COUNCIL REPORT

Executive Committee

Report No. PDS 040-2018

Date: April 18, 2018
File No: 6520-20

To: Mayor and Council
From: Ryan Perry, Community Planner
Subject: Provincial Agricultural Land Reserve and Agricultural Land Commission Review Process and AgRefresh Timing

RECOMMENDATION

1. THAT Council endorse the letter, referenced as Attachment "B" to Report No. PDS 040-2018, as the City of Abbotsford's response to the Minster of Agriculture's Advisory Committee for Revitalizing the Agricultural Land Reserve and Agricultural Land Commission; and

2. THAT Council direct staff to hold in abeyance the AgRefresh planning and engagement process until early 2019, pending the outcomes of the Provincial Agricultural Land Reserve and Agricultural Land Commission review.

REPORT CONCURRENCE	
General Manager	**City Manager**
The General Manager concurs with the recommendation of this report.	The City Manager concurs with the recommendation of this report.

PURPOSE

To update Council on the Minister of Agriculture's recent initiative to revitalize the ALR and ALC, outline proposed City feedback to the Minister's Advisory Committee, and recommend coordinated adjustments to the AgRefresh process.

SUMMARY OF THE ISSUE

In early 2018, the Minister of Agriculture launched an initiative to revitalize the Agricultural Land Reserve and Agricultural Land Commission. Based on available information, there appears to be significant overlap between the issues and themes under discussion through the Minister's initiative and the topics under review through AgRefresh. This report summarizes the Minister of Agriculture's initiative, outlines proposed feedback to the Minister's ALR/ALC Advisory

Committee, and proposes recommendations for coordinating AgRefresh with this parallel review.

BACKGROUND

Provincial ALR and ALC Review

Overview and Timing

On January 4, 2018, the Minister of Agriculture announced the appointment of an independent nine-member advisory committee to provide the Province with "strategic advice, policy guidance, and recommendations on how to help revitalize the ALR and ALC to ensure provincial goals of preserving agricultural land and encouraging farming and ranching in BC continue to be a priority."

The Advisory Committee is responsible for delivering interim recommendations by spring 2018, with a final report to the Minister in fall 2018. The Minister's news release indicated that any legislative changes supporting the revitalization of the commission and the reserve are targeted for late 2018 or early 2019.

To gain public feedback, the Minister's Advisory Committee prepared a "Discussion Paper for Stakeholder Consultation and Public Engagement" (Attachment A), outlining guiding principles, revitalization objectives, and ten "common issues/themes" for discussion. Key Discussion Paper excerpts are as follows:

Advisory Committee Guiding Principles

Guiding principles for the Advisory Committee's work include:

- 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 towards 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.

Revitalization Objectives

The Advisory Committee's Discussion Paper identifies three "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.

Common Issues/Themes

The Committee outlines the following ten ALR and ALC related topics, termed "common issues/themes". The topics appear to be intended to stimulate feedback on a range of key

subject areas important to the Minister's Advisory Committee. More detailed discussion on each topic is provided in Attachment A.

1. A Defensible and Defended ALR
2. ALR Resilience
3. Stable Governance
4. Efficacy of Zone 1 and 2
5. Interpretation/Implementation of the Act and Regulation
6. Food Security and BC's Agricultural Contribution
7. Residential Uses in the ALR
8. Farm Processing and Sales in the ALR
9. Unauthorized Uses
10. Non-Farm Uses and Resource Extraction in the ALR

Relevance to AgRefresh

Several of the "common issues/themes" outlined in the Advisory Committee's Discussion Paper appear to overlap with topics under review through AgRefresh. Specifically, there are five topics directly referenced:

- Residential uses in the ALR;
- Farm Processing and Sales in the ALR;
- Unauthorized uses;
- Non-farm uses and resource extraction; and
- Interpretation/Implementation of the Act and Regulation

DISCUSSION

Adjusting the AgRefresh Process

Based on the Minister's Advisory Committee Discussion Paper content, it appears possible that legislative changes resulting from the Provincial review may impact ALR topics being addressed through AgRefresh (i.e., residential uses, farm retail, on-farm processing, and on-farm alcohol production).

While the extent and nature of the potential changes resulting from the Provincial review are unknown at this stage, it is important to acknowledge that City regulations are expected to remain consistent with the ALC Act, the Regulation, and ALC policies.

The completion of AgRefresh will involve City bylaw updates (Zoning Bylaw, Farm Bylaws) that require the Minister of Agriculture's approval. Therefore, it is important to assess the following potential implications of the Provincial review on AgRefresh sequencing:

(a) If AgRefresh is completed and bylaw changes are referred to the Ministry of Agriculture for approval, there may be reluctance to approve bylaw changes while the Provincial ALR/ALC initiative is still underway; or

(b) If AgRefresh bylaws do proceed and receive Minister approval prior to legislative updates resulting from the Provincial review, there is a risk that the City will need to revisit existing and recently updated City bylaws, regulations, and policies, where they become inconsistent with any new or revised ALC or ALR provisions.

Given the apparent overlap and potential implications of advancing AgRefresh prior to knowing the outcomes of the Provincial ALR and ALC review, staff recommend 'pausing' the AgRefresh planning and engagement process until the City has a better understanding of the ALR/ALC

review outcomes. If the recommendation is supported, Staff will monitor progress of the Provincial initiative, and based on known Provincial timelines, likely resume external-facing AgRefresh work in early 2019.

To support efficient completion of the project, staff will continue to prepare technical aspects of AgRefresh that do not rely on the outcomes of the Provincial ALR/ALC review. Upon completion of the Provincial review, the full package of AgRefresh policy and bylaw recommendations will be brought forward for Council consideration and final engagement.

City Input to the ALR/ALC Review Process

As outlined in Attachment A, the Minister's Advisory Committee is undertaking three key consultation and engagement activities in early 2018:

1. Providing a Discussion Paper (Attachment A) to seek opinions and feedback on issues that will lead to the revitalizing of the ALR and ALC;
2. Conducting regional meetings to hear opinions and feedback from key stakeholders in farming and ranching communities; and
3. Conducting an online consultation process/survey to seek opinions and feedback from other stakeholders and interested parties.

In response to the Discussion Paper, staff are recommending Council endorsement of the letter provided as Attachment B. The letter highlights the work of AgRefresh, provides the City's perspective on the issues/themes identified in the Committee Discussion Paper, and touches on important economic considerations related to taxation in the ALR.

FINANCIAL PLAN IMPLICATION

Council adopted the "Five Year Financial Plan Bylaw, 2017-2021," which includes funds for Planning and Development consulting work to complete the AgRefresh project. Staff do not anticipate further Financial Plan implications.

Rajat Sharma

Rajat Sharma
General Manager, Finance and Corporate Services
Signed 4/17/2018 4:20 PM

IMPACTS ON COUNCIL POLICIES, STRATEGIC PLAN AND/OR COUNCIL DIRECTION

The AgRefresh Planning process will help achieve and implement the vision set out in Council's Strategic Plan and Official Community Plan. Careful consideration of the Minister of Agriculture's ALR/ALC initiative is important to ensure Council policies and regulations remain consistent with senior agency regulation for agricultural land use.

SUBSTANTIATION OF RECOMMENDATION

AgRefresh has made significant progress to-date, advancing discussion on a range of topics important to the future of agriculture. Given the apparent overlap of AgRefresh review topics and issues being explored through the Provincial ALR/ALC review, it may be necessary to 'pause' the AgRefresh process to facilitate an appropriate level of coordination between these two initiatives.

Ryan Perry

Ryan Perry
Community Planner
Signed 4/17/2018 2:56 PM

Mark Neill

Mark Neill
Director, Community Planning
Signed 4/17/2018 4:17 PM

Siri Bertelsen

Siri Bertelsen
General Manager, Planning and Development Services
Signed 4/18/2018 12:23 PM

ATTACHMENTS:

Attachment A - Minister's Advisory Committee: Discussion Paper ALR/ALC Revitalization
Attachment B - City Response Letter to Minister's Advisory Committee - ALR and ALC

ATTACHMENT A

Minister of Agriculture's Advisory Committee

Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission

Discussion Paper for Stakeholder Consultation and Public Engagement

Minister of Agriculture's Advisory Committee

The Minister of Agriculture, the Hon. Lana Popham, was tasked in her mandate letter with "Revitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC)". To deliver on this important commitment, the Minister established an independent advisory committee to provide the Province with strategic advice and policy guidance.

The Minister announced the Minister's Advisory Committee (Advisory Committee) members on January 4, 2018. The Advisory Committee has been tasked with delivering to the Minister a set of interim recommendations by spring 2018. The guiding principles for the Advisory Committee's work include:

- 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.

Stakeholder Consultation and Public Engagement

The Advisory Committee is responsible for delivering recommendations through consultation and engagement with stakeholders and the general public, with secretariat support from the Ministry of Agriculture (the Ministry). In examining measures to revitalize the ALC and ALR, stakeholders and the public will be asked to consider the purpose of the ALC as set out in Section 6 of the *Agricultural Land Commission Act* (the Act):

(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.

The Advisory Committee consultation and engagement activities in early 2018 will include:

- Providing this background Discussion Paper with a view of seeking opinions and feedback on issues that will lead to the revitalizing of the ALR and ALC;
- Regional meetings to hear opinions and feedback directly from key stakeholders in farming and ranching communities. Meetings are expected to be held in Abbotsford, Cranbrook, Fort St. John, Kelowna, Kamloops, Nanaimo and Prince George; and,
- An online consultation process/survey to seek opinion and feedback from other stakeholders and interested parties.

The Advisory Committee will use the consultation process, along with other information, to develop its recommendations to the Minister. The recommendations may include changes to the current legislative, regulatory, and administrative framework that guides the ALR and the ALC.

It should be noted that this Discussion Paper is intended to stimulate conversation during the consultation process. It is not intended to direct participants toward specific issues, questions or outcomes.

Revitalization Objectives

To date, the Advisory Committee has identified three general 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.

Common Issues/Themes

Upholding the integrity of the ALR, the ALC and the agricultural land base is critical. This conversation seeks to ensure there is a legacy of farmland for future generations of British Columbians. Common issues and themes raised to date include:

1. <u>A Defensible and Defended ALR</u>:

   During the past 45 years, the ALR boundary has been refined through early boundary reviews, local government land use planning exercises and over 48,000 individual applications. The ALR boundary is often viewed as temporary and adjustable. The perspective that the ALR is available for urban uses perpetuates land use pressure on farmland. Continued speculation of this nature results in a focus on applications made by individual landowners to modify the ALR and detracts from pro-active work such as focussing on regional-level land use planning, analysis of permitted uses and the preservation and encouraging farm use mandate.

2. ALR Resilience:

   Pressure for non-agricultural uses persists on the ALR land base and on the administrative body (the ALC) that oversees it. The ALR, ALC, and agriculture in BC should be stable and resilient for generations to come.

3. Stable Governance:

   The ALC governance and decision making model can be easily changed through legislative amendments and changing government direction. The ALC's independence is often threatened from interests outside of the ALC. Independence is vital to strengthening the ALC and ALR into the future. More information about ALC governance can be found on the ALC Operations & Governance webpage.

4. Efficacy of Zone 1 and 2:

   The passage of Bill 24 in May 2014 introduced amendments to the Act that included the division of the ALR into Zone 1 and Zone 2.

   Zone 1: Includes Vancouver Island, South Coast, and Okanagan Panel regions.

   Zone 2: Includes Interior, Kootenay, and North Panel regions.

   In Zone 1, land use decisions are based on the agricultural purposes of the ALC laid out in section 6 of the ALC Act. The Act considers preservation of agricultural land, encouraging farming in collaboration with other communities of interest; and encourages local governments, First Nations, and other agencies to enable farm use and uses compatible with agriculture in their plans, bylaws and policies.

   In Zone 2, the Commission is required to consider the agricultural purposes of the Commission (Section 6 of the Act as identified above), as well as Section 4.3 of the Act pertaining to economic, cultural and social values, and regional and community planning objections.

   More information about Bill 24 amendments can be found on the ALC Act and ALR Regulation webpage. For example, the Regulation was amended to include additional uses that allow a residential lease for a retiring farmer to remain on their property subject to conditions, and to allow a second single family dwelling if the property is at least 50 hectares and subject to conditions of siting of structures.

5. Interpretation/Implementation of the Act and Regulation:

   As drafted, parts of the Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the Regulation) are 'permissive', which means that it lists the activities that are permitted in the ALR without requiring approval of the ALC; it does not list what activities are not permitted. In some instances, definitions, criteria, thresholds, and intent of the Act and Regulation are interpreted differently by local governments, ALR land owners, farmers and ranchers and the general public across the province. There is a need for clearer regulations and consistency in interpretation. The ALC is not aware when a permitted activity takes place or when a permitted activity is misinterpreted.

6. Food Security and BC's Agricultural Contribution:

   Concern over the source and quality of food we eat has raised public attention to the issue of food security and to the long-term ability of the ALR to provide a safe and adequate agricultural land base to accommodate continuous, secure food production for domestic consumption and export. Often agriculture's vital role in the BC economy and the potential for export and trade opportunities is forgotten in the discussion around competing land uses. More information on BC's Agrifood and Seafood Sector contributions can be found on the Ministry of Agriculture's Agriculture and Seafood Statistics webpage.

7. Residential Uses in the ALR:

   Additional dwellings, farm worker housing, "mega homes" and 'lifestyle estates' in the ALR occupy agricultural land. In some circumstances additional dwellings are necessary for intensive agricultural operations; however there is also demand on the ALR for additional dwellings solely for residential purposes. When there is a subdivision of ALR land, it is usually for development of another parcel and residence. In addition, the large footprint occupied by "mega homes" and acreages purchased for lifestyle estates (with little or no agricultural production) has raised concerns about use of arable land for housing and increased residential assessment values of ALR land. While not currently legislated provincially, some local governments have adopted restrictions on sizing and siting of residential uses in the ALR.

8. Farm Processing and Sales in the ALR:

   The Regulation permits landowners in the ALR to process and retail farm products on a parcel of land subject to criteria that attempts to ensure that the product is associated with the farm or a registered co-operative. The Regulation affords farmers and ranchers the ability to produce "value added" products (e.g. berry processing, alcohol production, farm stands). Processing and retail facilities range in size and sometimes incorporate other ancillary uses such as parking lots, food services, patios, galleries, event spaces, meeting rooms, etc.; however, there is concern that some facilities are occupying large areas of arable ALR land with little connection to agricultural production on the farm. There is also concern that ALR land is purchased for the other ancillary permitted uses, but there is no agricultural production (i.e. building a retail store with extremely limited farm products for sale).

9. Unauthorized Uses:

   Agricultural land is sometimes used for unauthorized non-agricultural uses and some landowners expand beyond what is permitted. ALC Compliance and Enforcement officers currently handle between 300 to 400 files annually related to complaints, investigations, or actions on unauthorized uses. Some of these unauthorized uses include illegal filling (e.g. dumping soil, construction waste, concrete), commercial uses (e.g. commercial truck parking, recreational vehicle storage, scrap vehicle yards), and residential uses (e.g. additional dwellings). These activities may directly damage the agricultural land base and in some cases the damage is permanent. These activities can sometimes be more damaging to agricultural land than applications for exclusion considered by and approved by the ALC.

10. Non–Farm Uses and Resource Extraction in the ALR:

Other activities, from agri-tourism and agri-tourism accommodation to resource extraction such as oil and gas and aggregate (sand and gravel) can take place in the ALR. Concerns about cumulative impacts of these activities and remediation of agricultural land have been raised.

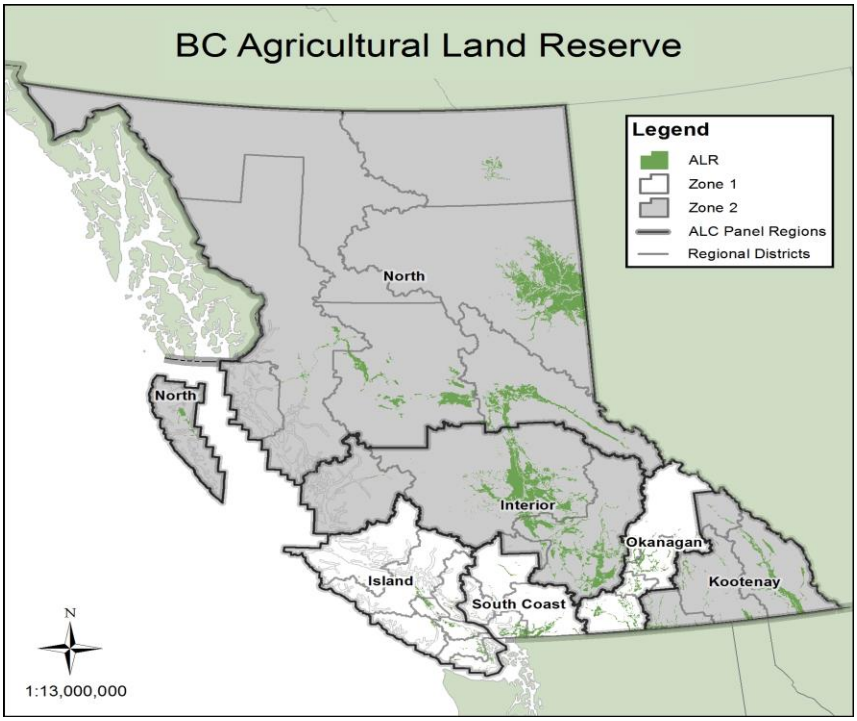
Background

BC's current approach to the ALR attempts to balance the needs of farmers and ranchers to carry out their daily work with the need for land use decision-making that best supports Government's goals and objectives for the ALR.

The ALR

The ALR was a bold initiative in 1973 that acknowledged that BC has a limited agricultural land resource which should be available for current and future generations of farmers and ranchers to operate agricultural businesses for local consumption and export. Soil is most fertile in valley bottoms where other competing land uses including urban development also take place. The ALR was established in the face of rapidly expanding urban areas and non-farm development in rural areas.

Approximately five percent of BC's land base is within the ALR, a provincial zone within which agriculture is recognized as the priority activity. The ALR includes public (Crown) and privately held land in all regions of the province.



The ALC

The ALC is an independent administrative tribunal dedicated to preserving agricultural land and encouraging farming in BC. The ALC occupies a distinctive role within the Canadian legal system. While it is part of "government" broadly defined, it is not part of any government ministry. The ALC is instead part of the Canadian community of independent administrative tribunals, vested with important statutory powers, whose members are obliged to exercise those statutory powers in accordance with the law.

The *Agricultural Land Commission Act* (the Act) empowers the ALC to delegate certain decision making powers, allowing local government and other authorities to make non-farm land use and subdivision decisions in the ALR. For more information, see the ALC Delegation of Decision Making webpage.

The ALC has been preserving agricultural lands for 45 years through its land use planning work with local governments and decision making on land use applications. The ALR forms the foundation for the business of agriculture in BC. When the ALR was designated it was done so with a long-term focus knowing that pressures on this limited resource would only increase with time. The ALR and the ALC enjoy strong and consistent public support.

The ALC is mandated to encourage others, including the provincial government and its agents, to take the interests of the ALR and agriculture into account when generating new policies, participating in land use planning initiatives, changing legislation and regulation, and planning for future developments.

Government ministries and agencies can have considerable impact on agricultural land through such things as transportation planning, wildlife habitat management and conservation, forest and water management and energy planning. Accordingly, the ALC is both proactive and collaborative in working with ministries, supporting and helping them to implement their plans, bylaws and policies to enable and accommodate farm use of agricultural land and/or to support uses compatible with agriculture.

As set out in the Act, Commissioners are individuals knowledgeable in agriculture, land use planning and local and First Nations governments, and are supported by an ALC staff secretariat to carry out Commissioners duties under the Act.

The Legislation

The *Agricultural Land Commission Act* (the Act) sets the legislative framework for the establishment, administration, and procedures of BC's agricultural land preservation program. The Act is the high-level statute that sets out principles and broad rules for the protection of agricultural land in BC. The Act takes precedence over, but does not replace other legislation and bylaws that may apply to the land. Local and regional governments, as well as other provincial agencies, are expected to plan and make decisions in accordance with the provincial policy of preserving agricultural land.

While the purpose of the Act has remained generally the same with some minor changes over 45 years, there have been a series of major changes to the Act and Regulation as well as the ALC's structure and operations over the past 3.5 years. For more information about these changes, please see the ALC Act and ALR Regulation webpage.

The Regulation

The Regulation identifies specific land uses allowable on farmland in the ALR without an application to the ALC. Current examples include such things as growing plants and raising animals, putting up buildings necessary for farm use, selling agricultural products direct to the public as well as specified farm and non-farm activities such as the construction of buildings for alcohol production, farm product processing, agri-tourism activities, gatherings for events, agri-tourism accommodation, additional dwellings, home based businesses, composting operations, deposition of fill and removal of soil, and others. The Regulation is a permissive regulation, meaning that it lists the activities that are permitted in the ALR without requiring approval of the Commission. Any activities not permitted by the Regulation require an application to and approval of the ALC.

The Regulation also sets out the process for making an application to include and exclude land from the ALR, use ALR land for activities not permitted in the Regulation and subdivide land within the ALR. The Ministry maintains the Act and the Regulation.

Local Governments and the ALR

Approximately 150 BC local governments have lands in the ALR, some extensive, and others not. Local governments play an important role in enabling farm businesses to thrive on protected farmlands, therefore contributing to the local, regional and provincial economy. The ALC supports coordinated and collaborative planning with local governments to ensure agricultural lands are protected and available to provide food and other agricultural products for generations to come.

Through the *Local Government Act* (LGA) and the *Community Charter*, which fall under the responsibility of the Minister of Municipal Affairs and Housing, the Province has delegated community planning and zoning bylaw powers to local governments, provided they are consistent with the Act and the Regulation. For more information, see the ALC Working with Local Government webpage.

Public Feedback

The Minister of Agriculture has directed the Advisory Committee to consider the future of BC's land base for agriculture and farming, fairly and without bias, in order to improve the ALR and the ALC. While the ALR and the ALC generally enjoy strong public support, the issues, themes and information in this Discussion Paper highlight some of the areas for improvement and for strengthening BC's agricultural land preservation system.

On behalf of the Advisory Committee, the Ministry of Agriculture will provide further information to the public through news releases during the stakeholder consultation and public engagement process. Feedback from stakeholders and the public will help the Advisory Committee provide substantive recommendations to the Province for revitalizing the ALR and the ALC. For questions about how to provide input and feedback, please email ALR_ALCRevitalization@gov.bc.ca.

Written Submissions

In addition to regional stakeholder consultation meetings, there are several ways to provide written feedback to the Advisory Committee by:

- Mail:
  Minister's Advisory Committee
  Revitalization of ALR and ALC
  C/o Ministry of Agriculture
  PO Box 9120
  Stn. Prov. Govt.
  Victoria BC V8W 9B4

- Email: ALR_ALCRevitalization@gov.bc.ca

- Online survey: An online survey will be initiated in February 2018 to seek feedback from the general public.

Appendix 1 – Ministry of Agriculture News Release

For Immediate Release

2018AGRI0002-000009

Jan. 4, 2018

Ministry of Agriculture – NEWS RELEASE

B.C. farmers, communities, public to shape revitalization of the Agricultural Land Reserve

VICTORIA - An independent committee with members from diverse agricultural backgrounds and experiences will lead the revitalization of the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) through an authentic and meaningful consultation process with stakeholders and British Columbians, Minister of Agriculture Lana Popham announced today.

"I am proud and grateful to have attracted British Columbians with the knowledge, expertise, passion and experience that the committee members possess for agriculture," said Popham. "The ALR and the ALC are incredibly important to the health and economic well-being of our province's future, and making it easier and more efficient for the commission to fulfill its mandate of protecting farmland and encouraging farming is a commitment the B.C. government is delivering on."

The nine-member Minister of Agriculture's Advisory Committee will provide strategic advice, policy guidance, and recommendations on how to help revitalize the ALR and ALC to ensure the provincial goals of preserving agricultural land and encouraging farming and ranching in British Columbia continue to be a priority. The committee will be chaired by Jennifer Dyson, with members from throughout the province with diverse agricultural knowledge and experience.

"As we embark on this consultation, our collective mandate is to ensure that the ALC and agriculture is positioned for the future," said Dyson. "I am asking that each of our review committee members listen to what is being said, honestly, impartially, professionally and in a principled fashion. I am looking forward to the conversations."

Beginning in early 2018, the committee will:

- Share a consultation paper to seek opinions and feedback on revitalizing the ALR and ALC;
- Host regional meetings to hear opinions and feedback directly from the local farming and ranching communities in Abbotsford, Cranbrook, Fort St. John, Kelowna, Kamloops, Nanaimo and Prince George; and
- Open an online consultation process to seek public opinion.

The committee will use the input it receives during the consultation process to develop recommendations for the provincial government's consideration. The recommendations may include changes to the current legislative, regulatory, and administrative framework to revitalize the ALR and the ALC. Any legislative changes that support the revitalization of the commission and the reserve are targeted for late 2018 or early 2019.

The ministerial mandate letter for the Minister of Agriculture identifies as a priority the revitalization of the Agricultural Land Reserve and the Agricultural Land Commission, an independent administrative tribunal dedicated to preserving agricultural land and encouraging farming and ranching in British Columbia.

Contact:

Dave Townsend

Government Communications and Public Engagement Ministry of Agriculture

250 356-7098

250 889-5945 (cell)

Appendix 2 – Minister's Advisory Committee Members: Biographies

Jennifer Dyson (Chair)

Jennifer Dyson has been involved in many aspects of agriculture; as a producer, consultant, chair, commissioner and industry member. Dyson has participated in the Partnership Committee on Agriculture and the Environment, Environmental Farm Plan Working Group, and Island Agri-Food Initiative. She was appointed to the Agricultural Land Commission in 2008 and served as chair of the Island Panel until 2017. Dyson served the agriculture industry, province and federal government as the executive director of the Agricultural Workforce Policy Board formed to respond to human resources challenges. Dyson was one of a handful of people who formed the Island Farmers Alliance and served as the Western Women's representative appointed by the BC Agriculture Council to the Canadian Federation of Agriculture. Dyson and her family operate an innovative water buffalo dairy and direct farm market in the Alberni Valley.

Vicki Huntington

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 (hydroelectric 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 Ministry of Agriculture 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. 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, 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 all three of their sons work on dairy farms and display a natural affinity for the industry. Kloot is also a real estate agent, and is serving his first 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 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 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 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

Irmi 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 held director 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, 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.

Appendix 3 – Background Information

- Farm Credit Canada Reports

  https://www.fcc-fac.ca/en/about-fcc/governance/reports/2016-fcc-farmland-values-report.html

- ALC Annual Reports

  https://www.alc.gov.bc.ca/alc/content/library/commission-reports

- ALC Act and the ALR Regulation and Recent Amendments

  https://www.alc.gov.bc.ca/alc/content/legislation-regulation/the-alc-act-and-alr-regulation

- ALC's Delegation of Decision Making

  https://www.alc.gov.bc.ca/alc/content/about-the-alc/working-with-local-governments/delegation-to-local-governments

- ALC's Working with Local Governments

  https://www.alc.gov.bc.ca/alc/content/about-the-alc/working-with-local-governments

- ALC website Library

  https://www.alc.gov.bc.ca/alc/content/library

- ALR Values and Benefits

  https://www.alc.gov.bc.ca/alc/content/alr-maps/living-in-the-alr/alr-values-and-benefits

ATTACHMENT B

April x, 2018

Minister's Advisory Committee
Revitalization of ALR and ALC
C/o Ministry of Agriculture
PO Box 9120
Stn. Prov. Govt.
Victoria BC V8W 9B4

Re: Feedback from the City of Abbotsford: Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission

The City of Abbotsford appreciates this opportunity to provide input to the Minister and to the Advisory Committee for Revitalizing the Agricultural Land Reserve and Agricultural Land Commission.

The City of Abbotsford is geographically the largest municipality in BC with a total area of 389 km^2. With approximately 75% of its land base in the ALR and total farm receipts grossing over $850 million annually (2016 Census), the value of agriculture to Abbotsford and the BC agricultural economy cannot be understated. As one of the most intensively and diversely farmed areas in Canada, agriculture has deep ties to the local economy and to our community identity. The agricultural sector supports a wide range of crop and livestock commodities in Abbotsford and as such, any changes to ALR/ALC provisions will have the highest impact out of any municipality on our local businesses and the future economic vitality of our community and the province.

Abbotsford's Current Approach to Supporting Agriculture

In recognition of agriculture's important economic role in our community, and with an aim to maximize the capacity of Abbotsford's existing agricultural lands, the City is undertaking a comprehensive planning initiative to review and update agricultural policies, bylaws, and regulations for land in the ALR. Called AgRefresh, this three stage process is intended to establish clear, simple, and effective regulation through updated agricultural land use policies in the City's Official Community Plan, coordinated Zoning Bylaw improvements, and a Bylaw Compliance Strategy. The work completed to-date provides important local insights and research findings on key issues relevant to the future of agriculture in Abbotsford and would be valuable to other communities with lands in the ALR.

The City is currently in the final stage of this process and is addressing several of the issues and themes outlined in the Advisory Committee's Discussion Paper. More specifically, through the AgRefresh project, the City has conducted notable analysis and community engagement on the following Discussion Paper topics: Residential Uses (farm house and additional dwellings), On-farm Commodity Processing, Farm Retail, Alcohol Production, Agri-tourism, Gathering Events, and Unauthorized Uses.

Although this letter touches on all topics outlined in the Advisory Committee's Discussion Paper, the City of Abbotsford strongly encourages the Committee to consider the work and the feedback from the community engagement undertaken through our AgRefresh project to-date. While Abbotsford City Council has not yet officially endorsed any specific AgRefresh policy changes at this point, project stage reports available online at abbotsford.ca/AgRefresh may provide the Minister and the Committee valuable local perspectives on a range of topics important to the future of agriculture in general.

Key AgRefresh reports include:

Stage 1 Background Research Report: outlines themes/issues important to agriculture in Abbotsford

Stage 2 New Directions Report: identifies the key topics and directions for exploring new policy

Stage 3 Winter 2017-18 Engagement Results: outlines agricultural industry and community feedback on more specific policy and regulatory ideas, based on the New Directions

Based on the feedback in the above reports, as well as decisions that come out of the Advisory Committees work, next steps include preparing draft policies and regulations for further community consultation.

Advisory Committee Discussion Paper: Input on Common Issues/Themes

The following section provides the City's general feedback for each "common issue/theme" raised in the Discussion Paper, and highlights feedback specific to topics addressed through our AgRefresh project.

A Defensible and Defended ALR

Local governments play a critical role in preserving farmland through land use planning, bylaw enforcement, review of ALC applications, and other measures. It is important to acknowledge the value of proactive and comprehensive municipal planning when evaluating ALR boundary adjustments. Looking at the broader land use picture allows consideration of the relationships and coordination between various sectors of local and regional economies (e.g., many agricultural support services in industrial/commercial areas). Municipal planning provides the opportunity to evaluate broader trade-offs and analyze higher order benefits.

Continued and strengthened ALC involvement in municipal land use planning and bylaw development is encouraged to bolster the shared understanding of land use relationships and the critical importance of local decision-making in agricultural land use planning. Planning for agricultural lands should consider the dynamic interrelationship between urban land uses and agricultural practice, technology, and industry supports.

ALR Resilience

ALR resilience should consider measures to coordinate agricultural lands with broader growth management objectives locally, regionally and provincially – taking a holistic view. The pressures for non-agricultural uses must be considered in context with the other issues facing municipalities (i.e. affordable housing, industrial land shortage, etc.) in order to be able to develop strategies to properly address this issue.

Stable Governance

Independence is an important component for a strong ALC and ALR, however, this should not result in ALC isolation that sacrifices open communication and information sharing with stakeholders. Local governments are a key component of agriculture planning and protection in BC and ongoing consultation with local governments is an integral aspect of enabling a robust and effective ALC and ALR.

Efficacy of Zone 1 and 2

Improved consistency across the ALR may help level expectations and opportunities across jurisdictions. As a Regulated Community that requires Provincial approval for changes to Agricultural Zoning and Farm Bylaw development, Abbotsford understands the challenges of regulating in an environment where governance expectations and flexibilities don't align with those afforded to other local governments in BC.

Interpretation/Implementation of the Act and Regulation

Local government is expected to plan, develop, and regulate in accordance with Provincial policy. Clarity is therefore critical to ensure a coordinated response and implementation of the 'Regulation' by local government. As new permitted uses are introduced in the ALR (i.e., breweries, agri-tourism, events), greater clarity regarding the 'boundaries' for each use is needed. More specifically, interpretation of permitted activities and the extent/type of allowable 'ancillary services' can be challenging (e.g., beer gardens and play features ancillary to agri-tourism/events; commercial kitchens supporting food and beverage service for alcohol production).

Additional guidelines contained within ALC Policy Interpretation, and not specified in the Regulation, can blur the understanding of permissions. For example, maximum allowable floor space for accommodation above an existing farm building ($90m^2$) and farm classification requirements are set out in the policy interpretation, not the Regulation.

Performance regulations related to commodity volumes (50% rules) for permitted farm uses, or occupancy restrictions for specific dwelling types are challenging to monitor and regulate efficiently and effectively. Strengthened ALC leadership and clarification of expectations and suitable, realistic protocols are needed in this area.

Overall, further clarity on local government authority for regulating agricultural uses in the ALR would be beneficial for preparing and implementing municipal regulation. As a Regulated Community, we must not only be consistent with ALC provisions, but also the Minister's Bylaw Standards, which adds a layer of complexity. Improved coordination and alignment of ALC Regulations and the Minister's Bylaw Standards would be beneficial for those subject to both.

Food Security and BC's Agricultural Contribution

While not directly focused on food security, Abbotsford's AgRefresh initiative has food production at the heart of the policies and regulations under exploration, seeking to maintain a diverse and vibrant agricultural economy that is an essential component of a healthy and sustainable community.

Policies that create opportunities for agriculture should be explored to better utilize land in the ALR, such as supports to improve access and affordability for new farmers. New and innovative agricultural practices that go beyond traditional farming could be explored as permitted uses to increase farm activity. Recent trends in Abbotsford highlight notable underutilization of parcels less than 4 ha, and new programs or initiatives may help bring fallow lands back into production.

Residential Uses in the ALR

The City of Abbotsford is exploring ideas for regulating the siting and size of residential uses in the ALR – this includes the main house and additional dwellings.

Recent AgRefresh community engagement (November 2017 – January 2018), considered ideas for residential footprint, farm house size, and maximum house setbacks in relation to lot size. The area of greatest opposition related to dwelling setbacks, with respondents citing unique property characteristics and the desire for farmers to determine optimal house siting on a farm-by-farm basis as key factors. With regards to house size and additional dwellings, respondents highlighted multi-generational farming needs, succession planning, on-site farm help (full-time and temporary), and the impact of house size on farmland costs as important considerations.

AgRefresh is exploring updates to existing regulation for additional dwellings (e.g., family mobile homes, full-time farm workers, coach houses, and temporary farm workers) to support farms and farmers. However, ALC dwelling occupancy restrictions are challenging to regulate effectively and efficiently as farm needs, operations, and property ownership changes over time.

To date, the City's investigation of regulatory options for farm residential siting, size, and additional dwellings has identified this as an important topic that requires extensive and careful review, and community consultation.

Farm Processing and Sales in the ALR

Value-added on-farm activities are an integral component of many farm operations in Abbotsford.

On the surface, the ALC '50% farm product' requirements may seem to provide a clear and simple statement of regulation, however, they do not necessarily lend themselves to practical and effective regulation. It is not as simple as measuring the production of one farm on a single lot. Agricultural production is much more complex, utilizing multiple parcels within numerous production systems that can change over time and potentially involve multiple businesses (co-operatives). Developing and maintaining regulatory systems to address the complex arrangements in agricultural production is not practical, nor possible for local government, let alone feasible to enforce.

When exploring updates to ALC Regulation and compliance, it is important to consider the structure of municipal approvals. Local governments can effectively regulate elements reviewed through building/site plans, or constructed as static measurable components (i.e., stated use, floor area, parking stalls, setbacks); however, it is very difficult to effectively regulate day-to-day commodity volumes, mix, or sources related to production, processing, and farm sales (e.g., 50% rules).

Any updates to ALC/ALR regulation should consider opportunities to strengthen ALC leadership and coordinate compliance systems in a manner that complements local government capacity (e.g., staffing, systems, and expertise). It is important to acknowledge the 'real' resource requirements for monitoring and enforcing some performance based ALC regulations (50% rules), and coordinate ALC resources in a manner that bridges gaps in local government systems.

Through the AgRefresh project, Abbotsford is reviewing existing City regulations for on-farm processing, farm retail sales, and on-farm breweries, meaderies, and distilleries to support these uses and align with recent ALR Regulation changes.

While farm processing and sales are becoming increasingly important components of many farm operations in Abbotsford, ALC allowances create some ambiguity in cases where permitted uses extend beyond conventional farming and blur agriculture with industrial or commercial activity. This blurring can create inequities and competitive tax advantages in comparison to similar activities outside the ALR. Greater Provincial clarity through more practical and enforceable regulation would better distinguish between ALR and non-ALR land uses.

Unauthorized uses

For local government, visible ALR compliance issues, such as unauthorized truck parking, recreational vehicle storage, and business operations that are out of scope are more straight-forward to observe, investigate, and address. More challenging issues involve non-compliant farm practices and commodity sourcing that exceed ALC regulation allowances (i.e., 50% rules for processing or farm retail), as well as dwelling occupancy restrictions. It is much more challenging for local government to proactively address unauthorized farm practices given the resources, expertise, and lack of clarity involved in tracking/documenting these more dynamic infractions.

The current system would benefit from a clear understanding and enhancement of ALC enforcement provisions and role. As the Provincial agency responsible for managing the ALC Act and Regulations, the ALC should take on a more prominent primary role with respect to enforcement of activities within the ALR, in coordination with City supports. The City of Abbotsford is unable to continue to sustain the enforcement of ALC regulations as the primary agency.

Regarding unauthorized soil deposition, the ALC is encouraged to explore proactive approaches, such as Abbotsford's use of approved all-weather fill sites, to provide efficient and monitored alternatives to unauthorized fill. Quicker turn-around times for ALC soil deposition applications may also reduce the appeal of unauthorized options.

For Abbotsford, addressing unauthorized uses is a critical step towards improving ALR capacity and efficient use of land. To address this concern in a coordinated and strategic way, AgRefresh is preparing a Bylaw Compliance Strategy.

The City welcomes continued collaboration with the ALC to improve ALR compliance and support ALC improvements that strengthen efforts. The ALC is encouraged to reflect on its resourcing, and consider the tools and systems needed to support compliance in areas where municipalities lack the resources or expertise.

Non-Farm Uses and Resource Extraction in the ALR

The timely remediation of resource extraction sites (e.g. sand and gravel) will support increased capacity and productivity in the ALR over the long term. Opportunities for improvement may include increased security deposits to incentivize more expedient site remediation and strengthened coordination between the ALC and local governments to improve remediation follow-through and the coordinated phasing of extraction and remediation.

Revitalizing the ALR through Economics

While not addressed in the discussion paper, and not directly administered by the Ministry of Agriculture, it is critical to consider the influence of taxation and economics on land use in the ALR. The Committee is encouraged to consider broader recommendations that may significantly advance the objective to revitalize the ALR for agriculture.

As a policy instrument, classifying land as 'farm' creates a monetary incentive to encourage landowners to farm land zoned for agriculture. However, the current framework provides for a large property tax incentive for non-farm businesses and residents to establish in the ALR.

While approximately 75% of Abbotsford's land is located in the ALR, for 2017, only 2.1 % of total municipal property taxation revenue was earned from properties with farm classification.

The benefits of receiving Farm class status for the farmer or landowner should not be underestimated. While a significant reduction in property taxes is the primary benefit, others are also conferred such as protection under the *BC Farm Practices Protection Act*, fuel tax and PST exemptions, *Income Tax Act*

benefits, and eligibility for BC Agricultural Council farmer ID. Changes to farm tax policy, including raising the Farm class income threshold levels, are clearly warranted to balance the benefits being conferred to both the private landowner and society as a whole. These changes will discourage the use of farmland for lifestyle purposes and help to distinguish between hobby farming estates and commercial farming from a taxation perspective.

As highlighted in the 2016 Metro Vancouver report, "Encouraging Agricultural Production through Farm Property Tax Reform in Metro Vancouver," taxpayer equity may come into question when farm property tax policy unintentionally creates a tax advantage for non-farm residential and commercial uses in the ALR. Aligning property tax obligations to 'actual uses' in the ALR will acknowledge the support services provided by the broader tax base, and may distribute the tax burden more equitably – better matching the responsibilities of ALR non-farm uses with similar urban uses.

The Metro Vancouver report further recognizes that tax reform can help ensure that ALR property tax incentives are benefiting those managing land for food production and those making investments in agriculture over the long term, ultimately increasing the amount of actively farmed land and improving agricultural viability.

No matter the policy change being considered, without a strong economic policy being implemented in conjunction with other adjustments being considered, the goal of a revitalized ALR may not be achievable.

We hope you will find the above feedback and the AgRefresh resources useful as you prepare recommendations to the Minister of Agriculture. The City of Abbotsford is very interested in the outcome of the ALR/ALC review and welcome further opportunity to provide input as the initiative advances.

Please don't hesitate to contact me if the Advisory Committee has any questions, or if there is interest in meeting with the City of Abbotsford further. I would be happy to connect you with our staff team currently engaged in our AgRefresh project.

This letter was endorsed by Abbotsford City Council on [*Month*] [*day*], 2018.

Sincerely,