

**Assessment of Local Legislative Framework
for Protecting Farmland
City of Pitt Meadows, British Columbia
July, 2017**

SUMMARY

The City of Pitt Meadows’ local legislative framework for farmland protection is **strong**. There is a clear, consistent message of protection throughout their OCP and Agricultural Plan through language and policies directed at ensuring farmland is used for agricultural purposes. 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
Pitt Meadows, BC	****	****	****	***

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

ABOUT THE SITE

The City of Pitt Meadows is located in the Metro Vancouver Regional District (MVRD) (Figure 1), at the confluence of the Fraser River and Pitt River. The City notes that, although it is situated centrally within the lower mainland, a lack of infrastructure, particularly in transportation, once made them an isolated area. Today, like other areas in the region, the City has a high demand for urban development. With a current population of 18,573 (Canada Census 2016), the City expects to reach a population of 23,867 by 2042 (OCP). Pitt Meadows says that they will require an additional 3,489 housing units by 2042 to accommodate growth; however, they state that virtually all of it will be accommodated in the Urban Containment Boundary (UCB) (Figure 2) in the form of densification and infill development.

Rapid urban growth is putting pressure on farmland. As recognised by the City, the City has seen a rising trend in estate homes being built on Agricultural Land Reserve (ALR) land. Another major issue in the area is land speculation, which increases land prices, often making it too expensive for farm use. These issues all threaten Pitt Meadows’ agricultural land base, making legislation to protect farmland an important issue.

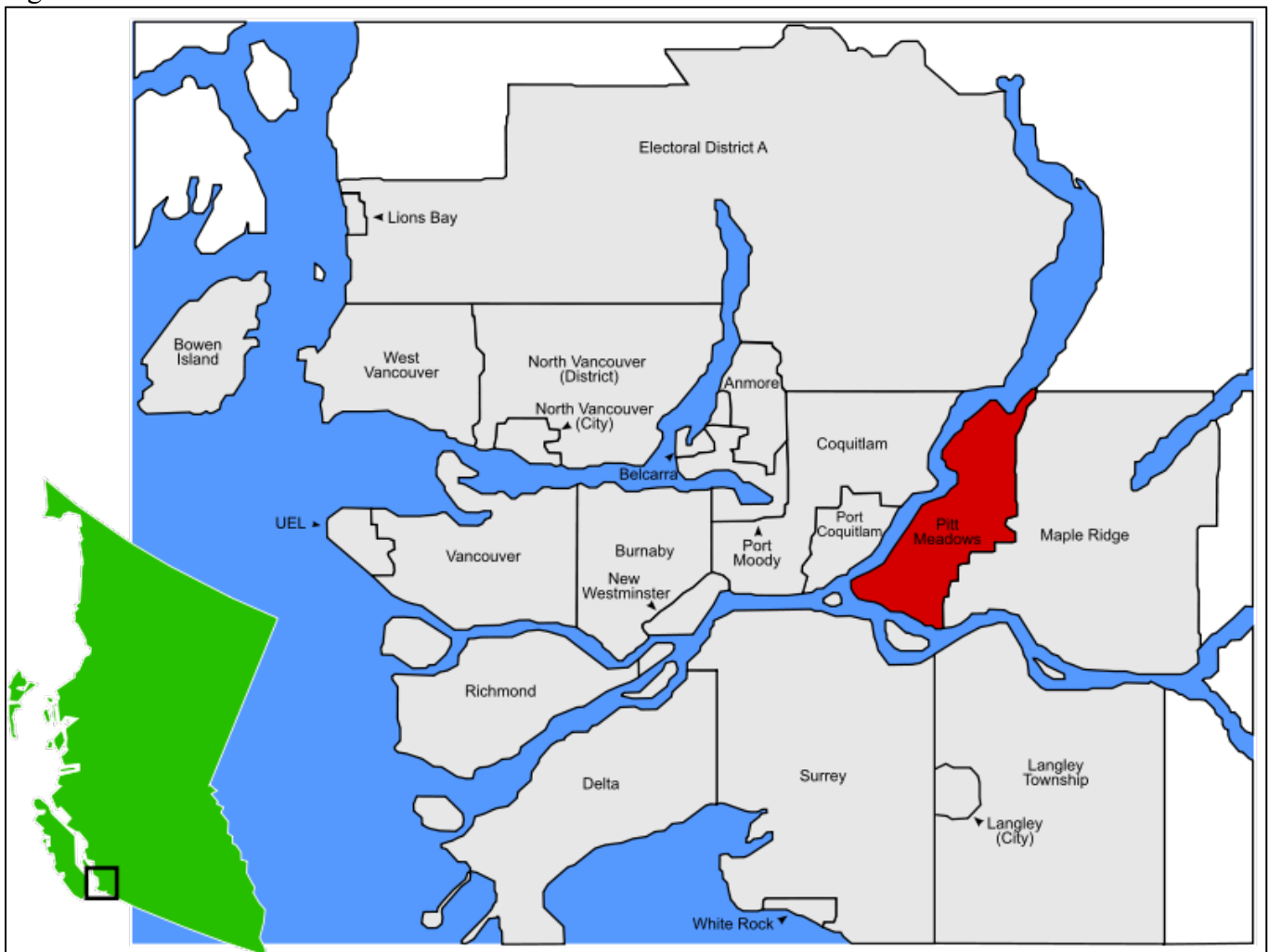
The City is home to Pitt Lake, the largest tidal lake in North America, as well as the Thompson Mountain range. Besides these natural features, Pitt Meadows is comprised almost entirely of agricultural land (Figure 2). The Agricultural Land Reserve (ALR) makes up 78% of the City’s total land base (Metro Vancouver Regional District, 2011). Popular types of farming include berry farming, horticulture, dairy farming, grazing, and greenhouses. Pitt Meadows is almost entirely within the floodplain that helps to contain development and preserve agricultural lands.

Rapid Assessment: Pitt Meadows, BC

The Metro Vancouver Regional District (MVRD) provides a layer within the legislative framework between the City of Pitt Meadows 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.

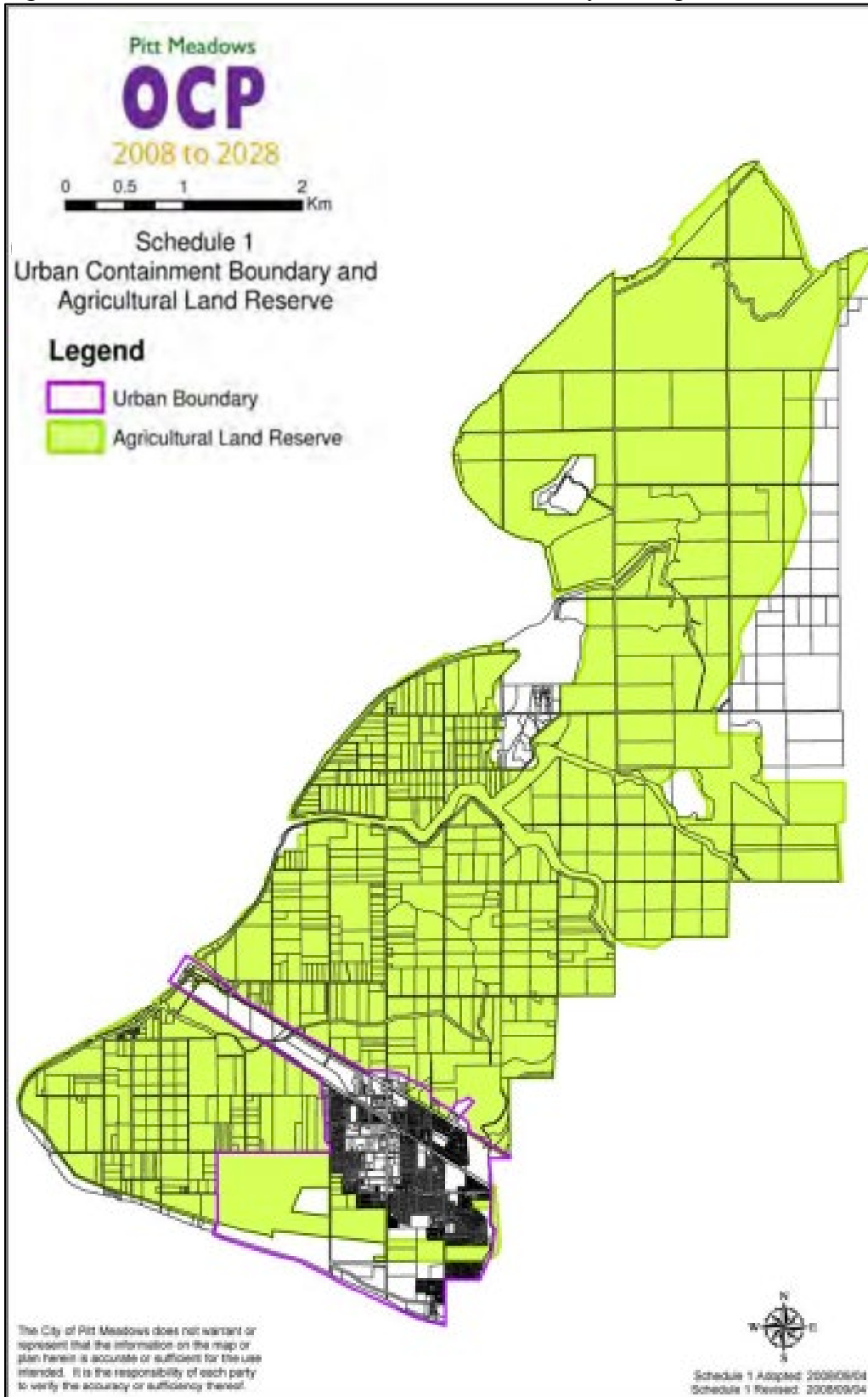
The legislative framework for protecting farmland in British Columbia is very strong. The Agricultural Land Commission (ALC) Act, enacted in 1973 with major revisions in 2002 and 2014, established the Agricultural Land Reserve (ALR) and the ALC. The ALC is a quasi-judicial tribunal that is responsible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



Source: Wikipedia, GVRD_-_Pitt_Meadows.svg; TastyCakes

Figure 2. Pitt Meadows Urban Containment Boundary and Agricultural Land Reserve



Source: Pitt Meadows 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 legislative framework for Pitt Meadows is strong in stability. The Introduction to the Official Community Plan (OCP) states, “The challenge ahead is to maintain and enhance livability and environmental integrity, strike a balance between the land uses, and protect agricultural land as the City experiences growth.” This is the strongest statement for agricultural land protection and clearly identifies the City’s interest in protecting agricultural land. A related statement in the Vision is that the City will “aspire to achieve a diverse community that... has a commitment to the productive use of its agricultural land.” These commitments to protect farmland are supported by similar statements in the Agriculture section, which states, “the City of Pitt Meadows and the Agricultural Land Commission recognize agriculture as a priority use in rural areas over residential.” Further, “the policies of this Plan are intended to confirm the City’s commitment to agriculture as a land use.” These statements are strong and clear, demonstrating an interest in protecting agricultural land. In addition, Pitt Meadows has implemented a “no net loss” policy for all land in the Agricultural Land Reserve (ALR), with exceptions being made only if it is supported by the Agricultural Land Commission (ALC).

The City’s Agricultural Plan, prepared in 2000 but not mentioned in the OCP, states that farmland “is one of the most valuable resources in Pitt Meadows” and supports the ALR boundaries. The plan provides history and background on agriculture in Pitt Meadows, focusing on the viability of the agricultural sector and optimising the use of designated agricultural lands; however, there is no overarching, direct statement to protect these lands.

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.

Pitt Meadows received a high rating for integration across jurisdiction. Integration with provincial and regional legislation is strong. There are numerous and detailed references to the ALC Act and the *Farm Practices Protection (Right to Farm) Act*, and the statements around them are strong. One example is policy 4.2.1 d. stating that “the Agricultural Land Commission Use, Subdivision and Procedure Regulation shall prevail where any part of this Plan pertaining to Agricultural Land Reserve and is inconsistent with or contrary to the Agricultural Land Commission Act.” This statement shows respect for the ALC Act and aligns City policies with that of the ALC. Further evidence of this integration can be seen in the specific reference to the ALC Homesite Severance policy. At the regional level, the City of Pitt Meadows has integrated the Metro Vancouver RGS into their OCP well through their Regional Context Statements. Integration would otherwise be rated very strong; however, there were a few key pieces missing in integration. For example, there were no references to their

Agricultural Advisory Committee (AAC) or Agricultural Plan in the OCP. However, the Agricultural Plan has an extensive review of the provincial legislative context.

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 minimising uncertainty was rated strong for Pitt Meadows. While it does contain some ALR land, the City's Urban Containment Boundary (UCB) is one way in which uncertainty is minimised. For example, the Residential section of the OCP Pitt Meadows refers to projected housing units and the need to accommodate growth, stating, "Virtually all of this growth must be accommodated within the Urban Containment Boundary." Most of the ALR land in the UCB is actually airport land. The OCP also states, "the farm areas or more specifically, the ALR, have contained the extent of urban development, enabling the creation of a concentrated towncentre and a community identity." Statements like these make clear their intention to protect agriculture and create compact development. Another example in which Pitt Meadows minimises uncertainty is in Policy 4.6.6 b under the Residential and under the Rural Residential Development section. As stated, "Rural Residential lands as indicated on Schedule 3B are lands which are not within the Agricultural Land Reserve. In order to ensure compatibility with surrounding farmland, residential density on rural lands shall not exceed a maximum of one lot per net hectare." This policy ensures that land uses beside agricultural land are well suited to each other in order to minimise conflict. The use of covenants to place restrictions on land close to ALR, listing noise, odours, slow moving traffic, crop spraying as some disruptions that come with living close to farmland, also helps to minimise uncertainty by increasing the level of awareness among property owners.

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.

Pitt Meadows' legislative framework is moderate in accommodating flexibility. The City has adopted Development Permit Areas (DPA) to control growth and protect the natural environment. These accommodate flexibility somewhat; however, there is no specific DPA for agricultural land. Agriculture is loosely included in Development Permit Area Number 1: Environment and Wildfire Protection Area. As well, DPA Number 3: Outdoor Recreation says that it intends to "protect agricultural lands from the impact of outdoor recreational uses." While it is good that Pitt Meadows has made some effort to accommodate flexibility through DPAs, the designation of a separate agricultural DPA would make it stronger. A requirement for agricultural impacts assessments also helps to accommodate flexibility. Policy 4.2.4 a states, "an agricultural impact assessment prepared by a professional agrologist is required by the City quantifying the impacts of any proposed development that may affect agricultural activity, such as a non-farm use on farmland or rezoning or subdivision on lands adjacent to farmlands." Flexibility is also accommodated through Pitt Meadows' Agricultural Advisory Committee, although the committee is not mentioned in Pitt Meadows' OCP, which would strengthen its role in the planning process.

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Pitt Meadow's zoning and land use designations also help to accommodate flexibility. There are five different types of agricultural zones: General Agricultural; Large Lot Agricultural; Agricultural and Farm Industrial; Agricultural and Golf Course; and Agricultural and Wildlife Management. Each zone is clear and detailed. For example, a distinction is made between smaller parcels of agricultural land (Agricultural-8 Hectare Minimum Parcel Size designation), and larger parcels (Agricultural-16 hectare Minimum Parcel Size). These different parcel size designations recognise that farms of different scales are important considerations. As well, despite having a specific Agricultural and Golf Course zone, the supporting policy states that they the City not support any more golf courses on ALR land.

Table 1. Pitt Meadows, 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) 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>
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>		
LOCAL	<p>City of Pitt Meadows Agricultural Plan (2000)</p>	<p><i>City of Pitt Meadows Official Community Plan (Bylaw No. 2352, 2007)</i> <i>City of Pitt Meadows Zoning (Bylaw No. 2505, 2011)</i></p>	<p>City of Pitt Meadows 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]

REFERENCES

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