

**Responses from the BC Food Systems Network**  
to the public consultation questionnaire regarding  
regulations under the recently amended *Agricultural Land Commission Act*

<b>Question</b>	<b>Allow in ALR without ALC application?</b>	<b>Reasons</b>	<b>Where in BC ALR should our recommendation apply?</b>
1 - parameters for allowable on-farm food storage, packing, processing and retail establishments should be revised	Strongly disagree	<ul style="list-style-type: none"> <li>• Leave parameters the way they are. If exceptions are to be considered (e.g. an abattoir on an island where local producers only need or can afford one), <b>file application to the Agricultural Land Commission (ALC)</b>, which also helps local government provide zoning context.</li> <li>• In general, these types of uses are best suited to land outside ALR that is zoned agri-industrial, light industrial, or commercial.</li> <li>• Need to consider how this type of use would be taxed.</li> </ul>	Both Zone 1 and Zone 2
2 – allow breweries, distilleries and meaderies on ALR land with same or similar terms as wineries	Strongly agree	<ul style="list-style-type: none"> <li>• Yes, add breweries, meaderies and distilleries on same terms as wineries, <b>no ALC application</b> required.</li> </ul>	Both Zone 1 and Zone 2
3 - allowable footprint for consumption areas should be increased	Strongly disagree	<ul style="list-style-type: none"> <li>• The current size is large enough, anything larger would likely become incompatible with farming.</li> <li>• Food should be allowed in consumption areas; consider allowing food grown on the farm to be sold in these areas.</li> <li>• Leave in the regulation as is. <b>Requests for expansion should require application to the ALC.</b></li> </ul>	Both Zone 1 and Zone 2
4 - alcohol produced in BC but not from that farm should be allowed to be sold	Strongly disagree	<ul style="list-style-type: none"> <li>• We should not be creating liquor stores or pubs, we have enough already.</li> <li>• Also don't want to decrease emphasis on the farm's unique brand.</li> <li>• Breweries should be allowed to source grains from outside BC.</li> <li>• <b>Requests for change should require application to the ALC.</b></li> </ul>	Both Zone 1 and Zone 2
5 - anaerobic digesters should be permitted in the ALR if the inputs are generated from farm activities	Disagree	<ul style="list-style-type: none"> <li>• Good idea in principle, but in practice feedstock availability and management have been problematic. Management issues include noise, smell and traffic.</li> <li>• Probably only workable at present in Zone 1.</li> <li>• Worth considering for smaller farms who wish to pool resources and set up a digester on one property that serves several farms.</li> <li>• Until BC has more experience and success with this technology at different scales, <b>require application to the ALC.</b></li> </ul>	Both Zone 1 and Zone 2
6 - on-farm cogeneration facilities should be permitted on farms where a portion of the energy created is used on-farm	Disagree	<ul style="list-style-type: none"> <li>• Good idea in principle, but probably only workable at present in Zone 1.</li> <li>• Until BC has more experience and success with this technology at different scales, <b>require application to the ALC.</b></li> </ul>	Both Zone 1 and Zone 2
7 - parameters should be	Strongly disagree	<ul style="list-style-type: none"> <li>• Fosters speculation, not agriculture. If there are ideas that are demonstrably contributing to the viability of--or</li> </ul>	Both Zone 1 and Zone 2

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expanded for allowing non-agriculture-related businesses in the ALR in Zone 2		<p>helping establish--a genuine, bona fide farm business, let that case be made in application to the ALC.</p> <ul style="list-style-type: none"> <li>• Speculation in turn fosters increased land prices and barriers to new farmers.</li> <li>• Experience from a land-use planning perspective has been that even where non-agriculture-related businesses are supposed to be temporary, the alienation of agricultural capability tends to be permanent.</li> <li>• Land that looks “marginal,” “poor,” or “not useful” today may become usable as adaptation is required to climate change.</li> <li>• As with question 1, encouraging commercial and industrial activity on agricultural land is unfair to other similar businesses that are located in other zones, as well as disruptive to existing planning.</li> <li>• <b>All such requests should require ALC application.</b></li> </ul>	
8 - allow subdivision of ALR properties in Zone 2 to a minimum parcel size of ¼ section	Strongly disagree	<ul style="list-style-type: none"> <li>• A quarter section is roughly 160 acres. Most zoning bylaws have larger minimum lot sizes for ALR land in northern areas anyway.</li> <li>• In many cases ¼ section is not large enough to farm.</li> <li>• Open to abuse: owners will try to get the quarters out of the ALR and sell them off for recreation or country estates.</li> <li>• Fosters speculation, not agriculture, and speculation in turn fosters increased land prices and barriers to new farmers.</li> <li>• <b>All such requests should require ALC application.</b></li> </ul>	Both Zone 1 and Zone 2
9 - allow subdivision of ALR parcels in Zone 2 that are divided by a major highway or waterway	Strongly disagree	<ul style="list-style-type: none"> <li>• Hard to pin down in the regulation a workable definition of “major obstruction.” Every case is different. Require application. ALC staff are able to determine the appropriateness of subdivision applications such as this on a case-by-case basis.</li> <li>• Can Ministry of Transportation increase creative interfaces for farms, such as underpasses?</li> <li>• Open to abuse: can split an otherwise viable farm into two and argue neither part is viable.</li> <li>• Ways exist now to ensure viability by having Approving Officers adjust boundaries.</li> <li>• <b>All such requests should require ALC application.</b></li> </ul>	Both Zone 1 and Zone 2
10 - greater clarity should be provided on definition of agri-tourism activities allowed in ALR and clearer parameters established	Strongly agree	<ul style="list-style-type: none"> <li>• Yes, greater clarity should be provided. However, many local/regional governments will likely want some control over agri-tourism activities as evidenced already in many zoning bylaws. Certainly large and obviously inappropriate uses (such as go-karting) should be restricted.</li> <li>• Further discussion is needed with agri-food and local government. Determine what activities support priority of agriculture and establish types and sizes (possibly % of property used) beyond which an application is required. Ask how the activity enhances visitors’ awareness of, education about, or involvement in agriculture.</li> <li>• The farm must be the main business in terms of the land and the cover, with the tourism operation temporary and likely seasonal.</li> </ul>	Both Zone 1 and Zone 2

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		<ul style="list-style-type: none"> <li>• <b>Establish some general parameters and refer anything outside those parameters to the ALC</b> by application so the regulation does not become too detailed or prescriptive.</li> </ul>	
11a - allow a temporary lease of ALR property in Zone 2 for intergenerational transfer	Disagree	<ul style="list-style-type: none"> <li>• For individuals who purchased farms prior to the introduction of the ALR in 1973 a second residence, for the retiring farmer, is already allowed. This does not come up from farmers as the reason they are having a hard time creating succession plans.</li> <li>• Temporary second dwelling only.</li> <li>• Will increase density: why should you get to increase density when you retire?</li> <li>• Good idea if this can be directed to serious farming families.</li> <li>• Good idea in principle, but <b>all such requests should require application to the ALC.</b></li> </ul>	Zone 2 only – too much danger of densification in Zone 1
11b – allow a temporary lease of ALR property in Zone 2 for existing or new farmers to use otherwise unfarmed land	Disagree	<ul style="list-style-type: none"> <li>• We understand this is about the land only and does not imply a dwelling for the lessee.</li> <li>• What does this mean for the Land Title Act?</li> <li>• Consider additional models e.g. lease to purchase that are being used in eastern Canada and northeastern US.</li> <li>• Good idea in principle, but <b>all such requests should require application to the ALC.</b></li> </ul>	Both Zone 1 and Zone 2
12 – key points not covered above		<p><b>Fundamentals: sustainability, justice, survival</b></p> <ol style="list-style-type: none"> <li>1. The BCFSN's focus is sustainable food systems - accordingly we look at questions of justice and survival.</li> <li>2. Regarding justice, any discussion of land in BC must include indigenous relationships to the land, and unceded territories.</li> <li>3. We need to recognize that agrarianism has always been used to support colonial expansion.</li> <li>4. We should no longer talk about an Agricultural Land Reserve that does not take these matters into account.</li> <li>5. This is particularly true now, after the 26 June 2014 Supreme Court of Canada Tsilhqot'in decision and years of truth and reconciliation with indigenous peoples supported by the federal government and other bodies in BC.</li> </ol> <p><b>What we should be doing</b></p> <ol style="list-style-type: none"> <li>6. Regarding survival, foodlands protection must include water and a context of climate change.</li> <li>7. Generally speaking, rather than changes to the <i>Agricultural Land Commission Act</i> to make it easier to take land out of food production, the Province should be investing in food and foodlands as a renewable, sustainable activity and industry.</li> <li>8. Similarly it should be focusing on future as well as present value, following the lead of the financial sector (pension funds etc. buying farmland).</li> <li>9. We should be asking how the ALR interfaces with indigenous bio-cultural heritage areas, and mapping the connections: this should be part of the "cultural" consideration now mandated in Zone 2 and should apply to the whole province.</li> </ol>	

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		<p>10. We should be having cross-agency discussions about how food gathering and production are managed.</p> <p>11. After the regulations are passed, the BCFSN and our academic partners will be monitoring and reporting ALC decisions and the impacts on foodlands and land prices: we are particularly concerned about changes that may do irrevocable harm to the land.</p> <p><b>This legislative and regulatory consultation process</b></p> <p>12. The process that led to the creation of Bill 24, which denied public consultation altogether, and this consultation, which is <u>far too limited in participants, scope and time</u> – lacks legitimacy and fails to do justice to this issue and the contributions indigenous and non-indigenous residents wish to make.</p> <p>13. We are very concerned that the consultation results will be skewed by lack of understanding of the questions. The “agree-disagree” scale is really asking whether people want the item to be allowed without application to the ALC, not whether or not they think it is a good idea. Those who think it is a good idea may find they have voted to take the Agricultural Land Commission out of the decision-making loop.</p> <p>14. How does the provincial government intend to assign weighting, if any, to the responses it receives through tightly controlled meetings and a very short online window, when those most affected by the regulation (farmers, ranchers, food gatherers) are in their busiest time of year? What sense will the government gain and provide about the balance of public opinion it hears, and how will this factor into the content of the regulations?</p> <p>15. You can’t anticipate all possible requirements in the constraints you introduce on the lists in the regulation. The only way that is workable is to have general parameters in the list of permitted uses without application to the ALC, and funnel exceptions to application. If you open it up too much, you stray too far from agriculture as a priority use and you disrupt agricultural and regional planning in which local governments have been investing for over 30 years.</p> <p><b>The future of the Agricultural Land Commission</b></p> <p>16. As a quasi-judicial tribunal, the agency tasked with protection of our foodlands should be respected and adequately resourced so it can continue to serve all residents of the province (we note that the budget increase in 2011 was for changes agreed at that time – it will cost more to provide the service now, through six regional panels and with 12 additional commissioners).</p> <p>17. It will also need resources to undertake enforcement so its powers can be exercised appropriately.</p>	