

Assessment of Local Legislative Framework for Protecting Farmland Port Coquitlam, British Columbia July, 2017

SUMMARY

The City of Port Coquitlam legislative framework for the protection of agricultural land is **somewhat weak**. Although promoting and retaining the viability of agricultural lands is identified as a direction to support the economy, the legislative framework as a whole lacks policies to fully support this direction. 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
Port Coquitlam, BC	**	**	**	**

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

ABOUT THE SITE

The City of Port Coquitlam is part of the Metro Vancouver Regional District (MVRD), with the Pitt River to the East and Fraser River to the South (Figure 1). While agriculture is not the major land use in the City, the Agricultural Land Reserve (ALR) accounts for 589 ha (or 20%) of its land base (Figure 2). However, only 230 hectares of this ALR land are designated Agriculture for agricultural use. The ALR also includes lands in Colony Farm Regional Park, the Carnoustie Golf Course, and the Blakeburn Lagoons, the site of two former waste settling ponds that will soon be a park. The most popular types of farming are berry farms, nurseries, and hobby farms. The OCP states that the largest challenge with agriculture is that much of the land is not being farmed due to small lot sizes, changing ownership, and soil conditions.

Port Coquitlam's agricultural lands face pressure from a very high demand for urban development. The city is expected to grow from its current population of 58,612 (Canada Census 2016) to 76,000 people by 2031, an increase of 23%. In this context, the City has adopted "smart growth" principles to guide its land use planning and "Work towards developing a complete community with a balance of residential, commercial, and industrial development and with adequate community amenities and facilities." Part of this approach rests upon achieving a jobs/labour force balance while accommodating additions to the transportation network. As summarised in the City's Corporate Strategic Plan: Vision 2020 (2011),

Since the City is almost completely built out, most of this residential and business growth must be achieved through redevelopment to increase densities, with more residents living in apartment

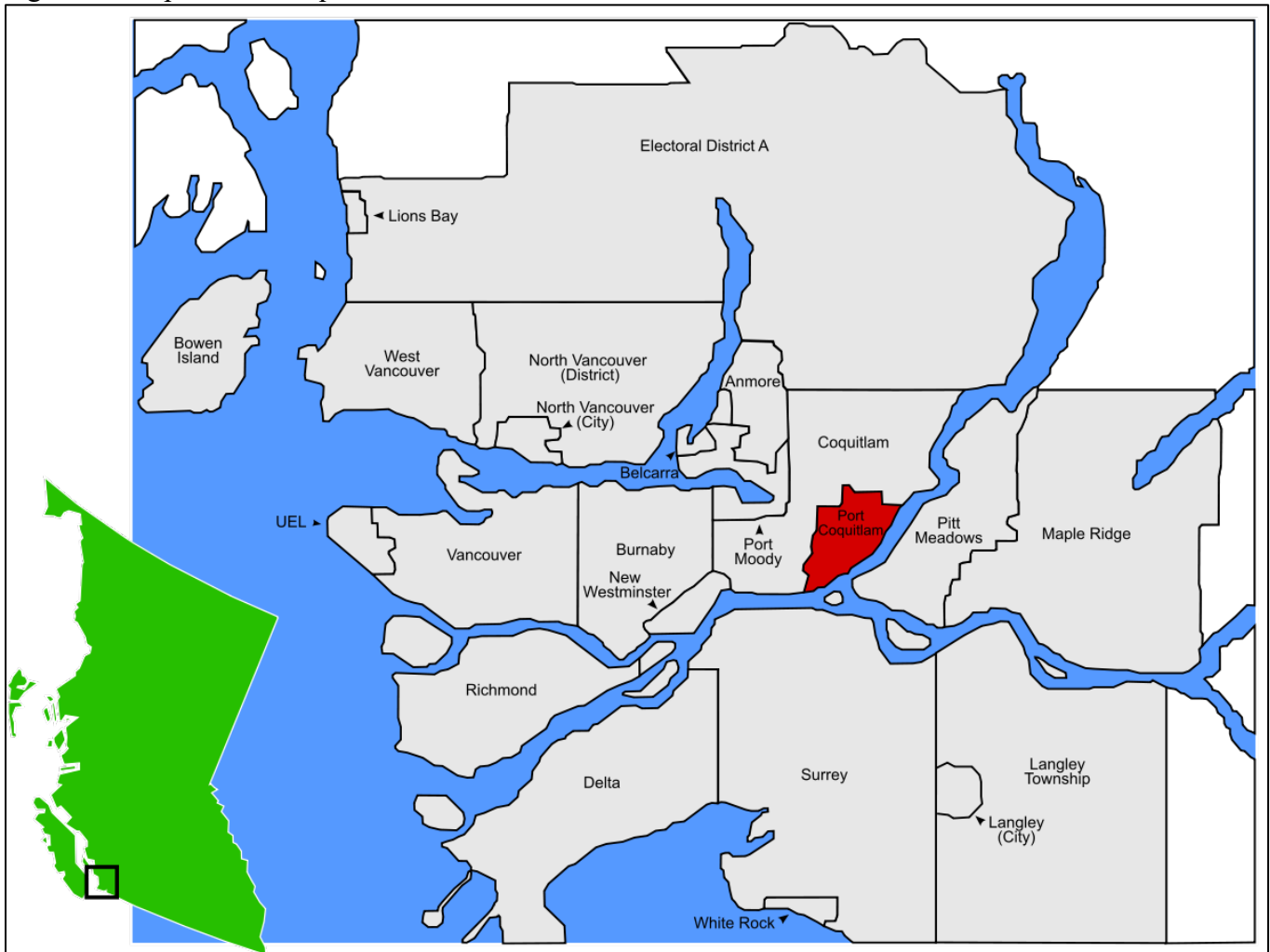
buildings and townhouses and fewer in single family homes; more intensive use of commercial and industrial lands; mixed-use developments; and home occupations.

The City then acknowledges that this approach is a “significant change from our recent trend of rapid growth through development of formerly agricultural or vacant lands.”

The MVRD provides a layer of farmland protection 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.

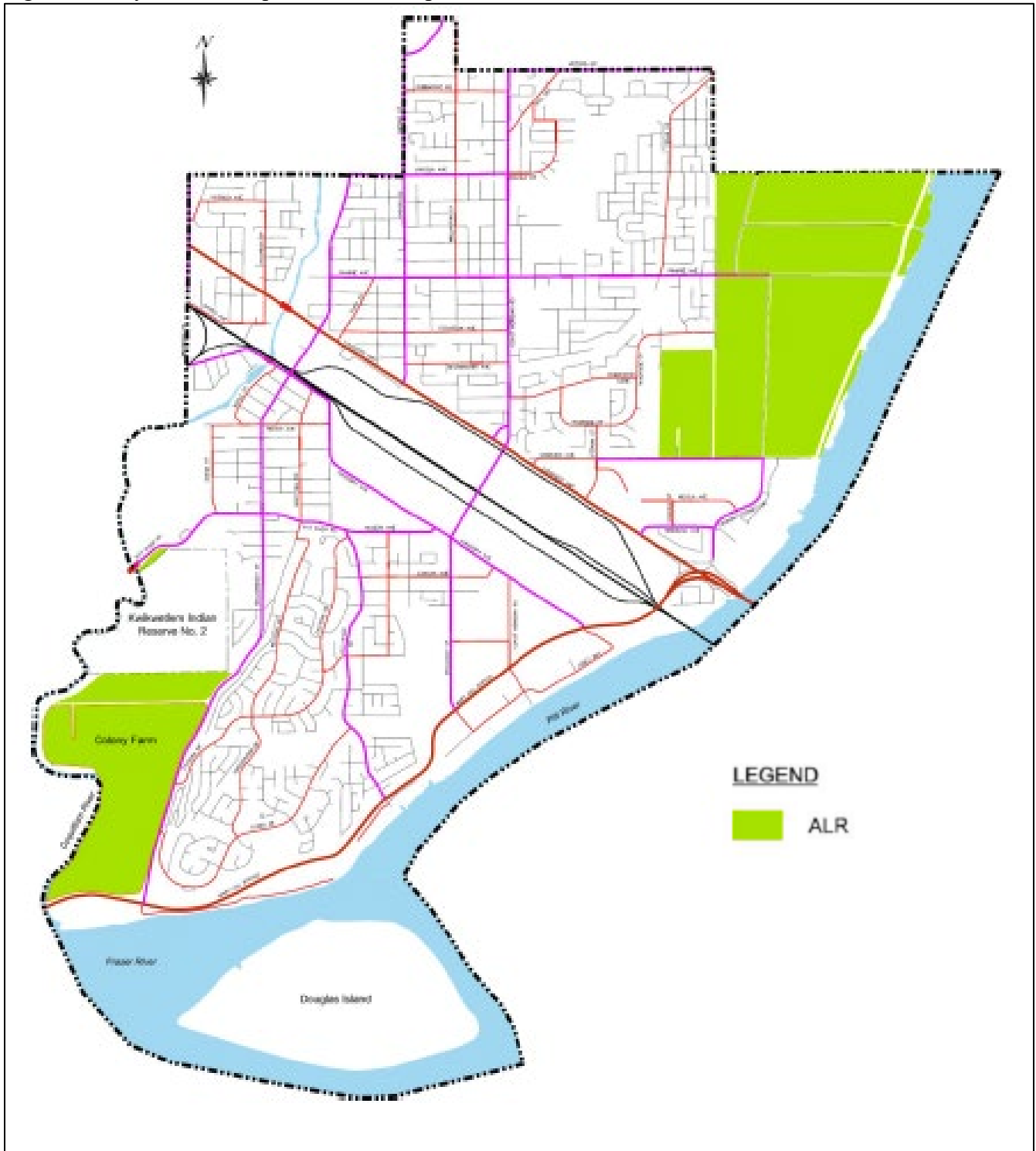
The legislative framework for protecting farmland in British Columbia is very strong. The *Agricultural Land Commission (ALC) Act*, enacted in 1973 with major revisions in 2002 and 2014, established the Agricultural Land Reserve (ALR) and the ALC. The ALC is a quasi-judicial tribunal that is responsible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



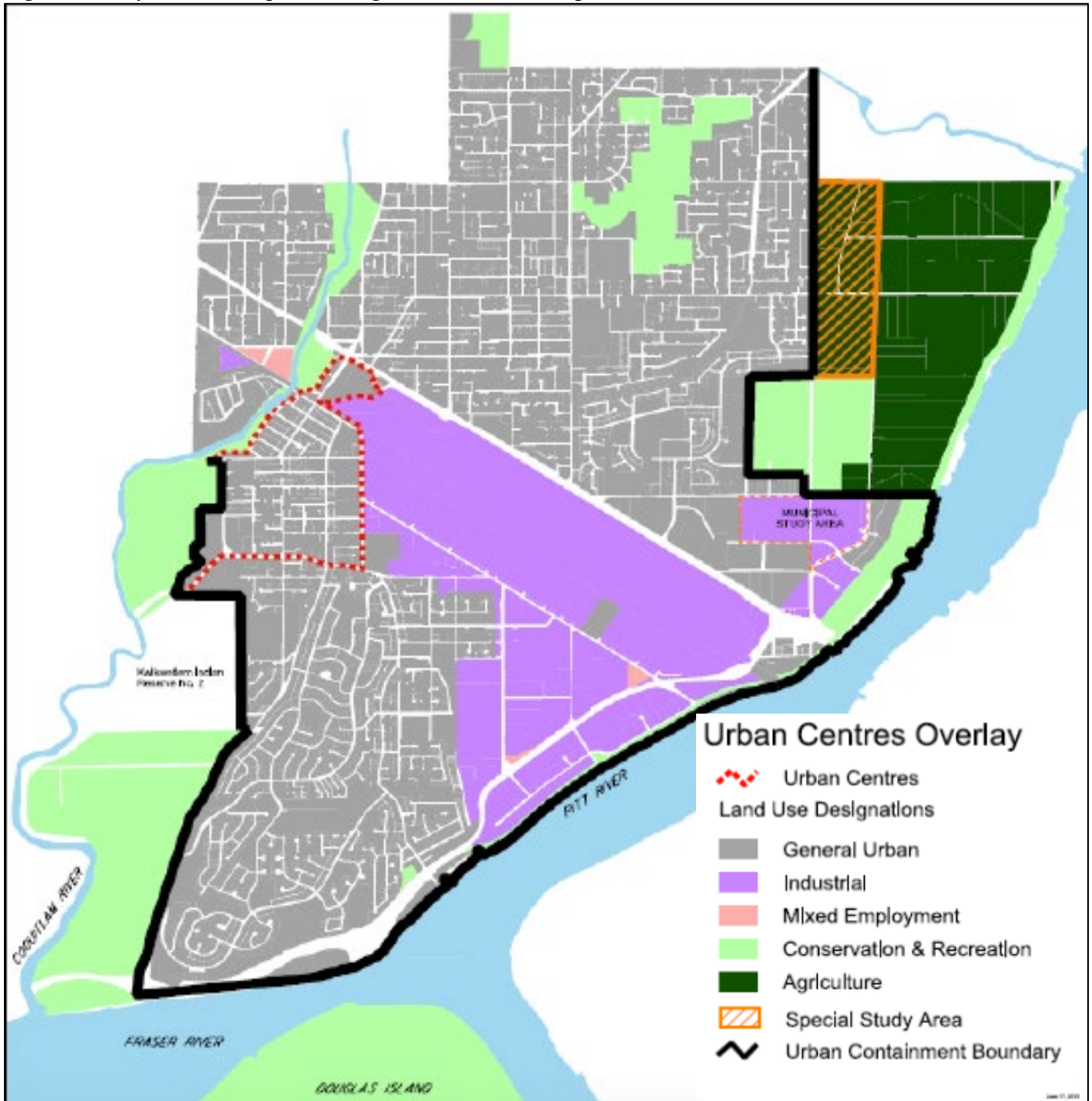
Source: Wikipedia, GVRD_-_Port_Coquitlam.svg; TastyCakes

Figure 2. City of Port Coquitlam ALR Map



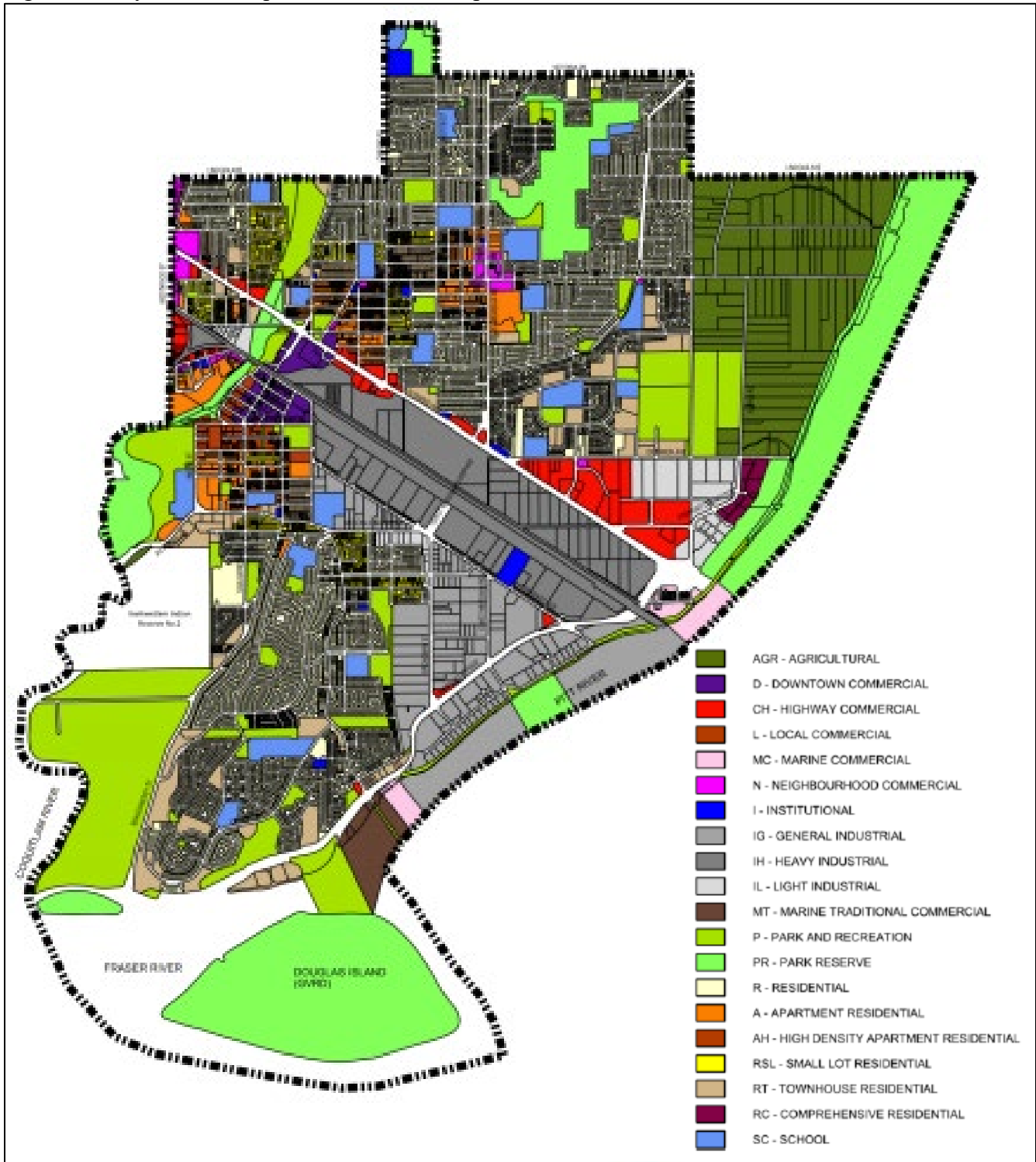
Source: City of Port Coquitlam Official Community Plan

Figure 3. City of Port Coquitlam Regional Land Use Map



Source: City of Port Coquitlam Official Community Plan

Figure 4. City of Port Coquitlam Land Use Map



Source: City of Port Coquitlam 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 Port Coquitlam's legislative framework for protecting agricultural land is weak in stability. The strongest statement for the protection of agricultural land is Policy 6 in the Growth Management section, which states, "Support the protection and enhancement of Agricultural designated land in the ALR." There are no similarly strong statements in the OCP to reinforce this message. The Corporate Strategic Plan identifies protecting agricultural lands as a key element of "economic strength" and desired outcome. One of the stated Directions and Initiatives is to "Promote the retention and viability of the lands in the Agricultural Land Reserve." Also, the City's Environmental Strategic Plan (2011) notes the loss of farmland as an issue and identifies "conserving farmland" as a strategic direction to support food security, although with a focus on urban agriculture activities.

The OCP has only a short section on agriculture and lacks background on agriculture. Only a brief set of general agricultural land use policies is included in the section on Economic Growth, which is to be achieved by "decisions to support business, facilitate goods movement and protect agricultural lands." However, the language of the supporting policies is not as strong. For example, the main policy statement for agriculture states, "Develop ways to support agricultural lands, businesses and enterprises..." None of the policy statements that follow refer to protecting agricultural lands. Rather, they refer to "exploring alternative and innovative activities and uses that are appropriate to agricultural lands," ensuring municipal bylaws are "supportive of agricultural uses," and working with other government agencies "to develop supportive policies." Other statements provide indirect support for farmland protection through regulating non-agricultural uses and "limiting further subdivision."

A notable weakness of the OCP regarding agriculture is the outstanding commitment to develop an agricultural strategy, which has been "on the books" for many years. Several of the City's statements that demonstrate consistency with the MRVS's RGS refer to the to-be-developed agricultural strategy.

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.

Port Coquitlam's ability to integrate across jurisdictions is weak. The OCP has only a few, limited references to the ALC Act, but no references to other important acts such as the *Farm Practices Protection Act*. The strongest statement of integration with provincial legislation is in the introduction that states that all land in the ALR is under the jurisdiction of the ALC and must adhere to the regulations of the ALC Act. The Zoning Bylaw refers to the ALC Act and the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation. In support of regional integration, the OCP includes statements showing how the City fulfills strategies in the Regional Growth Strategy; however, the connections to agriculture were minimal, with frequent references to a future agricultural strategy.

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 City of Port Coquitlam is weak in minimising uncertainty. The Urban Containment Boundary (UCB) helps to minimise uncertainty by restricting urban development to specified areas and protecting agricultural land. However, there are important aspects of the OCP that contribute to uncertainty. Notably, not all ALR land is designated for Agricultural use, which includes a golf course and two parks. As well, the Special Study Area for the Fremont Connector identifies ALR land as the site of future developments that are needed to improve the transportation network. As seen in Figure 3, the Special Study Area takes up a significant portion of Port Coquitlam's agricultural land. It should be noted that this Special Study Area is identified on City's Urban Centres Overlay map but is not identified as such within the OCP. A corresponding policy states, "Consider appropriate alternative uses for lands within the ALR which have been severed or impacted by the construction of the Fremont Connector." Weak language among the agricultural policies also contributes to ambiguity. For example, the agricultural policy that states the City will support agriculture by "Regulating non-agricultural uses, such as estate houses, on agricultural land." Similarly, another policy in the agriculture section states, "Limiting further subdivision and non-farm uses." A lack of detail to clarify the intent of these statements suggests a less-than-strict approach regarding non-farm uses on ALR.

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.

Port Coquitlam's legislative framework for accommodating flexibility is weak. As a positive contribution to this principle, the OCP states conditions under which the future Fremont Connector road alignment will be approved, as follows:

...[T]he future Fremont Connector road alignment must be reviewed following completion of a comprehensive technical, environmental, social and economic evaluation process on all the alternatives in a transparent evaluation process that provides opportunities for input from regulatory stakeholders and public consultation.

This review process provides appropriate opportunities to accommodate agricultural interests.

A weakness of the local legislative framework is the absence of a formal governance system for agriculture. While there is an Agricultural Advisory Committee (AAC) at the regional level, the City does not have one. The OCP suggests creating an AAC. Likewise, the development of an agricultural strategy would support the work of an AAC. Another weakness is the absence of Development Permit Areas (DPAs) that protect agriculture. Furthermore, one agricultural policy mentions buffers; however, it is vague, stating only that "adjacent uses are compatible and/or sufficiently buffered." Light Industrial zones are considered an adequate transition between industrial and residential, commercial, and agricultural zones (Figure 4).

Table 1. Port 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) 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 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>Corporate Strategic Plan: Vision 2020 (2011) Environmental Strategic Plan (2011)</p>	<p><i>City of Port Coquitlam Official Community Plan (Bylaw No. 3838, 2005)</i> <i>City of Port Coquitlam Zoning (Bylaw No. 3630, 2008)</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]

REFERENCES

City of Port Coquitlam. (n.d.). *Official Community Plan*. Retrieved from City of Port Coquitlam: <https://www.portcoquitlam.ca/business-development/planning/official-community-plan/>