

Assessment of Local Legislative Framework for Protecting Farmland **Squamish-Lillooet Regional District Electoral Area C, BC** July, 2017

SUMMARY

Squamish-Lillooet Regional District Electoral (SLRD) Area C’s local legislative framework for farmland protection is **strong**. SLRD Area C stresses the importance of farmland protection through its clear objectives and policies. While most of the growth in Area C occurs in the Village of Pemberton, the expansion of their municipal boundaries affected agricultural land in Area C.

Strength of Local Legislative Framework: Summary Assessment

	Maximise Stability	Integrate Across Jurisdictions	Minimise Uncertainty	Accommodate Flexibility
SLRD Electoral Area C, BC	****	****	***	****

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

ABOUT THE SITE

Squamish-Lillooet Regional District (SLRD) is located in southwestern British Columbia (BC) and north of Vancouver (Figure 1). The Regional District is comprised of the municipalities of Lillooet, Whistler, Pemberton, and Squamish; as well as four Electoral Areas. This case study looks specifically at Electoral Area C, the largest electoral area in the Regional District (Figure 1).

The Village experienced very rapid population growth between 2001 and 2006 (Table 1). Much of this growth was accommodated later by twice expanding the boundaries of the Village of Pemberton, changes which are also reflected in the later population declines. Consequently, the demand for development in the remaining lands is moderate. The unique geographic constraints of the Pemberton Valley pose a challenge as land use conflicts will increase with a growing population in the area.

Table 1. Population growth and land area, SLRD Area C, BC

	2001	2006	2011	2016
Population	1,499	1,887	1,739	1,663
5-year change (%)		25.9%	-7.8%	-4.4%
% change 2006-2016				-11.9%
% change 2001-2016				10.9%
Land area (sq km)		5606.94	5570.39	5519.98
5-year change			-36.55	-50.41
Total change				-86.96

Citation: Kolenbrander, Brenda, David J. Connell, and Tyson Baker (2017). “Rapid Assessment of the Local Legislative Framework for Protecting Farmland: Squamish-Lillooet Regional District Area C, BC.” Prince George, BC: University of Northern British Columbia.

Rapid Assessment: Squamish-Lillooet Regional District Electoral Area C, BC

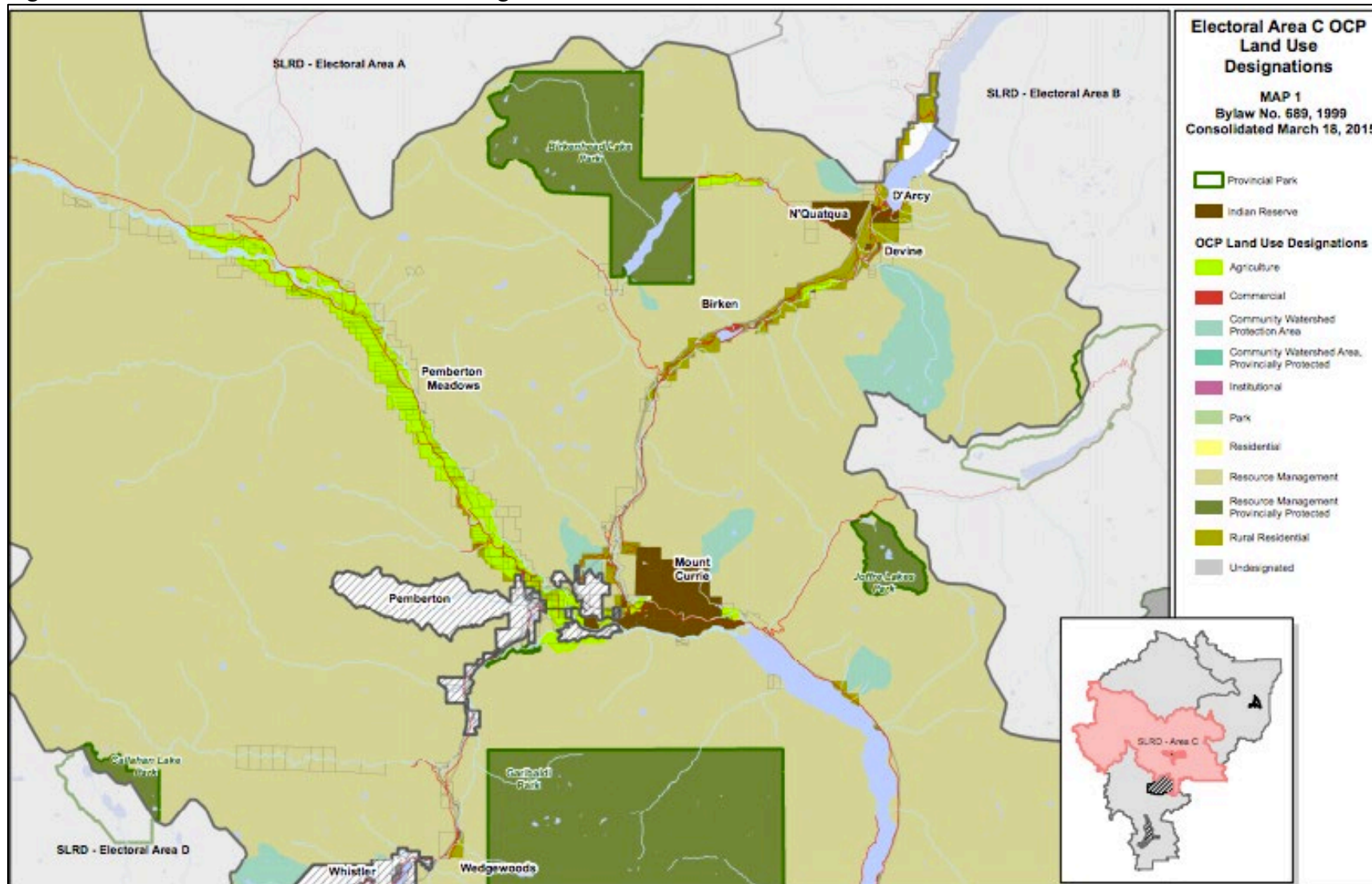
The bright green on Figure 2 shows the agricultural land in the area, with much of the remaining land area subject to topographical constraints of mountains and steep valleys. Although the total area of agricultural land in Electoral Area C is limited, the climate and soil in parts of the region make it ideal for agriculture, with much of the land being prime land (CLI 1, 2, and 3) or improved prime land. While Pemberton Valley has long been known as the “Seed Potato Capital of Canada,” the area has diversified into other areas of agriculture such as cattle ranching, small organic farms, and equestrian activities (Squamish-Lillooet Regional District, 2017).

Figure 1. Squamish-Lillooet Regional District Electoral Areas



Source: Squamish-Lillooet Regional District Electoral Mapping

Figure 2. Electoral Area C OCP Land Use Designations



Source: Squamish-Lillooet Regional District Electoral Area C Official Community Plan

Rapid Assessment: Squamish-Lillooet Regional District Electoral Area C, BC

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 SLRD Area C is stable because a clear commitment to farmland protection is evident throughout legislative documents. This stability lies in the agricultural section of the Official Community Plan (OCP), which recognises agriculture as the dominant land use. The agriculture section is comprehensive with detailed policies for each objective. As stated, “The policies contained in this section of the OCP are intended to confirm support for the farming sector by the Regional District and support preservation of the agricultural land base.” The first objective is, “To preserve the agricultural land base in the plan area.” These two statements are the strongest in favour of farmland protection. The OCP has only a brief introduction section, and does not include a clear commitment to protecting farmland.

Other documents such as the Regional Growth Strategy, Pemberton and Area C Agricultural Area Plan (AAP), and Zoning bylaw further strengthen the language around farmland protection for Electoral Area C. The AAP was created to support the protection of farmland. Specifically, the first of seven goals is to maintain the integrity of the Agricultural Land Reserve (ALR), the province’s restrictive zoning legislation.

In addition to the above, the SLRD is presently (as of June, 2017), reviewing its OCP and Zoning Bylaw. As per the following, which is from the SLRD website¹, one aim of the review is to strengthen the policy focus on farmland protection, including the implementation of the Pemberton Valley AAP.

One of the primary foci of this project is to implement the PVAAP [Pemberton Valley Agricultural Area Plan] in Electoral Area C through amendments to the OCP and Zoning Bylaw, particularly with respect to agricultural zoning.

Main Issues

The SLRD Board has identified the main issues for the Review to address:

- enhancing agriculture,
- strengthening the protections for agricultural uses in the Agricultural Land Reserve (ALR), and
- ensuring that ALR land is used for farming.

The SLRD Board has directed that the Plan should implement the Pemberton Valley Agricultural Area Plan (PVAAP) as much as possible. Specific actions to be incorporated into the OCP and Zoning include:

- establishing a Development Permit Area for the protection of farming for lands adjacent to farmland, and
- regulating the size and siting of residential uses in the ALR.

¹ <http://www.slrd.bc.ca/inside-slrd/current-projects-initiatives/area-c-ocp-zoning-pemberton-valley-agricultural-area-plan-implementation>

If these aims are addressed through the review then the level of stability, and overall strength of policy focus, will increase for the SLRD Area C.

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.

SLRD Electoral Area C does a good job of integrating across jurisdictions in their OCP. There were numerous references to the *Agricultural Land Commission Act* (ALC Act). Although there was no explicit mention of the *Farm Practices Protection (Right to Farm) Act*, the OCP (Policy 6.19) is consistent with ‘right to farm’ legislation. The policy states, “Normal farm practices with possible undesirable side effects, such as odours, machinery and animal noises, and blowing dust, are to be expected in an agricultural area. In the case of conflict between a farm operation carrying on normal farm practices and adjacent non-farm development, the agricultural interest will be supported.” The OCP also refers to the Agricultural Land Commission (ALC) and their purpose in agricultural land protection, acknowledging their role in land use.

The AAP was especially well integrated across jurisdictions, including a detailed description of how documents such as the SLRD Regional Growth Strategy and Electoral Area C’s OCP relate to or work alongside the AAP. The level of integration makes the AAP an outstanding document. However, it must be noted that the AAP was not formally adopted as a bylaw.

The introduction of the OCP, under the sub-section ‘Planning Process,’ acknowledges that the Pemberton and Area C Agricultural Advisory Committee (AAC) played a critical role in the establishment of agricultural objectives and policies. This is significant for integration, as the SLRD Board asked the AAC to contribute to policies that have legal weight. Other stakeholders such as the regional and Area C Agricultural Advisory Committees, Ministry of Agriculture, and Regional Agrologist are also listed throughout the document. Policy 6.27, for example, requires the support of these three parties before additional housing can be built for farm help. Not only did Area C communicate with these different groups in the development of agricultural objectives and policies, they also recognise the need to continue to work with them to see if further regulations are needed.

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.

Area C’s legislative framework for uncertainty is moderate. The outdated OCP contributes to this rating. While small amendments have been made to the OCP, the original is from 1999, which contributes to uncertainty because it is unclear how relevant the context of 1999 remains relevant today. Notwithstanding this limitation, the OCP is consistent and provides a lot of context for agriculture in the area. The agriculture section emphasises the importance of farmland protection with a detailed context statement, helping to minimise uncertainty by providing a justification for the objectives and policies. The introduction of the OCP is another area where uncertainty is created. The small section gives no indication of where agricultural land may fall in their priorities, taking away from an otherwise very concise and clear message of farmland protection.

Although there are a couple of areas that create some uncertainty, there is consistency in the use of Smart Growth Principles as a guideline for both the Village of Pemberton and Electoral Area C, as well as the SLRD Regional Growth Strategy. This consistency helps to minimise uncertainty and also solidifies a dedication to farmland protection because one of the principles is to ensure the integrity of farmland. Overall, the clear, direct statements in Area C documents and intensive section on agriculture in the OCP leave little room for open-ended or ambiguous statements. This would otherwise be a strong framework for minimal uncertainty if it were not undermined by a weak introduction and outdated plan. The current review of the OCP may address these limitations.

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 SLRD Area C's ability to accommodate flexibility was rated as strong. The Regional District and its Electoral Area C (as well as the Village of Pemberton) each has an Agricultural Advisory Committee (AAC). The use of these committees shows a clear commitment to protecting farmland while ensuring the interests of agriculture are present in all land use decisions. Area C also expressed a desire to do agricultural impact assessments, which helps to accommodate flexibility by creating a clearer picture of their determination to protect farmland. A desire to balance agriculture and environmental protection is also expressed in Area C's OCP, recognising the importance of both to ensure interests are not favouring one over the other. Special Planning Areas were also developed to accommodate future growth while also preserving farmland. Furthermore, Policy 6.14 says that they allow existing home-based businesses on ALR land and encourage additional home-based businesses such as bed and breakfasts. While this policy accommodates flexibility by allowing non-farm uses on farm land; however, Policy 6.15 puts restrictions on these accessory uses that help to mitigate negative impacts. The final factor that contributes to flexibility is in their zoning designations. The Agriculture, Agriculture- Pemberton Fringe sub zone, and Rural zoning designations accommodate flexibility by recognising different needs in different agricultural areas. For example, the Agriculture-Pemberton Fringe sub zone and Rural zone both allow non-intensive agriculture, which creates an opportunity for smaller-scale agriculture while still promoting farmland protection.

Table 2. SLRD Electoral Area C, 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>Squamish-Lillooet Integrated Sustainability Plan (2013) Pemberton & Area Sub-Regional Land Use Planning Study (2010) Sea-to-Sky Land Resource Management Plan (2008)</p>	<p><i>Squamish-Lillooet Regional Growth Strategy</i> (Bylaw No. 1356, 2014) (Amended version)</p>	<p>Squamish-Lillooet Regional District Agricultural Advisory Committee</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>Pemberton and Area C Agricultural Area Plan Pemberton Valley Land Use Inventory Report (2009)</p>	<p><i>Electoral Area C Official Community Plan</i> (Bylaw No. 689, 1999) (Consolidated Version) <i>Electoral Area C Zoning</i> (Bylaw No. 765, 2002)</p>	<p>Pemberton and Area C 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

Squamish-Lillooet Regional District. (2017). *Electoral Area C*. <http://www.slrd.bc.ca/about-us/slrd-electoral-areas/electoral-area-c>