

Bill 24, Agricultural Land Commission Amendment Act, 2014: Key Issues at a Glance

Principle in 1973 system	Founders' rationale (Ref. Smith ALR history , 2012)	Proposed changes Bill 24 March 27, 2014 ¹	Comment	Potential implications if Bill 24 passes into law
A single provincial zone dedicated to agriculture				
ALR as single provincial zone	<ul style="list-style-type: none"> Recognition of farmland protection as a provincial value, need for management with provincial-level expertise Recognition that local jurisdictions may be unable to withstand pressures to change zoning 	<ul style="list-style-type: none"> Creates two zones in <i>Sec 4</i> Zone 1 = Fraser Valley/ Okanagan Valley/Southern Vancouver Island (10% of current ALR) Zone 2 = the rest of BC (90% of current ALR) 	<ul style="list-style-type: none"> Single provincial zone is gone Different regulations to be applied in each zone 85% of the best (Class 1-4) soils in BC are in Zone 2 Specifically, 72% of the best soils are in the Peace (northeastern BC) 	<ul style="list-style-type: none"> Threat in Zone 2 of farmland loss to non-farm uses (always trump farm uses) Permanent loss to agriculture of prime farmland in the Peace which will be increasingly important in future due to climate change
Agriculture as the primary criterion for land use decisions in this zone	<ul style="list-style-type: none"> <i>Sec 6</i>: mandate focused only on agriculture and farming Recognition that in 1973, urbanization was converting 4,000-6,000 ha of land per year to non-farm uses Concern with food security and avoiding the continued heavy dependence on external sources of food Recognition of global population growth and food shortages 	<ul style="list-style-type: none"> Zone 1 retains <i>Sec 6</i> criteria with agriculture and farming primary For Zone 2, <i>Sec 4</i> will now say ALC decision criteria <u>must</u> include (in addition to <i>Sec 6</i>): economic, cultural and social values; regional and community planning objectives; and "other prescribed considerations" 	<ul style="list-style-type: none"> In Zone 2 other values than agriculture and farming now have equal weight "Other considerations" are a black box In a globalized market, high-value uses like housing win and agriculture is often the "loser user;" land inputs are usually too expensive and food prices too low to assure BC farm viability without some policy intervention 	<ul style="list-style-type: none"> Further erosion of our ability to provide food, should external sources dry up (note current drought in California) Farmers and ranchers, especially new entrants, unable to afford land and thus unable to farm Potential for return of many applications to ALC for reconsideration Signal to trigger a real estate bidding war in Zone 2
Zone defined based on biophysical characteristics (soil class)	<ul style="list-style-type: none"> Objective soil-based criteria protect capacity of non-renewable lands for food production Biophysical rather than short-term market and economic criteria are more effective for long-term planning 	<ul style="list-style-type: none"> Government fact sheet suggests rationale for zone demarcation is linked to farm cash receipts (85% of farm cash receipts derive from Zone 1) The two-zones approach gives more protection to farmland in high-value, high-population areas than in the rest of the province 	<ul style="list-style-type: none"> Objective biophysical basis of ALR is weakened Providing more protection for Zone 1 on cash basis focuses only on the ~10% of farms that make ~90% of the money Ignores the fact that high cash receipts in Zone 1 are due to concentration under supply management (a market intervention policy that helps farmers to prosper) Fails to acknowledge that farmers struggle in part because govt's ag programs and personnel have been cut over past 30 years to among lowest levels in the country 	<ul style="list-style-type: none"> Rural BC may become the dumping ground for non-farm development Signal to rural BC that government does not respect existing and new farmers in Zone 2 enough to protect their foodlands Foreclosure of options for farmers' access to farmland for the long term instead of recognition of farmers' and ranchers' contributions (food and ecological services) through government programs and extension personnel: a poor deal for BC's agri-food future

¹ Section references in this column are to sections in the [Agricultural Land Commission Act 2002](#)

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<i>An independent provincial regulator</i>				
Independent administrative tribunal	<ul style="list-style-type: none"> Independent, not subject to political influence Quasi-judicial powers to deliberate on applications and exercise natural justice and administrative fairness Province-wide focus on planning for agriculture and farming; professional agronomy and planning expertise 	<ul style="list-style-type: none"> <i>Sec 5.1</i> still in force, ALC subject to <i>Sec 1-10</i> of the <i>Administrative Tribunals Act</i> <i>Sec 12</i> has rules and requirements added, including additional reporting, details on number of files and time elapsed on each, and performance indicators to be set by the Minister 	<ul style="list-style-type: none"> Preservation mandate does not lend itself to efficiency-focused performance metrics These measures seem more intrusive than those applied to other BC admin tribunals Opens door for government pressure that could compromise regulator's independence and fairness 	<ul style="list-style-type: none"> Government could introduce performance measures that hamper the ALC in reporting on what it considers relevant and important Efficiency and performance measures could include time frames or quotas for decisions, or criteria for prioritizing certain applications
Province-wide focus	<ul style="list-style-type: none"> Recognition of farmland protection as a provincial value, need for management with provincial-level expertise Recognition that local jurisdictions may be unable to withstand pressures to change zoning 	<ul style="list-style-type: none"> <i>Sec 4, 5 and 11</i> now establish 6 regional panels, 3 in Zone 1 and 3 in Zone 2, each with a Vice-Chair and members who must be resident in their panel's region Panels make all routine decisions; in <i>Sec 33</i>, Chair may direct Executive Committee (Chair and Vice-Chairs as per <i>Sec 10</i>) to reconsider a decision 	<ul style="list-style-type: none"> Decisions largely captive to local and regional interests Routine decisions lack provincial context because Chair does not participate Previous experience with regional panels has shown that they can be awkward and costly to manage 	<ul style="list-style-type: none"> Regional panels likely to give more non-farm use approvals and exclusions in <u>both</u> zones Increased concerns about unfairness and inconsistency, both between regions and over time Greater influence of Official Community Plans (OCPs) on panel decisions?
Clear and central role for local governments	<ul style="list-style-type: none"> Regional Districts were involved in ALR designation at the outset to increase buy-in Accommodation of the need for growth, and for planning, was built into the system Recognition of regional and local differences Scope of local government authority clearly spelled out in regulation 	<ul style="list-style-type: none"> Change in <i>Sec 879 of Local Government Act</i> to require consultation with the ALC before development of or changes to OCPs <i>Bill 17, Miscellaneous Statutes Amendment Act</i> provides for provincial government to provide OCP guidelines to Regional Districts 	<ul style="list-style-type: none"> In 2002, ALC was encouraged to delegate decision making to local govts; only one accepted Current working relationship between ALC and Regional Districts is generally good, most local govts appreciate ALC's role and contributions Local governments lack resources to take on extended land use conflicts 	<ul style="list-style-type: none"> Unclear how OCP guidelines may affect agriculture ALR could become more susceptible to increased provincial government pressure in <u>both</u> zones Increased danger of collusion, conflict of interest, or outright conflict between members of the regional panels and regional or local governments
Commissioners appointed by Lieutenant Governor (LG), Chair consulted on appointments	<ul style="list-style-type: none"> Appointment by the Crown to serve British Columbia by pursuing the ALC's mandate for farmland preservation and doing so in a fair, accountable and technically sound manner Smith points to a 40-year history of Commissioners "rising to the mandate" 	<ul style="list-style-type: none"> <i>Sec 5</i> removes requirement to consult Chair on appointments First 7 Commissioners (Chair, panel Vice-Chairs) appointed by LG, at least 6 by Minister Minimum number now 13, no maximum <i>Sec 8</i> unchanged: LG appoints CEO, not Chair 	<ul style="list-style-type: none"> Lack of consultation with Chair before appointments will make team cohesion more elusive Restricting panel members to their regions will compromise overall effectiveness: Chair will lack flexibility (e.g. what if a 2-person panel deadlocks or one person is unavailable?) 	<ul style="list-style-type: none"> Ministerial appointments could outnumber LG appointments and thus influence decision-making of the panels ALC could become more vulnerable to stocking of regional panels with development-friendly appointees