

**Assessment of Local Legislative Framework
for Protecting Farmland
Central Saanich, British Columbia**
August, 2017

SUMMARY

The legislative framework for the protection of agricultural land in the District of Central Saanich is **very strong**. The District has a very clear dedication to the protection of agricultural land that is part of their history. Tools such as the District’s Urban Settlement Area (USA) and agricultural land use policies support their commitment to farmland protection. 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

	Overall Strength	Maximise Stability	Integrate Across Jurisdictions	Minimise Uncertainty	Accommodate Flexibility
Central Saanich, BC	Very Strong	*****	****	*****	****

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

ABOUT THE SITE

The District of Central Saanich is located at the southern end of Vancouver Island in British Columbia (BC), on the Saanich Peninsula between the Districts of North Saanich and Saanich (Figure 1). The demand for development in Central Saanich is somewhat high; however, the District states that nearly all housing is located within their Urban Settlement Area (USA) (Figure 2). This means that development has largely been contained thus far. As well, the District’s Official Community Plan (OCP) emphasises more compact forms of development that will be located within the USA.

Looking at recent growth rates for Central Saanich, it has been steadily increasing. Between 2001 and 2011, the annual growth rate (0.38%) was below the provincial rate (1.26%) Census Canada). More recently, the District has seen a 1.1% annual growth rate between 2011 to 2016, from a population of 15,936 to 16,814, which is a rate similar to the province (Canada Census 2016). The expected growth rate, as per the OCP, is 1% per annum, which is moderate. The supply of developable land in the District is high, with few physical constricts to development as the land is largely flat. Although there may not be many physical barriers, the District’s self-imposed USA limits the amount they can develop.

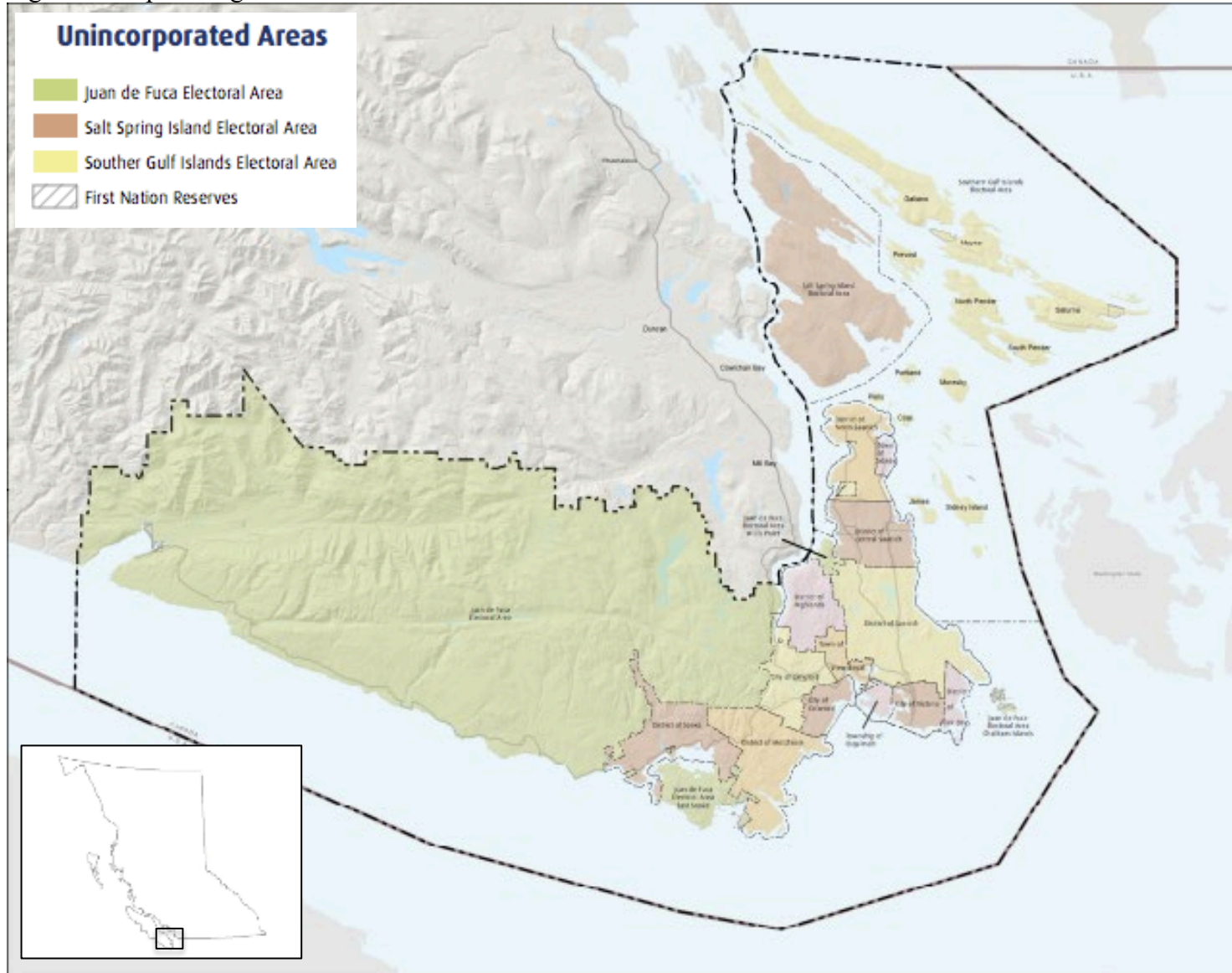
Central Saanich has nearly half of all the ALR on the Saanich Peninsula (2,907 ha of the 6,100 ha total on the Peninsula) (Figure 3). Nearly 60% of the District’s land base is within the ALR, making agriculture a very prominent land use that is mostly contiguous with concentrated urban areas. Most farmland is used for crops (60%) and pastures (19%), with the remaining being used for various other types of agriculture (Central Saanich Agricultural Area Plan, 2011). In 2006, the agricultural sector employed about 3% of the population of Central Saanich. That same year, gross farm receipts totaled \$18.5 million, accounting for about 34% of total agricultural revenue in the Capital Regional District.

Assessment of Legislative Framework: Central Saanich, BC

The types of agriculture contributing most to gross farm receipts in 2005 were poultry and egg production, nurseries and tree production, and vegetable and melon farming (Central Saanich Agricultural Area Plan, 2011). With consideration for the demand for urban development and supply of land, the pressure for the development of agricultural land is moderate.

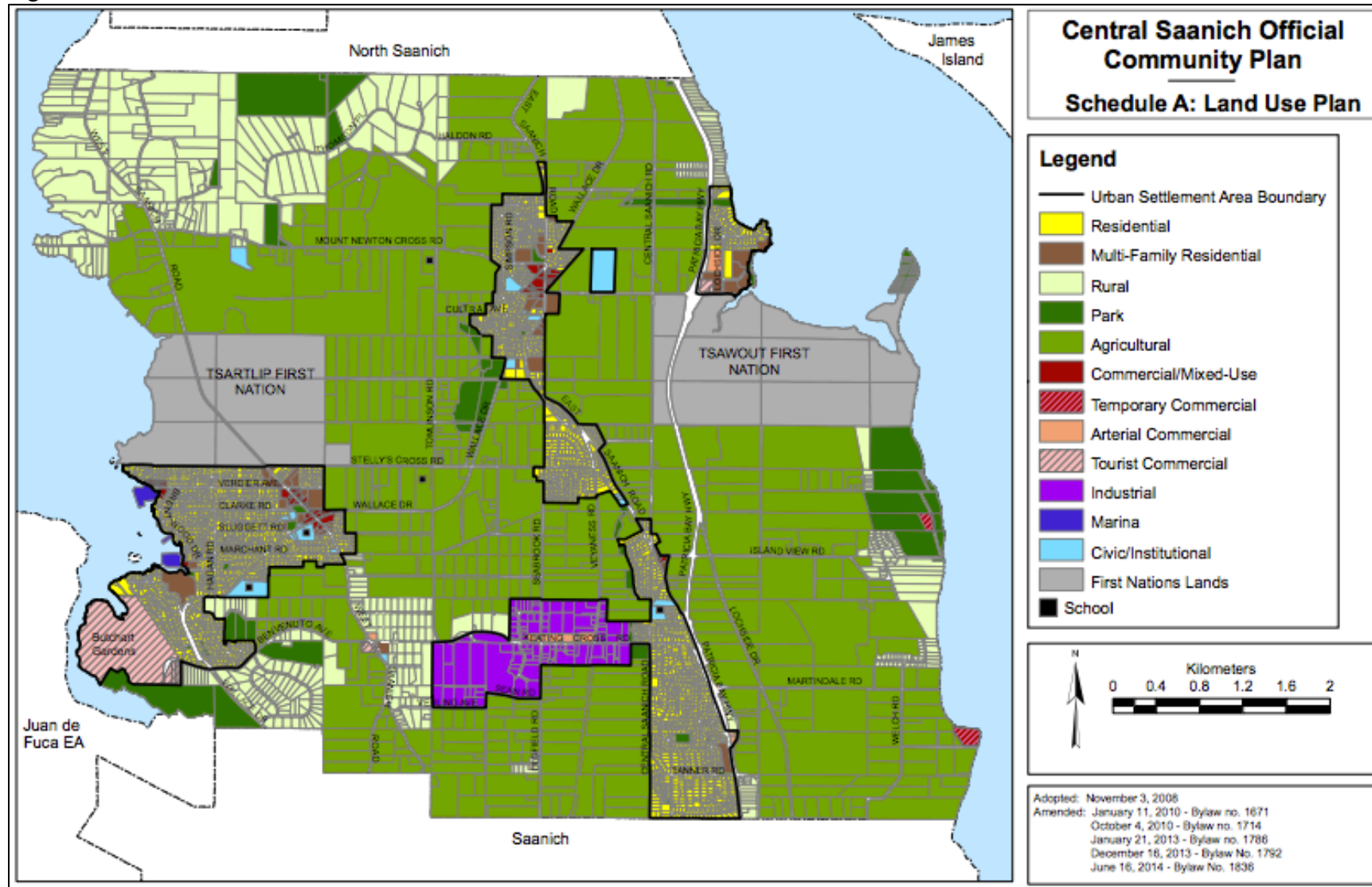
The legislative framework for protecting farmland in BC is very strong. The *Agricultural Land Commission (ALC) Act*, enacted in 1973 with major revisions in 2002 and 2014, established the ALR and the ALC. The ALC is a quasi-judicial tribunal that is responsible for implementing the Act with a clear 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. Capital Regional District Administrative Boundaries



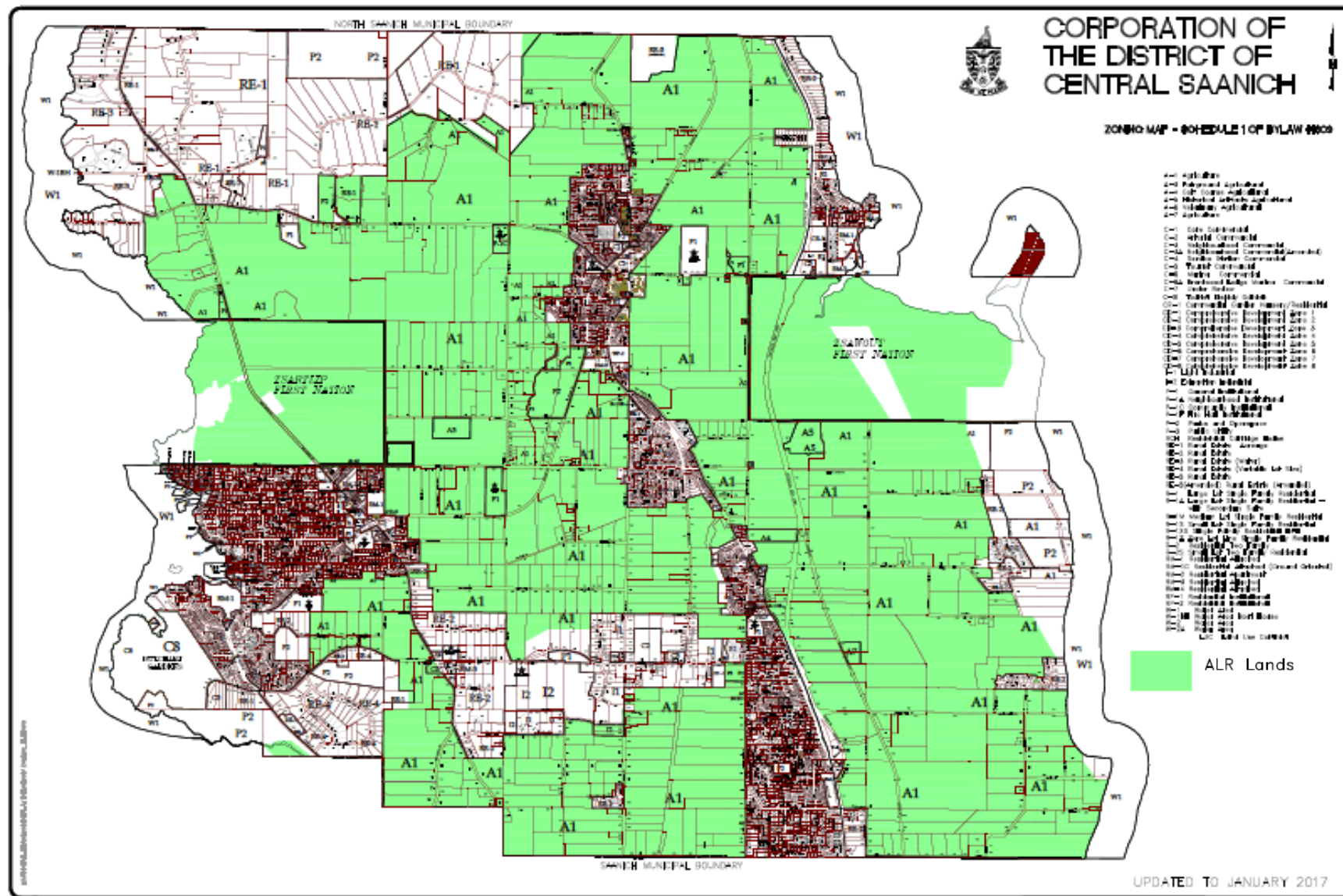
Source: Capital Regional District

Figure 2. Central Saanich Land Use Plan



Source: Central Saanich OCP

Figure 3. Central Saanich Zoning and ALR Map



Source: Central Saanich

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.

Central Saanich is rated very strong in maximising stability. The legislative framework expresses a clear dedication to protecting agricultural land. At the outset of the OCP, agriculture is recognised as part of the Vision, Fundamental Philosophy, and the Fundamental Principles. Notably, the first four Fundamental Principles relate directly to agriculture (with a total of 6 out of the 17 principles recognising agriculture); this provides evidence of the importance of agriculture to the community. In particular, the first Principle is Support Agriculture, stating that,

The residents of Central Saanich have expressed strong support for preservation of the agricultural land base, and the farming economy which depends on it. Any future residential, commercial or industrial growth should be directed towards the established Urban Settlement Area. Agriculture is an important contributor to the local and regional economy, creating jobs, and generating revenues.

The Principles are supported by a comprehensive set of 36 policies specifically related to agriculture (not including those found in non-agricultural sections), several of which directly support protecting farmland. In particular, under Preserving Agricultural Land (section 3.2.1) Policy 2 states, “Applications for exclusion of lands from the Agricultural Land Reserve will not be supported by the District.”

The legislative framework includes extensive background and history on agriculture in the area, in both the OCP and Agricultural Area Plan (AAP). The purpose of this plan is described as a plan to “assist with the implementation of agricultural policies contained in the municipality’s Official Community Plan (OCP) and as identified in the District’s Strategic Plan (2009).” Although this plan has not been formally adopted, the AAP makes recommendations on agricultural policy.

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.

The District of Central Saanich is rated strong in integrating across jurisdictions. Central Saanich does a very good job at provincial and regional integration, as well as horizontal integration between documents. The District has a very extensive Regional Context Statement that shows that Central Saanich far exceeds the regional level. Furthermore, there are multiple and detailed references to relevant Acts. The most notable are the 4 references to the *Farm Practices Protection (Right to Farm) Act*. This Act is not often referenced in local legislation, let alone referenced 4 times with a lot of context given. There are also a few references to the *Agricultural Land Commission (ALC) Act* and

Local Government Act but not as many as there could have been, especially considering the amount of reference to the *Farm Practices Protection (Right to Farm) Act*.

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 District is rated very strong in minimising uncertainty. Central Saanich's strong, clear language that constrains urban development and, importantly, links this policy directly to protecting the agricultural land base. The designated Urban Settlement Area (USA) explicitly excludes all ALR land, thereby establishing a clear boundary between rural and agricultural lands. Under Residential Growth Management and Housing, 4.2 Managing Growth, the first Objective states,

To ensure the provision of sufficient development opportunities to accommodate gradual, low-impact growth in locations and at densities that support non-automobile modes of travel while preserving agricultural and rural uses and valued open spaces.

Two policies relating to agriculture support this objective, of which Policy 10 states, "The use of restrictive covenants to advise new residents of possible nuisances from farming may also be required for development adjacent to land in the ALR."

The OCP includes additional references to agriculture lands. Specific agricultural policies can be found in the Residential Growth Management and Housing section, the Economic Development section, and the Transportation section. Including agricultural policies throughout the OCP reinforces their dedication to protecting agricultural land and ensures internal consistency in the document, both of which contribute very positively to uncertainty.

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.

Central Saanich is rated strong in accommodating flexibility. As stated above, the District's interest in protecting farmland is referenced in multiple sections. Many of these references recognise the need to protect agricultural lands while accommodating other interests. Notably, under Impact of Vehicle Traffic (9.2.2), a policy states, "Where road improvements are made, careful consideration should be given to minimize any impacts on agricultural lands, residential areas, heritage properties and the rural character of much of Central Saanich." The OCP also requires that development abutting ALR land is to include a buffer strip to reduce conflict between uses. However, there is no specific Development Permit Area (DPA) for agricultural land, nor are there specific requirements for buffers or other tools to reduce urban-rural conflict.

Central Saanich has an Agricultural Advisory Committee (AAC), in addition to the Peninsula Agricultural Planning Commission. These governance mechanisms help to accommodate flexibility by ensuring that agricultural interests are represented in land use planning decisions.

Table 1. Capital Regional District, 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>District of Central Saanich Agricultural Area Plan (2011)</p>	<p><i>District of Central Saanich Official Community Plan (Bylaw No. 1600, 2014)</i></p>	<p>District of Central Saanich Agricultural Advisory Committee Peninsula Advisory Planning Commission</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>		

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]