

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

SUMMARY

The City of Chilliwack's legislative framework for the protection of agricultural land is rated **strong**. The City has a clear commitment to protecting farmland; with a very strong Agricultural Area Plan (AAP) that has been adopted as part of their Official Community Plan (OCP). Despite their clear intent to protect agriculture, there are important factors that contribute to uncertainty. The most notable being their focus on urban corridors and the urban-agricultural interface. Neither of these terms are well-defined yet have significant implications for some agricultural lands. 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 Chilliwack, BC	*****	****	**	***

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

ABOUT THE SITE

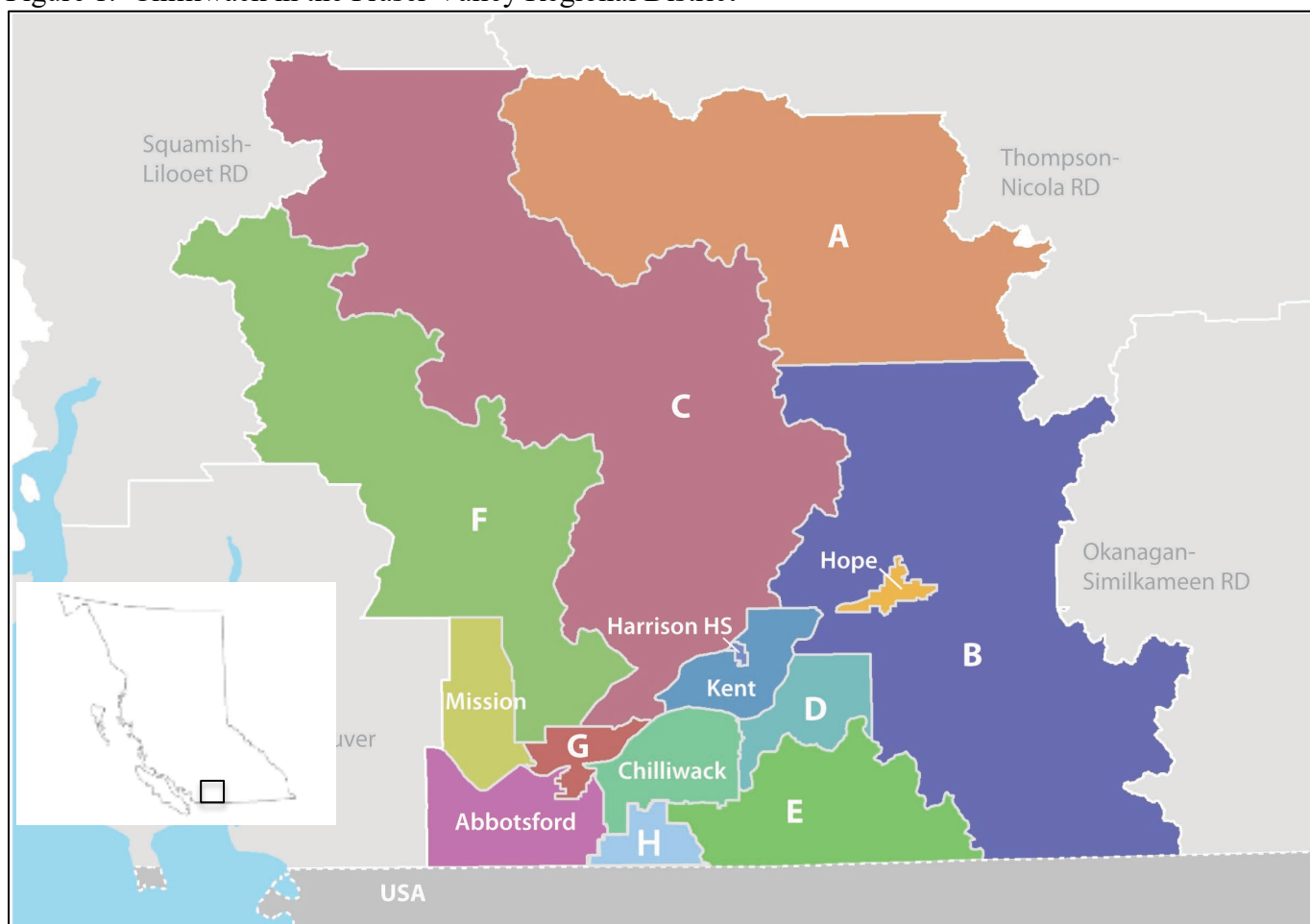
The City of Chilliwack is located in southwestern British Columbia (BC) in the fertile valley of the Fraser Valley Regional District (FVRD) (Figure 1). The demand for urban development is high. The City has a population of 83,788 (2016), which grew 7.5% since 2011. This growth has been concentrated in the urban areas of Chilliwack Proper, Sardis, and Vedder, forming an urban corridor in the central area of the city, as shown in Figure 2. Single-detached homes account for 59% of all residential development, while there is significant demand for industrial lands. The urbanised areas of Chilliwack are surrounded by fertile lands that are part of the Agricultural Land Reserve (ALR) (Figure 3), a provincial restrictive land use zoning. In addition to the ALR, geographical constraints to development include a hilly topography and bodies of water.

The agricultural land base covers about two-thirds (64.7%) of the City's land base, or 16,941 ha of the 26,165 ha total area. Agriculture in Chilliwack is highly productive with gross farm receipts in 2011 accounting for \$359.5 million and generating over \$700 million in economic activity within the city (Agricultural Land Use Inventory, 2012). Dominant agricultural activities include dairy and poultry production, as well as greenhouses, vegetable farms, and fruit berry cultivation. Overall, the pressure for developing farmland is extremely high on lands adjacent to existing urban areas with some of these lands already identified for urban development. The pressure on the rural agricultural lands is moderate, primarily in the form of rural estate development.

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.

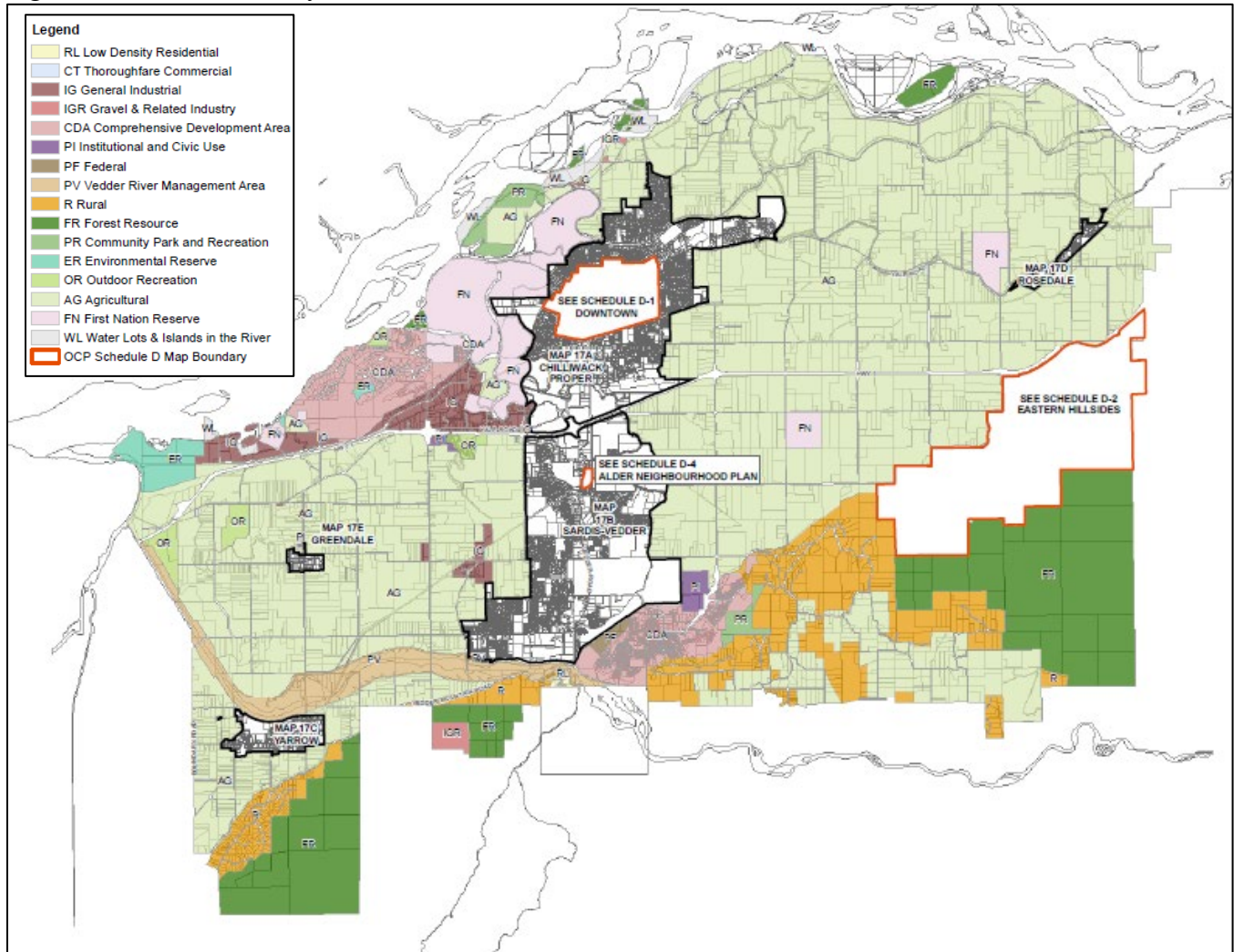
The legislative framework for protecting farmland in British Columbia is very strong. The *Agricultural Land Commission (ALC) Act*, enacted in 1973 with major revisions in 2002 and 2014, established the ALR and the ALC. The ALC is a quasi-judicial tribunal that is responsible for implementing the Act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



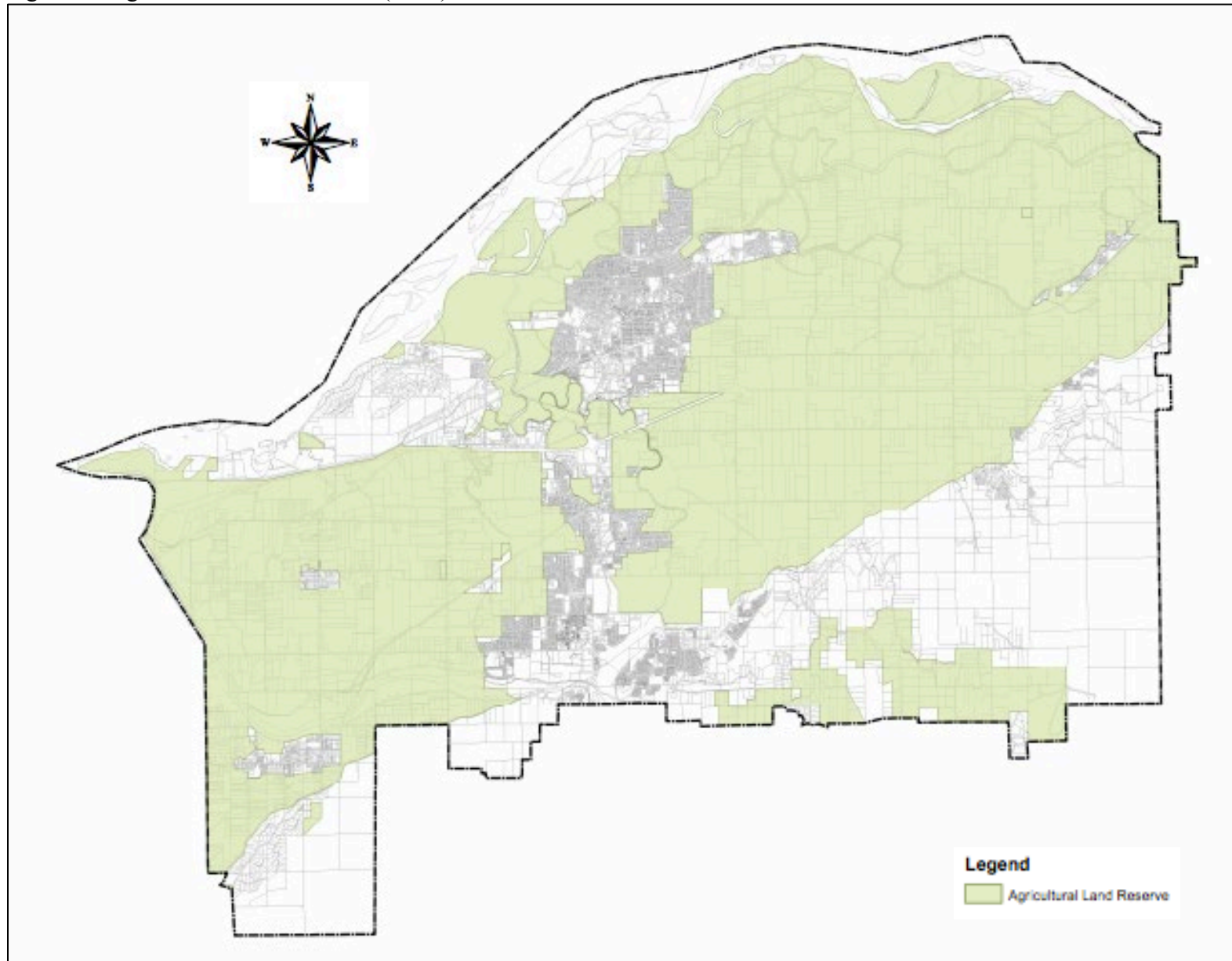
Source: Fraser Valley Regional District

Figure 2. Rural areas, City of Chilliwack, BC



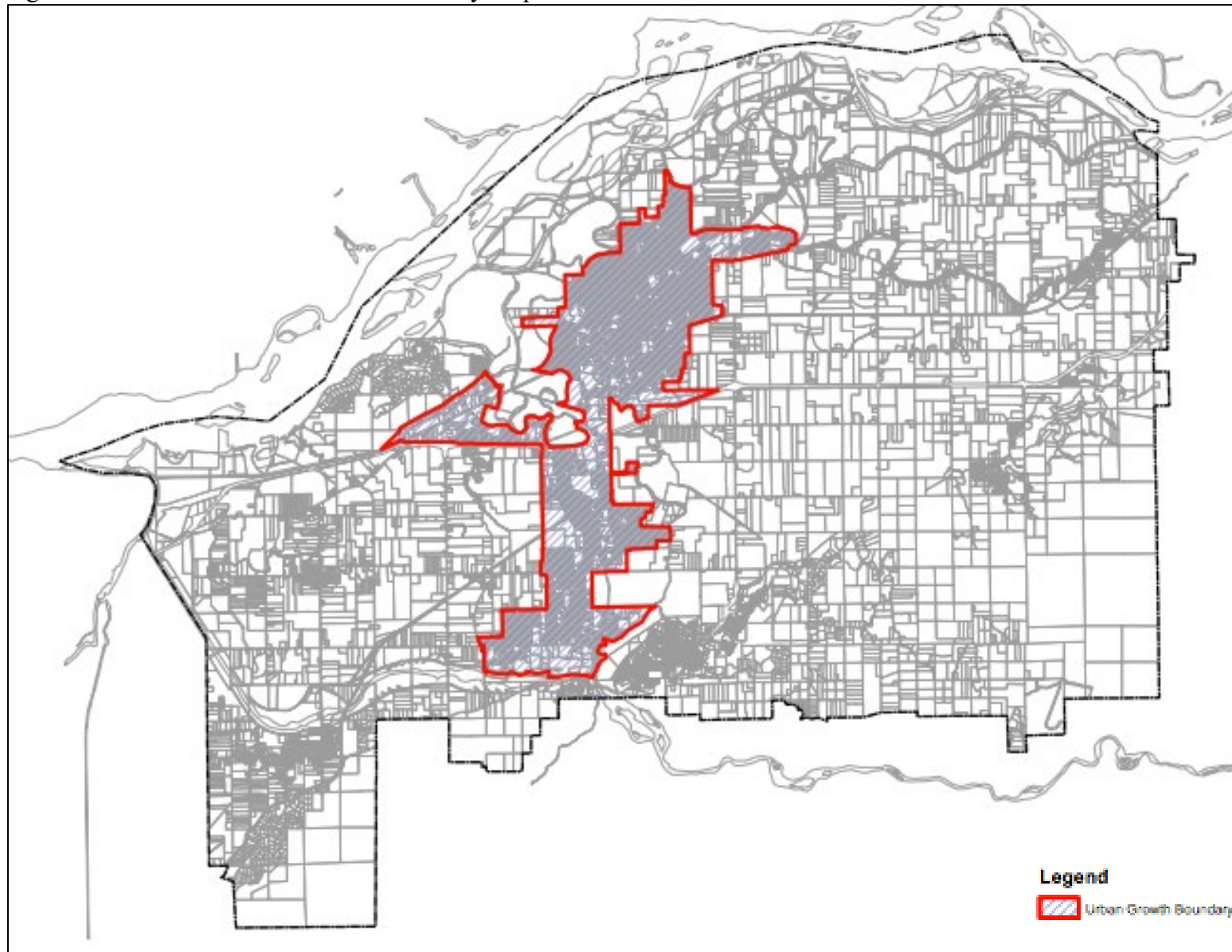
Source: City of Chilliwack OCP

Figure 3. Agricultural Land Reserve (ALR), Chilliwack, BC



Source: City of Chilliwack OCP

Figure 4. Chilliwack Urban Growth Boundary Map



Source: Source: City of Chilliwack 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 Chilliwack's legislative framework for maximising stability is very strong. The ALR is recognised as an effective land use zone that protects agricultural land while containing urban growth. A priority for the City is to strengthen the agricultural sector is to protect the urban-farmland interface. The first objective of the OCP, under Goal 1- Manage Growth Responsibly, states, "Protect agricultural land by clearly establishing how and where future urban growth will occur." Another strong statement is under Goal 2- Strengthen Agriculture, which states, "Protect viable, high quality, productive farmlands and the integrity of the Agricultural Land Reserve, especially on the Fraser Valley floor." The first paragraph under the Strengthen Agriculture goal is also very strong, emphasising the importance of agriculture and the ALR and how they have helped to shape the City.

Furthermore, the City adopted its Agricultural Area Plan (AAP, 2012) as Schedule D3 of the OCP, thus making the AAP, which presents a clear commitment to protecting agricultural land, part of the City's legal basis for land use planning. The OCP states directly that the City will implement the AAP. Strategy Two: Industry Sustainability of the AAP is called the "Protection of Agricultural Land," with the stated objective, "To protect agricultural land for agricultural uses."

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 City of Chilliwack is rated strong in integration across jurisdictions. The OCP includes a few examples of integration with references to the *Agricultural Land Commission (ALC) Act* and *Local Government Act*; as well as some mentions of working with different agencies. One particularly strong statement for integration is in Goal 2- Strengthen Agriculture under the "Implement the Agricultural Area Plan" Policy. It states that the City will,

Work with the ALC (Agricultural Land Commission), Provincial agencies, the University of the Fraser Valley, Chilliwack Economic Partners Corporation and industry stakeholders to implement and monitor the Agricultural Area Plan and to address issues facing the agricultural community.

This commitment to integrating priorities is strengthened by seven different policy statements (Policies 1 a. through g).

The OCP is also details about how it is consistent with Regional and Provincial legislation (under the Regional and Provincial Planning section of Plan Context). For example, the OCP states, "the provincial Agricultural Land Commission Act and the Agricultural Land Reserve dictate where development can or cannot take place; essentially they define our urban growth boundaries and urban

form and structure.” Although the Regional Context Statements in the OCP (Schedule A) are not detailed, the statements demonstrate that the OCP aligns well with the goals of the RGS.

The AAP works to strengthen an already strong foundation of integration, with detailed sections called the “National Agricultural Policy Framework” and “Provincial Agricultural Policy.” These sections include references to the federal Growing Forward program and to the province’s *ALC Act*, *Farm Practices Protection (Right to Farm) Act*, the *Local Government Act*, and the *Land Title Act*. The AAP also refers to the *Trespass Act*, *Agricultural Waste Control Regulation*, *Open Burning Smoke Regulation*, and the BC Living Water Smart Plan.

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.

Chilliwack is rated weak in minimising uncertainty, which undermines the overall strength of the legislative framework. The strong language found in the OCP and throughout the AAP is undermined by weaker and ambiguous statements in other areas of the OCP, which contributes to inconsistency within the framework, especially between the AAP and OCP. Significant factors that contribute to uncertainty are the Urban Growth Boundary (UGB) (Figure 4) and its relation to what is referred to as the “urban corridor.” While the designation of a UGB is a very important planning tool that reduces uncertainty, the boundary in Chilliwack is not doing what a UGB is usually intended to do. That is, the UGB appears to be the core area to direct urban development, but not to contain it, per se.

The ambiguity of the UGB is heightened by frequent references to the City’s “urban corridor.” However, there is no specific policy that clearly defines this corridor or a map that delineates the area. The clearest indication of this corridor appears on page 62 of the OCP, where it states, “These designations [for the Vedder centre] reflect the urban corridor concept that is framed by the three main north-south traffic routes, Vedder Road, Evans Road and Chilliwack River Road.” This description of the urban corridor corresponds with Map 17F (reproduced as Figure 2, above). If this map accurately depicts the urban corridor then there is a significant discrepancy between the corridor and the UGB. From a farmland protection perspective, we can then see an important distinction between agricultural land in Rural Areas (Figure 2) and agricultural lands within the urban corridor. In addition, there is a DPA called the “Development Permit Area 5- Urban Corridor Form and Character”; however, the purpose of this DPA is to regulate multi-family and commercial development along major thoroughfares. This use of the term is not consistent with other uses. On the other hand, our interpretation of the “urban corridor” lends insight to the OCP’s goal to protect the urban/farmland interface, as these interface areas are not defined explicitly in the OCP.

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.

Chilliwack’s framework for protecting agricultural land is rated moderate in accommodating flexibility. Flexibility is accommodated by Chilliwack’s zoning designations. There are seven different types of agriculture-related zones, each of which is quite detailed. The seven zones are Agriculture

Lowland, Agriculture Upland, Agriculture Small Lot, Agriculture Residential, Agriculture Residential-Accessory, Agriculture Commercial, and Agriculture Food Processing.

The City has a Development Permit Area (DPA) relating to agriculture known as “Development Permit Area 9- Farm Home Plate”. While it is quite detailed, it only relates to one specific agricultural concern (regulating residential development on agricultural land) and does not regulate other concerns like roads through the ALR and urban-rural conflicts through tools like covenants, and buffering. There is a policy under the Strengthen Agriculture goal of the OCP that states, “Through the development process, facilitate the installation of green buffers between potentially competing urban and rural uses in accordance with ALC guidelines.” However, a lack of detail regarding buffering and edge planning undermines policies that accommodate flexibility. Specific neighbourhoods, such as the Chilliwack Proper, Sardis, and Vedder, are areas that can be impacted by a lack of buffering and edge planning. Roads appear to stop abruptly at the ALR, with no edge planning or buffering in place.

The City has the Agricultural & Rural Advisory Committee (ARAC) that provides a voice for agriculture in local government, especially in the context of land use decisions. In addition to the ARAC, Chilliwack also has the Chilliwack Agricultural Commission (CAC), which is a part of the Chilliwack Economic Partners Corporation (CEPC).

Table 1. City of Chilliwack, 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) Economic Strategy for Agriculture in the Lower Mainland (2002) 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>City of Chilliwack Land Use Inventory (2012) City of Chilliwack Agriculture in Brief (n.d.)</p>	<p><i>Official Community Plan</i> <i>(Bylaw No. 4025, 2014)</i> (includes <i>Schedule D3: Agricultural Area Plan</i>) <i>Zoning</i> <i>(Bylaw No. 2800, 2001)</i></p>	<p>City of Chilliwack Agricultural & Rural Advisory Committee Chilliwack Agricultural Commission</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]