



**PROVINCIAL AGRICULTURAL LAND COMMISSION:
MESSAGE FROM THE CHAIR: AN UPDATE**

March 6, 2014

I. THE PURPOSE OF THIS MESSAGE

This *Message from the Chair* provides a further update regarding the ongoing work of the Agricultural Land Commission (ALC).

The past five months have been very busy for the ALC. This period has seen several significant developments by the ALC in pursuing and achieving the goals and strategic objectives outlined in my previous Chair's Messages (August 23, 2012 and October 4, 2013).

The timing of this *Message from the Chair* reflects my awareness that a government review process continues to consider the future direction of the Agricultural Land Reserve system. While the nature, timing and outcome of those deliberations is not known, I want to provide whatever assistance I can to facilitate the development and discussion of public policy based on an up-to-date picture of the work and progress of the ALC in achieving its legislative mandate and strategic objectives.

II. PROGRESS REPORT – UPDATE FROM OCTOBER 4, 2013

- 1. THE BOUNDARY REVIEW PROCESS:** The purpose of an ALR boundary review is to refine the ALR boundaries in a particular geographic area so that they encompass land that is both capable and suitable for agricultural use. Boundary reviews are often undertaken amid varying perceptions about their proper rationale and outcome.

It is useful to remember that each and every region of British Columbia has prime agricultural land based on agricultural capability classifications and agriculturally suitable lands for specialty crops, forage, extensive agricultural uses and non-soil bound agricultural endeavors. These facts are based on scientific and technical information that can be found, in part, in the following documents located on the ALC's website:

- *Agricultural Capability Classification in BC* (see references to scientific technical manuals on page 5 of this document for further information)
[Link to document](#)
- *Agriculture Capability & The ALR Fact Sheet*
[Link to document](#)
- *The Potential of Marginal Agricultural Lands*
[Link to document](#)
- *The Use of Biophysical Information – BC Land Commission Overview*
[Link to document](#)

As noted in Table 3: Agriculture Capability (BC Land Inventory) by Region in the *Agriculture Capability & The ALR Fact Sheet* referenced above, the majority of prime agricultural lands are situated in the Interior, Kootenay and North regions. The Peace River region leads the way with the largest amount of prime agricultural land. With that in mind, I consider it useful to repeat the comments I made in my November 2010 Chair's Report regarding ALR land in the northern part of British Columbia.

In addition, the northern portion of BC is agriculturally significant based on the role it can play several generations in the future. This vast area of good agricultural land, with a relatively small population, is essentially unscarred by the development pressures in southern BC.

It is understood that the majority of BC's population growth will continue in the southwest. Pressures to convert agricultural land to accommodate urban growth will continue as will the pressures on farmers to change or stop certain

agricultural practices. While I recognize that the Agricultural Land Commission Act and the Farm Practices Protection (Right to Farm) Act are designed to resist these pressures, there may come a time when farmers themselves will consider relocation thereby resulting in a fundamental shift in the agricultural activities in south west BC. I refer more so to intensive livestock operations in this regard.

I envision that appropriately transferrable agricultural enterprises may look northward – but only if the opportunity exists. Now is the time to consider the potential future agricultural role of northeast BC. Also, it is timely to consider the potential economic opportunities for agriculture in years ahead given this huge land base and its proximity to northern transportation routes to Asia.

It is of course also true that some land in the ALR may be of limited or no agricultural value. It is for this reason that the ALC has undertaken to review and modify ALR boundaries where appropriate. The ALC's progress to date is as follows:

- A. UPDATED ALR BOUNDARY REVIEW MANUAL** – The ALC updated its 1981 ALR boundary review procedural manual to reflect the current *Agricultural Land Commission Act* and regulation, current terminology, technological advances such as GIS mapping capabilities and satellite imagery and enhanced stakeholder communications. The fundamental elements of the ALC's boundary review methodology were maintained in this update. This procedural manual provides clear and concise guidance related to the methodology employed for past and current ALR boundary reviews and ensures consistency in carrying out these reviews.

- B. ELK VALLEY ALR BOUNDARY REVIEW** – The ALC began its ALR boundary reviews in the Regional District of East Kootenay (RDEK). The Elk Valley review began in late 2012. As part of its review the ALC, with assistance from the Ministry of Agriculture's Regional Agrologist and staff at the RDEK, compiled extensive land use and ownership data and land quality mapping information for the review area.

The ALC concluded the Elk Valley Review and released its decision on February 18, 2014. The ALC excluded approximately 1,430 hectares from

the ALR and included approximately 680 hectares into the ALR. The decision can be viewed [here](#) .

C. CRANBROOK SOUTH ALR BOUNDARY REVIEW – Work on the second review in Electoral Area "B" of the RDEK, generally described as being south of Cranbrook, has reached the stage where the ALC anticipates holding a public hearing in or about April 2014.

D. KIMBERLEY TO WASA ALR BOUNDARY REVIEW – Work on the third review in the RDEK's Electoral Area "E", generally described as Kimberley to Wasa, is well underway. This review area was selected as it coincides with the RDEK's official community plan review that is currently being conducted.

The ALC will begin to focus on concurrent boundary review exercises in the Cariboo and North regions in the near future.

2. AUDIT OF THE REGIONAL DISTRICT OF FRASER – FORT GEORGE (RDFFG) DELEGATION AGREEMENT – In September 2010, the Office of the Auditor General released the 2010/2011 *Report 5: Audit of the Agricultural Land Commission*.

Recommendation 4 was that the ALC work with the RDFFG to address concerns it had with the District's processes. The Report indicated that "*oversight of the decisions made by its "delegated authorities" needs strengthening to ensure that agricultural land is being preserved and farming encouraged*".

In its response to the audit, the ALC indicated that it believes a collaborative governance approach to shared decision-making can be effective and efficient and still maintain consistency with its mandate. At that time, the ALC was generally satisfied that the majority of decisions made by the RDFFG are in the interests of preserving agricultural land and encouraging farming. However, the ALC identified some concerns with certain aspects of the decision-making process that required attention.

The ALC conducted an audit which involved the review of 127 decisions made under the RDFFG delegation agreement from 2001 to 2012. The ALC provided the RDFFG with its report and travelled to Prince George in November 2013 to discuss its findings. At this meeting, the ALC suggested and encouraged the RDFFG to consider the following actions:

- Education

The ALC has invited RDFFG Staff and Board members to attend an ALC Board meeting to observe and discuss application decision making at the ALC. This educational component could also include discussions with the ALC about the use of conditions in decision-making. Plans are being made to have RDFFG representatives attend the ALC's next set of meetings in March 2014.

- Communication

Potential changes to how the RDFFG communicates and explains its decisions. The ALC's Report revealed that the RDFFG does not provide written reasons for its decisions. This contrasts to the ALC, which does provide a rationale for all decisions so that the applicant and the public are informed how the decision is either consistent or inconsistent with the purposes of the *Agricultural Land Commission Act*.

- Information Gathering

The ALC believes that Ministry of Agriculture staff can play an important role in contributing to decisions. The Commission recommends that in addition to soliciting advice from Ministry of Agriculture staff, that Ministry of Agriculture staff be invited to attend and participate, in an advisory capacity, in meetings of the RDFFG Board's Agricultural Land Use Standing Committee.

- Other Issues

The ALC Report recommended a number of follow-up actions including the updating of the Delegation Agreement to reflect the ALC's current legislation and clarify the RDFFG's responsibilities regarding subdivisions.

ALC representatives went to Prince George on February 26, 2014 to continue dialogue with the RDFFG.

3. PEACE RIVER REGIONAL DISTRICT INITIATIVES – The ALC has received the following requests from the Peace River Regional District (PRRD):

- A July 31, 2013 letter from the Peace River Regional District (PRRD) requesting that the ALC reinstate its previous ALC policy (or similar instrument) permitting the subdivision of full and half sections of land into quarter sections; and
- An October 22, 2013 letter from the PRRD requesting the delegation of decision-making authority from the ALC pursuant to s. 26 of the *Agricultural Land Commission Act*.

Based on lessons learned from the RDFFG delegation over the past 12 years and on prior discussions with PRRD, on December 18, 2013 the ALC responded to the PRRD as follows:

The ALC believes that there may be merit in opening discussions with the Regional District about establishing a framework for a Delegation Agreement based on land use policy and criteria stemming from existing Official Community Plan (OCP) bylaw(s). The delegation discussion may also reference an amended quarter ¼ section subdivision policy.

A delegation agreement could permit the Regional District to exercise some or all of the Agricultural Land Commission's powers to make limited subdivision and non-farm use decisions in the Agricultural Land Reserve (ALR), as guided by the OCP bylaw(s). A delegation agreement cannot delegate decision making authority to exclude land from, or include land into, the ALR. The Regional Board, should it be granted delegation authority, would review and make decisions on subdivision and non-farm applications in the ALR within the context of the goals and purposes of the ALC Act, and the framework of the bylaw(s). It should be emphasized that the purpose of a delegation agreement is not to circumvent the goals of the ALC Act. The Commission believes that there may be significant benefits to delegation, in that decision making can be carried out in a timely manner, at less cost to the applicant, and with local knowledge.

If previous delegation agreements are any guide, the Regional Board can expect the ALC to undertake training of Regional District staff and Board members if a delegation agreement is finalized, and to regularly audit delegated decisions to ascertain their consistency with the agreement and the goals of the ALC Act.

Amendments to existing OCP bylaws may also be required. The ALC also believes that it is beneficial for local government to establish an Agricultural Advisory Committee with members drawn from the agricultural community to provide advice and guidance to Regional Board members when exercising the Commission's powers.

The Agricultural Land Commission has directed its staff to begin discussions with Regional District staff to establish a mutually acceptable framework for delegation.

ALC representatives have now met with PRRD representatives in this regard on several occasions, as recently as February 25, 2014. Another visit to the PRRD for further discussion is planned for early April 2014.

4. OIL & GAS COMMISSION, OGC/ALC DELEGATION AGREEMENT – While I have previously reported on this, I wish to reiterate it here for completeness.

On June 13, 2013, an updated delegation agreement between the ALC and the OGC was signed. The agreement covers oil and gas activities and related ancillary activities within the PRRD and Northern Rockies Regional Municipality, and was implemented on November 4, 2013, following OGC staff and industry training workshops.

The main updates to the delegation agreement include:

- To improve efficiency, the majority of oil and gas non-farm use applications will now be submitted to the OGC.
- Criteria is simplified and more directly related to impacts on agricultural land.
- Following are the two main criteria now used to determine if non-farm use application are to be submitted to the OGC:
 - i. An ALC non-farm use application (submitted to the OGC) is required if cumulative oil and gas surface use is greater than 20 ha per Section (256 ha).
 - ii. An ALC non-farm use application (submitted to the OGC) is required for selected activity sites greater than three ha, such as facilities and water storage sites proposed by an operator.

In June 2014, the ALC is planning to meet with the OGC to review the oil and gas activities carried out in relation to the updated agreement.

- 5. APPLICATION PROCESSING** – As I have previously reported, one of the ALC's strategic objectives is to significantly reduce the amount of operational resources it expends on processing applications from 80% to 30% to allow redeployment of resources to other program areas such as ALR boundary reviews, long range land use planning, policy development, auditing delegation agreements and compliance and enforcement. As reported in 2012, within the 30% targeted budget and associated staff and Commission time allocation devoted to applications, the ALC will increase its efficiency by streamlining the application process. In addition, the ALC will focus on applications from farmers and ranchers that are related to the business of agriculture (approximately 5% of applications received) and less on applications from developers, speculators and those who simply wish to do something other than agriculture in the ALR (approximately 95% of applications received).

The ALC continues to improve application processing through early vetting of applications for completeness, triaging applications for immediate processing, early identification of the need for additional information for more complex files and through the establishment of criteria for delegated decision-making to the ALC's Chief Executive Officer. In addition, the introduction of an online application form will further improve upon the process.

- 6. ENHANCING TECHNOLOGICAL CAPACITY** – Other initiatives to enable the more efficient processing of applications involve the ALC improving its information technology and information management capacity to facilitate the electronic submission of applications. The ALC has designed a new self-service Online Application Portal and with its consultants, has tested the prototype.

The ALC has retained the services of an internet strategy and design firm to undertake user testing of the Online Application Portal with select stakeholders from local governments, applicant agents and individuals unfamiliar with the ALC application process to simulate a “new applicant” user experience. Initial test results suggest that the Portal design is sound but improvements can be made to the design and usability of this web-based product. The strategy and design firm is now preparing suggested usability improvements for incorporation into the Portal model. The ALC will be

providing detailed information to local governments and applicants well in advance of launching the Online Application System to provide a smooth transition into the new application process.

The same firm is also working concurrently on designing the ALC's new website to better communicate with and engage stakeholders, provide clearer information about the application process, provide application status updates and improve access to spatial and historical information. It is anticipated that the new website and Online Application Portal will be available by July 2014.

- 7. INFORMATION MANAGEMENT AND HISTORICAL RECORDS** – In 2011, the ALC embarked on a project to retrieve from offsite storage 20,000 - 25,000 application files, verify digital mapping of properties, enter application data into the ALC's Online Application Tracking System (OATS) database and to convert (scan) relevant paper documents to a digital format.

Progress to date:

- 6,485 files have been completed (documents scanned, data entered into OATS and GIS mapping verified);
- 23,200 files have historical documents scanned (data entry into OATS and GIS mapping verification underway and ongoing); and
- 7,064 files have digital mapping of properties verified.

The ALC expects the scanning of historical documents will be completed around the end of fiscal year 2013/14 with data entry and map verification continuing.

The data entry portion of the project is the most time consuming aspect of this work and the ALC is exploring ways to accurately transfer the information without having to carry out full manual entry of data.

- 8. STAFFING** – The ALC has changed its staff organizational structure to ensure adequate staff positions to carry out its business functions in support of its mandate. The structure is designed to provide more effective service by focusing the staff secretariat operations on pro-active planning, policy development functions and stakeholder engagement. With the increased funding provided by government, the

ALC has and will continue to recruit additional staff. The ALC has been operating with 18 staff in recent months. Five Land Use Planners dedicated to application processing and planning; two Senior Planners who review bylaw referrals, OCPs and other planning reviews and liaise with local governments; one Planner focussed on ALR boundary reviews; one compliance and enforcement officer; three GIS mapping/data management staff; one Policy Planner; three administrative staff and two Executive Directors.

Since late 2012 the ALC has been working with the Public Service Agency (PSA) to review job profiles and classifications for existing and new positions. With a focus on proactive planning and encouraging farming the ALC's recruitment accomplishments include:

- Temporary Assignment and Auxilliary Staff - Following postings and competitions, the ALC has solidified two temporary appointments and four auxilliary staff in permanent positions. The temporary appointments made permanent were the GIS Coordinator and Policy Planner. The auxilliary staff were all Planners. Solidifying these positions means the ALC can move forward with pro-active planning and boundary review initiatives that encourage agriculture and focus on policy related matters using already experienced staff.
- Professional Agrologists - Two professional Agrologists positions specializing in soil science have been advertised, candidate submissions are being reviewed and the ALC anticipates interviews will be held in or about March 2014. These positions will assist with ALR boundary reviews, soil management issues and other planning related initiatives.
- Senior Planners - An existing Land Use Planner successfully competed for a Senior Planner vacancy and the ALC is currently carrying out interviews to fill the vacated position.
- Compliance and Enforcement - The ALC has hired a Compliance and Enforcement Officer to fill a vacant position.

- Deputy Chief Executive Officer - In November 2013 the ALC Board determined that the Commission's Executive Director, Mr. Brian Underhill, will, in addition to his existing duties leading the Staff Secretariat, will also carry out the duty of deputy to the Chief Executive Officer of the Commission.
- Chief Tribunal Officer - In November 2013 the ALC Board determined that the Commission's Executive Director, Mr. Colin Fry, will be the Commission's Chief Tribunal Officer (CTO) which will be the interface position between the ALC Board and its Staff Secretariat.

The CTO reports directly to the Chair of the ALC, who is responsible for the effective management of the ALC pursuant to section 9 of the *Administrative Tribunals Act*. The ALC Board determined that a CTO is necessary to clearly differentiate the roles and responsibilities relating to Board administration from those of the CEO as they relate to administration of the Staff Secretariat and the CEO's statutory responsibilities in the *Agricultural Land Commission Act*. The CTO is responsible for working directly with the Chair and to provide leadership and direction for all administrative operations and activities of the Board.

- 2014 Hiring Plan - The ALC plans to recruit up to 3 additional planning staff in 2014. Following the 2013 competition for the Compliance and Enforcement Officer position, candidates have been placed on a eligibility list for potential recruitment in 2014. The ALC will also be moving to hire a Manager of Policy and Planning and a communications/web and data management professional.

9. STAKEHOLDER OUTREACH – The ALC has increased its outreach with stakeholders to communicate ALC initiatives and to seek feedback.

In the past year ALC representatives have met with a number of key stakeholders such as:

- BC Cattlemen's Association

- BC Greenhouse Growers
- BC Agriculture Council
- Delta Farmers' Institute
- Southern Interior Local Government Association
- Island Agricultural Advisory Committee Workshop – Nanaimo
- Central BC Advisory Committee Workshop – Kelowna
- South Coast Agricultural Advisory Committee Workshop – Langley
- Northeast BC Professional Development Day (Oil & Gas Officials) – Fort St. John
- Encana Field Tour of Oil & Gas Facilities - Peace River
- Oil and Gas Commission – Fort St. John
- Union of BC Municipalities (UBCM) Executive Committee
- UBCM Electoral Area Directors Meeting
- BC Real Estate Board
- BC Institute of Agrologists Annual General Meeting – Islands Chapter
- Cranberry Commission Annual General Meeting
- BC Farmer's Market Association
- Island Agriculture Show
- Various Local Governments

Upcoming Presentations

- BC Real Estate Association Conference in April
- Land Use 2014 - Alberta
- 2014 Land Summit to be held in Vancouver in May
(See <http://www.bclandsummit.com/>)

The *Agricultural Land Commission Act* recognizes that agriculture is a major contributor to the Provincial economy and plays an important role in maintaining rural communities and lifestyles, sustaining our population's demand for safe fresh local food and for providing the world with high quality agricultural products. The ALR establishes the foundation for the business of agriculture and the ALC is committed to contributing to growing BC's agricultural economy. As an organization charged with recognizing the value of provincial agriculture and administering

the ALR, the ALC remains committed to taking every possible step to deliver and improve on our express mandate to preserve agricultural land, encourage farming on agricultural land in collaboration with other communities of interest and encourage all levels of government in British Columbia to enable and accommodate farm uses of agricultural land and uses of land compatible with agriculture in their plans, bylaws and policies.

A handwritten signature in black ink, appearing to read "R. Bullock", is positioned above a horizontal line.

Richard Bullock, Chair
Provincial Agricultural Land Commission