

Assessment of Local Legislative Framework for Protecting Farmland Abbotsford, British Columbia July, 2017

SUMMARY

The City of Abbotsford’s legislative framework for farmland protection is **somewhat strong**. The City stands out in their expressed interest in agriculture as “the backbone of our history and a pillar of our economy” and through their vision of their future city, which includes reference to “flourishing agricultural lands.” An Urban Development Boundary (UDB), which mostly omits land within the Agricultural Land Reserve (ALR), as well as their extensive use of buffers and covenants help to protect agricultural land. The land use policies for agriculture are very limited, however. The legislative framework has very strong policies that accommodate flexibility but lacks integration across jurisdictions and between documents. Refer to Table 1 (at the end of this report) for a summary of the legislative framework for protecting farmland.

Strength of Local Legislative Framework: Summary Assessment

	Maximize Stability	Integrate Across Jurisdictions	Minimise Uncertainty	Accommodate Flexibility
City of Abbotsford, BC	****	**	***	*****

*=Very weak; *****=Very strong

ABOUT THE SITE

The City of Abbotsford is located in southwestern British Columbia (BC) and part of the Fraser Valley Regional District (FVRD) (Figure 1). With a current population of 141,397 (Canada Census, 2016), Abbotsford is expected to grow beyond 200,000 in the foreseeable future. Three-quarters of all population growth (45,000 new residents) will be in the urban core and city centres; 15% of population growth (10,000 new residents) will need to be accommodated through new greenfield development. While this rapidly growing population has created development pressures, the City makes it clear in their Official Community Plan (OCP) that almost all of this future development will occur within the Urban Development Boundary. Nevertheless, the demand for urban development is somewhat, especially for industrial lands.

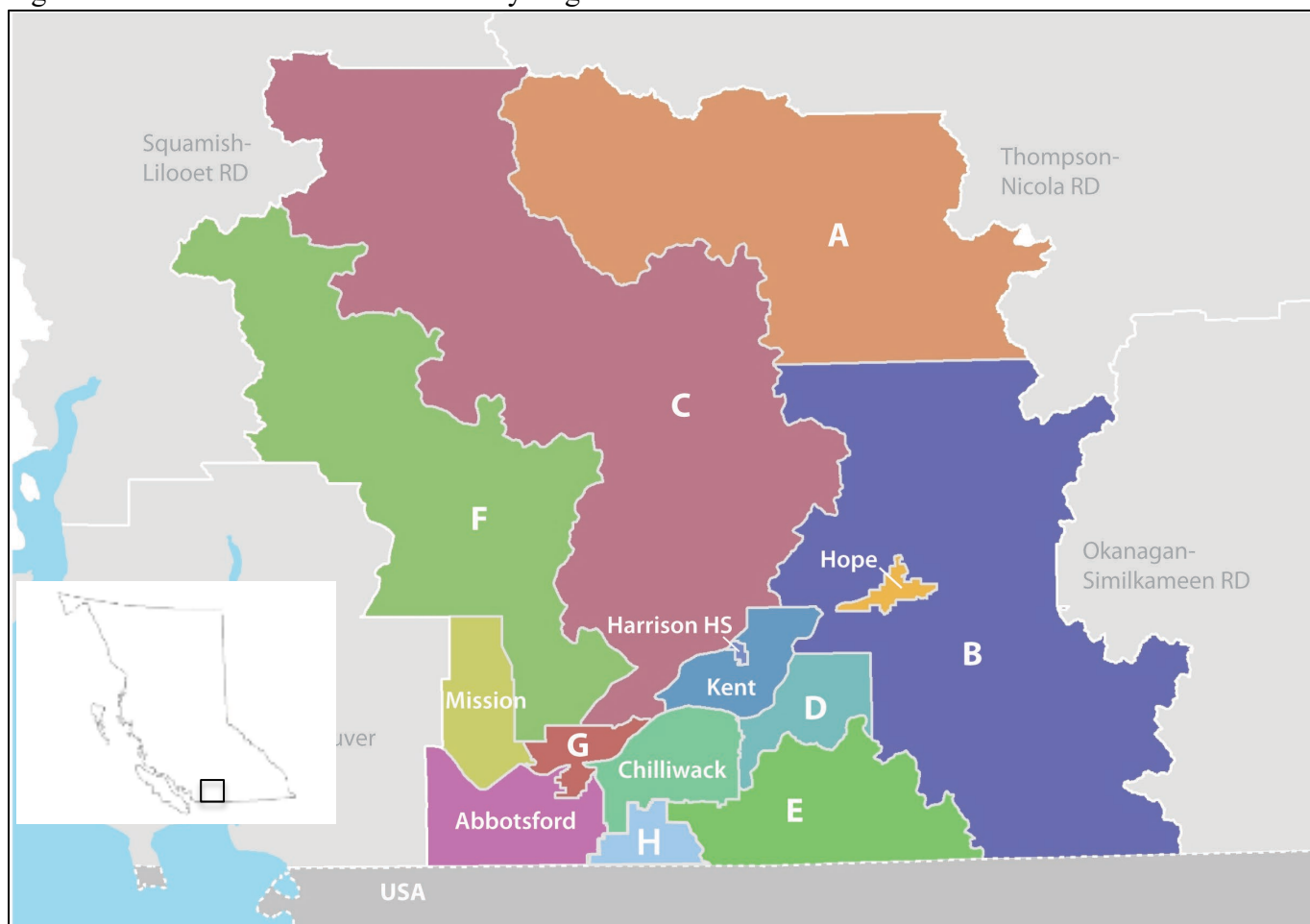
Agriculture has been an economic driver for the City since its inception and continues to be a large part of Abbotsford’s identity. Currently, the agricultural sector contributes \$639,780 to the local economy, \$1.8 billion through direct and indirect economic activity, and 21% of all agricultural revenues in the province (Agricultural Strategy, 2011). The ALR consists of 27,413 ha, with an additional of 1,661 ha of agricultural land outside of the ALR (Land Use Inventory Report, 2013), which accounts for about 75% of the total land base. Importantly, the agricultural land base is largely

contiguous with limited impacts from fragmentation (Figure 2). The sector employs over 11,300 people, with an average wage of \$50,000 annually, and average farm gate sales per hectare of \$20,400. Main agricultural activities consist of fruit berry cultivation, greenhouse production, dairy, and livestock (with a focus on poultry and eggs).

The Regional Growth Strategy of the FVRD, which was adopted in 2004, provides a layer within the legislative framework between the municipality and the province. However, the legislative framework for the protection of agricultural land in the FVRD is somewhat weak. The FVRD is concerned about negative impacts of future growth on the agriculture sector but does not express a clear commitment to protecting agricultural land. To the contrary, the FVRD has an interest in using agricultural lands for urban development. There is no region-wide policy for urban growth boundaries. It must be noted that the RGS is presently under review.

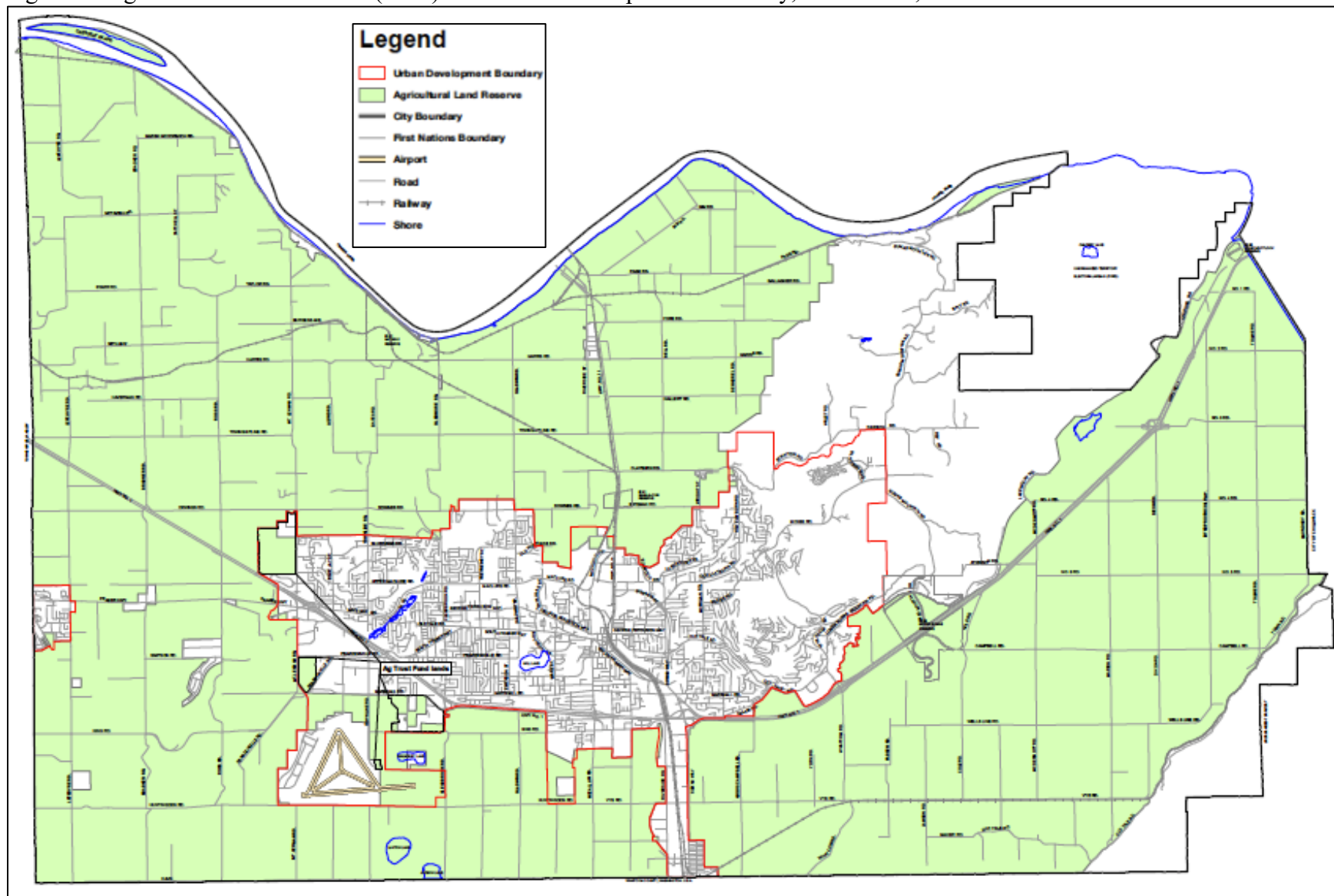
The legislative framework for protecting farmland in BC is very strong. The *Agricultural Land Commission (ALC) Act*, enacted in 1973 with major revisions in 2002 and 2014, established the ALR and the ALC. The ALC is a quasi-judicial tribunal that is responsible for implementing the Act with a clear mandate to protect farmland. The ALR is restrictive land zoning that protects all classes of agricultural land. The ALC Act is supported by the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation and the *Farm Practices Protection (Right to Farm) Act*.

Figure 1. Abbotsford in the Fraser Valley Regional District



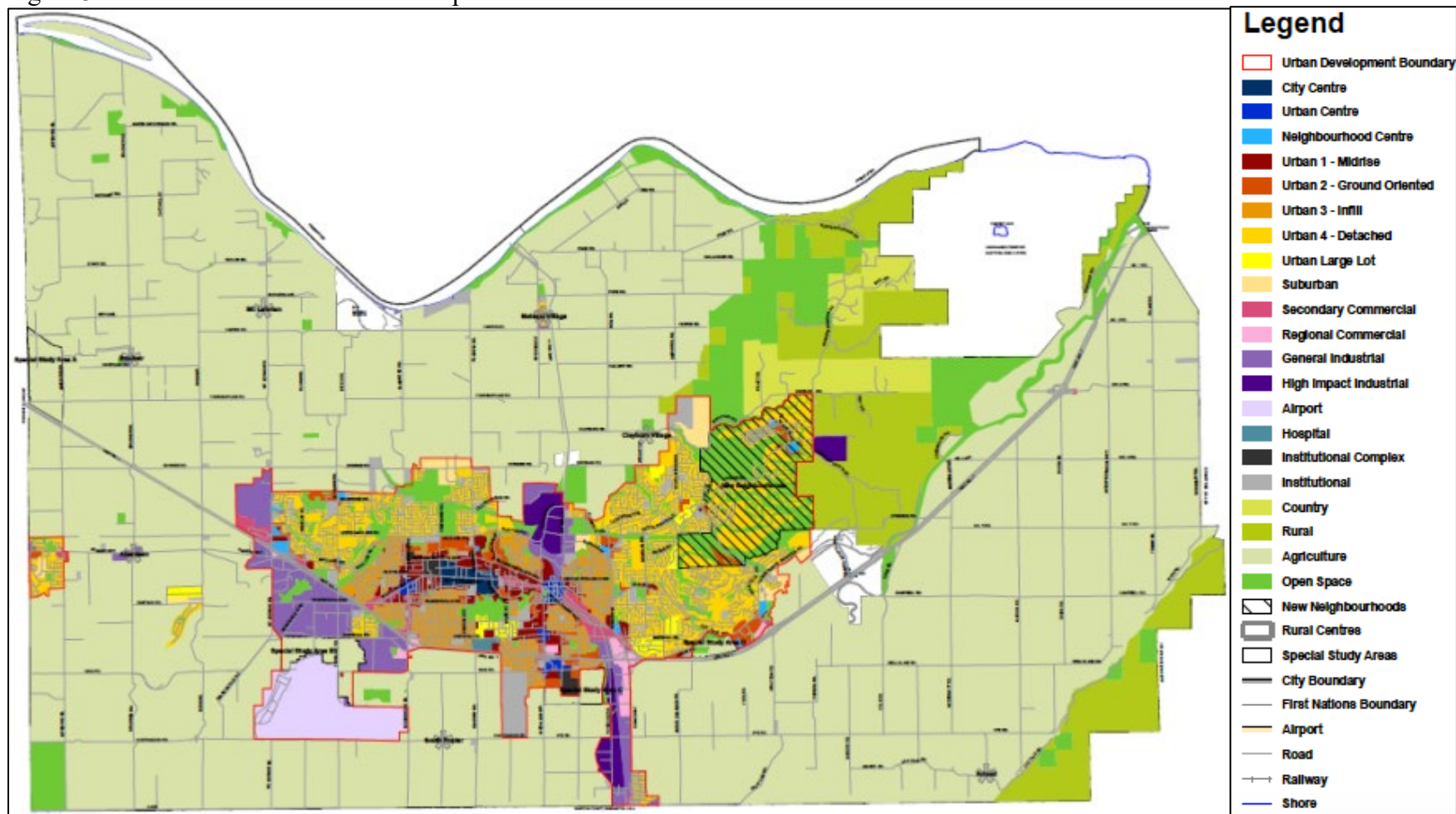
Source: Fraser Valley Regional District

Figure 2. Agricultural Land Reserve (ALR) and Urban Development Boundary, Abbotsford, BC



Source: City of Abbotsford OCP

Figure 3. Abbotsford Rural Land Use Map



Source: Source: City of Abbotsford OCP

RESULTS

Maximise stability

A stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. A key element of stability is a clear statement of purpose regarding farmland protection among the primary goals and objectives within each enforceable document. Thus, stability is a critical measure of the strength of an agricultural land use planning framework.

The City of Abbotsford's legislative framework for maximising stability is strong. The City's Vision statement states, "Our compact urban area is anchored by a thriving City Centre and surrounded by remarkable natural areas and flourishing agricultural lands." This interest in agricultural lands helps set the tone for the OCP and supported by other strong statements to protect farmland. As presented in the OCP, one of the City's "Big Ideas to Realize the Vision" is to Enhance Agricultural Integrity, the purpose of which is to protect and maintain agricultural areas as places for agricultural growing, production, and processing. The land use policies for agricultural areas are very limited, however. The most relevant policy, 6.1 Agricultural Uses, states, "Continue to work with the Agricultural Land Commission and the Ministry of Agriculture to develop up-to-date regulations to enable agriculture to grow and thrive." A stronger statement is needed to support the vision and goals of the OCP.

The legislative framework is supported the City's Agricultural Strategy (2011) and the Ministry of Agriculture's land use inventory (2013). The Agricultural Strategy contributes to stability by its strong emphasis on protecting farmland, however, it is an aspirational policy only. The Strategy provides background information and recommends action to improve agricultural policies. The agricultural land use inventory provides extensive detail to support land use planning and decisions.

Integrate public priorities across jurisdictions

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. One can also think of integration as a formal "linkage" that provides consistency among them. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government plans and strategies.

Abbotsford's integration across jurisdictions is weak. There are limited references to regional and provincial legislation, as well as a lack of horizontal integration between the City's various documents, including the Agricultural Strategy. There are only minimal mentions of the Agricultural Land Commission (ALC) in the OCP and Agricultural Strategy, and no mention of important provincial legislation such as the Right to Farm Act or *Water Act*. Furthermore, while the OCP includes Regional Context Statements, as set out by FVRD's Regional Growth Strategy (RGS), the only indication of compliance for supporting and enhancing the agricultural sector is a single check mark, with no indication of how specific policies of the OCP correspond to the RGS. Although the Agricultural Strategy contains slightly more in terms of provincial integration, through additional references to the AAC and ALC, there is a lack of integration between this aspirational policy and the OCP.

Minimise uncertainty

The presence of uncertainty, typically introduced via ambiguous language, exceptions or gaps, is a critical measure of the weakness of an agricultural land use planning framework. Thus, in addition to

maximising the stability of a legislative framework through enforceable policies, people want to know they can rely on these rules and regulations to be applied consistently under different circumstances.

The City of Abbotsford is moderate in minimising uncertainty. The UDB provides a clear demarcation between urban and agricultural lands (Figure 3), which is a significant element that reduces uncertainty. The City says that they will focus all future growth within the UDB. The OCP states that future growth, i.e., growth after the planning horizon of the OCP, will continue to be accommodated within the UDB. However, although the reference is minor, the OCP also refers to new areas for future greenfield development. As part of the Protection of Agriculture Development Permit (DP) Guidelines, restrictive covenants are placed on property adjacent to agricultural land so that an adequate buffer can be contained. This reduces uncertainty because it enforces a barrier between agricultural and urban uses.

The designation of four Special Study Areas to accommodate local and regional industrial needs has both positive and negative contributions to uncertainty. On the one hand, these designated areas help to minimise uncertainty by clearly identifying agricultural lands that are sites of potential future development. The future development of each study area will only proceed after a comprehensive planning process. However, no other conditions are identified that would direct the future planning process. At the same time, the existence of these areas for future non-agricultural development is a clear signal that the City is willing to extend the UDB into agricultural areas, placing employment from industrial lands in direct conflict with employment from agricultural lands. Of the four sites, Special Study Area A appears to be most problematic, as it represents an extension of Surrey's urban containment boundary, contributing to uncertainty about the future of adjacent agricultural land.

A significant factor contributing to uncertainty is the lack of detailed policies for uses of agricultural land. The OCP states only that details to support the general list of policies will be developed in the future as part of the AgRefresh project¹. A positive outcome of this project has the potential to increase the overall rating of strength and individual ratings of principles. Uncertainty is also introduced in Policy 6.2, which states that the City will "Implement the Agricultural Enhancement Endowment Fund ('Ag Trust Fund') by requiring a \$20,000 per acre contribution for land that is rezoned in the area identified on Map 16." Although this policy represents a positive contribution to the sector, the intent appears to contradict the City's commitment to protecting agricultural land. In addition to putting a price on being able to rezone ALR land, a "no net loss" policy, or something similar, would be stronger.

Accommodate flexibility

Creating an effective legislative framework is an act of balance, without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximising stability and minimizing uncertainty. The means to accommodate flexibility is typically done through governance mechanisms.

The City of Abbotsford's legislative framework for accommodating flexibility is very strong. The strongest policy contributing to flexibility is Abbotsford's Protection for Agriculture Development Permit (DP) Guidelines. The DP Guidelines are thorough and detailed, including five different types of landscape buffers: Minimal Buffer, Street Edge Buffer, Natural Edge Buffer, Moderate Buffer, and

¹ No details about AgRefresh project are provided in the OCP. Through email communication with the City (July 31, 2017), the AgRefresh program with address AgRefresh three key areas: (1) update OCP policies to reflect agriculture's important role in Abbotsford; (2) update Zoning bylaw regulations for agricultural land to coordinate with OCP policies; and (3) develop a Bylaw Compliance Strategy to ensure agricultural land is being used for farming.

Maximum Buffer. All of these apply to specific situations, for example the Street Edge Buffer applies when there is a public road between urban and agricultural uses. The landscape buffers will be located entirely on the urban side of the UDB. Furthermore, the City of Abbotsford has six agriculture-specific zoning designations, as well as the Country and Rural zones which also relate to agriculture. This accommodates flexibility because each designation is very detailed and intends to allow a variety of agricultural types and intensities through the use of different zones. As noted above, four Special Study Areas help to accommodate non-agricultural uses by requiring comprehensive plans before future development takes place.

The City has an Agriculture, Dyking, Drainage and Irrigation Advisory Committee which helps to accommodate flexibility by providing a voice for agricultural issues in land use decisions. According to its terms of reference, the purpose of the Committee is “to create and maintain an effective channel of communication between Council, staff and the agricultural community.”

Table 1. City of Abbotsford, British Columbia, Legislative Framework

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL	<p>ALC] <u>Annual Service Plans</u> MAL] <u>Strengthening Farming</u> [ALC] ALR and Community Planning Guidelines [Smith] “Planning for Agriculture”</p>	<p><i>Agricultural Land Commission Act</i> <i>Local Government Act</i> <i>Farm Practices Protection (Right to Farm) Act</i> <i>Forest and Range Practices Act</i> <i>Range Act</i> <i>Land Title Act</i> <i>Water Act</i> Agricultural Land Reserve Use, Subdivision, and Procedure Regulation</p>	<p>Agricultural Land Commission [ALC Act] <i>Administrative Tribunals Act</i> Governance Policy for the Agricultural Land Commission</p>
REQUIRED INTEGRATION	<p>LGA Part 25 849 Purpose of regional growth strategy (e) maintaining the integrity of a secure and productive resource base, including the agricultural land reserve</p>		
REGIONAL	<p>Fraser Valley Regional Adaptation Strategy (2015) Agricultural Economy in the Fraser Valley Regional District (2011) Freshet Flooding & Fraser Valley Agriculture (2016) Fraser Valley Strategic Plan 2014-2018</p>	<p><i>Fraser Valley Regional Growth Management Strategy</i> <i>(Bylaw No. 569, 2003)</i></p>	
REQUIRED INTEGRATION	<p>ALC Act Section 46 Conflict with bylaws (2) A local government in respect of its bylaws and a first nation government in respect of its laws must ensure consistency with this Act, the regulations and the orders of the commission (4) A local government bylaw or a first nation government law that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect ALC Act 13 Dispute resolution on community issues LGA Part 25 882 (3) (OCP) Adoption procedures 882 The local government must refer the plan to the ALC for comment. LGA Part 25 946 (3) Subdivision to provide residence for a relative</p>		
LOCAL	<p>Community Sustainability Planning Initiative Implementation Plan (2014) Community Sustainability Strategy (2013) Economic Development Action Plan (2013) Agricultural Land Use Inventory (2012) Agriculture Strategy (2011) City in the Country Plan (2004) AgRefresh [under development]</p>	<p><i>Official Community Plan</i> <i>(Bylaw No. 2600, 2016)</i> <i>Zoning</i> <i>(Bylaw No. 2400, 2014)</i> <i>Farm Bylaw (Bylaw No. 698, 1998)</i></p>	<p>City of Abbotsford Agriculture, Dyking, Drainage and Irrigation Advisory Committee</p>

Acts (provincial laws), bylaws (local government laws, e.g., official municipal plan) [italicised]

Enforceable policy, regulations pursuant to acts [bold]

Aspirational policy at all levels [plain text]