



PROTECTING THE WORKING LANDSCAPE OF AGRICULTURE:



A SMART GROWTH DIRECTION FOR MUNICIPALITIES IN BRITISH COLUMBIA



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West Coast
Environmental
Law – 2005



West Coast Environmental Law is BC's legal champion for the environment. West Coast empowers citizens and organizations to protect our environment and advocates for the innovative solutions that will build a just and sustainable world.

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Professional Advice

This report provides educational information only. It does not constitute legal or other professional advice in connection with specific properties or specific transactions. It is intended to alert readers to issues related to the agricultural land reserve. It is essential that local governments and others considering legal measures to protect the agricultural land reserve consult with legal advisers at the earliest opportunity.

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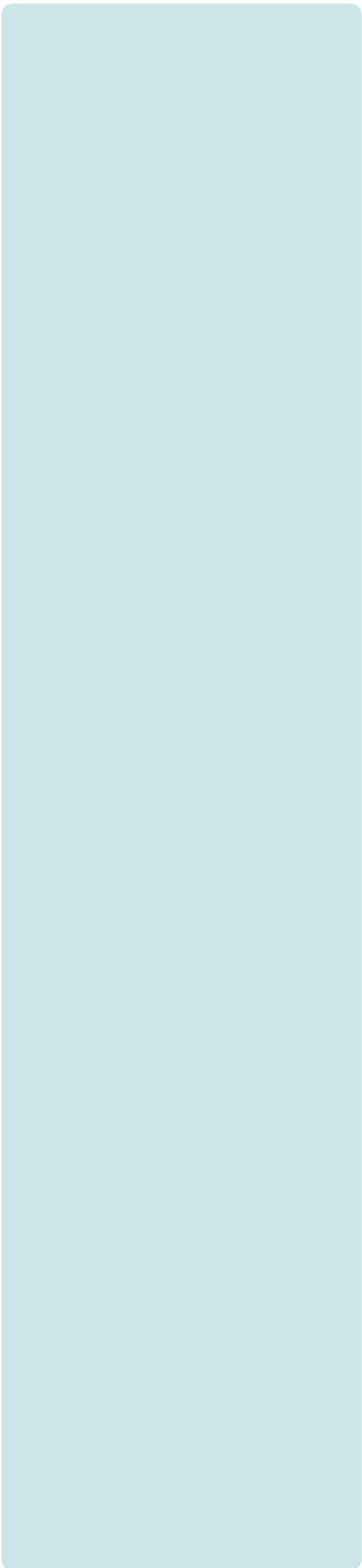
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Contents...

INTRODUCTION	5
IMPORTANCE OF THE AGRICULTURAL WORKING LANDSCAPE	7
AGRICULTURAL LAND AND SMART GROWTH	9
WHAT IS THE AGRICULTURAL LAND RESERVE?	12
THE AGRICULTURAL LAND RESERVE REGIME	14
STRATEGIES FOR PROTECTING THE AGRICULTURAL LAND RESERVE	17
Planning: Regional Growth Strategies, Official Community Plans and Agricultural Area Plans	18
Regional Growth Strategies	18
Official Community Plans.....	19
Agricultural Area Plans	21
Zoning	23
Subdivision Regulation	26
Edge Planning – Edge Planning Areas, Development Permits & Covenants	29
Farm Bylaws	32
Agri-tourism	34
Agricultural Advisory Committees	37
Farmers’ Markets	39
CONCLUSION	40
APPENDIX 1 – RESOURCES	41
Examples & Publications.....	41
General	41
Official Community Plans.....	42
Agricultural Area Plans	42
Zoning	42
Subdivision Regulation.....	43
Edge Planning: Special Management Areas, Development Permits & Covenants.....	43
Farm Bylaws.....	44
Agri-tourism.....	44
Agricultural Advisory Committees.....	45
Farmers Markets	45
Organizations	46
APPENDIX 2 – ALLOWED USES ON ALR LAND	47
ENDNOTES	53



Introduction

Farmland is not only a non-renewable resource, but it is scarce in BC (just less than five percent of the land base). Concerned about the irreversible loss of farmland and food security, in 1972 the Provincial government created a unique provincial land use regime, the Agricultural Land Reserve (ALR), to protect this land base for agriculture.¹

For over thirty years, the ALR has provided a vital land base for agricultural production. The ALR has largely halted the sprawl of urban and suburban communities over the agricultural working landscape, allowing farming to continue and fostering more compact, complete and affordable urban communities.

However, intensifying development pressures on agricultural land adjacent to urban areas continues, especially in the most productive agricultural regions in BC (Lower Mainland, Thompson-Okanagan, and southern Vancouver Island), and recent changes to the ALR legislative regime call into question the integrity of the ALR. Local governments³ have an increasingly important role to play to ensure the protection of agricultural land and the continued viability of agriculture.

This report details the range of tools local governments are using to protect the agricultural working landscape, and directs readers to specific examples of local government bylaws and policies. Its purpose is to encourage local governments to adopt effective tools for protecting the working agricultural landscape.

This report is part of West Coast Environmental Law's Smart Bylaws Guide (www.wcel.org/issues/urban/sbg), a web-based resource that provides local governments and citizens with information on strategies local governments can adopt to create more compact, complete communities, and use tax dollars more efficiently.

Protecting the Working Landscape of Agriculture is published in two forms. This stand-alone report that can be printed and read as a whole. It can be downloaded from the internet as a pdf document at www.wcel.org/wcelpub/2005/14233.pdf.

Of the provincial land base, only three percent is suitable for a range of agricultural activities. Just over one percent is prime (Soil Classes 1-3) agricultural land.²

It is also published as a series of web pages that form part of the Smart Bylaws Guide. The web-based version contains, in a series of linked web pages, all the information included in this report. It also includes more detailed information on what specific local governments have done to protect agricultural land, including links to specific examples of bylaws and local policies.

Protecting the Working Landscape of Agriculture is also one of a number of projects by West Coast Environmental Law and Smart Growth BC that focus on the value of the ALR and demonstrate how farmers, citizens, local governments, the Provincial government and others can work to maintain the ALR. Other projects include Smart Growth BC's *State of the Agricultural Land Reserve* and *Citizens' Guide to the Agricultural Land Reserve*. Both publications are available at Smart Growth BC's Protecting our Greenbelt website (www.greenbelt.bc.ca). Together, these resources explain to local governments and citizens the importance and most effective means of ensuring the integrity of the Agricultural Land Reserve over the long term.



Importance of the Agricultural Working Landscape

From the grain fields of the Peace River Valley to the vineyards and fruit trees of the Okanagan, the agricultural landscape is an integral part of BC. On less than five percent of the land base in British Columbia, the agricultural community produces the most blueberries, cranberries and raspberries of any province in the country. BC's farmers also ranked second or third in the nation for the production of greenhouse tomatoes, dairy products, hens and chickens, ginseng, grapes, apples, sweet cherries, flowers, eggs, sweet peppers and mushrooms.⁴

And these remarkable achievements were obtained in small areas where both farming and urban uses are highly concentrated. Nearly 85 percent of British Columbians live in urban areas and 81 percent of those urbanites live in an area of less than three percent of the province. In that same small area (located in the Thompson-Okanagan, Lower Mainland and southern Vancouver Island), agriculture generates 81 percent of the provincial gross farm receipts.⁶ Yet it is precisely in these critical areas that over 37,000 hectares have been removed from agricultural land uses in the past 30 years.⁷ The competition for this non-renewable resource – the valleys with the most productive agricultural soils and where people want to live – gives local governments with their land use planning and development powers decisive roles in maintaining the productivity of BC's working landscape.

Working lands (land used for agriculture, forestry or other resource industries), and particularly the Agricultural Land Reserve (ALR), are the backbone of many rural and near-urban economies. The industries that rely on working lands require a secure land base to justify capital investments and ensure sufficient returns on these investments. Capital investment

In 2004, BC cultivation of sweet cherries, greenhouse peppers, raspberries and blueberries accounted for more than fifty percent of Canadian marketed production.⁵

The primary and secondary (value-added) agricultural industry employs 297,000 people.¹⁰

is less likely to occur if agricultural land is seen as a reserve for future urban or suburban development and is therefore subject to real estate speculation. Working lands are also an integral part of the green infrastructure in any region, those ecological processes, both natural and engineered, that provide economic and environmental benefits in developed areas.⁸

But the benefits of BC agriculture and agricultural land are not limited to economic and environmental factors. From the grain fields of the Peace River Valley to the vineyards and fruit trees of the Okanagan, the agricultural landscape is an integral part of the regional identities across the province. An assured land base for agriculture also contributes to BC's food security. The commodities produced in BC provide diverse choices and meet the equivalent of 50 percent of provincial food needs.⁹ This means more self-sufficiency and less reliance on the stability of resources, climate, transportation and politics elsewhere. To achieve even higher levels of food self-sufficiency, BC requires a secure farmland base.



Agricultural Land and Smart Growth

Agricultural land plays an essential role in improving the quality of life in regions of BC. In addition to promoting strong regional economies and identities, farmland prevents urban sprawl and requires development to be directed into more compact complete communities where services are already in place. Other “smart growth” benefits of agricultural land are its contribution to an aesthetically diverse landscape where urbanites have the perception of greenspace nearby, its rainwater management properties, and its role in food security.

“Smart growth” means land use strategies and development that will meet British Columbians’ desire for communities where they can:

- choose between different housing types and prices in the same community and, in some cases, on the same street;
- travel, live, work and play safely;
- access a variety of shopping and recreation opportunities;
- get to know their neighbours from diverse backgrounds and age groups;
- move around by foot, bike, transit, and automobile conveniently; and
- have a say in what types of development will improve their quality of life.

Smart growth means creating more compact complete communities, affordable housing, and also using tax dollars more efficiently.¹¹ It means urban and suburban neighbourhoods that have a mix of stores and services within walking distance of a variety of housing options, connected by sidewalks and bike paths, and accessible by public transportation.

Smart growth means revitalizing existing commercial centres and also supporting a rural working land base.

The principles of smart growth include:

1. promoting urban revitalization and rural preservation by containing urban areas, channeling development into existing neighbourhoods and adopting integrated planning and management approaches;
2. incorporating green infrastructure into communities;
3. creating compact complete communities by mixing land uses and using land more efficiently;
4. increasing transportation choices through land use decisions;
5. creating inclusive neighbourhoods by ensuring that a diversity of housing types are accessible to a wide range of people of different age groups, family types and incomes;
6. maximizing the enduring benefits of developments by using resources wisely on sites and in buildings that are tailored to specific neighbourhood conditions;
7. supporting municipal goals through cost recovery by ensuring that development cost charges and property taxes reflect the true cost of different types of growth;
8. promoting smart growth throughout the development process by reforming administrative processes and addressing liability issues.

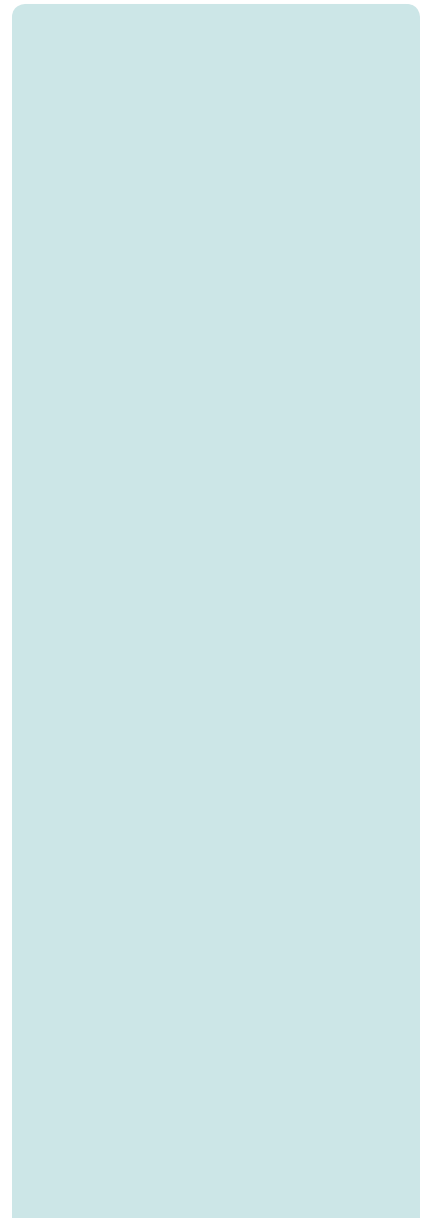
Agricultural land is a cornerstone of Principle 2 – Incorporating green infrastructure into communities. As discussed

above, green infrastructure is those components of the natural and human landscape that provide economic and environmental services to communities. Farmland is an essential part of the green infrastructure as it retains rainwater, prevents flooding, recharges aquifers that provide drinking water, and provides habitat for a variety of species.¹²

In short, smart growth is good planning with an explicit injec-



tion of affordability, sense of place, and renewal of the green infrastructure into community development. Over the long term, most smart growth strategies cost less than traditional approaches to municipal development. They also help to preserve the working landscape upon which the economy of many communities rests.



What is the Agricultural Land Reserve?

The vibrant and important agricultural industry, thriving in the most urbanized regions of BC, is made possible by the Agricultural Land Reserve (ALR). The envy of most jurisdictions in North America, the ALR is a provincial land use designation or zone that applies to land with agricultural capabilities. The purpose of the ALR is to ensure that the province's scarce agricultural land base is preserved and available for farm uses for the long term.

Prior to the establishment of the ALR in 1972, 4,000 to 6,000 hectares of prime (Class 1-3) agricultural land per year were converted into residential, commercial and industrial uses – a transformation that is largely irreversible. This has been significantly reduced by the ALR.¹³

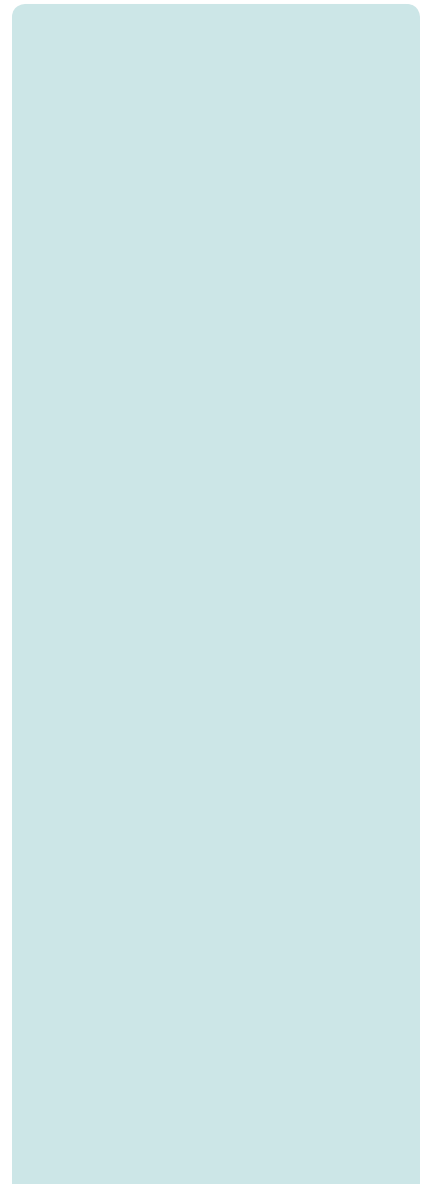
Between 1971 and 2001 the amount of dependable agricultural land (Classes 1-4) converted to urban land in Canada more than doubled (from 690,000 to 1,430,000 hectares), amounting to 46 percent of urban land being situated on former dependable agricultural land.¹⁴ Thanks to the ALR, from 1974 to 2003, BC experienced no net loss of farmland because the amount of land included and excluded from the ALR was roughly the same.¹⁵

However, the quality of the land included in the ALR has generally not been as high as the land excluded. For each hectare of prime agriculture land included in the ALR in the past 30 years, 2.8 hectares of prime land were excluded. The vast majority of inclusions have occurred in the northern part of the province (90 percent), while most exclusions have occurred in the south of the province (72 percent).¹⁶ In sum, the higher quality land in the ALR, located in the south of BC where the competition between urban and agricultural uses is the most intense, is being lost.

The ALR comprises less than five percent of the land base of BC, some 4.7 million hectares of which 2.6 million hectares are farmed.¹⁷ The amount of farmed ALR land varies from region to region, with most of the ALR land in the Lower Mainland farmed. Farming activities in the ALR generated over \$2.3 billion in gross annual farm gate receipts in 2001

(up from \$1.8 billion in 1996) and paid \$405 million in wages (up from \$340 million in 1996).¹⁸ It also generated consumer sales of \$22.7 billion in the food processing, food wholesaling, food retailing and food service sectors that has a \$2.11 billion impact on BC's gross domestic product.¹⁹

By restricting development to farm uses, the ALR has considerable influence in directing non-farm development into already-serviced areas and away from the working landscape. The ALR thus acts as an important urban containment boundary in the areas of the province where human settlement, ecologically sensitive area and the agricultural sector compete most intensely for land.



The Agricultural Land Reserve Regime

The Agricultural Land Commission was created in 1973 to preserve agricultural land as an issue of provincial concern. To that end, the purpose of the Commission is to encourage farming on agricultural land in partnership with other sectors, and to encourage the provincial government, local governments and First Nations to adopt plans, bylaws and policies that help to protect and enhance farming on agricultural land.²⁰

The essence of this provincial regime is the creation of an agricultural land use zone, the ALR, in which any change to the status quo of farming must receive approval by the Agricultural Land Commission or another provincial body. Local governments continue to have a role in authorizing certain activities on farmland, but provincial laws also limit local government land use planning authority over privately-owned agricultural land.

The key components of the ALR regime are:

- Definition of lands included in the ALR. Owners and governments must apply to the Commission to include or exclude land from the ALR;²³
- Restrictions on non-farm uses. Except where allowed by the Act, regulations or order of the Commission, a local government (including board of variance) must not permit agricultural land to be used for a non-farm use²⁴ unless the owner receives permission from the Commission for a non-farm use in the ALR²⁵ (see pages 23 to 25 for more detail on zoning); and
- Restrictions on subdivision. Except where allowed by the Act, regulations or order of the Commission, an approving officer (the local government or provincial officials who approve subdivisions) must not approve subdivision of agricultural land.²⁶ An owner may apply to the Commission for permission to subdivide land in the ALR (see pages 26 to 28 for more detail on subdivision).²⁷

First Nations' Land and the Agricultural Land Reserve

Recent amendments to the *Agricultural Land Commission Act* enable the Agricultural Land Commission to have some jurisdiction over ALR lands that are part of treaty settlement lands acquired by First Nations through the ongoing treaty process.²¹ These lands are not federal Indian Reserve lands, but lands that are subject to an Agreement in Principle or a treaty. First Nations' governments can be subject to similar restrictions as local governments when dealing with ALR land. For example, subject to the *Agricultural Land Commission Act*, a First Nation government may not permit a non-farm use of agricultural land or permit a building to be erected on the land except for a farm use.²²

Local governments must also ensure that land use bylaws (regional growth strategies, official community plans and zoning) are consistent with the legislation, regulations and orders of the Commission. The portion of a bylaw that is inconsistent with the Act has no force or effect.²⁸ An official community plan that deals with land in the ALR must be referred to the Commission for comment.²⁹

From 1973 to 2000, the Provincial government appointed members of the Agricultural Land Commission, which acted as a centralized provincial body that heard applications to remove land from the ALR, for non-farm uses, and for subdivision. Since 2000, the Provincial government appoints members to regional panels that make decisions on applications to the Commission, and since 2002, the Commission was reorganized so that members of six regional panels consider applications that originate from their specific region.

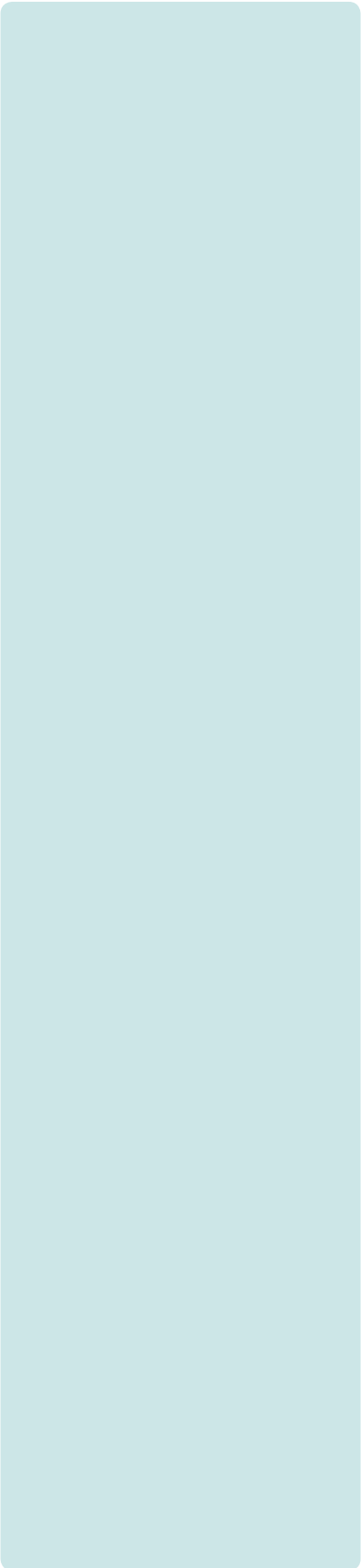
As a further means to decentralize decision-making, the Commission may also delegate its powers to decide non-farm use or subdivisions applications to a municipality, regional district or First Nation government.³⁰ The Commission will do this when a local government voluntarily enters into a delegation agreement that includes reference to agreed upon decision-making criteria, usually based upon community planning policies that have been determined by the Commission to be consistent with the intent and purpose of the *Agricultural Land Commission Act*.

In addition to the legislative regime, the Commission creates policies that clarify what is meant by the legislation and explain what action the Commission will take in a specific instance. Policies exist for a wide range of issues such as agritourism activities that are considered a farm use, additional residences for farm use, and subdivision approval by approving officers.

Working in tandem with the ALR is the *Farm Practices Protection (Right to Farm) Act*, which states that a farmer is not liable in nuisance to any person for any odour, noise, dust or other disturbance resulting from the farm operation as long as the farm operation is conducted using normal farm practices on ALR land.³¹ The purpose of this legislation is to safeguard farm operations from lawsuits in near-urban areas alleging

Regional Panels of the Agricultural Land Commission

Concerns have been raised that this new decentralized decision-making process of the Agricultural Land Commission may increase the number of exclusion, subdivision and non farm use applications for ALR land in anticipation of Commission members being more receptive to regional issues. While it is too early in this change in Commission status to draw supportable conclusions as to the effect of the regional panel structure, the provincial interest in maintaining the ALR is even more acute today than it was thirty years ago.



nuisance from farm practices. Likewise, local governments are prevented from prosecuting farmers for normal farm practices that contravene bylaws dealing with issues such as nuisance, disturbance, and animals.³²

Finally, local governments can address some issues that cause conflict on the farm-residential border either through farm bylaws or through zoning. See page 23 for zoning and 32 for farm bylaws.

Strategies for Protecting the Agricultural Land Reserve

Local governments have an important role to play in sustaining the ALR by discouraging withdrawals of land from the ALR, ensuring that uses in the ALR support an economy based on a working landscape, and buffering agricultural lands from more urban uses. Agricultural planning, large lot zoning, “edge” planning, buffer specifications, and explicit regulation of activities such as processing and sales can help to maintain the viability of farming and resource industries.

This is particularly true for the regulation of agri-tourism – destination uses of ALR land associated with farming activities. Agri-tourism allows farmers to create value-added ventures on ALR land. However, the key is to ensure that new agri-tourism activities maintain agricultural values, remain ancillary to the main farm use, and do not limit the ability of ALR to produce commodities in the future.

See the Smart Bylaws Guide (Part 2 – Support Working Lands - www.wcel.org/issues/urban/sbg/Part2/workinglands) for more details on the local government examples used in this report.



Planning: Regional Growth Strategies, Official Community Plans and Agricultural Area Plans

The traditional purpose of land use planning is to ensure orderly development, including the separation of incompatible land uses. In BC, local governments use regional growth strategies (RGSs) and official community plans (OCPs) to guide decisions about planning and land development. In rapidly growing regions and communities, these documents are prepared with reference to sector- or industry-specific plans such as Agricultural Area Plans (AAPs).

Regional Growth Strategies

Regional Growth Strategies (RGSs) are an agreement of a regional district and its member municipalities on social, economic and environmental goals and priority actions. Their purpose is to coordinate local government action on a range of services such as housing, transportation, urban containment, the green infrastructure, and economic development in recognition that collaboration on a regional level will make individual municipal action more effective.³³

RGSs guide decisions on growth and development within the regional district, both for the regional district and member municipalities. All regional district bylaws and all OCPs of member municipalities must be consistent with an RGS.³⁴

Each municipality internalizes an RGS by adopting a Regional Context Statement (RCS) in its OCP. The RCS sets out how the municipality will meet the goals of the RGS by changing its policies and bylaws. All zoning and infrastructure decisions must be consistent with the RCS.

RGSs and OCPs that contain unequivocal policies regarding local government support for maintaining existing agricultural lands and enhancing the farm economy can help to reduce speculation that farmlands will be converted to other uses. Indeed, local governments within a region can ensure that they and other municipalities will protect agricultural land by insisting on the inclusion in RCSs of policies that

land zoned as agricultural will not be subject to rezoning to allow non-farm uses except in limited, defined circumstances.

To date, four regional districts have adopted RGSs in BC, and several more are under development. The existing RGSs in BC include strong agricultural protection statements.

Official Community Plans

An Official Community Plan (OCP) is a statement of objectives and policies that steers growth management, servicing, transportation, environmental protection, the promotion of agriculture and a variety of other issues in a municipality or regional district.³⁵

An OCP affects agriculture and the use of land adjacent to agriculture in several ways. It must include, among other things, the amount and type of present and proposed agricultural land uses. This is usually depicted in a land use map in the OCP. It may contain policies of the local government respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the community plan. These policies deal with a wide range of issues, including water supply, recreation near farmland, supporting the agricultural industry, and safeguarding the ALR. Finally, local governments may designate development permit areas for the protection of farming in the OCP, and establish guidelines for how urban development may occur adjacent to the ALR. Development permit areas are discussed at pages 29 to 31.

OCPs do not directly regulate land use or farm-related policies, but instead provide high level guidance on local government land use, subdivision and capital program decisions. Once an OCP is in place, local government decisions to amend existing regulations and approval requirements must be consistent with the OCP. Land owners must meet the requirements of applicable zoning bylaws, farm bylaws or development permits.

Examples of Agricultural Policies in Regional Growth Strategies

The first goal of the Capital Regional District RGS is to manage and balance growth by keeping urban settlement compact and by protecting the integrity of rural communities. Policies include locating 90 percent of new dwelling units within the regional urban containment boundary and servicing area, buffering renewable resource lands, and supporting farming within the ALR.

The Greater Vancouver Regional District RGS (the Livable Region Strategic Plan) identifies includes ALR lands as part of the Green Zone. The first strategy is to protect the Green Zone as a limit to urban growth. Policies include enhancing the viability of agriculture through better planning for agriculture and improved communication of the importance of agriculture for the region.



Some examples of plan policies that promote both agriculture and the ALR include:³⁶

- providing for a full range of agricultural and complementary uses in the ALR and encourage value-added activities that can improve farm viability (see Zoning at page 23);
- providing setbacks and buffers when developing land adjacent to the ALR to prevent conflicts and encroachment (see pages 29 to 32);
- recognizing and protect the needs and activities of farm operations when considering adjacent and nearby land uses;
- planning for uses that are compatible with agriculture along the ALR boundary (see Zoning at page 23);
- preserving contiguous areas of agricultural land and avoiding severance by recreation, parks, and transportation and utility corridors; and
- encouraging partnerships with the agricultural community, senior governments and private enterprise to promote the development of the agricultural sector.

Local governments may also commit to creating and implementing Agricultural Area Plans in an OCP.

Examples of Agricultural Policies in OCPs

Richmond designates land adjacent to the ALR in a development permit area, using clear maps, to require buffering, and includes policies for securing an adequate supply of irrigation water for agriculture.

Spallumcheen's OCP states "[i]t is the primary goal of the Township of Spallumcheen to preserve the Township's agricultural land base, the community's rural character and environmental attributes while allowing changes in land use which will not compromise this primary goal." The first objective of the Township is to maintain Spallumcheen as a predominantly agricultural and rural community; subdivision is discouraged, and non-ALR rural lands are regulated to ensure their use is compatible with farming activities.

For more information, see the Smart Bylaws Guide – Working Lands – OCP at www.wcel.org/issues/urban/sbg/Part2/workinglands/OCP/

While local governments have considerable latitude to establish policies for the future of agriculture in their boundaries, they must ensure that all bylaws and plans, including OCPs, are consistent with the *Agricultural Land Commission Act*, regulations and orders of the Commission. They must also refer OCPs that deal with ALR land to the Agricultural Land

Commission for approval.

Agricultural Area Plans

Agriculture plans, strategies and agricultural area plans are the best way to integrate farming issues into day-to-day municipal operations and development services. They also set out locally-relevant recommendations for strengthening farming. Creating an AAP allows a local government to focus specifically on agricultural issues, including land use and industry development. Their primary purpose is to recognize agriculture as the highest and best use of agricultural land, and develop strategies to support a viable agricultural industry. These plans act as sub-area or neighbourhood plans of the OCP and provide a high level of detail specific to the issues relevant to farming.

AAPs are often complex because the issues facing the farming community are complex, involving farming, food processing, sales, health agencies, consumers and landowners. They can:

- report on the status of the agriculture industry and resource base within the plan boundary;
- identify the opportunities and constraints facing agriculture in a particular area;
- identify the important ALR/urban interfaces;
- create land use designations and policies;
- consider the interaction between agriculture, resource management and the protection of environmentally sensitive areas;
- create policies and recommend action to deal with hydrology (water quantity and quality, drainage, flood prevention);
- address transportation and servicing issues;
- identify development permit areas and guidelines for urban development adjacent to agricultural land;
- set targets for the cumulative impact of farm-related activities (residential, marketing, processing and agritourism) to ensure they do not undermine the productive capacity of the land;

Examples of Agricultural Area Plans

- Regional District of Comox-Strathcona – Comox Valley Agricultural Area Plan
- City of Kelowna Agriculture Plan
- Municipality of North Cowichan Strategic Agricultural Plan
- District of Salmon Arm Agricultural Area Plan
- Greater Vancouver and Fraser Valley Regional Districts – Economic Strategy for Agriculture in the Lower Mainland
- Peace River Regional District Rural Plan and Bylaw Review
- Pitt Meadows Agricultural Plan – The Future of Agriculture
- Richmond Agricultural Viability Strategy

For a chronological list of all AAPs, agriculture strategies and major agricultural studies completed by local governments, see www.agf.gov.bc.ca/resmgmt/sf/aap/strategies.htm.

Examples of Agricultural Area Plans can be seen at www.wcel.org/issues/urban/sbg/Part2/workinglands/agplans

- specify economic development strategies to address challenges to agriculture and opportunities to develop a strong agricultural industry (e.g., using local markets to their fullest);
- recommend priorities, actions, and participants to successfully achieve solutions;
- promote agriculture by generating public awareness of its value in the region;
- detail an implementation plan with specific staff, financial and community resource allocations;
- establish a monitoring regime that measures ongoing progress towards plan implementation;
- maintain an activity inventory of the agricultural sector in the community; and
- provide linkages to the OCP and recommend appropriate zoning bylaw amendments and the need for the development of a farm bylaw.

AAPs can set the stage for future municipal decision-making, including bylaw and policy revisions, municipal investments in new infrastructure and programs, as well as public education and industry coordination to support agriculture. Local governments develop agriculture plans with the full participation of the farm community, the general public, and community organizations in the planning process. The Provincial government provides financial and technical support to develop AAPs, with Ministry of Agriculture and Land and Agricultural Land Commission staff engaging in the process and providing technical inputs such as land use inventories and agricultural data on the local area.

Finally, another component of AAPs is the use of geographic information systems (GIS) mapping and agricultural land use inventories. These tools assist local governments to more accurately map agricultural land and show how new development will affect agriculture. They can also assist decision-makers to understand how new policies and regulations will have an impact on farming. For more information, see the Ministry of Agriculture and Lands' website on GIS & Land Use Inventories.

Zoning

Zoning allows local governments to control the use, density of use (e.g., number of residential units per lot allowed), and the siting of development. Zoning bylaws also typically regulate how far buildings and uses must be setback from lot lines, height of buildings, signage, and parking. All these zoning matters help to reduce conflicts between neighbours by considering whether activities and the location of activities are compatible with surrounding land uses.

Zoning regulations that support the ALR and agricultural uses, backed up by strong OCP and RGS statements, can act together to lessen the expectations of changes in land use, and can ensure that land is not converted to non-farm uses even if it is removed from the ALR. If land is removed from the ALR but zoned for agriculture, use of that land is limited to agricultural activities as regulated in the zoning or land use bylaw. Zoning regulations can also help to mitigate the cumulative impacts of farm-related activities, such as residential, marketing, processing and agri-tourism, on farmland productivity.

Zoning standards also help to prevent too much of an activity from becoming a nuisance to neighbours or interfering with agriculture. For example, recreational uses on one farm parcel may result in trespass and crop damage on adjacent parcels. A large farm market or corn maze might generate too much traffic and noise for an adjacent dairy herd. Zoning regulations may mitigate these impacts by directing where these types of activities may occur, and their extent.

Provincial regulations allow certain land uses and activities in the ALR, but the regulations also allow local governments to regulate or prohibit these same activities and uses.³⁷ Examples include accommodation for agri-tourism, bed and breakfasts, kennels and gravel pits. Regulations specify restrictions on the extent to which these activities are allowed on the ALR. See Appendix 2 for details.

As well as specifying that local governments can regulate or prohibit certain uses, the *Agricultural Land Commission Act* also limits local government's power to zone agricultural land:

- Local governments cannot allow non-farm uses in the ALR, unless permitted by the *Agricultural Land Commission Act*, regulations, or orders of the ALC;³⁸
- Local governments must ensure that zoning bylaws are consistent with the *Agricultural Land Commission Act*, regulations, or orders of the ALC. The most important restrictions on zoning are found in sections 2 and 3 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* where:³⁹
 - i. Section 2 designates certain uses as farm uses that can be regulated, but not prohibited by local government. Designated farm uses include farm retail sales; wineries, cideries and ancillary uses; greenhouses; on-farm processing; storage and application of fertilizers; intensive agriculture; mushroom farming and seasonal agri-tourism (but not accommodation). Many of the designated farm uses are subject to important restrictions such as limits on the size of retail sales operations. See Appendix 2 for more detail.
 - ii. Section 3 allows certain land uses such as ecological land reserves and road construction within a dedicated right-of-way. These cannot be prohibited by local government. See Appendix 2 for more detail.
- The Provincial government can pass regulations that prohibit specified local governments from using zoning to restrict the use of ALR land for a farm business without provincial approval.⁴⁰ To date, the Province has designated only the municipalities of Abbotsford, Delta, Kelowna and Langley Township.⁴¹

The most important characteristics of zoning that aim to support the ALR and agricultural community include:

- large lot size minimums and as few zones as possible for ALR land to ensure adequate land for the continued viability of a diversity of farm operations;
- contiguous areas of agricultural land where other uses do not interfere with the practice of farming;
- suitable commercial land to accommodate the agricultural service industry in farming communities without compromising the ALR with commercial uses;

- regulation of accessory and non-farm uses on agriculture land and in the ALR to minimize their impact on agriculture (such as maximum lot coverage and the appropriate siting of buildings, driveways and parking lots close to access roads); and
- edge planning techniques such as buffering and setbacks to decrease conflicts between the agriculture/non-agriculture interface.

Other zoning considerations include regulating:

- the type of farm and residential uses, buildings or structures (see the discussion below);
- stormwater;
- direct farm marketing & other agri-tourism activities;
- form and character of buildings to protect rural quality (such as the height of buildings); and
- off street loading and parking.

Finally, local governments can limit subdivision of ALR land by maintaining large lot minimums for land in agricultural zones. It is important to note that even if the Agricultural Land Commission approves the subdivision of land, a local government is not required to rezone the property to accommodate the subdivision. Large lot zoning effectively prevents the creation of small lots with limited agricultural potential in farming areas. For more information on subdivision, see next section.

Zoning Regulations that Support the ALR

Spallumcheen prohibits all discretionary uses allowed under the ALR Regulations unless specifically regulated in the zoning bylaw, maintains 30.5 hectare minimum lot sizes for agricultural zones, and has extensive regulations for farm sales and other agri-tourism activities.

Abbotsford will not allow subdivision of ALR parcels in their Agricultural Two Zone (Matsqui and Sumas Prairies) to parcels less than 16 hectares.

Pitt Meadows will not allow subdivision of ALR land to parcels less than 8 hectares.

For more information, see the Smart Bylaws Guide – Working Lands – Zoning at www.wcel.org/issues/urban/sbg/Part2/workinglands/zoning



Subdivision Regulation

Regulating the subdivision of land – both in the ALR and on land adjacent to farmland – is essential to protecting the farming industry. While there are many successful small lot farms in BC and smaller lots assist first-time farmers to enter the land market, subdivision of land in the ALR generally undermines the viability of farming in several important ways. Subdivision diminishes the agricultural potential of the land for certain commodities as the ALR is divided into smaller pieces.

Subdivision of land adjacent to the ALR creates more conflict between urban land use and farming at the agriculture-urban edge. As more urbanites live adjacent to farmland, their expectations of country living do not necessarily accord with the realities of a working landscape. Increased population can result in increased complaints about noise, odour and chemical drift from pesticide spray from normal farm practices.

Finally, subdivision fuels land speculation because it creates an expectation that farmland will be converted into rural residential and other uses. Indeed, the Agricultural Land Commission receives, on average, 500 applications per year, of which 15 percent are requests to exclude land from the ALR. Another 50 percent of new applications are typically requests for non-farm use or subdivision within the reserve.⁴² Since 2001, the Agricultural Land Commission has approved over 1,450 new lots on former agricultural land.⁴³

Many communities have enacted policies and bylaw provisions that limit the subdivision of ALR land and land adjacent to the ALR. Approving officers – the local government and provincial official who approve subdivisions – also have several tools available to them to address these issues. They may decline an application for subdivision, both within (with the approval of the Agricultural Land Commission) and outside of the ALR, if the anticipated development of the subdivision would unreasonably interfere with farming operations on adjoining or reasonably adjacent properties, due to inadequate buffering or separation of the development from the farm.⁴⁴

“Unreasonable interference” resulting from subdivision layout may include:

- inadequate drainage near farmland;
- increased traffic on rural roads;
- incompatible non-farm uses adjacent to the ALR;
- roads that end at the ALR boundary;
- inadequate parcel size that will not support buffers and setbacks;
- inappropriate park or school dedications; and
- awkward location of sewer, water and other services.

An approving officer may also decline an application if the road allowances shown on the subdivision plan are such that they would unreasonably or unnecessarily increase access to land in an agricultural land reserve.⁴⁵ The purpose of these powers is to ensure compatibility between residential and farm activities, and to eliminate road endings next to the ALR that anticipate future development and invite trespass.

To avoid subdivision that is inconsistent with the ALR and other community goals, OCPs and bylaws should not only include large minimum lot sizes, but also contain provisions that make it clear that neither the approving officer nor Agricultural Land Commission is obliged to approve subdivisions that meet minimum lot sizes. Likewise, local governments are not required to allow changes in zoning when the Commission has approved a subdivision if the rezoning does not meet other land use goals.

Strategies for minimizing subdivision of the ALR and ensuring subdivision adjacent to the ALR respects farming include:

- Official community plan policies that oppose subdivision of ALR or rural resource land and require buffering on land adjacent to the ALR;
- Agriculture plan policies or recommendations that address the conversion of agricultural land outside the ALR for non-farming purposes (including “no net loss” policies) and the adequacy of the land base for agricultural service industry support;

- Large lot zoning for ALR land and lot sizes of land adjacent to the ALR that are sufficiently large to support adequate buffering;
- Development permit areas for the protection of farming that require urban-side buffering (see page 29);
- Covenants on the title of land adjacent to the ALR specifying the construction and maintenance of buffers, the siting of buildings, and notification to owners of the potential impacts of farming practices (e.g., noise, dust, odour), as well as restricting future subdivision (see page 31); and
- Referral to the agricultural advisory committee for recommendations to the Agricultural Land Commission and approving officer about any applications for subdivision that affect agriculture or farmland (see pages 37 to 38).

The Agricultural Land Commission may also ask for a developer or owner to post a financial bond to ensure compliance with a term or condition of an approval given by the Commission.

Finally, local governments are beginning to use their subdivision and development control bylaws to require buffering on urban land adjacent to the ALR. Subdivision bylaws are a stronger tool through which to require buffers when compared with the effectiveness of development permits.



Edge Planning – Edge Planning Areas, Development Permits & Covenants

Much of the regulatory attention for preserving the ALR and farming communities centres around the interaction at the edge of agricultural and non-agricultural uses. Local governments, the Ministry of Agriculture and Lands, and the farming community are increasingly referring to the 600 metres on either side of the farmland/non-farmland boundary as edge planning areas. Edge planning areas (EPAs) require a partnership of local and senior governments, the agricultural community, and other sectors to ensure the continuation of farming adjacent to urban uses.

EPAs require a variety of land use and farm practices approaches to best protect agricultural land, and to prevent conflict between farming and urban uses. These include:

- establishment of buffers on urban land. Urban side buffers such as landscaping and the siting of buildings can be detailed in development permit areas, zoning bylaws, subdivision and development control bylaws, official community plans, and covenants;
- zoning bylaws that direct the siting of farm uses, farm buildings and farm structures that may cause conflicts, e.g., ones associated with significant noise, dust and odour;
- for local government designated by the Provincial government, farm bylaws that establish farm management standards for practices such as manure storage and handling, and activities that create significant noise, dust and odour; and
- communication efforts to improve relations between the urban and farming communities (e.g., signage regarding the value of buffers, farming in the ALR, protected normal farm practices, and the right to farm).

Development permits areas (DPAs) are one of the strongest tools for shaping new development to ensure that it respects

Development Permit Area Designations for the Protection of Agriculture

The Cowichan Valley Regional District designates urban land adjacent to the ALR as an agricultural protection development permit area in the Official Community Plan (Mill Bay/Malahat (Electoral Area "A" of the Cowichan Valley Regional District Section 14.7 p. 80). Guidelines include 15-metre wide landscaped buffers, 30-metre setbacks for principal buildings, and density reductions adjacent to the ALR.

Richmond

City of Richmond policy in the Official Community Plan – Section 2.1 Agriculture (policy 2(h) p. 18) designates all parcels adjoining or reasonably adjacent to ALR land (within 30 metres) as a DPA for the protection of farming. General guidelines are set out under s. 9.2.11, p. 171.

Richmond also requires that covenants be placed on title to the land for some new developments abutting the ALR as a condition of acquiring a development permit. Covenant conditions include establishing and maintaining a landscaped and fenced buffer and setbacks for buildings.

For more information, see the Smart Bylaws Guide – Working Lands – DPA at www.wcel.org/issues/urban/sbg/Part2workinglands/DPA

adjacent farmland and farming practices. DPAs allow local governments to create site-specific requirements for development over and above basic zoning. A municipality may designate a DPA in which new development will be required to conform to development permit guidelines. A permit must be obtained before a private land owner may subdivide, alter land, or construct or alter a building in a DPA, and development must be in accordance with the terms of the permit.

Local governments may designate an area as a DPA for a range of purposes, including the protection of farming. When a DPA is established, the local government must describe the special site conditions or objectives that justify the designation, and specify guidelines to achieve those objectives. When an owner applies to the local government for a development permit to alter a site within a DPA, the guidelines in the OCP or zoning bylaw will direct what conditions, if any, staff and council place on the new development.

DPA guidelines designated to protect farming may include land requirements that result in buffering or separation of development from farming on adjoining or reasonably adjacent land. This includes:

- screening;
- landscaping;
- fencing;
- setback of buildings from agricultural land;
- open space uses adjacent to farming;
- sensitive handling of walkways and trails in buffer strips;
- specifying water retention capacity and limits on total impervious surfaces to prevent flooding of agricultural land by suburban development;
- prohibiting road endings adjacent to farmland; and
- minimizing pedestrian and vehicle traffic near the ALR.

Many local governments have incorporated the Agricultural Land Commission's Landscaped Buffer Specifications into DPA guidelines.

Municipalities, regional districts and other organizations such as farm and conservation groups can also use covenants to restrict the use of land to activities and areas of use that respect farming. Under section 219 of the *Land Title Act*, a municipality or regional district may register a covenant on the title to land to protect specific characteristics of land in or adjacent to the ALR.

A covenant is a voluntary agreement between the landowner (often a farmer or a developer) and a covenant holder (a municipality, regional district, or non-profit organization). The landowner agrees to protect the land as contemplated in the wording of the covenant. The covenant holder has the right to monitor and enforce the covenant to make sure the landowner is using the land in accordance with the covenant. Registering the covenant on the title of the land ensures that the covenant applies to future owners and endures indefinitely.

Covenants are an important tool for ensuring that edge planning techniques are adhered to indefinitely. For example, a covenant on the parcels of residential land adjacent to ALR land can outline buffer specifications like large backyards remaining free from development and landscaping requirements such as a hedge of trees or shrubs near the edge of the property. Covenants “run with the land,” meaning they apply to whoever owns the land, thus ensuring that urban-agriculture edge mitigation measures endure over the long term.

Covenants may contain provisions specifying:

- the use of land (including that it be used for agricultural purposes), or the use of a building on or to be erected on land;
- that land is to be built on in accordance with the covenant or is not to be built on;
- that land is not to be subdivided except in accordance with the covenant or is not to be subdivided;
- that parcels of land designated in the covenant are not to be sold or otherwise transferred separately;
- that land or a specified feature be protected, maintained, enhanced, or restored in accordance with the covenant.

Covenants in the ALR

The City of Surrey may use restrictive covenants to enforce buffering requirements adjacent to agricultural land, and to provide notice for future buyers that they are purchasing in an active farming area.

For more information, see the Smart Bylaws Guide – Working Lands – Covenants at www.wcel.org/issues/urban/sbg/Part2/workinglands/covenants.htm

Conservation Covenants in the ALR

The Agricultural Land Commission has specific Guidelines that address the use of covenants for ecological conservation purposes on ALR land. These are different than the edge planning covenants discussed in this section. See the Agricultural Land Commission's Guidelines for Conservation Covenants in the ALR. Please note that registering conservation covenants for environmental protection in the ALR requires the approval of the Agricultural Land Commission.

For example, covenants can require that a wetland be maintained as a buffer between the agricultural land and urban residential area.

Covenants are often secured on land that is being subdivided adjacent to farmland to ensure that future activities and development of that land does not hinder the productive ability of the land in the ALR. Covenants also provide notice to potential buyers that the land is adjacent to farmland, which helps prevent future conflict about farming practices.

Farm Bylaws

Agricultural operations are protected through right-to-farm legislation in BC. Farmers cannot be sued for nuisance-type impacts to nearby landowners, such as noise and odour, from normal farm practices.⁴⁶ Residents living in farming areas must be willing to accept both the pleasant and not-so-pleasant byproducts of an agricultural community.

However, in recognition that some farming activities can create exceptional impacts for residential neighbours and require a more fine-grained regulatory approach, designated local governments may enact farm bylaws⁴⁷ such as:

- Respecting the conduct of farm operations as part of a farm business (e.g., noise control regulations for audible bird scare devices);
- Respecting the types of buildings, structures, facilities, machinery and equipment specified by the local government that are a prerequisite to conducting farm operations and that must be utilized by farmers conducting the specified farm operations (e.g., for mushroom farming and on-site composting);
- Regulating the siting of stored materials, waste facilities and stationary equipment (e.g., for manure storage, compost storage and waste water management); and
- Prohibiting specified farm operations.

However, farm bylaws may only be adopted with the approval of the Minister of Agriculture, and only in an area declared by regulation.⁴⁸ To date, the Provincial government has enabled only the local governments of Abbotsford, Delta, Kelowna and Langley Township with the ability to have farm bylaws approved.⁴⁹

Farm bylaws give local governments greater flexibility in setting standards and allow them to deal with matters that cannot be regulated by way of zoning. They may prescribe different standards depending on the size or type of farm, type of farm operation, the site conditions, and the adjoining land uses. Farm bylaws may include setbacks, siting of farm activities, and buffer requirements. Farm bylaws can be viewed as the farm-side equivalent to the regulation of agriculture-urban conflicts. Farm bylaws are to farms as edge planning and development permit areas are to urban development adjacent to the ALR.

Local governments will particularly want to consider the benefits of regulation by farm bylaw for areas or uses where lot size or configuration makes standard setbacks inappropriate, where topography and waste management create public health issues, and where there are sensitive adjoining land uses such as urban residential.

For local governments that are not designated by the Provincial government to enact farm bylaws, zoning can be used to regulate uses and avoid urban-farming conflicts. See the discussion of zoning at pages 23 to 25.

Both Langley Township and Abbotsford have had approved and adopted farm bylaws dealing with mushroom growing operations and on-farm composting. Delta included regulations for propane canons and other noise scare devices for birds in their Noise Bylaw (section 14). Delta is also currently awaiting approval/denial of a zoning/farm bylaw that does not regulate greenhouses, and a farm bylaw limiting the size of rural residential dwellings. Langley is currently developing a zoning/farm bylaw that will include edge planning.

Farm Bylaws

Abbotsford's Farm Bylaw regulates stormwater management, wastewater management, and on-farm composting as it relates to mushroom farm operations. It includes 30-metre setbacks for mushroom farm compost facilities and storage of compost/agricultural waste, and requires removal of 90 percent of the odour from the exhaust from these compost facilities.

For more information, see the Smart Bylaws Guide – Working Lands – Farm Bylaws at www.wcel.org/issues/urban/sbg/Part2/workinglands/farm_bylaws.htm

Agri-tourism

With the majority of agriculture concentrated in near-urban areas in BC, agri-tourism has enormous potential to add value to farming operations. Agri-tourism is a tourist activity, service or facility accessory to agricultural land, and includes a wide range of activities from farm tours to bed and breakfast accommodation. It can supplement and diversify agricultural income, contributing to the stability of agriculture in rural communities. It may also help urbanites to understand agricultural practices and gain an appreciation of how difficult it is to farm surrounded by suburban and urban uses.

Agri-tourism is an emerging aspect of agriculture in BC. Allowable farm uses in the ALR have not traditionally included a broad range of agri-tourism activities. Evidence of this growing industry can be found in the establishment of the industry organization BC Agri-tourism in 2002, and amendments that same year to the *Agricultural Land Commission Act* allowing agri-tourism in the ALR.

But too much of a good thing like agri-tourism may undermine the business of agriculture and farming communities. If a farming area or parcel is paved over to accommodate agri-tourism uses, the agricultural potential of the community may be undermined. Likewise, if agri-tourism activities drain community resources, such as water, roadway capacity, and stormwater management capacity, farming may become uneconomical.

To avoid negative impacts on the primary agriculture operations and the surrounding community, a number of local governments are developing regulations for agri-tourism activities.

Examples of agri-tourism activities include:

- farm retail sales of products primarily from the farm, from farm stands and farmers' markets;
- farm tours, including pumpkin patch tours and activities;
- farm product processing and retail sales;
- horse riding, guest ranches and livestock shows;
- hay, tractor and sleigh rides;

- picnicking;
- corn mazes;
- fishing from a stocked pond;
- wine tasting and food services associated with vineyards;
- educational activities such as cooking classes using farm products;
- special events like harvest fair, farm product promotion, charity fundraisers using farm products, or catered food and beverage service special events;
- bird and wildlife refuges and their associated recreational opportunities; and
- bed and breakfast, cottages or other accommodation such as camping.

Simply put, local governments may regulate or prohibit agri-tourism accommodation but may only regulate other agri-tourism activities (See Appendix 2).

Agri-tourism activities that do not involve accommodation are an allowable farm use if they meet the following criteria: (1) the land must be assessed as a farm; (2) the activity must be temporary and seasonal; and (3) the activity must be secondary to the farming activity, relate to the principle farm use, and promote or market farm products produced on the farm.⁵⁰ Local governments can regulate but not prohibit these agri-tourism activities.⁵¹ Agri-tourism uses that do not meet these criteria require the approval of the Agricultural Land Commission. Local governments may only prohibit non-accommodation agri-tourism uses via a bylaw approved by the Minister of Agriculture and Lands. With some additional criteria, wineries, cideries and farm retail sales are not required to be temporary or seasonal (see Appendix 2 and pages 23 to 25 for details and discussion).

Local governments may regulate and prohibit accommodation for agri-tourism. And, provincial regulation specify that agri-tourism accommodation in the ALR must be (1) connected to the principle use of the property as an assessed farm; (2) involve ten or fewer sleeping units (including bed and breakfast rooms); and (3) occupy less than five percent of the total

Regulation of Agri-tourism

Langley Township sets lot coverage, setbacks, minimum lot sizes (8 hectares), landscaping and hours of operation for winery (RU-11 zone), game farm, and accessory restaurants (RU-12), agri-tourism uses.

Central Okanagan Regional District establishes agri-tourism guest room size and number limits depending on the size of the parcel.

Regional District of Okanagan-Similkameen Rural Oliver (Electoral Area C) regulates accessory retail sales, including floor space limits, and agri-tourist accommodation.

For more information, see the Smart Bylaws Guide – Working Lands – Agri-tourism, at www.wcel.org/issues/urban/sbg/Part2/workinglands/agritourism

parcel area. Camping and accommodation in cabins must be seasonal, but accommodation in bedrooms in a house or building accessory to a house may be year round. Accommodation that does not meet these conditions requires approval from the Agricultural Land Commission, and any applicable zoning bylaw must specifically permit agri-tourism accommodation uses.

Local governments usually regulate agri-tourism through zoning, and include requirements for:

- maximum building area or site coverage;
- setbacks;
- signage;
- parking;
- maximum number of guest bedrooms and guests;
- food service to guests only;
- prohibition on cooking facilities in guest bedrooms;
- maximum size of guest bedrooms;
- maximum length of stay;
- owner residing in dwelling and operating;
- business licence;
- servicing requirements (water, electrical, liquid waste);
- landscape screening; and
- the meaning of ‘temporary’ and ‘seasonal.’

Local governments are also looking into regulating agri-tourism impacts through temporary or special use permitting, especially if the activities are frequent or involve large numbers of attendees.

Agricultural Advisory Committees

Over 70 percent of private land in B.C. (excluding private forests) is owned by farmers and ranchers. However, less than two percent of British Columbians live on farms. Agricultural Advisory Committees provide a formal and ongoing mechanism by which local governments can consult with the agricultural community and assess the farming impacts of new initiatives, plans and bylaws. Agricultural Advisory Committees ensure that local governments understand how their operations and planning affect the business of farming. They keep agricultural concerns and impacts on the local government agenda.

Agricultural Advisory Committees both respond to local government requests and proactively make recommendations for local government action, such as:

- Participating in the development of Agricultural Area Plans (often as the steering committee, setting terms of reference, selecting the consultants, and assisting the municipality to implement the plan);
- Making recommendations on amendments to official community plans, rezonings, and applications for subdivision and exemption of land from the ALR;
- Making recommendations on other proposed bylaws or changes to bylaws, including the need for farm bylaws;
- Assisting staff to develop policies such as edge policies and disclosure statements that address the interface between agricultural and urban (often residential) uses;
- Commenting on applications for subdivision adjacent to farmland, such as providing input as to what buffering and other edge planning techniques are necessary to protect the farm practices;
- Providing input on the impacts to the agricultural community of transportation, economic development and other strategies;
- Advising local governments on drainage and water supply issues;

Examples of Agricultural Advisory Committees

- Kelowna
- Langley (District)
- Peace River Regional District
- Peninsula Agricultural Commission
- Richmond

For more information, see the Smart Bylaws Guide – Working Lands – Agricultural Advisory Committees at www.wcel.org/issues/urban/sbg/Part2/workinglands/ag_advisory.htm

- Reporting on infrastructure needs; and
- Promoting staffing and process changes, such as hiring a “farm advocate” to facilitate the relationship between community development and agriculture, in the local government.

Committees can also act as agricultural ambassadors and participate in activities that increase the non-farming public’s awareness of agricultural issues. This includes hosting or assisting with farm tours, participating in Agriculture in the Classroom, acting as a resource for other organizations, and hosting other farming events.

Agricultural Advisory Committee members are appointed by the council or board of the local government.⁵² The majority of the Committee members represent the agricultural community, appointed at large and from various farming organizations such as the local Farmers’ Institute. Some terms of reference attempt to ensure diversity of representation by agricultural commodity (i.e., food producing, non-food producing, hobby farmers and equestrian community). Other sectors represented on Committees include local government staff and council or board members, water providers, environmental advisory committees, economic development commissions, urban/suburban landowners who live adjacent to agricultural land, 4-H, and citizens. Finally, non-voting resource people from the local government, Agricultural Land Commission, provincial Ministry of Agriculture and Lands, and Agriculture and Agri-Food Canada assist in providing information.

Currently 25 local governments in BC receive input from 23 Agricultural Advisory Committees.

Farmers' Markets

Farmers markets are the logical extension of the farm into the sale of farm products and into neighbouring urban areas. They provide a direct and regular local market in the region, and may decrease transportation costs for producers. Farm markets facilitate a better understanding of farm uses in areas that are highly urbanized by connecting consumers with the people who grow their food. They also contribute to higher economic spin-offs in the local economy by maintaining local employment and supporting customer purchases at other nearby shops on market days. Finally, they are a fun family-oriented activity that provide opportunities for purchasing healthy food.

One 1998 study of farmers' markets in Ontario found that the annual sales from the 19 farmers' markets was \$73 million and generated twice that in economic spin-offs. The markets also acted as a key community event, helping to build community identity.⁵³

Local governments play a primary role in the establishment and ongoing operation of farmers' markets through OCPs, zoning, issuing permits and providing direct and in-kind funding. For example, Kelowna's agriculture policies include supporting the establishment of a permanent farmers market and promoting "buy local" campaigns. In Victoria, several weekly neighbourhood farmers' markets operate on school board land or public greenspace and parking lots.



Conclusion

Thirty years ago, farmland was a rare and threatened commodity in BC. However, a group of political leaders had the foresight and courage to protect BC's foodlands with the ALR regime so that future generations would continue to benefit from the agricultural economy and local products. Today, the ALR is an invaluable system that is a fundamental pillar for ensuring a secure place for agriculture and farming communities in BC. Local governments, and increasingly First Nations governments, have a rich array of tools available to them to strengthen farming in the ALR.

Over the next thirty years, the key will be to allow the practice of farming to adapt and evolve to meet changing social, economic and environmental demands. A key task will be to make sure that new activities, like agri-tourism, do not compromise the ability of the ALR to support soil-based agriculture and drain community services. But the biggest challenge will continue to be to hold the urbanization of agricultural land at a distance. The ALR has been a resounding success in this regard, and is an honourable model for protecting the non-renewable resource of farmland.



Appendix 1 – Resources

Examples & Publications

General

State of the Agricultural Land Reserve (Smart Growth BC, 2004)

Citizens' Guide to the ALR (Smart Growth BC, 2005)

Frequently Asked Questions About the ALR (Agricultural Land Commission)

How Was the ALR Established?

What is Agricultural Land?

History of the ALR

Strengthening Farming (Ministry of Agriculture and Lands)

Smart Growth Guide to Local Government Law and Advocacy Chapter 6 – Protecting Agricultural Land (Linda Nowlan, Chris Rolfe and Kathy Grant, West Coast Environmental Law)
Caution – this guide is out of date in several areas, including that (1) the scope of allowable farm uses is now broader, (2) the Commission now considers applications through regional panels, (3) the Commission may delegate subdivision and use applications to local governments, and (4) First Nations governments have a role in regulating ALR land if adopted through the treaty process.

The Countryside and You: Understanding Farming (Ministry of Agriculture, Food and Fisheries)

Agricultural Land Commission Act, SBC 2002, c.36

Agricultural Land Reserve Use, Subdivision and Procedure Regulation

ALR and Community Planning Guidelines (Agricultural Land Commission)

Planning for Agriculture – Resource Materials (Barry Smith, Agricultural Land Commission)

Official Community Plans

Central Saanich

Mill Bay/Malahat

Nanaimo

Richmond

Spallumcheen's

Surrey

Planning for Agriculture Chapter 5, Section on Local Government & Land Management – Official Community Plans (Barry Smith, Agricultural Land Commission 1998)

ALR & Community Planning Guidelines (Agricultural Land Commission) – Policy Guidelines, Appendix 1 p. 10

Agricultural Area Plans

Regional District of Comox-Strathcona Comox Valley Agricultural Area Plan

City of Kelowna Agriculture Plan

Municipality of North Cowichan Strategic Agricultural Plan

District of Salmon Arm Agricultural Area Plan

Greater Vancouver and Fraser Valley Regional Districts – Economic Strategy for Agriculture in the Lower Mainland

Peace River Regional District Rural Plan and Bylaw Review

Pitt Meadows Agricultural Plan The Future of Agriculture

Richmond Agricultural Viability Strategy

Agricultural Area Plans (Ministry of Agriculture & Lands)

Planning for Agriculture – Resource Materials Chapter 7

Zoning

Spallumcheen

Regional District Comox-Strathcona

Regional District of the Central Okanagan

Regional District of Okanagan-Similkameen

Vernon

Pitt Meadows

Agricultural Land Reserve Use, Subdivision & Procedure Regulation (see section 2 for designated farm uses that may be regulated but not be prohibited, with exceptions; and section 3 for permitted uses that may be prohibited, and outright permitted uses)

Guide for Bylaw Development in Farming Areas (Ministry of Agriculture, Food and Fish)

ALR & Community Planning Guidelines (Agricultural Land Commission)

Landscaped Buffer Specifications (Agricultural Land Commission)

Subdivision Regulation

Important Information for Local Government Subdivision Approving Officers (Ministry of Agriculture, Fisheries and Food)

Subdivision Near Agriculture: A Guide for Approving Officers (Agricultural Land Commission and Ministry of Agriculture, Fisheries and Food)

Edge Planning: Special Management Areas, Development Permits & Covenants

Mill Bay/Malahat

North Saanich

Richmond

Surrey (development permit areas)

Surrey (covenants)

Planning for Agriculture - Resource Materials Chapter 8

ALR and Community Planning Guidelines (Agricultural Land Commission, Appendix 2 – Development Permits p.11)

Landscaped Buffer Specifications (Agricultural Land Commission)



Stewardship Bylaws: A Guide for Local Government (Department of Fisheries & Oceans & Ministry of Environment – discussion and sample wording of DPA p.66)

Subdivision Near Agriculture: A Guide for Approving Officers (Agricultural Land Commission and Ministry of Agriculture, Fisheries and Food) – Appendix 2 consists of four sample covenants for the protection of agriculture.

Greening Your Title: A Guide to Best Practices for Conservation Covenants, Second Edition (Ann Hillyer & Judy Atkins, West Coast Environmental Law 2005)

Guidelines for Conservation Covenants in the ALR (Agricultural Land Commission)

Farm Bylaws

Consolidated Farm (Mushroom Growing Operation Storm Water and Waste Management and On-farm Composting) Bylaw, 1009 (City of Abbotsford)

Delta Noise Control Bylaw No. 1906 (District of Delta)

Guide for Bylaw Development in Farming Areas:

- Farm Bylaws - Section 9, p.C-7.
- Standards for audible bird scare devices and mushroom farming – Section 11.8, p.C-41.

Farm Practices in B.C. Reference Guide (Ministry of Agriculture, Food and Fisheries)

“Normal Farm Practices” and the “Right to Farm”

Resolving Public Concerns and Complaints

Local Governments and the Right to Farm

Agri-tourism

Langley Township

Central Okanagan Regional District

Regional District of Okanagan-Similkameen

Agri-tourism Market and Product Development Status Report 2001 (Ministry of Agriculture, Fish and Food)

Regulatory Challenges for Agri-tourism Operators in British

Columbia 2002 (Ministry of Agriculture, Fish and Food)

The Agri-tourism Industry and Local Government Regulation:
Finding the Right Balance for Central Saanich (City Spaces
Consulting)

Shushwap Agri-tourism Guide

Tourism Kelowna – Best Picks of the Okanagan

Agricultural Advisory Committees

Kelowna

Langley (District)

Peace River Regional District

Peninsula Agricultural Commission

Richmond

Agricultural Advisory Committees

Agricultural Advisory Committees Information Package

Model Terms of Reference

Farmers Markets

The Economic Benefits of Farmers' Markets (Friends of the
Earth, UK)

Farmers' Markets in Ontario and their Economic Impact
(Harry Cummings, Galin Kora and Don Murray, 1999)

Establishing and Operating a Community Farmers' Market
(University of Kentucky, College of
Agriculture)



Organizations

Smart Growth BC - Greenbelt BC

BC Agricultural Council

BC Agri-tourism

BC Association of Farmers Markets

AgAware BC

Certified Organic Association of BC

Vancouver Food Policy Council

BC Agri-tourism

Tourism Chilliwack – Agricultural Tourism

Southern Vancouver Island Direct Farm Marketing Association – Agri-tourism

Maple Ridge and Pitt Meadows – Agri-tourism

Thompson-Okanagan Tourism – Wine & Agri-tourism

American Farmland Trust, www.farmland.org

Appendix 2 – Allowed Uses on ALR Land

The *Agricultural Land Commission Act* of 2002 and regulations expanded the range of permitted uses on agricultural land (Part 2, sections 2-3 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* B.C. Reg. 171/2002). The permitted uses outlined below also allow the construction, maintenance and operation of buildings, structures, driveways, ancillary services and utilities necessary for that use.

a) Regulate But Not Prohibit Except By Section 917 (Local Government Act) Bylaw

Municipalities may regulate but not prohibit except by bylaw under section 917 of the *Local Government Act*:

- farm retail sales if (i) all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or (ii) at least 50 percent of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m²;
- a British Columbia licensed winery or cidery and an ancillary use if the wine or cider produced and offered for sale is made from farm product and (i) at least 50 percent of that farm product is grown on the farm on which the winery or cidery is located, or (ii) the farm that grows the farm products used to produce wine or cider is more than 2 ha in area, and, unless otherwise authorized by the commission, at least 50 percent of the total farm product for processing is provided under a minimum 3-year contract from a farm in British Columbia. For the purposes of this allowed use, "ancillary use" means any of the following activities carried on at a British Columbia licensed winery or cidery: processing, storage and retail sales; tours; or a food and beverage service lounge, if the area does not exceed 125 m² indoors and 125 m² outdoors;

- storage, packing, product preparation or processing of farm products, if at least 50 percent of the farm product being stored, packed, prepared or processed is produced on the farm or is feed required for farm production purposes on the farm;
- land development works including clearing, levelling, draining, berming, irrigating and construction of reservoirs and ancillary works if the works are required for farm use of that farm;
- agri-tourism activities, other than accommodation, on land that is classified as a farm under the *Assessment Act*, if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm;
- timber production, harvesting, silviculture and forest protection;
- agroforestry, including botanical forest products production;
- horse riding, training and boarding, including a facility for horse riding, training and boarding, if (i) the stables do not have more than 40 permanent stalls, and (ii) the facility does not include a racetrack licensed by the British Columbia Racing Commission;
- the storage and application of fertilizers, mulches and soil conditioners;
- the application of soil amendments collected, stored and handled in compliance with the *Agricultural Waste Control Regulation*, B.C. Reg. 131/92;
- the production, storage and application of compost from agricultural wastes produced on the farm for farm purposes in compliance with the *Agricultural Waste Control Regulation*, B.C. Reg. 131/92;
- the application of compost and biosolids produced and applied in compliance with the *Organic Matter Recycling Regulation*, B.C. Reg. 18/2002;
- the production, storage and application of Class A compost in compliance with the *Organic Matter Recycling*

Regulation, B.C. Reg. 18/2002, if all the compost produced is used on the farm;

- soil sampling and testing of soil from the farm;
- the construction, maintenance and operation of farm buildings including, but not limited to, any of the following: (i) a greenhouse; (ii) a farm building or structure for use in an intensive livestock operation or for mushroom production; (iii) an aquaculture facility.

b) Allowed Unless Prohibited

The following uses are allowed in the ALR unless they are prohibited by local government bylaw:

- accommodation for agri-tourism on a farm if (i) all or part of the parcel on which the accommodation is located is classified as a farm under the *Assessment Act*, (ii) the accommodation is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms, and (iii) the total developed area for buildings, landscaping and access for the accommodation is less than five percent of the parcel;
- for each parcel, (i) one secondary suite within a single-family dwelling, and (ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;
- a home occupation use, that is accessory to a dwelling, of not more than 100 m² or such other area as specified in a local government bylaw for the area in which the parcel is located;
- bed and breakfast use of not more than 4 bedrooms for short-term tourist accommodation or such other number of bedrooms as specified in a local government bylaw for the area in which the parcel is located;
- operation of a temporary sawmill if at least 50 percent of the volume of timber is harvested from the farm or parcel on which the sawmill is located;
- biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, as long as the area

occupied by any associated buildings and structures does not exceed 100 m² for each parcel;

- use of an open land park established by a local government for any of the purposes specified in the proceeding paragraph;
- breeding pets or operating a kennel or boarding facility;
- education and research except schools under the *School Act*, respecting any use permitted under the Act and the regulation as long as the area occupied by any buildings or structures necessary for the education or research does not exceed 100 m² for each parcel;
- production and development of biological products used in integrated pest management programs as long as the area occupied by any buildings or structures necessary for the production or development does not exceed 300 m² for each parcel;
- aggregate extraction if the total volume of materials removed from the parcel is less than 500 m³, as long as the cultivatable surface layer of soil is salvaged, stored on the parcel and available to reclaim the disturbed area (if a use is permitted on these grounds it is a condition of the use that once the extraction of aggregate is complete, the disturbed area must be rehabilitated in accordance with good agricultural practice);
- force mains, trunk sewers, gas pipelines and water lines within an existing dedicated right of way;
- telecommunications equipment, buildings and installations as long as the area occupied by the equipment, buildings and installations does not exceed 100 m² for each parcel;
- construction and maintenance, for the purpose of drainage or irrigation or to combat the threat of flooding, of (i) dikes and related pumphouses, and (ii) ancillary works including access roads and facilities;
- unpaved airstrip or helipad for use of aircraft flying non-scheduled flights;

- the production, storage and application of Class A compost in compliance with the *Organic Matter Recycling Regulation*, B.C. Reg. 18/2002, if at least 50 percent of the compost measured by volume is used on the farm.

c) Permitted Uses

The following land uses are permitted on ALR land:

- ecological reserve established under the *Ecological Reserve Act* or by the *Protected Areas of British Columbia Act*;
- park established under the *Park Act* or by the *Protected Areas of British Columbia Act*;
- protected area established under the *Environment and Land Use Act*;
- wildlife management area established under the *Wildlife Act*;
- recreation reserve established under the *Land Act*;
- dedication or upgrading of an existing road with vehicular access and use declared to be a public highway under section 4 of the *Highway Act*;
- road construction or upgrading within a dedicated right of way that has a constructed road bed for vehicular access and use;
- if the widening or works does not result in an overall right of way width of more than 24 m, widening of an existing constructed road right of way for safety or maintenance purposes, or drainage or flood control works;
- establishing as a forest service road (i) an existing road under the *Forest Act*, or (ii) a new road in a managed forest;
- increasing the right-of-way width of a forest service road by up to 4 m if the widening does not result in an overall right of way width of more than 24 m;
- railway construction, upgrading and operations on an existing railbed within a dedicated right of way, including widening of an existing railway right of way if the widening does not result in an overall right of way width of more than 30 m;

- surveying, exploring or prospecting for gravel or minerals if all cuts, trenches and similar alterations are restored to the natural ground level on completion of the surveying, exploring or prospecting;
- surface water collection for farm use or domestic use, water well drillings, connection of water lines, access to water well sites and required rights of way or easements;
- soil research or testing as long as the soil removed or fill placed is only in an amount necessary for the research or testing.

In order to prohibit the activities listed under (a) above, a local government may make bylaws in relation to farming areas respecting:

- (i) the conduct of farm operations as part of a farm business;
- (ii) the types of buildings, structures, facilities, machinery and equipment that are prerequisite to conducting farm operations specified by the local government and that must be utilized by farmers conducting the specified farm operations;
- (iii) the siting of stored materials, waste facilities and stationary equipment; and
- (iv) prohibiting specified farm operations.

However, these “farm bylaws” may only be adopted with the approval of the Minister of Agriculture if the Provincial government has designated the municipality by regulation.

Endnotes

- 1 Agricultural Land Commission, History of the ALR.
- 2 Select Standing Committee on Agriculture; Inventory of Agricultural Land Reserves in British Columbia, Phase 1 Research Report, 1978; Moura Quayle, *Stakes in the Ground: The Provincial Interest in Agricultural Land Commission Act* (Report to the Minister of Agriculture and Food, 1998).
- 3 In this report, local government means a municipal council or regional district board.
- 4 Ministry of Agriculture and Lands, Agricultural Statistics, *BC's Top 25 Agricultural Commodities and National Ranking 2003*, <http://www.agf.gov.bc.ca/stats/1d.htm>; Ministry of Agriculture and Lands, *Fast Stats: Agriculture and Food 2005*, <http://www.agf.gov.bc.ca/stats/>.
- 5 Ministry of Agriculture and Lands, Agricultural Statistics, *BC's Top 25 Agricultural Commodities and National Ranking 2003*, <http://www.agf.gov.bc.ca/stats/1d.htm>; Ministry of Agriculture and Lands, *Fast Stats: Agriculture and Food 2005*, <http://www.agf.gov.bc.ca/stats/>.
- 6 Barry Smith, Planning for Agriculture (Resource Materials p. I-5). The author originally used 1996 Statistics Canada data and updated the figures with 2001 Statistics Canada data. http://www.alc.gov.bc.ca/publications/planning/pfa_main.htm.
- 7 Agricultural Land Commission, Area Included/Excluded from the ALR by Regional District 1974 to December 31, 2003, http://www.alc.gov.bc.ca/alr/stats/A5_incl-excl_RDallyears.htm.
- 8 The green infrastructure includes:
 - ditches, rivers, creeks, streams and wetlands that retain and carry stormwater, improve water quality, and provide habitat;
 - parks and greenways that link habitat and provide recreation opportunities;
 - working lands such as agricultural or forested areas;
 - aquifers and watersheds that provide drinking water;
 - engineered wetlands and stormwater detention ponds that retain stormwater and improve infiltration; and
 - trees, rooftop gardens and community gardens that clean air and cool urban areas in the summer.
- 9 Ministry of Agriculture and Food, Guide for Bylaw Development in Farming Areas (no date).
- 10 Ministry of Agriculture and Lands, *Fast Stats: Agriculture and Food 2005*, <http://www.agf.gov.bc.ca/stats/>.
- 11 For more information, see the Smart Bylaws Guide www.wcel.org/issues/urban/sbg.
- 12 See footnote 8, above.
- 13 Agricultural Land Commission, *Ten Years of Agricultural Land Preservation (December 1983, p.4)*.

- 14 Statistics Canada, *Rural and Small Town Canada Analysis Bulletin Vol. 6 No. 1 (January 2005)*, <http://www.statcan.ca/english/freepub/21-006-XIE/21-006-XIE2005001.pdf>.
- 15 Agricultural Land Commission, *Table of Area Included/Excluded from the ALR by Year 1974 to December 31, 2003* http://www.alc.gov.bc.ca/alr/stats/A1_incl-excl_allyears_d.htm.
- 16 Barry Smith, Planner (formerly with the Agricultural Land Commission and the Ministry of Agriculture), *ALR Quality and Quantity* (unpublished manuscript, August 2005, on file with author). The statistics quoted in this manuscript were derived from the statistics provided by the Agricultural Land Commission, <http://www.landcommission.gov.bc.ca/>.
- 17 Ministry of Agriculture, Food and Fisheries, *Census of Agriculture 2001 and Historical Comparisons – BC Summary May 2002* <http://www.agf.gov.bc.ca/stats/2001census.pdf>.
- 18 Ministry of Agriculture, Food and Fisheries, *Province of British Columbia: Agriculture in Brief – 1996-2001* <http://www.agf.gov.bc.ca/resmgmt/sf/agbriefs/BC.pdf>.
- 19 Ministry of Agriculture and Lands, *Fast Stats: Agriculture and Food 2005*, <http://www.agf.gov.bc.ca/stats/>.
- 20 *Agricultural Land Commission Act*, SBC 2002, c.36, s.6.
- 21 *Agricultural Land Commission Amendment Act*, S.B.C. 2004, c.32.
- 22 *Agricultural Land Commission Act*, SBC 2002, c.36, s.18.
- 23 *Agricultural Land Commission Act*, SBC 2002, c.36, s.30.
- 24 *Agricultural Land Commission Act*, SBC 2002, c.36, ss.18 and 25.
- 25 *Agricultural Land Commission Act*, SBC 2002, c.36, s.20.
- 26 *Agricultural Land Commission Act*, SBC 2002, c.36, s. 18.
- 27 *Agricultural Land Commission Act*, SBC 2002, c.36, ss. 21 and 25.
- 28 *Agricultural Land Commission Act*, SBC 2002, c.36, s.46.
- 29 *Local Government Act*, R.S.B.C. 1996, c.323 s.882(3)(c).
- 30 *Agricultural Land Commission Act*, SBC 2002, c.36, s. 26..
- 31 *Farm Practices Protection (Right to Farm) Act*, R.S.B.C. 1996, c.131, s.2.
- 32 *Farm Practices Protection (Right to Farm) Act*, R.S.B.C. 1996, c.131, s.2(3).
- 33 *Local Government Act*, R.S.B.C. 1996, c.323 ss. 849-850.
- 34 *Local Government Act*, R.S.B.C. 1996, c.323 ss. 865 and 866.
- 35 *Local Government Act*, R.S.B.C. 1996, c.323 ss. 875, 877 and 878.
- 36 Barry Smith, http://www.alc.gov.bc.ca/publications/planning/pfa_main.htm (1998).
- 37 *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, B.C. Reg. No. 171/2002, s. 3(1).
- 38 *Agricultural Land Commission Act*, SBC 2002, c.36, s.18.
- 39 *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, B.C. Reg. No. 171/2002.
- 40 *Local Government Act*, R.S.B.C. 1996, c.323 ss. 903(5) and 918.
- 41 *Right to Farm Regulation*, B.C. Reg 261/97.
- 42 Personal Communication, Brian Underhill, Director,

Agricultural Land Commission (October 28, 2005).

- 43 Agricultural Land Commission, http://www.alc.gov.bc.ca/alr/stats/2001-05Summary_main.htm.
- 44 *Land Title Act*, R.S.B.C. 1996, c.250, s.86(1)(c)(x).
- 45 *Land Title Act*, R.S.B.C. 1996, c.250, s.86(1)(c)(xi).
- 46 *Farm Practices Protection (Right to Farm) Act*, R.S.B.C. 1996, c.131
- 47 *Local Government Act*, R.S.B.C. 1996, c.323 ss. 917 and 918.
- 48 *Local Government Act*, R.S.B.C. 1996, c.323 ss. 917 and 918.
- 49 *Right to Farm Regulation*, B.C. Reg 261/97.
- 50 *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, B.C. Reg. No. 171/2002, s.2(2-5).
- 51 *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, B.C. Reg. No. 171/2002, s.2(2-5).
- 52 The Peninsula Agricultural Committee for the Saanich Peninsula, north of Victoria, acts as an AAC and is supported by three local governments.
- 53 Harry Cummings, Galin Kora and Don Murray, *Farmers' Markets in Ontario and their Economic Impact* (University of Guelph, 1999).

West Coast Environmental Law is BC's legal champion for the environment. West Coast empowers citizens and organizations to protect our environment and advocates for the innovative solutions that will build a just and sustainable world.

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