costly in many ways;
- While the panels provide for regional views, panel decisions have been overturned by the Executive Committee because of issues and inconsistencies respecting Commission purposes and ALC policies;
- The prescribed regional panel structure and function do not support an over-arching provincial vision and approach to protection of the provincial ALR. The existing governance structure has what amounts to six 'regional commissions'—with little evidence the panels can maintain a provincial ALR focus. A lack of provincial perspective (particularly at the local government level) was one of the primary reasons for creating a provincial body in the first place. The issue remains just as important and relevant today; and
- The existing structure provides limited opportunity for the training and education of the Commissioners so they better understand the provincial focus, let alone other regions of the province.

It is the Committee's view that the existing statutorily-prescribed regional panel structure makes what should be provincial-scale values and decision-making vulnerable to local perspectives and influence. A flexible, locally informed, regionally representative and 'agriculture-first' ALC structure allows for the ALC to determine how best to deploy its government-appointed Commissioners to meet the Commission's operational and legislative requirements. Operational flexibility is an important component of managing the Commission workload, utilizing the expertise of individual Commissioners and maintaining a provincial perspective during the consideration of regional interests.

The Committee heard arguments both for, and against, the current panel structure from stakeholders and members of the public across the province. Most stakeholders supported some form of regional representation. Many stakeholders were frustrated with the current process for panel decisions; with review by the ALC Executive Committee; and with the added time required for the full review process to be complete. Other stakeholders were concerned about the integrity of the ALR given the inherent potential for disparate views and approaches to decision-making in the ALR by six separate three-

member panels. There was also concern expressed that panel members could, unwittingly or otherwise, make locally-biased and/or expedient decisions.

Recommendation 4: Safeguard agricultural values across the province by reinstating a one-zone ALR decision-making model across B.C.

Issue/Rationale:

The Committee heard strong support from stakeholders and the public for the removal of the artificial distinction between ALR land in Zones 1 and 2. The majority of respondents strongly felt that the objective of allowing other economic activities and non-farm considerations to be on par with—and in some cases, to supersede—agriculture in Zone 2, weakened the Act and created expectations that the ALR was open for non-farm development.

It is important to emphasize that lands in Zone 2 are some of the best agriculturally capable soil in the province, and large areas that may be viewed as lower quality are the best lands for extensive ranching activities. Currently, Zone 1 comprises 353,000 hectares of Agricultural Capability Class 1-4 land, while Zone 2 comprises 2,072,000 hectares of Class 1-4 land.

The majority of stakeholders felt the two-zone ALR was unfair, and undermined the concept of a province-wide ALR, with the same law and regulation. The Committee believes a two zone ALR system weakens the purposes of the ALC to preserve agricultural land and to encourage farming across the province and diminishes the priority of agriculture in 90 per cent of the ALR for no discernible benefit. Zone 2 appears to have been established solely to support economic development and other community interests in the ALR and impacts the credibility and stability of decision-making across the ALR.

Reinstating a single zone will provide a strong, stable and consistent legislative and administrative framework for governance across the ALR at a time of significant and rapidly growing pressures and challenges. It will support more consistent and equitable agricultural land use, and ensure agriculture remains the central focus of decision-making in the ALR.

Recommendation 5: Strengthen ALC compliance and enforcement tools, and capacity, to better protect the ALR

Issue/Rationale:

Stakeholders and the public are very supportive of stronger ALC compliance and enforcement tools, particularly for obvious instances of non-compliance such as unauthorized uses, non-farm uses, and mega-home residential development.

ALC compliance and enforcement efforts struggle to be effective due to both the vastness of the ALR across the province and the lack of legislative authority for low and mid-level penalties that would support and enforce compliance. The ALC advises that its compliance and enforcement must be enhanced by increasing Commission resources, and by developing the capacity to effectively use additional legislative tools and instruments.

Smaller scale, immediate enforcement options, on a par with other provincial enforcement officers and mechanisms, would enable the ALC to appropriately address minor non-compliance issues. These enforcement options would also help develop greater public awareness of inappropriate activity on the ALR. Consistency between the Act and other legislation in the arena of enforcement would enable the ALC to properly exercise its responsibility to decrease the incidence of unauthorized uses in the ALR. Over three-quarters of stakeholders (78 per cent) surveyed in the ALC's 2018 Local Government

Engagement Survey indicated that more enforcement from the ALC would be an effective strategy to reduce non-compliant activity in the ALR.

Recommendation 6: Protect the ALR from residential speculation by establishing a maximum total floor area for all primary residences in the ALR (e.g. Minister's Bylaw Standards) and providing local government flexibility to zone below the maximum. Enable new regulations for residential siting, secondary dwellings, and home plate size.

Issue/Rationale:

The Committee heard unanimous support across the province for prohibiting 'estate-style homes' in the ALR and for restricting residences over an established size. The promotion and building of large homes for non-farmers in the ALR is a serious speculation issue in parts of the ALR. Purchase of ALR land by non-farmers, coupled with no provincial limits on the scale and size of residential development, is pushing the cost of land out of the reach of farmers. These property owners are also able to take advantage of lower tax rates on ALR land. This supports neither provincial ALR objectives nor consistency with the *Act*.

'Estate-style homes' directly impact the land base due to size and required infrastructure. There can be significant impacts where siting choices place homes in the middle of a parcel. Often owners choose not to farm the remainder of the parcel or make it available for other farmers to lease. Estate owners who lease their land to farmers are able to exploit tax advantages meant exclusively for those who farm. Additionally, rural/urban issues tend to increase.

During stakeholder and public engagement, the Committee heard the following:

- Speculation associated with large homes significantly overvalues farmland, restricts new entrants, and undermines the value and viability of farming across B.C.;
- Local governments are struggling to establish bylaws and are looking for clear provincial rules around house size limits in the ALR;
- There is a perception and reality of unfairness and inconsistency in the way different local governments/communities zone and manage residential size in the ALR;
- As farms are bought and converted by non-farmers to support large residential and estate development, the remaining productive farmland is becoming smaller and less usable, and short-term leases are increasingly the only option;
- Lease arrangements provide very limited security for lessees and do not support the long-term viability of farming in B.C.; and
- The regulation of housing in the ALR is currently a local government authority. Local governments across the province appear pressured to allow large-scale residential development in the ALR and the Committee heard from over 40 local governments about the need for clear provincial rules in the ALR—including the need for rules on maximum house size.

To promote consistency, fairness and an 'agriculture-first' lens in the ALR, the Committee recommends the total area for all primary residences be based on the Minister of Agriculture's Bylaw Standards.

The Ministry consulted extensively with local governments in the development of the standards, which assist local governments in developing bylaws supportive of agriculture in farming areas. Local governments are encouraged but not required to adopt the Minister's Bylaw Standards, unless they are

a 'regulated community'. A number of local governments have successfully passed bylaws modeled on the standards, while some have found it difficult to implement them. Others do not have zoning bylaws.

The Committee is of the opinion that provincial rules on house size and the home plate in the ALR are necessary. Local governments surveyed in 2018 by the ALC considered 'additional dwellings necessary for farm help' the most difficult permitted use to regulate: over half of the local governments surveyed (56 per cent) identified it as a challenge, and one-third (30 per cent) ranked it as their top challenge.

Recommendation 7: End the impact of illegal fill on the agricultural capability of the ALR by redefining and restricting fill throughout the ALR

Issue/Rationale:

The placement of fill is a non-farm use that is allowed in the ALR as it is specifically provided for in the Act and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the Regulation). Illegal fill—fill that is not allowed under the Act and the Regulation, or approved by the ALC—is a substantial issue in the ALR. Each year broken glass, drywall, asphalt, concrete, boulders, and many other types of construction and demolition waste are dumped in the ALR, often in a paid arrangement with a landowner. Fill is defined in the Act as "any material brought on land in an agricultural land reserve other than materials exempted by regulation." The rules surrounding fill are confusing, which makes enforcement a challenge.

The concern over illegal fill in the ALR is two-fold:

1. Land owners who state fill is necessary for their farm operations are not required to seek approval from the ALC (as outlined in the Regulation). The volumes then brought onsite frequently exceed, to a significant extent, what would be an acceptable amount under normal farm practice; and
2. If a land owner does get approval from the ALC through a non-farm use application, the amount actually brought on typically exceeds the approved volume, sometimes significantly.

Fill often affects large tracts of land and seriously degrades the capability and utility of the land. The land lost to fill is considerable and rarely results in any practical benefit to the agricultural land base. Fill placement in excess of what might be needed for farming in most cases is financially motivated, and can be a lucrative business for ALR landowners. In the South Coast Region, for example, landowners are paid \$50 to \$200 per truck load to take fill. According to the ALC, *the average volume of fill deposited onto a property in the ALR is 43,000 m³ (equivalent to 6,000 truckloads), generating anywhere from \$300,000 to \$1,200,000 in revenue for an ALR landowner.*

An ALC review of the issue notes that illegal fill represents approximately 42 per cent of all ALC compliance and enforcement case files.

Fill was raised as an important concern throughout the Committee's stakeholder consultation and prohibiting fill in the ALR was a common suggestion for revitalization. Defining the type and volume of fill legitimately required by farmers for agricultural activities is a critical issue. Left unchecked, the current dumping practice in the ALR will render significant portions of farmland unproductive and will permanently change the soil quality and capability.

Defining thresholds for fill will protect ALR capability and will support local governments who are trying to deal with fill issues via local bylaws. It will provide needed clarity and support improved consistency

of application of fill rules across the ALR. The Committee will provide recommendations on fill thresholds in the final report to the Minister.

Recommendation 8: Address speculation through better land use planning by only considering exclusion of ALR land through a joint local government-ALC land use planning process

Issue/Rationale:

The current ability for ALR landowners to apply to exclude (permanently remove) land from the ALR is likely a significant contributor to speculation and the increasing cost of land in the ALR. Land is purchased or optioned for residential, port, industrial, and other uses unrelated to agriculture, with the idea that it might eventually be excluded. The resulting land values are placing agricultural land well beyond the reach of farmers.

Although applications for exclusion by individual landowners represent a smaller portion of applications received by the ALC when compared to subdivision and non-farm use applications, the perception that the ALR is open to individual, one-off exclusions has an incalculable impact on the long-term resilience of the ALR.

A landowner may currently apply to have land excluded from the ALR as soon as it is purchased. Individual landowners often make the case that parts of their land are not capable of growing an agricultural product and should be excluded. However, during the initial establishment of the ALR, smaller areas of lower capability land were intentionally included within the ALR boundaries to support compatible uses, reduce potential conflicts with adjacent land, and to ensure a contiguous ALR.

In many instances today, applications for exclusion are not about the quality of the land but about the financial benefits of converting ALR land to a more lucrative use. This was not the intention of the application process and is the antithesis of the ALC mandate. Internationally, successful agricultural land preservation regimes are planned by government, and the ones that last do not include individual exclusion routes.

Collaboration on land use planning processes between local governments and the ALC have been successful in the past in identifying lands for future exclusion based on a regional planning perspective and quantifiable need by the local government. Focusing on this more proactive approach is necessary to ensure that the haphazard development associated with individual landowner exclusions no longer negatively impacts the ALR. Directing exclusions through a joint local government-ALC planning process will also:

- Help eliminate speculative purchasing and holding of ALR land for uses other than agriculture;
- Help maintain a contiguous ALR within the boundaries to avoid infiltration of non-agricultural uses that conflict with the surrounding agricultural landscape;
- Reduce the potential of impacting the ALR via ‘death by a thousand cuts’; and
- Create a defensible and rationalized ALR boundary with a long-term land use planning lens.

Recommendation 9: Make the ALR application review process more efficient by prescribing acceptable non-farm use and subdivision applications

Issue/Rationale:

Approximately 80 per cent of applications to the ALC are for subdivision and non-farm uses, *and the vast majority of the applications are not from farmers or ranchers*. These types of applications are for uses

where the land remains in the ALR but is used for non-agricultural purposes. Significant ALC resources are spent processing these applications that often have nothing to do with farming in the ALR.

This high volume and application-heavy focus limits the ALC time and resources needed to focus on other key aspects of its mandate, including collaboration with both other governments and government entities to encourage farming in B.C. The ability of landowners to apply for such a wide range of activities, which ALC has experienced as quite literally any type of land use activity, further drives speculation and land costs based on the perception of what is possible in the ALR.

The intent of non-farm use applications was for the ALC to exercise discretion related to uses that were not permitted in the Regulation but might still be compatible with agriculture. The primary purpose of subdivision applications, however, is to create a new lot for residential purposes. The impacts and conflicts that arise from adding strictly residential uses in the ALR can negatively impact agricultural land and businesses. The cumulative nature of ALC decisions for subdivision and non-farm uses is significant.

Opportunities for narrowing the range of applications to the ALC to uses complimentary, compatible and/or supportive of agriculture include:

- Creating an application framework that considers proposals compatible with the ALR;
- Ensuring the ALC, and not local government or the approving officer, is the decision-maker for all non-farm uses in the ALR;
- Eliminating the speculative nature of purchasing or holding agricultural land in hopes of using it for something other than agriculture; and
- Instilling an ‘agriculture-first’ lens to applications and potential changes to land use.

Recommendation 10: Improve clarity around the two ALC reconsideration processes

Issue/Rationale:

Reconsideration of ALC application decisions consists of two distinct processes, a decision reconsideration requested by an applicant and a decision reconsideration requested by the Chair, which can be confusing to the public and take up considerable ALC resources. ALC decision-making will be improved by ensuring the two reconsideration processes are clearer, less cumbersome, and less confusing.

Reconsideration of a decision requested by an applicant:

Regardless of whether an application is refused or approved, an applicant may ask that a decision be reconsidered. The purpose of this reconsideration is to allow the Commission to revisit decisions if they were fundamentally flawed due to consideration of incorrect information or, if subsequent to a decision, compelling information is provided that would have significantly contributed to the Commission’s understanding of the facts at the time of its original deliberation. A request for reconsideration is not intended to provide an applicant with an opportunity to periodically revisit the Commission’s decision in perpetuity. However, at times this is how it has been interpreted and used by applicants.

The Regulation does not define a length of time a reconsideration request must be submitted within, define how many requests can be submitted per application decision, or outline what can be submitted in a reconsideration request as ‘evidence’.

In 2017/18, the ALC received 78 requests to reconsider applications. Of those, only 18 were referred for reconsideration and of those only three were reversed.

The Committee recommends improving the criteria for reconsideration requests by:

- Establishing submission timeframes;
- Putting limits on the number of requests that can be made per decision; and
- Providing clarity with respect to the expected substance of a request.

These improvements will reduce the number of unsubstantiated requests that require a considerable amount of ALC resources. This would bring the ALC in line with other B.C. laws that define specific criteria for reconsideration.

Reconsideration of a decision as directed by the Chair of the ALC

Regardless of whether an application is refused or approved, the ALC Chair has the authority to direct the Executive Committee to reconsider an application decision made by a regional panel that the Chair considers may not fulfill the mandate of the Commission or adequately consider Zone 2 criteria. The purpose of this authority is to provide the Chair with oversight to ensure consistency of decision considerations according to the Act.

The Committee heard from stakeholders and the public that the Chair-directed reconsideration process is not clear. Local government representatives spoke about concern and frustration raised by the public regarding the fairness of decisions and the perception of unfairness when decisions are provided to applicants, but then some time later they receive a notice of a Chair-directed reconsideration.

In 2017/18, the Chair directed the Executive Committee to review 19 of the 391 decisions made.

A review of the current legal process of Chair-directed reconsiderations is needed such that the Chair retains the important ability to review and direct decisions for review to ensure consistency with the ALC mandate, but there is a reduction in the uncertainty of a decision for the applicant and local government.

Recommendation 11: Ensure a province-wide agricultural perspective by removing the ALC's capacity to delegate subdivision and non-farm use decision-making authority to local governments

Issue/Rationale:

Section 26 of the Act enables the ALC to enter into an agreement with a local government to delegate the ALC's decision-making authority for subdivision and for non-farm use. Under a delegated agreement, local government elected officials take on the decision-making role of the ALC. The provision for the ALC to enter into voluntary delegation agreements with local governments was established in 1994. The intention was to enable sharing of the ALC's application processing workload and to bring more local community planning knowledge and responsibility into the decision making process. In the early 2000's, government direction was to promote delegation agreements to local governments; however, most local governments were not interested in taking on this responsibility.

Delegating decision-making to a local government creates significant potential for inconsistency in application processing, decision consideration, and decision rationale around the province. To assess the delegated decision process and decisions, the ALC must audit decisions made by delegated local governments. Managing an agreement with local government requires ongoing audits of the decisions being made, administrative law training for the delegated decision makers and local government staff, and other decision making training specific to the ALC mandate. This has created additional work for the ALC and for local governments. There is also an increased potential for bias for delegated decision-

makers, as they fill both the role of an elected local government representative and that of an ALC decision maker.

In total, only three delegation agreements were established with the ALC, of which only one is active (with the Regional District of Fraser Fort George, established in 2001). According to the ALC, the Regional District of Fraser Fort George has made an average of 10 delegated decisions per year since 2002. Given the number of delegated decisions being made, the ALC's review of agreement decisions, and the recommendation in the Auditor General's 2010 "Audit of the Agricultural Land Commission", the Committee believes that the ALC should be the independent body that considers and decides applications submitted under the Act.

Removing the ability for delegation to local government ensures: arms-length, independent decision-making with an 'agriculture-first' focus; province-wide consistency of decision making; adherence to administrative law; and review with a provincial perspective. Since 2002, there has been very limited interest across the province in taking on the added responsibilities of a delegation agreement.

The Committee believes that maintaining a resource-heavy program for minimal delegations is not an effective use of the ALC's resources. The ALC would be better suited to achieve its mandate to concentrate its resources that are currently required to manage a local government delegation agreement on other more proactive aspects of working with local governments.

Recommendation 12: Build better planning and land use decisions for agriculture by requiring all local government bylaws that affects the ALR to be endorsed by ALC resolution

Issue/Rationale:

The ALC is charged with exercising a variety of duties under the Act. These duties include: planning; boundary reviews; compliance and enforcement; applications; delegation agreements; and policy development. The planning function includes review and comment on the development, amendment or repeal of an official community plan that might affect the ALR. It also involves ensuring that local government bylaws are consistent with the Act, the Regulation and the orders of the ALC.

Local governments and their planning documents are often the first and only place the public, land owners, developers and real estate agents look to for land use information, including information on the ALR. Bylaws that do not accurately reflect the permitted uses in the ALR misinform the public, create expectations and misperceptions, and impact the ability for the ALC to conduct compliance and enforcement.

It is currently the responsibility of local governments to ensure that their zoning bylaws, regional growth strategies, official community plans, and official development plans are consistent with the Act. If they are not consistent with the Act, they are considered to have no force or effect. Legally, local governments only have to refer official community plans to the ALC after first reading if the plan might affect land in the ALR.

The strength of local legislative frameworks for farmland protection can vary considerably across the approximately 150 local governments with land in the ALR, from very strong to very weak. In some areas of the province there are no zoning bylaws or there are dated bylaws that are inconsistent with the current Act and Regulation. Most ALC challenges are with the interpretation of the Act and the Regulation through zoning and building permit plan review. Bylaws inconsistent with the Act have no force and effect, but when used to allow for a land use inconsistent with the Act and the Regulation, the negative impact on the land base has already occurred. The ALC works to communicate with local governments regarding inconsistent bylaws and policies that are not supportive of agriculture under its

mandate to encourage consistency. However, in the absence of having the legislative authority to comment and/or approve of zoning that effects the ALR, it is an incremental, reactive and relatively ineffective way to try and ensure consistency.

It is essential that the ALC be involved officially and earlier in bylaw review and land use processes in order to ensure consistency with the Act and to maximize public clarity as to what is permitted in the ALR. Local governments are currently under no obligation to have the ALC confirm that non-statutory plans and bylaws are consistent with the Act and the Regulation.

Going forward, annual long term ALC resources towards improved education and communication are essential. This includes increasing efforts with local governments after municipal elections to ensure that zoning bylaws are consistent with the Act and the Regulation, similar to the structure and approach used for regional growth strategies.

Recommendation 13: Strengthen ALC administration by clarifying and updating the Act and Regulation to improve ALC's daily operation

Issue/Rationale:

The ALC occupies a distinctive role within the Canadian legal system. While it is part of “government” as broadly defined, it is a quasi-judicial body and is not part of any government Ministry. The ALC is instead part of the Canadian community of independent administrative tribunals, vested with important statutory powers, whose members are obliged to exercise those statutory powers in accordance with the law.

Over the last decade, the ALC has not been involved in the changes to the Act that have resulted in ALC operational challenges. This has rendered portions of the Act redundant or not clear, making day-to-day operations cumbersome. The result is that the Act is missing clarifying definitions and operational provisions that would greatly assist with implementation of the legislation. The ALC has identified a list of minor legislative amendments. The government is encouraged to work closely with the ALC to include these changes.

Part II: Recommendations for Immediate Action to Protect the ALR

Mitigating the Impacts of Oil and Gas Activity in the ALR

The Committee recognizes that the energy sector is vitally important to the British Columbian economy. But so too is the extraordinary soil capability and micro-climate of the Northeast of the province, both of which support a robust and large-scale agricultural industry.

The Committee has previously noted that it is imperative there be a government-wide policy shift in identifying agricultural land and industry as a resource equivalent to other resources, and oil and gas is no exception. It is essential an 'agriculture-first' approach be applied to the ALR in the Northeast.

The development of the energy sector has exceeded the capacity of the current regulatory environment to protect farmland. The impacts of oil and gas extraction on agricultural land and farm businesses in Northeast B.C. have reached a breaking point. Cumulative impacts over the last decade from accelerating oil and gas development have rendered portions of agricultural lands unusable and others difficult to farm. With continued changes in extraction and processing methods along with the pace and scale of development, these activities that were once considered temporary are no longer. Instead they are permanent industrial sites built on farmland and next to farm communities.

Responsible oil and gas development, as with all resource sector activities, is important to the preservation of agricultural land. The Committee encourages the government to ensure that the extraction of subsurface resources does not continue to permanently damage some of the best agricultural soils in the province and take precedence over farming, farm businesses, ranching and the agricultural industry. The ALR, and the farmers who make a living on it, should be treated equally and with respect in order for both activities to co-exist and benefit all British Columbians.

In an effort to strike a balance between the needs of the agricultural sector and the energy sector, the Committee makes the following recommendations:

Recommendation 1: Immediately form a senior executive led (Deputy Minister-level) multi-agency and multi-jurisdictional taskforce to develop a strategy focused on how a balance can be achieved between agriculture and oil and gas extraction.

The Committee is recommending the immediate establishment of a Deputy Minister-level taskforce with internal and external agriculture partners and stakeholders from the natural resource sector. The Committee recommends that the taskforce be directed to develop a strategy to address the significant resource extraction issues impacting the ALR and its farmers and ranchers in B.C.'s Peace River region.

The Committee recommends the taskforce review, among other considerations, the following issues:

- How to balance surface rights of the farmer/rancher with sub-surface rights of the extractor;
- How the farmer/rancher will be given authority to influence negotiations on the farm and location of oil and gas facilities and infrastructure;
- How the comments made to this taskforce by the farmers/ranchers will be accommodated in a balanced process;
- Determine whether the delegation agreement between the ALC and the B.C. Oil and Gas Commission is the correct approach or if there is an alternative approach that would better protect agricultural interests and restore confidence in the regulatory system over the long term;

- Complete a fulsome impact assessment of oil and gas activity within the ALR;
- Build a memorandum of understanding and operational agreement between the ALC and the B.C. Oil and Gas Commission for sharing impact assessments and other information so they can work more effectively together; and
- Determine how farmers can access ongoing professional, independent support.

Recommendation 2: Establish an increased ALC presence in the North.

- There is a need for a made-in-the-North approach to ensure solutions/responses are created in and benefit the North.
- The ALC needs to be given resources to increase its presence in the Northeast of B.C.

Issue/Rationale:

There is a growing incompatibility of agriculture and extraction activities due to the growth in the size and number of surface activities that are required to support subsurface extraction; the industrial creep into the ALR is increasingly noticeable.

Much of the oil and gas activity in Northeast B.C. is on actively farmed land in the ALR. ALR land in this area is some of the best in the province and supports large scale agriculture. For this reason, a stronger agricultural lens needs to be included in the extraction sectors' planning and decision making process and more resources need to be provided to the ALC and the land owner/farmer to help preserve and utilize as much of the farmland as possible.

With extensive legislative, regulatory, administrative and expert support and capital for oil and gas development, the energy sector is positioned to be successful. It is important to note that there is no institution or agency that singularly represents farmers and ranchers as they struggle to maintain their agricultural businesses in the face of a rapidly growing energy sector. Agriculture businesses are on their own. Unintended consequences of deregulation, including the delegation agreement between the ALC and the B.C. Oil and Gas Commission, and the extent and speed of development have outstripped the ability of regulation to ensure damage to the land base is not permanent.

The Committee heard clearly from stakeholders and the public that supports in place for oil and gas development do not exist for agriculture businesses or agricultural land protection. And where there are mechanisms and processes in place, they are difficult to access, cumbersome, time-consuming, and often do not result in a balanced approach.

Why is oil and gas development in the Northeast of B.C. such a significant concern in the ALR?

- Key impacts to agriculture include the nature of subsurface rights (oil and gas access to land is 'guaranteed'), changing technology, costs and profitability of the energy sector, and the exponent erosion of agriculture surface rights due to the increase in the scale and number of oil and case activities;
- The shift from a single well lift system to multi-pad well sites; exponential growth in numbers and increased physical impact on the land base;
- The increase in permanent, industrial infrastructure due to additional on-site processes;
- Well sites are no longer being reclaimed and put back into agricultural production. Wells are often abandoned, inactive or suspended for long periods of time meaning the land cannot be farmed;
- Due to the imbalance between subsurface and surface rights, and the compulsory aspect of the entry to the land, landowners have very little power to minimize the agricultural impact on their property when development occurs; and
- Signing a surface rights lease agreement enters the landowner into a contractual agreement with the operating company; conditions to minimize the surface or operational impacts can be put in this agreement; however compliance with these conditions lies with the willingness of the operating company. Further, the enforcement of these conditions is often too cumbersome, time consuming and costly for the landowner to pursue.

Northeast B.C.: The ALR and Montney Gas Basin

The Montney Gas Basin is a major shale gas formation extending from Northeast B.C. to Northwest Alberta. As is shown in Figure 1, there is a high degree of overlap between the ALR and areas of possible resource extraction. It is the source of much of the current oil and gas exploration, development, and production in B.C.'s Peace River Region. The neighborhood of Farmington, as shown in Figure 2, is a prime example of an area that is significantly impacted by oil and gas activity. Presently, there are 559 active wells within 15 kilometers of Farmington, with an additional 88 in development and 291 authorized, on approximately 150 well pads. In addition to these active wells, there are 73 facilities in the area. Thirty-eight (38) applications to develop additional wells are being processed, 32 of which are on private land, four on Crown land, and two on both Crown and private land. Of these applications, 30 belong to Encana, four to Arc Resources, three to Tormaline, and one to Plateau.

Within the Farmington neighbourhood, there are also 575 residences, of which approximately 50 are within 500 meters of an active well or facility site.³

Figure 1: Montney Gas Basin and the Agricultural Land Reserve

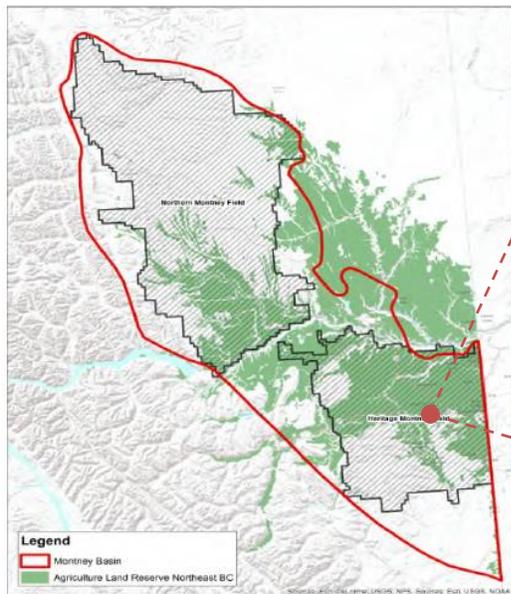
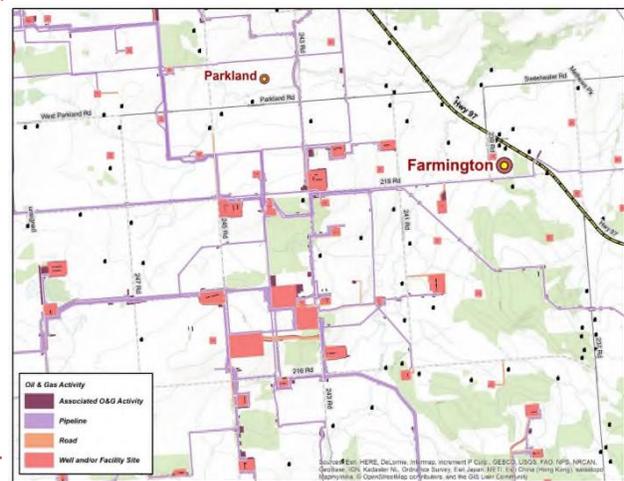


Figure 2: Farmington Oil and Gas Activity



³ Figures and statistics were drawn from the “Presentation to the PRRD,” Paul Jeakins, BC Oil and Gas Commission, http://prrd.bc.ca/board/agendas/2018/2018-15-669138994/pages/documents/4.2BCOGC_000.pdf, May 23, 2018.

Restricting Cannabis Production in the ALR

The Committee's cannabis recommendations reflect significant concerns and recommend steps in the regulation of cannabis production in the ALR. The Committee did not seek specific comments from stakeholders and the public on cannabis, but the issue was a common and urgent concern throughout engagement. (The Committee notes the Minister of Agriculture recused herself from provincial cannabis-related decisions but was committed to bringing this key ALR-related concern to the Province's attention.)

Recommendation 1: Establish an immediate moratorium on all non-soil bound cannabis production and facilities in the ALR pending provincial-level analysis of impacts

Recommendation 2: Following a provincial level analysis, enable the ALC to establish rules/criteria for cannabis production throughout the ALR; permit cannabis production in the ALR only through application to the ALC

Issue/Rationale:

Federal legalization of non-medical cannabis will lead to land use issues not previously contemplated by the B.C. government and its agencies, including the ALC. The potential impacts to the ALR will likely be significant and are not yet fully understood. Advertisements for sale of ALR land and information provided to local governments across B.C. suggest there is currently significant promotion/speculation for cannabis production in the ALR. In early July 2018, the Union of B.C. Municipalities asked the provincial government to put a moratorium on the use of agricultural land to grow cannabis. They have asked that this moratorium remain in place until there is a comprehensive review and consultation with local governments.

The size and scale of cannabis facilities in the ALR is a growing concern across B.C. In Central Saanich on Vancouver Island, a proposal to build 21 greenhouses in the ALR for cannabis production resulted in a 1400-signature petition to the B.C. Legislature in March 2018. The petition requested a prohibition on cannabis production in the ALR. Several B.C. local governments have passed motions asking the Province to place a moratorium on cannabis production in the ALR.

The Committee did not include cannabis as a theme in its Discussion Paper, yet cannabis in the ALR was a commonly-raised concern of stakeholders and the public. The Committee is aware the public wants to provide the Province with feedback on where cannabis production should be allowed in B.C. This was not a question put to the public in B.C.'s 2017 engagement on cannabis. Regardless, the Committee heard near unanimous support from stakeholders and the public for significant restrictions, including an outright ban, on cannabis production in the ALR.

Why is cannabis production in the ALR such a significant concern?

- The ALR is a limited land resource and B.C. has limited prime agricultural land (agricultural land capability classes 1-4); many cannabis production facilities are expected to be both non-soil bound (i.e. cement-bottomed) and to cover large tracts of arable land—including some of the highest capability lands. The anticipated scale of these structures will damage the land base and permanently alienate large tracts of land from agricultural use.
- ALR land is cheaper and more expansive than industrial land. Competition for land for cannabis production is already impacting the ALR and compounding other speculative factors that are driving up the price of farmland in B.C. ALR land is being purchased and existing

greenhouses are being converted for cannabis production. Agriculture stakeholders are concerned about large cannabis operators with substantial financial resources squeezing out local farmers.

- Food production in the ALR is a key public interest. Displacement of vegetable crops for cannabis (conversion of greenhouses) is viewed by many as impacting B.C. food choice and security.
- Incompatibility of cannabis with other agricultural uses, including competition for resources (e.g. significant water requirements for cannabis production) is a key concern in many parts of the province.
- The business risk of large scale cannabis production has not been assessed, including the potential for cannabis enterprises to go bankrupt and leave abandoned structures on the ALR. Reclamation of greenhouse structures is a key concern.
- The extent of nuisance and non-compliance impacts from cannabis production in the ALR has not been assessed by the Province with either the ALC or local governments.
- Local governments are very concerned about cannabis production in the ALR. The Union of B.C. Municipalities asked the Committee to carefully examine the means of production of recreational cannabis to determine if the expected industrial-style production is the best use of B.C.'s limited agricultural land. Cannabis production is resource-intensive and local governments want the ability to manage where cannabis facilities can be built. Local government would prefer cannabis greenhouse production to be outside the ALR and in industrial and light industrial areas where municipal services already exist.
- Other impacts to the agricultural land base are unknown, including the interface with neighbouring farms, processing requirements, and commercial traffic in farm areas.
- Odour issues from cannabis production facilities are a key concern. Unlike livestock farmers who fertilize their land during certain times of the year, cannabis odour is pungent and intrusive and continuously creates a negative effect to those residing in the vicinity.

Part III: Key Issues under Consideration for Final Report

As has been pointed out, this report constitutes interim findings and will be followed in the fall by a second, final report to the Minister. There is still a great deal of ongoing work being done, particularly in the area of potential regulatory change.

At the centre of all future recommendations is the need for a broad government-wide recognition of agriculture as a key natural resource sector—and economic generator—in this province.

The Committee is intending to provide recommendations to the Minister that will further ensure the revitalization of both the ALR and of the ALC, and that will assist the Province in developing an “agriculture-first” mind-set throughout B.C. Many of these matters are regulatory in nature; some are policy oriented; and some involve new programs that will ensure the long term viability of the ALR.

Issues under further discussion and analysis generally fall into the following categories, but are not limited to:

Regulatory changes needed to preserve the productive capacity of the ALR

- Fill regulations on ALR
- Farm home plate
- Diversified Farm Use Area
- Greenhouse considerations
- Commercial composting

The Encouragement of farming and ranching in the ALR

- Government support for farmers and ranchers:
 - Access to credit;
 - Access to programs; and
 - Support for new entrants
- Access to land
- Agriculture extension services
- Examine the farm income threshold for farm property tax class
- The need for a provincial agriculture advisory council

Administrative and Program changes

- ALC outreach and education:
 - Province-wide communication plan;
 - Memorandum of understanding development with ministries and agencies; and
 - Real estate industry education outreach (regulations surrounding advertising in ALR and licensing course on ALR purpose and regulations)
- Ministry of Agriculture programming:
 - Cumulative impact assessments (e.g. Agricultural Land Use Inventories);
 - Agricultural impact assessments;

- Impact of climate change on productivity in ALR; and
- Farm succession planning
- Memoranda of understanding to cover the working relationship between the ALC and the Ministry of Agriculture
- Funding and resource issues

This is not a complete list of current and future considerations by the Committee; the Committee continues to move forward on a number of important issues, in different sectors and regions. The Committee will also use results and analyses from public consultation, including the Committee's 'What We Heard Report,' to inform potential areas for recommendations in its final report.

Appendix 1: Terms of Reference

Minister of Agriculture's Advisory Committee - Terms of Reference

Purpose:

The Minister of Agriculture's Advisory Committee for the Agricultural Land Reserve (ALR) (Advisory Committee) will provide strategic advice and policy guidance to the Minister, and will be responsible for delivering recommendations on how to best achieve the mandate commitment of "Revitalizing the ALR and ALC" based on the outcome of a broad engagement process with stakeholders across the province.

Outcomes:

The Advisory Committee will provide recommendations to the Minister on matters related to revitalization of ALR and ALC; specifically, to inform potential changes to the current legislative, regulatory, and administrative framework. The Advisory Committee is not a decision-making body, all decisions rest with the Minister and the government.

Principles:

To ensure a focused review, the following principles provide additional parameters:

- Work will be forward looking, and focus on the future of the ALR and ALC;
- Recommendations will work towards improving the purposes of the ALR and ALC;
- Establish fair and unbiased evaluations of policy issues that are challenging the purposes of the ALR and ALC and also evaluate what is working well;
- Recommendations will come with clear identification of the problem, goals (desired end state), objectives (end-results that contribute to goals, rationale and a proposed solution or strategy (how to achieve and objective).
- Where possible, data/information to validate magnitude and the impacts (both positive and negative) will be included with recommendations.
- Recommendations need to be legally sound, and achievable.

Membership and Governance:

The Advisory Committee will report directly to the Minister and will have an appointed Chair to provide neutral and unencumbered leadership.

Membership is determined by the Minister, and includes representatives from across the province that has knowledge and experience of the ALR and understands the ALC.

Deliverables:

- Detailed work plan, budget and engagement plan to be approved by Minister;
- Monthly reports on progress to implement work plan and achievement of expected deliverables;
- Provide input on a discussion paper to be used to guide broad public engagement;
- Conduct regional engagement in seven communities across the province;

- Early recommendation report on proposed legislative amendments to be considered by the Minister based on consultations and research findings (due in April 2018); and,
- Final recommendation report.

Term:

Advisory Committee members are requested to commit for a one year term from the date of the initiation meeting.

Confidentiality:

The Advisory Committee members are expected to hold their conversations in confidence. Members must not discuss or disclose the nature or content of these conversations with the public or the media as Cabinet confidentiality applies to advice and recommendations to be considered by a Minister or by the Executive Council (Cabinet). Similarly, written submissions and background materials prepared to inform discussions must not be disclosed publically, without prior permission. All deliverables must be submitted to the Minister for approval on a schedule of check-in points up to the final deliverable due dates.

Meetings:

The Advisory Committee is expected to meet at least once per month, and organize face to face meetings to coincide with engagement face to face sessions in seven communities across the province.

Roles and Responsibilities:

Chair

- Responsible for ensuring all deliverables are fully completed on time and presented to the Minister according to the timelines.
- Responsible for ensuring that all deliverables are: of good quality, clear, based on verified information, unbiased and address the purpose of the Advisory Committee.
- Sets agenda for meetings and ensures meetings achieve their purposes.
- Makes decisions on allocating specific work to the members.
- Requests advice from Ministry staff on aspects of the work that relate to government processes to ensure that recommendations can be implemented.
- Attends and participates in meetings.
- Provides policy and strategic advice to guide the initiative.
- Participate and/or lead regional engagement sessions.
- Contribute to the development of early and final recommendations for the Minister.
- Identifies issues or conflicts as they arise for the Minister.
- Works with the ministry staff to support coordination of the overall initiative.

Members

- Attend and participates in meetings.
- Provides policy and strategic advice to guide the initiative.

- Participate in regional engagement sessions.
- Contribute to the development of early and final recommendations for the Minister.

Remuneration:

Members will volunteer their time, and be reimbursed travel expenses as per the provincial government guidelines for public servant travel.

Secretariat Support:

The Advisory Committee will be supported by ministry staff, which will be responsible for secretariat support.

Ministry Involvement:

The Ministry will be responsible for, and will need input from the Advisory Committee on the following items:

- Creating the final, overall engagement strategy and plan.
- The discussion paper for January 2018 that will launch engagement.
- Conducting targeted stakeholder and the online portions of the engagement process.
- Preparing any documents related to legislative changes, program changes or policy changes.

The Ministry may also provide a representative to accompany the Advisory Committee at the regional meetings as needed.

Appendix 2: Bibliography

Minister of Agriculture’s Advisory Committee for ALR and ALC Revitalization Interim Report to Minister – Bibliography – July 2018

Throughout the development of these recommendations, the Committee considered previous analyses of the ALR and ALC, the current and past authority and functions of the ALC, farmland protection in other jurisdictions, and the results of stakeholder meetings and public responses along with expert reports and other government reference documents. The following documents, reports and submissions were received and reviewed by the Committee:

Note: *** denotes where a report is available in hard copy form only.

Key Readings and Background Documents:

The Committee reviewed the following documents as background prior to embarking on its consultation process.

“A Work In Progress: The British Columbia Farmland Preservation Program”^{***}, Barry Smith,
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