

Report to Council



Date: April 16, 2018

File: 1210-20

To: City Manager

From: Policy and Planning Department

Subject: Minister of Agriculture's Advisory Committee
Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission
Discussion Paper for Stakeholder Consultation and Public Engage

Report Prepared by: Melanie Steppuhn, Land Use Planner

Recommendation:

THAT Council receives, for information, the report from the Policy and Planning Department dated April 16, 2018, with respect to a response to the Minister of Agriculture's Advisory Committee Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission Discussion Paper for Stakeholder consultation and Public Engagement;

AND THAT Council directs staff to forward the response to the Ministry of Agriculture's Advisory Committee for their consideration.

1.0 Purpose

To provide an overview of the response to the Minister of Agriculture's Advisory Committee's Discussion Paper on Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission as it relates to the City of Kelowna's interests.

2.0 Background

The Minister of Agriculture, the Honourable Lana Popham, was tasked in her mandate letter with "Revitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC)". To deliver on this important commitment, the Minister established an independent advisory committee to provide the Province with strategic advice and policy guidance.

The Minister announced the Minister's Advisory Committee (Advisory Committee) members on January 4, 2018. The Advisory Committee has been tasked with delivering to the Minister a set of interim recommendations by spring 2018. The guiding principles for the Advisory Committee's work include:

- Focus on the future of the ALR and ALC
- Evaluate policy issues that inhibit the purposes of the ALR and ALC
- Evaluate what is working well

Additionally, to develop recommendations that:

- work toward improving the purposes of the ALR and ALC;
- clearly identify the issues, goals and objectives that will strengthen the ALR and ALC in pursuing the purposes;
- suggest a strategy on how to achieve the goals and objectives;
- include, where possible, data/information that validates the issue as defined; and,
- are legally sound and are achievable.

To date, the Advisory Committee has identified three general objectives for this analysis:

1. Preserve the productive capacity of land in the ALR;
2. Encourage farming of land in the ALR for uses related to agriculture and food production; and
3. Strengthen the administration and governance of the ALR and ALC to both increase public confidence and to ensure that land use regulation and land use decisions are preserving agricultural land and encouraging farming and ranching in the ALR.

The common issues that have been identified are listed below, and are the general organizing categories for how public stakeholders/local government should categorize their comments for Ministry review:

1. A Defensible and Defended ALR
2. ALR Resilience
3. Stable Governance
4. Efficacy of Zone 1 and 2
5. Interpretation/Implementation of the Act and Regulation
6. Food Security and BC's Agricultural Contribution
7. Residential Uses in the ALR
8. Farm Processing and Sales in the ALR
9. Unauthorized Uses
10. Non-Farm Uses and Resource Extraction in the ALR

The City of Kelowna has compiled a detailed response to the provincial Agriculture Advisory Committee's request for stakeholder input and it is provided in Attachment 1. Note that the Ministry's Discussion Paper for Stakeholder Consultation and Public Engagement is included as reference material in Attachment 2. The response is due by April 30th, 2018.

Kelowna's Agricultural Context

The Okanagan is unique in the country for the wide range of produce it supports and we have an opportunity to be exemplary in providing access to fresh farm products. However, this opportunity is often challenged by growth pressures on agricultural land and related activities. Populated areas and fertile land have overlapped for generations, however as urban areas continue to grow and intensify, surrounding farmland, forested land, and parklands fall under development pressure. With over 12,000 ha of the City's land based zoned agricultural (55%) and 8,600 ha in the ALR (40%), the preservation of agricultural land is critical to the City's long term economic and environmental sustainability, as well as climate change resiliency. However, this land is often at risk as it tends to be flat, affordable and well located, making it attractive for urban development.

Preserving and protecting agricultural lands if of paramount importance for Kelowna's citizens and City Council as seen in the following documents or actions:

- Kelowna's OCP, adopted in 2011, outlines fundamental objectives to 'Preserve Productive Agricultural Land' and to 'Protect and Enhance Local Agriculture'. Kelowna has made significant process and policy improvements towards this goal.
- Council adopted a policy in 2012 to send all requests for second dwellings for farm help to the ALC through a non-farm use application. Since then, no requests for permanent second dwellings have been approved.
- Council endorsed the City of Kelowna's Agricultural Compliance and Enforcement Strategy in 2015. These efforts have resulted in reducing illegal uses, particularly landscaping and contracting businesses operating in the ALR. One of the benefits is the reduction of inquiries and requests for these businesses on farm land.
- In updating Council's priorities, in 2017 Council made the goal to "Preserve Agricultural Land" a focused priority. This was further reinforced with the endorsement of the City's updated Agriculture Plan¹, endorsed in 2017 which outlined 34 actions to strengthen policies to protect agricultural land. Current implementation action items are underway, with significant progress expected to be complete by the end of this year.

With the recent steps Kelowna has made towards maintaining the viability and health of agricultural lands, it is imperative that it can also rely on the backbone of sound provincial policy and regulation to further uphold this vision.

The preservation of farm land is important to Kelowna's citizens, as shown in the Agriculture Plan survey where 95% of respondents indicated "*policies preserving farm land were either important or very important*". Also of note, the survey indicated that the top challenges for farming were:

- a. Difficulty accessing land due to high costs, speculation, and capital inputs
- b. Competing uses for farm land
- c. Lack of succession planning

Additionally, the City and community partners recently undertook extensive public engagement to create a new community vision for the future. Key draft directions from Imagine Kelowna included: '*Protect agricultural land and promote sustainable farming*'. It noted that farming has been a foundation of Kelowna's local economy and identity for over a century.

In concert with local and provincial partners, the City is making strong efforts to protect our valuable agricultural land while encouraging a vibrant, sustainable agricultural industry for the future. These efforts will be even more vital in a future where food security is challenged by the impacts of a changing climate. The ALR revitalization process is timely and complements the importance of agricultural land in the Province. The City encourages the Province to strengthen the ALR and provides the following response to each category/theme area as identified Ministry of Agriculture's Discussion Paper (Attachment 2).

¹ City of Kelowna, 2017. Agriculture Plan.

https://www.kelowna.ca/sites/files/1/docs/related/agriculture_plan_final_august_2017.pdf

3.0 Key Themes in Response

The City of Kelowna has provided a detailed response based on the ten categories, as outlined in Attachment 1. We note that several main themes run through this response. In summary, the defensibility of the ALR requires that the following items are strengthened by the Province:

- 1. ALR Stability.** The ALR provides the backbone to much of the City's Permanent Growth Boundary and as such, its stability is critical to Kelowna's core growth strategy and land use stability. The defensibility of the ALR is essential to Kelowna's overall planning policies.
- 2. Provincial Leadership.** Provincial leadership and regulation is required to address the issues of the increasing non-farm uses on the ALR lands that lead to speculation and acceleration of land values. This should be done at the provincial level to avoid inconsistencies between municipalities, and resulting domino effects to neighboring jurisdictions.
- 3. Clarity in Regulation.** The *ALC Act* and *ALR Use, Subdivision and Procedure Regulation* (the 'Regulation') requires an update to achieve additional clarity and intent. The goal is to provide certainty for landowners and municipalities, reduce property speculation and reduce the multi-tiered government investment of time and resources spent in both interpretation and enforcement of the various rules.
- 4. Farm Classification Review.** Farm tax classification regulations require a policy evaluation to ensure a fair system that benefits farmers yet is not an enticement for residential tax relief. The criteria of a 'farmer' and a 'farm house' should be rigorous, and reflect and respect the level of time and commitment that farmers dedicate to production on their land. We understand that this is not to be covered in the current review, but is identified for future efforts.
- 5. More Provincial Enforcement is Needed.** The City has greatly appreciated the presence of the ALC Enforcement officer in the Okanagan. However, more resources are needed to address the backlog of issues and ongoing enforcement activities in order to maintain the progress made to date and to maximize the synergies at both the municipal and provincial levels.

4.0 Conclusion

In summary, the City of Kelowna would like to thank the Committee for this opportunity to provide input into this critically important review exercise. Over the years, there have been select evaluations of the ALR/ALC to assess performance, success, and equity to both the provincial citizens and farmers. The public interest of all British Columbians related to the preservation of agricultural lands, has been previously defined² and still remains pertinent to include:

- a) province-wide context;
- b) long-term consequences;
- c) open and accountable decision-making; and
- d) the preservation and management of scarce and important provincial assets.

This definition serves to underscore the prominent and important role of the ALC in relation to; legislation, policies and decisions which take precedent over most municipal, regional or provincial planning processes. Therefore, this independence and accountability come with a large responsibility, and this review is seen to ensure that the stability and consistency of the ALR will remain current at a time when it is needed most.

² Quayle, 1998: 4.

The importance of agricultural lands in BC is often understated and undervalued. Farmland and the resources it provides are difficult if not impossible to retrieve once such lands are converted to other uses. Development needs to be managed and directed to less important lands in order to realize a stable agricultural sector. Therefore, the longevity and stability of the ALC must remain, and continue to foster a forward-thinking platform to ensure the Province's agricultural land supply remains to ensure our collective resiliency for an uncertain future.

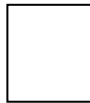
Submitted by:

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Approved for inclusion:



Danielle Noble-Brandt, Dept. Manager of Policy and Planning



Doug Gilchrist, Divisional Director of CP & SI

Attachments:

1. Attachment 1: City of Kelowna Response to the Ministry of Agriculture's Advisory Committee – *Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission*
2. Attachment 2: Reference Background Material - Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission Discussion Paper for Stakeholder Consultation and Public Engagement

Cc:

Department Manager of Community Planning