

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

SUMMARY

The overall strength of the legislative framework in the City of Surrey is **strong**. The City has urbanised most of its land base except for a floodplain, which provides a contiguous area that includes most of the agricultural lands that remain within the municipal boundaries. A set of strong statements and comprehensive policies serve to protect these agricultural lands from further development. 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

	Maximize Stability	Integrate Across Jurisdictions	Minimise Uncertainty	Accommodate Flexibility
Surrey, BC	*****	****	****	*****

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

ABOUT THE SITE

Surrey is the second largest city in British Columbia (BC), and is also one of the fastest growing cities in the province. The City is in the Metro Vancouver Regional District (MVRD) (Figure 1) and has a very high demand for urban development. With a current population of 517,887 (Canada Census 2016), Surrey is expected to grow to 770,200 by the year 2041 (OCP), an increase of about 50%. There is a corresponding aim to increase the number of jobs in Surrey so that a higher portion of residents live and work in the City. The City’s Official Community Plan (OCP) has a strong focus for directing new residential and commercial centres to existing cores and increasing density in established neighbourhoods in order to reduce sprawl.

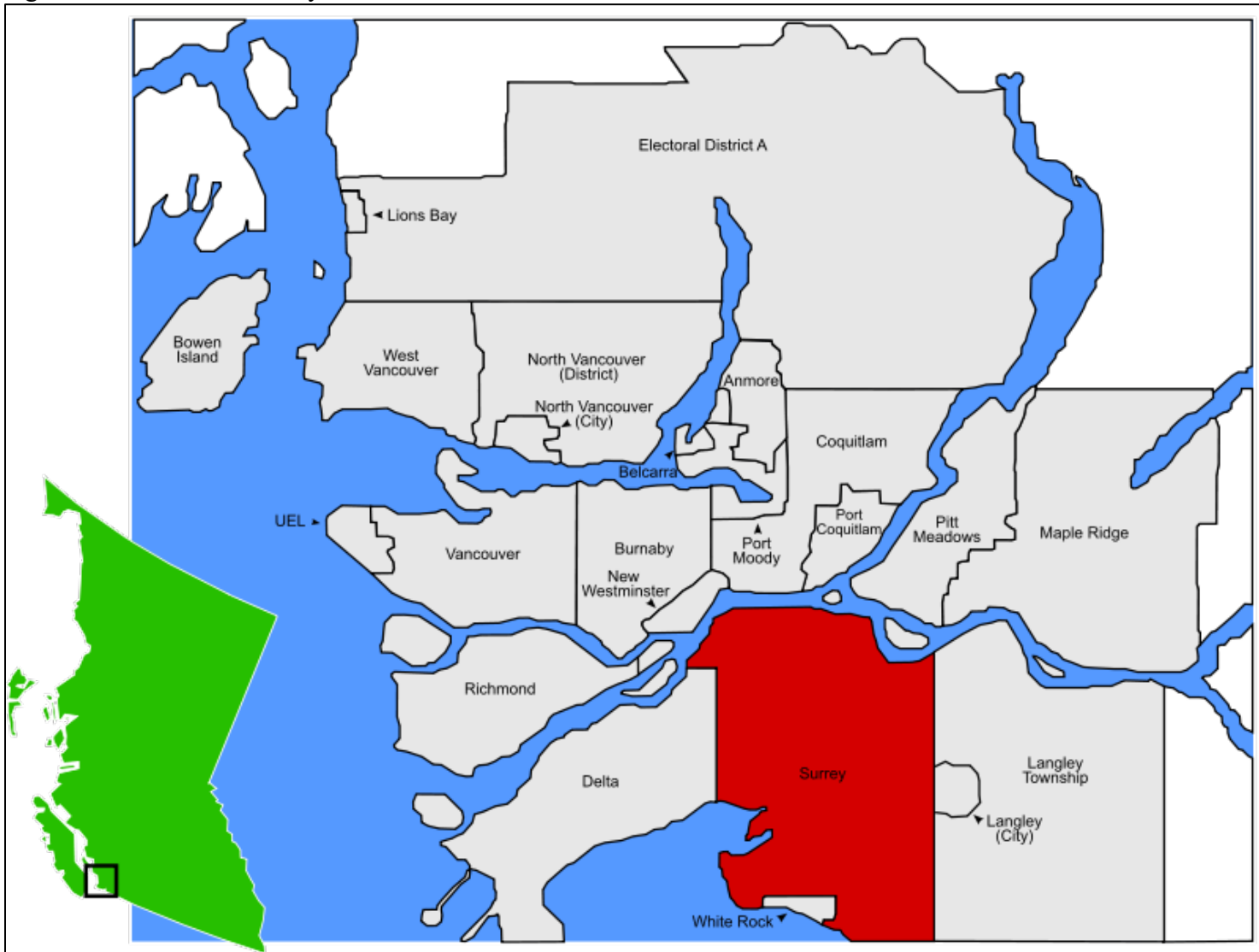
Surrey has a mostly contiguous supply of agricultural land covers (Figure 2) central Surrey and coincides with the designated floodplain (Figure 3). The ALR covers 9,290 hectares, which is 29.4% of the total land area (Land Use Inventory Report, 2013). An additional 430 hectares of agricultural land are located outside of the ALR and zoned agricultural. In spite of heavy urbanisation, agriculture remains an important sector for the City, employing over 3,300 workers and generating \$167 million in revenue. The main crops consist of dairy and poultry products, berries and grapes, flowers and landscaping materials, and field grown and greenhouse vegetables (Agriculture Protection and Enhancement Strategy, 2013). Strong policies that limit urban development in the floodplain serves to reduce development pressures on agricultural land.

The Metro Vancouver Regional District (MVRD) provides a layer within the legislative framework between the City of Surrey 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 (see Figure 4).

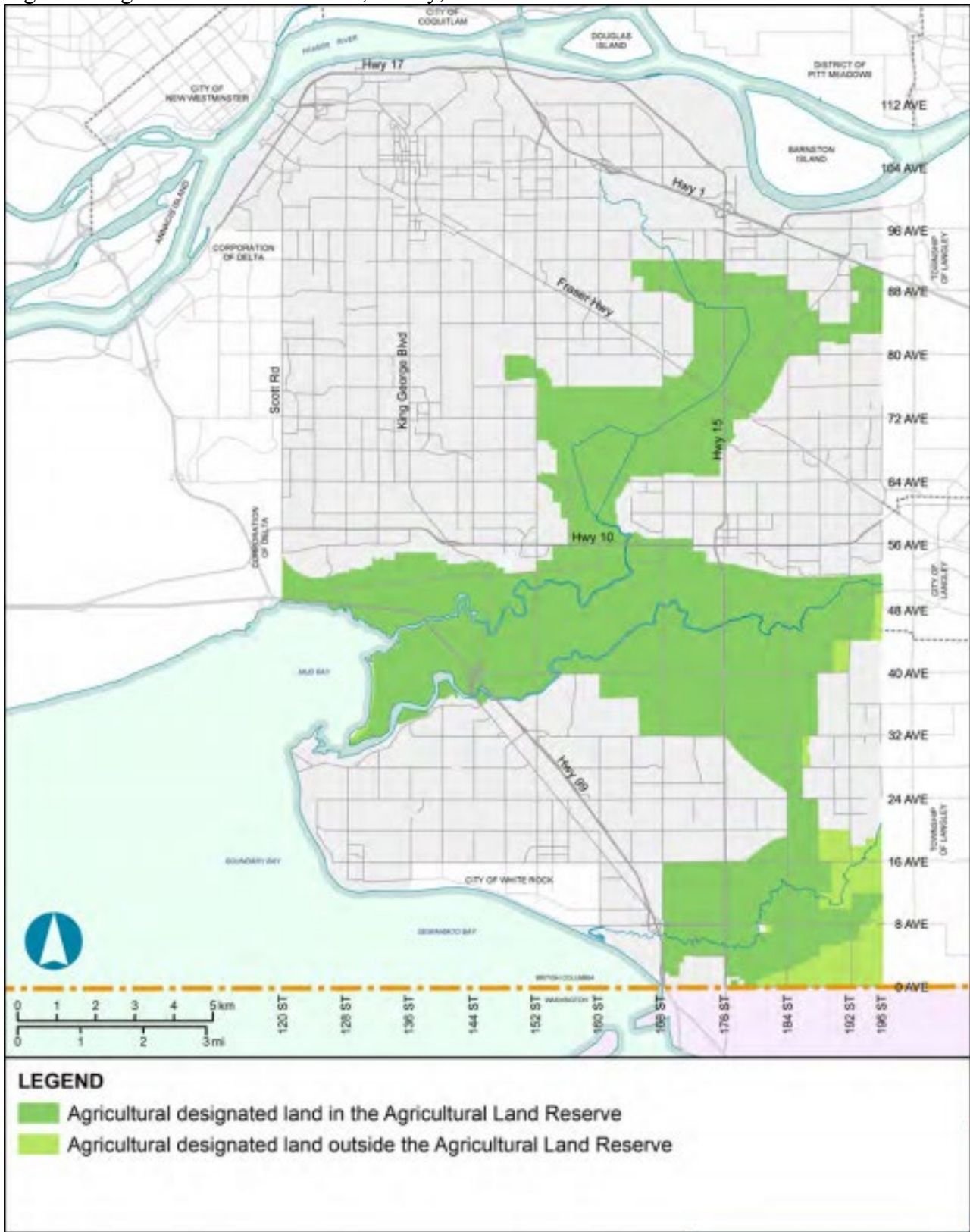
The legislative framework for protecting farmland in British Columbia is very strong. The Agricultural Land Commission (ALC) Act, enacted in 1973 with major revisions in 2002 and 2014, established the Agricultural Land Reserve (ALR) and the ALC. The ALC is a quasi-judicial tribunal that is responsible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



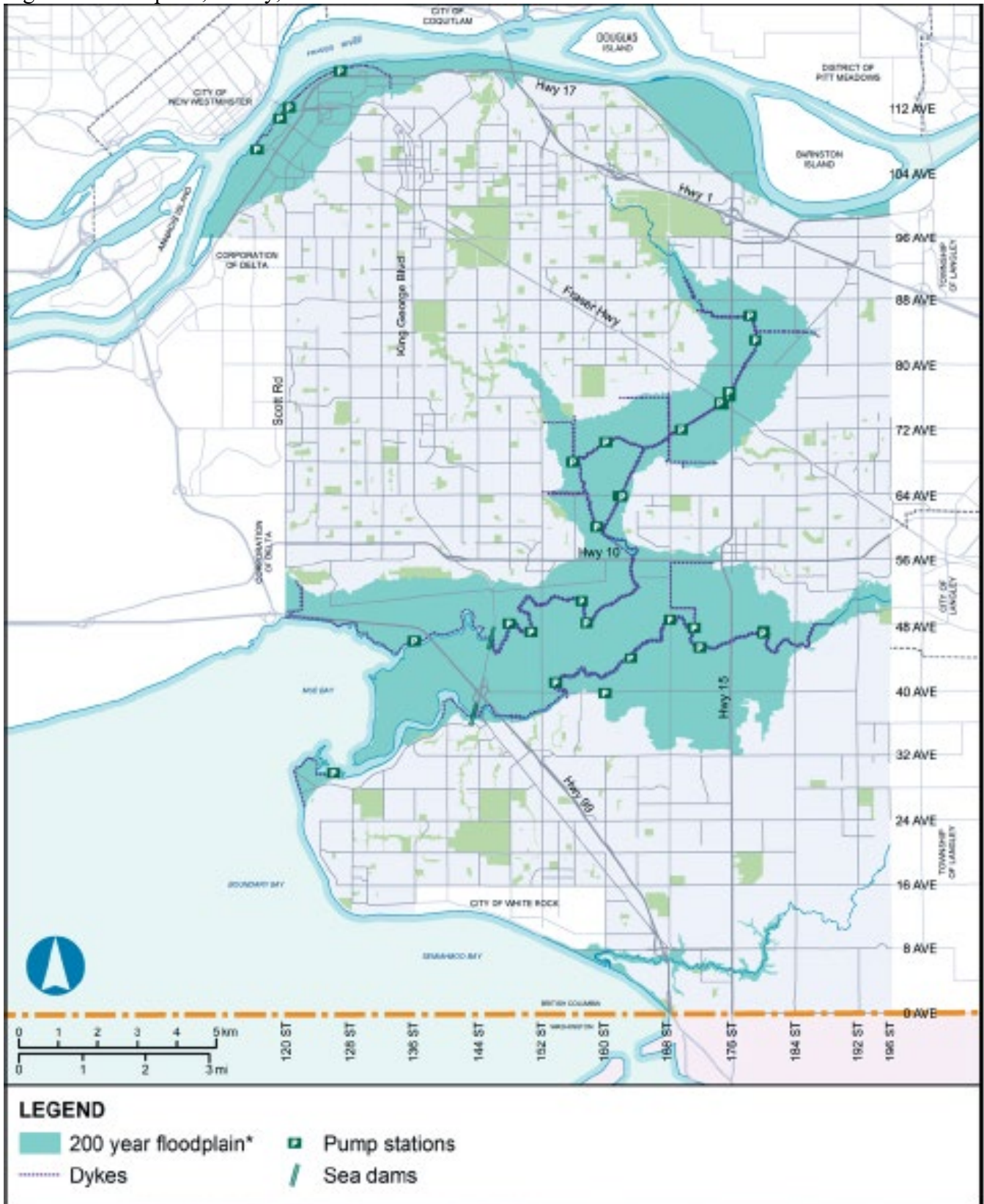
Source: Wikipedia: GVRD_-_Surrey.svg: TastyCakes

Figure 2. Agricultural Land Reserve, Surrey, BC



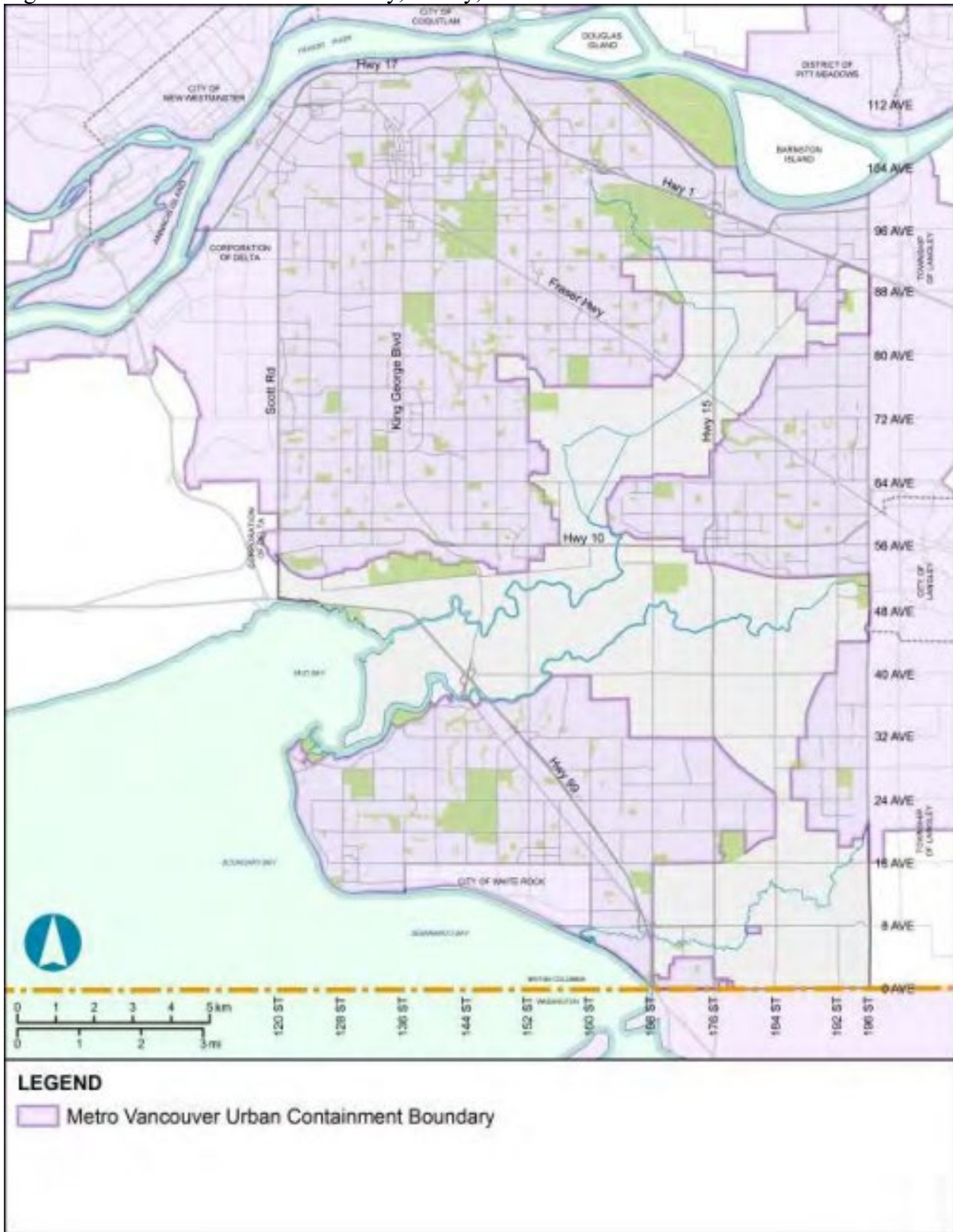
Source: City of Surrey Official Community Plan, 2014

Figure 3. Floodplain, Surrey, BC



Source: City of Surrey Official Community Plan, 2014

Figure 4. Urban Containment Boundary, Surrey, BC



Source: City of Surrey Official Community Plan, 2014

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 Surrey rated strong for maximising stability. The OCP provides clear and concise policies that protect and preserve agricultural land within the city and encourages the retention and expansion of farming activity outside of the ALR. The Vision for Surrey as presented in the OCP includes two statements relevant to protecting agricultural lands. These statements refer to efficient use of urban land that reduces development pressure on agricultural lands; and extensive and connected farmlands that “are defined and protected by clear and stable urban development boundaries.” This vision is supported by a land use designation for agriculture and strong supporting policies that refer directly to protecting farmland.

The land use policy section (Objective E3) for agriculture is extensive, covering urban-agriculture interfaces, infrastructure, environment, reducing barriers, and education and research. As stated at the outset, “Surrey values protecting its agricultural land and promoting sustainable food systems.” This statement is followed by a commitment to implementing the Agriculture Protection and Enhancement Strategy, which was adopted by Council in 2013. The Strategy identifies key priorities for enhancing the agricultural sector, to ensure resilience and sustainable practices, to work with provincial bodies to reinforce the agricultural sector, and to protect the agricultural land base and its agricultural infrastructure. The first general policy (E3.1) states, “Maintain the integrity of the Agricultural Land Reserve (ALR) and its existing boundaries.” The following policies refer to conforming with the ALC Act and right to farm act (E3.2), protecting and supporting the continued designation of agricultural land for agricultural purposes (E3.3), and avoiding the fragmentation of farmland (E3.5). Policy E3.6 is especially important for ALR lands, which states,

Require 2 ha of land, within Surrey, of equivalent or better soil capacity, to be included into the ALR for each 1 ha of land excluded from the ALR with the submission of an Agricultural Impact Assessment detailing how this conversion provides a net benefit to agriculture in Surrey.

Two other policies of (E3.22 and 23) refer to protecting farming from adjacent urban impacts and to protecting and enhancing the interface between urban areas and ALR 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.

The City of Surrey received a strong rating regarding the integration cross jurisdictional government legislation and policies. The OCP includes direct and clear commitments to supporting the ALC Act and the *Farm Practices Protection Act* to ensure that all land-uses conform to the policies and regulations outlined in those provincial legislations. As noted above, the objective for Agriculture provides a clear commitment to supporting the agricultural strategy. In similar terms, the OCP refers to

the City's Sustainability Charter, an enforceable policy that includes maintaining the ALR as a desirable long-term outcome.

The city includes required Regional Context statements that demonstrate how policies outlined in the RGS are met through the OCP. The city also states that it will fulfill its role as a municipality in Metro Vancouver by supporting the RGS, including eight policies related to protecting agricultural land. There is also support for increasing agricultural infrastructure, such as drainage and transportation, and cooperating with nearby municipalities to develop the necessary infrastructure. The RGS uses agricultural-urban interface areas to increase economic development of the agricultural sector as well as committing to increasing local food production and education.

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 Surrey received a strong rating in this principle. This is due to the city's position of protecting and enhancing agriculture through clear and concise language. The Urban Containment Boundary (UCB) for the City of Surrey is an important policy that directs development to urban areas and reduces the uncertainty of using agricultural lands for non-farm purposes. As seen in Figure 4 and Figure 3, the ALR and the UCB complement each other. The purpose of the UCB is to densify and limit growth to areas that are designated to town centres throughout the city.

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.

Surrey received a strong rating for accommodating flexibility. Importantly, as noted above, a set of policies within the OCP address the urban-agriculture interface. In addition, the Development Permit Guidelines (DPA) provides detailed rules and regulations regarding development adjacent to agricultural land. To minimise agricultural-urban conflict, any property that is within 300 metres of the ALR boundary shall register a restrictive covenant against the property to inform future purchasers that farm practices will take precedence as outlined in the Right to Farm Act. The use of buffers is required for development that is adjacent agricultural land. The DPA requires that General Buffer Design elements apply to any development adjacent to agricultural lands and ensures that they follow the Guide to Edge Planning, which was developed by the Ministry of Agriculture. The City of Surrey also requires that prior to any development permits to be approved, the developer must plant tree fencing that are recommended in the Guide to Edge Planning and specific to the indigenous flora found in Surrey, as well as add a statutory or restrictive covenant to ensure buffers are established and maintained. The guidelines and policies are well organized and would be easy to for a developer, farmer, or the public to comprehend. The guidelines and policies do not use ambiguous language which strengthens the city's commitment to protecting and enhancing agriculture.

Other policies add to the City's commitment to accommodating flexibility. Policy E3.3 encourages non-soil based farming to be located within areas with poorer soil qualities and leaves high quality soil for high quality crops for higher yields, allowing for flexibility within the agricultural sector

and prioritises effective and valuable crops on quality land which contributes to economic growth. Policy E3.8 encourages the City to lease City-owned agriculturally-zoned land to farmers and amend zoning bylaws, policies and other regulations to support agriculture and innovation.

The City of Surrey adopted the Agriculture and Food Security Advisory Committee (AFSAC) in 1997. This committee comprises of representatives from the local agricultural sector, City Council, Ministry of Agriculture, Surrey's Environmental Committee and planning and engineering city staff. The Committee's objective is to advise council on agricultural policy and provide solutions for the agricultural sector to ensure its viability from which the committee assisted in developing the OCP.

The legislative framework for farmland protection is enhanced by the use of an agricultural planning committee, the Agriculture and Food Security Advisory Committee (AFSAC). This committee helps to ensure that the interests of agriculture are included in land use planning decisions.

Table 1. City of Surrey, 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>Agriculture Protection and Enhancement Strategy (2013) Surrey Agricultural Plan (1999) Sustainability Charter (2016) Surrey Economic Development Strategy (2008)</p>	<p><i>City of Surrey Official Community Plan (Bylaw No. 18020, 2014)</i> <i>Zoning Bylaw (Bylaw No. 12000, 1993)</i></p>	<p>Agriculture and Food Security 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

Statistics Canada. 2017. Surrey, CY [Census subdivision], British Columbia and Greater Vancouver, RD [Census division], British Columbia (table). Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released May 3, 2017. <http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E> (accessed May 31, 2017).