

**Assessment of Local Legislative Framework
for Protecting Farmland
Fraser Valley Regional District, British Columbia
July, 2017**

SUMMARY

The Fraser Valley Regional District’s (FVRD) legislative framework for the protection of agricultural land is **somewhat weak**. The FVRD is concerned about negative impacts of future growth on the agriculture sector but has no clear commitment to protecting agricultural land. To the contrary, the FVRD has an interest in using agricultural lands for urban development. It must be noted that the Regional Growth Strategy (RGS) is dated, originally approved in 2004. The RGS is presently under review. 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
Fraser Valley Regional District, BC	**	**	**	**

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

ABOUT THE SITE

The FVRD is located in southwestern British Columbia (BC) (Figure 1). Although the FVRD comprises of 13,335 sq km, most of it is mountainous with development limited to valley bottoms. About 90% of the population resides in an area less than 1% of the total land, and mostly in the Fraser River valley. With a current population of 295,934 (Canada Census, 2016), the region grew by 6.6% (18,341 residents) since 2011. Much of the FVRD’s population growth is confined to its two largest municipalities, Chilliwack and Abbotsford. Abbotsford, the largest city in the region, grew by 7,900 people between 2011 and 2016; while Chilliwack grew by 7,630 people. The growth seen in these municipalities, as well as in the District of Mission, was much more substantial than the growth seen in the smaller municipalities and Electoral Areas found throughout the FVRD. In the 2004 RGS, the growth pressure was described as “extreme.” Today, the demand for urban development remains high.

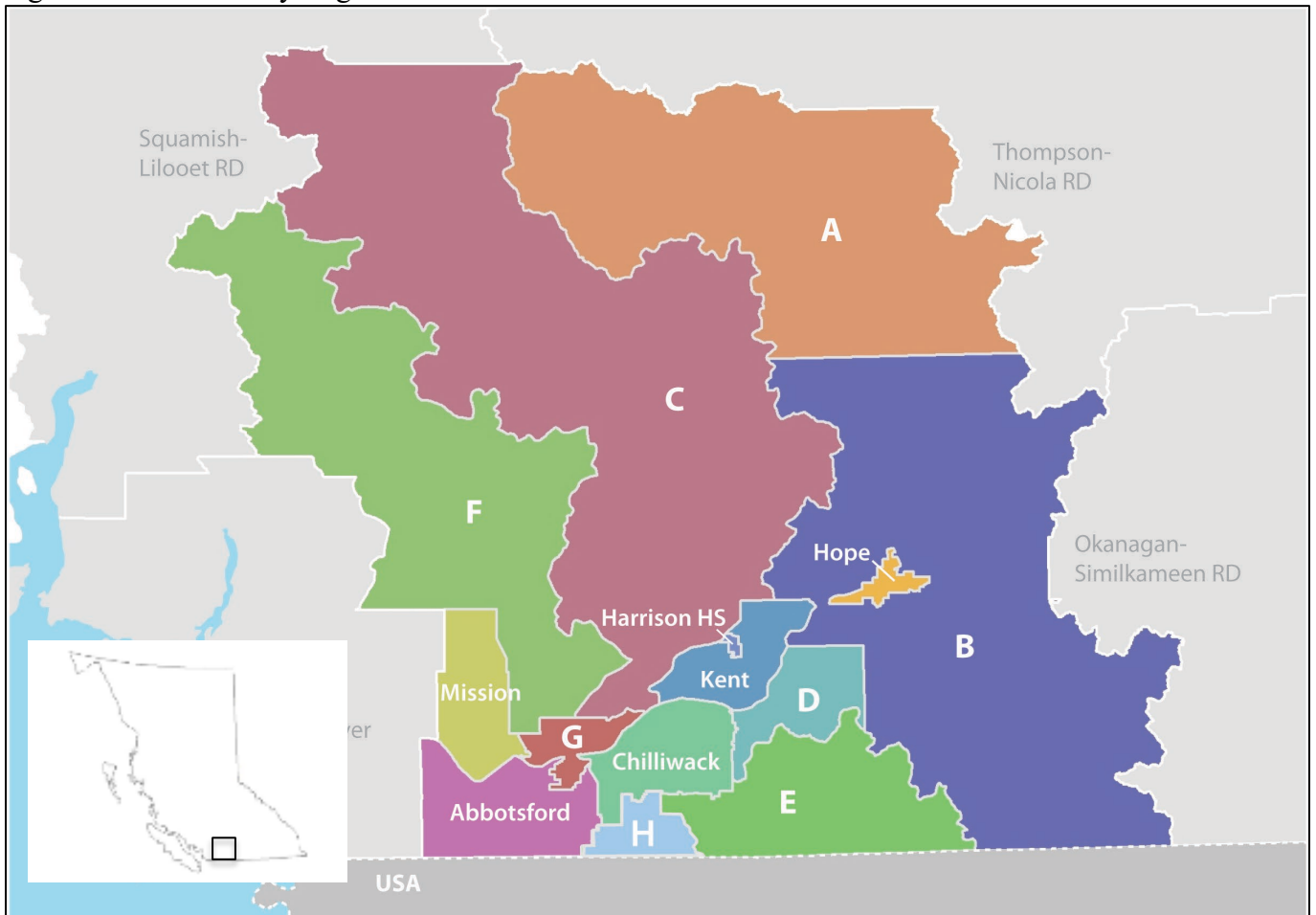
Agriculture in the FVRD is considered one of the most productive in Canada. Based on Census of Agriculture 2011 data, total gross farm receipts in the FVRD was \$1.12 billion. Considering this region is home to only 1.6% of BC agricultural land base, this is a very productive area. Most of the agricultural land base, over 71,000 hectares (Figure 2), consists of large farming landscapes with limited fragmentation. Main agricultural production consists of fruit berry cultivation, pastures, livestock, dairy, vegetables, greenhouse production and mushroom farms.

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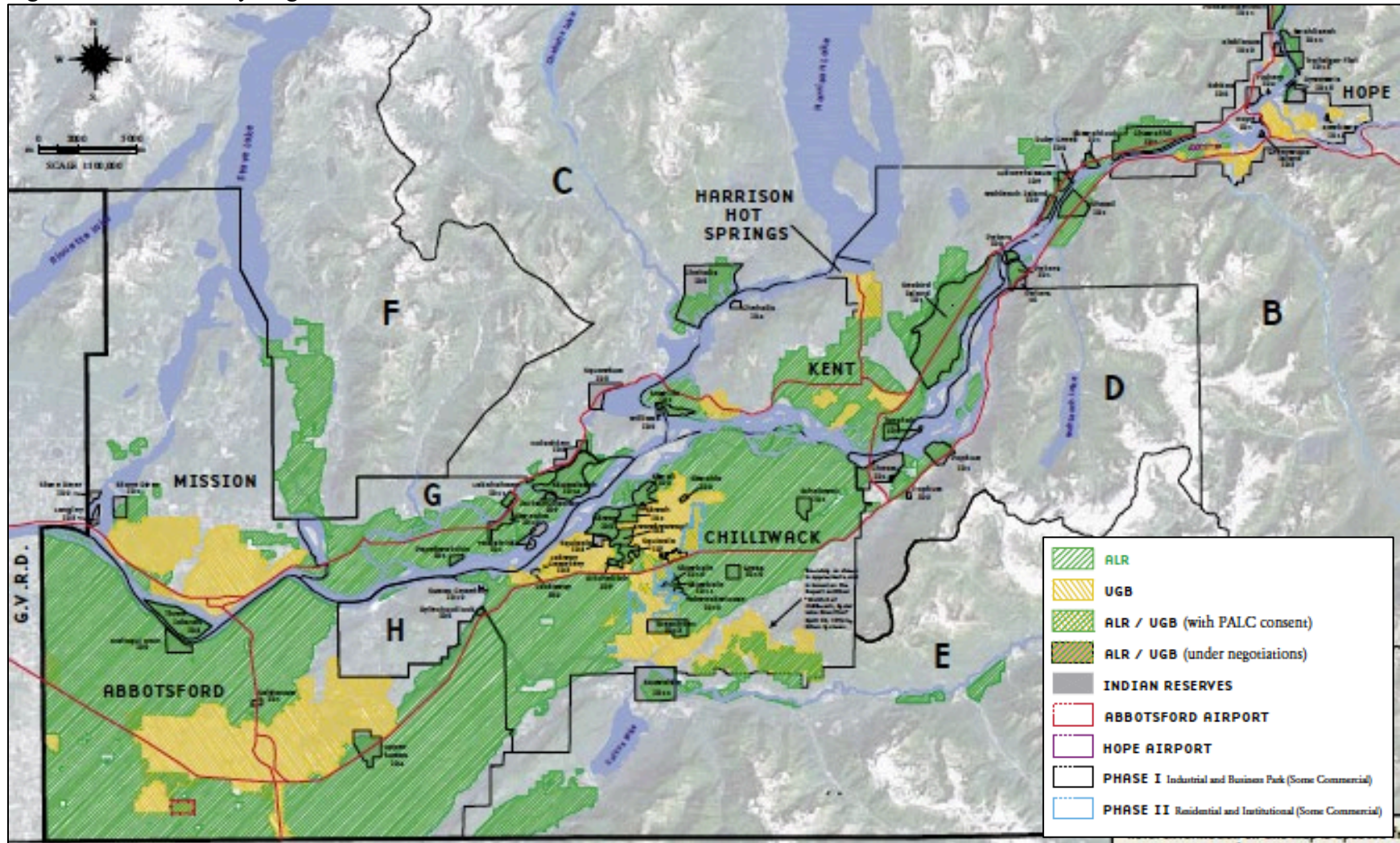
The legislative framework for protecting farmland in BC is very strong. The *Agricultural Land Commission (ALC) Act*, enacted in 1973 with major revisions in 2002 and 2014, established the ALR and the ALC. The ALC is a quasi-judicial tribunal that is responsible for implementing the Act with a clear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



Source: Fraser Valley Regional District

Figure 2. Fraser Valley Regional District: ALR and Urban Growth Boundaries



Source: Fraser Valley RGS

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 FVRD is rated weak in maximising stability. Most importantly, there is no direct statement about protecting agricultural land. Although the over-arching Vision refers to “protecting the land resource and the natural environment to ensure that a high quality of life is accessible to all,” it is not clear that the intent is to protect agricultural lands. The stated goal to “support and enhance” the agricultural sector is weaker than the language of other goals to “protect” the natural environment and “protect” recreational lands. Elsewhere, the RGS refers to “protect” access to industrial and business park lands. Furthermore, as part of the discussion about agriculture goals, the FVRD emphasises the need to accommodate urban development for the increasing population at the expense of agricultural land for agricultural uses.

The strongest terms for protecting farmland relate to mitigating impacts. As part of the goal to Support and Enhance the Agricultural Sector, the FVRD recognises the conflict between population growth and the importance of the agricultural sector. In this context, the FVRD states, “future growth must not negatively impact the agriculture sector.” This point is not a goal or objective; rather, the point is part of the background information, and therefore, not very strong.

In addition to the RGS, the region also has two Economic Strategy documents. The first, the Economic Strategy for Agriculture in the Lower Mainland, includes the Metro Vancouver Regional District (MVRD) and FVRD. While this is a comprehensive document, it is outdated, produced in 2002. The second document is the Agricultural Economy in the Fraser Valley Regional District from 2011, which is a background document on agriculture in the region.

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.

Integration across jurisdictions is rated weak in the FVRD. The most direct statement of integration is in Action 2.6, which states, “In cooperation with local governments, the provincial government and other stakeholders, enhance public awareness of agricultural activities and the role of agriculture in the community.” Other than a few vague mentions of co-operation and the recognition of the Agricultural Land Commission (ALC); there is little integration between regional and provincial legislation. No relevant Acts were referenced in the RGS; however, the Agricultural Economy in the Fraser Valley Regional District does mention both the *Farm Practices Protection (Right to Farm) Act* and the *ALC Act*. Horizontal integration is also minimal, with only a couple of references to the regional Economic Strategy for Agriculture in the Lower Mainland. This Strategy does create integration between MVRD and FVRD. However, this strategic plan is very outdated. While a regional Agricultural Advisory Committee (AAC) is mentioned in the RGS, this committee no longer exists.

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 Fraser Valley Regional District is weak in minimising uncertainty. There are several factors contributing to this uncertainty; however, the most notable is an overall lack of consistency between statements that support agriculture as a goal for the Regional District and the absence of direct statements to protect the agricultural land base. This inconsistency is more problematic given several important open-ended statements. For example, the RGS Action 2.7 in the agriculture section states, “Encourage the development of a long-term strategy that will balance the need for stable, long-term Agricultural Land Reserve boundaries with the need for additional land to support employment growth in all sectors, including agriculture, and the need for contiguous urban development.” Similarly, the RGS states,

While the RGS recognizes the importance of agriculture, and the need for stable, long-term agricultural boundaries, it also recognizes the challenges facing urban communities to remain self-sufficient. Self-sufficiency will require the allocation of additional land for community and general employment use, including lands for agri-business enterprises such as food processors, suppliers, and farm support services. For this reason, the FVRD and member municipalities will work with the PALC [Provincial Agricultural Land Commission] and other stakeholders to develop innovative approaches that address urban land requirements without compromising the intent of the Agricultural Land Reserve.

Furthermore, in Appendix 2 Growth Management Tools, the RGS states,

Although the ALR in the past has defined and shaped the valley communities, it also limits opportunities to plan for contiguous urban growth pattern. ALR boundaries and the Fraser River floodplain are forcing development to the hillsides, resulting in increased servicing costs and development in some of the most environmentally sensitive and topographically challenging areas of the region.

These statements expose agricultural land to non-farm development, thus creating uncertainty about their future uses. At the same time, the RGS (Action 2.2) expresses a general concern about the effects of agricultural intensification on surrounding land uses.

The recognition of Urban Growth Boundaries (UGB) helps to minimise uncertainty. However, these boundaries were set by the FVRD’s member municipalities. There are no overarching regional guidelines for the UGBs.

Another factor contributing to uncertainty is Action 2.3 in the agriculture section stating that they will “Address agriculture-related transportation issues in regional comprehensive transportation initiatives, Official Community Plans, and Area Plans.” Looking more closely, there are no regional Area Plans (the City of Chilliwack does have an Agricultural Area Plan but it is not a regional document). Furthermore, FVRD has two Transit Future Plans, one for Abbotsford and Mission, and another for the Chilliwack Area. While the Abbotsford and Mission Plan only mentions the ALR once, the Chilliwack Area Transit Plan does state that they respect the boundaries of the ALR throughout the document. Regardless, neither of these documents (nor the RGS) seem to clearly state that they will not build roads through the ALR or that there are any restrictions on this.

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 Fraser Valley is rated weak in accommodating flexibility. Flexibility is accommodated slightly by the FVRD's continuous recognition of the need to balance both urban development and agricultural land; however, the amount of uncertainty that is created by these statements has resulted in a reduction in flexibility rather than an increase. While there are UGBs in place to contain development, it is unclear how these boundaries relate to agricultural land. The map of the UGBs in the RGS (Figure 2) shows a significant amount of overlap between the UGB and the ALR. Furthermore, the only statement that mentions buffers is in Action 3.7 under "Manage Urban Land Responsibly," which states, "Support Actions that reduce conflict along the urban/agriculture interface." This acknowledges flexibility; however, it is vague. Finally, although a regional Agricultural Advisory Committee (AAC) is mentioned in the RGS, it does not appear that there is an active AAC. This reduces flexibility because there is no regional body to advise on agricultural issues in land use decisions.

Note

The 2004 RGS is currently under way by FVRD. A draft of the new RGS is available online but was not used in this evaluation. The draft RGS does not have significant changes regarding agricultural land protection.

Rapid Assessment: Fraser Valley Regional District, BC

Table 1. Fraser Valley 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>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 (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</p> <p>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]