

**District of North Saanich
Community Agricultural Commission**

Regular Meeting

**Wednesday, March 11, 2020 at 1:30 p.m.
Council Chambers
1620 Mills Road**

(Please note that all proceedings are recorded)

AGENDA

- 1. WELCOME AND INTRODUCTION OF MEMBERS**
- 2. ELECTION OF CHAIR AND VICE CHAIR**
- 3. APPROVAL OF AGENDA**
- 4. ADOPTION OF MINUTES**
 - (a) Minutes of the meeting held January 8, 2020 3 - 5
[2020-01-08 minutes](#)
- 5. REFERRALS**
 - (a) **ALC Information Update and Policy Intentions Paper:** 7 - 23
Residential Flexibility in the ALR
(Referred by : Council for comments)
[rpt ALR Policy Intentions Paper](#)
- 6. NEW BUSINESS**
 - (a) Appointment of liaison to Community Planning Commission
 - (b) Appointment of liaison to the Community Stewardship Commission
- 7. ADJOURNMENT**

SUBJECT TO APPROVAL
Minutes of the Community Agricultural Commission
District North Saanich - 1620 Mills Road
Wednesday, January 8, 2020 at 1:30 p.m.

PRESENT:

Chair S. Rowed
D. Chown
I. Fancey
M. Hughes(arr1:44 pm)
E. McMurphy
M. Soellner

ABSENT:

M. Aylard
J. Rashleigh

ATTENDING:

Director of Planning and Community Services	A. Berry
Planner	C. Rimell
Commission Secretary	C. Gotto
Community Stewardship Commission Liaison	F. Mailhot
Community Planning Commission Liaison	J. Kingham
Rushco Properties Ltd	Rawleigh Rushfeldt
Shareholder - Rushco Properties Ltd	Carl Sorenson
Shareholder - Rushco Properties Ltd	Cam McLennan

The Chair called the meeting to order at 1:34 p.m.

The applicants introduced themselves to the Commission.

1 APPROVAL OF AGENDA

MOVED BY: E. McMurphy
SECONDED BY: D. Chown

1-CAC That the agenda be approved as circulated.

CARRIED

2 ADOPTION OF MINUTES

a) Minutes of the meeting held November 13, 2019

MOVED BY: I. Fancey
SECONDED BY: D. Chown

2-CAC That the November 13, 2019 minutes be approved.

CARRIED

3 REFERRALS

a) **Zoning Bylaw Amendment Application Introductory Report - 1835 John Road**
(Referred by: Council for comments)

The Director of Planning and Community Services gave an overview of the zoning bylaw amendment application report for 1835 John Road. Staff and the applicants addressed questions from the Commission.

MOVED BY: D. Chown
Seconded by unanimous consent

3-CAC That the Commission suggest to the District to consider the creation of a regulation requiring a perspective grower of cannabis to pay into a farmer's fund.

The motion was abandoned.

MOVED BY: D. Chown
SECONDED BY: S. Rowed

4-CAC Whereas cannabis production does not involve the production of food the CAC recommends that the District of North Saanich consider some compensation contribution to its Agricultural Reserve Fund.

The Chair left the meeting at 2:57 p.m. and I. Fancey assumed the role of Chair.

After debate and amendment, the following motion was considered,

MOVED BY: D. Chown
SECONDED BY: S. Rowed

5-CAC That the District of North Saanich consider whether cannabis production or other ventures not producing food for human consumption should pay into its Agricultural Reserve Fund.

CARRIED

OPPOSED: M. Soellner

MOVED BY: M. Hughes
SECONDED BY: D. Chown

6-CAC The Community Agricultural Commission is not opposed to Council approving the bylaw amending the Zoning Bylaw to allow cannabis production at 1835 John Road.

CARRIED

OPPOSED: E. McMurphy

4 ADJOURNMENT

MOVED BY: E. McMurphy
SECONDED BY: M. Hughes

7-CAC That the meeting adjourn at 3:19 p.m.

CARRIED

CERTIFIED CORRECT

APPROVED AND CONFIRMED

Commission Chair

Curt Kingsley
Director, Corporate Services



District of North Saanich

STAFF REPORT

To: Tim Tanton
Chief Administrative Officer

Date: February 5, 2020

From: Carly Rimell
Planner

File: 6630-20 Agricultural Land
Development

Re: **ALC Information Update and Policy Intentions Paper: Residential Flexibility in the ALR**

RECOMMENDATIONS:

That Council:

- i. Receive the report titled ALC Information Update Policy Intentions Paper: Residential Flexibility in the ALR dated February 5, 2020 for information; AND
- ii. Refer the report titled ALC Information Update Policy Intentions Paper: Residential Flexibility in the ALR dated February 5, 2020 to the Community Agricultural Commission for comments; AND
- iii. Direct staff to forward any comments from the Community Agricultural Commission to the Minister of Agriculture in the form of a letter prior to April 17, 2020 in preparation for potential recommendations to the Provincial government.

STRATEGIC PLAN IMPLICATIONS:

This matter relates to the following Council strategic priorities:

Protect and Enhance Rural, Agricultural, Heritage, Marine and Environmental Resources

Maintain a Safe and Healthy Community

Ensure a Strong Leadership, Fiscal Responsibility and Transparent Government

This matter relates to the following sections of the District's Official Community Plan:

5.0 Agriculture

INTRODUCTION:

The Ministry of Agriculture (MOA) released a Policy Intentions Paper: Residential Flexibility in the ALR on January 27, 2020 (Appendix A). The intentions paper resulted from collaborative work with the Union of BC Municipalities, the Agricultural Land Commission (ALC) and the BC Agriculture Council as well as in response to public consultation. The MOA is sharing the paper with the intention to ensure those interested have an opportunity for input and review.

Furthermore the ALC also provided updated information on policies and bulletins and contact information.

DISCUSSION:

District staff have provided a high level summary of how this may impact the District at this time as well as potential considerations for the future.

1. Extended grandfathering of Manufactured Homes for Family in the ALR

As part of this information update this is the only amendment to the ALR Use Regulation. The amendment extends the date from February 22, 2020 to December 31, 2020 for any applicant to receive all authorization required to locate a manufactured home for immediate family member(s) in the ALR.

As Residential Uses (Part 4) is under Division 2 (Permitted Non-Farm Uses that May Be Prohibited) the local government has the ability to prohibit or restrict residential uses. The District's Zoning Bylaw No. 1255 does not currently permit manufactured homes for immediate family members within ALR lands. Therefore the extension (from February 22, 2020 to December 31, 2020) would only affect:

- a person who intended to apply for a bylaw amendment to add the use of a manufactured home for an immediate family member; or
- a person who intended to have an immediate family member live in a manufactured home and work on the farm and also satisfy the requirements of farm worker housing as outlined within the District's Zoning Bylaw.

2. Manufactured Homes – ALC Policy L-25

The Commission adopted a definition for a manufactured home within Policy L-25.

This is not relevant to the District's current Zoning Bylaw for the reasons outlined above in Section 1. This policy and new definition would only be considered if an application was received to amend the District's Zoning Bylaw to permit a manufactured home for immediate family members on ALR lands.

3. Farm-Related Commercial and Farm Related Industrial Uses – ALC Policy L-24

The Commission adopted policy L-24 which appears to be a new policy. The policy provides guidelines for the Commission when reviewing a placement of fill, removal of soil and non-farm use applications and the infrastructure considerations related to such commercial and industrial uses as well as recommendations on limiting the lot coverage of these uses. Farm-related commercial and farm-related industrial uses includes:

- farm product processing facilities
- farm product retail sales buildings
- alcohol production facilities
- pet breeding and boarding
- Class A compost facilities
- infrastructure for agri-tourism activities; and
- infrastructure to support gathering for events.

The District's Zoning Bylaw permits farm uses on all lands within the ALR. Proposed commercial or industrial farm related uses that were not consistent with 'farm use' as outlined within Part 2 of the ALR Use Regulation would likely require an application for non-farm use. Proposed commercial or industrial farm related uses as outlined within Division 2 (Permitted Non-Farm Uses that May be Prohibited) such as the keeping of animals, Class A compost facilities, infrastructure

to support agri-tourism activities or infrastructure to support gathering for an event if not explicitly permitted by the zone would require a bylaw amendment to permit the use and potentially a non-farm use application in some instances.

Generally speaking these guidelines will only be considered when an application for placement of fill, removal of soil or non-farm use is submitted to the ALC. The District may also refer to this policy as part of the local government considerations through the local government review process for ALC applications.

4. Ministry of Agriculture's Residential Flexibility Policy Paper

The MOA's proposed policy direction is to increase residential flexibility within the ALR. The MOA is considering a change to the regulations that would enable landowners in the ALR to have both a principal residence and a small secondary residence on their property, provided they have approval from local government. In other words there would be no application to the ALC required.

Consideration is being given to:

- A manufactured secondary home
- A garden suite, guest cottage or carriage suite
- Accommodation above an existing building on a farm
- Permitting a principal residence to be constructed in addition to a manufactured home that was placed as the first principal residence.

The majority of the ALR lands within the District are within the Rural Agricultural (RA) Zones.

All of the RA zone currently permit a secondary suite which is consistent with the current ALC Act and Regulations.

Some of these RA zones currently list a guest cottage as a permitted secondary use subject to the conditions of s.204 of the District's Zoning Bylaw. Currently these conditions within s.204 outline that only one guest cottage could be permitted for farm worker housing if approved by the ALC.

Farm worker housing has a long history of being a permitted use on ALR lands. Farm worker housing has been previously approved by the District in the form of an 'accommodation unit' (which fits more with the carriage house typology within the District's Zoning Bylaw) as well as a dormitory style within an accessory building. The Zoning Bylaw does not restrict what housing typology the farm worker housing must take.

If the residential policy intentions proceed, and the ALC Act and Regulations are amended, the District must then consider if the land use bylaws should be amended to support the uses¹ or support the uses subject to further restrictions.

FINANCIAL IMPLICATIONS:

None at this time.

LEGAL IMPLICATIONS:

None at this time.

LEGISLATIVE IMPLICATIONS:

The only legislative change is to the ALR Use Regulation which was outlined within Section 1.

¹ Use of a secondary residence in the form of a manufactured home, guest cottage, accommodation unit or carriage house

INTERDEPARTMENTAL IMPLICATIONS:

None at this time.

CONSULTATION:

Previous consultation in 2018 by the MOA was done as part of the revitalizing the ALR initiative. The Discussion Paper (Appendix B) was received and referred to the North Saanich Resident Association (NSRA), Property Responsibility on the Waterfront (PROW), Dean Park Estates Community Association (DPECA), the Community Planning Commission (CPC), Community Stewardship Commission (CSC), and the Community Agricultural Commission (CAC) [Resolution 120, February 19, 2018]. These responses were summarized and sent in a letter to the Minister's Advisory Committee for the Revitalization of the ALR.

The scope of the changes within the previous Discussion Paper were greater than what is being considered within the Residential Policy Intention Paper; as such District staff suggest solely referring this report to the CAC at this time. If the MOA policy review results in any amendments to the ALC Act or Regulation the District may wish to consider amending the land use bylaw to support additional residential uses, it is at this time that staff suggest a referral to the CPC and CSC.

Members of the public who wish to review and have input on the process and policy should do so by April 17, 2020 through the appropriate channels as referenced at the end of Appendix A.

NEXT STEPS:

The MOA has created a technical review committee which includes working directly with local governments across B.C. The technical review committee will work on further refining the potential secondary housing options until April 17, 2020. Potential recommendations to the Provincial government would follow.

OPTIONS:

That Council:

- i. Receive the report titled ALC Information Update Policy Intentions Paper: Residential Flexibility in the ALR dated February 5, 2020 for information and refer it to the Community Agricultural Commission for comments and subsequently provide comments to the MOA.
- ii. Receive the report titled ALC Information Update Intentions Paper: Residential Flexibility in the ALR dated February 5, 2020 for information and take no further action.
- iii. Other.

SUMMARY:

District staff have provided a high level summary of how the amendment to the ALC Use Regulation, changes to policies and the Policy Intentions Paper may impact the District at this time as well as in the future. District staff recommend that this report be referred to the CAC at this time and that any comments received be forwarded to the Minister of Agriculture for consideration.

Respectfully submitted,


Carly Rimell, Planner

Concurrence,


Tim Tanton, Chief Administrative Officer

Tim Tanton, Chief Administrative Officer

Page 5

Re: ALC Information Update and Policy Intentions Paper: Residential Flexibility in the ALR

Concurrence,



Anne Berry, Director Planning and
Community Services

Attachments:

Appendix A: Ministry of Agriculture Policy Intentions Paper: Residential Flexibility in the ALR

Appendix B: Discussion Paper (2018)



Ministry of Agriculture Policy Intentions Paper: Residential Flexibility in the ALR

Appendix A

2020

January 27, 2020

Introduction

This paper outlines the Ministry of Agriculture's (the Ministry) proposed policy direction to increase residential flexibility in the Agricultural Land Reserve (ALR).

The intentions summarized here have been developed through collaborative work with the Union of BC Municipalities, the Agricultural Land Commission (ALC) and the BC Agriculture Council and are responsive to what the Ministry heard during recent public consultations.¹

The Ministry is publicly sharing this proposed policy direction now in order to ensure those interested have an opportunity to review. As always, input from the public and from stakeholders is appreciated.

Context

In February 2019, the province brought into force amendments to the *Agricultural Land Commission Act* (Act) to better protect ALR land for farming. There were three key changes that:

- Directly address mega-mansions and speculation in the ALR by limiting the size of primary residences and empowering the ALC to approve additional residences for farm use;
- Restrict the removal of soil and increased penalties for dumping of construction debris and other harmful fill in the ALR; and,
- Reunify the ALR as a single zone, ensuring consistent rules with strong protections for all provincial ALR land.

The first change noted above included a phase-out of a long-standing previous rule that had allowed ALR landowners to place a small secondary residence in the ALR without ALC approval, so long as it was a manufactured home for immediate family members.

In response to some public concerns about this phase-out change, in July 2019, the Ministry delayed its implementation to February 22, 2020. This grandfathering period has now been extended a second time to December 31, 2020, in order to allow time for the possible implementation of the policy direction outlined in the paper.

During the September to November 2019 engagement, the Ministry heard a key theme: more flexibility is needed for residences in the ALR. Therefore, this work has been given priority.

The rationale for more residential flexibility is argued in a number of ways. For example, it may be necessary to keep a loved one, especially an aging parent, on the property. It creates options for jointly owning a property (for farming or not). It can provide a residence for a farmer transitioning out of farming, or for a young or new person transitioning into farming. It can create efficiency for small-scale farmers as it could allow for farmer or farm-worker accommodation, without the need to apply to the ALC. Or it could be simply needed as a source of rental revenue (that may or may not be invested back into a farm).

Current and previous legal framework relating to secondary residences

Recent changes to the Act and regulations modified approval processes for residential uses. Under the previous law, local governments (LG) had the authority to approve all principal residences (up to any size

¹ See <https://engage.gov.bc.ca/supportingfarmers/> for more information on the Supporting BC Farmers public engagement.



Ministry of Agriculture Policy Intentions Paper: Residential Flexibility in the ALR

Appendix A

2020

as stipulated in bylaws) in the ALR, and LG had the authority to approve additional residences if they were necessary for farm use. In practice, if a LG did not want to approve, or was not sure if the additional residence was necessary for farm use, or it wasn't for farm use, the owner then applied to the ALC through a non-farm use application.

The Act and regulations additionally permitted the following dwelling types without a decision from the ALC if local bylaws allowed them to be constructed:

- Zone 1: one secondary suite in the single family dwelling, and either one manufactured home 9 meters wide for immediate family; OR, an accommodation constructed above an existing building on the farm and that has only a single level.
- Zone 2: one secondary suite in the single family dwelling, and either one manufactured home (as above); OR, an accommodation constructed above an existing building on the farm and that has only a single level; and, if parcel is greater than 50 hectares a residence that fits all residential needs into an area of 4,000m².

After the recent amendments, a LG can only approve a principal residence if the total floor area is less than 500m² (5,400ft²) but may also restrict the principal residence to a smaller size by bylaw. A suite within a principal residence's total floor area is still permitted if a LG permits it by bylaw. A principal residence larger than 500m² (5,400ft²) or an additional residence now requires application to the ALC. The ALC may not approve an additional residence unless it is necessary for farm use.

Considerations

The policy work outlined below will maintain the purpose of the Act and its regulations, is also guided by the results of the Minister of Agriculture's Advisory Committee on ALR Revitalization² (the Committee), including the core ALR policy objectives that came out of the Committee's work to:

- Preserve the productive capacity of ALR land.
- Encourage agriculture as the priority use of ALR land.
- Strengthen ALR and ALC administration and governance to increase public confidence and ensure land use regulation and land use decisions preserve agricultural land and encourage farming and ranching in the ALR.

The Ministry will also consider how to incorporate views on residential flexibility that were raised through recent engagement, such as:

- Many participants expressed a desire to allow for a small second residence for all ALR land owners without requiring ALC approval;
- Some ALR landowners felt uncertain over their ability to replace a structure if it is destroyed (75% or more), or needs to be replaced because it is in disrepair;
- Some retiring and new farmers felt disadvantaged because they can't provide a secondary residence for family/workers without approval from the ALC;
- Participants generally wanted to ensure that the needs of LG, First Nation governments and regional districts are considered in the development of any future policy changes;
- It was recognized that some regional districts do not have zoning bylaws and there is a need to consider what this might mean against any policy options; and,

² See <https://engage.gov.bc.ca/agriculturallandreserve/> for more information on the independent committee's work.



Ministry of Agriculture Policy Intentions Paper: Residential Flexibility in the ALR

Appendix A

2020

- BC ALR regions have different residential land uses, including the size of properties, population densities, and pressures to use ALR for non-farm uses.

These and potentially other considerations that were brought forward from the Committee's work and the Supporting BC Farmers engagement will help guide the Ministry in its work to increase residential flexibility in the ALR.

Proposed policy direction

In order to support farmers and non-farmers living in the ALR, the Ministry is considering a change to regulations that will enable landowners in the ALR to have both a principal residence and a small secondary residence on their property, provided they have approval from their LG. In other words, there would be no required application to the ALC. Further, the province would not impose restrictions to require this secondary residence be a manufactured home, or be for an immediate family member, or be part of a farming plan.

Farmers have always had the option to build additional residences in the ALR (two, three or more), provided they are needed for farming and have approval from LG and the ALC. The ALC routinely provides this approval for farming purposes.

The primary use of ALR land is, and will continue to be, for agriculture. Residential uses should be developed in a way that minimizes disturbance to agriculture. New secondary residences should be registered with the ALC for long-term land-use planning purposes.

This direction does not include reconsideration of the maximum size of a principal residence; nor changing the ALC as the decision maker for additional residences for farm use.

In terms of defining a "small secondary residence", consideration will be given to:

- a manufactured secondary home with conditions such as whether:
 - the foundation type should be limited to a concrete slab and no basement;
 - it can be restricted to a maximum of 9 meters in width and 22.86 meters in length; and
 - it can be restricted to the Canadian Standards Association (CSA) Z240 Manufactured Home (MH) series.
- a garden suite, guest house or carriage suite (e.g. usually meaning a detached dwelling, often no larger than 90m²).
- accommodation above an existing building on a farm with conditions on what type of existing structure it could be built on and whether it can be located on a parcel that already has a suite in the principal residence.
- permitting a principal residence to be constructed in addition to a manufactured home that was placed as the first principal residence.

Any of these concepts may also consider:

- per parcel, the maximum number of residences, maximum size, siting, and total floor area.
- how to preserve a total cumulative floor area of residential uses on a single parcel (e.g. additional dwellings that may be reintroduced so as not to exceed 500m² when added to principal dwelling).
- options to minimize impact on agriculture.

Page 3 of 4



Ministry of Agriculture Policy Intentions Paper: Residential Flexibility in the ALR

Appendix A

2020

Next steps

Nothing in this paper should be considered as a final decision; it should be viewed as a policy direction and development guidance document. Its purpose is to inform interested parties and to assist Ministry discussions in further developing and finalizing the policy ideas presented in this document.

This Intentions Paper and links to current legislation are posted on the BC Government website and can be accessed via the following link: <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/agricultural-land-reserve/the-agricultural-land-reserve>

The Ministry has created a technical review committee that includes the Ministry of Agriculture, ALC, Ministry of Municipal Affairs and Housing, Union of BC Municipalities, and the BC Agriculture Council. As part of the technical review committee process, the Ministry also works directly with local governments from across British Columbia. The Ministry will work through this technical review committee process on the further refinement of these options until April 17th, 2020, in preparation for potential recommendations to government.

Individuals or associations who would like more information on this process, or who want to provide feedback for policy consideration, should contact ALR_ALCRevitalization@gov.bc.ca, write the Minister of Agriculture at PO Box 9043 Victoria BC V8W 9E2, or call the AgriServiceBC line at 1 888 221-7141.

Page 4 of 4

Page 47 of 58

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. A Defensible and Defended ALR:

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.

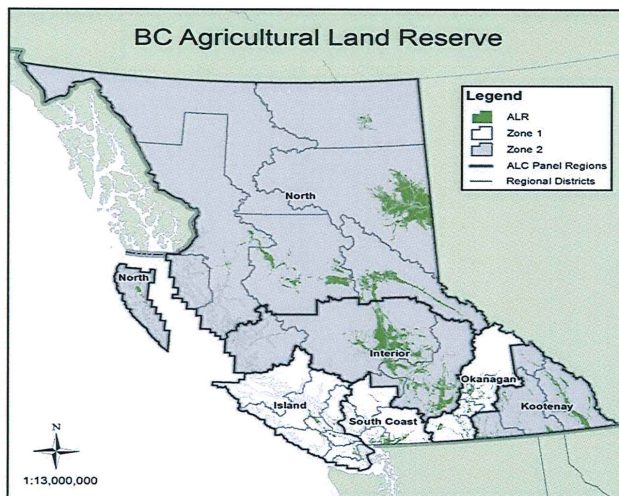
Background

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.

Appendix B

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.