

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

SUMMARY

The Township of Langley’s local legislative framework for farmland protection is **somewhat strong**. The strength of the legislative framework to protect farmland derives from its strong integration with provincial and regional legislation, regulations, and policies. Although much of the municipal land base is protected as Agricultural Land Reserve (ALR) under the province’s restrictive zoning legislation, the strength of policy focus for protecting farmland within the local legislative framework is undermined by policies with weak language. The stronger interest in urban growth contributes to uncertainty for some agricultural lands.

Strength of Local Legislative Framework: Summary Assessment

	Maximize Stability	Integrate Across Jurisdictions	Minimise Uncertainty	Accommodate Flexibility
Township of Langley, BC	***	****	**	***

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

ABOUT THE SITE

The Township of Langley is located in southwest British Columbia (BC) (Figure 1). The Township is experiencing rapid population growth in part because the area is seen as a more affordable option than Vancouver and other parts of the lower mainland for many seeking a home. The Township expects the rapid growth it has been experiencing to continue over the next 30 years. With a population of 107,000 in 2012, this number is expected to reach 211,000 in 2041. While Langley is geographically one of the largest municipalities in the region (at 316 sq km), this continued growth is still expected to put pressure on the land base.

The shift toward urban expansion stands in contrast to the area’s historical dependence on agriculture. The agricultural land base (Figure 2) covers 75% of the municipal land base (12,970 ha), with 75% of agricultural land having the potential to be prime agricultural capability (CLI 1, 2, and 3, and improved CLI 4). For historical reasons, land parcels are small with an average farm size of 10 hectares. At the same time, agriculture is quite diverse, ranging from large greenhouse operations to foraging and pastures, to berry and vineyards.

Langley has some physical limitations to development. The Fraser River and a small floodplain to the north are the only natural constraints to development. At the same time, the Township has emphasised that they want to maintain both their rural and urban land, including agriculture as an important asset.

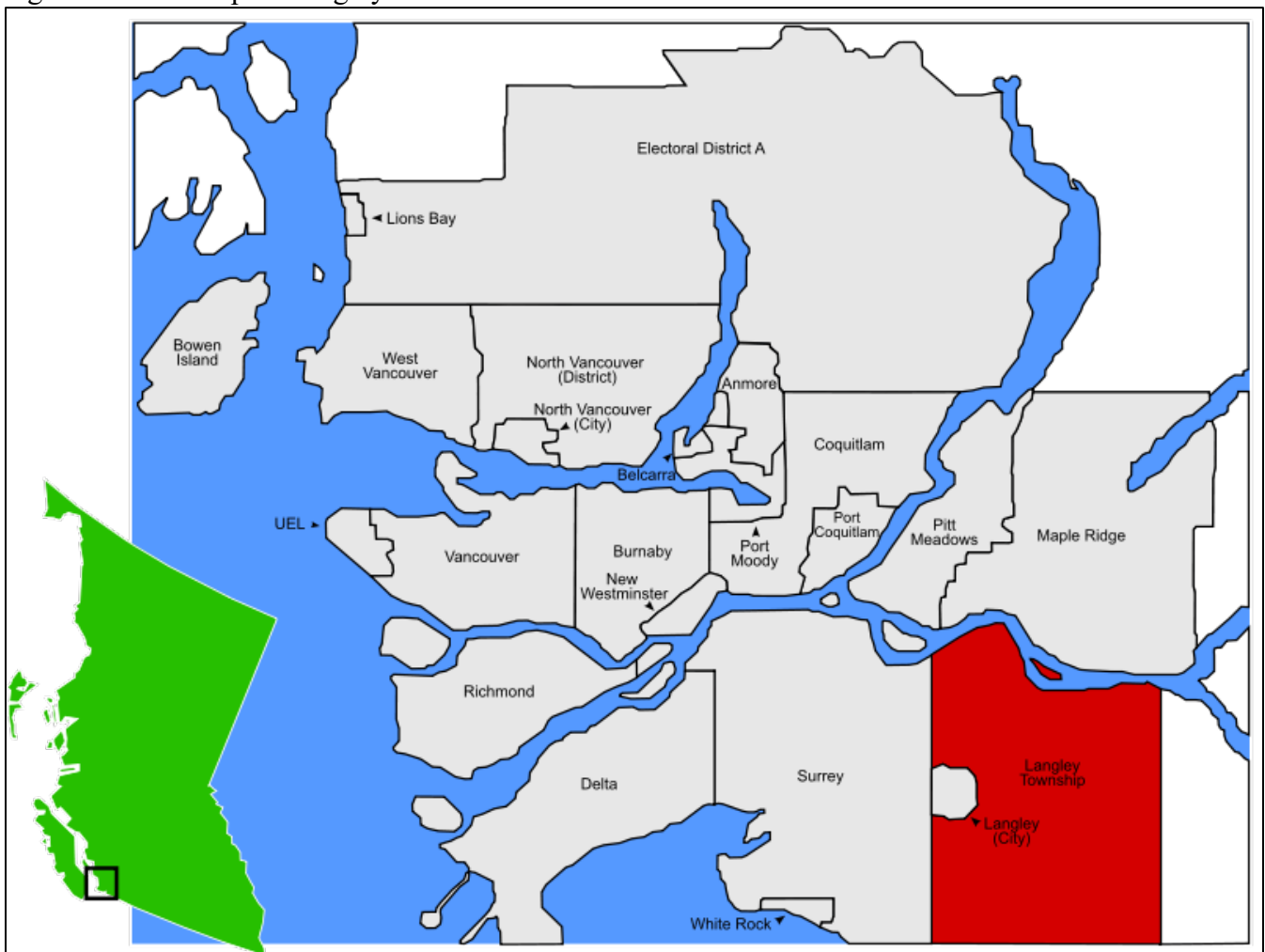
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The Metro Vancouver Regional District (MVRD) provides an additional layer within the legislative framework. The combination of Regional Growth Strategy, Regional Food System Strategy, and Regional Food System Action Plan are the cornerstones for a very strong policy focus on farmland protection. These documents support a clear commitment to farmland protection in conjunction with Urban Containment Boundaries (UCB) for all of its member municipalities (see Figure 3).

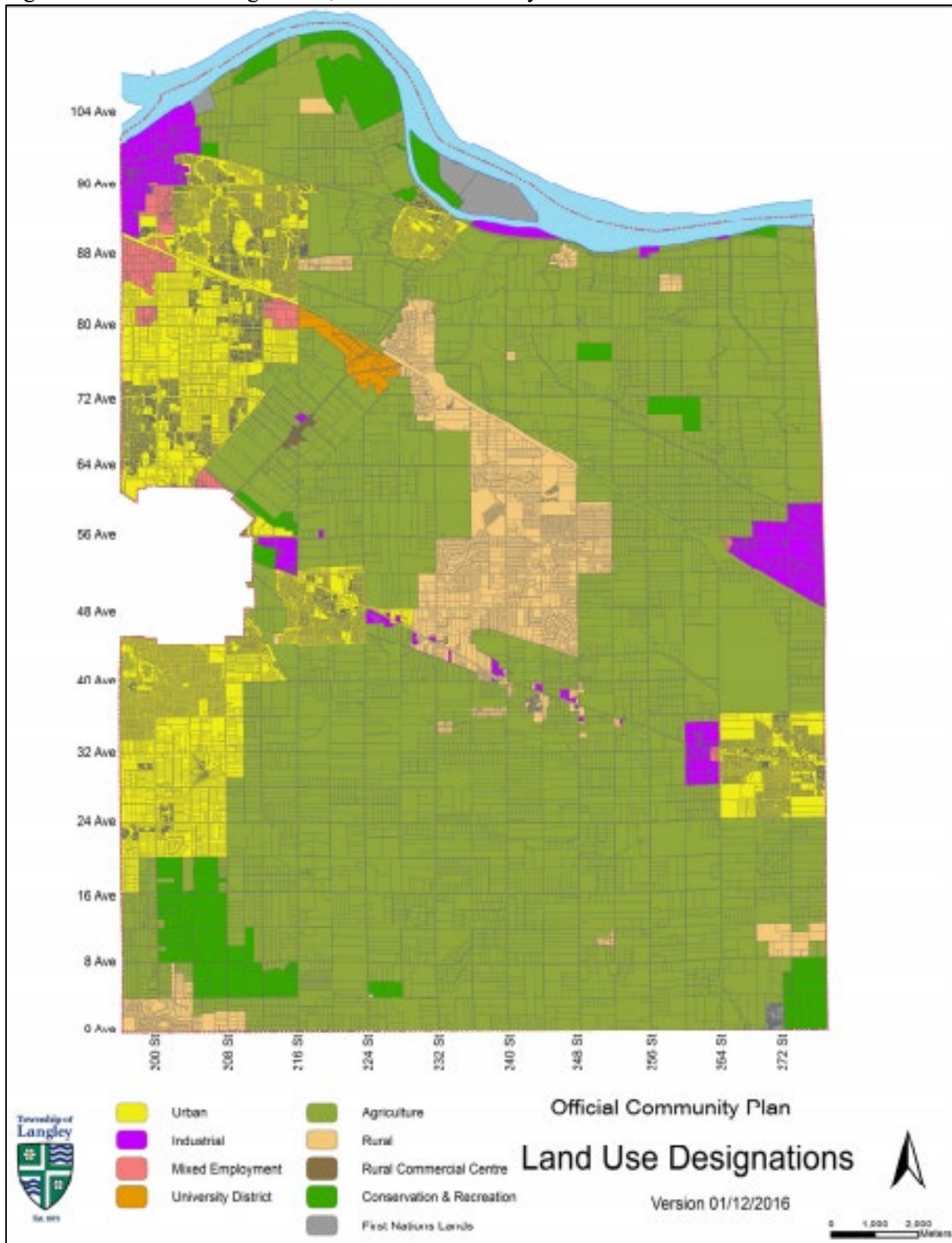
The legislative framework for protecting farmland in British Columbia is very strong. The *Agricultural Land Commission (ALC) Act*, enacted in 1973 with major revisions in 2002 and 2014, established the Agricultural Land Reserve (ALR) and the ALC. The ALC is a quasi-judicial tribunal that is responsible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



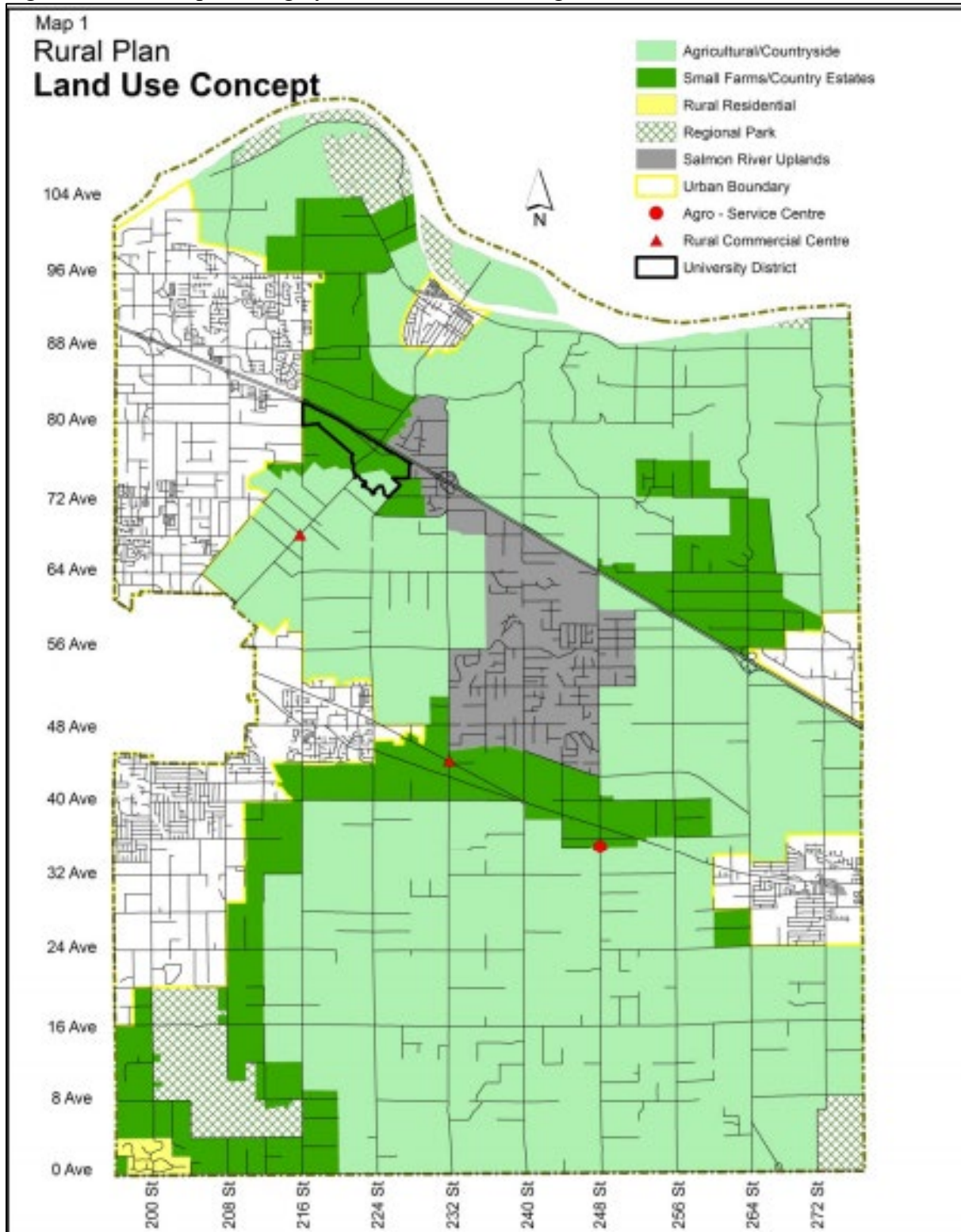
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Figure 2. Land Use Designations, Official Community Plan



Source: Township of Langley Official Community Plan, 2016

Figure 3. Township of Langley, Rural Land Use Designations, Rural Plan



Source: Township of Langley 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 level of stability of Langley's legislative framework is moderate, which reflects an interest in accommodating urban growth while recognising its obligation to protect agricultural lands. Notably, Langley's Official Community Plan (OCP) states in the introduction that, in addition to managing growth, "we must also preserve valuable ecological and agricultural lands." This statement infers that farmland protection is a challenge for land use that is secondary ("must also") to the opportunity to accommodate some of Metro Vancouver's growth. The stated goal under Vision is to "promote agriculture and enhance farm viability," which is of moderate strength and reflects an interest in promoting the agricultural use of farmland more than its protection. The strongest statements in the OCP related to protecting farmland are found among policies for lands designated for agricultural uses. Here, the OCP states, "Areas designated as Agriculture shall be used primarily for agricultural uses and supporting services to protect the agricultural land base and support food production" (2.2.1); "Develop and implement a strategy to support viable agricultural production and provide a secure agricultural land base and the required services infrastructure for farming" (2.2.2).

In addition, the OCP refers to and is supported by a Rural Plan, which is a land use bylaw outlining policies, regulations, and land use designations in areas outside of the Urban Development Boundary (the same as the UCB). Correspondingly, most of the land covered by the Rural Plan is agricultural. The Rural Plan acknowledges the "special nature" of agriculture in the area and provides the clearest, most direct statement to protect farmland as its over-riding goal:

The primary goal of the rural plan is to enhance agricultural viability through recognition and protection of the diverse agricultural lands, preservation of larger lot sizes, creation of policies that reinforce designation of much of the land as ALR and encouragement of the agricultural industry within Langley.

The Rural Plan also contains detailed policies regarding the use of agricultural and rural lands. These policies to protect agricultural land are supported by similar language in Langley's Agricultural Viability Strategy (adopted in 2013), which aims to support development of the agricultural sector. One of four main areas of the Strategy is to provide a secure agricultural land base.

The Township of Langley also has a Sustainability Charter, which is a long-term planning document that guides the OCP. The Charter includes a clear goal for protecting farmland as part of its vision to respect the area's rural character and heritage: "preserve the agricultural land base for food production."

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 level of integration between Langley’s legislative framework and the Metro Vancouver RGS and provincial legislation is strong. There are many references to the ALR throughout the OCP and supporting documents. There are also references to the Agricultural Land Commission (ALC) in the OCP, with more details provided in the Rural Plan and Agriculture Viability Strategy. For example, the Rural Plan outlines that the ALC has authority over the ALR and any development is subject to their review and consideration. There are minor references to the *Farm Practices Protection (Right to Farm) Act*. The Township incorporates the RGS into their OCP, as required, through a Regional Context Statement, which is included as a schedule.

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 minimising 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 Langley is weak with regard for minimising uncertainty. Several important statements contribute to this situation. Most critically, the stated vision for the rural area, under Goal 2 Promote agriculture and enhance farm viability, states, “Non-farm use of agricultural land may be supported for sound reasons leading to improved overall sustainability of the community in a manner that minimizes impacts to agriculture, subject to the approval of the Agricultural Land Commission.” Correspondingly, the Rural Plan designates some ALR land for non-agricultural development, and it appears to do so without the support of the ALC. The Rural Plan includes, as a preface to the document, a statement that “Small Farm/Country Estates areas are not endorsed by the Agricultural Land Commission,” along with a map showing the identified areas. The Small Farm/Country Estates is a rural land use designation that, as indicated by its name, permits country estate development on ALR land. The Rural Plan permits golf courses adjacent to the urban boundary with structures to be built towards the urban boundary. Some ALR land is also designated for development as a University District. These policies reflect, in part, the municipality’s interest in capturing some benefits of urban growth but not without contributing to uncertainty about the future of some agricultural lands.

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.

Langley’s legislative framework for accommodating flexibility is moderate. The Township has multiple zoning designations for lands in the ALR help to accommodate non-agricultural uses on agricultural land while trying to maintain a productive sector. Agriculture/Countryside, Small Farms/Country Estates, Salmon River Uplands, Special Study Area, Agro-Service Centre, and Rural Commercial Centre are zoning types allowed in the ALR (Figure 3). A primary mechanism to mitigate impacts on agricultural land is minimum lot sizes.

The OCP frequently recognises the need to properly manage urban/rural interface areas, with specific provisions under the urban development policy. These policies exist to protect the viability of agriculture and minimise conflicts through the use of setbacks, landscaped buffers, informational signage, restrictive covenants, and transitional land uses. A transitional use includes an arbour ribbon

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that would consist of trails, parks, buffers, and landscaping on the urban side of the interface. A development permit area policy for agricultural land is under development.

Langley has an Agricultural Advisory and Economic Enhancement Committee with a mandate to consider and provide advice to township council and staff. The committee, which is not limited to agricultural interests, provides input about plans, policies, programs, and strategies that focus on maintaining and enhancing the economy. Its broad mandate may not serve agricultural interests.

References

Statistics Canada. 2017. *Langley, DM [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 June 5, 2017).

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Table 1. Township of Langley, 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>Sustainability Charter (2008) Agricultural Viability Strategy (2013)</p>	<p><i>Official Community Plan</i> (Bylaw No. 1842, 2016) <i>Zoning Bylaw</i> (Bylaw No. 2500, 2017) <i>Rural Plan</i> (Bylaw No. 3250, 1993) <i>Rural Zoning Bylaw</i> (Bylaw No. 2500, 2015)</p>	<p>Agricultural Advisory and Economic Enhancement 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]