

Provincial
Agricultural Land
Commission

2007/08
Annual Service Plan Report



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Message from the Minister and Accountability Statement

As the Minister responsible for the Agricultural Land Commission I am pleased to present its 2007/08 Annual Service Plan Report.

Agricultural land is a fundamental component of a strong agricultural industry and a basis for the health and well-being of British Columbians as well as an integral part in the new British Columbia Agriculture Plan.

A handwritten signature in black ink, appearing to read "Pat Bell". The signature is fluid and cursive.

Honourable
Minister of Agriculture and Lands

June 20, 2008

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Highlights of the Year

The Agricultural Land Commission achieved the following key results in the 2007–2008 service planning period.

- The Commission received 666 new applications and made 876 decisions (includes decisions on applications received in previous years).
- Local governments referred a total of 28 official community plans, plan amendments and zoning bylaws to the Commission for review.
- The six regional panels of the Commission met a total of 104 days with applicants, local governments, agricultural associations and other stakeholders.
- The executive committee met five times for a total of 5.5 days.
- The full Commission met once during the year for three days.

Purpose of the Commission

The purposes of the Agricultural Land Commission are set out in section 6 of the *Agricultural Land Commission Act* as:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Agricultural land comprises less than 5 per cent of the total land area of British Columbia. There is ongoing pressure to convert this limited agricultural land to non-agricultural uses. The Commission preserves agricultural land in B.C. through the Agricultural Land Reserve or ALR, a provincial land use zone in favour of agriculture. The ALR provides a land base that supports and creates opportunities for a local food supply, food and agri-product exports and other non-food agricultural products. The reserve also provides for agricultural expansion and other compatible economic activities.

The *Agricultural Land Commission Act* sets out processes for the inclusion or exclusion of land to and from the reserve and for non-farm use and the subdivision of land within the reserve. The Act is supported by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, which provides procedures for applications and defines permitted land uses and subdivisions within the ALR.

As an administrative tribunal acting pursuant to the Act and the *Administrative Tribunals Act*, the Commission considers each application on its individual merits through a fair and transparent review process, in most cases involving on-site meetings with applicants.

The work of the Commission is carried out by 19 appointed Commissioners comprised of a Chair, six Vice-Chairs and twelve members. The appointed Commissioners are the board of directors of the commission which is supported by 23 professional staff.

Strategic Context

The Agricultural Land Commission operates within a dynamic environment influenced by factors including diverse and often competing interests as well as broader agricultural, land use, environmental, economic and societal trends. External and internal factors that influenced the Commission within the 2007/08 service planning period include the following.

External Factors

As the table below indicates, the number of ALR applications for exclusion, inclusion, subdivision and non-farm use received by the Commission increased again this year; for the fifth year in a row. External factors related to the strong economy, housing market and population growth may underlie this increase. The Commission does not control the number of applications it receives and can only respond to what is submitted via the application process. As a result of the continued increase in applications it has been a challenge for the Commission in its efforts to focus on proactive planning rather than application processing only.

Applications Received

	2003/04	2004/05	2005/06	2006/07	2007/08
Number of Applications Received	463	544	560	603	666

Internal Factors

As in previous years, the Commission maintained a high level of responsiveness while requiring additional effort to accommodate the increased application load.

Report on Performance

The Performance Measurement Summary Table summarizes the Agricultural Land Commission's progress with regard to its performance targets.

Performance Plan Summary Table

Goal 1: Preservation of agricultural land For greater detail see pages 11-12	2007/08 Target	2007/08 Actual
1. The boundaries of the ALR reflect agricultural suitability, the needs of the agricultural industry and long-term community needs and food requirements	Complete two co-operative planning processes in northern and eastern B.C. by 2009/10	1 Underway
2. Decision-making practices based on adequate information and that are appropriate to regional circumstances	100 per cent of community need proposals supported by adequate information	60%
3. A high degree of compliance with Commission decisions and the <i>Agricultural Land Commission Act</i>	Appoint six officials from other ministries and local governments to assist with compliance and enforcement	NOT ACHIEVED

Goal 2: Encourage and enable farming For greater detail see pages 13-15	2007/08 Target	2007/08 Actual
1. Agricultural goals and objectives are "built in" to existing land use planning systems and practices	100 per cent of new Official Community Plans and regional growth strategies reviewed preserve agricultural land and encourage and enable farming	89%
	20 per cent reduction in the number of applications and routine Official Community Plans reviewed by panels through delegation to staff and changes to business practices	NOT ACHIEVED
2. Provincial and local government land use regulations support and adapt to changes within the farm-based economy	Complete two co-operative planning processes in northern and eastern B.C. by 2009/10	1 Underway
	100 per cent of new Official Community Plans and regional growth strategies reviewed preserve agricultural land and encourage and enable farming	89%

Goals, Objectives, Strategies and Performance Results

Goal 1: Preservation of agricultural land

Agricultural land comprises less than 5 per cent of the total land area of British Columbia. There is ongoing pressure to convert this limited agricultural land to non-agricultural uses. The Commission protects agricultural land in B.C. through the Agricultural Land Reserve or ALR, a provincial land use zone in favour of agriculture. The ALR provides a land base that supports, and creates opportunities for a local food supply, food and agri-product exports and other non-food agricultural products. The protected land base also provides for agricultural expansion and other compatible economic activities.

Objective 1: The boundaries of the ALR reflect agricultural suitability, the needs of the agricultural industry and long term community needs and food requirements

The ALR is primarily intended to preserve B.C.'s limited agricultural land base for food production and to provide land use certainty to encourage agricultural business.

The ALR should be based on agricultural land capability and suitability for the production of a diverse range of agricultural products.

Objective 2: Decision-making practices based on adequate information and that are appropriate to regional circumstances

The nature of the agricultural resource, the agricultural economy and community development pressures vary considerably from region to region.

The regional panel system and the ability to establish larger panels involving members from more than one region enables regional through to broad provincial perspectives to be considered in decision-making.

Objective 3: A high degree of compliance with Commission decisions and the *Agricultural Land Commission Act*

An application focused workload and limited resources mean that the Commission faces ongoing challenges in moving forward with its efforts to enforce land use regulations and decisions of the Commission.

Performance Results

Performance Measures	2005/06 Actual	2006/07 Actual	2007/08 Target	2007/08 Actual
Complete two co-operative planning processes with targeted local governments in northern and eastern B.C. by 2009/10	N/A	N/A	2	1 underway
100 per cent of community need proposals supported by adequate information	N/A	N/A	100%	60%
Appoint six officials from other ministries and local governments to assist with compliance and enforcement	N/A	N/A	6	NOT ACHIEVED

Discussion of Results

The Commission has embarked on one co-operative planning process in the East Kootenay region which is the first of its kind and will hopefully form the template for future work. This process will provide for the development of methodology that will assist the Commission in its efforts to more accurately locate the Agricultural Land Reserve boundary, identify areas for addition to or deletion from the ALR on the basis of agricultural capability and suitability, reduce application pressures on the ALR and to generate information that will assist in developing potential actions and policies to support agriculture and decision-making in the region.

The Commission strives to ensure that applications received from local governments based on a perceived community need contain adequate supportive information to back up the request. In 2007/08, 15 applications were submitted for a stated community need. Of those received, the Commission determined that 60 per cent contained sufficient information in order to make an informed decision. The other 40 per cent contained insufficient information and the Commission requested additional information in order to make a decision.

Commission Response

In mid 2007/08, three positions were dedicated to compliance and enforcement to develop and implement a compliance and enforcement program for the Commission. This is the first time in the history of the Commission that a focused program for compliance and enforcement has been undertaken. However, in acknowledging that there are three staff to ensure compliance and enforcement on 4.7 million hectares across the province, the Commission has been exploring opportunities for collaboration and partnerships with government agencies and local governments to assist with the program. Regional discussions have occurred with some local governments and there is an intention to discuss opportunities for cooperation within the Provincial government, however, legislative change is required to appoint local government officials to assist and this change has not taken place therefore the target was not achieved.

Goal 2: Encourage and enable farming

The land use framework for agriculture includes the *Agricultural Land Commission Act*, local government land use plans and by-laws and the legislation, plans and policies of ministries and agencies that affect agricultural land use. The Commission shares the responsibility for encouraging farm use of agricultural lands with its key partners including the Ministry of Agriculture and Lands and local governments.

Objective 1: Agricultural goals and objectives are “built in” to existing land use planning systems and practice

The Commission participates in local planning exercises including official community plans and by-laws and regional growth strategies to ensure that growth management policies minimize the long term impact on the ALR and encourage farming.

Objective 2: Provincial and local government land use regulations support, and adapt to changes within the farm-based economy

The Commission, in partnership with MAL, reviews the plans and by-laws of local governments and participates in the development of provincial regulatory and policy processes to ensure that farm business are supported.

Strategies

Key strategies related to the goals and objectives:

- i. Identify opportunities to engage local governments, particularly within the northern and eastern portions of the province, in planning processes that incorporate specific strategies for preserving agricultural land, for ensuring the continued ability of the land to supply food, for bringing additional agricultural land into production, and for strengthening the regional and provincial agricultural economy. These processes may include targeted reviews of specific ALR areas.

A co-operative planning process in the East Kootenay is underway.

- ii. Define the information required for the Commission to assess local government proposals to designate land within the ALR or to apply for the exclusion of land to meet a community need.

The Commission has not defined information requirements, recognizing that local government proposals are varied and unique and that each proposal will be supported by the information that the local government believes is relevant to its case.

- iii. Adopt business practices that will reduce time spent on applications and inquiries and refocus the Commission on pro-active land use planning and strategic issues, such as creating a specific process for significant applications, implementation of an audit-based system of review for official community plans and the delegation of routine matters to staff.

Due to an increase in applications and the requirement for legislative change, this strategy was not fully achieved. However, a process for in-depth staff review of significant applications and consultations with proponents prior to the consideration of applications by the Commission was developed.

- iv. Increase compliance and enforcement effectiveness by refining regulations and processes, allocating sufficient resources and arranging closer partnerships with local governments and other agencies including the appointment of officials from other ministries and local governments to assist with enforcement and compliance.

Preliminary discussions have occurred within government for a co-operative arrangement and these discussions are ongoing. Legislative change is required to appoint local government officials to assist and this change has not taken place.

Performance Results

Performance Measures	2005/06 Actual	2006/07 Actual	2007/08 Target	2007/08 Actual
100 per cent of new Official Community Plans and regional growth strategies reviewed preserve agricultural land and encourage and enable farming	N/A	83%	100%	89%
20 per cent reduction in the number of applications and routine Official Community Plans reviewed by panels through delegation to staff and changes to business practices	N/A	N/A	20% reduction	NOT ACHIEVED
Complete two co-operative planning processes with targeted local governments in northern and eastern B.C. by 2009/10	N/A	N/A	2	1 underway

Discussion of Results

In 2007/08, local governments referred 28 Official Community Plans (OCPs), amendments, zoning bylaws and regional growth strategies for review by the Commission. The Commission determined that 89 per cent of those plans were consistent with the intent of the *Agricultural Land Commission Act* and guidelines. This data provides an indication that most plans preserve agricultural land and encourage farming. Of the 11 per cent that were deemed inconsistent, changes would be required to achieve consistency. The Commission will be monitoring when the requested changes are made to the planning documents.

The Commission has embarked on a pilot ALR review process in partnership with the Regional District of East Kootenay and municipal governments in the Elk Valley. The co-operative review will increase confidence in the ALR boundaries within the Elk Valley and provide certainty for the Commission, local governments and agricultural producers. It is anticipated that the ALR review will provide a basis for agricultural and land use planning work in the Elk Valley as well as a template for future ALR reviews in other areas of the province.

Commission Response

The target of a 20 per cent reduction in the number of applications and routine OCPs reviewed by Commission panels was not achieved due to an increase in applications received for the fifth year in a row and the fact that delegating decisions to staff requires legislative change which was not pursued.

Report on Resources

Resource Summary Table

	Estimated ¹	Other Authorizations	Total Estimated	Actual	Variance
Operating Expenses (\$000)					
Agricultural Land Commission.....	2,402	0,000	2,402	2,402	0
Total	2,402	0,000	2,402	2,402	0
Full-time Equivalents (FTEs)					
Agricultural Land Commission.....	23	0,000	23	21	2
Total	23	0,000	23	21	2
Capital Expenditures (Consolidated Revenue Fund) (\$000)					
Agricultural Land Commission.....	5	0,000	5	0	5
Total	5	0,000	5	0	5

¹ "Estimated" amounts correspond to the *Estimates* as presented to the Legislative Assembly in February 2007.

Appendix A: ALR Net Change

The net change in the ALR indicates whether a stable ALR land base is being maintained. The size of the ALR remained relatively constant in 2007/08; the net change resulted in a net decrease of 632 hectares in the total provincial ALR. The number of applications, types of applications and quality of the land under application are beyond the Commission's control. The provincial ALR as of March 31, 2008 was 4,759,682 hectares.

Table 1: Inclusions and Exclusions by Region/Net Change

Panel Region	Included	Excluded	Net Change
South Coast	6	73	-67
Okanagan	4	287	-283
Island	104	23	+81
North	59	543	-484
Interior	366	34	+332
Kootenay	49	260	-211
Total.....	588	1,220	-632

Appendix B: ALC Contact Information

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