

Assessment of Local Legislative Framework for Protecting Farmland Coquitlam, British Columbia

July, 2017

SUMMARY

The overall strength of the legislative framework for protecting farmland in the City of Coquitlam is **moderate**. The City has a limited agricultural land base that enables them to protect this land, but does so without extensive policies. A clear intent to protect agricultural land supports agricultural development while also managing benefits (wildlife habitat) and impacts (runoff) through “environmentally sensitive” policies. 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
Coquitlam, BC	***	***	***	**

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

ABOUT THE SITE

The City of Coquitlam is located in the central northern area of the Metro Vancouver Regional District (MVRD), British Columbia (BC) (Figure 1). Overall, the city is heavily urbanised with a population of 139,284 (Canada Census 2016). Based on projections presented in the OCP, the City’s population is expected to grow to 224,000 by 2041, an increase of 60%. The number of dwelling units is expected to grow by almost 100% over the same period. This urban development is guided by design principles of creating compact, complete neighbourhoods that, for Coquitlam, direct future growth to existing neighbourhood and development focal points while also improving its jobs to labour force ratio. Overall, there is a high level of demand for urban development on a diminishing undeveloped land supply within the City.

The only neighbourhood with agriculture is the Northeast Area (Figure 3), with the extent of Agriculture Land Reserve (ALR) lands shown in Figure 4. This area is expected to accommodate about 20% of the City’s population growth over the next twenty years. ALR land within the City comprises 823 hectares, which is about 7% of the City’s total land area (12,308 ha) and 1.3% of ALR in the MVRD. This small agricultural sector is mainly blueberry cultivation located along the Pitt River.

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 Agriculture Land Reserve (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*.

The MVRD provides an additional layer within the legislative framework. The combination of Regional Growth Strategy, Regional Food System Strategy, and Regional Food System Action Plan are the cornerstones for a very strong policy focus on farmland protection. These documents support a clear commitment to farmland protection in conjunction with Urban Containment Boundaries for all of its member municipalities.

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.

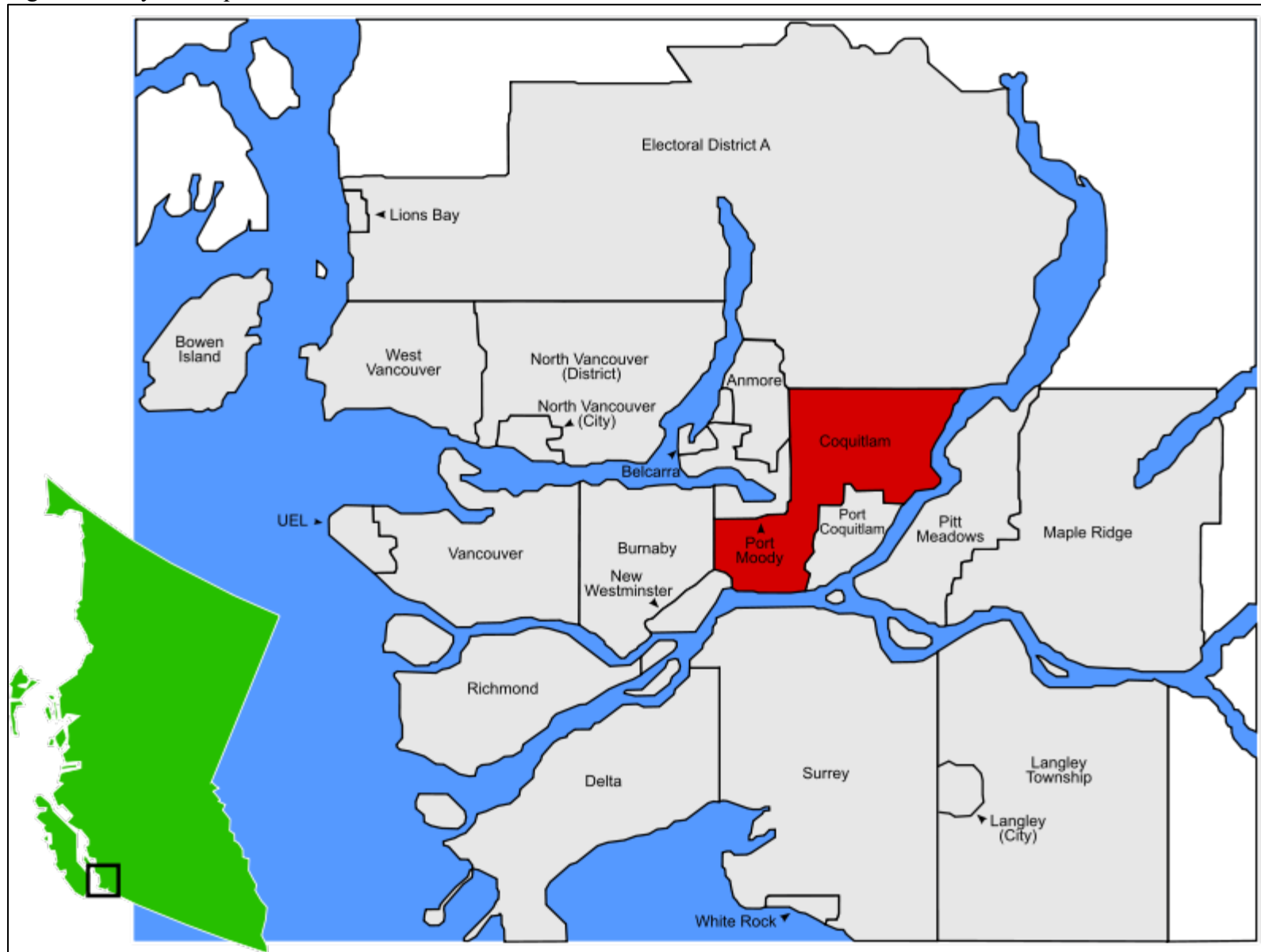
The City of Coquitlam received a moderate rating for maximising stability. The overall goal is to have a livable City with an assortment of land uses while also recognising and protecting agricultural land. The development issue, as defined in the OCP, is “to balance both cultivation and habitat needs.” Thus, the City encourages that the agricultural sector uses the best practices to minimise contamination of the local environment from fertilisers and pesticides. For these purposes, Coquitlam has directed all future development outside of the ALR to preserve ecological and agricultural integrity.

Protecting ALR lands is an explicit “major component” of the overall development concept for the City, which is “Protection of lands within the Agricultural Land Reserve for agricultural uses.” The main city-wide objective is, “To ensure the continued viability of Coquitlam agriculture while providing for its positive contribution to Coquitlam’s overall ecological health.” This objective is supported by general policies to promote the continued farming of existing agricultural lands and uphold current agricultural land use designations. More detailed policies are provided in the Northeast Coquitlam Area Plan, a sub-plan of the OCP. The Area Plan designates Agricultural lands under the same development concept to protect ALR land for agricultural uses. Policy A-8.1, which covers land uses within the ALR, states that these lands “shall continue to be preserved for agricultural uses and practices or other land uses which are consistent with the intent of the Agricultural Land Reserve Act and the Farm Protection Act.”

In support of the agricultural sector, Coquitlam will continue to strengthen the agricultural sector by working with local and provincial governments to develop proper irrigation, drainage and dyking systems to sustain agriculture in the area. As per Policy A-8.4 of the OCP, the City also recognises that large land holdings and discouraging fragmentation of parcels are important to strengthening the agricultural sector.

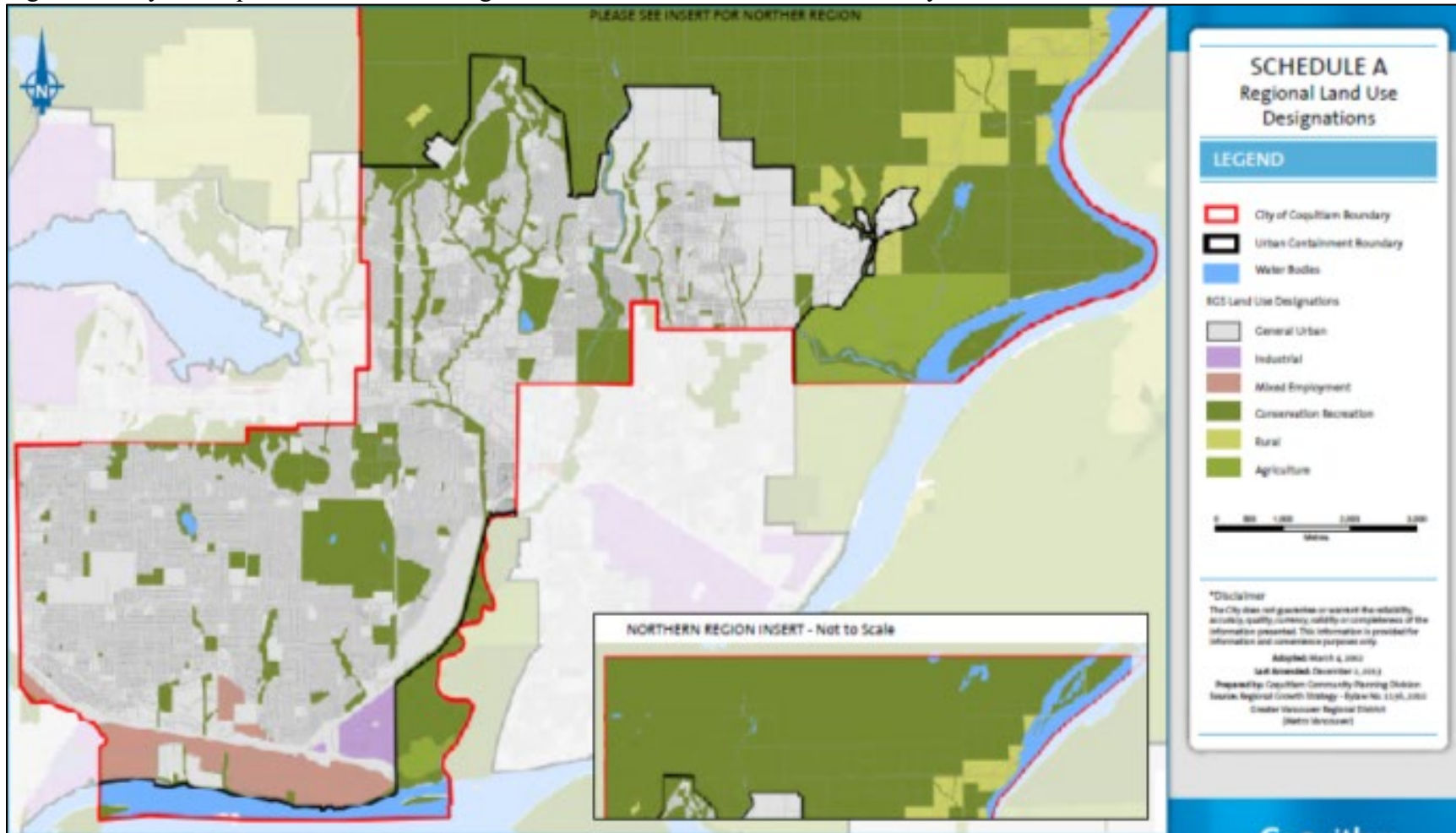
Rapid Assessment: Coquitlam, British Columbia

Figure 1. City of Coquitlam location in Lower Mainland



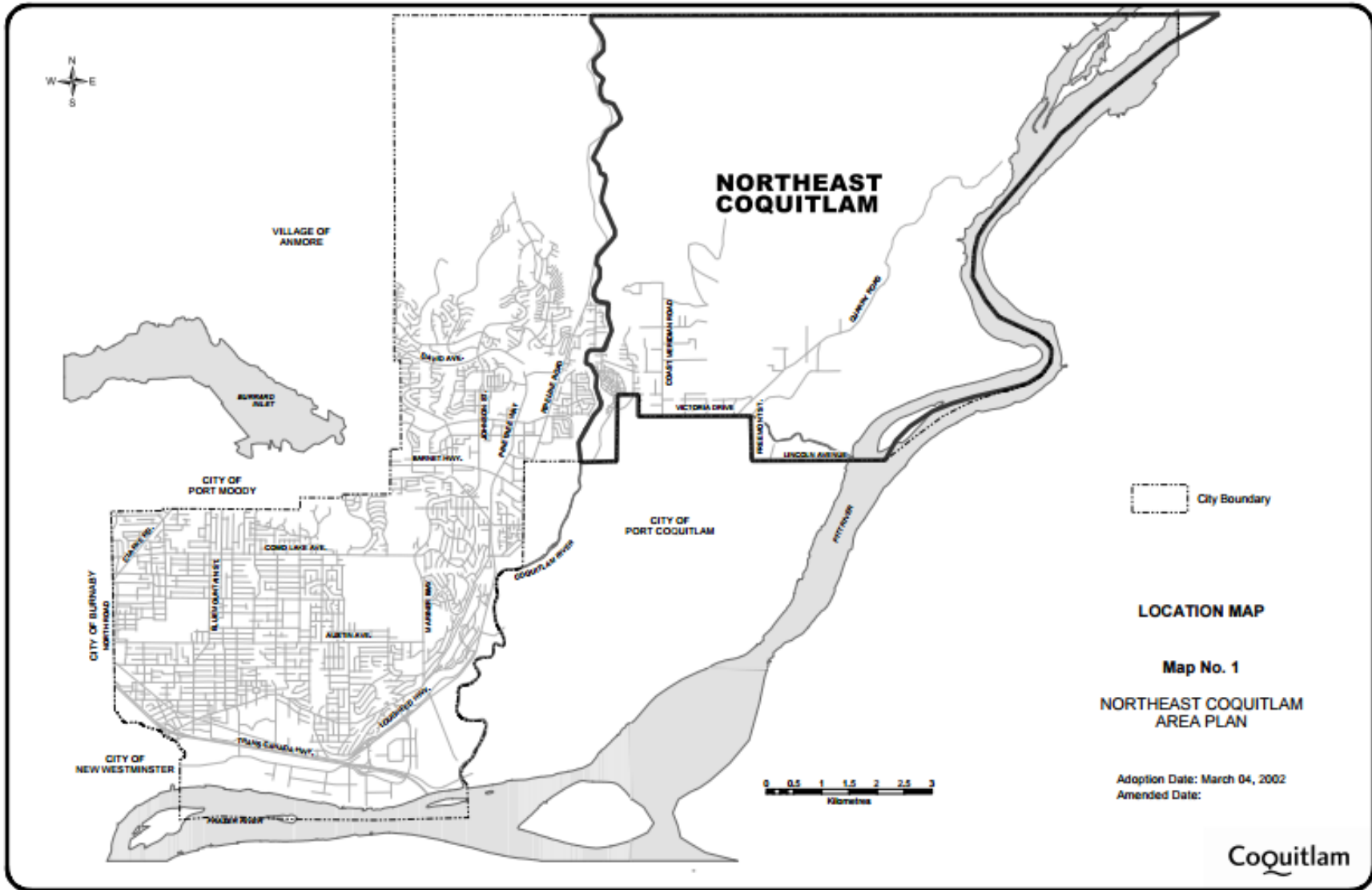
Source: Wikipedia

Figure 2. City of Coquitlam Land Use Designation and Urban Containment Boundary



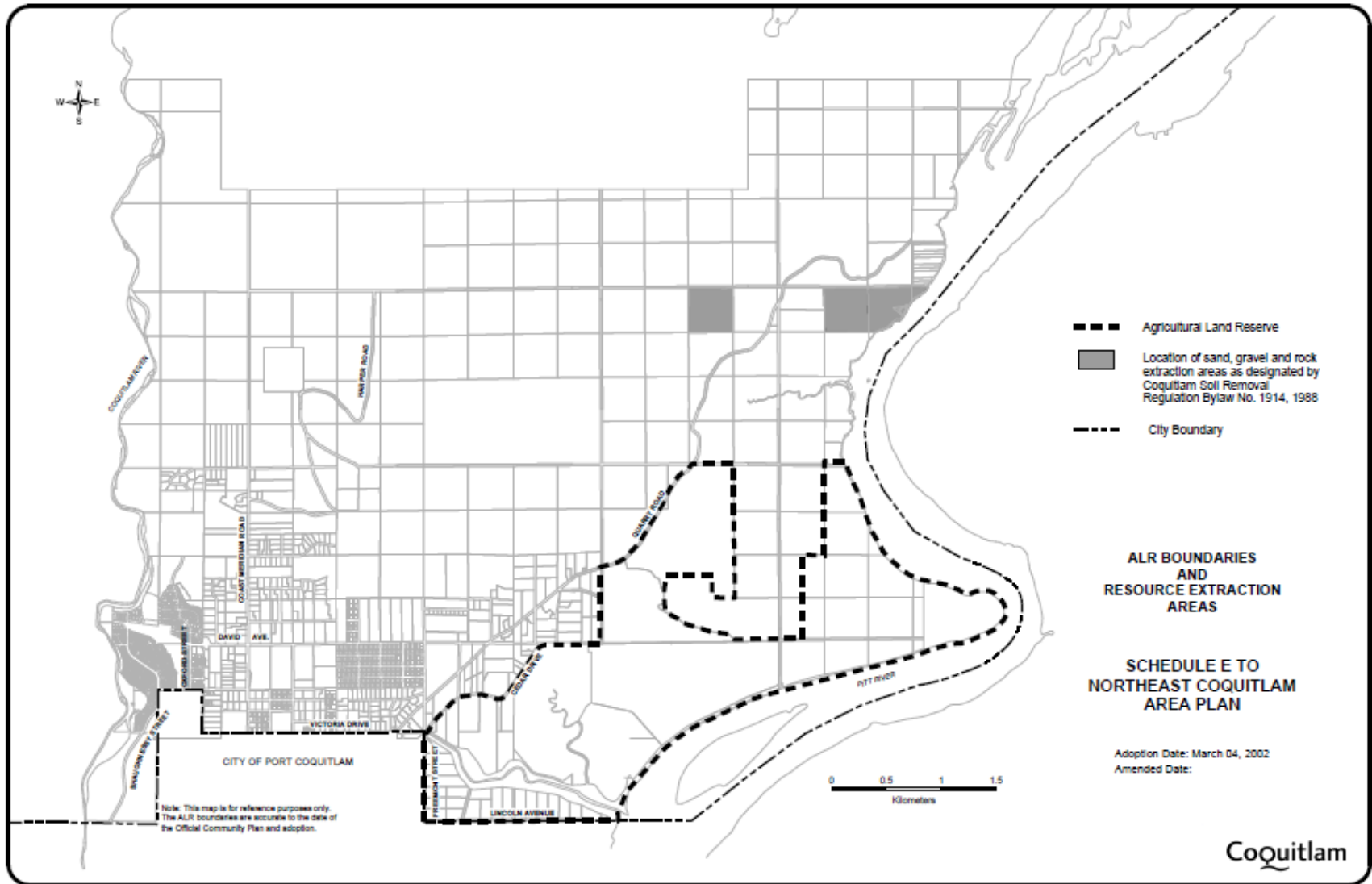
Source: City of Coquitlam, 2013

Figure 3. City of Coquitlam Northeast Neighbourhood Plan



Source: City of Coquitlam, 2002

Figure 4. City of Coquitlam ALR Boundary



Source: City of Coquitlam, 2002

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.

Coquitlam received a moderate rating for integrating priorities across jurisdictions. The City refers to the *Farm Practices Protection (Right to Farm) Act* and the *ALC Act* in the OCP a few times but without details. The OCP also mentions the need to work with the ALC to develop appropriate policies. As required, the OCP also includes “regional context” statements that demonstrate how the City’s policies align with and support the Regional Growth Strategy (RGS). These statements meet minimum requirements but provide few details. The OCP also identifies the Ministry of Agriculture as a partner to encourage environmentally sound agricultural practices within in the city.

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.

Coquitlam received a moderate rating for minimising uncertainty. The most significant policy tool that reduces uncertainty about future uses of agricultural land is the City’s Urban Containment Boundary (UCB), which was established by the RGS of the MVRD. The policies of the OCP uphold the integrity of the UCB and ensure that policies do not encroach on ALR lands. However, not all ALR lands are designated as an Agricultural use; some ALR land is designated as Parks and Recreation and Environmentally Sensitive Area. The absence of policies, such as homeplate requirements, that discourage alienation arising from non-farm uses also expose agricultural lands to uncertainty. The designation of Quarry Road, which runs adjacent to ALR land, also contributes to uncertainty, although this portion of the ALR is designated as Parks and Recreation.

The city also considers agricultural land to be of ecological significance. One stated objective is to “Support the continued role of agricultural lands for supporting migratory birds such as raptors and waterfowl” by promoting habitat enhancements and the preservation of open green space at Colony farm; and investigating the feasibility of various land trust activities.” This objective diversifies what agricultural means and may contribute to uncertainty about agriculture as the primary use of ALR lands.

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 Coquitlam received a weak rating for accommodating flexibility. Policy A-8.3, which covers land uses adjacent to agriculture areas, provides a very general statement that “development of properties adjacent to the ALR shall be evaluated in terms of their compatibility with agricultural land. Criteria such as land use, density, road layout, storm water runoff, traffic generation and crop and livestock protective measures will be examined.” However, in the agricultural land use policies, there is no specific reference to the use of buffers to mitigate impacts on farm uses or rural-

Rapid Assessment: Coquitlam, British Columbia

urban conflict. There is only a brief mention of buffers for managing impacts of residential development on adjacent lands. The OCP notes that it is unlikely for development to occur next to agricultural land as the majority of agricultural land has protected conservation and nature reserves adjacent to it and acts as a buffer from urban development.

A few policies are designed to accommodate urban development outside of the UCB and village areas without impacting ALR lands. The Northeast Coquitlam Area, which is the area that contains agricultural lands, is acknowledged as having a fragmented land ownership pattern. Further development is permitted but only “provided that it does not impede the ultimate land use and development pattern envisioned by the plan,” which, presumably, includes protection of ALR lands. Lower density suburban development is permitted in areas that have natural constraints, such as steeper hillsides and higher elevations. Rural residential development is permitted at the periphery in areas that are not expected to fully serviced within twenty years.

Policy A-6.10, which covers golf courses, accommodates this non-farm use on agricultural land outside of the ALR. Although this non-farm use does not support agricultural activities in the City, the policy states that “No portion of a golf course shall contain Class 1, 2 or 3 soils under improved conditions (drained or irrigated)” and that “Non-agricultural lands shall be the preferred location of golf courses.” These conditions help to accommodate golf course uses while minimising impacts on agricultural lands.

The City does not have an Agricultural Advisory Committee or documents such as an agricultural plan, agricultural area plan, or Development Permit Areas (DPA).

Rapid Assessment: Coquitlam, British Columbia

Table 1. City of Coquitlam, 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>Metro Vancouver Regional Food System Strategy (2011)</p>	<p><i>Metro Vancouver Regional Growth Strategy (Bylaw No. 1136, 2010)</i></p>	<p>Metro Vancouver Agricultural Advisory Committee (AAC)</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><i>City of Coquitlam Official Community Plan (Bylaw No. 3479, 2013)</i> <i>Northeast Neighbourhood Plan (Bylaw No. 4415, 2014)</i> <i>City of Coquitlam Zoning Bylaw No. 3000, 1996</i></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]