

March 22, 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: Submission on ALC/ALR Revitalization from the Union of BC Municipalities

Dear Chair Dyson and Committee Members,

Thank you for providing the Union of BC Municipalities (UBCM) with the opportunity to make a presentation to the Minister's Advisory Committee on the Revitalization of the ALC and ALR.

Local governments play a foundational role in preserving farmland in BC and this submission is an opportunity to highlight the means by which UBCM members contribute to a robust and effective ALC and ALR.

1. Role of UBCM

The UBCM was formed in 1905 to provide a common voice for local government in BC. While our membership of 189 local governments and seven First Nations is inherently diverse, there are many themes that unite our members.

Our aim is to identify and highlight the common issues that are impacting BC communities and to work with other orders of government to develop policies, programs and legislation to best address those issues. This work can only be accomplished through consultation and strong working relationships with the provincial government.

2. Reason for Submission

In general, UBCM supports the retention of the ALC and ALR as well as the preservation of farmland and the farming industry in BC. For example, UBCM members have endorsed resolutions that call for maintaining the integrity of the ALR and adequately funding the ALC; measures that increase the viability of farming in BC; and, farm mentorship and other agricultural support programs.

In many ways, UBCM members and the ALC work to similar goals and, by providing local resources to defend and support agriculture, local governments act as a key component of agriculture planning and protection in BC.

UBCM has made past submissions regarding the ALC and ALR. Key messages that are relevant to the current review include:

- 2016: Our submission on agri-tourism highlighted the need of local governments to have clarity when addressing land use issues on ALR land
- 2014: UBCM participation on ALR Consultation Reference Group demonstrated the value of local government voice in reviews of the ALR
- 2010: Policy position indicated support for targeted reviews with local government input; broad overall support for retaining the ALR and ensuring that it captures agricultural land; need to balance any changes to ALR with the commitments of local governments under the *Climate Action Charter*; and, acknowledgment that there is a lack of resources currently to support ALR

Past submissions have also highlighted the importance of thorough consultation with local governments regarding agricultural matters. To this end, UBCM has identified concerns about process and timelines in the current review and would request clarification from the Committee on the following:

- How was the composition of the Advisory Committee determined?
- How were stakeholders identified? Why wasn't UBCM included as a stakeholder?
- Why is the timeline for consultation limited to approximately 4 months?

Recommendation 1: UBCM asks that the Minister's Advisory Committee recognize that local governments are a key component of agriculture planning and protection in BC and that thorough consultation with local governments is an integral aspect of enabling a robust and effective ALC and ALR.

3. Role of Local Governments in Agriculture

Local governments have a vital role to play in preserving farmland, supporting farming and food production, and enabling local economic development through agriculture.

This is accomplished proactively through planning activities and initial reviews of ALC applications, and also reactively, generally through bylaw enforcement.

Land use planning

Local governments use planning tools to actively position their communities to defend agricultural land and revitalize farming. This includes Agricultural Plans, zoning bylaws, Official Community Plans (OCP) and development permits, and Regional Growth Strategies (RGS). The foundation of these plans is local knowledge and public consultation.

Bylaw enforcement

Local bylaw enforcement allows for a community-based understanding of impacts of agricultural practices (i.e. odour) and non-farm uses (i.e. noise, parking, congestion). The provision of local enforcement also reduces demand for ALC enforcement.

Local government review of applications in advance of submission to ALC

Local governments are the first point of contact for local farmers and community members that wish to make ALC applications. This is a critical aspect of the ALC application process which ensures that ALC applications align with current zoning and with the community vision for agricultural land.

Agricultural Economic Development

A number of local governments have implemented agricultural support programs to assist farmers with business planning and to support the retention and growth of the local agricultural industry.

Recommendation 2: UBCM asks that the Minister's Advisory Committee endorse the critical role of local governments in preserving farmland through land use planning, bylaw enforcement, review of ALC applications and other measures.

4. Current ALR/ALC structure

UBCM supports the principles of consistency, fairness and transparency in the governance of agriculture lands in BC.

To meet these objectives, improvements to the ALC application process are necessary. This includes the need for increased clarity and communications on:

- How and why local governments review applications in advance of the ALC
- How decisions are made by regional panels, and for which types of applications
- How decisions are made by the Executive Committee and/or Chair, and for which types of applications
- How reconsideration of regional panel decisions are undertaken

Local decision-making is critical to the success of long-term preservation of farmland. Regional panels support local decision-making but would be strengthened by inclusion of local government representatives.

Finally, local government planning processes, especially OCP and RGS reviews, are a key mechanism to link broader ALC land use planning and boundary reviews with local planning efforts. For example: zoning and OCP amendments require public hearings and RGS amendments require consultation between adjacent local governments. Both processes present the opportunity for increased synergy between the ALC and local government agricultural planning.

Recommendation 3: UBCM asks that the Minister's Advisory Committee support the principles of consistency, fairness and transparency in the governance of agriculture lands, and endorse the critical importance of local decision-making in agricultural land use planning.

5. Agricultural Issues Impacting Local Governments

UBCM is aware of a number of agricultural issues that are impacting local governments and the communities they represent. UBCM is requesting that the following issues be considered as part of the review of the ALC and ALR.

Production of Recreational Cannabis

UBCM's existing policy position in relation to cannabis is based on federally licensed medical marijuana production. Both the District of Delta and City of Nanaimo requested that the commercial production of medical marijuana be precluded from qualifying for farm classification for assessment purposes. In addition, Nanaimo's endorsed resolution also requested that communities be enabled to regulate the production of medical marijuana within the ALR through land use planning provisions provided in the *Local Government Act*.

In terms of the production of recreational cannabis, UBCM has significant concerns that this activity is better characterized as an industrial use rather than an agricultural use. It is our understanding that although outdoor growing may be an option, cannabis production facilities would most likely include greenhouses or fully enclosed buildings and that light pollution, odour, and accessory uses may be problematic.

As ALR land is only 5% of province, it is unclear if industrial-style production is appropriate for BC's limited agricultural land.

Local governments need certainty on how the production of recreational cannabis will be identified in provincial legislation, regulation and guidance documents and would request clarification from the Committee on the following:

- Will the production of recreational cannabis be included in the list of agricultural uses that qualify for farm classification for assessment and taxation purposes?
- Will the production of recreational cannabis be permitted as a farm use in the ALR?
- Will the Ministry of Agriculture provide Bylaw Standards for the production of recreational cannabis?

Recommendation 4: UBCM asks that the Minister's Advisory Committee carefully examine the means of production of recreational cannabis to determine if the expected industrial-style production is the best use of BC's limited agricultural land.

Farm class tax status

Compared with other jurisdictions, BC has a considerably low threshold for classifying a property as "farm class." This contributes to land owners undertaking minimal farm use for the purpose of tax benefit and, potentially, to increased non-farm use on ALR land.

Metro Vancouver and Kwantlen University have both published reports that advocate for a renewed farm class system and UBCM would urge the Committee to review these reports as part of their consideration of revitalizing the ALC and ALR.

Recommendation 5: UBCM asks that Minister’s Advisory Committee considers revisions to the farm class system.

Farmland speculation

It is apparent in BC that speculation is driving the cost of farmland to the point that land is becoming, or, in some areas has become unaffordable for farmers. This is linked to the trend of agricultural land being used as investment properties and the optics of development potential where ALR land lacks house size and/or foot print regulations.

UBCM’s existing policy position in relation to farmland speculation, introduced by the District of North Saanich, indicates support for the provincial government taking measures to protect the agricultural land base from price speculation.

Recommendation 6: UBCM asks that the Minister’s Advisory Committee considers the issue of farmland speculation.

Residential Uses

As outlined in UBCM’s recent report, *A Home for Everyone: A Housing Strategy for British Columbians*, BC is facing a housing affordability crisis. The crisis is increasing pressure for residential development – including development in the ALR.

UBCM members have voiced a general concern that house sizes and footprints are not being adequately regulated on ALR land.

In addition, temporary housing for farm workers is a significant issue for some communities, including duration of temporary work, the provision of services for workers and appearance of temporary housing.

UBCM members have supported a number of resolutions regarding residential uses on farmland. This includes the Regional District of Nanaimo’s bid for more certainty for the types of manufactured homes that are permitted as residential uses and the Township of Spallumcheen’s request that permanent second residences have both a maximum square footage and a “home plate” footprint.

Recommendation 7: UBCM asks that the Minister’s Advisory Committee considers concerns regarding residential uses in the ALR.

Food security

The preservation of farmland and food security are intertwining issues. Over the past 10 years, UBCM members have endorsed multiple resolutions calling for increased provincial food production, increased availability of local produce and farm products, and better support for farmers.

Recommendation 8: UBCM asks that the Minister’s Advisory Committee considers the issue of food security.

6. Summary of Recommendations & Closing Remarks

Local governments play a foundational role in preserving farmland in BC and contribute to a robust and effective ALR and ALC. To ensure this role is sustained, UBCM has made recommendations as part of this submission and asks that the following be reflected in the recommendations that the Advisory Committee conveys to the Minister.

The recommendations are that the Minister's Advisory Committee:

- Recognize that local governments are a key component of agriculture planning and protection in BC and that thorough consultation with local governments is an integral aspect of enabling a robust and effective ALC and ALR.
- Endorse the critical role of local governments in preserving farmland through land use planning, bylaw enforcement, review of ALC applications and other measures.
- Support the principles of consistency, fairness and transparency in the governance of agriculture lands, and endorse the critical importance of local decision-making in agricultural land use planning.
- Carefully examine the means of production of recreational cannabis to determine if the expected industrial-style production is the best use of BC's limited agricultural land.
- Considers:
 - Revisions to the farm class system
 - The issue of farmland speculation
 - Concerns regarding residential uses in the ALR
 - The issue of food security

Moving forward, it is critical that local governments continue to be active leaders in agricultural land use planning and have a role in local agricultural decision-making.

On behalf of the UBCM Executive, we would like to thank the Minister's Advisory Committee for receiving our presentation and submission. We look forward to the results of the review and our continued work with the Ministry of Agriculture.

Kind regards,



Wendy Booth
UBCM President

Appendix 1: Select Agriculture-focussed Resolutions Endorsed by UBCM, 2017 - 2007

General Support for Retention of ALC/ALR and Preservation of Farmland and Farming Industry

2016-B40 (Regional District of Fraser-Fort George) – Community Based Agricultural Extension Program

Therefore be it resolved that in support of the Province of British Columbia's Jobs Strategy, UBCM call upon the Province to deliver a province-wide community based agricultural extension program to support knowledge enhancement for new, prospective and existing farmers.

2014-A3 (City of Victoria) - Agricultural Land Reserve & Agricultural Land Commission

Therefore be it resolved that UBCM request that the provincial government respect the integrity of the province-wide Agricultural Land Reserve and support its management by an independent and adequately funded Agricultural Land Commission; and be it further resolved that the provincial government work with the agricultural community, UBCM and local governments to identify and implement additional measures that will increase the viability of farming and food production in British Columbia.

2014-B29 (Cowichan Valley Regional District) - Agriculture Funding in BC

Therefore be it resolved that UBCM request the provincial government raise agriculture funding in British Columbia to the national average.

2012-B34 (AVICC Executive) - Farm Mentorship Programs

Therefore be it resolved that UBCM request that the Ministry of Agriculture develop agricultural advisory services to promote mentorship programs and peer to peer networking programs that will encourage local farmers to share their expertise with new farmers coming into the industry.

2011-B56 (Metro Vancouver) - Support of the BC Grown & Processed Food Sector

Therefore be it resolved that UBCM call upon the Province to honour the commitment in the BC Agriculture Plan, "Growing a Healthy Future for BC Families", to invest \$2 million annually in an industry-led marketing program that will increase public awareness and branding of BC grown and processed food; and in addition increase support for agricultural extension services by \$500,000 annually as promised in the same plan.

2009-B50 (District of North Cowichan) - Agriculture is in All of Us - Eat BC

Therefore be it resolved that the provincial government take seriously the responsibility to support the Ministry of Agriculture and Lands that is essential to help BC grow, by implementing a consistent, sufficient, and reliable budget mandatory to support and hire the necessary staff and resources within the agricultural areas of British Columbia.

Current ALR/ALC structure

2016-B93 (City of Chilliwack) – Boundary Adjustments in the ALR

Therefore be it resolved that s. 10(1)(c) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation be amended such that the minimum parcel sizes created through boundary adjustment be reduced from no parcel in the reserve of less than one (1) hectare to no parcel in the reserve of less than one-half (0.5) hectare or smaller.

2009-B89 (District of Highlands) - Agriculture Funding

Therefore be it resolved that the provincial government increase financial support for agriculture consistent with the national average and cease approving any further Agricultural Land Reserve exclusions.

Production of Cannabis

2014-B109 (District of Delta) - Property Reclassification of Medical Marihuana Production Facilities

Therefore be it resolved that the provincial government be requested to amend the Assessment Act and its respective regulations to preclude the commercial production of medical marihuana from qualifying for farm classification.

2014-B113 (City of Nanaimo) - Marihuana Production on Agricultural Lands

Therefore be it resolved that UBCM request the Province amend legislation and regulations in order to remove the production of medical marihuana as a 'farm use' in terms of taxation assessment; and be it further resolved that UBCM request the Province amend legislation and regulations in order to allow communities to regulate the production of medical marihuana within the Agricultural Land Reserve through land use planning provisions provided in the Local Government Act.

Farm class tax status

2011-B36 (District of Coldstream) - Farm Assessment Review Implementation

Therefore be it resolved that the BC provincial government be encouraged to implement the recommendations made in their 2009 FARP Report as it relates to the review and modernization of the Primary Agricultural Production Schedule products; and be it further resolved that the Primary Agricultural Products list be modernized and expanded to include a wider scope of activities and value-added products such as food processing and other such examples as referenced in the 2009 FARP Report; and be it further resolved that there is a strong consensus indicating the need to review the list of products that constitute the PAP Schedule in the Farm Class Regulation and the need to recognize and include value-added products, more equine activities, new innovative agricultural products and activities.

Farmland speculation

2013-B111 (District of North Saanich) - Regulation of Foreign Ownership of Farmland

Therefore be it resolved that UBCM request the Province to: 1. Assemble data on current foreign ownership of farmland inside and outside the Agricultural Land Reserve in BC and maintain a registry; 2. Support and strengthen the powers of the Agricultural Land Commission and take measures to protect the agricultural land base from price speculation; and 3. Take measures to limit foreign and investment company ownership of BC farmland, similar to measures taken in Alberta, Manitoba and Prince Edward Island.

Residential Uses

2017-B139 (Regional District of Nanaimo) – Single Wide Mobile Homes as Second Dwelling on Agricultural Properties

Therefore be it resolved that UBCM request that the Ministry of Agriculture amend the Agricultural Land Reserve Use, Subdivision and Procedure Regulation to provide more certainty for types of manufactured homes that are permitted as residential uses and request that the Agricultural Land Commission amend their policies to allow for the siting of other types of factory built, movable dwellings outside of the CSA Z240 series standards.

2014-B115 (Township of Spallumcheen) - Secondary Dwellings

Therefore be it resolved that UBCM urge the Ministry of Agriculture and the Agricultural Land Commission to allow a permanent second residence to a maximum size of 2,000 square feet within a “home plate” footprint and away from viable farmland to help supplement farm income and/or to provide accommodations for aging family members.

2012-B83 (Regional District of Bulkley-Nechako) - ALC Policy No. 11

Therefore be it resolved that the Agricultural Land Commission be requested to amend Policy No. 11 to apply where a farmer has continuously owned and occupied a property as his or her principal place of residence for a period of 20 years.

2007-B196 (District of Lake Country) - Accommodation for Seasonal Farm Labour

Therefore be it resolved that the UBCM request that the provincial and federal governments institute a subsidy or grant program for agricultural employers, to encourage the design and construction of farm worker accommodation on ALR lands

Food Security

2013-B38 (City of Cranbrook) – Farm Gate Sales

Therefore be it resolved that UBCM request the Province of British Columbia to reinstate farm gate sales in the province in order that we might better support our agricultural community and the growth of that industry, and at the same time respond to consumers' desire for locally grown foods.

2011-B101 (City of North Vancouver) - Urban Farms

Therefore be it resolved that UBCM encourage local governments within the province of British Columbia to undertake an inventory of public land (inclusive of parks, boulevards, rights-of-way) including identification of current zoning and applicable bylaws and/or covenants, with the intention of creating local government agricultural land banks for all forms of urban agriculture activities in support of local food security initiatives that may include, but are not limited to: urban farms, community gardens, or edible boulevards; and be it further resolved that UBCM encourage local governments to review procurement and business licensing policies to enhance the viability of urban agriculture.

2010-B47 (Village of Kaslo) - Greenhouses

Therefore be it resolved that the UBCM urge the provincial government to create a program to promote and develop local food production on farmland and in greenhouses sufficient to meet the needs of communities throughout the province of BC.

2010-B96 (District of North Saanich) - Community Farm Markets

Therefore be it resolved that the UBCM petition the Province to provide funding to contribute to the start-up costs for communities to establish new local farm markets.

2008-A2 (Regional District of Central Kootenay) - Amendment to Meat Inspection Regulation to Encourage Regional Food Processing Facilities/Abattoirs

Therefore be it resolved that the Province of British Columbia be called upon to: a) amend the Meat Inspection Regulations to actively encourage regional abattoirs throughout British Columbia; b) address the need for regionalized Specified Risk Material (SRM) plants in British Columbia; c) support the "One Hundred Mile Diet" throughout the Province of BC with marketing programs designed to encourage this important trend; d) encourage farmers and ranchers to produce and process food in British Columbia for British Columbians; and be it further resolved that UBCM explore with the Province a mechanism for exemptions to the Meat Inspection Regulations for isolated communities such as those with water access only.

Other

2017-B101 (Sunshine Coast Regional District) – Policy on Breweries, Distilleries & Meaderies

Therefore be it resolved that the Ministry of Agriculture and the Agricultural Land Commission be requested to revise the Agricultural Land Reserve Use, Subdivision and Procedure Regulation to allow breweries, distilleries and meaderies to contract with another BC grower to meet the 50% farm product requirement.

2017-B76 (Town of Oliver) – Local Government Infrastructure Project Funding

Therefore be it resolved that UBCM call upon the Province of British Columbia and Government of Canada to replace restrictive funding initiatives with funding criteria that supports local government capital infrastructure project funding for irrigation water services that serves agriculture.

2017-B138 (Cariboo Regional District) – Agricultural Dams

Therefore be it resolved that UBCM call on the Province to work with agricultural dam owners to assist them in meeting the requirements of the Dam Safety Regulation in order that these water storage resources are safely preserved for food production and other values into the future;

And be it further resolved that UBCM request the Province to fairly apportion the cost of inspecting and maintaining agricultural dams in a manner that takes into account other shared values, and the level of development downstream from the dams.

2016-B113 (City of Colwood and District of Highlands) – Safe Soils Program

Therefore be it resolved that the provincial Ministry of Agriculture develop a “Safe Soil” certification program, that incorporates a processing standard and labeling regime, that soil sellers (wholesale/retail) can choose to participate, offering the purchasers seeking to manage risk clear choice of purchasing soils that are free of invasive pests.

2013-B115 (Regional District of Okanagan-Similkameen) - Restaurant Liquor Licenses in the Agricultural Land Reserve

Therefore be it resolved that the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and the Liquor Control and Licensing Regulation be amended to allow for the sale or service of wine, beer and spirits manufactured and grown in British Columbia in winery lounges as a permitted farm use in the ALR.

2011-B102 (Cariboo Regional District) - Agricultural Land Values

Therefore be it resolved that UBCM lobby the provincial government to develop and implement an Agricultural Land Value Index, which will assign a specific agricultural land value to properties in the Agricultural Land Reserve that reflects the actual farming capability of the land rather than just a general ALR designation.