

# REVITALIZING THE **Agricultural Land Reserve** AND THE **Agricultural Land Commission**

**Final Committee Report to the Minister of Agriculture:  
Recommendations for Revitalization**





# LETTER TO THE MINISTER

December 4, 2018

The Honourable Lana Popham  
Minister of Agriculture  
Room 325, Parliament Buildings  
Victoria BC V8V 1X4

Dear Minister Popham:

Re: Final Committee Report: Recommendations for Revitalization

The Minister of Agriculture's Advisory Committee (Committee) for Revitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) is pleased to submit its ***Final Committee Report to the Minister of Agriculture: Recommendations for Revitalization***.

The Committee's Recommendations for Revitalization represent the culmination of an intense year-long process of research, discussion and spirited debate on how British Columbia can ensure its important agricultural lands — and the farmers and ranchers who live and work on that great natural resource — will remain productive long into the future.

It became clear to the Committee that Revitalization will require thoughtful, bold and immediate change to the Agricultural Land Commission Act (Act) and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (Regulation). The current permissive nature of the Act and Regulation contributes to the perception that the ALR is 'open for non-farm development'. The proposed changes will necessarily result in a stronger governing framework for the ALR and ALC and are central to the Committee's recommendations.

The Committee respectfully emphasizes that our Recommendations are predicated on the immediate need for a Government commitment to an 'Agriculture First' agenda - a Government-wide policy shift that identifies BC's agricultural land and industry as the equivalent to other provincial natural resources. It is the Committee's respectful view that the Minister of Agriculture must work with her colleagues to raise agriculture's profile across Government. Strong Government leadership, and the directed support of provincial ministries, agencies, and local governments, is absolutely essential to ensure non-farm development does not continue to threaten the future of the ALR.

The Committee also feels it must again bring to the Minister's attention its earlier recommendations regarding the significant and growing impact of oil and gas activity in the northeast ALR ("Interim Committee Report, July 31, 2018"). We emphasize that the vital importance of the oil and gas industry is understood and supported by Committee members. However, the development of the energy sector has exceeded the capacity of the current

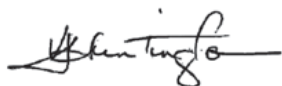
regulatory environment to protect farmland. Surface and subsurface infrastructure expansion is progressing exponentially and activities that were once temporary have become permanent industrial sites built on farmland and next to farm communities. The cumulative impact is making it increasingly difficult for many farmers and ranchers to effectively use their land.

The Committee urgently believes that responsible oil and gas development, as with all resource sector activities, is important to the preservation of agricultural land. The Committee again recommends a solid BC Government commitment to support farmers and ranchers who grapple with the constant, increasing, and often unmitigated oil and gas impacts to the agricultural land they, and the people of British Columbia, rely on. The natural resource ministries, especially Agriculture, and Energy, Mines and Petroleum Resources, the Agricultural Land Commission, and the Oil and Gas Commission, must together develop a healthier relationship that respects not only the energy sector, but also the increasingly besieged agricultural industry. Both sectors are essential to the health of the BC economy and both need the respect and support of all Government agencies. The Committee looks to the Minister of Agriculture for leadership in this important and essential endeavour.

Agriculture is the backbone of BC communities across the province. It is a natural resource that supports the livelihoods of thousands of British Columbians and the many BC citizens who increasingly want greater access to BC-produced and processed food. The Minister well knows the high degree of risk inherent in agriculture and the relatively low return for farm businesses. Your Committee believes that the future success of farming and ranching in BC requires new, creative and innovative measures to address the pressures facing both the Agricultural Land Reserve and the Agricultural Land Commission. We believe the Recommendations for Revitalization in this report will support Government, and the Minister, in their desire to protect BC's vital agricultural industry and the land it relies upon.

The time for revitalization is now. It cannot wait. Your Committee is pleased to submit this series of comprehensive Recommendations in the hopes that Revitalization of the ALR and ALC will be advanced by the Minister and accepted by the Government as key actions for legislative, regulatory and administrative change.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicki Huntington', with a stylized flourish at the end.

Vicki Huntington, Chair

Minister's Advisory Committee for Revitalizing the ALR and the ALC







# ACKNOWLEDGEMENTS

The members of the Minister of Agriculture's Advisory Committee carried out their mandate on a volunteer basis and spent many hours considering hundreds of options for revitalizing the ALR and ALC with the help of proposals and submissions from across the province. Each Committee member has contributed a great deal to the success of this initiative. Committee members included a group of individuals with varied perspectives and expertise in land use planning, resource management, the ALR/ALC and agriculture. Members included Vicki Huntington (Chair), Chief Byron Louis, Lenore Newman, Chris Kloot, Shaundehl Runka, Irmi Critcher, Arzeena Hamir and Brian Underhill. Biographies of members of the Minister of Agriculture's Advisory Committee can be found in [Appendix 4](#).

BC Ministry of Agriculture staff served as the Committee's Secretariat: Martha Anslow, Britney Irvine and Heather Anderson. Agricultural Land Commission staff served as key advisors to the Committee: Kim Grout, Lindsay McCoubrey and Liz Sarioglu. The Committee is grateful for the dedication and value these individuals have brought to the Committee's work.

The Committee wishes to thank the many individuals and organizations, too numerous to name, who provided input, expert advice and support in the development of the Committee's Final Report. The report could not have been completed without their significant contribution.

The Committee would like to especially recognize the efforts of the current ALC Chair, and former Chair of the Committee, Jennifer Dyson, whose ongoing involvement set a strong and pragmatic course for the Committee's work.

Finally, the Committee wishes to thank the Honourable Lana Popham, BC Minister of Agriculture, for the opportunity to provide advice on this critical issue.



# EXECUTIVE SUMMARY

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# EXECUTIVE SUMMARY

On January 4, 2018, the BC Minister of Agriculture, the Honourable Lana Popham, appointed an independent Advisory Committee (Committee) to lead a public consultation that would provide Government with strategic advice and policy guidance for revitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC).

The following Final Report builds on the Committee's earlier recommendations for legislative change (Interim Committee Report, July 31, 2018) and addresses the regulatory and operational transformations that are required to ensure that the ALR, the ALC and agriculture in British Columbia can be successful over the long-term.

Over the course of its tenure, the Committee produced a public discussion paper; hosted nine regional stakeholder meetings between February 5 and April 30, 2018; met with other agricultural stakeholder groups and partners; and received over 270 written submissions and 2300 responses to its online survey. The Committee produced both an interim report focused on immediate legislative change, and a 'What We Heard' report on the results of the engagement, which are available at the BC Government engagement website.<sup>1</sup>

## COMMITTEE REVIEW

In the course of developing interim and final recommendations, the Committee considered:

- ▶ Results of engagement and consultation
- ▶ Expert presentations and reports to the Committee
- ▶ Previous analyses of the ALR, the ALC and pressures on BC's agriculture industry
- ▶ Changes to the Agricultural Land Commission Act and its Regulation over time
- ▶ Current and past authority and functions of the ALC
- ▶ Farmland protection in other jurisdictions, including governance
- ▶ Existing supports to farmers and ranchers in BC and in other jurisdictions

## INTERIM COMMITTEE RECOMMENDATIONS

The Committee's interim recommendations for immediate legislative change were based on the critical state of the provincial ALR and the need to:

- ▶ Better protect the ALR land base for agriculture;
- ▶ Better preserve the productive capacity of the ALR;
- ▶ Significantly improve governance of the ALR; and
- ▶ Extend practical, ongoing support to farmers and ranchers in the ALR.

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<sup>1</sup> <https://engage.gov.bc.ca/agriculturallandreserve/>



## **KEY ISSUES REQUIRING IMMEDIATE GOVERNMENT ACTION**

During its initial discussions, the Committee identified several key issues requiring immediate Government action:

### **1. AN URGENT NEED TO CURB SPECULATION AND NON-FARM IMPACTS IN THE ALR**

As populations grow and urban land prices increase, the pressure to develop the ALR builds. An updated legislative framework is required to protect it from this pressure and prevent prime ALR parcels being lost to investors and speculators for non-farm use. Residential estates, expansive ‘agri-tourism’ and related processing facilities, and unauthorized disposal of construction waste, not only put ALR land prices beyond the reach of farmers and ranchers and but also damage and alienate the land from farming.

### **2. A PLACE AT THE TABLE FOR THE AGRICULTURAL LAND COMMISSION**

The Committee also identified the critical need for the ALC to be ‘at the table’ with the Ministry of Agriculture and other provincial agencies. The ALC must be sought out for their expertise, not just as active members and leaders in ALR revitalization, but as a key agency with the mandate to lead core land protection across the province.

Immediate changes to build a stronger legal governing framework for the ALR and ALC are central to the Committee’s recommendations. Undertaking a comprehensive evaluation of the strengths, weaknesses and gaps of the current legal framework required significant support by ALC staff: the need for substantive changes that could be implemented relied heavily on the expertise of this team. Moreover, during the course of its tenure, the Committee witnessed important and welcome collaboration between Ministry of Agriculture and ALC staff. It became apparent that a higher degree of cooperative collaboration between the two agencies is a critical component of revitalizing ALC governance and independence. The Government is urged to direct all staff to undertake creative and innovative collaborations and partnerships that will ensure the ongoing success of the revitalization recommendations.

### **3. THE RESOURCES TO ENSURE SUCCESSFUL REVITALIZATION**

Greater output requires greater input. Much of what British Columbians value about the ALR, agriculture, and food security in BC, cannot be met without adequately resourcing the agencies responsible for delivering the BC Government’s policies and mandates. The Ministry of Agriculture and the Agricultural Land Commission will need increased resources if they are to sufficiently implement the Committee’s recommendations. The Committee urges the Minister and the Province to build a well-resourced program of revitalization that fully recognizes — and supports — the contribution of the agricultural sector to the health of BC’s economy and communities.







# TOWARDS AN 'AGRICULTURE FIRST' AGENDA FOR THE ALR

An ALR with an 'Agriculture First' mandate is the most important message the Committee can bring to the Minister and her provincial colleagues today. Ministers across Government must work together to increase not only the importance of the agriculture sector and the farmers and ranchers that sustain this vital industry, but also the absolute need to protect the land base upon which the industry relies. The health of farming and ranching in BC requires it and the future of BC food security demands it.

The importance of this 'Agriculture First' approach requires a new way of thinking about the land. The pressing need for a wholesale shift in the Government approach to the ALR and the ALC became abundantly clear over the course of the Committee's work. Government-wide commitment to take action on an 'Agriculture First' agenda in the ALR is urgently needed. And to secure a viable land base with a governance regime that supports farmers and ranchers will require Government to make hard legislative, administrative and resource choices.

The Committee is convinced that committing to an 'Agriculture First' approach to BC's agricultural land and industry will require strategic shifts in Government thinking. These shifts are the guideposts to a new and fundamental, cross-Government approach to how British Columbia values, protects and preserves the productive capacity not only of its land base, but also of its farmers and ranchers.

The Committee suggests that developing an 'Agriculture First' ethic would require three strategic shifts in Government decision-making policy:

- a. A recognition that 'Agriculture First' means the ALC mandate and governing authority is the priority on the Agricultural Land Reserve
- b. That a healthy, Protected and Productive ALR requires limitations on non-farm activity within the ALR; and
- c. That the health and resilience of BC's farmers and ranchers – the men and women without whom there would be no industry – must receive meaningful and ongoing support and recognition.



## **STRATEGIC SHIFT I: 'AGRICULTURE FIRST' ALR GOVERNANCE**

Revitalization requires Government to shift the Agricultural Land Commission (ALC) from a fractured, reactive and overwhelmed decision-making tribunal to a robust and well-resourced organization that plans for, makes and articulates the Province's revitalization vision across the provincial ALR. Strong legislative and regulatory changes are required for this shift.

## **STRATEGIC SHIFT II: A PROTECTED, PRODUCTIVE ALR**

Revitalization requires Government to shift from ALR activities that limit, damage and alienate land for farming and ranching to activities that utilize the agricultural potential of the land and protect valuable soils for future use. A protected, productive ALR is a vital component of BC's agricultural fabric, and food security for the future. It requires a legislative and regulatory preference for agricultural activities with provincial rules and limits for non-farm use.

## **STRATEGIC SHIFT III: FARMER & RANCHER RESILIENCE IN THE ALR**

Revitalization requires Government to shift from understanding agriculture as a 'soft' natural resource sector to the engine of local and regional economic and community development that it is. Farmers and ranchers who are valued and supported to farm BC's ALR is the other vital component. It requires senior Government dialogue and action that puts agriculture first in the ALR for the benefit of all.

## **FINAL COMMITTEE RECOMMENDATIONS**

The Committee's final recommendations to the Minister of Agriculture are organized under these three strategic shifts.



# TABLE OF FINAL COMMITTEE RECOMMENDATIONS

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# TABLE OF FINAL COMMITTEE RECOMMENDATIONS

The Final Committee Report to the Minister of Agriculture: Recommendations for Revitalization situates final Committee recommendations under three strategic shifts. Government leadership and action is required to make these critical changes and set the course for strong, effective revitalization.

*Note: All of the Interim Committee Report (July 2018) recommendations are carried over from that report but with additional scope and detail. New Committee recommendations are equally critical and urgent and require immediate action on the part of the Province.*

## STRATEGIC SHIFT I RECOMMENDATIONS

### Recommendations for 'Agriculture First' ALR Governance

Recommendation 1	Recommendation 6
Recommendation 2	Recommendation 7
Recommendation 3	Recommendation 8
Recommendation 4	Recommendation 9
Recommendation 5	Recommendation 10

## STRATEGIC SHIFT II RECOMMENDATIONS

### Recommendations for A Protected, Productive ALR

Recommendation 11	Recommendation 17
Recommendation 12	Recommendation 18
Recommendation 13	Recommendation 19
Recommendation 14	Recommendation 20
Recommendation 15	Recommendation 21
Recommendation 16	Recommendation 22

## STRATEGIC SHIFT III RECOMMENDATIONS

### Recommendations for Farmer & Rancher Resilience in the ALR

Recommendation 23	Recommendation 28
Recommendation 24	Recommendation 29
Recommendation 25	Recommendation 30
Recommendation 26	Recommendation 31
Recommendation 27	Recommendation 32







# TABLE OF CONTENTS

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Letter to the Minister.....	2
Acknowledgements.....	5
Executive Summary .....	7
Table of Final Committee Recommendations .....	13
Table of Contents.....	15
Introduction and Background .....	16
Introduction.....	17
Background.....	18
Agricultural Land Reserve in British Columbia (Map).....	19
Advisory Committee Process .....	23
Key Issues Requiring Immediate Government Action .....	29
Strategic Shift I: ‘Agriculture First’ ALR Governance.....	33
Strategic Shift II: A Protected, Productive ALR .....	34
Strategic Shift III: Farmer & Rancher Resilience in the ALR .....	35
Final Committee Recommendations.....	37
Strategic Shift I: .....	43
Strategic Shift II: .....	60
Strategic Shift III:.....	91
Conclusion.....	113
Bibliography.....	114
Appendices .....	124



# INTRODUCTION AND BACKGROUND

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# INTRODUCTION

## BC'S AGRICULTURAL LANDS ARE A DEEPLY VALUABLE AND FINITE RESOURCE.

The work of the Minister of Agriculture's Advisory Committee (the Committee) is focused on the revitalization of the Agricultural Land Commission (ALC) and the Agricultural Land Reserve (ALR). This Final Report outlines required legislative, regulatory and administrative changes. Many recommendations are immediate, while others are longer-term and require cooperation, collaboration and further study.

Protecting the ALR and ensuring it remains available and affordable to new and/or established farmers and ranchers must be the primary goal. Ensuring the ALC has a strong mandate and the independence and authority to carry out its duties must be matched by the tools and resources that respond to changing circumstances and pressures upon this irreplaceable resource.

The paramountcy of the Agricultural Land Commission Act was meant to ensure BC's agricultural land resource is taken seriously. The ALR must no longer be viewed as 'land in waiting' for another use.

***“The Commission exists precisely to prevent the British Columbia public waking up one day and asking – “what happened to our agricultural land?”<sup>2</sup>***

A deeper and broader understanding of BC's agricultural lands is essential to support BC's diverse and vital agricultural industry. In particular, the extent of external impacts to the ALR must be better understood. Speculation in the ALR must be curtailed for the long term viability of agriculture in BC. 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. The Committee believes strongly that ALR land should remain ALR land and that the ALR must not be the solution to various land use problems created by poor urban planning.

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.

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<sup>2</sup> PROVINCIAL AGRICULTURAL LAND COMMISSION: MESSAGE FROM THE CHAIR: AN UPDATE, October 4, 2013, Richard Bullock: [https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/message\\_from\\_chair\\_october\\_4\\_2013.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/message_from_chair_october_4_2013.pdf)

# BACKGROUND

## THE AGRICULTURAL LAND RESERVE AND THE AGRICULTURAL LAND COMMISSION

The ALR's 47-year history makes it the oldest agricultural land preservation program in Canada.

Concern about the loss of agricultural lands in BC was significant in the late 1960's. In response, BC's Environment and Land Use Committee of Cabinet passed what became known as the 'land freeze' on December 21, 1972.

***“By 1973 an estimated 20 per cent of all arable land in the Lower Fraser Valley — the most productive land in the province — had been lost to residential and urban development, and a further 3,000 acres were being eaten away each year. In addition, thousands of acres were being taken from agricultural production as farmlands were subdivided and converted into hobby farms or country estates or held for speculative purposes. The extent of this depletion, combined with forecasts of massive population growth in the Lower Mainland, fueled concern that, unless something was done, urban growth would “inundate the remaining farmlands with suburbia and its attending development.”***<sup>3</sup>

In “A Work in Progress: The British Columbia Farmland Preservation Program (2012)”, author Barry Smith points out that BC has a “challenging geography [of] valley/mountain physiography that has resulted in a relative scarcity of agricultural land. Less than 3% of the province's land area has an agricultural capability allowing a range of crops (Canada Land Inventory (CLI) Class 1 to 4).”<sup>4</sup>

The combination of very limited agricultural land in BC and the irreversible conversion of the lands to urban and other uses was the driving force for creating the ALR. 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 5% of BC's total land base and as of April 1, 2018, the ALR was 4,613,162 hectares (this includes Canada Land Inventory Classes 1-7). Approximately fifty percent of the ALR is in northern BC.

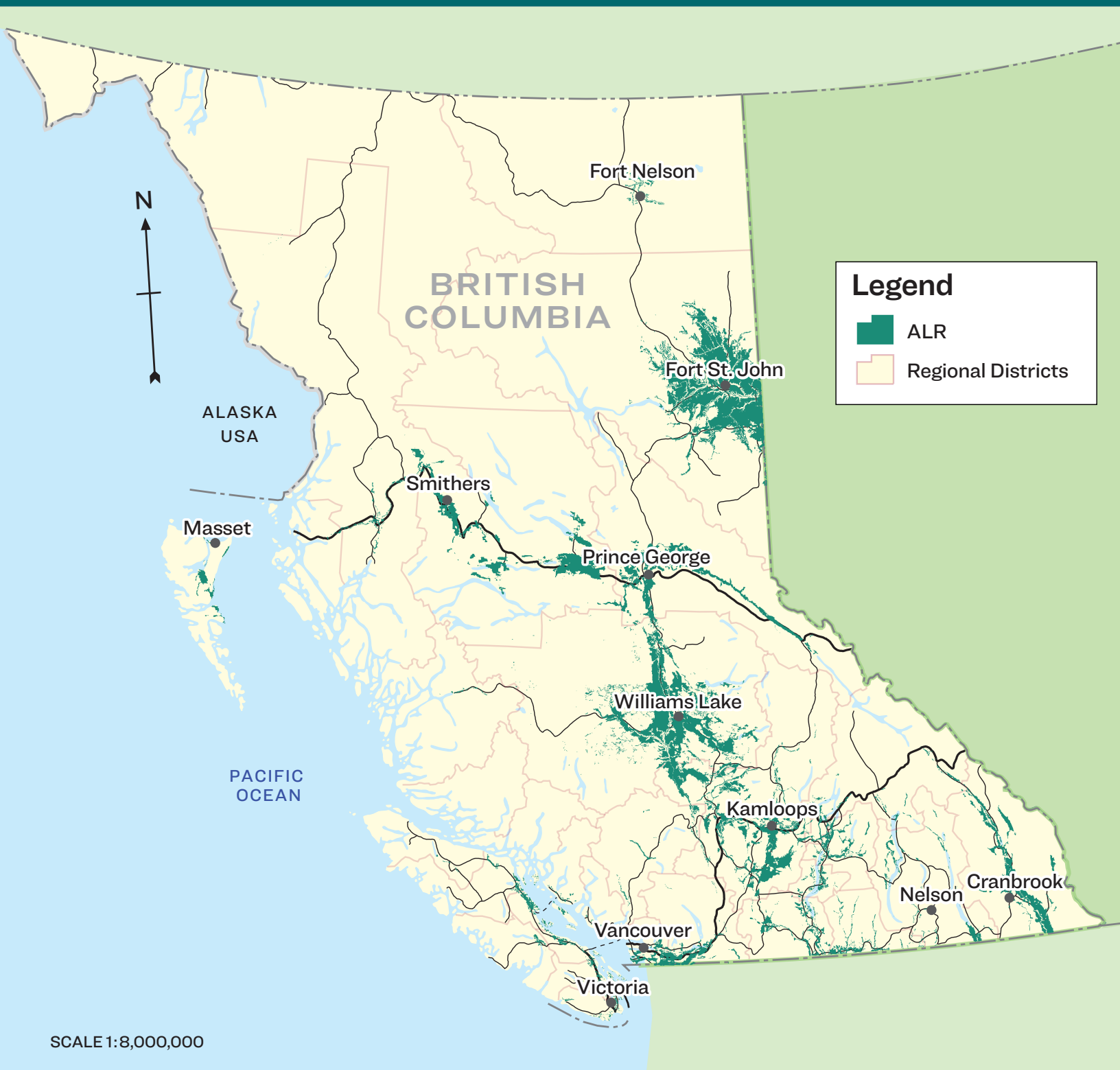
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<sup>3</sup> Sausage Making in British Columbia's NDP Government: The Creation of the Land Commission Act, August 1972-April 1973, Andrew Petter

<sup>4</sup> [https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/bc\\_ag\\_land\\_preservation\\_program\\_-\\_runka\\_1977.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/bc_ag_land_preservation_program_-_runka_1977.pdf)



# AGRICULTURAL LAND RESERVE IN BRITISH COLUMBIA



The ALR is based on the biophysical capacity of the soil and climate to produce agricultural crops. One engagement stakeholder pointed out:

***“It was a bold move in 1972 to base the ‘land freeze’ and subsequent land-use legislation on biophysical (climate plus soils) land capability. A fundamental change in thinking – the concept that a wise society should use the message of the land – not merely the marketplace – to decide upon its ‘highest and best’ use.”***

The agricultural land preservation program is supported by the Agricultural Land Commission Act (Act) and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (Regulation) that set out the purposes of the ALR including its governance, land use application processes, compliance and enforcement authority and uses permitted in the ALR.

The purposes of the ALC as set out in legislation are:

- a. to preserve agricultural land;
- b. to encourage farming on agricultural land in collaboration with other communities of interest; and,
- c. to encourage local governments, first nations, the Government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Since 2014, the ALC has operated with six individual regional Commission panels that make application decisions in their geographic regions. In addition to the 6 panels, there is an Executive Committee of regional Vice Chairs who meet regularly to discuss broader policy issues and make some application decisions. The full Commission meets twice per year.

The ALC’s mandate is significant and is often challenged by resource limitations. As of October 30, 2018, the work of the ALC is supported by a small complement of staff working across five functional areas: land use planning and applications; data management; compliance and enforcement; strategic planning and corporate policy; and, administration and information systems. Since its inception in 1973, the ALC has reviewed and considered over 45,000 ALR land use applications.



The ALR is a working landscape where most of the agriculture production in BC takes place. More than 17,500 farms operate within the ALR, employing more than 44,500 workers and producing over 200 different agricultural products. Total farm capital in BC in 2016 was more than \$37.5 billion. Agriculture is a strong component of the BC economy and a stable industry in many parts of the province. In 2017, BC agriculture generated \$2.6 billion in exports and \$1.9 billion in GDP.

For further information on the history of the ALR and the land designation process please refer to the following publications:

- ▶ BC's Agricultural Land Preservation Program <sup>5</sup>
- ▶ A Work in Progress: The BC Farmland Preservation Program <sup>6</sup>

For current information regarding administration and operation of the ALC and status of the ALR, please see the Commission's 2017-2018 Annual Report. <sup>7</sup>

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<sup>5</sup> [https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/bc\\_ag\\_land\\_preservation\\_program\\_-\\_runka\\_1977.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/bc_ag_land_preservation_program_-_runka_1977.pdf)

<sup>6</sup> [https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/a\\_work\\_in\\_progress\\_-\\_farmland\\_preservation\\_b\\_smith\\_2012.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/a_work_in_progress_-_farmland_preservation_b_smith_2012.pdf)

<sup>7</sup> [https://www.alc.gov.bc.ca/assets/alc/assets/library/commission-reports/annual\\_report\\_2017-2018.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/commission-reports/annual_report_2017-2018.pdf)



# ADVISORY COMMITTEE PROCESS

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# ADVISORY COMMITTEE PROCESS

In her July 2017 mandate letter from BC Premier John Horgan, the Honourable Lana Popham, Minister of Agriculture, was tasked with “Revitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC)”. To deliver on this important mandate, the Minister established an independent advisory committee process to provide the Province with strategic advice and policy guidance to guide the ALR and ALC into the future.

On January 4, 2018, the Minister appointed the Advisory Committee (Committee) 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 ALR and the ALC now and for the future benefit of all British Columbians.

The Committee’s Terms of Reference specifically directed the Committee to:

- ▶ Focus on the future of the ALR and ALC
- ▶ Evaluate policy issues that inhibit the purposes of the ALR and ALC
- ▶ Evaluate what is working well
- ▶ Develop recommendations that:
  - ▶ Work toward improving the purposes of the ALR and ALC;
  - ▶ Clearly identify the issues, goals and objectives that will strengthen the ALR and ALC in pursuing the purposes;
  - ▶ Suggest a strategy on how to achieve the goals and objectives;
  - ▶ Include, where possible, data/information that validates the issue as defined; and,
  - ▶ Are legally sound and are achievable.

\*Please see [Appendix 3](#) for the Committee’s full Terms of Reference

The work of the Minister of Agriculture’s Advisory Committee for Revitalizing the ALR and the ALC spanned three distinct stages over the course of a year:

**Stage 1:** Themes/issues identification and public engagement including a Committee Discussion Paper, regional stakeholder consultation meetings, and an online engagement process;

**Stage 2:** Early, interim recommendations to the Minister of Agriculture for proposed legislative change to revitalize the ALR and ALC, including a public-facing report on the interim recommendations and the results of the Committee’s consultation and engagement; and

**Stage 3:** Final, comprehensive recommendations to the Minister of Agriculture.

## STAGE 1

### DISCUSSION PAPER

To support stakeholder consultation and public engagement, the Committee created a Discussion Paper with history and background to the ALR and the ALC, and ten common themes to guide input on revitalization:

- ▶ A Defensible and Defended ALR
- ▶ ALR Resilience
- ▶ Stable Governance
- ▶ Efficacy of Zones 1 and 2
- ▶ Interpretation/Implementation of the Act and Regulation
- ▶ Food Security and BC's Agricultural Contribution
- ▶ Residential Uses in the ALR
- ▶ Farm Processing and Sales in the ALR
- ▶ Unauthorized Uses
- ▶ Non-Farm Uses and Resource Extraction in the ALR

More information on the Committee's Discussion Paper and public engagement can be found at the BC Government engagement site.<sup>8</sup>

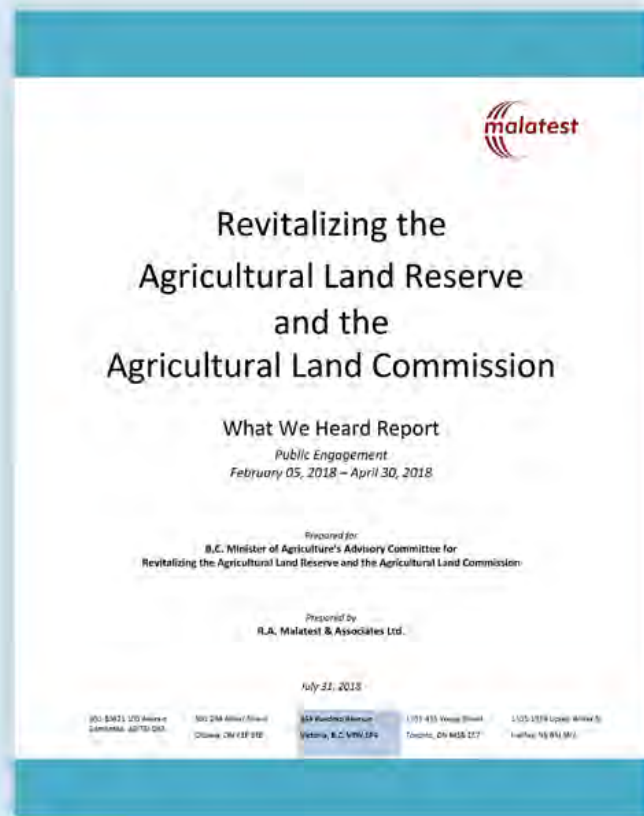
### STAKEHOLDER CONSULTATION AND PUBLIC ENGAGEMENT

The Committee's engagement process took place from February 5 to April 30, 2018, and included stakeholder consultation meetings in nine communities, public engagement via an online survey, mail and email responses, and numerous presentations. The Committee survey seeking online input and feedback on revitalization received more than 2300 responses, including from over 750 farmers and 115 agriculture specialists, and 1400 responses from the general public. There were also 240 responses from representatives of agricultural industry associations or interest groups. 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.

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<sup>8</sup> <https://engage.gov.bc.ca/agriculturallandreserve/>





Engagement Results: See the Committee's "What We Heard" Report <sup>9</sup>

## STAGE 2

## COMMITTEE REVIEW

Throughout the development of its recommendations, the Committee considered:

- ▶ Results of engagement, consultation and all submissions to the Committee;
- ▶ Expert presentations and reports to the Committee;
- ▶ Previous analyses of the ALR and ALC;
- ▶ Changes to the Agricultural Land Commission Act and the Regulation over time;
- ▶ Current and past authority and functions of the ALC;
- ▶ Farmland protection in other jurisdictions, including governance; and
- ▶ Existing supports to farmers and ranchers in BC, and in other jurisdictions.

*\* Please see Bibliography, [Appendix 1](#), for details of the reports, submissions, research, presentations, and advice considered by the Committee from recognized industry, academic and other agriculture sector leaders and partners.*

<sup>9</sup> <https://engage.gov.bc.ca/app/uploads/sites/327/2018/08/Minister-Advisory-Committee-What-We-Heard-Report-ALR-and-ALC-Revitaliz....pdf>

## INTERIM COMMITTEE RECOMMENDATIONS

The Committee's interim recommendations for immediate legislative and regulatory change were based on the critical state of the provincial ALR and the need to:

- ▶ Better protect the ALR land base for agriculture;
- ▶ Better preserve the productive capacity of the ALR;
- ▶ Significantly improve governance of the ALR; and
- ▶ Extend practical, ongoing support to farmers and ranchers in the ALR.

The Committee also provided recommendations on cannabis production in the ALR, and recommendations for revitalizing BC's northeast ALR and supporting farmer and worker resilience in this key area.

## ENGAGEMENT REPORT

In the course of developing the Interim Committee Recommendations, the Committee also prepared a "What We Heard" report to the Minister on the results of the Committee's public and stakeholder engagement. This engagement report shared statistical responses from more than 2300 public surveys to the revitalization themes in the Committee's Discussion Paper. The engagement report also noted similar themes and perspectives in the many written stakeholder submissions and reports to the Committee.

## STAGE 3

## FINAL COMMITTEE RECOMMENDATIONS

The Committee's final recommendations frame all Committee recommendations within the three strategic shifts needed to revitalize and achieve an 'agriculture first' ALR and ALC.







# KEY ISSUES AND STRATEGIC SHIFTS

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# KEY ISSUES REQUIRING IMMEDIATE GOVERNMENT ACTION

Following the consultation process and in developing its recommendations, the Committee identified several key issues for Government action:

## 1. AN URGENT NEED TO CURB SPECULATION AND NON-FARM IMPACTS IN THE ALR

As populations grow and urban land prices increase, the pressure to develop the ALR builds. An updated legislative framework is required to protect it from this pressure, and prevent prime ALR parcels being lost to investors and speculators for non-farm use. Residential estates, expansive agri-tourism and related processing facilities, and unauthorized disposal of construction waste and other illegal material put ALR land prices beyond the reach of farmers and ranchers, and damage and alienate the land from farming.

**Participants across all engagement initiatives were supportive of limiting speculation and the use of arable ALR lands for urban development.**

These types of uses drive the cost of ALR land well beyond the price most established farmers can afford, let alone those who are new entrants. This means existing farms cannot expand as their business grows and young farmers looking for land cannot afford to get into the business. Even leasing land is difficult as speculative landowners do not want to tie the land up in long term leases in case conditions change and they can actualize their ‘reward’. Agricultural land losses are occurring in fertile areas near coasts and in level valleys where the highest quality land is suited for development as well as agriculture. Competition for these areas is fierce and will only accelerate, and has done so for several decades.

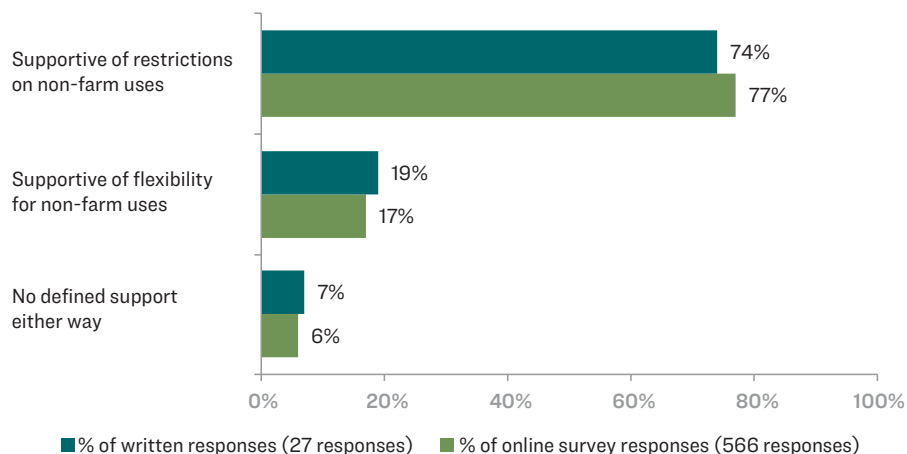
***“At the core is a continuing perception, that our agricultural resource is simply ‘vacant land’ being held or banked until it is considered needed for urban, industrial or infrastructure use. Despite some limited potential for multiple use, agriculture must be recognized as the legitimate end use of the ALR... [the idea of BC’s] foodlands as a form of quick-fix urban land bank....must be replaced with an understanding that the urbanization of the ALR is not inevitable and that the preservation of our agricultural resource is a necessary context within which the planning for urban growth must be undertaken. As our population grows, so will the importance of maintaining our food producing lands.”***<sup>10</sup>

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<sup>10</sup> Jim Plotnikoff, Planning Institute of BC News Volume 35, No. 3 (1993), p.3-4

Protecting agricultural land and ensuring it remains available and affordable to new and/or established farmers and ranchers is an immediate and long-term goal. Agricultural land is still vulnerable and the threats are many. External pressures destabilize the land base, exacerbate speculation and are all serious challenges.

**Figure 1: Attitudes towards restrictions of non-farm uses, from the ‘What We Heard Report’ p. 27**



## 2. A PLACE AT THE TABLE FOR THE AGRICULTURAL LAND COMMISSION

Agricultural soils and grazing lands are an important resource and must be treated no less than other resource sectors in the province. It is critical the ALC represent the ALR during provincial land use decision-making processes with other Government ministries and agencies. The Act, Regulation, designation of the ALR, and creation of an independent ALC to administer it were all intended to provide this voice. The Committee believes this voice is being ignored.

Revitalization requires thoughtful, bold and immediate change to the Agricultural Land Commission Act (Act) and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (Regulation). Changes that build a stronger governing framework for the ALR and the ALC are central to the Committee’s recommendations.

The current permissive nature of the Act and Regulation along with the ALC application process contributes to the perception that the ALR is “open for non-farm development”. The Act includes very few, if any, limits on the size and scale of permitted farm and non-farm uses, which is vital to protect this important and limited land base.

The Regulation applies to all ALR regardless of agricultural capability and suitability. The permissive nature of the regulation means it does not list all of the agricultural uses that can take place in the ALR that are farming-specific. However, it does set out additional uses that may take place in the ALR under certain conditions. Most of these other uses can take place in the ALR without the ALC being notified or aware of them. This leaves the regulation open to self-interpretation by ALR landowners and local governments. Often the regulation is misinterpreted or interpreted as per a local government’s interests, and is inconsistently applied. This kind of interpretation often leads to direct damage to agricultural land.



Regulatory amendments in the past were made with considerable ALC input based on the Commission's experience with land uses, application decision history, compatibility with agriculture, and many other matters. Deregulation initiatives and increasingly more permissive regulation over the past almost two decades have opened the door to greater misinterpretation. In recent years, regulatory changes that only peripherally involved the ALC were driven by a desire to allow other non-farm economic opportunities in the ALR. This resulted in the opening up of the ALR to greater land use pressures from within. Parts of the regulation have become watered down, less protective of agricultural lands and land use, creating unintended consequences and negative cumulative impacts, as well as being more challenging to work with and defend on a daily basis.

There is a vital need for the ALC to be 'at the table' not only with the Ministry of Agriculture, but with other provincial resource agencies, particularly in the development of legislation or regulations that could impact the ALR. It is apparent that going forward, a high degree of cooperation and collaboration between the host Ministry and ALC staff on changes to the legal framework is critical for successful revitalization. In addition, the Province must ensure the ALC is at the table with natural resource sector ministries and agencies as the ALR experts and a key Government agency leading provincial agricultural land protection across the province.

**Where ambiguity exists in ALC regulation, the default position is that the ALC staff will interpret the nuances of the policy. Many local governments throughout the province have already made interpretations of ALC policy.**

— Written Submission

The Regulation applies to all ALR lands regardless of agricultural capability and suitability. The regulations are permissive in nature which means they do not list all of the agricultural uses that can take place in the ALR that are farming-specific. However, they do set out additional uses that may take place in the ALR under certain conditions. Due to the permissive regulation, most of these uses can take place in the ALR without the ALC being notified or aware of them. This leaves the regulation open to self-interpretation by ALR landowners and local governments. Often the regulation is misinterpreted or interpreted as per a local government's interests, and is inconsistently applied across local governments. This kind of interpretation often leads to direct damage to agricultural land.

Until approximately 2010, the ALC was the driving force behind regulatory change. This meant that regulatory amendments were made with considerable ALC input based on the Commission's experience with land uses, application decision history, compatibility with agriculture, and many other matters. Deregulation initiatives in 2002 resulted in detailed ALC policies being made into highly simplified, unclear and increasingly more permissive regulation that opened the door to greater misinterpretation and the need to develop extensive interpretive policies. In recent years, regulatory changes that only peripherally involved the ALC were driven by a desire to allow other non-farm economic opportunities in the ALR. This resulted in the opening up of the ALR to greater land use pressures from within. Parts of the regulation have become watered down, less protective of agricultural lands and land use, creating unintended consequences and negative cumulative impacts, as well as being more challenging to work with and defend on a daily basis.

The current Regulation is unclear and open to interpretation leaving the ALR vulnerable. To support successful revitalization, the Committee urges the Ministry of Agriculture to ensure the ALC retains a strong ‘seat at the legislative table’ in revitalizing the legal framework for the ALR and ALC now and into the future.

### **3. THE RESOURCES TO ENSURE SUCCESSFUL REVITALIZATION**

Greater output requires greater input. Much of what British Columbians truly value about the ALR, agriculture in general, and food security in BC cannot be met without adequately resourcing the agencies responsible for delivering Government policies and mandates.

The Ministry of Agriculture and the ALC will need increased resources if they are to implement the Committee’s revitalization recommendations. The Committee urges the Minister and the Province to build a well-resourced program of revitalization that fully recognizes – and supports – the contribution of the agricultural sector to the health of BC’s economy and communities.

#### **Towards an Agriculture First Agenda for the ALR – Strategic Shifts**

An ALR for ‘Agriculture First’ is the most important message the Committee can bring to the Minister and her provincial colleagues. Ministers must work together to raise the importance of the agriculture sector and a protected, productive land base to sustain them. The future of farming in BC requires it; the future of BC food security demands it.

Over the course of the Committee’s work, the pressing need for a wholesale shift in Government approach to the ALR and the ALC became clear. Government commitment to action on an ‘Agriculture First’ agenda in the ALR is desperately needed. This requires the Province to make key strategic shifts to move the ALR and ALC to a more viable future. The Committee’s final recommendations build on interim recommendations for legislative change with key regulatory and operational action to make these shifts ‘stick’ and to advance an agriculture first agenda for the ALR. This is the necessary theme of revitalization. Government must make hard legal, administrative and program choices to secure a viable land base with appropriate governance to adequately support farmers and ranchers. This requires decision-making to shift to:

- ▶ ‘Agriculture First’ ALR Governance
- ▶ A Protected, Productive ALR
- ▶ Farmer & Rancher Resilience in the ALR

An Agriculture First agenda supported by key strategic shifts can address the urgent issues impacting the ALR and ALC and threatening the future of agriculture in BC.



## STRATEGIC SHIFT 1: 'AGRICULTURE FIRST' ALR GOVERNANCE

Revitalization requires Government to shift the Agricultural Land Commission (ALC) from a fractured, reactive and overwhelmed decision-making tribunal to a robust and well-resourced organization that plans for, makes and articulates the Province's revitalization vision across the provincial ALR. Strong legislative and regulatory changes are required for this shift.

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 that is not part of any provincial Ministry. The ALC is instead part of the Canadian community of independent administrative tribunals, vested with important statutory powers and whose members are obliged to exercise those statutory powers in accordance with the law.

For more than 30 years the ALC was the driving force behind legislation and regulation change given their expertise and experience with the implementation of the Act and regulation. This has not been the case, however, for more than a decade now. The ALC, under the guise of maintaining its independence, has been excluded from the legislative and regulatory amendment process. Excluding the ALC from this process has contributed, in the opinion of the Committee, to a weakening of the legislative framework adopted by Government 47 years ago to protect the land base from being consumed for non-agricultural purposes and made day-to-day operations cumbersome, and at times difficult, for the ALC.

Going forward the Committee also recommends Government re-involve the ALC early and regularly in the legislative and regulatory change process. The ALC must have the ability to propose legislative and regulatory change to Government as the experts in the day to day use and interpretation of the legislation and regulation.



# STRATEGIC SHIFT II: A PROTECTED, PRODUCTIVE ALR

Revitalization requires Government to shift from ALR activities that limit, damage and alienate land for farming and ranching to activities that utilize the agricultural potential of the land and protect valuable soils for future use. A protected, productive ALR is a vital component of a BC food security strategy for the future. It requires a legislative and regulatory preference for agricultural activities with provincial rules and limits for non-farm use.

The ALR and ALC have survived varied Government philosophies, underfunding, changes in legislation and regulation, political interference and the perspective that agricultural land is land in waiting for a higher and better use. However, as population grows and competition for land increases, it is more urgent than ever to make sure the ALR and ALC will continue and be supported by all British Columbians.

External pressures can reduce the amount of existing, agriculturally capable land within the ALR. They threaten the physical capacity and availability of agricultural land for farmers and ranchers. They impact BC's option to grow its own food. The pressures are not limited to but include:

- ▶ 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) 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;
- ▶ Uses permitted in the regulation are being conducted with little or no connection to on-farm agricultural production; and
- ▶ Expansion of transportation corridors, industrial development, retail sales, schools, airports, community centres and other developments are driving land out of farming

***“Development that ruins land forever must not be allowed to happen.”***

— Farmer/rancher survey participant

# STRATEGIC SHIFT III: FARMER & RANCHER RESILIENCE IN THE ALR

Agriculture in BC is more diverse than in any other province in Canada yet the BC Ministry of Agriculture is one of the least-resourced in the country. In BC, only \$17 is spent on agriculture per person, while Saskatchewan, for example, spends \$700 per person. While individual farmer/agriculture business application-based funding does exist for some small projects, there is no formal agriculture extension service in BC with the array of programming and support enjoyed in the United States and in other countries around the world.

In order to keep lands in the ALR productive, farmers and ranchers must be supported in all parts and at all stages of their business, including business development, education, taxation, etc. The Committee heard during its engagement process that agriculture in BC has lost its voice and that until recently it has lagged behind most other provinces in Canada with regard to funding.

The ALC's mandate, which includes encouraging farming, is not sufficiently resourced to broach this area of work, nor could it do this work alone.

There are many mechanisms to build resiliency in agriculture that are not directly related to ALR and ALC revitalization. However, the Committee believes that many of the issues raised in this section of its report are critical to encouraging agriculture in BC and supporting the farmers and ranchers who work the land.

In the current era where the desire for safe, high quality, locally grown food products are in demand, it's time BC focused resources back on agriculture and agricultural land.

Revitalization requires Government to shift from understanding agriculture as a 'soft' natural resource sector to the engine of local and regional economic and community development that it is. Farmers and ranchers who are valued and supported to farm BC's ALR is the other vital component of a BC food security strategy for the future. It requires senior Government dialogue and action to maintain a balance that puts agriculture first in the ALR for the benefit of all.

While encouraging agriculture is a key part of the ALC's legislative mandate, it must be in partnership with provincial ministries, agencies, local governments, agricultural industry stakeholders, and other key partners. The ALC works with over 150 local governments at the municipal and regional level to bring an agricultural lens and voice to local government decision-making, including land use planning that is consistent with the Act 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.

Much of the responsibility and resources for delivering programs and support to BC's agriculture sector lies with the Ministry of Agriculture and other provincial ministries and agencies. Recommendations for this strategic shift are critical to encouraging agriculture and ensuring resilience of BC's farming and ranching industry in the ALR and beyond.

# FINAL COMMITTEE RECOMMENDATIONS

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## FINAL COMMITTEE RECOMMENDATIONS

The Final Committee Report to the Minister of Agriculture: Recommendations for Revitalization situates final Committee recommendations under three strategic shifts. Government leadership and action is required to make these critical changes and set the course for strong, effective revitalization.

*Note: All of the Interim Committee Report (July 2018) recommendations are carried over from that report but with additional scope and detail. New Committee recommendations are equally critical and urgent and require immediate action on the part of the Province.*

## STRATEGIC SHIFT I:

### Recommendations for ‘Agriculture First’ ALR Governance

**Recommendation 1:** Strengthen the Act and reinforce its paramountcy to prioritize agriculture: .... 43

1. Better define the ALR, including purposes of the ALR
2. Enable establishment of ‘agriculture first’ criteria that may be considered in all ALC decisions
3. Incorporate decision-making criteria into the Regulation and require local governments and First Nations to comment on the criteria when forwarding applications to the ALC

**Recommendation 2:** Safeguard agricultural values across the province by reinstating a one-zone ALR decision-making model across BC. .... 45

**Recommendation 3:** Enable an ALC governance structure that: ..... 46

1. Is flexible, locally-informed and regionally-representative
2. Puts agriculture first across the province
3. Ensures decision making that is consistent and fair

**Recommendation 4:** Increase the autonomy, independence and effectiveness of the ALC. .... 48

**Recommendation 5:** Strengthen ALC compliance and enforcement tools, and capacity, to better protect the ALR..... 50

**Recommendation 6:** Build better planning and land use decisions for agriculture by requiring all local government bylaws that affect the ALR to be endorsed by ALC resolution. .... 52

**Recommendation 7:** Improve clarity around the two ALC reconsideration processes. .... 54

**Recommendation 8:** Improve Government accountability/compliance with the Act through implementation of memorandums of understanding between the ALC and other Government agencies to protect the ALR for ‘agriculture first’..... 55

**Recommendation 9:** Require early and ongoing ALC involvement in planning and assessment of provincial infrastructure projects and ALR exclusions to determine: ..... 57

1. What Agricultural Impact Assessments may be required;
2. What conditions, mitigation measures and/or compensation may be required to address impacts;
3. Potential impacts to ALC’s mandate delivery (e.g., caused by Government actions including Orders-in-Council that override the Act or Regulation.

**Recommendation 10:** Maintain a province-wide Agricultural Land Use Inventory to support policy and program development and ALR land use impact analysis. .... 58

## STRATEGIC SHIFT II:

### Recommendations for A Protected, Productive ALR

**Recommendation 11:** Protect the ALR from residential speculation: ..... 61

1. Establish a maximum total floor area for all primary residences in the ALR as per the Minister's Bylaw Standard (500 m<sup>2</sup>)
2. Provide local government flexibility to zone below the provincial maximum
3. Enable new regulations for residential siting, secondary dwellings, and home plate size

**Recommendation 12:** End the impact of illegal fill on the agricultural capability of the ALR: ..... 65

1. Redefine and restrict fill in the Act
2. Amend the Regulation to limit types of fill placement and soil removal activities that are exempt from notification/application to the ALC based on clearly defined thresholds

**Recommendation 13:** Curb speculation through better land use planning by only considering exclusion of ALR land through a joint local government-ALC land use planning process. .... 69

**Recommendation 14:** Establish a Maximum Cumulative Footprint for farm-related commercial and industrial uses permitted in the ALR in order to: ..... 71

1. Ensure agricultural production remains the primary ALR land use; and,
2. Not eliminate economic opportunities for farmers.

**Recommendation 15:** Protect the ALR from anticipated significant impacts of federal cannabis legalization: ..... 75

1. Establish an immediate provincial moratorium on all non-soil bound cannabis production facilities in the ALR
2. Provide the ALC with authority to consider all cannabis-related applications and to establish criteria for limits throughout the ALR
3. Review and clarify the recently adopted regulation for cannabis production in the ALR.

**Recommendation 16:** Support 'Agriculture First' in the ALR by clarifying rules and limits to large scale, non-farm gatherings and events. .... 78

**Recommendation 17:** Protect the ALR from expansive accommodation by: ..... 81

1. Amending the definition of 'sleeping unit'; and
2. Clarifying what accommodation is not permitted as agri-tourism accommodation in the ALR.



<b>Recommendation 18:</b> Ensure consistent, province-wide protection of the ALR by removing the ALC’s ability to delegate decision-making authority to local governments. ....	83
<b>Recommendation 19:</b> Make the ALR application review process more efficient by prescribing acceptable non-farm use and subdivision applications. ....	84
<b>Recommendation 20:</b> Protect the productive capacity of the ALR by requiring a non-farm use application for any new or expanding ALR facility producing Class A compost. ....	86
<b>Recommendation 21:</b> Consider the creation of an Industrial Land Reserve to secure and reduce industrial pressures on the ALR. ....	88
<b>Recommendation 22:</b> Work with the Federal Government to mitigate the impacts of federal jurisdiction on ALR lands. ....	89

## STRATEGIC SHIFT III:

### Recommendations for Farmer & Rancher Resilience in the ALR

<b>Recommendation 23:</b> Review and increase the income threshold for farm properties qualifying for the BC Assessment Farm Class.....	91
<b>Recommendation 24:</b> Consider adopting policies on foreign ownership of ALR land — similar to those of other Canadian jurisdictions. ....	94
<b>Recommendation 25:</b> Immediately work to address the imbalance between oil and gas development and agriculture in BC’s Northeast ALR:.....	96
1. Form a Deputy Minister-level, multi-agency, multi-jurisdictional Task Force to develop a Northeast ALR Strategy; and	
2. Establish an increased ALC presence to support farmers and ranchers in BC’s Northeast ALR.	
<b>Recommendation 26:</b> Significantly improve agriculture extension services in British Columbia through a focused strategic planning exercise with Government, industry and academic partners.....	99
<b>Recommendation 27:</b> Improve access to land opportunities for both new entrants and existing farmers and ranchers. ....	101
<b>Recommendation 28:</b> Review approaches to improving access to essential supports for farmers and ranchers. ....	103
<b>Recommendation 29:</b> Increase ALC-led ALR outreach and education to improve public awareness and understanding.....	106
<b>Recommendation 30:</b> Establish a Province-wide ALR and ALC Communication Plan. ....	107
<b>Recommendation 31:</b> Increase ALR awareness and education within BC’s real estate industry. ....	108
<b>Recommendation 32:</b> Build a BC food security strategy for the ALR and beyond.....	110

STRATEGIC SHIFT I:

# RECOMMENDATIONS FOR 'AGRICULTURE FIRST' ALR GOVERNANCE

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# STRATEGIC SHIFT I:

## RECOMMENDATIONS FOR 'AGRICULTURE FIRST' ALR GOVERNANCE

### Legislative and Regulatory Changes

#### RECOMMENDATION 1:

Strengthen the Act and reinforce its paramouncy to prioritize agriculture:

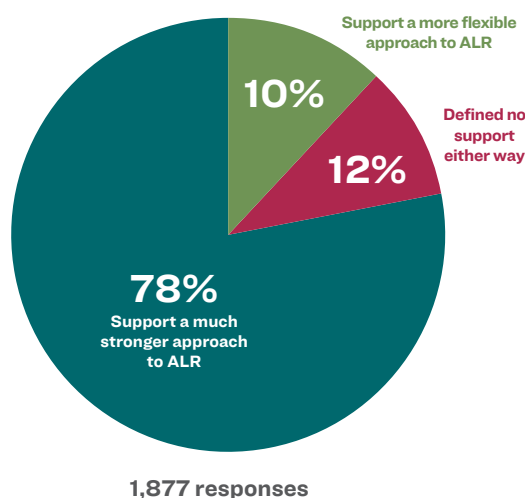
1. Better define the ALR, including purposes of the ALR
2. Enable establishment of 'agriculture first' criteria that may be considered in all ALC decisions
3. Incorporate decision-making criteria into the Regulation and require local governments and First Nations to comment on the criteria when forwarding applications to the ALC

#### Issue/Rationale:

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 BC's ALR and to 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 BC's agricultural land and uses that are strongly connected to agriculture and supportive of farming.

Figure 2: Overall perceptions of the need to strengthen ALR land protection



**78% of online survey participants supported a much stronger approach to the ALR, including policies and priorities that would minimize or eliminate development and removal of land from the ALR.**

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.

## **Actions:**

### **1. Amend the Act to include a clearly defined purpose for the ALR based on its importance as a:**

- ▶ Provincial land use zone that gives priority to agricultural uses;
- ▶ Valuable biophysical resource needed to sustain agricultural production for future generations; and
- ▶ Contiguous agricultural land base that if not managed could be easily eroded by the intrusion of non-agricultural activities and the cumulative impacts of incremental land use change.

### **2. Include ‘agriculture first’ factors/decision-making criteria in the Regulation for ALC to consider when exercising its jurisdiction with a view to strengthening and focusing decision-making on agricultural land protection and preservation.**

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.

The following are the Committee’s recommended decision-making criteria that the Commission may also take into consideration with respect to the purposes of the ALC and ALR:

- ▶ Agricultural capability of the parcel(s) under application;
- ▶ Continuity of the agricultural land base;
- ▶ Potential impact on productive capacity of the ALR;
- ▶ Establishment of land holdings sufficient to support farming now and in future;
- ▶ Potential impact on the surrounding agricultural land base;
- ▶ Availability of land outside of the ALR for the proposed use specified in an application; and,
- ▶ Cumulative impact of the decision on the ALR.

### **3. Amend the Regulation to require local governments and First Nations to consider and comment on these criteria, as well as Section 6 and a new recommended purpose of the ALR, when submitting applications to the Commission.**

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## RECOMMENDATION 2:

**Safeguard agricultural values across the province by reinstating a one-zone ALR decision-making model across BC.**

### 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.

**64% of written responses were in favour of the ALR being one zone for agricultural use only, or of the rules being consistent across both zones, in favour of Zone 1 regulations.**

The notion that some lands (identified as being situated in Zone 2) are of lesser agricultural importance is not supportable. According to the Agricultural Capability Classification Summary Tables <sup>11</sup> the total area of prime land (Class 1-4) in Zone 1 is 335,000 hectares compared to 2,072,000 hectares in Zone 2. The importance and value of lower capability rated agricultural lands in these areas is also an important consideration as discussed in The Potential of Marginal Agricultural Lands <sup>12</sup> prepared by the Soils Branch of the BC Ministry of Agriculture, 1978.

The Committee believes the assumption that lands in Zone 1 require more protection than Zone 2 because of higher development pressures is unfounded and based on little or no actual data. Development pressures in the ALR exist in all regions and vary based on the region. Urban development pressures exist across BC, in particular in close proximity to urban and village centres. Other pressures include resource extraction (oil and gas in particular) in the northeast, recreational land use pressures in the Kootenays and Okanagan. The desire for more industrial land, recreational facilities and non-farm oriented employment land is present in every community.

Fairness is also a consideration in regard to a two zone approach. 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 two tier land reserve system has excluded farmers and ranchers in Zone 1 from the considerations given to others in Zone 2. With no substantive differences between the two areas, the Committee believes there is little argument for having different rules for one part of the provincial ALR and impacts the credibility and stability of decision-making across the ALR.

<sup>11</sup> [https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/agriculture\\_capability\\_classification\\_in\\_bc\\_2013.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/agriculture_capability_classification_in_bc_2013.pdf)

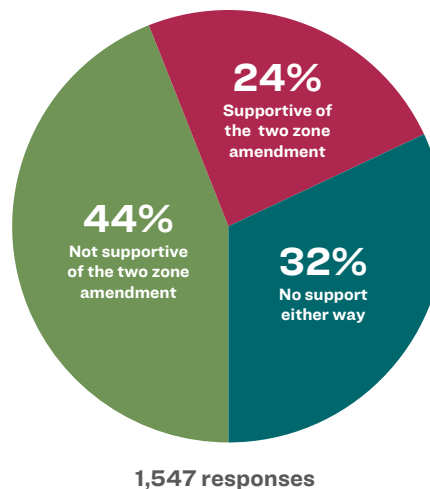
<sup>12</sup> [https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/the\\_potential\\_of\\_marginal\\_agricultural\\_lands\\_1978.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/the_potential_of_marginal_agricultural_lands_1978.pdf)



One important difference that does exist, however, between the lands in Zone 1 and Zone 2 is the cost of land, especially in the north. Taking into account the high capability lands, climate change and lower land costs, the northern ALR lands may play a significant role for future generations of farmers looking for opportunities to enter into the farm business sector and for all British Columbians as the population grows with the commensurate demand for food.

The 2014 legislative amendment to divide the ALR into two zones and add additional considerations for Zone 2 (s.4.3) was, in the committee's view, an effort to streamline application approvals and enable greater non-farm uses in Zone 2. The duty to consider interests beyond the preservation of agricultural land and the introduction of regulations that apply to only one zone supports this viewpoint. The Committee does not believe the rationale provided for the basis of the two zone approach stands up to scrutiny.

**Figure 3:: Overall degree of support for the two-zone approach**



## Actions

- 1. Re-instate a single provincial ALR 'zone' to provide a strong, stable and consistent legislative and administrative framework for a revitalized and secure ALR that keeps farming and ranching options around the province viable, and maintains future opportunities for food production.**
- 2. Remove all two-zone 'carryover' concepts and provisions in the Act and Regulation.**

### RECOMMENDATION 3:

Enable an ALC governance structure that:

- 1. Is flexible, locally-informed and regionally-representative**
- 2. Puts agriculture first across the province**
- 3. Ensures decision making that is consistent and fair**

### 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.

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 expressed frustration to the Committee over the current process for panel decisions and delays resulting from Chair oversight and review by the Executive Committee. 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.

One of the key reasons for the creation of a provincial ALR was that many individual local governments with agricultural land were not up to the task and were too susceptible to local influences from landowners and developers. The pressure that is often brought to bear on decision makers who are known in the local community can be substantial. The Act was established in an attempt to ensure that decision-making was balanced and considered the preservation of the land base for the greater public good.

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 influences.

## **Actions**

- 1. Adopt a flexible, locally-informed, and regionally-representative ALC structure that allows the ALC to determine how best to deploy its Government-appointed Commissioners to meet the Commission's operational and legislative requirements.**
  - 2. Provide the ALC with the authority and operational flexibility to organize the Commission into panels of one or more members in accordance with Section 26 of the Administrative Tribunal Act as needed, to enable the Chair to manage Commission workload, better utilize the expertise of individual Commissioners and maintain a provincial perspective during the consideration of regional interests.**
  - 3. Give the Chair authority to appoint Commission Vice-chair(s) from the body of appointed Commission members and to appoint an acting Chair in accordance with Section 4 of the Administrative Tribunal Act.**
  - 4. Past experience has shown that a flexible panel system can serve the ALC and ALR very well. The regional panel would remain intact, but membership of the panel would reflect not only the local area, but also include expertise with a province-wide perspective.**
-



#### **RECOMMENDATION 4:**

#### **Increase the autonomy, independence and effectiveness of the ALC.**

##### **Issue/Rationale:**

It was recognized from the beginning and has been upheld by the courts that a specialized, independent and non-partisan ALC is essential to the proper administration of the Act. As an administrative tribunal, the ALC is expected to conduct itself in a fair and impartial manner, governed solely by the law and by a principled approach to decision-making. The Committee recommends increasing the ALC's autonomy, independence and effectiveness; this includes 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.

The environment in which the ALC operates must be free from executive Government or host ministry influence and pressure. As with other provincial administrative tribunals, the ALC is designed to exercise its adjudicative functions in a way that is outside the sphere of politics, both in fact and in perception.

To prevent interference, several safe guards are necessary, including a merit-based board recruitment process that selects members who are committed to public service and who have the specialized knowledge and expertise necessary to decide matters that come before them, without prejudice and self or political interest and as specified in the legislation. The Act states that persons appointed to the ALC must have knowledge and expertise in matters relating to agriculture, land use planning, local government or first nation Government.

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 (CEO), 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 has contributed to an erosion of public trust.

ALC Commissioners should be appointed following a merit-based process that involves consultation with the Chair, as set out in the Administrative Tribunal Act, with the same rigour as other administrative tribunals in BC. The ALC Chair should also have the authority to recruit and hire their own CEO consistent with the hiring practices of the Public Service.

The ALC Chair and Commission are accountable to Government and ultimately to the public through the Minister and should not report through the regular hierarchy of the host Ministry. A clear understanding of the respective roles and responsibilities of the Minister, host Ministry Executive and staff, and the ALC Chair contributes to effective board management, operations and service delivery.

**The majority of engagement participants felt that less political influence would ensure stable ALC governance.**

— Advisory Committee's What We Heard Report p.9

Although operating at arm's length, the ALC is currently hosted by the Ministry of Agriculture (the ALC has been hosted by different ministries in the past). ALC independence goes beyond application decision-making to include administration and operations, budget development, reporting and performance targets, legislation and regulation proposals, etc. The ALC maintains a separate budget vote and funding from the Ministry and its budget should be within its control. For decades, the ALC operated autonomously and in order to uphold its independence, this must be re-instated.

***“The ALC must remain independent of partisan politics, and any current Government should consult with the ALC before making any changes to the allowable uses of ALR farm land... The decision of the ALC should be final.”***

— Farmland preservation group,  
Survey Participant

In addition, the Act currently permits the Government to set performance standards and targets for the ALC including timelines for decision making. Publicly funded organizations such as the ALC need to publish work standards and performance targets so that it may regularly report on progress through business plans and annual reporting. However, independent organizations should be able to identify and establish realistic performance targets that reflect its specific business rather than have them dictated to them. As with other Boards, Agencies and Commissions, the ALC should maintain its own reasonable and business specific service objectives based on its administrative and operational requirements. Reporting should be conducted in accordance with the Administrative Tribunal Act. Arbitrary legislated deadlines such as those that currently exist undermine the ALC's ability to properly and professionally manage its work and form good decisions under its mandate.



## **Actions:**

1. Re-instate the ALC's autonomy beyond just decision making to administration and operations, budget development, reporting and performance.
  2. Remove the ability of Government, the Minister and the host Ministry to dictate timelines, performance measures and reporting formats.
  3. Ensure the ALC has oversight over its budget which is a separate vote and determines the allocation of the budget to best carry out the work and associated activities it is tasked by law to carry out.
  4. Develop a Memorandum of Understanding between the ALC and Ministry that sets out roles and responsibilities, to ensure clarity as Governments, Ministers, Deputy Ministers, Commissioners, Chairs and staff change at both organizations over time.
  5. Amend the Act to give effect to Section 3 (1) of the Administrative Tribunal Act requiring a merit-based recruitment processes for Commission member appointments, conducted in consultation with the ALC Chair.
  6. Give the ALC Chair and Commission the authority to hire its CEO.
- 

### **RECOMMENDATION 5:**

**Strengthen ALC compliance and enforcement tools, and capacity, to better protect the ALR.**

## **Issue/Rationale:**

ALC compliance and enforcement efforts struggle to be effective due to a lack of low and mid-level legislative authority for penalties to support and enforce compliance. The ALC advises that its compliance and enforcement efforts could be enhanced and given more credibility by increasing resources, developing capacity to effectively use additional legislative tools and instruments. When it comes to decreasing the incidence of unauthorized uses in the ALR, the ALC's 2018 Local Government Survey identified that while greater public awareness, clearer definitions and greater consistency between ALC legislation and other legislation were considered helpful, over three-quarters of local government stakeholders (78 per cent) surveyed indicated that more enforcement from the ALC would be an effective strategy to reduce non-compliant activity in the ALR.

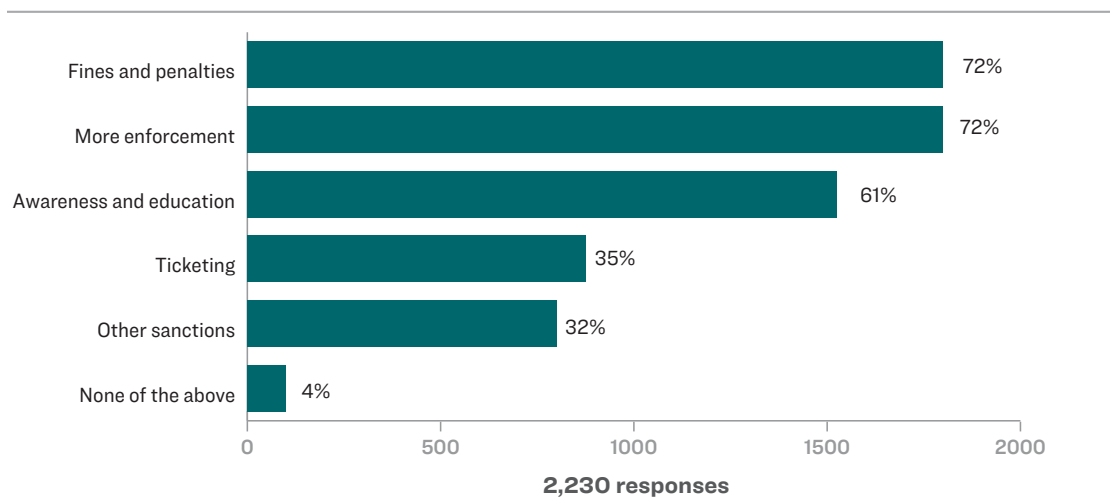
**Among the sanctions that could reduce instances of unauthorized use in the ALR, both proactive (e.g., awareness and education) and reactive (e.g., fines and penalties) regulatory mechanisms are viewed as necessary.**

— Survey participants

Smaller scale, immediate enforcement options, on 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.

Stakeholders, particularly local governments and the public, are very supportive of stronger ALC compliance and enforcement tools for obvious instances of non-compliance such as unauthorized uses, and illegal fill activity.

**Figure 4: How to decrease unauthorized use in the ALR**



Note: Frequencies are greater than the total number of participants since multiple responses were selected. Percentages reported correspond to the number of participants who selected the option.

**Engagement participants were largely in favour of the increasing of ALR monitoring and enforcement, to ensure only permitted activities are taking place within the ALR.**

## Actions

### 1. ALC and Ministry of Agriculture collaborate on the development of a robust set of graduated enforcement tools such as fines and fees that include provisions that would allow the ALC to:

- ▶ Issue violation tickets; and,
- ▶ Place a notice on title for properties subject to outstanding orders to avoid properties being sold to unsuspecting property owners.

The ALC Act and regulations, read together demonstrates a clear intention by the legislature to have local governments work with the Commission in the management of activities on agricultural land, including in the enforcement of infractions, in particular in those situations where local governments have exercised their authority to regulate land use in the ALR. The Committee is of the opinion that more emphasis should be placed on the vital role of local governments in compliance and enforcement and preservation of the ALR.

***“Local enforcement resources are beneficial – need systematic and consistent enforcement on illegal issues. Reinforce that illegal uses will not be tolerated.”***

— Community Stakeholder Consultation

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### RECOMMENDATION 6:

**Build better planning and land use decisions for agriculture by requiring all local government bylaws that affect the ALR to be endorsed by ALC resolution.**

### Issue/Rationale:

Protecting farmland is in large part a land use planning concern. Under the current legislative framework this responsibility rests on:

1. The Commission’s mandate to encourage local governments and others to accommodate farming in the ALR in their plans, bylaws and policies (Act sec 6(c));
2. The need to ensure consistency between local government bylaws and the Act, regulations and orders of the Commission (Act sec 46); and,
3. The requirement that local governments forward a copy of draft official community plans to the Commission for comment prior to approval (Local Government Act sec 882(3) (c)).

Both the Commission and local governments are charged with responsibilities for zoning and regulating of the same land base – the ALR, which demonstrates a clear intention by the

legislature to have the Commission and local governments work together on the preservation and promotion of agriculture in the province.

It is largely through local government zoning regulation and the efforts of local government staff that the Act and regulation are implemented.

Legally, local governments are only required to refer official community plan bylaws (OCPs) that affect the ALR to the ALC for “comment” as provided for in the Local Government Act. With no authority for approval of OCPs and no requirement to even refer a zoning bylaw to the ALC for comments, the ALC has adopted an incremental approach to working with local governments to try and strengthen protection of agricultural land to varying degrees of success.

As a result there is considerable variability across the approximately 150 local governments with land in the ALR, in particular in areas of the province where there is no zoning or dated zoning bylaws that are inconsistent with the current Act and Regulation. 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 when faced with non-compliance directly attributable to inconsistency between the Act and Regulation and local zoning bylaws.

While the ALC works to communicate with local governments regarding inconsistent bylaws and policies under its mandate to encourage consistency it is an incremental, reactive and relatively ineffective way to try and ensure consistency. Having to take a local government to court to have a bylaw declared of no force and effect is a costly and very undesirable approach.

Consideration needs to be given to the establishment of better tools to ensure local government bylaws are consistent with the Act and Regulation.

## **Actions**

- 1. Consider requiring zoning bylaws be referred to the ALC for comment in the same manner as Official Community Plans.**
- 2. Establish a provincial template “ALR zone” for adoption by local governments in their zoning bylaws to ensure consistency with the legislation, particularly where local governments do not include agricultural zones in their bylaws. In Quebec, the Quebec Agricultural Land Commission must approve the agricultural zones that apply to the agricultural reserve in consultation with the local governments.**

Planning for agriculture is an important component to managing a complete community that each and every local government should undertake with the same sincerity and intent that is applied to other land uses including commercial, residential and industrial planning. The foundation of a robust and resilient agricultural industry in BC is a stable and structured land use framework from which an agricultural industry can reliably build upon.

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## **RECOMMENDATION 7:**

### **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. This 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 time period in which 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 Commission decisions. Of those, only 18 were referred for reconsideration and of those decisions only three were reversed.

#### **Actions:**

- 1. Establish a one year time limit for a reconsideration request.**
- 2. Limit the number of reconsideration requests that can be made per decision to no more than one per affected party.**
- 3. Amend section 33(1)(a) to clarify that the “evidence not available at the time of the original decision” must be “substantial and determinative” to the decision and “could not through the exercise of reasonable diligence have been discovered”.**

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 BC 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 ALC 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 that may uphold or overturn the decision.

In 2017/18, the Chair directed the Executive Committee to review 19 (4%) of the 391 decisions made.

## **Actions:**

### **1. Review the current legal process of Chair-directed reconsiderations:**

- ▶ Maintain the Chair's important ability to review and direct decisions for review to ensure consistency with the ALC mandate
- ▶ Reduce the uncertainty of a decision for the applicant and local government

## **RECOMMENDATION 8:**

**Improve Government accountability/compliance with the Act through implementation of memorandums of understanding between the ALC and other Government agencies to protect the ALR for 'agriculture first'.**

## **Issue/Rationale**

It is clear that over time, an in-depth appreciation and understanding of the purposes of the ALR, and the mandate of the ALC, has been effectively lost to much of Government.

It is worth stating that the Act, with very few exceptions (s.2) is not subject to any other enactment. Further, no agent of the Government is to exercise a power granted under another enactment (s. 3) except in accordance with the Act and its Regulation.

A large number of provincial ministries, agencies and bodies have decision-making authority that affects land in the ALR. The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), for example, makes tenure decisions on Crown Land in the ALR. The Ministry of Environment (MOE) has regulatory authority over compost facilities; the Liquor and Cannabis Regulation Branch (LCRB) oversees liquor manufacturing and licensing of alcohol production facilities in the ALR; etc. The daily operating practices of these agencies clearly indicate there is a lack of understanding regarding the relative relationships that should exist between themselves and the ALC.

While it is the primary responsibility of the ALC to facilitate the implementation of the Act and Regulation, the primacy of the Act requires that any Government agency making a decision that impacts land in the ALR consider both agricultural land preservation and farming as a first priority.

Based on their specific areas of overlap, these agencies have many different divisions, departments, and regional offices that require different interactions/policies/ agreements with the ALC. For example, the ALC and LCRB should have an MOU that outlines their respective roles and responsibilities and the need for operational policies that describe how application processes and compliance & enforcement will be integrated and coordinated as they relate to alcohol production in the ALR.

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) is responsible for the stewardship of Provincial Crown land and natural resources, and for the protection of BC's archaeological and heritage resources. The Committee acknowledges that FLNRORD has a very large and complex mandate and a responsibility that extends well beyond lands within the ALR. However, given that 50% of the ALR (approximately 2.5 million hectares) is Crown land, an active and up-to-date MOU between the two agencies is critical. Many aspects of FLNRORD responsibilities have direct impact on the ALR including: the issuance of Crown land grazing leases; licenses of occupation and recreational permits; reforestation objectives; wildlife management practices; the Water Sustainability Act; and Crown Land Policies. Given the diverse nature of FLNRORD, there may be a need to have multiple operating agreements stemming from a larger MOU between the two agencies.

There are also established regulations that dictate the need for environmental assessments for major provincial and federal infrastructure projects. Government and its agents acknowledge these requirements and early in their planning processes, actively enter into the review process with the Environmental Assessment Office (EAO). The same weight and consideration needs to be given the ALC Act and the protection of ALR land. Despite the paramountcy of the Act, the ALC is in many cases forced to play catch-up with projects that are well beyond the regulatory planning stages. The ALC mandate to preserve agricultural land and protect the farmer or rancher should never be a sister-agency afterthought: early involvement of the ALC is essential when planning for large infrastructure projects in the ALR.

The Committee's strong recommendation that the BC Government adopt an 'Agriculture First' agenda in the ALR would help ensure all Government ministries and agencies, and their employees, are aware of the importance of the ALR. The Committee is of the opinion that the paramountcy of the Act needs to be recognized, understood and upheld.

## **Actions**

- 1. Advance the 'Agriculture First' agenda for all Government decision-making in the ALR through the establishment of MOUs and operating agreements between the ALC and identified ministries that impact the agricultural capability and utilization of the ALR for farming. Each MOU should include:**

- ▶ Official positions responsible for liaising with the ALC in respect to overlapping jurisdictions;
- ▶ Annual objectives for long range planning, cross education and data sharing;
- ▶ An outline when the ALC should be a referral in the intergovernmental e-referral processes;
- ▶ Compliance and enforcement cross-over opportunities; and
- ▶ ALR/ALC process components to Crown Land Policies such that when the policy is applied in the ALR, there are additional protocols in place (e.g., license of occupation permits and recreational trail permits issued by FLNRORD).

2. Immediately establish a Crown Land Planning working group with ALC and FLNRORD.
3. Update Crown Land Policies and other out-of-date agreements.
4. Consider including reference to s.2 of the Act and the ALR in provincial Acts and regulations that apply to land use as a required point of reference.

We hope that your recommendations will include the need for sustainable forage management on crown land, reversal and control of forest in-growth and establishment of agriculture as the priority use on public ALR lands.

– Support of the BC Cattlemen’s Association  
Stewardship Committee

#### **RECOMMENDATION 9:**

**Require early and ongoing ALC involvement in planning and assessment of provincial infrastructure projects and ALR exclusions to determine:**

1. What Agricultural Impact Assessments may be required;
2. What conditions, mitigation measures and/or compensation may be required to address impacts;
3. Potential impacts to ALC’s mandate delivery (e.g., caused by Government actions including Orders-in-Council that override the Act or Regulation.

#### **Issue/Rationale:**

The largest areas excluded from the ALR in the past 15 years have been for provincial infrastructure projects, settlement of treaties with First Nations, and other priorities determined by the provincial Government to be in the public good. Some of these have been the most substantive exclusions in the 47-year history of the ALR. Sometimes these projects are submitted by application to the ALC, putting the ALC in the difficult position of having to make a decision on a project that is deemed to be of high importance to the Province but does not align with the purposes of the ALC set out in the Act. The ALC may be put in the position of having to mitigate impacts from projects that were not within the ALC’s mandate to begin with. In other cases, the provincial Government determines the matter is of such significance that it creates legislation or an Order-in-Council to work outside or supersede the Act.



In such circumstances, the ALC must be involved in early and ongoing planning and assessment to ensure agricultural impacts are adequately addressed. This includes participation in planning meetings, and setting conditions, appropriate mitigation measures, and possible compensation. The ALC must be part of provincial-level discussions and negotiations to ensure the voice of agricultural land and farmers and ranchers is heard, and considered. The ALC must be resourced to participate and lead in these process components and to review and confirm third party agricultural impact assessments.

Matters deemed to be for the public good are the prerogative of the Governor in Council. However, the Committee believes major projects which could have a significant impact on the ALR including exclusion of land from the ALR, should require an agricultural impact assessment and involve the ALC in setting all related conditions.

Over time, understanding has lessened on sections 2 and 3 of the Agricultural Land Commission Act which confirm the Act's precedence over other provincial legislation and bind the Province to exercise authority according to the Act and Regulation.

## **Actions:**

### **1. Automatically, and as regular practice, consult with and directly involve the ALC to do the following with respect to major projects and ALR exclusions:**

- ▶ Identify ALR impacts and related issues including risks and costs to agriculture of alternate land use decisions
- ▶ Require an Agriculture Impact Assessment when warranted by the scale or nature of the project, including full cost accounting of the potential benefits of a project versus impacts to the agricultural land base, associated businesses, agricultural jobs, and the surrounding environment
- ▶ Request appropriate mitigation measures to protect the ALR and support farming and ranching
- ▶ Set conditions on infrastructure projects, including monitoring and enforcement
- ▶ Determine compensation initiatives where warranted

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## **RECOMMENDATION 10:**

**Maintain a province-wide Agricultural Land Use Inventory to support policy and program development and ALR land use impact analysis.**

## **Issue/Rationale**

Agricultural Land Use Inventories (ALUIs) map and describe how BC's agricultural land is being used across the province, including non-agricultural uses occurring on designated farmland. Delivered by the BC Ministry of Agriculture the ALUIs collect consistent, credible, and comprehensive data about land use and land cover on agricultural lands. Stable and ongoing funding is required to complete and maintain an agricultural land inventory for the province.

ALUIs map and describe how BC's agricultural land is being used across the province including non-agricultural uses occurring on designated farmland. There are two types of ALUIs - baseline, which

captures an initial snapshot in time and update, which captures the change since the last snapshot. Without ALUIs, the amount of idle or underutilized agricultural land would be largely unknown.

There are many uses and benefits to this type of inventory. ALUIs are critical to support the baseline understanding and cumulative impact assessment work of the ALC in protecting and enforcing activities in the ALR. The data helps measure farmland utilization, farmland vacancy, and land use changes; and identifies potential agricultural expansion opportunities. ALUIs contribute to our understanding of climate change impacts, associated risks and adaptation opportunities. They are used for emergency response for environmental disasters and animal health events, such as wildfires or Avian Influenza. ALUIs also improve the development of agriculture related bylaws and Minister bylaw standards. They inform provincial policy decisions with critical information at the front end, and assist with a wide range of local government land use planning activities.

**Figure 5:** Example of ALUI mapping which can identify different uses within a farm parcel



The Ministry of Agriculture advises that it has inventoried 3.5 million hectares of land and 68 per cent of the ALR to date. This information needs to be completed for all ALR land in the province. It requires continual updating and maintenance over the long term to understand the impacts over time to the provincial ALR. The Committee understands that the current Ministry goal is to complete baseline ALUIs for the remainder of the province by 2021.

## **Actions:**

- 1. Ensure stable and ongoing funding for the Ministry of Agriculture to complete and maintain an accurate Agricultural Land Use Inventory for the provincial ALR.**

STRATEGIC SHIFT II:

# RECOMMENDATIONS FOR A PROTECTED, PRODUCTIVE ALR

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# STRATEGIC SHIFT II:

## RECOMMENDATIONS FOR A PROTECTED, PRODUCTIVE ALR

### Legislative and Regulatory Changes

#### RECOMMENDATION 11:

##### Protect the ALR from residential speculation:

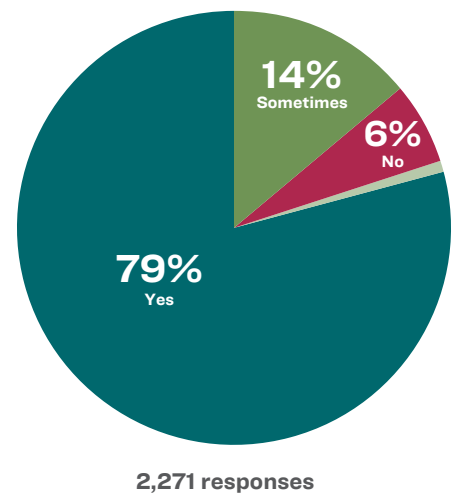
1. Establish a maximum total floor area for all primary residences in the ALR as per the Minister's Bylaw Standard (500 m<sup>2</sup>)
2. Provide local government flexibility to zone below the provincial maximum
3. Enable new regulations for residential siting, secondary dwellings, and home plate size

#### Issue/Rationale:

The Committee believes 'estate-style homes' present a substantial threat to the ALR today in all regions of the province. Beyond the size and footprint of these over-sized homes is the associated speculation that moves farmland prices out of the reach of almost all but non-farmers who have the resources to acquire the land. The City of Kelowna in their submission to the Committee advised that the average land value improvement doubles between a large farm house (3,500 to 5,000sft<sup>2</sup>) and an estate home (over 5,000ft<sup>2</sup>). Vancity also reports in their 2016 Home on the Range: Cost pressures and the price of farm land in Metro Vancouver that prices for agricultural parcels less than five acres in Metro Vancouver range from \$150,000 to \$350,000 per acre and that financial viability for many farm business become questionable when land prices reach \$80,000 per acre.

The Advisory Committee heard unanimous and unqualified support across the province for prohibiting 'estate-style homes' in the ALR and restricting size and siting of all residences over a certain size in the ALR.

Figure 6: Regulation of residential uses in the ALR



When asked whether residential uses in the ALR, such as number, size and siting, should be regulated, almost 80% of online survey participants were in support of stronger regulation.



The Committee heard near unanimous support for the establishment of provincial regulations for maximum house size in the ALR. Its clear local governments are struggling across the province to support the objectives of the ALR in the face of constant pressure for large and unsustainable residential development in the ALR. Local governments in the Lower Mainland report regularly receiving building permit applications for houses in the ALR ranging from 5,000-40,000 square feet.



Estate-style homes directly impact the land base due to their size and associated infrastructure (lawns, landscaping, driveways, garages, recreational infrastructure, septic fields, guest houses, etc.) and frequent location in the middle of the parcel. In addition, they sometimes reduce access

to farm land if the owner chooses not to farm or lease their land for farming. Further, when estate owners do lease their land to farmers they in many cases do so in order to take advantage of preferential property tax rates meant exclusively for farmers.



To promote consistency, fairness and an 'agriculture first' lens in the ALR, the Committee recommends the total area for all primary residences be the same in all areas of the province and 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 that are 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'. Only a handful of the 153 local governments with land in the ALR have successfully passed bylaws modeled on the standards, while some have found it difficult to adopt them when faced with public/developer and sometimes farmer opposition. Others do not have zoning bylaws.

In addition to unequivocal support to limit mega houses in the ALR, the Advisory Committee heard the following from across BC:

- ▶ Speculation and mega houses significantly overvalue farm land, restrict new entrants, and undermine the value and viability of farming across BC
- ▶ Local governments are struggling to establish bylaws and are looking to the Province for leadership and clear rules for house size limits in the ALR
- ▶ There is a perception and reality of unfairness and inconsistency in the way different communities zone and manage residential uses in the ALR
- ▶ Leases are increasingly not an option, as farms are bought and converted to support large residential development and farm land is increasingly scarce
- ▶ Lease arrangements provide very limited security for lessees and do not support the long-term viability of farming in BC

The siting of homes and the home plate can have significant impacts on the use and usability of agricultural lands. Many homes and their associated facilities are located in the middle of agricultural parcels, often down long driveways with large landscaped yard and lawn areas. Locating houses in this way impacts cropping, maintenance, irrigation and harvesting options for the land. It often alienates portions of the land and the land will likely never be used again for agricultural production. The Committee acknowledges that these issues must be resolved in order to reduce these negative impacts to the ALR. After much discussion and debate, however, the Committee determined that this issue that could not be resolved during its tenure: the complexities of varied geography, parcel size and agricultural capability meant that a one size fits all solution was not possible. Instead, the Committee suggests that further work and stakeholder consultation, is required by the Ministry and ALC.

### **Actions:**

- 1. That a maximum house size restriction of 500 m<sup>2</sup> as per the recommendation in the Minister's Bylaw Standard be incorporated into the Act. Allow local governments to have the ability to zone below the provincial maximum.**
- 2. Allow the ALC to have decision-making authority for any primary residence application over the provincial maximum.**
- 3. Carry out additional consultation and analysis on home plate size and siting, with results to be added later by regulation.**
- 4. Remove section 18(1)(ii) of the Act and add a requirement for ALC authorization for additional dwellings for farm help through a more stream-lined application process in order to ensure consistency of considerations respecting the necessities for farm help.**

**“Whatever the maximum house size is what they will build. The Province needs to solve this problem. Standardized house sizes should be administered by ALC, not up to each individual city to implement.”**

— Stakeholder Consultation

If this critical provincial action is taken, it will maximize retention of capable and suitable land in the ALR and reduce speculation of farmland for uses other than the ‘agriculture first’ priority.

The Committee also heard from local governments and other stakeholders that local governments found it very hard to determine when and if additional dwellings were necessary for farm help and to ensure that these dwellings were in fact occupied by farm help once constructed.

**Limiting additional residential dwelling to those directly involved in agricultural production was largely supported by community stakeholder consultation participants, as was restricting the subdivision of the ALR into smaller parcels.**

Local governments surveyed in 2018 by the ALC identified ‘additional dwellings necessary for farm help’ as the most difficult permitted use to regulate with over half of the local governments surveyed (56 per cent) identifying it as a most challenging, and one-third (30 per cent) ranking it as one of their top challenge. The Survey also found that only 28% of those local governments that deal with requests for additional residential dwellings for farm help feel that they have the tools needed to determine whether an additional residence is needed and only 19 per cent of local governments follow-up to confirm occupancy of these dwellings once constructed.

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### **RECOMMENDATION 12:**

**End the impact of illegal fill on the agricultural capability of the ALR:**

1. Redefine and restrict fill in the Act
2. Amend the Regulation to limit types of fill placement and soil removal activities that are exempt from notification/application to the ALC based on clearly defined thresholds

### **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 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.

**Overall, online survey participants and written submissions were strongly supportive of restricting non-farm uses over supporting flexible uses 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:

- ▶ Firstly, 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.
- ▶ Secondly, if a land owner receives 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 m<sup>3</sup> (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 difficult. 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.

In order to protect the productive capacity of the ALR, provide much-needed clarity, and support improved consistency of application of fill rules across the ALR, the Committee recommends the following actions.

## **Actions:**

- 1. Redefine and restrict fill in the Act.**
- 2. Define thresholds for fill that will protect ALR capability and support local governments trying to deal with fill issues via local bylaws.**
- 3. Restrict all fill and/or soil removal without application and/or notification to the Commission to the following uses and prescribed thresholds:**
  - ▶ Maintenance of an existing farm road if the volume of fill used annually is less than 200 m<sup>3</sup>
  - ▶ Construction and maintenance of cranberry berms provided that the placement of fill does not exceed a height of 2.0 metres above the natural grade and a width of no more than 10 metres
  - ▶ Use of clean sand for use as a top-dress, disease control, or pest control for berry production
  - ▶ Construction and maintenance of a farm building provided that the placement of fill does not exceed a total combined area of 0.2 hectares and to a height not to exceed the minimum level required to satisfy flood protection requirements
  - ▶ Application of soil amendments, including wood waste, that are incorporated into the soil at an agronomic rate to a depth of 30 cm
  - ▶ Construction and maintenance of drainage, irrigation, livestock watering works and berms (not including cranberry berms) for farm use provided that the total volume of soil removed or the placement of fill does not exceed 320 m<sup>3</sup> annually
  - ▶ Construction of a single family residence provided that the placement of fill does not exceed a total combined area of 0.2 hectares and to a height not to exceed the minimum level required to satisfy flood protection requirements
  - ▶ Aggregate extraction if less than 200 m<sup>3</sup>

Anything in excess of the prescribed threshold should be required to apply directly to the Commission for authorization through a streamlined process that doesn't require a resolution from local government.

In order to operationalize the exemptions, the Committee recommends inclusion of several new definitions to assist with interpretation of these recommended regulatory changes. The Committee also recommends the inclusion of several new definitions:

- ▶ Require an application directly to the ALC for authorization through a streamlined process that doesn't require a resolution from local government for anything that exceeds the prescribed thresholds.
  - ▶ Add new definitions to assist with the interpretation of these recommended regulatory changes in order to operationalize the exemptions:
    - ▶ Define "farm building" to be consistent with the Provincial Government's Guide to Bylaw development for local governments
    - ▶ Clarify that "flood protection requirements" refer flood protection levels established by the Province and or local governments within a defined river floodplain
    - ▶ Clarify that the "placement of fill" means the deposit, placement, storage, or stockpile directly or indirectly, of fill on any land in the ALR, where that fill did not previously exist
    - ▶ Define "single family residence" to include structures and services such as landscaped areas, garages, carports, sheds, workshops, water lines, sewer lines, driveways, and sanitary disposal systems normally associated with the construction of a dwelling or dwellings
    - ▶ Clarify that "wood waste" includes hog fuel, mill ends, bark and sawdust, but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends, or log yard waste Clarify that fill for the purposes of these exemptions must be clean, free of commercial waste and be comprised of soil and or aggregate
    - ▶ Clarify that a "soil conditioner" referred to in the existing definition of soil amendment is a growth medium and or managed organic matter that measurably improves specific chemical or physical characteristics of soil or chemical or physical processes for a given agricultural use
    - ▶ Amend the definition of "development works" so it is consistent with the definition of farm operation in the Farm Practices Protection Act in an effort to clarify that levelling does not involve the importation of fill
-

### **RECOMMENDATION 13:**

**Curb 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 be excluded. The resulting land values are placing agricultural land well beyond the reach of farmers. In some instances the land is purchased and remains unutilized for agriculture while it is being held for speculative development purposes.

Although applications for exclusion by individual landowners represent a smaller portion of applications received by the ALC (approximately 10 per cent annually) 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 they purchase it. They can make an application no matter what the agricultural capability of the land is or if they have attempted to grow an agricultural product or operate a farm business. Some landowners attempt to 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, applications for exclusion have more to do with the financial benefits of converting ALR land to a perceived more lucrative use and nothing to do with the quality of the land for agriculture.

The original intention of the exclusion application process in the Act was for owners of land 'caught' in the original land freeze that may have been erroneously included in the ALR during the designation process. After 47 years, it is expected that these legitimate applications would now be complete. One can also assume that most ALR landowners today purchased their land knowing it was in the ALR.

As Barry Smith (2012) summed up in *A Work in Progress: The British Columbia Farmland Preservation Program*,

***“...a key litmus test of the program will be how successful the Commission is at ending the perception that its role is one of a rationing board, slowly but surely meting out the Province's farmland base to alternative uses. Successfully instilling a land management ethic that recognizes farmland preservation as a social value and the ALR as a treasured and permanent part of the landscape will take the constant and active support of successive provincial Governments. It will also take growth management policies at the local level that are founded on the point of view that the best and highest use of agricultural land is agriculture - now and in the future.”***



Throughout its engagement with stakeholders and the public, the Committee heard significant support for a much stronger approach to the preservation of the ALR, including policies and priorities that would minimize and/or eliminate removal of land from the ALR.

**Participants in community stakeholder consultations and those who provided written submissions largely commented that ALR guidelines are not comprehensive enough in how and why ALR lands are considered for exclusion from the ALR.**

The Committee believes that any changes to ALR boundaries should be carefully considered in the context of comprehensive guidelines developed by the ALC and joint land use planning exercises involving the ALC and local governments instead of individual one off applications.

### **Actions:**

- 1. Remove section 30(1) of the Act that allows individual applications for exclusion of land from the ALR by landowners.**
- 2. Allow exclusion applications to be considered by the ALC only after being reviewed through a joint land use planning exercise under s. 29(1) of the Act by local governments and the ALC.**
- 3. Remove s. 29(1.1), (1.2) and (1.3) of the Act and sections of the Regulation which require that the Commission seek landowner consent for exclusion applications initiated by the Commission or a local government as part of a planning exercise. (Removing landowner consent re-establishes the Commission's ability to plan for a defensible and contiguous ALR boundary).**
- 4. Update the 'Planning for Agriculture' guide and include agriculture impact assessments by local governments.<sup>13</sup>**

If adopted, this critical provincial action will help eliminate speculative purchasing and holding of ALR land for uses other than agriculture; 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.

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<sup>13</sup> <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/planning-for-agriculture>

## RECOMMENDATION 14:

**Establish a Maximum Cumulative Footprint for farm-related commercial and industrial uses permitted in the ALR in order to:**

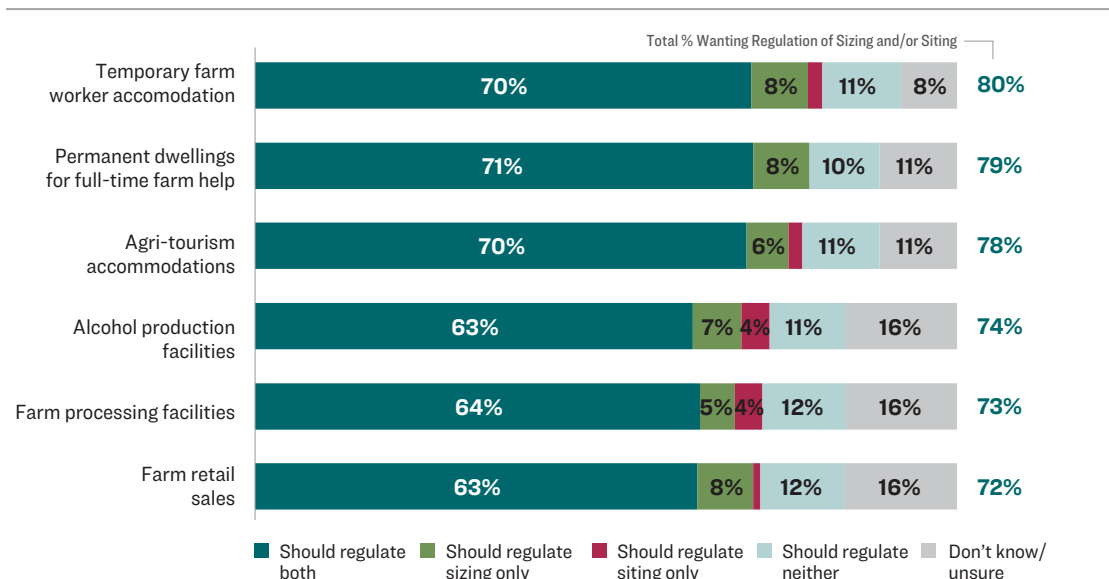
1. Ensure agricultural production remains the primary ALR land use; and,
2. Not eliminate economic opportunities for farmers.

### Issue/Rationale

In Section 2 and 3 of the current Regulation, specific farm-related commercial and farm-related industrial permitted uses are listed (e.g., alcohol production facilities, processing, retail sales, etc.). Many of these uses require permanent infrastructure and associated facilities to be co-located on ALR land (e.g. parking areas, landscaped areas, well and septic systems, bathroom facilities, etc.). The current Regulation attempts to limit the scale of some of these permitted uses by restricting the percentage of products sold or processed that are not produced on the farm (often referred to as the “50% Rule”). In practice, however, the “50% Rule” has not had a direct bearing on the amount of farmland taken out of production by the associated facilities and infrastructure built for these uses. The “50% Rule” is also difficult to measure and to enforce. The Regulation also sets no definitive limits or qualification requirements for many other permitted uses.

Results from the ALC’s 2018 survey of local governments involved in the regulation of farm-related commercial and farm-related industrial uses indicated their broad support for definitive, provincial thresholds for the size and siting of agri-tourism accommodation, alcohol production facilities, farm processing facilities, and farm retail sales. Over 70% of local government respondents also indicated that the “50% Rule” is difficult to determine and to enforce.

**Figure 7: Provincial Regulation of Size and Siting of Structures in the ALR**  
Should Have Provincial Regulatory Requirements

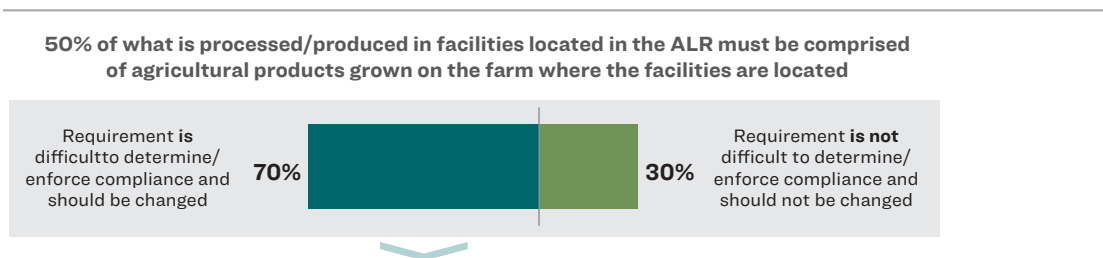


The Committee has a number of significant concerns about these activities in the ALR. On many parcels, the size and scale of the facilities/infrastructure associated with these uses is not commensurate with the level of investment being made in primary farm production. In some

cases land in the ALR is being purchased for the express purpose of developing large farm-related commercial and farm-related industrial uses with little or no agricultural production necessary to justify them. Frequently there is more off-farm product being sold in retail spaces and being processed in facilities than is currently permitted in the Regulation.

Without further regulation, these uses will continue to have a detrimental impact on the long term viability of the ALR. To enhance the current regulation of these uses and safeguard arable lands while allowing farmers to add value to their agricultural businesses, implementing a cumulative lot coverage limit is advised. A cumulative lot coverage limit would help: achieve greater balance between agricultural land protection and economic opportunities for farmers; minimize off-site impacts and improve compatibility of farm-related commercial and industrial uses with surrounding agricultural operations (e.g., traffic, changes in agricultural-rural character, noise, water use, effluent discharge, etc.); improve consistency among municipalities in terms of land area that could be developed for these uses; level the playing field for different types of permitted farm-related commercial and farm-related industrial uses; mitigate the physical impacts associated with locating one or more of these uses on a farm (it is not uncommon for there to be processing, agri-tourism accommodation and retail sales associated with one farm operation); allow for greater flexibility as uses diversify and parcel ownership changes; and, simplify implementation and enforcement for ALC, local governments and other permitting agencies (e.g., the Liquor & Cannabis Regulation Branch).

**Figure 8: Perceived Difficulty of Determining and Enforcing Compliance**



## **Actions:**

### **1. Establish a Maximum Cumulative Footprint in the Regulation.**

To effectively ensure that agricultural production remains the primary use of land in the ALR, the Committee recommends that the cumulative footprint be regulated using a “parcel based ratio” not to exceed 2% of the parcel, up to a maximum of 1 hectare (2.47 acres) for the following farm-related commercial and farm-related industrial uses:

- ▶ Farm retail sales in 2(2)(a)
- ▶ Facilities for the storing, packing, preparing or processing farm products in 2(2)(b)
- ▶ Agri-tourism (infrastructure such as buildings, structures, parking) in 2(2)(e)
- ▶ Alcohol Production Facilities in 2(2.1)
- ▶ Accommodation for Agri-tourism in 2(3)(a)
- ▶ Temporary sawmill in 2(3)(e)
- ▶ Pet breeding and kennels in 2(3)(h)

\* Note ‘home occupation uses’ in 2(3)(c) would not be included as these should be part of residential allowances/limits in the ALR.

Parcel Area	Maximum Cumulative Footprint 2% of Parcel
125 acres (50.5 ha)	2.48 acres (1 ha) 107,639 sq ft
100 acres (40 ha)	2 acres (0.8 ha) 87,120 sq ft
50 acres (20 ha)	1 acre (0.4ha) 43,560 sq ft
30 acres (12 ha)	0.6 acres (0.6 ha) 26,136 sq ft
10 acres (4 ha)	0.2 acres (0.08 ha) 8,712 sq ft
5 acres (2 ha)	0.1 acre (0.04 ha) 4,356 sq ft
2 acres (0.8 ha)	0.05 acres (0.02 ha) 2,178 sq ft
1 acre (0.4 ha)	0.02 acres (0.01 ha) 871 sq ft

The calculation of the cumulative footprint should account for the total land area that is made unavailable for agricultural production as a result of all aspects of the above identified uses taking place on the parcel, i.e., the area occupied by structures, outdoor storage, landscaped areas, berms, wells and septic systems, parking, access roads, and any other associated land impacts. This would not apply to residential structures.

## 2. One Cumulative Footprint per Farm.

Represents the maximum cumulative footprint (MCF) of 2% per parcel in Recommendation 14. Note the MCF does not include the area of the residence or any other farm buildings.





In making a recommendation that the “cumulative” impact of these uses be regulated with a parcel based ratio, it is the Committee’s intention that one or more of the above- listed uses could be developed on a farm provided that they are clustered on one parcel with a total area not to exceed a certain percentage of “the” parcel where the uses are sited.

The Committee recommends that the parcel based ratio be based on the size of the individual parcel of land where the use(s) is located and not the total area of a farm operation - which could include several parcels and could easily, be changed as land is bought and sold. The rationale for using a parcel based ratio is built on the premise that a large property is generally better able to accommodate larger use(s) while maintaining agricultural production and that a single parcel will encourage utilization of shared compatible physical infrastructure (e.g., parking and access).

The Committee also recommends the Ministry of Agriculture work with the ALC to research the impacts of this approach in BC, in discussion with local governments.

### **3. Pre-qualification Requirements, and Ongoing Thresholds.**

The Committee recommends that the 50% rule for products sold and/or processed remain and that the Regulation be amended for the above listed uses to require, with the exception of temporary sawmills in 2(3)(e) and pet breeding and kennels in 2(3)(h), that the owner provide evidence of at least 3 years of farming the necessary primary farm product(s) prior to the construction of any farm-related commercial and farm-related industrial uses.

### **4. Include Additional Definitions in the Regulation.**

To help further clarify what is meant by “preparing” and “processing” farm products in 2(2)(b), the Committee also recommends that the following definitions, taken directly from the Ministry of Agriculture’s Guide for Bylaw Development in Farming Areas <sup>14</sup>, be included in the Regulation:

‘On-Farm processing’ means the undertaking of processes, including mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments and biological treatments on a farm unit to:

- ▶ Prepare farm products or value-added products to sell, or
- ▶ Prepare feed for livestock, poultry, farmed game or fur bearing animals but excludes on-farm composting and on-farm product preparation.

‘On-farm product preparation’ means cleaning, sorting, separating, grading or packing farm products.

### **5. Require Applications to the Commission.**

Property owners wishing to develop or expand uses beyond established area limits, or on different parcels owned by the farm, could apply to the Commission for approval. Existing uses in excess of the proposed limits would be considered compliant and would only need to make application to the Commission if they want to expand.

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<sup>14</sup> [https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide\\_for\\_bylaw\\_development\\_in\\_farming\\_areas\\_2015.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide_for_bylaw_development_in_farming_areas_2015.pdf)



### **RECOMMENDATION 15:**

**Protect the ALR from anticipated significant impacts of federal cannabis legalization:**

1. Establish an immediate provincial moratorium on all non-soil bound cannabis production facilities in the ALR
2. Provide the ALC with authority to consider all cannabis-related applications and to establish criteria for limits throughout the ALR
3. Review and clarify the recently adopted regulation for cannabis production in the ALR.

### **Issue/Rationale:**

The Committee did not include cannabis facilities in the ALR as part of their public engagement exercise, nor was cannabis production facility location identified as a question during the provincial government's 2017 public engagement on cannabis. The Committee recognizes that the Minister of Agriculture recused herself from provincial cannabis-related decisions. The Committee, however, is committed to bringing this key ALR-related concern to the Province's attention.

The Committee heard strong support from stakeholders and the public for significant restrictions - including an outright ban - on cannabis production in the ALR. Further, in early July 2018, the Union of BC Municipalities (UBCM) requested that the provincial government establish a moratorium on the use of agricultural land to grow cannabis until there is a comprehensive review and consultation with local governments.

The Committee's interim recommendations on cannabis production in the ALR (Interim Committee Report, July 31, 2018) reflected unsolicited and significant concerns raised during its consultations. The Interim Report recommended steps to regulate cannabis production in the ALR. These steps included: a moratorium on all non-soil bound cannabis production facilities in the ALR pending a provincial level analysis of impacts; following the analysis, enabling the ALC to establish

rules/criteria for cannabis production in the ALR; and permitting production of cannabis only through an application to the ALC.

On July 13, 2018, just prior to the receipt of the Committee's Interim Report, Government adopted regulations that permitted the production of soil bound cannabis in the ALR. The known and unknown impacts of this new use in the ALR continue to be a concern and the Committee continues to recommend that the new regulation requires significant review.

Cannabis is a new and relatively unknown industry supported by substantial capital investment. The potential impacts of the cannabis industry on the ALR are likely to be significant and are not yet fully understood. The projected impacts of the recreational cannabis industry on the ALR may be substantial due to the number and scale of the industrial structures (often in excess of 1,000,000 ft<sup>2</sup>) both in place and proposed. Additionally, cannabis companies may experience an initial boom and bust cycle, which could result in large industrial structures being abandoned in the ALR, thus alienating the use of the land for soil based agriculture and potentially being repurposed for generic industrial uses.

Advertisements for the sale of ALR land, and general inquiries made to local governments, suggest there is significant speculation surrounding cannabis production in the ALR. ALR land is generally less expensive than industrial zoned land and is therefore a target for this well-funded industry. The Committee believes the purpose of the ALR is not to provide cheap land in order for cannabis-producing, multi-national company headquarters to establish large industrial scale processing and manufacturing facilities, with associated infrastructure (e.g., large parking areas).

The Committee is recommending a precautionary approach to the construction of large scale, highly specialized cannabis facilities in the ALR. The approach is vital to ensuring the ALR is not dominated by very large industrial structures – growing a high value crop in a potentially volatile market – to the detriment of other agricultural commodities that could well be priced out of the land market. Provincial-level analysis is important to understand the nature of emerging and anticipated risk. A precautionary approach, especially while the industry is establishing itself and which utilizes the ALC application process, will assist in protecting the future of the ALR. The Committee is concerned that large areas of high capability farmland could be permanently converted to industrial scale cannabis operations, operations which are essentially industrial uses and which could be located anywhere outside the ALR.

The current Regulation under the Act, amended to address cannabis production, restricts cannabis production in the ALR to “soil based” facilities. It is important to note, however, that the amendments were enacted prior to the publication of supporting government policy and guidelines, and the interpretation of what constitutes a “soil based” facility presents many challenges for the ALC and local governments and this continues to be the case today (Fall, 2018). As the industry is so new and the federal legislation is actively evolving, there is not enough established knowledge about normal cannabis farm practices, scale of operations, appropriate ancillary activities (e.g., agri-tourism and gathering for events), processing requirements, etc. in order for ALC staff to adequately assess whether a proposed facility meets the intent of the regulation. The regulation speaks specifically to production and makes no reference to limits on the amount of land covered for the storing, packing, preparing or processing of cannabis. In addition, there seems to be an interest by some aspects of the industry to go beyond primary production and processing and eventually develop a cannabis retreat and spa infrastructure. This type of ancillary development, while not (to the knowledge of the Committee) currently contemplated by the federal and provincial legislation, is an aspect of the industry that could have a large impact on the ALR, and should proactively be addressed in an ALR regulation.

The Committee further understands that the industry may be considering approaches that will avoid the intent of the amended regulations. If successful, these efforts may in fact undermine the original intent of the amendments of July 13, 2018.

While the Committee considers Government's current Regulation to be well-intended, the lack of detail, unintended consequences, and limited analysis related to the potential response to this Regulation has placed the ALC in a difficult position. The Committee believes the Regulation must be further refined to achieve Government's intended policy. We recommend the ALC and Government collaborate to clarify the type and scale of cannabis production structures deemed appropriate within the ALR. The ALC is an administrative tribunal whose Commissioners are selected by Government to make land use decisions based on their general expertise in agriculture. As such, the Committee suggests the ALC is the most appropriate adjudicative body to ascertain the appropriate location and scale of cannabis production in the ALR.

### **Actions:**

- 1. Direct facilities for lawful cannabis not grown in a field to seek approval through the ALC application process to allow greater understanding and analysis of the impacts of the industry**
  - 2. Require notification to the ALC when an application for a federal cannabis production license is submitted for lands in the ALR**
  - 3. In consultation with the ALC, ensure the Regulation, to the extent possible, does not enable opportunities for avoiding the intent of the Government**
  - 4. Prepare policy related direction regarding the difference between processing and manufacturing to the eventual expansion of the cannabis industry to include tertiary products infused with cannabis compounds**
  - 5. Provide direction on meeting the federal Health Canada requirements while meeting the intent of the provincial Regulation with respect to processing**
  - 6. Identify which other permitted uses lawful cannabis producers may avail themselves of and to what scale if considered a 'farm use' under the Regulation, e.g., retail sales, agri-tourism, gathering for events, etc.**
  - 7. Include lawful cannabis storing, packing, preparing and processing in the recommended 2% site coverage threshold (Maximum Cumulative Footprint) in Recommendation 14.**
-



## **RECOMMENDATION 16:**

### **Support 'Agriculture First' in the ALR by clarifying rules and limits to large scale, non-farm gatherings and events.**

Whether events are held in the ALR as part of an agri-tourism experience, at an alcohol production facility, or under the “gathering for event” provisions, the over-build of facilities and infrastructure to support these uses has extensive and lasting impacts to the ALR land base. Under the guise of agri-tourism, commercial tourism is becoming a primary business focus on many ALR properties. Without placing limits on these uses, there is significant risk for overdevelopment of ALR land for commercial uses that out-compete primary farm production.

The Regulation was changed in 2016 to allow ALR landowners with farm classification under the BC Assessment Act to host up to 10 commercial events unrelated to agriculture per year if certain conditions are satisfied, including an attendee cap of 150 people per event and limiting events to a maximum of 24 hours in duration. ALR properties with alcohol production facilities are exempted from the conditions on gathering for events imposed on other ALR farms provided the events are held in their lounge or special event endorsement areas. The number and scale of events at ALR alcohol production facilities with a lounge or special event endorsement can currently be regulated but not prohibited by local and treaty First Nation Governments. While the 2016 Regulation change introduced some much needed clarity related to gathering for events in the ALR, it did not resolve several key challenges related to this use of ALR land.

### **Challenging Compliance and Enforcement**

The ALC and local governments find enforcement of the Regulation's conditions on event scale and duration to be extremely challenging. Local governments have voiced concerns over their inability to prohibit these types of events if they present challenges for surrounding residents and neighbouring farm operations. Residents and farm operations adjacent to properties hosting events under this provision often have no recourse for dealing with the impacts associated with living in close proximity to these event facilities (noise, increased traffic, general lack of compatibility with active farming operations, etc.). In some cases, these conflicts have a direct negative impact on farm operations. For example, an egg producer located adjacent to an ALR event venue experienced a severe decline in egg production due to animal stress caused by noise pollution; as the event venue was consistent with the Regulation and local government bylaws and is not a farm practice regulated by BC's Farm Industry Review Board, there was no authority under which any level of Government could adjudicate the conflict.

### **Lack of Clarity on Events at Alcohol Production Facilities**

The Regulation currently allows alcohol production facilities in the ALR to have tasting rooms, food and beverage service lounges, and special event areas as defined by BC's Liquor Control and Licensing Act (LCLA). Aside from a 250 m<sup>2</sup> maximum area restriction placed on lounges, the Regulation does not prescribe or limit the nature of these areas in the ALR. It also allows for events to be hosted in these areas and explicitly exempts them from limitations imposed on commercial events held under the “gathering for an event” provision, including: no permanent facilities or parking, 150 attendees, less than 24 hours in duration, and 10 events per year. In turn,

the LCLA requires that food be provided in a food and beverage service lounge and allows for this requirement to be met via various models ranging from limited offering of food items prepared off site to de-facto full service restaurants.

The Regulation lacks specificity regarding the nature of permitted tasting rooms, food and beverage service lounges, and special event areas, and the LCLA does not set out specific limitations on these facilities if they are located in the ALR. As a result, BC has witnessed the development of event venues at ALR alcohol production facilities that transcend a scale appropriate for farming areas and which are not in-keeping with the intent to provide for farm diversification subordinate to primary farm production.

## **Erosion of Agriculture for Agri-Tourism Activities and Events**

The Regulation defines agri-tourism to include “harvest festivals and other seasonal events” that “promote or market farm products produced on the farm” (Part 1 s. 4(f)). These provisions were intended to provide ancillary economic opportunities for farmers whose priority activity is agriculture. Unfortunately, these definitions are often liberally interpreted by landowners. Some liberal interpretations commonly seen include:

- ▶ Festivals that are agri-food themed may be nonetheless inconsistent because they market the products of multiple farms and/or value-added food businesses, rather than solely the products of the farm on which the festival takes place,
- ▶ The regularized sale of prepared food from the farm gate in a manner and in facilities generally resembling restaurants or cafés,
- ▶ Offering regularized workshops or classes that bear no relationship to agriculture other than taking place in a farm setting.

## **Actions:**

- 1. Enable local and First Nation Governments to prohibit gathering for events, including events held at alcohol production facilities and events billed as an agri-tourism activity, by bylaw.**
- 2. Clearly define in the Regulation the nature of permitted food service provisioning at alcohol production facilities in the ALR, and explicitly indicate that restaurants, bistros, cafes, catering kitchens are not permitted.**

- 3. Strongly convey in the Regulation, in particular Part 1 s. 4(f), that “harvest festivals” and “other seasonal events” held at the farm for the purpose of “promoting or marketing” farm products produced on the farm must be subordinate to and customarily associated with active farm use on the parcel, and that purpose-built and/or permanent event spaces are not permitted in the ALR. Specifically, the Committee recommends the following to assist with the interpretation of Part 1 s. 4(f):**
- ▶ Amend the definition of ‘agri-tourism’ to clarify that it is a tourism experience (activity, service, or facility) combining agricultural or rural settings with the products of agricultural operations. The experience takes place on a ‘farm operation’ (as defined in the Farm Practices Protection (Right to Farm) Act) classified as a farm under the Assessment Act and which is in active operation each year, is paid for by visitors, and is accessory to the farm operation.
  - ▶ Add clarification that ‘accessory (agri-tourism)’ means that offering the agri-tourism experience must be subordinate to operating an active farm on the same parcel.
  - ▶ Clarify that ‘off-farm’ and ‘nonfarm products’ means products that are not from the farm unit of which the subject property is part.
  - ▶ Incorporate a definition of ‘season (agri-tourism)’ to clarify that this refers to one of the four periods of the year: spring, summer, autumn or winter; the period of the year when something that regularly occurs every year happens; e.g. pumpkin festival before Halloween; and/or the period(s) when most people take their holidays, go to visit places, or take part in an activity outside of work.
  - ▶ Clarify that ‘seasonal (agri-tourism)’ means agri-tourism experiences that relate to, are dependent on, determined by, or characteristic of a particular season of the year, that fluctuate according to the season or at specific time of the year, and that occur for less than twelve months of the year, and that ‘regular seasonal (agri-tourism)’ means the occurrence over the same season(s), or at the same time, each year.
- 4. Apply the maximum parcel-based cumulative footprint as per Recommendation 14 so the maximum area allowed for agri-tourism uses and infrastructure and buildings associated with alcohol production facilities are sufficiently limited.**
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## RECOMMENDATION 17:

### Protect the ALR from expansive accommodation by:

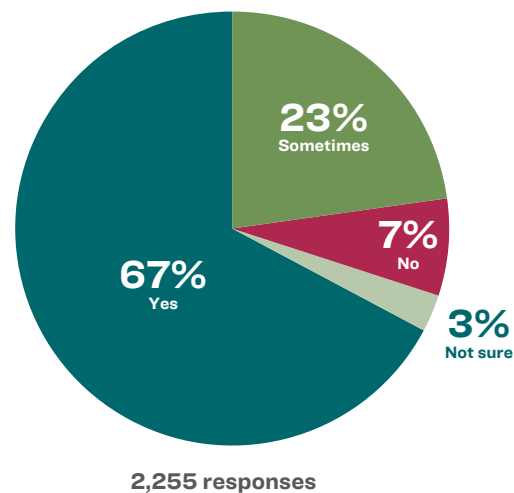
1. Amending the definition of 'sleeping unit'; and
2. Clarifying what accommodation is not permitted as agri-tourism accommodation in the ALR.

### Issue/Rationale:

A lack of clarity in the Regulation is leading to the development of hotels, motels, self-contained rental units and full-service campgrounds as agri-tourism accommodation in the ALR. Amending the definition of 'sleeping unit' by including 'for short term use' and clarifying what accommodation development is not permitted will:

- ▶ Minimize the loss/fragmentation of farmland due to agri-tourism uses;
- ▶ Reduce the financial imbalance from hotels locate inexpensively in the ALR and out-competing farm uses of ALR land and those hotels that have located in appropriate (but more costly) urban zones;
- ▶ Simplify enforcement for local governments and the ALC and level the playing field for agri-tourism operators in different regions of the province; and,
- ▶ Maintain opportunities for farmers and ranchers to supplement their income through offering seasonal, temporary accommodation that is linked to an agricultural experience.

Figure 9: Whether or not ancillary uses should be tied to agricultural production



Section 3 in the Regulation allows 10 units of “accommodation for agri-tourism” as a permitted use on ALR properties that are classified as a “farm” under the Assessment Act provided they are seasonal or short term, and occupy less than 5% of the parcel. The Regulation defines sleeping units as including “a bedroom ... in a cabin, dwelling or accessory building” and “a tent or recreational vehicle on a campsite”. The intent of this provision is to allow for short term agri-tourism accommodation to be offered in conjunction with agricultural uses and farm experiences, and that agricultural activities remain a priority both in terms of land use and economic return from a property. The Regulation attempts to further limit the scope of agri-tourism accommodation by allowing agri-tourism uses to be prohibited by local government.

Despite these statutory limits, however, tourist accommodations that are inconsistent with the intent of the Regulation are being developed throughout the ALR. At one end of this spectrum are tourist accommodations offered under the guise of “agri-tourism” that are short term in nature but which resemble hotels and motels where agricultural activities taking place on the property provide a secondary rationale to the main business of accommodation because the definition of



sleeping units in the regulation encompasses “cabins” and “accessory buildings” but does not specify an appropriate scope and scale of these buildings. Examples include boutique wineries offering self-contained units complete with cooking facilities and access to swimming pools and other amenities, available to rent through online tourist booking agencies such as Air BnB and VRBO. Select local governments do prohibit these uses in the ALR, but the ALC currently has little ability to prohibit such hotel and motel development in the ALR.

Another agri-tourism accommodation use that is inconsistent with the spirit of the regulation are 10 unit full-service (sewer/water/power) RV campground developments which serve long-term residential occupants through tenant-landlord arrangements rather than short term agri-tourists. Although the Regulation specifies that agri-tourism accommodation must be “seasonal or short term” due to the permissive nature of the Regulation the ALC has little capacity to monitor for compliance with this provision, and in absence of a specific definition of the term “seasonal” has hampered in ALC enforcement activities.

The imprecise definition of “sleeping units” has enabled landowners to develop tourist and rental accommodation bearing little to no connection to agricultural uses of their properties. The Committee is concerned that:

- ▶ Under their authority to regulate or prohibit agri-tourism uses in the ALR, many local governments have taken a permissive approach to the interpretation of the Regulation that is not consistent with its purpose;
- ▶ The development of hotels, motels, and full-service campgrounds in the ALR can permanently alienate ALR land from the potential to be farmed by utilizing arable land for structures and inflating the real estate price of farmland beyond its value for primary agricultural production; and,
- ▶ The ALC lacks the statutory authority to require non-farm use applications for agri-tourism accommodation developments which are not in keeping with the spirit of the Regulation.

It is, however, important to maintain opportunities for farmers and ranchers to supplement their income through offering seasonal, temporary accommodation that is linked to an agricultural experience.

## **Actions:**

- 1. Ensure that agri-tourism accommodation units in the ALR remain small-scale seasonal and short term.**
- 2. Maintain the intent to provide an additional economic opportunity for farmers and ranchers whose primary use of the land is for farming.**
- 3. Amend the definition of ‘sleeping unit’ to more specifically limit scale and scope:**
  - ▶ ‘Bedroom Accommodation Unit’ means a unit for temporary accommodation of not more than 30 days comprising a sleeping/living area and ensuite sanitary facility, but not including a cooking facility or kitchen appliance except a coffee maker and bar refrigerator, and does not include a hotel or motel.



#### **RECOMMENDATION 18:**

**Ensure consistent, province-wide protection of the ALR by removing the ALC's ability to delegate 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, at the time most local governments were not interested in taking on this responsibility. Since 2002, there has been very limited interest across the province in taking on the added responsibilities of a delegation agreement.

Delegating ALC 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. Instead of the intended reduction in work for the ALC, this has created additional work for both 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.

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#### **RECOMMENDATION 19:**

**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 BC. The ability of landowners to apply for such a wide range of activities, which the 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.

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 and enables approaches to streamlining application processes for bona fide farmers and ranchers;
- ▶ Ensuring the ALC, and not local government or the approving officer, is the decision-maker for all non-farm uses and subdivisions 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 ALC applications and changes to land use.

The Committee recommends that consideration be given to the above-noted opportunities, and the following actions be taken:

### **Actions:**

- 1. Remove section 20(2) which exempts the removal of soil and placement of fill as provided in the Regulation from requiring a non-farm use application.**
  - 2. Remove section 10(1)(c) from ALR Regulation which permits an Approving officer to allow a subdivision if it involves not more than 4 parcels to strengthening and focusing decision-making on agricultural land protection and preservation.**
  - 3. Clarify that rights-of-way that must not be registered under the Land Title Act without ALC approval as per section 19 (a) of the Act, may be considered for approval by the ALC under Section 6 of the ALR Regulation.**
  - 4. Require local governments and first nations to consider and comment on any new decision making criteria established for the Commission under Recommendation 1 when forwarding applications to the Commission for consideration.**
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#### **RECOMMENDATION 20:**

**Protect the productive capacity of the ALR by requiring a non-farm use application for any new or expanding ALR facility producing Class A compost.**

#### **Issue/Rationale:**

Under the current regulations farmers are allowed to produce, store and apply compost from animal wastes produced on the farm for farm purposes in compliance with the agricultural waste control regulations. The Commission's regulations also allow for the production, storage and application of Class A compost provided at least 50% of the finished compost is used on the farm and it is produced in compliance with the Organic Matter Recycling Regulation. Class A compost is derived from a variety of municipal, commercial, and industrial wastes including food waste, yard waste, restaurant waste, biosolids, domestic septic tank sludge, cardboard, and wood waste amongst many others.

It is unclear why the ALC Regulations are more permissive for compost produced from non-agriculture wastes than those produced from agricultural wastes. The Committee believes that the production of Class A compost in the ALR should be more restrictive than the production of compost from agricultural waste to ensure that agricultural operations have sufficient land base to recycle their materials and to ensure that there are no negative impacts to agricultural land.

According to the ALC, very little agricultural waste, if any, is currently being processed in any of the Class A compost facilities in the ALR. This is largely attributed to the introduction of municipal curbside composting programs and/or outright bans on organics in municipal landfills and associated increases in municipal waste tipping fees. Tipping fees for municipal wastes currently range anywhere between \$65 to \$144/tonne with an average 7 m<sup>3</sup> dump truck load costing between \$455 to \$1008 for disposal. For comparison the largest Class A composting facility in the ALR receives a reported total of 150,000 tonnes of waste annually. Class A composting facilities are seen as financially lucrative operations, particularly in the ALR where operating costs are significantly lower than in industrial areas.

As a result of these factors, there is an increasing pressure to process Class A composts in the ALR. The Committee finds this trend concerning for the following reasons:

- ▶ Increased demand for new municipal composting facilities in the ALR potentially impacting agricultural activities;
- ▶ Existing composting facilities will expand into the ALR as more processing, curing and storage areas will be required to process increasing volumes of waste;
- ▶ Increase in disposal of rejected composting materials (“seconds”) in the ALR;
- ▶ Increase in land required for on-farm disposal to absorb the compost (and meet the ALC’s 50% land application requirement); operators will lease more land to dispose of compost; and,
- ▶ Increase in off-farm disposal sites in the ALR creating competition with agricultural wastes.

The Committee is aware that many of the Class A composting facilities currently operating in the ALR are not in compliance with the ALC Regulations and that bringing these facilities into compliance with the 50% on-farm application requirement is inherently challenging. The Committee is also aware that other facilities are leasing additional lands to dispose of surplus compost in order to comply with the ALC Regulations. Disposal of this material onto agricultural land in some circumstances has not been agronomically beneficial. It is well documented that the Fraser Valley in particular has a surplus of organic wastes and that the region produces significantly more nutrients than the land can absorb. While nutrient sinks continue to decrease due to an increase in non-farm uses in the ALR, the addition of nutrients from municipal composting facilities competing with agricultural wastes for the agricultural land base is a cause for concern.

## **Actions**

### **1. Require all new or expanding Class A composting facilities to submit a non-farm use application to the ALC.**

This will ensure there are no impacts to agricultural land as a result of Class A composting activities; the Class A composting activity will benefit farming in some capacity and protect the agricultural land base; Class A composts produced on the farm can be absorbed by the land base without causing pollution to the ALR and the receiving environment (similar to the requirements under Environmental Farm Plans for nutrient management); and facilities can be monitored over-time to ensure compliance with the conditions set out by the ALC.

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## Operational Changes

### **RECOMMENDATION 21:**

**Consider the creation of an Industrial Land Reserve to secure and reduce industrial pressures on the ALR.**

### **Issue/Rationale:**

Ensuring the stability of a revitalized ALR is essential if BC's agricultural land is to be protected now and into the future. The continuing pressures on the land from demands for development have undercut that stability. Two specific issues require immediate consideration.

### **The Need for Industrial Land**

There have been many complaints, particularly from large industrial entities and associations, that there is insufficient industrial-zoned land to meet future requirements for economic development. The concern is echoed by certain local governments who have requested exclusions from the ALR in order to expand industrial zones.

One of the significant pressures on industrial lands in the Lower Mainland is the rapidly rising land values — values which exponentially increase with rezoning. Industrial land owners are selling their land to developers with the resultant gentrification of valuable industrial land. In other words, industry has in large part created much of the problem. The problem is exacerbated by local governments who agree to the rezoning applications.

In the past the ALC may have agreed to exclude land from the ALR for industrial purposes in limited circumstances. There have also been instances when excluded lands are then not used for the intended purpose, leading to a domino effect of the ALC receiving further exclusion applications. As was previously noted, the ALR is not the answer to poor urban planning.

### **Actions:**

- 1. Encourage local governments to deny rezoning applications on industrial land.**
  - 2. Work with local governments to create Industrial Land Reserves that do not impact the ALR.**
  - 3. Consider tax initiatives that discourage speculation on ALR land for future industrial purposes.**
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## **RECOMMENDATION 22:**

**Work with the Federal Government to mitigate the impacts of federal jurisdiction on ALR lands.**

### **Issue/Rationale:**

Government of Canada Reporting Entities may, on occasion, have a complex and often difficult relationship with provincial and private lands. The entities include (among others): Canada Not-for-Profit Corporations, such as Airport Authorities; the National Energy Board, with responsibilities for international and interprovincial pipelines and power lines; and Government Business Enterprises, such as Port Authorities.

The various federal entities, especially those that engage in infrastructure projects related to their public policy objectives, have the primacy of federal jurisdiction and zoning on the federally owned lands. Further, Government organizations such as Airport Authorities are supported by jurisprudence which entitles them to prevent uses of surrounding lands that are incompatible with the entity's operations.

A particular and challenging example is the jurisdictional situation in areas where the ALR is impacted by federal activities. Parcels of land in the ALR have been purchased by the Vancouver Fraser Port Authority and are being held for future port development — despite objections from local government. The province, as a participant in the western trade corridor initiatives, also recognizes the potential expansion of port activity in the Fraser Delta and has mandated BC Rail to “acquire and hold railway corridor and strategic port lands.”<sup>15</sup> The prospect of further port-related expansion on the finest agricultural land in BC is troubling and could have significant consequences on the very limited amount of ALR in the province.

It should be noted that the Vancouver Fraser Port Authority has been clear it will exercise its jurisdiction when necessary to secure land for port-related activity. It has been equally clear regarding its concerns surrounding the shortage of industrial land in the Lower Mainland and has frequently called for an Industrial Land Reserve in the region.

### **Actions:**

- 1. Initiate formal discussions with the Federal Government in an effort to define jurisdictional respect for BC's limited agricultural land resource.**

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<sup>15</sup> <https://www.bcbudget.gov.bc.ca/2018/sp/pdf/ministry/tran.pdf> page 27



STRATEGIC SHIFT III:

# RECOMMENDATIONS FOR FARMER & RANCHER RESILIENCE IN THE ALR

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# STRATEGIC SHIFT III:

## RECOMMENDATIONS FOR FARMER & RANCHER RESILIENCE IN THE ALR

### Legislative and Regulatory Changes

#### RECOMMENDATION 23:

Review and increase the income threshold for farm properties qualifying for the BC Assessment Farm Class.

#### Issue/Rationale:

Farm tax status enables farmers who genuinely use their land for agricultural production to be recognized for the investment in their land. Currently, to receive and maintain farm class status in BC, the tax threshold for properties between two and 10 acres is \$2,500<sup>16</sup>. BC's tax threshold has not changed since 1993 and as such, BC now has one of the lowest income thresholds for achieving farm class status in Canada, and abroad<sup>17</sup>:

- ▶ Alberta and Quebec both require a threshold of \$10,000
- ▶ Ontario requires a threshold of \$7,000

**Many survey participants felt that 'tax breaks' afforded to landowners in the ALR encourage non-agricultural uses for the purpose of incurring higher profits than is possible through farming alone.**

This low threshold level supports speculation and idling of land. Lifestyle estates, where land owners are primarily using the land for large homes and accessories and investing little into agricultural production, significantly impact land prices in the surrounding area. And with such a low threshold on farm tax status, municipalities are losing tax revenue due to a system that was developed to identify and reward legitimate farmers.

Landowners in the ALR who choose not to be in the business of agriculture and who use their land for non-farm purposes such as residential and large estates should not be provided with the same benefit as ALR landowners engaged in the business of farming (small and large scale).

<sup>16</sup> Properties under 2 acres are currently required to produce \$10,000 of agricultural product to obtain farm status. This tier was initially introduced to prevent the subdivision of land but it has not fulfilled this purpose. Instead, it burdens owners of small properties, who are often new entrants, with a difficult target to reach. Current farm status thresholds:

- a) \$10,000 on land less than 2 acres;
- b) \$2,500 on land between 2 and 10 acres;
- c) For parcels larger than 10 acres, \$2,500 plus 5% of the actual value of the land in excess of 10 acres;
- d) Other threshold requirements exist for non-ALR land

<sup>17</sup> Upland Consulting. (2015). Farm Tax Class Income Threshold Investigation  
<http://www.metrovancouver.org/services/regional-planning/agriculture/resources/Pages/default.aspx>



The Committee believes the threshold for farmland to qualify for the BC Assessment Farm Class<sup>18</sup> is too low. Landowners in the ALR who are producing minimal agricultural product are availing themselves of the associated tax benefit that is intended for bona fide farmers and ranchers. While taxation is often used as a way to encourage certain behaviour and in this case to benefit the farming community, it is also open to abuse. Metro Vancouver has worked on developing ideas for change that may encourage behaviour that increases production on otherwise underused agricultural lands. The Committee refers readers to Metro Vancouver report for further detail (Farm Property Tax Investigation in the Metro Vancouver Region, Mark Robbins, KM Consulting, Kathleen Zimmerman Ag Results Consulting and Howard Joynt)<sup>19</sup>

In addition, BC Assessment Farm Class is directly linked to the ALR Regulation and in some cases is the sole criterion permitting ALR landowners to carry out other uses on ALR land.

The Committee feels this threshold has become the easy 'gateway' to other uses in the ALR intended to supplement farm income. Local governments are certainly giving thought to this issue. One comprehensive example is Metro Vancouver's 'Encouraging Agricultural Production through Farm Property Tax Reform in Metro Vancouver'<sup>20</sup>. The review identifies tax policies that can be used to encourage farming or discourage non-farm land uses within the Lower Mainland ALR. The research and analysis considered whether existing farm property tax policies, originally enacted to serve the public interest, are still providing the financial incentives to maintain the ALR for farming, and if not, what could be done to create incentives that work.

<sup>18</sup> Farm Class: <https://info.bcasessment.ca/Services-products/property-classes-and-exemptions/farm-land-assessment/farm-classification-in-british-columbia/Apply-for-farm-classification>

<sup>19</sup> <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/FarmPropertyTaxInvestigation.pdf>

<sup>20</sup> <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/AgricultureProductionTaxReformMV-2016.pdf>

Farm property tax reform requires changes to provincial legislation. Local governments can play a role by advocating for tax reform to make certain an equitable balance of benefits between farmers, other landowners, and the public interest are captured. Metro Vancouver’s review provides recommendations that could apply to other areas of BC and which could defend agricultural land from gentrification and other non-farm uses.

***“A fair system that benefits farmers is not an enticement for residential tax relief.”***

— Written submission

The Committee recommends that Government review the Farm Class threshold and increase it to a level appropriate to encourage legitimate farming and to discourage other non-farm activities in the ALR.

## **Actions**

- 1. Consider a collaborative process between the Ministry of Agriculture, the Ministry of Finance, the ALC, and BC Assessment to revamp the tax structure to both favour and provide incentives for farming.**
- 2. Increase and establish a base threshold of \$7,000 for all farm properties up to 10 acres in size.**
- 3. Consider providing new entrants with at least a three year transition from their entry date into farming to meet the new \$7,000 threshold.**
- 4. Undertake a cross-province analysis of whether/how tiers, such as those recommended in Metro Vancouver’s farm property tax reform recommendations, might be included in future to further incent farm production on farmland.**
- 5. Continue to provide retired farmers who have held farm status for 20 years or more to claim their primary house, including a decrease in taxation on the home. The decrease would not apply on the land if the land is not in production.**
- 6. Encourage greater land lease opportunities for both aging and new farmers to make use of farmland for production and receive the farm status tax benefit.**

A fair and equitable approach to farm class will enable the Ministry of Agriculture, the ALC, and other agencies working with farmers to verify legitimate growers and ranchers that may be qualified to use their properties for permitted uses and value added production.



## **RECOMMENDATION 24:**

**Consider adopting policies on foreign ownership of ALR land — similar to those of other Canadian jurisdictions.**

### **Issue/Rationale:**

There is no legislation restricting foreign ownership of agricultural land in British Columbia.

Adopting such restrictions may reduce the negative impacts of foreign investment such as speculation, increasing land prices and restricted access to the land for farmers and ranchers.

***“Deter speculation and foreign ownership on our valuable food land. High costs of farmland are one of the largest barriers to next generations of farmers. Speculation makes farms unaffordable.”***

— Stakeholder Consultation

Certain provinces in Canada have placed strict limits on the number of acres that foreign individuals or corporations may own: others, like BC, have no restriction on how much land non-residents may purchase. The Committee noted there is a concern among British Columbians that foreign ownership of agricultural land may cause speculation in land prices and compromise the security and sustainability of food production in BC.

The Committee’s concerns include unlimited demand of international buyers on the limited protected agricultural land in BC; unmanaged lands with no local oversight leading to invasive species issues; whether the tax rate on non-resident ALR ownership should be different; and whether foreign ownership of ALR lands is in the long-term interest of the agricultural industry in British Columbia.

It should be noted that non-resident owners of land within the ALR also receive the distinct tax advantage available to citizens of British Columbia who live on, and farm, the agricultural lands in the province. The question arose during consultations whether foreign owners who live off-shore, ship their production overseas, contribute little if anything to the local community and its entrepreneurs, and who do little for the provincial tax base, should be paying a more significant tax on their holdings within the ALR.

## Actions:

1. Review the impacts of foreign investment in the ALR on land prices and land availability.
2. Consider clarifying rules regarding the identification of beneficial ownership of lands within the ALR.
3. Review the restrictions placed on foreign ownership of agricultural land by other provinces and consider whether British Columbia should consider implementing similar policies.

The following table summarizes the agricultural land ownership restrictions across Canada:

PROVINCE	RESTRICTIONS
BC	No restriction on foreign ownership. Uses of land in the ALR are regulated by the ALC.
Alberta	Subject to certain exceptions for commercial ventures (including limited natural resource extraction or processing and residential development), non-residents and foreign-controlled corporations can own up to 20 acres of agricultural land. <sup>21</sup>
Saskatchewan	Non-residents and foreign entities can own up to 10 acres of Saskatchewan farm land. Entities that are partially foreign-owned but controlled by Saskatchewan residents or their farming corporations can own up to 320 acres. <sup>22</sup>
Manitoba	Non-residents and foreign entities can own up to 40 acres of farm land. <sup>23</sup>
Ontario	No restriction on foreign ownership. Uses of prime agricultural areas are regulated by planning authorities acting pursuant to the 2005 Provincial Policy Statement. <sup>24</sup>
Québec	Non-residents and foreign-controlled entities must get permission to buy more than four hectares (or about 10 acres) of agricultural land from the Commission de la Protection du Territoire Agricole du Québec. <sup>25</sup>

<sup>21</sup> Foreign Ownership of Land Regulations, Alta Reg 160/1979

<sup>22</sup> <http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/S17-1.pdf>

<sup>23</sup> The Farm Lands Ownership Act, CCSM c F-35

<sup>24</sup> <http://www.mah.gov.on.ca/Page1485.aspx>

<sup>25</sup> An Act respecting the acquisition of farm land by non-residents, RSQ c A-4.1



#### **RECOMMENDATION 25:**

**Immediately work to address the imbalance between oil and gas development and agriculture in BC's Northeast ALR:**

1. Form a Deputy Minister-level, multi-agency, multi-jurisdictional Task Force to develop a Northeast ALR Strategy; and
2. Establish an increased ALC presence to support farmers and ranchers in BC's Northeast ALR.

#### **Need for a Deputy-Minister Task Force and Strategy**

##### **Issue/Rationale:**

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 BC's Northeast region, 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 natural resources, and oil and gas is no exception. It is essential that an 'Agriculture First' approach be applied to decision making in the Northeast ALR.

**It is imperative that we keep agricultural land and food production front and center in debates regarding natural resources such as pipelines, LNG, hydro-electricity generation and beyond. We forget, and at our great peril, that the most fundamentally important resource is agricultural land and its ability to produce food for us when put to its only proper use.<sup>26</sup>**

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 BC 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 to the extent possible for the benefit all British Columbians.



***“Reclamation is an issue. Need to hold oil and gas to a stricter standard. Land is never fully productive again.”***

— Stakeholder Consultation

## **Actions**

### **1. Establish a Deputy Minister-level task force with internal and external agriculture partners and stakeholders from the natural resource sector.**

#### **Direct the task force to:**

- ▶ Develop a strategy to address the significant resource extraction issues impacting the ALR and its farmers and ranchers in BC’s Peace River region
- ▶ Review, among other considerations, the following issues and take actions as required:
  - ▶ 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

<sup>26</sup> Richard Bullock, Institute for Sustainable Food System White Paper



- ▶ How the comments made to this taskforce by the farmers/ranchers will be accommodated in a balanced process
- ▶ Whether the delegation agreement between the ALC and the BC 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
- ▶ Determine how farmers can access ongoing professional, independent support

**2. Build a memorandum of understanding and operational agreement between the ALC and the BC Oil and Gas Commission for sharing impact assessments and other information so they can work more effectively together.**

**3. Consider whether/what portion of royalties from oil and gas development in the ALR should be directed to a regional agricultural development fund.**

## Need for an Increased ALC and Ministry Presence

### Issue/Rationale:

The availability of extensive legislative, regulatory, administrative and expert support, as well as capital for oil and gas development, ensures the energy sector is positioned to be successful.

It is important to note there is no institution or agency that singularly represents farmers and ranchers in BC's Northeast as they struggle to maintain their agricultural businesses in the face of a rapidly growing energy sector. Agriculture businesses are effectively 'on their own'. Unintended consequences from deregulation and from the delegation agreement between the ALC and the BC Oil and Gas Commission have meant that the extent and pace of development have outstripped the ability of regulation to ensure that damage to the land base is not permanent and that future degradation of fertile farmland is minimized or avoided.

***“Agreements made with the Oil & Gas Commission are not working for the integrity of the reserve and should not be allowed.”***

— Stakeholder Consultation

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. Moreover, 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.

## Actions

**1. The Committee recommends the Ministry of Agriculture work with other natural resource ministries to ensure the ALC and the Ministry are sufficiently resourced to increase presence and support for ALR protection and for farmers and ranchers in BC's Northeast ALR.**

**RECOMMENDATION 26:**

**Significantly improve agriculture extension services in British Columbia through a focused strategic planning exercise with Government, industry and academic partners.**

**Issue/Rationale:**

The need for knowledge sharing and agricultural extension was raised a number of times during this Committee's public engagement. Access to knowledge is critical for the continued success of BC's agriculture industry and the revitalization of agricultural extension services in BC is essential to the province's growing and highly diverse agricultural industry. Farmers, especially new entrants, require support in developing and adapting their practices. Agricultural extension services and farmer success are directly linked to increased ALR productivity and capacity, improving agriculture's economic contribution in BC, and supporting food security.

The Committee wishes to note that Ministry support for outreach and extension services has declined dramatically, and one-on-one support from expert facilitators — resourced to train farmers and to respond to a broader array of needs — is now virtually non-existent.

The Ministry does provide a key service to farmers and ranchers through the Regional Agrologist positions across the province. The Regional Agrologists, however, are insufficiently resourced, unable to work with individual farmers and have little time to devote to agricultural extension. The regional offices must divide their time between land use planning, program delivery, referrals from other levels of Government, complaints (noise, smell, dust, etc.) and emergency management. There are private extension services available to some farmers via commodity groups, but they are expensive: moreover, the private service is often tied to a supplier of agricultural inputs and can be biased.

BC's farmers need a Government-based extension service if they are to adapt to the changing landscape of agriculture.

A revitalized agricultural extension program in BC should be based on four essential pillars for success: Resources, Research, Relationships and Regional Context. Each region of the province should have a team of agrologists with subject matter expertise in the major crops and livestock of the region. Business management experience is also essential and would round out the extension team. Each team should have close ties to the major research institutions, local colleges and commodity-led research and variety developments. The teams should be connected to other aspects of the Ministry of Agriculture's work — such as Climate Change Adaptation and Risk Management.

Regional Agrologists need to be out in the community, meeting regularly with farmers, Farmer's Institutes, commodity groups, Agricultural Advisory Committees and 4-H Clubs. They need to be connecting with Environmental Farm Plan (EFP) Advisors to ensure information is being disseminated and duplication is minimized. Each team needs to be able to design their service plans to meet the needs of their local growers instead of just delivering programs from a centralized system. Regional Agrologists need to be given autonomy to tailor their work for the region.

### **Actions:**

- 1. Revitalize and fund agricultural extension services in BC.**
  - 2. Review extension service models in other provinces – especially Saskatchewan.**
  - 3. Engage with industry associations, farmers, ranchers and other stakeholders to identify how extension services should function in BC.**
  - 4. Support post-secondary institutions in undertaking surveys, research and the development of programs that support the agriculture industry and ensure those programs are funded and delivered over the long-term.**
  - 5. Strengthen Farmer's Institutes in each region of BC to help with communication and delivery of information.**
  - 6. Develop a communication network with existing Producer Associations to have a timely flow of information.**
  - 7. Enable Regional Agrologists to use social media to extend knowledge into the community in a timely manner.**
  - 8. Encourage major agricultural districts to hire staff with agricultural backgrounds to take on land use planning to relieve Regional Agrologists of this burden.**
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## RECOMMENDATION 27:

Improve access to land opportunities for both new entrants and existing farmers and ranchers.

### Issue/Rationale

New entrants to farming are struggling to purchase and lease land. Retiring farmers frequently face challenges as they attempt to transfer their land to someone who wishes to farm but who cannot afford to purchase it outright. Farmers wishing to expand their agricultural business are unable to find or afford additional ALR land due to significantly rising prices, prices that are a reflection both of speculation and of pressure from expanding residential and non-farm use in the ALR.

The access to land issue was a subject of significant concern during the stakeholder consultations. Ensuring that new entrants are able to establish themselves as independent entrepreneurs, and that legitimate farmers have access to affordable farmland, requires not only regulatory change, but also a cooperation between the financial sector, Government resources and programs, along with other supports.

The prohibitive cost of farmland in some regions has a dramatic, limiting effect on the viability of local agricultural production. Metro Vancouver and the Fraser Valley are one example. According to Farm Credit Canada, the financial viability of farm businesses becomes questionable when land prices reach \$80,000/acre, the exception being farms that produce supply-managed commodities.<sup>27</sup>

#### The Prohibitive Cost of Farmland <sup>28</sup>

PARCEL SIZE	TYPICAL FARMLAND PRICE PER ACRE	
	Metro Vancouver	Fraser Valley
5 acres	\$150,000 – \$350,000	\$80,000 – \$110,000
20 acres	\$110,00 – \$120,000	\$70,000 – \$80,000
40 – 60 acres	\$50,000 – \$80,000	\$50,000 – \$70,000

There is a need to facilitate currently unused ALR land to become productive. This includes land owned by retired farmers or land owned by those who are not farming.

<sup>27</sup> From Vancity 2016 report: "Home on the Range: Cost Pressures and the Price of Farmland in Metro Vancouver" <https://www.vancity.com/SharedContent/documents/pdfs/News/Vancity-Report-Cost-Pressures-and-the-Price-of-Farmland-in-Metro-Vancouver-2016.pdf>

<sup>28</sup> IBID





Young Agrarians have had the only Land Matching program in BC, although it is restricted to Southern Vancouver Island, the Central Okanagan, Columbia Basin and the Lower Mainland. However, the September 18, 2018 announcement of the BC Government's Land Matching program is a helpful step forward which also hopes to address a lack of affordable farmland in the province by connecting new and young farmers with local landowners.

The Government determined some years ago to disband its successful Land Management Program (a joint program of the Ministry of Agricultural Property Management Branch and the ALC). That program allowed the provincial Government to purchase (or receive donated) agricultural land and to provide long term leases that helped both young and new entrant farmers become established and to bring unused ALR land into production.

## **Actions**

- 1. Review opportunities to improve access to land for new entrants and farmers who wish to expand including Crown land.**
- 2. Task Regional Agrologists to participate in a the land matching program by working in tandem with Young Agrarians, especially in regions where there is no active program.**
- 3. Review the former Land Management Program and consider the development of a similar program to provide secure, long term leases to farmers.**
- 4. Encourage financial institutions to provide loans specifically for farmers (e.g., Vancity has a loan program).**
- 5. Consider incentives to owners who are not farming their ALR land to provide long-term leases to new and existing farmers.**

## **RECOMMENDATION 28:**

**Review approaches to improving access to essential supports for farmers and ranchers.**

### **Issue/Rationale:**

Access to essential supports, such as water, training and education, funding for adaptation to climate change for farm businesses are currently inadequate. Recognition of ecological goods and services has been a point of discussion for some time with little action taken.

### **Access to Water:**

In many parts of the province water is essential to bringing land into production. Water is often essential for growing crops and for watering livestock. Water availability, quality, quantity and distribution is a vital agricultural priority.

The allocation of water can have serious impacts on agricultural businesses. While decisions related to water are substantially dealt with under the Water Sustainability Act, those decisions can have widespread and distant impacts.

Local governments often struggle with decisions on whether to distribute available water to new development (e.g., residential or golf course) or reserve it for agricultural use and whether to budget infrastructure dollars for the distribution of water to agricultural lands or for another public good. The provincial Government, for example, is struggling with water allocations in the northeast region of the province and developed the North East Water Tool (NEWT) to assist in allocation decisions. NEWT was developed to enable the removal of vast quantities of surface water for oil and gas development, yet ensure enough would remain for other needs.

***“Abuse of water is incredible. Legislation around water is out of control. Illegal pumping of water is rampant. Farmers can’t get irrigation licenses, but oil and gas can through the Oil and Gas Commission.”***

— Stakeholder Consultation

It is the Committee’s belief that Government ministries, local governments and others with authority and jurisdiction respecting water ensure that water is sufficiently available for agriculture as a first priority especially with respect to land in the ALR.

## **Actions:**

- 1. Fund regional hydrologists in the Ministry to advise and support farmers and ranchers on water related matters.**
- 2. Investigate the value of a Water Land Reserve for agriculture that would ensure allocations of water during drought years.**
- 3. Ensure priority access to water where crops requiring water are grown.**
- 4. Ensure ranchers requiring water dams and dugouts receive the technical assistance needed to ensure sufficient quantities of water and dam safety.**

## **Recognition of Ecological Goods and Services:**

Across BC and throughout the ALR, the agricultural sector provides valuable ecological services that benefit the entire province. Often, providing or at least hosting these services is costly and a significant burden to the farmer and rancher.

The consultation process heard that recognition and support is needed for the Ecological Goods and Services (EGS) provided by the agriculture sector. Agricultural activities contribute to the overall visual aesthetics of the land, the health of riparian ecosystems, the availability of wildlife habitat, and protection of provincial biodiversity. These EGS provide enormous benefit to both the environment and society in general, and they should be encouraged and recognized.

Incentives for EGSs could be available to farmers and ranchers through programming, taxation and income support programs. The BC Cattlemen's Association specifically supported implementation of EGS. The Committee encourages the BC Government to study possible models and applications of EGS that would express society's support for the ecological values that farmers and ranchers provide in BC.

## **Actions:**

- 1. Study the various models that recognize the value of Ecological Goods and Services provided by farmers and ranchers.**
- 2. Fund an EGS program which financially rewards agricultural producers for their ecological contributions and that the program consider a carbon sequestration credit system.**

## **Access to Training and Education:**

Agriculture is often viewed as a low income/poor compensation career or industry. As part of the 'agriculture first' agenda, agriculture must be supported and presented as an important, viable trade and career in order to stimulate interest and build worker supply not only for the health of the agriculture sector but also for the health of BC's economy.

There is a need to expand training and education to build a stronger, more resilient agriculture industry in BC. Identifying opportunities and gaps in training and education — in consultation with other ministries, academic partners and agricultural organizations — is an important early step. It is important to connect training and education programs to properly resourced extension services and apprenticeship programs.

### **Actions:**

- 1. Work with relevant organizations to coordinate and identify gaps in agriculture training.**
- 2. New trade and academic programs be properly resourced and promoted.**

## **Adaptation to Climate Change:**

Climate change is already creating challenges for agriculture in BC. Not only is the productive capacity of the land expected to change, but so too will the need to adjust existing agricultural practices.

Vital to the future success of agriculture will be the ability of the farmer and rancher to adjust quickly to changes in environment and productivity. This will require swift knowledge transfer, professional expertise in a variety of areas, rapid integration of new technologies, and the ability to quickly diversify agricultural operations. There is no doubt that protecting the future health of the agriculture industry will require flexible programming and expert Government support.

### **Actions:**

- 1. Integrate the work of the BC Climate Action Secretariat with Government operations.**
  - 2. Expand agricultural extension and knowledge transfer opportunities.**
  - 3. Support collaboration between Government, academia and industry.**
  - 4. Direct research and innovation funding toward new opportunities for supporting crop adaptations.**
  - 5. Review the Production Insurance Program and the Environmental Farm Plan Program to:**
    - ▶ integrate the promotion of crop diversification; and
    - ▶ remove any disincentives that impact efforts to diversify crops
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## **RECOMMENDATION 29:**

**Increase ALC-led ALR outreach and education to improve public awareness and understanding.**

### **Issue/Rationale:**

Despite the past 47 years of existence, many BC residents and agencies remain unaware of the ALR and the ALC. It is time to ensure all British Columbians are aware of the ALR and its importance to agriculture and the BC economy as the foundation for local food and farming. Communication with over 150 local governments, provincial Government ministries and agencies, key stakeholders and the public needs to be improved to ensure the importance of the ALC and its programs to support the ALR are understood. Increasing the awareness of and the sense of urgency around farmland preservation is central to ensuring ongoing Government and public support.

The Committee recommends the Ministry of Agriculture provide specific resources to the ALC to lead outreach and education across the province and with potential partners of the ALR and ALC. Funding and staff for these activities is essential to ensure all British Columbians are aware of the importance and value of agricultural land its contribution to both our economy; and to the health and wellbeing of BC citizens.

### **Actions:**

- 1. Resource the ALC to elevate the profile and work of the Commission.**
  - 2. Build and support funding partnerships for ongoing education and awareness.**
  - 3. Re-develop relationships that emphasize the role of the ALR and ALC with provincial Ministries and agencies.**
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### **RECOMMENDATION 30:**

**Establish a Province-wide ALR and ALC Communication Plan.**

#### **Issue/Rationale**

The Committee is of the opinion that the province must invest in an ongoing professionally developed communication plan that will create a province-wide public and Government commitment to an Agriculture First agenda in the Agricultural Land Reserve. A strong, visual and vocal presence of a provincial communication strategy is critical if the Government is to raise the profile of the ALR and of agriculture across all sectors of society, including local governments; provincial and federal Government ministries and agencies; and the general public. As part of this plan, it is essential that school aged children are also made aware of the ALR and the role of agriculture in BC. It is time to ensure BC citizens understand and value agriculture.

An Agriculture First attitude – one that respects and values agriculture – must become part of British Columbian culture in all corners of the province. This most important and critical shift in attitude can only be achieved through sustained, long-term and ongoing communication.

#### **Actions:**

- 1. Develop and Fund a professional, sustained communication plan charged with creating an Agriculture First agenda in BC.**
- 2. Work with provincial ministries and partners (e.g., the Ministry of Education) to build school programs to increase awareness of the ALR and the role of agriculture in BC.**



### RECOMMENDATION 31:

Increase ALR awareness and education within BC's real estate industry.

#### Issue/Rationale:

It only takes a quick review of the Real Estate section of any paper to see ALR land advertised inappropriately as an 'investment' or 'development' opportunity, or a 'rural estate'. These advertisements are either deliberately misleading or are perhaps authorized by licensed agents who are not clear about the law and regulations surrounding the ALR.

Misleading advertising fuels speculation and house prices in the ALR, placing land out of the reach of many farmers and ranchers, particularly in high urban growth areas of the province. To avoid speculation on ALR lands, it is imperative the real estate industry understand and clearly represent the legislation surrounding the ALR in British Columbia. It is the Committee's opinion that licensed professionals in the industry must be fully capable of explaining to the buyer the restrictions and expectations that surround the purchase of lands within the Agricultural Land Reserve. This expectation can only be satisfied if the professional agent is fully acquainted with the legislation.

The Committee was pleased to hear from the Real Estate Council of BC (RECBC) that it provides ALR information in the Real Estate Trading Services Licensing course. The question remains, however, whether the material is achieving its objective of fully acquainting the agent with the purposes of the ALR. The RECBC also noted there will be a section on the ALR in the required continuing education course "Legal Update" for 2019.

The Committee heard during consultations that buyers in the ALR should be required to indicate awareness of the regulations and asked to sign a disclosure to that end. Purchasers should not anticipate the land can be used for activity outside those enabled by regulation. It should be noted that the list of Buyer Disclosure Clauses does not include an example covering land in the ALR.

*“People who purchase lands within the ALR should be made aware of the responsibility that comes with those lands. We support having a landowner declaration that is signed at the time of purchase. The purchaser would acknowledge that they have been made aware of their responsibilities (i.e., fencing) and that farming activities are encouraged on these lands”.*

— BCCA submission

**Actions:**

1. Work with the RECBC to ensure rules regarding misleading advertising of lands for sale in the ALR are enforced.
  2. Request that RECBC develop a Buyer’s Disclosure Clause that confirms the Buyer has satisfied him/herself that an ALR property is subject to the applicable zoning and regulations and understands the meaning of those restrictions.
  3. ALC to collaborate with RECBC to review, and if necessary improve, the efficacy of current real estate licensing education requirements regarding the ALR.
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## **RECOMMENDATION 32:**

### **Build a BC food security strategy for the ALR and beyond.**

#### **Issue/Rationale:**

During the Committee's consultation process, food security emerged as one of the top three issues British Columbians were concerned about regarding the ALR.

**Of 2,264 responses to the Committee's public survey, 91 % felt food security was very important. Further, less than a third (30%) of respondents felt that export production in the ALR was very important; implying that food production to feed British Columbians was of far greater concern.**

— Advisory Committee's What We Heard Report

Provincial leadership, collaboration with partners and a focus on the strategic shifts required to revitalize the ALR and ALC, will provide the foundation for building a food security strategy for BC. The Committee believes that the long-term ability of BC to secure its own food supply will require both Government and citizen to develop an 'Agriculture First' attitude that not only protects farmland throughout BC, but also supports our farmers and ranchers as they take on the problems of the future.

The availability of quality, healthy and accessible food in BC is dependent on many factors, including: well-resourced and supported farming operations; farmer knowledge; access to adequate water; and availability of labour. These are the cornerstones of agricultural productivity and are fundamental to BC's future food security. Support for non-profit food orientated entities and academic institutions is essential to developing a robust food security plan for BC.

#### **Actions:**

- 1. Develop a province-wide food security initiative for agriculture, including the role of the ALR and ALC.**
- 2. Ministry of Agriculture to ensure ongoing, close collaboration with the Climate Action Initiative.**
- 3. Support non-profit food security-orientated entities and academic institutions.**





# CONCLUSION

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## **CONCLUSION: AN ‘AGRICULTURE FIRST’ AGENDA TO REVITALIZE THE ALR AND THE ALC**

If British Columbia's agricultural land is to be revitalized and protected; if the land is to provide sustenance well into the future; and if British Columbia desires to grow its critical agricultural industry, then farming activities on the Agricultural Land Reserve must take their equal place among the resource industries of this province.

Every Ministry, every public servant, every Minister of the Crown, must contemplate how Government decisions, or activities, or lack thereof, impact the agricultural land of this province. An “Agriculture First” lens should be applied to all proposed non-farming activities on the Agricultural Land Reserve. And to ensure those activities are properly adjudicated, the independence of the Agricultural Land Commission must be as legally sacrosanct as other tribunals of this province.

The Committee, above all, is of the opinion that there must be a Government-wide shift in attitude — a cross-ministry conviction that the land which produces our food, and the farmers and ranchers that work that land, must share equal space in the minds of decision-makers. Agriculture is a resource industry that is utterly sustainable if the land is protected and cared for and it has become clear to this Committee that the citizens of British Columbia expect no less from their Government.

The members of this Committee were appointed to examine ways in which the Agricultural Land Reserve and the Agricultural Land Commission could be revitalized and made ready to take on the future — a future where food production will become increasingly important. The Committee believes it has provided advice to the Minister, and to her Cabinet colleagues, that will ensure a revitalized future for the agricultural land in British Columbia.

We are pleased to provide the Government of British Columbia, and in particular the Minister Agriculture, Minister Lana Popham, with the Final Committee Report for Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission.



# BIBLIOGRAPHY

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# BIBLIOGRAPHY

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.

## ADVISORY COMMITTEE: PAPERS AND REPORTS

The Committee prepared the following papers and reports to guide and report on the results of the Committee's work:

"Discussion Paper" <https://engage.gov.bc.ca/app/uploads/sites/327/2018/02/Discussion-Paper-ALR-and-ALC-Revitalization-February-2018-Final.pdf>

"Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission: Interim Committee Report to the Minister of Agriculture", BC Minister of Agriculture's Advisory Committee for Revitalizing the ALR and ALC, <https://engage.gov.bc.ca/app/uploads/sites/327/2018/08/Minister-Advisory-Committee-Interim-Report-to-Minister-of-Agriculture-....pdf>, July 31, 2018

"Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission: What We Heard Report", R.A. Malatest & Associates Ltd., <https://engage.gov.bc.ca/app/uploads/sites/327/2018/08/Minister-Advisory-Committee-What-We-Heard-Report-ALR-and-ALC-Revitaliz....pdf>, July 31, 2018

## 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, [https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/a\\_work\\_in\\_progress\\_-\\_farmland\\_preservation\\_b\\_smith\\_2012.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/a_work_in_progress_-_farmland_preservation_b_smith_2012.pdf), 2012

"British Columbia's Agricultural Land Preservation Program", Gary Runka, [https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/bc\\_ag\\_land\\_preservation\\_program\\_-\\_runka\\_1977.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/bc_ag_land_preservation_program_-_runka_1977.pdf), 1977

"Ministry of Agriculture's Guide for Bylaw Development in Farming Areas", [https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide\\_for\\_bylaw\\_development\\_in\\_farming\\_areas\\_2015.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide_for_bylaw_development_in_farming_areas_2015.pdf)

"Review of the Agricultural Land Commission Moving Forward: A Strategic Vision of the Agricultural Land Commission for Future Generations", Richard Bullock, ALC Chair, [https://www.alc.gov.bc.ca/assets/alc/assets/library/commission-reports/review\\_of\\_the\\_alc\\_moving\\_forward\\_nov\\_26\\_2010.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/commission-reports/review_of_the_alc_moving_forward_nov_26_2010.pdf), 2010

“The Land Commission and It’s Significance to British Columbia Agriculture”, William T. Lane, [https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/legislation-history/land\\_commission\\_significance\\_to\\_bc\\_agriculture\\_-\\_lane\\_1973.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/legislation-history/land_commission_significance_to_bc_agriculture_-_lane_1973.pdf), 1973

“The Use Of Biophysical Information – BC Land Commission Overview”, Gary Runka, [https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/the\\_use\\_of\\_biophysical\\_information\\_bc\\_land\\_commission\\_overview\\_1976.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/the_use_of_biophysical_information_bc_land_commission_overview_1976.pdf), 1976

“The Potential of Marginal Agricultural Lands”, BC Ministry of Agriculture, [https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/the\\_potential\\_of\\_marginal\\_agricultural\\_lands\\_1978.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/the_potential_of_marginal_agricultural_lands_1978.pdf), 1978

## LEGISLATION:

Agricultural Land Commission Act, [http://www.bclaws.ca/Recon/document/ID/freeside/00\\_02036\\_01](http://www.bclaws.ca/Recon/document/ID/freeside/00_02036_01), 2002

## REGULATION:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation, [http://www.bclaws.ca/civix/document/id/complete/statreg/171\\_2002](http://www.bclaws.ca/civix/document/id/complete/statreg/171_2002), 2002

Order of the Lieutenant Governor in Council 380, Province of British Columbia, [http://www.bclaws.ca/civix/document/id/oic/oic\\_cur/0380\\_2018](http://www.bclaws.ca/civix/document/id/oic/oic_cur/0380_2018), July 13, 2018

## ALC POLICIES:

Link to the ALC website pages that list all ALC policies including the Governance Policy: <https://www.alc.gov.bc.ca/alc/content/legislation-regulation/alc-policies>

## ALC/ALR HISTORY, BACKGROUND AND STUDIES:

“Agriculture Capability and the ALR Fact Sheet”, ALC website, [https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/agriculture\\_capability\\_the\\_alr\\_fact\\_sheet\\_2013.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/agriculture_capability_the_alr_fact_sheet_2013.pdf)

“Agricultural Capability Classification in BC”, ALC website, [https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/agriculture\\_capability\\_classification\\_in\\_bc\\_2013.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/agriculture_capability_classification_in_bc_2013.pdf)

“Agricultural Land Commission – Local Government Stakeholder Survey” ALC website, [https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/2018\\_alc\\_local\\_government\\_survey\\_report.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/2018_alc_local_government_survey_report.pdf) April 18, 2018

“Agricultural Land Soil Investigation”, Geoff Hughes-Games, Soil Specialist, <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/AgriculturalLandSoilInvestigation2018.pdf>

\*\*\* “ALC Submission to ALC Act Regulation Engagement Questions”, ALC, August 2014

\*\*\* “ALC Summary of Regulation Review Stakeholder Meetings”, ALC, July/August 2014

“Audit of the Agricultural Land Commission”, Office of the Auditor General of British Columbia, [https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/oagbc-alc-\\_audit-\\_sept\\_2010.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/oagbc-alc-_audit-_sept_2010.pdf), 2010

\*\*\* “BC Standing Committee on Agriculture”, Inventory of Agricultural Land Reserves in British Columbia, Phase I” Research Report, 1978

“Ill Fares the Land”, Mary Rawson, [https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/ill\\_fares\\_the\\_land\\_1976.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/ill_fares_the_land_1976.pdf), 1976

“Land Capability Classification for Agriculture in British Columbia: MOE Manual 1”, Surveys and Resource Mapping Branch, Ministry of Environment and Soils Branch, Ministry of Agriculture and Food, [https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/alr-and-maps/agricultural-land/land\\_capability\\_classification\\_for\\_agriculture\\_in\\_bc.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/alr-and-maps/agricultural-land/land_capability_classification_for_agriculture_in_bc.pdf), April 1983

“Methodology - Land Capability for Agriculture BC Land Inventory (CLI)”, Runka, G.G., Soil Survey Division, BC Department of Agriculture, [https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/methodology\\_land\\_capability\\_for\\_agriculture\\_bcli\\_1973.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/methodology_land_capability_for_agriculture_bcli_1973.pdf), 1973

“Oil and Gas Development in the Agricultural Land Reserve (ALR): The Non-Farm Use of Agricultural Land”, Provincial Agricultural Land Commission, [https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-other-ministries-and-agencies/history\\_of\\_oil\\_and\\_gas\\_activities\\_in\\_the\\_alr\\_november\\_2013.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-other-ministries-and-agencies/history_of_oil_and_gas_activities_in_the_alr_november_2013.pdf), August 2012, updated November 2013

“Planning for Agriculture”, Barry E. Smith, Agricultural Land Commission, [https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/planning\\_for\\_agriculture\\_1998.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/planning_for_agriculture_1998.pdf), 1998

“Stakes in the Ground: Provincial Interest in the Agricultural Land Commission Act”, Moura Quayle, [https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/stakes\\_in\\_the\\_ground\\_-\\_quayle\\_1998.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/stakes_in_the_ground_-_quayle_1998.pdf), 1998

\*\*\* “Summary of Stakeholder Input on Proposed Amendments to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation”, ALC Meeting Notes, September 2014

“The BC Land Commission: Keeping the Options Open”, [https://www.alc.gov.bc.ca/assets/alc/assets/library/living-in-the-alr-information/keeping\\_the\\_options\\_open\\_booklet.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/living-in-the-alr-information/keeping_the_options_open_booklet.pdf), 1975

## OTHER REFERENCES:

“A Growing Concern: How to Keep Farmland in the Hands of Canadian Farmers”, Standing Senate Committee on Agriculture and Forestry, [https://sencanada.ca/content/sen/committee/421/AGFO/reports/Farmland-final\\_e.pdf](https://sencanada.ca/content/sen/committee/421/AGFO/reports/Farmland-final_e.pdf), March, 2018

“AgRefresh: Enhancing Agriculture in Abbotsford, Stage 3 Winter 2017-18 Engagement Results”, City of Abbotsford, <https://www.abbotsford.ca/Assets/2014+Abbotsford/Planning+and+Development/Planning/Agriculture/AgRefresh/AgRefresh+Stage+3+Winter+2017-18+Engagement+Results.pdf>, February 26, 2018

“AgRefresh Stage 3 Engagement Summary, City of Abbotsford Council Report”, Ryan Perry, City of Abbotsford, <https://abbotsford.civicweb.net/document/53911>, February 21, 2018

\*\*\* “Agricultural Land Commission - Local Government Stakeholder Survey”, Sentis, April 18, 2018



“Agriculturally Zoned Land: Summary of Public Consultation and Proposed Bylaws Limiting Residential Development in the Agriculture (AG1) Zone”, Wayne Craig and Terry Crowe, City of Richmond, [https://www.richmond.ca/\\_shared/assets/rtc04191747978.pdf](https://www.richmond.ca/_shared/assets/rtc04191747978.pdf), April 13, 2017

“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](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

“An Audit of Compliance and Enforcement of the Mining Sector”, Office of the Auditor General of British Columbia, <http://www.bcauditor.com/sites/default/files/publications/reports/OAGBC%20Mining%20Report%20FINAL.pdf>, May, 2016

“Appendices - AgRefresh: Enhancing Agriculture in Abbotsford, Stage 3 Winter 2017-18 Engagement Results”, City of Abbotsford, <https://www.abbotsford.ca/Assets/2014+Abbotsford/Planning+and+Development/Planning/Agriculture/AgRefresh/Appendices+-+AgRefresh+Stage+3+Winter+2017-18+Engagement+Results.pdf>, February 26, 2018

“BC Ag Climate Action” <https://www.bcagclimateaction.ca/overview/why-adaptation/>

\*\*\* “BC Ministry of Agriculture – New Entrants, Land Access and Supports for Farmers Presentation” September 4, 2018

“Cannabis Regulation in BC: What We Heard Public and Stakeholder Engagement, Sept 25-Nov 1, 2017” <https://engage.gov.bc.ca/app/uploads/sites/217/2017/12/Cannabis-Regulation-in-BC-What-We-Heard.pdf>

\*\*\* “City of Chilliwack Zoning and OCP text amendments – Farm Home Plate regulation”, Karen Stanton, Planning and Strategic Initiatives Department, June 6, 2017

“Classifying Land Leased to Farmers”, BC Assessment, <https://info.bcasessment.ca/services-and-products/Pages/Classifying%20Land%20Leased%20to%20Farmers.aspx>

\*\*\* “Climate Action Initiative BC Agriculture and Food – Partnering for agricultural resilience Climate Change Impacts and BC’s Adaptation Programs”, Emily MacNair

“DRAFT Agricultural Impact Assessment (AIA) Guidelines”, Environmental Farm Planners Ltd., <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/DraftAgricultureImpactAssessmentGuidelines.pdf> February, 2014

“Encouraging Agricultural Production through Farm Property Tax Reform in Metro Vancouver”, Metro Vancouver, <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/AgricultureProductionTaxReformMV-2016.pdf>

“Farmland Access in British Columbia: Four Innovative Approaches”, Farm Folk City Folk and the Centre for Sustainable Food Systems at UBC Farm, CRFAIR, Young Agrarians and Deer Crossing the Art Farm, <http://www.farmfolkcityfolk.ca/documents/FarmlandAccessBooklet.pdf>

“Farmland Access in British Columbia – Project Summary Report”, J. Dennis and Dr. Hannah Wittman, Faculty of Land and Food Systems, University of British Columbia, <http://farmland.sites.olt.ubc.ca/files/2014/04/Farmland-Access-in-BC-Research-Summary-0714.pdf>, July, 2014

“Farmland Protection: Strengthening BC’s Legislation”, Dr. David Connell, University of Northern British Columbia, <http://blogs.unbc.ca/agplanning/files/2018/02/AgLUP-BC-Policy-Brief-401.pdf>, January, 2018

“Farm Property Tax Investigation in the Metro Vancouver Region, Mark Robbins, KM Consulting, Kathleen Zimmerman Ag Results Consulting and Howard Joynt <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/FarmPropertyTaxInvestigation.pdf>, December, 2014

“Finding Common Ground – 2016 Summit Report”, Andrew Stegemann, Brent Mansfield and David Hendrickson, Sustainable Food Systems Working Group, <http://www.refbc.com/sites/default/files/FCG-Summit-Report.pdf>, May 5, 2016

“Finding Common Ground Forum – Summary Report”, Andrew Stegemann, Real Estate Foundation of British Columbia, <http://www.refbc.com/sites/default/files/Finding%20Common%20Ground%20Forum%20Summary%20Report.pdf>, November 19, 2015

\*\*\* “Growing Agronomic Resilience to Climate Change in BC”, Sara Elder, BC Ministry of Agriculture, March, 2018.

“From Grain Country to Gas Land”, Ben Parfitt, The Narwhal <https://thenarwhal.ca/grain-country-gas-land/> November 2018

“Guide for Bylaw Development in Farming Areas”, Ministry of Agriculture, [https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide\\_for\\_bylaw\\_development\\_in\\_farming\\_areas\\_2015.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide_for_bylaw_development_in_farming_areas_2015.pdf), May, 2015

“Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas”, Ministry of Agriculture, Food and Rural Affairs, <http://www.omafra.gov.on.ca/english/landuse/facts/permitteduseguide.pdf>, 2016

“Home on the Range: Cost pressures and the price of farmland in Metro Vancouver”, Vancity, <https://www.vancity.com/SharedContent/documents/pdfs/News/Vancity-Report-Cost-Pressures-and-the-Price-of-Farmland-in-Metro-Vancouver-2016.pdf>

\*\*\* “Land Commission/Property Management Program: Statement of Policy and Procedures”, David J. Sands, BC Ministry of Agriculture and Food, August, 1985

“Land Owner’s Information Guide for Oil and Gas Activities in British Columbia”, BC Oil and Gas Commission, <https://www.bcogc.ca/node/11032/download>

“Local experts should guide ALR land use: Paton”, BC Liberal Caucus, <https://bcliberalcaucus.bc.ca/local-experts-should-guide-alr-land-use-paton/>, August 8, 2018

“Low Incomes and High House Prices in Metro Vancouver”, Site Economics Ltd., <http://siteeconomics.com/wp-content/uploads/2017/04/High-House-Prices-and-Low-Incomes-April-2017.pdf>

“Managing Climate Change Risks: An Independent Study”, Office of the Auditor General of British Columbia, [http://www.bcauditor.com/sites/default/files/publications/reports/Climate\\_Change\\_FINAL.pdf](http://www.bcauditor.com/sites/default/files/publications/reports/Climate_Change_FINAL.pdf), February 15, 2018

“Message from the (ALC) Chair – An update October 4, 2013” [https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/message\\_from\\_chair\\_october\\_4\\_2013.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/message_from_chair_october_4_2013.pdf)

“Metro Vancouver Regional District Regional Planning Committee – Regular Meeting”, Metro Vancouver, [http://www.metrovancouver.org/boards/RegionalPlanning/RPL\\_2018-Mar-9\\_AGE.pdf](http://www.metrovancouver.org/boards/RegionalPlanning/RPL_2018-Mar-9_AGE.pdf), March 9, 2018

Ministry of Transportation and Infrastructure, 2018/19 - 2020/21 Service Plan, February 2018, page 27. <https://www.bcbudget.gov.bc.ca/2018/sp/pdf/ministry/tran.pdf>

“OGC ALC Delegation Agreement”, Provincial Agricultural Land Commission and the Oil and Gas Commission, <https://www.bccogc.ca/node/5759/download>, December 8, 2017

\*\*\* “Planning Institute of BC News Volume 35, No.3 (1993)” Jim Plotnikoff

\*\*\* “Preliminary Report to the Agricultural Advisory Committee for Discussion: Regulation of “Home Plates” on Agricultural Lands”, City of Chilliwack – Planning and Strategic Initiatives

“Presentation to PRRD”, Paul Jeakins, BC Oil and Gas Commission, [http://prrd.bc.ca/board/agendas/2018/2018-15-669138994/pages/documents/4.2BCOGC\\_000.pdf](http://prrd.bc.ca/board/agendas/2018/2018-15-669138994/pages/documents/4.2BCOGC_000.pdf), May 23, 2018

“Protection is Not Enough: Policy Precedents to Increase the Agricultural Use of British Columbia’s Farmland”, Kwantlen Polytechnic University, [http://www.kpu.ca/sites/default/files/Protection%20is%20not%20enough\\_white%20paper%20brief\\_ISFS\\_March%206%202018.pdf](http://www.kpu.ca/sites/default/files/Protection%20is%20not%20enough_white%20paper%20brief_ISFS_March%206%202018.pdf), February 13, 2018

“Provincial Agricultural Land Commission: Message from the Chair: An Update”, Richard Bullock, Chair, [https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/message\\_from\\_chair\\_october\\_4\\_2013.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/message_from_chair_october_4_2013.pdf), October 4, 2013

“Regional District of Fraser-Fort George Delegation Agreement”, Provincial Agricultural Land Commission and Regional District of Fraser-Fort George, [https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-local-governments/rdffg\\_delegation\\_agreement\\_2002.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-local-governments/rdffg_delegation_agreement_2002.pdf), November 28, 2002

“Report of Delegated Decisions by Regional District of Fraser-Fort George under Section 26 of the Agricultural Land Commission Act”, ALC, [https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-local-governments/rdffg\\_delegation\\_agreement\\_2013\\_report.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-local-governments/rdffg_delegation_agreement_2013_report.pdf), October 10, 2013

“Sausage Making in British Columbia’s NDP Government: The Creation of the Land Commission Act, August 1972-April 1973”, Andrew Petter, <http://ojs.library.ubc.ca/index.php/bcstudies/article/viewFile/1202/1246>, 1985

“Sector Snapshot 2016: BC 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](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

\*\*\* “Some thoughts on Agricultural Extension – Lisa Powell, Ph.D. Postdoctoral Researcher UFV and UBC”

“The Act to Preserve Agricultural Land and Agricultural Activities: A Summary”, Commission de Protection du Territoire Agricole du Québec, <http://www.cptaq.gouv.qc.ca/fileadmin/en/publications/guides/Summary.pdf>, August 1999

“The State of Food Security and Nutrition in the World 2018”, FAO, IFAD, UNICEF, WFP and WHO, <http://www.fao.org/3/I9553EN/i9553en.pdf>, 2018

\*\*\* Young Agrarians – “A list of recommendations to the Minister’s Advisory Committee specific to supporting new entrants to access farmland”.

## MEDIA ARTICLES:

“Agricultural Training Coming to Prince George?”, Cheryl Jahn, CKPG Today, <https://ckpgtoday.ca/article/519445/agricultural-training-coming-prince-george>, March 2, 2018

“ALR review may not be open-minded”, Barry Gerding, The Columbia Valley Pioneer, <https://www.columbiavalleypioneer.com/news/alr-review-may-not-be-open-minded/>, February 21, 2018

“BC Government Withheld Information on Dangers of Unregulated Fracking Dams”, Ben Parfitt, The Tyee, [https://thetyee.ca/News/2018/04/02/BC-Gov-Withheld-Fracking-Info/?utm\\_source=daily&utm\\_medium=email&utm\\_campaign=020418](https://thetyee.ca/News/2018/04/02/BC-Gov-Withheld-Fracking-Info/?utm_source=daily&utm_medium=email&utm_campaign=020418), April 2, 2018

“BC Missing Big Opportunity in ‘Craft Cannabis,’ Say Critics”, Alastair Spriggs, The Tyee, [https://thetyee.ca/News/2018/07/27/BC-Missing-Cannabis-Opportunity/?utm\\_source=daily&utm\\_medium=email&utm\\_campaign=270718](https://thetyee.ca/News/2018/07/27/BC-Missing-Cannabis-Opportunity/?utm_source=daily&utm_medium=email&utm_campaign=270718), July 27, 2018

“BC municipalities want a cannabis production moratorium on farmland”, Jennifer Saltman, Vancouver Sun, [https://vancouversun.com/news/local-news/b-c-municipalities-want-a-cannabis-production-moratorium-on-farmland?video\\_autoplay=true](https://vancouversun.com/news/local-news/b-c-municipalities-want-a-cannabis-production-moratorium-on-farmland?video_autoplay=true), July 6, 2018

“Canada must curb farmland speculation to keep grip on food security: Senate Report”, Derrick Penner, Vancouver Sun, <http://vancouversun.com/business/real-estate/canada-must-curb-farmland-speculation-to-keep-grip-on-food-security-senate-report>, March 19, 2018

“Cannabis farm hits the market, regulations hit the sector”, Peter Mitham, Western Investor, <https://www.westerninvestor.com/news/british-columbia/cannabis-farm-hits-the-market-regulations-hit-the-sector-1.23409093>, August 22, 2018

“Delta MLA raising stink over farm review”, Delta Optimist, <http://www.delta-optimist.com/news/delta-mla-raising-stink-over-farm-review-1.23143908>, January 12, 2018

“Delta residents facing ‘summer of stink’”, Sador Gyarmati, Delta Optimist, <http://www.delta-optimist.com/news/delta-residents-facing-summer-of-stink-1.23344015>, June 22, 2018

“Delta shares pot concerns with province”, Sandor Gyarmati, Delta Optimist, <http://www.delta-optimist.com/news/delta-shares-pot-concerns-with-province-1.23146093>, January 16, 2018

“Disappearing Industrial Land Could Take Vancouver’s Economy With It”, Huffington Post, [https://www.huffingtonpost.ca/port-metro-vancouver/vancouver-industrial-land\\_a\\_23464051/](https://www.huffingtonpost.ca/port-metro-vancouver/vancouver-industrial-land_a_23464051/), June 25, 2018

“East Delta will be home to world’s biggest legal pot greenhouse”, Sandor Gyarmati, Delta Optimist, <http://www.delta-optimist.com/news/east-delta-will-be-home-to-world-s-biggest-legal-pot-greenhouse-1.23294912>, May 8, 2018

“Farming’s Fragile Future in BC”, Jess Mackie, The Tyee, <https://thetyee.ca/News/2018/07/26/Farming-Fragile-Future-BC/>, July 26, 2018

“Feds reject three cannabis growers for every one accepted”, Mark Rendell, Financial Post, <http://business.financialpost.com/cannabis/feds-reject-three-cannabis-growers-for-every-one-accepted>, March 16, 2018



“Grow-op Nation: Canada’s pot industry is hungry for real estate”, Natalie Wong, Financial Post, <http://business.financialpost.com/real-estate/property-post/the-rush-is-on-for-grow-ops-as-canada-heads-toward-legal-weed>, February 20, 2018

“Halfway mark hit for public engagement on revitalization of the ALR”, Government of British Columbia, <https://news.gov.bc.ca/releases/2018AGRI0014-000438>, March 19, 2018

“Limit housing development, return all protected land to farm-use only, ALR report recommends,” CBC, <https://www.cbc.ca/news/canada/british-columbia/alr-committee-report-1.4779011>, August 9, 2018

“LOCAL FLAVOUR: CRD weighing support for Food and Farmland Trust”, Linda Geggie, Saanich News, <https://www.vicnews.com/community/local-flavour-crd-weighing-support-for-food-and-farmland-trust/>, September 3, 2018

“MLA Bernier concerned about impact of ALR recommendations on oil and gas industry”, Chris Newton, Energetic City, <https://www.energeticcity.ca/2018/08/mla-bernier-concerned-about-impact-of-alr-recommendations-on-oil-and-gas-industry/>, August 16, 2018

“Oil and Gas Commission increases levy to cover orphan site restoration”, Adam Reaburn, Energetic City, <https://www.energeticcity.ca/2018/09/oil-and-gas-commission-increases-levy-to-cover-orphan-site-restoration/>, September 23, 2018

“One of North America’s top plays: Why the Montney is Canada’s answer to U.S. shale”, Jesse Snyder, Financial Post, <https://business.financialpost.com/news/one-of-north-americas-top-plays-why-the-montney-is-canadas-answer-to-u-s-shale>, December 18, 2016

“Oregon Grew More Cannabis Than Customers Can Smoke. Now Shops and Farmers Are Left With Mountains of Unwanted Bud”, Matt Stangel and Katie Shepherd, Willamette Week, <http://www.wweek.com/news/2018/04/18/oregon-grew-more-cannabis-than-customers-can-smoke-now-shops-and-farmers-are-left-with-mountains-of-unwanted-bud/>, April 18, 2018

“Pause to pot farms gains support as CRD panel resists ‘green rush’”, Bill Cleverley, Times Colonist, <http://www.timescolonist.com/news/local/pause-to-pot-farms-gains-support-as-crd-panel-resists-green-rush-1.23246936>, April 1, 2018

“Program matches landless farmers with unused open spaces in Metro Vancouver”, Glenda Luymes, Vancouver Sun, <http://vancouversun.com/news/local-news/program-matches-landless-farmers-with-unused-open-spaces>, January 8, 2018

\*\*\* “Province unveils blueprint for pot shops”, Katie DeRosa, Times Colonist, April 27, 2018

“Richard Wozny, Real Estate Prices and “Mortgage Slaves””, Sandy James, Price Tags, <https://pricetags.ca/2018/01/29/richard-wozny-real-estate-prices-and-mortgage-slaves/>, January 29, 2018

“Richmond farmers fight against further house-size restrictions”, Nick Eagland, Vancouver Sun, <http://vancouversun.com/business/local-business/richmond-farmers-campaign-against-new-house-size-restrictions-on-agricultural-land-reserve>, February 17, 2018

“Richmond mayoral candidates come together over issue of mansions built on farmland”, Anna Dimoff, CBC, <https://www.cbc.ca/news/canada/british-columbia/richmond-mayoral-candidates-come-together-over-issue-of-mansions-built-on-farmland-1.4852620>, October 5, 2018

“Richmond MLAs want city to act on farmland mega mansions”, Graeme Wood, Richmond News, <https://biv.com/article/2018/01/richmond-mlas-want-city-act-farmland-mega-mansions>, January 23, 2018

“Richmond’s million dollar acres far outpace Delta’s farmland”, Graeme Wood, Richmond News, <http://www.richmond-news.com/news/richmond-s-million-dollar-acres-far-outpace-delta-s-farmland-1.23282092>, April 26, 2018

“Saanich wants to stop monster houses from being built on farm land”, Bill Cleverley, Times Colonist, <http://www.timescolonist.com/news/local/saanich-wants-to-stop-monster-houses-from-being-built-on-farm-land-1.23346858>, June 24, 2018

“Should golf courses be exempted from the ALR?”, Richard Watts, Times Colonist, <https://www.timescolonist.com/islander/should-golf-courses-be-exempted-from-the-alr-1.23412555>, August 26, 2018

“Sky-high farmland prices ‘ruinous’ for BC agriculture: UFV prof”, Paul Henderson, Hope Standard, <https://www.hopestandard.com/news/sky-high-farmland-prices-ruinous-for-b-c-agriculture-ufv-ag-professor/>, April 24, 2018

“Tax avoidance behind Metro’s disconnect between housing, income”, Douglas Todd, Vancouver Sun, <http://vancouver.sun.com/opinion/columnists/douglas-todd-tax-avoidance-behind-metros-disconnect-between-housing-income>, September 15, 2017

“The future of farming is female”, Trina Moyles, The Globe and Mail, <https://www.theglobeandmail.com/opinion/article-the-future-of-farming-is-female/>, March 8, 2018

“The High Cost of Being a BC Farmer”, Jess Mackie, The Tyee, <https://thetyee.ca/News/2018/07/16/High-Cost-BC-Farmers/>, July 16, 2018

“UFV launches new Food and Agriculture Institute”, Dave Pinton, UFV Today, <https://blogs.ufv.ca/blog/2018/09/ufv-launches-new-food-and-agriculture-institute/>, September 10, 2018

“UN says more worldwide going hungry, blames climate change”, CBC, <https://www.cbc.ca/news/technology/un-hunger-climate-change-1.4818400>, September 11, 2018

“Upcoming legislation will kill Richmond’s farm mega mansions: Agriculture Minister”, Graeme Wood, Richmond News, <https://www.richmond-news.com/news/upcoming-legislation-will-kill-richmond-s-farm-mega-mansions-agriculture-minister-1.23401952>, August 15, 2018

“Vancouver industrial land shortage prompts call for farm land”, Evan Duggan, Property Biz Canada, <https://renx.ca/metro-vancouver-industrial-land-shortage-prompts-calls-alr-access/>, February 20, 2018

“‘We have no alternative’: White paper warns lost BC farmland could be catastrophic”, Malone Mullin, CBC News, <http://www.cbc.ca/news/canada/british-columbia/white-paper-urges-protection-of-farmland-1.4566345>, March 7, 2018

# APPENDICES

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# APPENDIX 1: ALR AND ALC REVITALIZATION OBJECTIVES AND PRINCIPLES

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 preserving agricultural land and encouraging farming and ranching in the ALR.

Over the course of its nine-community stakeholder consultations, broad online public engagement (including a survey), 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 are also integral to the Committee's Final Report.



## **APPENDIX 2: COMMITTEE PAPERS AND REPORTS**

### **DISCUSSION PAPER FOR STAKEHOLDER CONSULTATION AND PUBLIC ENGAGEMENT**

In February 2018, the Committee released a Discussion Paper to guide stakeholder consultation and public engagement. The report can be found here:

<https://engage.gov.bc.ca/app/uploads/sites/327/2018/02/Discussion-Paper-ALR-and-ALC-Revitalization-February-2018-Final.pdf>

### **INTERIM COMMITTEE REPORT**

In July 2018, the Committee submitted an Interim Report to the Minister of Agriculture. The report can be found here: <https://engage.gov.bc.ca/app/uploads/sites/327/2018/08/Minister-Advisory-Committee-Interim-Report-to-Minister-of-Agriculture-....pdf>

### **COMMITTEE ‘WHAT WE HEARD’ REPORT**

In July 2018, the results from the Committee’s online public survey, written submissions and regional stakeholder consultation meetings were compiled into a ‘What We Heard’ Report. The report can be found here:

<https://engage.gov.bc.ca/app/uploads/sites/327/2018/08/Minister-Advisory-Committee-What-We-Heard-Report-ALR-and-ALC-Revitaliz....pdf>

### **FINAL COMMITTEE REPORT**

In November 2018, the final recommendations of the Committee were provided to the Minister of Agriculture. The Final Committee Report can be found here:

# APPENDIX 3: ADVISORY COMMITTEE 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 revitalizing the 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 publicly, without prior permission. All draft 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 4: ADVISORY COMMITTEE MEMBERS



**VICKI  
HUNTINGTON  
(CHAIR)**

Victoria Huntington is a native of Vancouver and has a degree in political science. She spent much of her early career in the RCMP security service and subsequently working with ministers of the Crown in Ottawa. She served five terms as an elected councillor in the municipality of Delta. Huntington was elected as an Independent MLA for Delta South in May 2009 and re-elected in May 2013. She was the first Independent elected to the BC legislature in over 60 years and her re-election as an Independent is a first in modern BC political history. She recently retired in 2017. Huntington served as band manager for the Gitanmaax Indian Reserve in Hazelton, subsequently becoming a policy assistant to the federal Minister of Indian Affairs and Northern Development. She was vice-chair of the Lower Mainland Treaty Advisory Committee (LMTAC) and its representative on the Provincial Treaty Negotiating Team. Huntington has shown a particular interest in environmental and agricultural matters.



**CHIEF  
BYRON LOUIS**

Chief Byron Louis has over 25 years of knowledge and experience, at various levels of the political spectrum. First, elected to Council in 1991, then designated as chair of the Okanagan Nation Fisheries Commission in 1995 and as a title and rights advisor at the Tribal Council and regional level, and political liaison designate with U.S.-based tribal, public and private utilities (hydro-electric generation) and state and federal authorities. Over the course of his career, he has served in various facets of political office involving natural resource management, economic development, public works, community planning, liaison and strategic development and negotiation with various levels of senior Government and the private sector. Louis continues to work extensively on First Nations social and economic issues and interests and is currently serving his fourth term as Chief of the Okanagan Indian Band. In 2015, he took on the role of director with the New Relationship Trust, an independent non-profit organization dedicated to strengthening First Nations in BC through capacity building.



**LENORE  
NEWMAN**

Lenore Newman holds a Canada Research chair in food security and environment at the University of the Fraser Valley, where she is an associate professor in the department of geography and the environment and the director of the Centre for Food and Farmland Innovation. She runs a research program focused on farmland preservation, agriculture on the rural/urban fringe, culinary development, and food innovation, and consults widely on how to protect the world's farmland while growing the agricultural industry. Her opinion pieces on the future of farmland use and other food-related issues have been published in the *Globe and Mail*, the *Vancouver Sun*, and the *Georgia Straight*, and her first book, *Speaking in Cod Tongues: A Canadian Culinary Journey*, was published in 2017. She holds a PhD in environmental studies from York University. Newman is a member of the Royal Society of Canada's New College, and the patron of the Newman Heritage Farm. She splits her time between Vancouver and the Sunshine Coast.



**CHRIS  
KLOOT**

Chris Kloot was born and raised on a dairy farm in Chilliwack. Today, together with his wife and sons, he owns and operates a poultry farm in Rosedale, just east of Chilliwack. Recently, the pair became partners in the purchase of a vacant dairy farm with the intent to branch into dairy farming as well, as all three of their sons work on dairy farms and display a natural affinity for the industry. Additionally, Kloot is also a real estate agent, and is serving his second term on Chilliwack City Council. His tremendous passion for agriculture has been recognized by the council. Kloot is the chair of the city's Agricultural and Rural Advisory Committee and was instrumental in the implementation of the Farm Home Plate bylaw in 2017. He is a member of the Chilliwack Agricultural Commission and devoted to the promotion and success of agriculture and agri-business in Chilliwack. You may also recognize him as one of the lead roles in the flashy humorous action trailer of the "Chicken Squad", a savvy innovative online marketing campaign to promote BC chicken and share accurate facts to educate consumers about Canadian chicken-growing practices. This was produced together in 2014 by the BC Chicken Marketing Board and BC Chicken Growers Association.



**SHAUNDEHL  
RUNKA**

Shaundehl Runka has worked in land-use planning and resource management in British Columbia since the early 1990s. With a background in geography, Runka operated as a consultant dealing with a broad range of land- and water-use issues, across all regions of the province. In 2001, Runka joined the Agricultural Land Commission (ALC) as a policy analyst, ending her career there in early 2017 in the policy planner position. Runka gained extensive experience interpreting the Agricultural Land Commission Act, regulation and policies and in working with Agricultural Land Reserve (ALR) stakeholders throughout the province on a day-to-day basis. During her tenure at the ALC, she participated in legislative and regulatory reviews and carried out an extensive re-write of ALC policies to reflect Government direction and the commission mandate. Runka was raised in the Okanagan Valley, has lived in Vancouver for 30 years and is co-owner of a family farm in Baldonnel in the Peace region. Her professional life has taken her to all regions of the province.



**IRMI  
CRITCHER**

Irmie Critcher and her husband Barry own and operate a first generation grain and oilseed farm. The 1,600 hectare farm is located near Taylor, in the Peace River District. Critcher has always taken a very active role on the farm and jointly manages it with her husband. They have been farming for over 25 years and grow wheat, barley, oats, canola, peas and grass seeds. Critcher has been the past president of the BC Grain Producer's Association and has had directors positions on provincial and federal agriculture Industry boards, including the BC Grain Industry Development Council, Investment Ag Foundation and Grain Growers of Canada. She has chaired numerous committees within these associations including Localized Crop Research, Environment and Climate Action Initiatives.



**ARZEENA  
HAMIR**

Arzeena Hamir is a farmer and agronomist from the Comox Valley. She earned her bachelor's degree in crop science from the University of Guelph and her master's degree in sustainable agriculture from the University of London, England. In 2007, she spoke at her first city council meeting to save the Garden City Lands in Richmond. Since then, she has advocated for community food security, farmland conservation and supports for new farmers. She is currently president of the Mid Island Farmers Institute and a director of the Investment Agriculture Foundation.



**BRIAN  
UNDERHILL**

Brian Underhill worked in varying capacities at the Agricultural Land Commission (ALC) since 1980 and most recently, he was the ALC's deputy chief executive officer, before retiring in 2015. In his leadership role Underhill was responsible for the management and administration of the ALC staff secretariat, which included functions related to land-use planning and policy development and interpretation, as well as compliance and enforcement and land information services. Underhill worked closely with the chair of the ALC and its appointed commissioners, providing strategic advice and recommended courses of action. He also performed statutory land-use decision-making duties, consultation and co-ordination with local Governments throughout the province and collaboration with provincial Government ministries, agencies and other administrative tribunals to ensure consistency between policies and legislation and community and regional planning and the Agricultural Land Commission Act and regulations. By way of his experience at the Agricultural Land Commission, his background in geography and resource management studies and extensive travel throughout the province, Underhill has developed considerable knowledge of land-use issues in relation to community planning and the agriculture industry. Underhill resides in Vancouver and has a special interest in promoting education and awareness of farmland protection and how it is related to the provincial policy to preserve agricultural land and encourage farming throughout British Columbia.



