

## Assessment of Local Legislative Framework for Protecting Farmland Metro Vancouver Regional District, British Columbia July, 2017

### SUMMARY

Metro Vancouver Regional District’s (MVRD) legislative framework for the protection of agricultural land is **very strong**. A combination of Regional Growth Strategy, Regional Food System Strategy, and Regional Food System Action Plan support a clear commitment to farmland protection in conjunction with Urban Containment Boundaries (UCB) for all of its member municipalities. Refer to the table 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
<b>Metro Vancouver Regional District, BC</b>	*****	****	*****	***

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

### ABOUT THE SITE

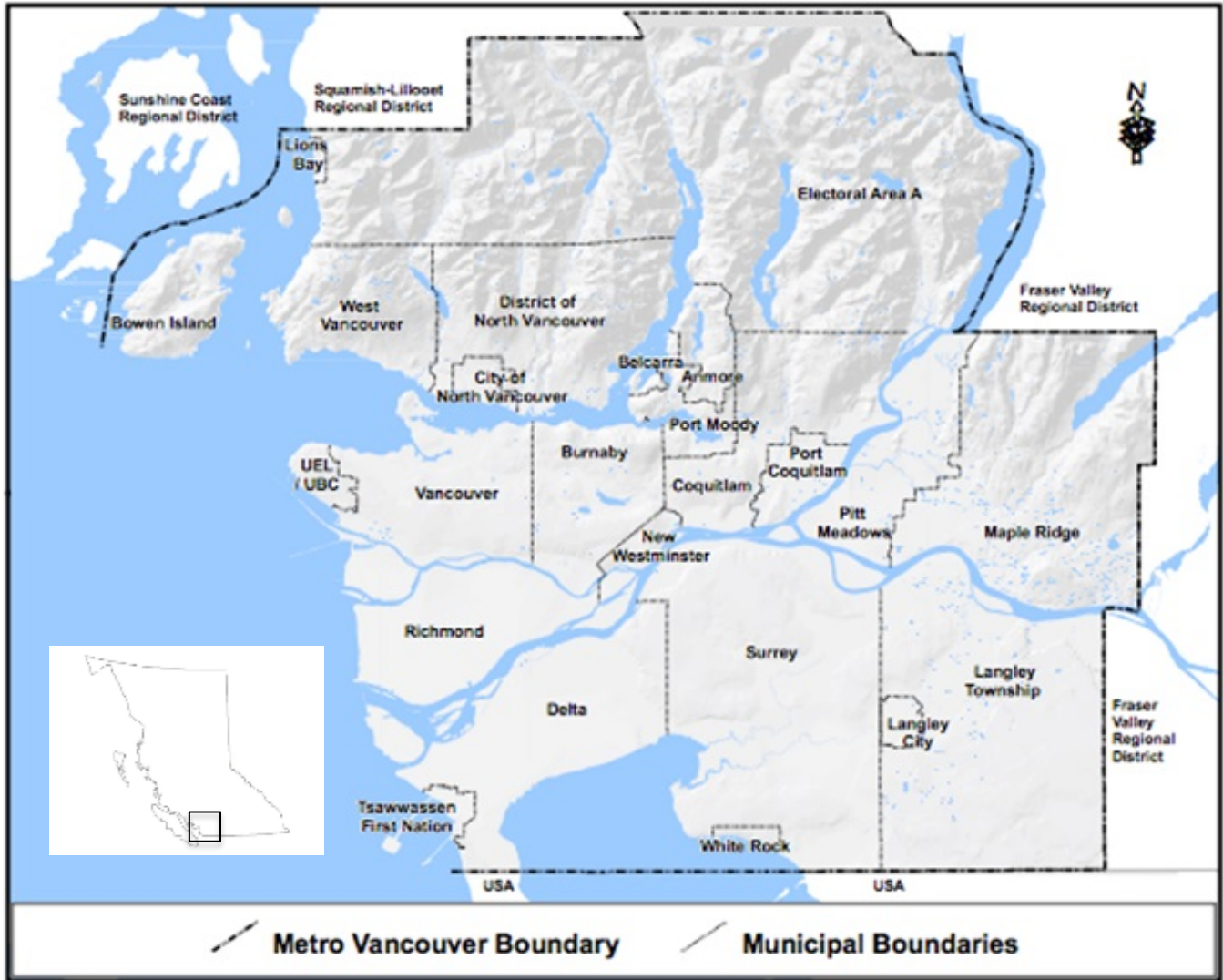
Metro Vancouver Regional District is located in southwestern British Columbia (BC). The MVRD is made up of 21 municipalities, an Electoral Area, and First Nations Treaty land. The demand for urban development in the region is very high. The most populated region in the province, MVRD has a population of 2,463,431 (Census Canada, 2016), having grown by over a million people since 2001. The population is projected to reach 2,788,000 by 2021 and 3,152,000 by 2031 (MVRD, 2011). Additionally, the Regional District predicts they will require 222,000 additional dwellings. Consequently, there are significant pressures for development in Metro Vancouver. At the same time, natural features constrain the land base, such as mountains and extensive floodplains. The combination of high demand for urban development and development constraints lead to significant pressure on the agricultural land base.

Metro Vancouver has an estimated 60,940 hectares of land in the Agricultural Land Reserve, which is 22% of the area’s land base (ALR) (MVRD, 2011). See Table 1 for a breakdown of ALR land by municipality. While this total area comprises only 1.5% of the total agricultural land in the province, the region generates 28% of BC’s gross farm income (MVRD, 2011). Popular farm products include greenhouse vegetables and flowers, potatoes, blueberries, cranberries, poultry, eggs, and dairy. With many challenges associated with farming in an urban area, Metro Vancouver cites the most prominent challenges as high land prices, natural barriers, land speculation, non-farm uses on ALR land, and urban-rural conflicts.

Rapid Assessment: Metro Vancouver Regional District, BC

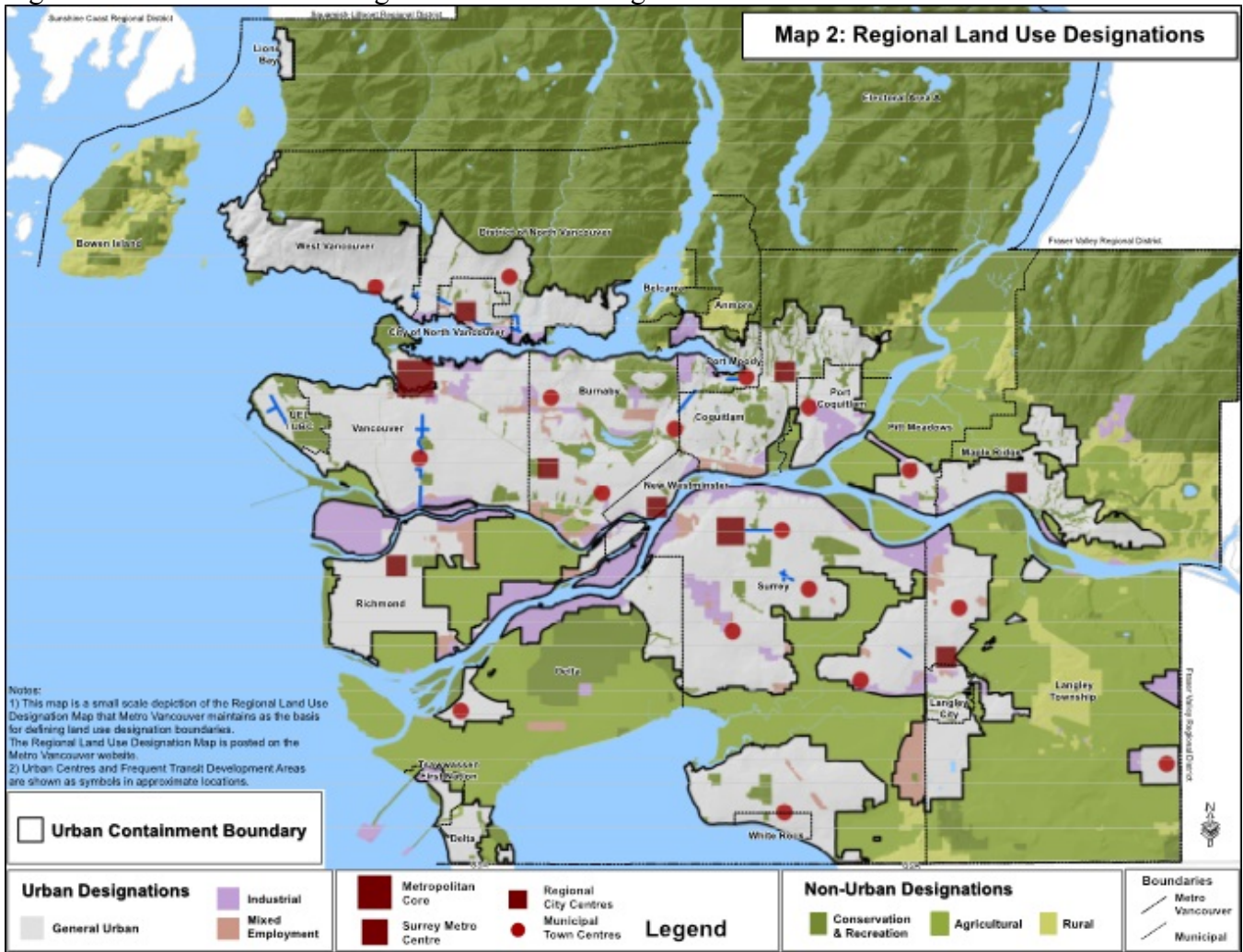
The legislative framework for protecting farmland in British Columbia is very strong. The *Agricultural Land Commission (ALC) Act*, enacted in 1973 with major revisions in 2002 and 2014, established the Agricultural Land Reserve (ALR) and the ALC. The ALC is a quasi-judicial tribunal that is responsible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



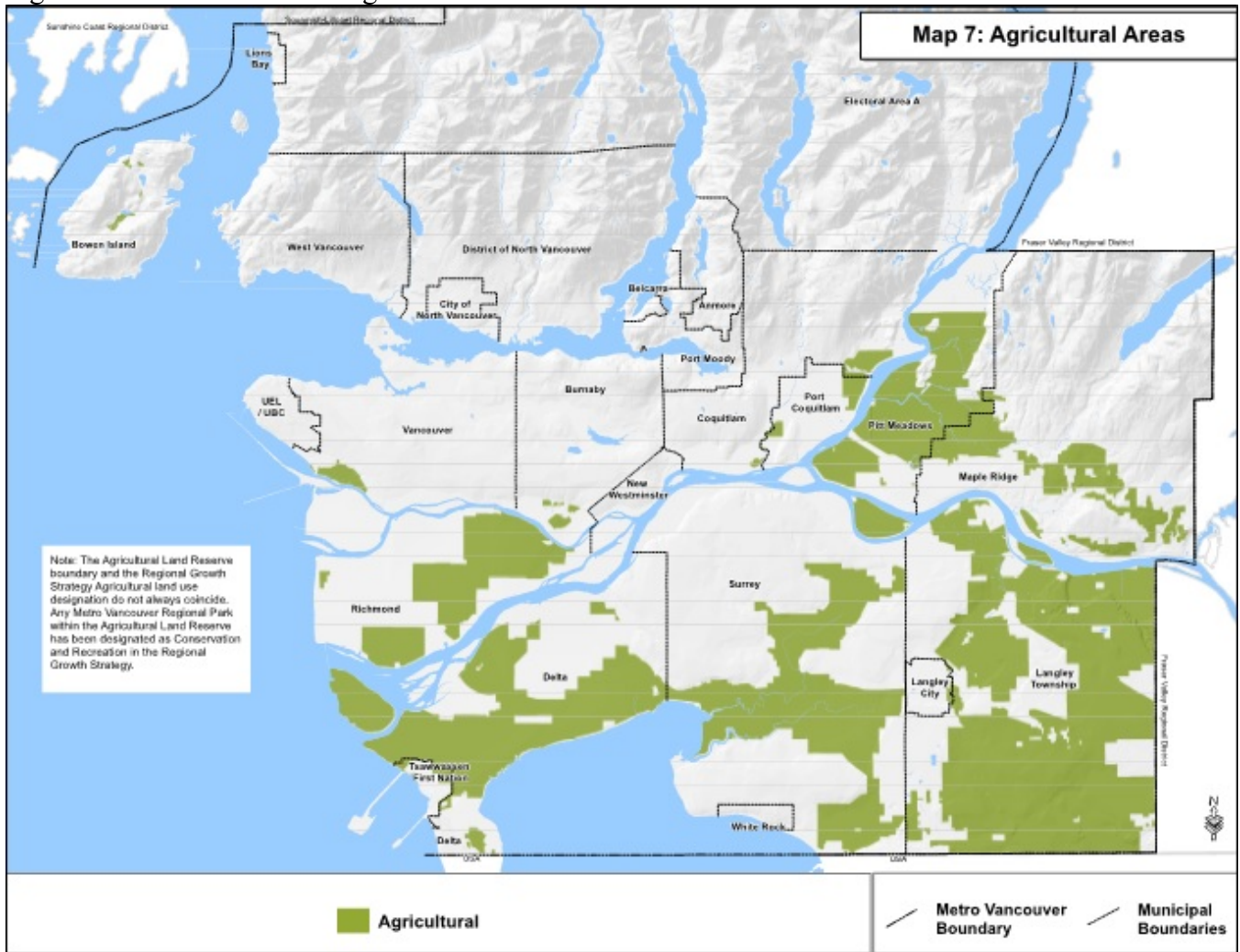
Source: Metro Vancouver Regional Growth Strategy

Figure 2. Metro Vancouver Regional Land Use Designations



Source: Metro Vancouver Regional District Regional Growth Strategy

Figure 3. Metro Vancouver Agricultural Areas



Source: Metro Vancouver Regional Growth Strategy

Rapid Assessment: Metro Vancouver Regional District, BC

Table 1. ALR land by municipality within Metro Vancouver

<b>Municipality</b>	<b>Total Land Area (ha)</b>	<b>Land in ALR (ha)</b>	<b>% Land in ALR</b>	<b>% Regional Share of ALR</b>
Anmore	2,755	nil	-	-
Belcarra	523	nil	-	-
Bowen Island	5,010	182	4%	0.3%
Burnaby	9,117	234	3%	0.4%
Coquitlam	12,308	823	7%	1.3%
Delta	18,017	9,386	52%	15.4%
Electoral Area A (Barnston)	78,090	618	1%	1.0%
Langley City	1,024	43	4%	0.1%
Langley Township	31,154	23,487	75%	38.5%
Lions Bay	269	nil	-	-
Maple Ridge	26,816	3,784	14%	6.2%
New Westminster	1,571	nil	-	-
North Vancouver City	1,216	nil	-	-
North Vancouver District	16,363	nil	-	-
Pitt Meadows	8,827	6,856	78%	11.3%
Port Coquitlam	3,003	589	20%	1.0%
Port Moody	2,644	nil	-	-
Richmond	12,919	5,175	40%	8.5%
Surrey	31,823	9,286	29%	15.2%
Tsawwassen First Nation	684	180	26%	0.3%
Vancouver	11,741	297	<0	0.5%
West Vancouver	8,925	nil	-	-
White Rock	511	nil	-	-
<b>Metro Vancouver Total</b>	<b>285,310</b>	<b>60,940</b>	<b>21%</b>	<b>100%</b>

Source: Agricultural Land Commission, cited in MVRD Regional Food Strategy

## 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.

Metro Vancouver Regional District's legislative framework for protecting agricultural land is rated very strong in maximising stability. The Regional Growth Strategy (RGS) is strongly linked to a broad set of key documents, including the Regional Food System Strategy (RFFS) and Regional Food System Action Plan (RFSAP). In addition, the Metro Vancouver Regional Land Use Inventory Report provides comprehensive data about the agricultural sector and land base in the region. Collectively, these documents support a clear commitment to farmland protection that is a foundational element of a comprehensive approach to supporting the regional food system. The RGS is presented as the link between the RFFS aim to promote agricultural viability with protecting agricultural lands for food production. As stated in the RGS,

Comprising over 50,000 hectares of the region, agricultural lands are an important asset. The heightened importance of producing fresh, regionally grown food to meet economic, environmental, health and food security objectives reinforce the need to protect the region's rich agricultural lands. The challenge for the Regional Growth Strategy is to protect the agricultural land base and to encourage its active use for food production.

The RGS responds to this challenge through Strategy 2.3 which states, "Protect the supply of agricultural land and promote agricultural viability with an emphasis on food production." Strong statements like this are repeated throughout the RGS, including Goal 1: Create a Compact Urban Area; Goal 2: Support a Sustainable Economy; and Goal 3 Protect the Environment and Respond to Climate Change Impacts.

The RFSAP was created to support "a collaborative approach to sustainable, resilient and healthy food system that will contribute to the well-being of all residents and the economic prosperity of the region while conserving our ecological legacy." At the outset, the strategy identifies "disappearing farmland" as a growing concern. The RFSAP sets out a plan to implement specific goals of the RFSAP.

### 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.

MVRD is strong in integrating across jurisdictions. The RGS has multiple, detailed references to the ALC Act. It also refers to efforts to create consistency between the RGS and ALC policies, and have specific statements of what MVRD should work on in collaboration with the province. For example, Strategy 2.3.7 states, "That the province, utility companies and TransLink strive to avoid fragmentation of Agricultural areas when developing and operating utility and transportation infrastructure, but where unavoidable, consider mitigating the impacts, including possible enhancement to the areas." Similarly, the RGS (Strategy 2.3.6. b. iii) refers to working with other governments and

agencies to maintain and improve transportation, drainage, and irrigation infrastructure to support agricultural activities. Strategy 2.3.10 states that the province, in consultation with municipalities, establishes policies that set maximum residential floor area and setback regulations for development within the ALR.

The RGS also supports integration between the MVRD and its member local governments. Strategy 2.3.6 articulates that the role of its member municipalities is to adopt Regional Context Statements that address an extensive list of policy areas, including discouraging non-farm uses that do not complement agriculture and subdivision of agricultural land leading to farm fragmentation; and managing the agricultural-urban interface to protect the integrity and viability of agricultural operations. Specific references to local governments appear elsewhere. As stated, the Agricultural land designation is intended to “reinforce provincial and local objectives to protect the agricultural land base of the region.” Strategy 2.3 states that local governments should include policies that “encourage the use of agricultural land, with an emphasis on food production.” As well, Strategy 1.3 “Protect Rural areas from urban development” states that municipalities should include policies that “support agricultural uses within the Agricultural Land Reserve, and where appropriate, outside of the Agricultural Land Reserve.”

The RFSS and supporting Action Plan refer to the ALC Act and the *Water Act*. As well, the roles and responsibilities of different groups (such as the province, federal government, the Regional District, and municipalities) are outlined in the RFSS. The RFSAP enhances integration, stating that municipalities should create Development Permit Areas for farmland. In the RFSS and RFSAP, and the RGS, there are references to the *Farm Practices Protection (Right to Farm) Act*, but only a vague mention of municipal Agricultural Advisory Committees (AACs).

One factor aiding integration at the senior level is in strategy 2.3.9 which states that the provincial and federal government should implement financial measures that support agri-food economic development, including the use of agricultural tax policies that reinforce the continued use of agricultural lands for agriculture operations, with an emphasis on food production.

#### 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.

Metro Vancouver is very strong in minimising uncertainty for the protection of agricultural land. Their RFSS and Action Plan work to further their commitment, and consistency is found throughout these two documents and the RGS. The implementation of Urban Containment Boundaries (UCBs) in every municipality is a significant policy. The stated purpose of the UCB is “to establish a stable, long-term, regionally defined area for urban development” that, among other things, reinforces the protection of agricultural land. Another important policy is Strategy 2.3.4, which states that MVRD will “Work with the Agricultural Land Commission to protect the region’s agricultural land base and not amend the Agricultural or Rural land use designation of a site if it is still part of the Agricultural Land Reserve, except to change it to an Agricultural land use designation.” Furthermore, Strategy 2.3.2 states that MVRD will “Monitor the status of agricultural land, including the amount of actively farmed land, and other indicators, with the objective of promoting agricultural viability and food production in collaboration with the province and the Agricultural Land Commission.” This policy reduces uncertainty because it creates transparency as to how much farmland there is and whether or not it is being lost.

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.

Metro Vancouver is rated moderate in accommodating flexibility. The strongest tool for accommodating flexibility is the Agricultural Advisory Committee, which brings agricultural issues into land use decisions. However, the AAC is not mentioned in the RGS or RFSS and Action Plan, which would enhance the significance of this committee. Other policy statements in the RGS that accommodate flexibility are limited, but include references to municipalities managing the agricultural-urban interface are part of the role of a municipality and to the province establishing and enforcing maximum residential floor area and setback regulations for development within the ALR. The Food Strategy and Action Plan documents contain more extensive recommendations that help to accommodate flexibility.



Table 2. Metro Vancouver Regional District, 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><b>Metro Vancouver Regional Food System Strategy (2011)</b>                      Metro Vancouver Regional Food System Action Plan (2016)                      Metro Vancouver Regional Land Use Inventory Report (2010 &amp; 2011)</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>		

*cts (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]

## REFERENCES

Metro Vancouver Regional District. (2011). *Regional Food System Strategy*. Retrieved from Metro Vancouver: <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/RegionalFoodSystemStrategy.pdf>