

## Assessment of Local Legislative Framework for Protecting Farmland Maple Ridge, British Columbia July, 2017

### SUMMARY

The City of Maple Ridge’s local legislative framework for farmland protection is **moderate**. While Maple Ridge has a broad set of agricultural policies, these policies focus more on environmental management, heritage, and economic development than on land use planning for agriculture. This perspective on agriculture reflects what can be viewed as more of an urban perspective on farming rather than a farmer’s perspective. Furthermore, the language in the policies is only moderate, with a significant level of uncertainty within the framework. 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

	Maximise Stability	Integrate Across Jurisdictions	Minimise Uncertainty	Accommodate Flexibility
<b>Maple Ridge, BC</b>	***	***	**	***

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

### ABOUT THE SITE

The City of Maple Ridge is located in southwest British Columbia (BC) and is a member of the Metro Vancouver Regional District (MVRD) (Figure 1). Like the rest of Metro Vancouver, Maple Ridge is experiencing rapid population growth and a high demand for urban development that puts significant pressure on the agricultural land base. In 2010, 14% (3,784 ha) of Maple Ridge’s total land base was in the Agricultural Land Reserve (ALR) (Metro Vancouver, 2010), with only 35% of the ALR actively farmed and 27% of farms located outside of the ALR (OCP). Ninety percent of the ALR lands are classed as prime farmland (improved land CLI Classes 1, 2, and 3) (Agricultural Area Plan), which makes agriculture an important land use in the City. However, the City’s Agricultural Area Plan (AAP) prepared in 2009, identified the loss of farmland, rural residential incursion, and decline of agricultural infrastructure as some of the key issues for the sector. Consequently, the agricultural land base is fragmented with a significant number of small lots and potential for urban-rural conflict. Some of the current situation is due to land use zoning that existed prior to the ALR being established, whereby ALR land is zoned for rural and suburban residential uses. Agriculture in the area is quite diverse ranging from greenhouses; dairy, poultry, sheep, goat, and cattle farms; horses, hay, and pastures; and fruit and vegetable farms.

The demand for urban development in the City is very high. At 82,256 people in 2016 (Canada Census 2016), Maple Ridge’s population has more than doubled over the past 30 years (City of Maple Ridge, 2014). This number is expected to reach 108,900 by 2031, a 33% increase. The City says that a

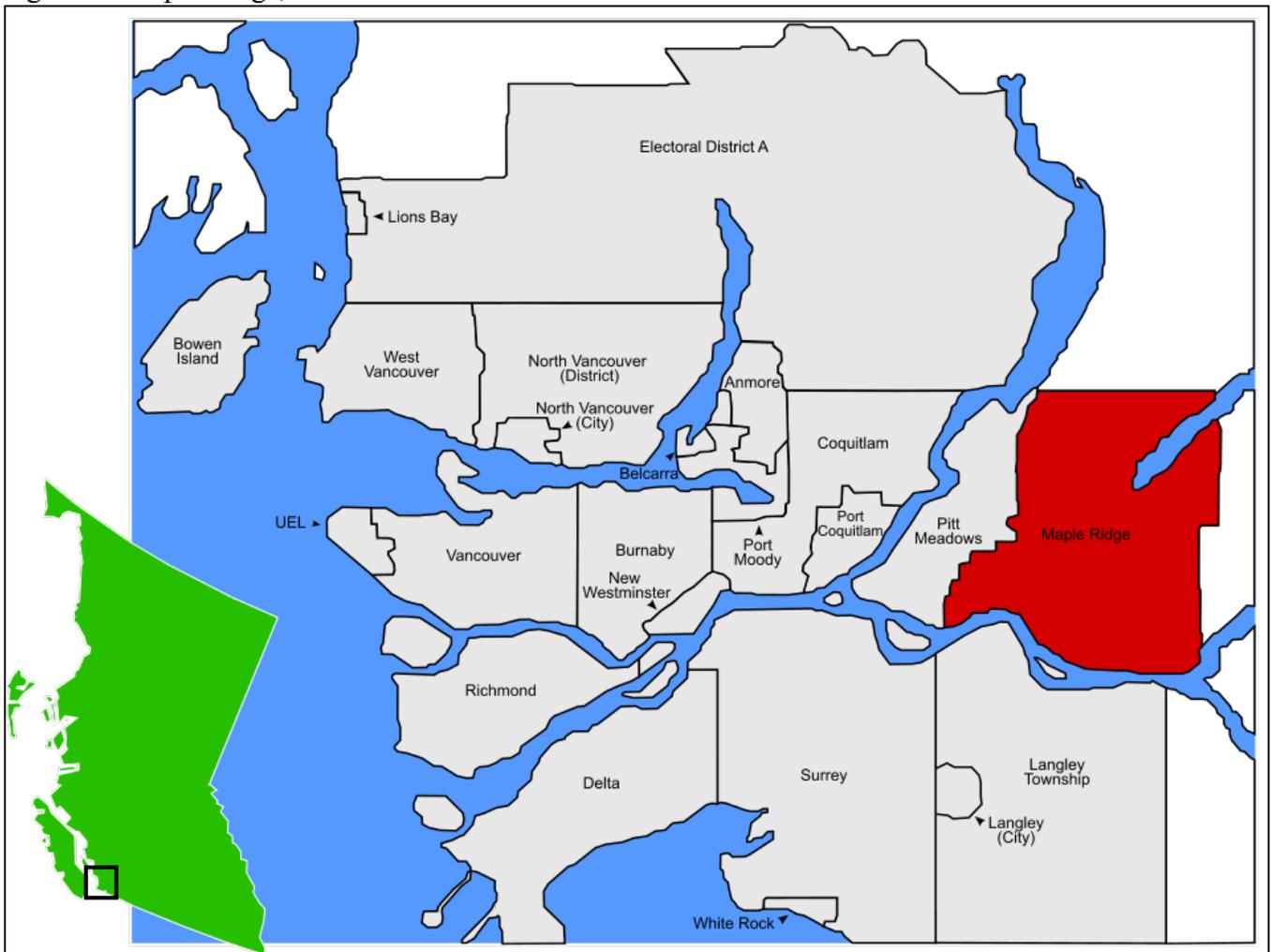
## Rapid Assessment: Maple Ridge, BC

trend of declining household sizes means that the demand for housing will increase, even if the rapid population growth they have been experiencing does subside. Mountainous terrain in the north and areas of floodplain constrict possible areas of development.

The MVRD provides a layer within the legislative framework between Maple Ridge and the province. 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 (UCB) for all of its member municipalities.

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 Agricultural 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*.

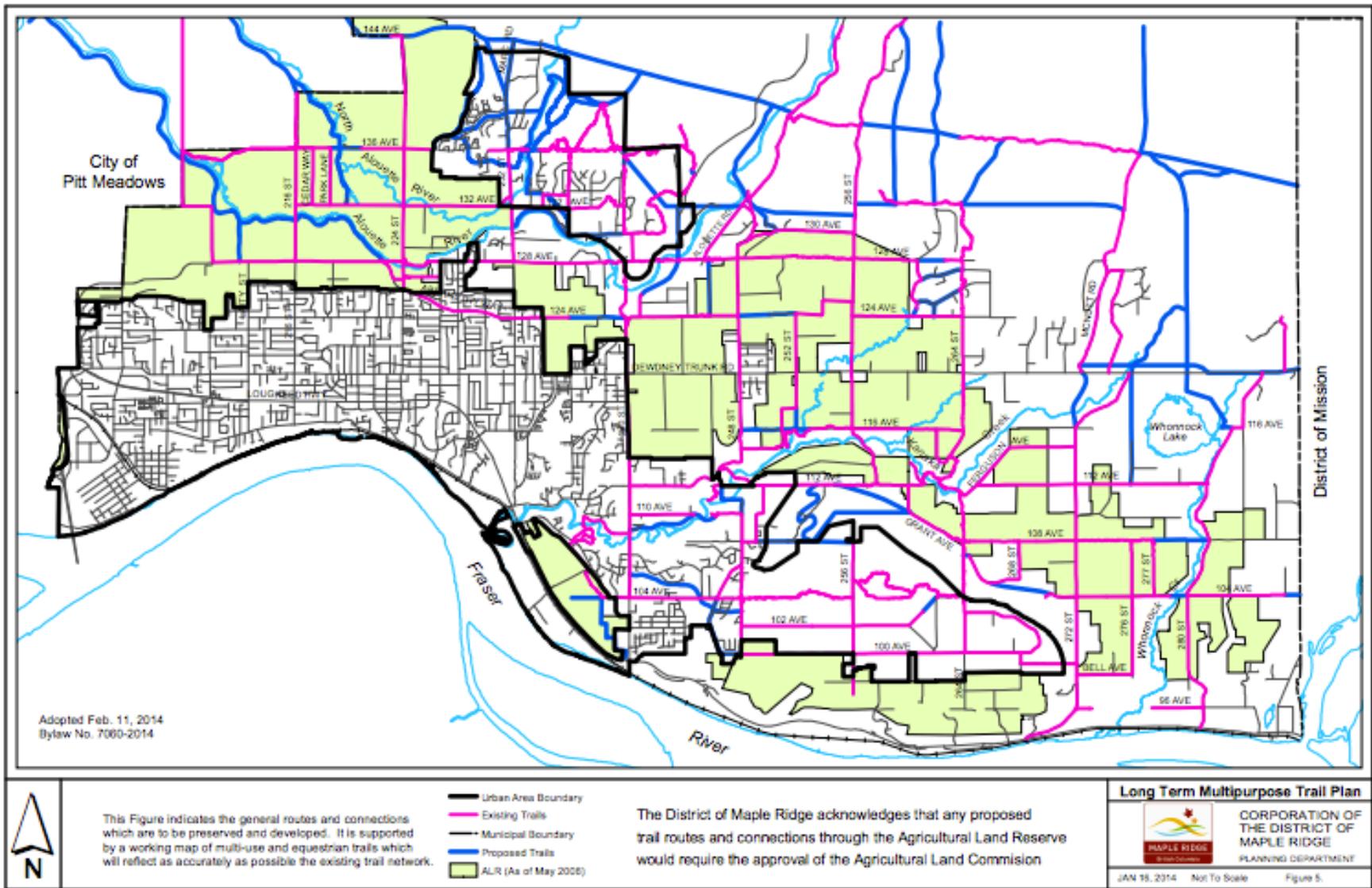
Figure 1. Maple Ridge, British Columbia



Source: Wikipedia. GVRD\_-\_Maple\_Ridge.svg: TastyCakes on English Wikipedia

Rapid Assessment: Maple Ridge, BC

Figure 3. Maple Ridge’s Urban Area Boundary, Agricultural Land Reserve, and Trails



Source: Maple Ridge Official Community Plan

## 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 Maple Ridge's legislative framework is moderate regarding stability. Although Maple Ridge's Official Community Plan (OCP) expresses a strong interest in agriculture, there is not a strong commitment to protecting farmland for the benefit of agriculture. Instead, the City views farmland protection as a means to support environmental management using a comprehensive ecosystem planning model. For example, one objective under Environmental Management states, "To preserve agricultural land in support of community values." These values are expressed as principles in the OCP, including the following: "Protection of agricultural lands is considered a strong element of protecting environmental values;" "The community recognizes the environmental contribution made by lands within the ALR." At the same time, many of the agricultural policies support an economic development strategy rather than land use planning.

The strongest statements for the protection of agricultural land are found in the Community Context (introduction) chapter. The first three principles listed in the Vision Statement section are directly related to agriculture, with the first two contributing to stability, as follows: "Protection of agricultural lands is considered a strong element of protecting environmental values"; "Agriculture is an important part of the community's character and economy. Citizens value methods to enhance and protect a diversity of agriculture in Maple Ridge." Agriculture is again mentioned in the OCP Overall Vision Statement, which contributes positively to stability. This interest in agriculture is supported by the following statement about protecting agricultural land, which appears in the sections on Employment: Agricultural Opportunities and on Sustainable Agriculture: "To protect the agricultural land base by concentrating growth to within the urban area boundary." This is the most direct (albeit by indirect means) statement in the OCP that pertains to farmland protection.

Most of the policies on agriculture are in the Employment chapter. While the Employment chapter includes an Agricultural Opportunities section with many policies on agriculture, there is no specific statement about protecting agricultural land. Agricultural land is also addressed in the Natural Features chapter, under the Land Resources section. The language in this section, and other sections where agriculture is mentioned, is weak because farmland is only referenced in the context of the natural environment and community values. Other mentions include agriculture with a variety of other land uses.

The City has an Agricultural Plan, the purpose of which is stated as "...to assist with the implementation of agricultural policies contained in the municipality's Official Community Plan (OCP)." Despite this statement, the Agricultural Plan does not appear to have had any influence on the OCP.

### 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.

Maple Ridge received a moderate rating for integration across jurisdiction. It received this rating because there is a general message of cooperation throughout policies, and more specific statements of integration as well. The OCP includes a thorough Legislative Context section in the Community Context (introduction) chapter, which includes a Provincial Context and Regional Context Statement section. The Provincial Context section acknowledges that their OCP must be consistent with the Local Government Act and lists “policies and objectives to enhance and promote farming in the community and on lands designated in the Agricultural Land Reserve” as areas they will address. In the Regional Context Statement Maple Ridge provides detailed connections to Metro Vancouver’s RGS. Furthermore, there are numerous references and acknowledgments of the ALC Act. Policy 6.9 states that “Maple Ridge supports the policies and regulations of the *Agricultural Land Commission Act* and the *Farm Practices Protection Act* in its land uses and will review its bylaws affecting farmland and farm operations for consistency with these provincial acts, regulations, and guidelines.” This is perhaps the strongest statement of integration because it acknowledges the importance of, and makes a commitment to, improving consistency between provincial and local legislation. Although the OCP refers to the Agricultural Plan, it integrates only a few policies related to economic development with little regard for agricultural land use planning issues. As well, integration between the OCP and Agricultural Plan is weak because while the Agricultural Plan is older than the OCP (the Agricultural Plan is from 2009 and the OCP was last updated in 2014), the OCP still refers to the Agricultural Plan as if it has not yet been implemented. This inconsistency contributes to a lower rating for integration.

#### 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 legislative framework for Maple Ridge was rated weak in minimising uncertainty. Despite an Urban Area Boundary (UAB; same as the MVRD UCB) that excludes ALR land, uncertainty is introduced in the OCP. The most significant issue contributing to uncertainty has historical roots, as noted in the Sustainable Agriculture section, as follows:

Although virtually all of the Agricultural Land Reserve in Maple Ridge is designated for Agriculture, most of the existing zoning is for rural or suburban residential uses, which predates the establishment of the Agricultural Land Reserve. As a result, this historic zoning has increased the rural residential uses in the Agricultural Land Reserve and may contribute to a perception that agriculture is not actually the primary use of land in the Agricultural Land Reserve.

The current state of fragmentation and extent of non-farm uses indicates that the current situation poses a real threat to the agricultural land base, a point that is not fully recognised in the OCP. The third principle under the OCP Vision Statement also contributes to uncertainty: “A comprehensive assessment of the ALR is important to ensure compatibility between municipal objectives and the objectives of Metro Vancouver and the ALC.” Rather than a clear commitment to protecting ALR land, this principle opens ALR land to future assessment for its compatibility with non-farm objectives. The pressure to convert ALR land is evident in the plans to develop the Albion Flats area. Although designated as agricultural land, the area is dominated by non-farm uses and lies outside of the Urban Area Boundary. Another source of uncertainty is the expected development of new major transportation

routes through ALR land that are identified in the OCP. Figure 3 shows the ALR and UAB, along with existing and proposed trails. The latter contributes to uncertainty due to the potential introduction of non-agricultural activities into agricultural areas and contribute to further fragmentation of the ALR.

Several other factors contribute to uncertainty. Over 25 percent of their actively farmed land is not in the ALR. This is a large percentage of agricultural land that is not protected and more easily developed for non-farm uses in the future. Another factor contributing to uncertainty is the Park on ALR zoning designation. This potential conversion shows that Maple Ridge, in spite of an eroding agricultural land base, is willing to sacrifice some of its ALR to create parks, which contradicts other policies for the protection of agricultural land. Overall, the issues concerning farmland protection within the legislative framework suggest inconsistencies. Notably, the two Principles under Community Context of the OCP suggest agriculture is a high priority; however, other areas of the OCP are not consistent with this strong message of support.

### 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 minimising uncertainty. The means to accommodate flexibility is typically done through governance mechanisms.

The City of Maple Ridge's legislative framework is of moderate strength for accommodating flexibility. Maple Ridge provides some details as to how it plans to accommodate flexibility. The most comprehensive set of policies that help to accommodate flexibility is Policy 6-12, which "will protect the productivity of its agricultural land." This policy includes a guiding principle of "positive benefit to agriculture" when making land use decisions that affect the agricultural land base. The policy also states that agricultural impact assessments (AIAs) are required, however no details are included. Other elements of this policy include preserving larger farm units; using appropriate buffers on properties adjacent to agricultural land; discouraging the subdivision of agricultural land into smaller parcels; increasing the minimum lot size for ALR properties that are zoned Rural Residential; and encouraging the amalgamation of smaller parcels of farmland.

Maple Ridge has five different zoning designations for agriculture: Extensive Agriculture; Intensive Greenhouse; Small Holding Agriculture; Upland Agriculture; and Agriculture Only. These designations help to accommodate flexibility because they allow for different intensities and types of agriculture. Presently, the Intensive Residential and Commercial Guidelines are the only Development Permit Areas that mention agriculture; the OCP includes a statement about creating a Development Permit Area for agriculture. The existing DPAs state that buildings should "minimize impacts on natural features and agricultural lands."

The Albion Flats is an example of a specific area where Maple Ridge seeks to accommodate local demands for urban development in agricultural areas, illustrating their use of policies. The Albion Flats is currently identified as a Special Study Area in Metro Vancouver's Regional Growth Strategy (RGS) and the City wants to eventually develop an Area Plan for it. Prior to development, the City will develop and implement a Comprehensive Strategy, which must consider inter-agency collaboration, an agricultural plan, and economic, social, and environmental values. The policies also identify they will work with the ALC, among others. These policies would be strengthened if specific relevant elements of the completed agricultural plan were noted in the OCP.

Although the City has an active Agricultural Advisory Committee (AAC) there is no mention of it in the OCP, which would serve to strengthen its role in land use planning processes.

Table 1. Maple Ridge, British Columbia, Legislative Framework

	<b>POLICY</b>	<b>LEGISLATION</b>	<b>GOVERNANCE</b>
<b>PROVINCIAL</b>	<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>  <b>Agricultural Land Reserve Use, Subdivision, and Procedure Regulation</b></p>	<p>Agricultural Land Commission                      [ALC Act]  <i>Administrative Tribunals Act</i>                      Governance Policy for the Agricultural Land Commission</p>
<b>REQUIRED INTEGRATION</b>	<p><b>LGA Part 25 849 Purpose of regional growth strategy</b>                      (e) maintaining the integrity of a secure and productive resource base, including the agricultural land reserve</p>		
<b>REGIONAL</b>	<p>Metro Vancouver Regional Food System Strategy (2011)                       Metro Vancouver Regional Food System Action Plan (2016)</p>	<p><i>Metro Vancouver Regional Growth Strategy (Bylaw No. 1136, 2010)</i></p>	<p>Metro Vancouver Agricultural Advisory Committee (AAC)</p>
<b>REQUIRED INTEGRATION</b>	<p><b>ALC Act Section 46 Conflict with bylaws</b>                      (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  <b>ALC Act 13 Dispute resolution on community issues</b>  <b>LGA Part 25 882 (3) (OCP) Adoption procedures 882</b>                      The local government must refer the plan to the ALC for comment.  <b>LGA Part 25 946 (3) Subdivision to provide residence for a relative</b></p>		
<b>LOCAL</b>	<p>Maple Ridge Agricultural Plan (2009)</p>	<p><i>City of Maple Ridge Official Community Plan (Bylaw No. 7060, 2014)</i>  <i>City of Maple Ridge Zoning (Bylaw No. 3510, 1985)</i></p>	<p>City of Maple Ridge Agricultural 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]