

Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION FOR MEETING WITH MAYOR
OF DELTA

Ref: 191610

Date: February 6, 2020

Title: Meeting with Mayor of Delta to discuss concerns.

Issue: The Mayor is requesting updates on Bill 52 and 15 and cannabis production odour prevention and regulation.

Background:

General information

- Delta contains some of the most productive farmland in British Columbia. Farming generates about \$300M in annual farm gate receipts and supports the equivalent of 1,500 person years of employment.
- The City of Delta is one of four communities ‘regulated’ under Section 553 of the *Local Government Act*; regulated communities may adopt Farm Bylaws, and/or restrict or prohibit agriculture under Section 552 and/or 481(2) of that act. In a regulated community such as Delta, zoning bylaws which prohibit or restrict the use of land for a farm business in a farming area must be approved by the Minister of Agriculture.
- City of Delta has 9532 hectare (ha) of the Agricultural Land Reserve (ALR) as of Jan 31, 2019.

Bill 52

- In February 2019, the province brought into force amendments to the *Agricultural Land Commission Act* (Act) (Bill 52) to better protect ALR land for farming. There were three key changes that:
 - Addressed mega-mansions and speculation in the ALR by limiting the size of primary residences and empowering the ALC to approve additional residences for farm use;
 - Restrict the removal of soil and increased penalties for dumping of construction debris and other harmful fill in the ALR; and,
 - Reunify the ALR as a single zone, ensuring consistent rules with strong protections for all provincial ALR land.
- Bill 52 placed a maximum size of a primary residence at 500 m². Bill 52 provides a mechanism for farm families to apply to the ALC for consideration of a larger primary residence through a non-adhering residential use application if the larger house size is supported by the local or first nation government. Farmers who require an additional residence(s) to farm help may also apply to the ALC through a non-adhering residential use application. This application also requires the support by local or first nation government.

Bill 15

- Bill 15 received Royal Assent on May 30, 2019 and will be brought into force by regulation.
- Replacing the statutorily-prescribed ALC governance structure of six panel regions with one commission to be comprised of regional representatives from all six administrative regions
- Providing the ALC Chair with more flexibility to organize commission members into decision-making panels by topic, technical expertise, or administrative region

- Adding new ALR decision-making criteria that the ALC must consider in order to prioritize the protection and enhancement of the size, integrity and continuity of the ALR land base
- Requiring that applications for excluding property from the ALC may only be submitted to the ALC by local or, First Nations governments, the Province, or prescribed public bodies (i.e. Health Authorities) to support more thoughtful land-use planning in the ALR

Cannabis

- Health Canada licences and regulates cannabis production. The Federal Cannabis Regulations address odour control and state that “the building or part of the building where cannabis is produced, packed, labelled and stored must be equipped with a system that filters air to prevent the escape of odours”.
- Under the *Farm Practices Protection (Right to Farm) Act*, the BC Farm Industry Review Board (FIRB) is responsible for hearing complaints from persons aggrieved by disturbances arising from agriculture operations such as odor, noise and dust. BCFIRB has received several complaints regarding odour and other nuisances arising from cannabis facilities.

Supporting BC Farmers Engagement

- The engagement process was undertaken from September 19 – November 15, 2019 where the following topics were discussed:
 - Support farmers and ranchers in the ALR to expand and diversify their business;
 - Help new or young farmers become established on the land and in business; and,
 - Ensure there is flexibility for residential options while prioritizing agriculture in the ALR.
- A total of 613 British Columbians registered to participate in the eight in-person sessions located throughout the province. In addition, the ministry received:
 - 1,580 online survey submissions;
 - 87 personal submissions; and
 - 19 formal submissions from associations, institutes and local governments.
- Public engagement occurred in: Merville, Delta, Dawson Creek, Prince George, Kelowna, Castlegar, Cranbrook, Kamloops.
- Key themes that emerged from the engagement:
 - balance farming and residential uses of ALR land;
 - permit reasonable business opportunities on ALR land;
 - recognize regional differences; and,
 - be aware of regulatory burdens on farmers.
- The outcomes of this consultation process has been published in a [“What We Heard” report](#).
- An ALR Technical Review Committee (ALR TRC) has been formed to improve engagement on ALR issues and includes representatives from AGRI, ALC, UBCM and Ministry of Municipal Affairs and Housing (MAH) and BCAC. It is to provide a joint forum for:
 - Building inter-agency common understanding of policy intention, and operational constraints related to implementation;
 - Identifying potential information, process or policy gaps; suggesting how to resolve the gaps, and actioning items for resolution;
 - Identifying when an issue under discussion should move to a more formal consultation process and providing advise on how/who should be involved in consultations; and,
 - Detailed proposals and reviews on ALR topics, including legislative proposals; and, policy direction for proposed legislation.

Discussion:**Bill 52:**

City of Delta zoning bylaw limits the floor area of farm house on lots smaller than 8 ha to 330 m², and on lots greater than 8 ha to 465m². Under specific conditions and with approval from the Agricultural Land Commission (ALC) through the submission of a non-adhering residential use application, an additional farm house may be permitted on parcels in the ALR.

The Delta Soil Deposit and Removal bylaw specifies that soil deposit and removal on a lot within the ALR requires approval by the ALC. Consequently, for residential uses and soil deposit or removal in the ALR, no significant changes for the City of Delta can be expected from the changes made through Bill 52.

Bill 15:

Mayor Harvie may discuss the impact of the bill on municipalities as individual landowners would no longer be able to submit an exclusion application to the ALC once the regulatory amendments bring Bill 15 into force. The Ministry has prepared a transition period and transition guidance to assist local governments consider how to operationalize the changes once the regulations are approved by government.

Cannabis:

There is widespread concern among the citizens of Delta, including many members of the farming community, regarding the fast development of cannabis production in Delta. Over 460,000 m² (23 per cent of the total greenhouse area in Delta) have been dedicated to growing cannabis.

Supporting BC Farmers Engagement

As a result of the public engagement government is considering regulatory changes to: enable landowners to have both a principal residence and a small secondary residence on their property; adjust the fee for non-adhering residential use, redistribute the portion of all fees to local governments to a 50:50 split; adjust soil and fill uses to increase the permitted soil and fill area; increase the volume of annual fill for maintenance of an existing farm road; permit the use of recycled concrete and asphalt for certain fill uses.

While the ministry finalizes its policy direction, the grandfathering period for manufactured homes in the ALR for immediate family members has been extended to December 31, 2020. This policy direction does not include reconsideration of the maximum size of a principal residence; nor changing the ALC as the decision maker for additional residences for farm use.

Suggested Response:

- Our government is interested in the success and protection of agriculture in Delta, and I'm aware of the enormous pressure on agricultural land in the area. I appreciate the City's efforts to protect farmland and support the farming community.

Update on Bill 52 and Bill 15

- The changes made by Bill 52 have come into force February 2019, and Bill 15 would come into force through regulation.

- Revitalization of the ALR and the ALC continues to be a priority for this government.
- The Ministry has made a commitment to engage with local government on changes, including what will be coming as part of Bill 15.
- A letter will be sent to all local governments once the Bill 15 regulations are in place outlining the areas that can impact a local government and the transition timing.
- The Supporting BC Farmers engagement has resulted in a number of policy areas that we can work on quickly to address issues that were heard.
- The following work has been given priority.
 - Residential flexibility to enable landowners to have both a principal residence and a small secondary residence on their property;
 - adjust the fee for non-adhering residential use,
 - redistribute the portion of all fees to local governments to a 50:50 split;
 - adjust soil and fill uses to increase the permitted soil and fill area; increase the volume of annual fill for maintenance of an existing farm road; permit the use of recycled concrete and asphalt for certain fill uses.
- The primary use of ALR land is, and will continue to be, for agriculture. Residential uses should be developed in a way that minimizes disturbance to agriculture. New secondary residences should be registered with the ALC for long-term land-use planning purposes, and a local government will be able to determine how to regulate these small secondary residences within their jurisdictions.
- AGRI is working together with the ALC, UBCM, MAH, BCAC through the ALR TRC on the policy issues in order to ensure people are aware of what is happening and provide advice on issues, and/or recommend engagement/consultation.
- A policy intention paper on residential flexibility has been developed and people are asked to provide their feedback by April 17, 2020, on the residential options via email: ALR_ALCRevitalization@gov.bc.ca.

Cannabis:

- I understand there have been concerns from residents and the City on odour emitted from cannabis operations.
- Health Canada regulates and licences cannabis producers across the country and there is an odour control requirement for licensed facilities under Health Canada's regulations. Staff in the Ministry are reaching out to Health Canada to get clarity on how they are enforcing odour from cannabis facilities.
- Farms generally can cause some disturbances, such as odour, and within close proximity to urban areas there is a greater potential for complaints.
- People aggrieved by an odour resulting from a farm practice may file a complaint with BCFIRB.

Contact: Heather Anderson, Senior Policy Analyst, 778 698-3110
 Kam Aujla, Program Analyst (Cannabis) 778 666-0559

ED DT ADM JM DM WS

Ministry of Agriculture
BRIEFING NOTE FOR DEPUTY MINISTER FOR MEETING WITH DFO DEPUTY
MINISTER TIM SARGENT

Ref: 191308

Date: February 10, 2020

Title: Deputy Minister Shoemaker meeting with Deputy Minister of Fisheries and Oceans Canada, Tim Sargent, February 13, 2020.

Issue: A discussion of priority issues of mutual interest.

First Nations Considerations: All coastal First Nations and many interior First Nations have a cultural connection with salmon and are intimately involved in salmon fisheries, management and habitat restoration. 78 per cent of B.C.'s farmed salmon production comes from areas covered by partnerships with First Nations. First Nations communities provide approximately 20 per cent of the workforce in the aquaculture and fishing sector, substantially higher than the provincial average of 5 per cent.

Background:

This will be the second meeting of the DM's since the new federal cabinet, and new DFO Minister Bernadette Jordan were announced on November 20, 2019. Minister Popham has had a brief telephone conversation and personal meeting with Minister Jordan, welcoming her to the new role.

As Federal Ministers now have their mandate letters with directed priorities, this is an opportunity for DM's to discuss current priorities and explore potential new ones.

Priority issues to discuss include: compensation for the 2019 salmon season in British Columbia; priorities for Year 2 of the B.C. Salmon Restoration and Innovation Fund (BCSRIF), provincial interest in hatcheries and mass marking, the Northern Shelf Bioregion/Marine Conservation Targets, and responsible plans for salmon aquaculture.

If time permits, other topics include: the Indigenous and Multi-Stakeholder Advisory Body, new aquaculture technology study, Big Bar rockslide, and the next CCFAM Ministers' meeting.

1. 2019 Salmon Season - Update on state of the Pacific salmon fishery and climate disaster relief.

As forecasted, salmon stocks suffered disastrous declines leading to equivalent declines in the ecosystems and economies that rely on them. The declining salmon stocks are having an array of impacts on the commercial, recreational and First Nations fisheries and the communities that depend on them. The loss of fishing access and the economic impacts being felt by the declining production are also causing tensions between user groups. The drastic drop in returns have also prompted requests for disaster relief from both UFAWU and First Nations in B.C. As a government, we have been in contact with federal counterparts to find solutions within their areas of jurisdiction.

Key Messages:

- **B.C. Ministers have reached out to their federal counterparts to find support for the fish harvesters, processors and communities being impacted by the poor salmon returns in 2019 and will remain engaged in efforts to support British Columbians.**
- **The Province is working hard with its federal and First Nations partners on ensuring the Big Bar landslide does not affect salmon runs in 2020.**

2. BCSRIF

BCSRIF had 192 submissions for its first intake of “Expression of Interest” (EOI). A joint review process was undertaken involving DFO and provincial subject matter experts. This process resulted in 23 approved and funded projects in June 2019. Throughout July and August, an additional four projects (Batch 2) were approved by B.C. and DFO, resulting in a total of 27 approved projects totaling \$57.4M of funding. Announcements were made at various points during the summer of 2019 by both provincial and federal ministers on the projects once they were approved by both parties. An additional \$13.4M of funding for 18 projects is currently in the recommendation stage, and a second intake of EOI for project funding is planned for February/March 2020.

Moving into 2020, the province and DFO are in the process of identifying **2020/21 BCSRIF funding-theme priorities**. The province has put forward a list of priority funding areas:

- 1) selective-fishing in response to current conservation challenges and the potential listing of species (e.g., Steelhead and Fraser chinook);
- 2) Infrastructure upgrades to community-based salmon hatcheries;
- 3) a shellfish industry innovation and sustainability sub-fund; and,
- 4) protection and restoration of habitat for key species of concern (e.g. steelhead and chinook).

Next Steps

- DFO and B.C. staff are in the midst of refining priorities for the next BCSRIF intake.
- Joint priorities and will be put forward to Deputy Ministers in early March 2020, for approval.

Key Messages:

- **B.C. appreciates the significant federal investment in BCSRIF and is keen to continue collaboration on funding priority projects that will support salmon and fisheries recovery in B.C.**
- **B.C. is eager to continue to work with DFO to develop our provincial cost share contributions and reach agreement on priorities for the next intake.**
- **B.C. appreciates DFO’s flexibility around administration and provincial financial contributions as the expedited development of this fund had resulted in some fiscal challenges for the Province.**

3. Provincial interest in hatcheries and mass marking

B.C.’s Wild Salmon Advisory Council recommendations identified community salmon hatcheries as a priority area for provincial involvement. AGRI is in discussions with DFO around a provincial role in marking of hatchery-reared chinook salmon through removal of the adipose fin using a mass-marking machine. This would have several benefits, including increasing identifiability of hatchery fish by harvesters and hatchery managers. Several concerns related to hatcheries stem from being unable to determine the difference between wild and hatchery-reared salmon. The idea is contentious and there are many polarizing views from stakeholders, First Nations, harvesters and scientists. DFO’s support is necessary for this initiative, and discussions are ongoing.

Key Messages:

- **AGRI has been in discussions with DFO to express interest and explore options for a provincial role in hatcheries including mass marking of hatchery-reared salmon which would increase identifiability of hatchery fish and advancing hatchery technologies to mitigate risks to wild salmon. Those discussions are ongoing with federal counterparts.**
- **B.C. recognizes there are polarizing views on salmon hatcheries and appreciates the collaborative and open dialogue with DFO when discussing opportunities for an increased provincial role.**

4. Marine Conservation Targets

As a result of the 2019 federal election, the federal government was issued a mandate to introduce a new **“plan to conserve 25 per cent of Canada’s oceans by 2025, working toward 30 per cent by 2030.”** Concurrently, there is an initiative in the Northern Shelf Bioregion (northern and central B.C. coast) to develop an MPA Network. This process may result in significant reductions to fisheries and aquaculture opportunities in the Pacific. Plans to move toward further conservation targets could have additional impacts on the sector in B.C. AGRI funded an economist to provide an analysis of potential costs to the seafood sector, which ranged in the tens of Millions. B.C. will continue to work with DFO both regionally and nationally on future conservation efforts in the Pacific.

Key Messages:

- **B.C. is committed to working with Federal partners to address new targets of protecting 25 per cent of Canada’s oceans by 2025, and 30 per cent by 2030, within the provincial context, and would like an update on DFO’s strategy to get there.**
- **Marine protection efforts should focus on doing the right conservation with the right objectives and processes, that minimize socioeconomic impacts on communities.**
- **B.C. is engaged in the Northern Shelf Bioregion MPA Network process and will continue to strive for balances between conservation and loss of access.**

5. Aquaculture: New Provincial Policy announced and new federal Liberal platform commitments

On December 13, 2019, the federal Minister of Fisheries and Oceans and the Canadian Coast Guard received a mandate that included developing a plan to transition from open net-pen salmon farming in coastal B.C. by 2025.

In British Columbia, we will work with the province to develop a responsible plan to transition from open net pen salmon farming in coastal waters to closed containment systems by 2025

DFO Minister Jordan clarified in January 2020, that the goal is to develop the transition plan by 2025, not to complete the transition by 2025. DFO also noted plans to continue with the development of a new federal Aquaculture Act.

Key Messages:

- **B.C is interested in learning more about the new federal mandate to develop a plan to transition from open net-pen salmon farming in coastal BC by 2025, and about the proposed federal *Aquaculture Act*.**
- **B.C. is ready to work with them to ensure B.C.'s interests are accounted for and that existing relationships with First Nations are respected.**
- **The Province is taking steps to transition to a sustainable salmon aquaculture industry that respects wild salmon, embraces reconciliation with First Nations and protects jobs.**

Other potential topics:

1. Indigenous and Multi-Stakeholder Advisory Body (IMAB)

In June 2018, in addition to strengthening DFO's ability to enforce regulations, DFO created an Indigenous and Multi-Stakeholder Advisory Body (IMAB), to be chaired by the Deputy Minister of DFO, with support from the Fish Health Technical Working Group. This group will be asked to provide advice that could inform further research and changes to the management of sea lice in British Columbia.

Key Messages:

- **We are committed to working with DFO, who have the primary responsibility for fish farms, to address fish health and protect wild salmon.**

2. Big Bar Rockslide:

There has been some public perception that governments are not doing enough to resolve Big Bar. DFO has awarded a \$17.6 M contract to Peter Kiewit Son ULC to clear rock from the area and within the river to reduce water speed and ensure fish passage for the 2020 spring migration. At the same time, two technical teams, one on fish transport, and one on hatchery intervention, have been assembled by DFO to develop contingencies plans in case the rock removal is not successful.

Key Messages:

- **B.C. will continue to assist in the coordinated efforts between DFO, the Province, Emergency Management B.C., First Nations, and others, to assist the Fraser salmon and steelhead at the Big Bar slide.**
- **The Province is working hard with its federal and First Nations partners on ensuring the Big Bar landslide does not affect salmon runs in 2020.**

3. Plans for next CCFAM Ministers meeting

CCFAM Ministers' were not able to meet as planned in 2018, due primarily to a number of elections, both federal and provincial. Minister Popham has had bilateral communication with new DFO Minister Bernadette Jordan since her appointment, and may meet on the margins of the Boston Seafood show (Seafood Expo North America) during the week of March 15-17, 2020. A CCFAM Ministers meeting is now being planned for April 15-16, 2020 in Saskatoon, SK

Key Messages:

- **BC looks forward to participating in the upcoming FPT CCFAM Ministers meeting if scheduling commitments permit, and to ongoing, regular meetings with DFO Minister Jordan.**

Contact: Mike Turner, Intergovernmental Relations and Seafood, 778 698-3129,

ED DT ADM JM DM WS

Ministry of Agriculture
BRIEFING NOTE FOR Minister Popham FOR INFORMATION FOR MEETING

Ref:191673

Date: February 12, 2020

Title: Khalsa Temple, Pitt Meadows

Issue: Joint Minister's meeting about a temple site in the ALR in Pitt Meadows

Background:

Khalsa Darbar Society owned the 8.4 ha Property since 1991 and in the past have submitted applications for non-farm use (one in 1991 and the other in 1995 to construct a Sikh temple on the Property) to Pitt Meadows City Council. Council refused to forward the applications to the ALC as per the authority provided by Section 25(3) of the *ALC Act*.

In 2010, a building permit was issued by the City of Pitt Meadows for an agricultural building to process blueberries on the Property. The building permit states that the building contained a caretaker suite and was "*to be used for agricultural purposes only*".

In 2011, a Stop Work Order was issued by Commission Compliance and Enforcement officer to cease all fill and construction activities on the Property because the officer, based on a site inspection, believed the building was going to be used for non-farm purposes. In response to the Stop Work Order, the Applicant stated that the fill and construction activities on the site were for the construction of a farm building and that the Applicant has "*no intention to deviate from this permitted use*".

In 2013, a building inspection report was issued by the City of Pitt Meadows stating that the farm building was ready for occupancy. Subsequently, an occupancy permit was granted for a farm building that "*can only be used in compliance with the Agricultural Land Reserve regulations*."

On May 16, 2019, the ALC refused an application (57754) for non-farm uses from the Khalsa Darbar Society to allow the use of the existing agricultural processing building on a 0.2 ha portion of an 8.4 ha ALR parcel for religious observations and gatherings (more than 30 per year). The building was constructed for processing blueberries, but the blueberry fields on the Property are leased to a farmer who does not use the building.

The application was refused because the religious use of an agriculture processing structure would reduce the utility of the farm building for agriculture (copy of the decision attached)

Discussion:

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Churches and other worship facilities are not permitted uses in the ALR because they do not encourage farming and are not compatible with the purposes of the ALC Act. Each worship facility requires the submission of a non-farm use application which the Commission assesses on its merits based on the particular characteristics of each site. The Khalsa site is a blueberry processing building located on high capability farmland that is used for blueberry production adjacent to Lougheed Highway.

Contact: Martin Collins, ALC Director of Policy and Planning (236) 468-1884

Attachment: 57754 ALC decision

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Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION FOR MEETING

Ref: 191626

Date: February 12, 2020

Title: Minister's meeting with MLA Olsen re: discuss action on the Salt Spring Island Area Farm Plan.

Issue: MLA Olsen's Office to provide an update on the status of the renewal of the Salt Spring Island Area Farm Plan.

Background:

The first Salt Spring Island Area Farm Plan was completed in 2008, to support Salt Spring in becoming a place where "agriculture is a strong, vital and productive part of the local economy, and is carried out in a manner that protects and promotes a sustainable community." The Salt Spring Island Agricultural Alliance (SSIAA, made up of the SSI Farmers' Institute, Island Natural Growers, SSI Farmland Trust, Transition Salt Spring, SSI Chamber of Commerce and the Community Market Society) was set up to implement the Salt Spring Island Area Farm Plan, and has tracked progress through yearly reporting over the last decade.

The 2008 plan successfully implemented many of the recommended actions through collaboration with Islands Trust and Capital Regional District. Highlights include: The Salt Spring Island Abattoir; The Root (a local food hub); Salt Spring Island Farmland Trust.

Discussion:

Key changes in agriculture since 2008:

- Challenges around selling local foods to island residents and associated low median income for farmers
- Addressing climate change, in part through the encouragement of regenerative agriculture
- Lack of on-island compost facilities and reliance on off-island farm inputs
- Need for creative housing solutions for farms both within the ALR and outside the ALR
- Desire and willingness of the community to work in a collaborative manner to achieve a stronger food system for Salt Spring Island

The Area Farm Plan *renewal* was initiated by the Salt Spring Island Agricultural Alliance in 2019 and led by a Steering Committee of key stakeholders. A consulting firm was hired in the fall of 2019 to assist in convening Town Halls in November 2019 and February 2020, to consolidate all the input and feedback, and to write the Area Farm Plan Renewal document. The draft is anticipated at the end of March 2020 and a final plan in April 2020. Representatives from Islands Trust and the Capital Regional District have been involved in this process and have attended the Town Halls.

Suggested Response:

- We are supportive of the Area Farm Plan renewal work that has been initiated by Salt Spring Island and are hopeful that this work will contribute to strengthening agriculture and food security on the island.
- Ministry staff look forward to reviewing the plan in April 2020 and are interested in working collaboratively with Salt Spring Island to strengthen and protect agriculture in the region.

Contact: Doug Pepper, Regional Agrologist, 250-746-1212

DIR MR ADM AL DM WS

Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION FOR MEETING

Ref: 191651

Date: February 12, 2020

Title: Joint Ministers meeting with B.C. Coalition for Healthy School Food re: Feed BC and potential for funding for school food programs

Issue: B.C. Coalition for Healthy School Food is seeking support from the ministers of Education and Agriculture on opportunities for advancing universal school food programs for B.C.

Background:

The B.C. Coalition for Healthy School Food (BC-CHSF) is a provincial chapter of the national Coalition for Healthy School Food, a group of organizations seeking federal investment in a Universal Healthy School Food Program to support the health, well-being and education of all Canadian children.

The BC-CHSF is hosted by the Public Health Association of BC and has been bringing together stakeholders across B.C. to engage in dialogue, share resources, and collaborate on collective advocacy, research and pilot projects. This work intensified with the 2019 federal budget announcement for a new Canada Food Policy which included the intention to work with provinces and territories towards the creation of a National School Food Program (no federal financial commitment announced to date).

Brent Mansfield with the BC-CHSF has requested a meeting with the B.C. ministers of Education and Agriculture on opportunities for advancing universal school food programs that are health-promoting, educationally-linked and connected to local producers, including leveraging federal support. This request follows visits by both Ministers to the LunchLAB at Lord Roberts Elementary School in Vancouver.

School Meals in B.C.

The Ministry of Education provides funding to B.C. school districts to coordinate school meal programs, and in 2018/19 provided approximately \$52.8 million to 51 school districts to fund school food programs through CommunityLINK and the Vulnerable Student Supplement. The Ministry of Education has also been exploring food insecurity in K-12 schools to understand the scope of student hunger in B.C.

Discussion:

The Ministry of Agriculture provides guidance and other support in collaboration with the ministries of Education and Health on programs that explore and support farm to school and school food literacy. These include:

- The BC Agriculture in the Classroom (BCAITC) Foundation, which supports access to/education on local food in schools. The Ministry contributed \$25,000 to its Take a Bite of BC program in 2020, which provides B.C. agriculture products to 55 secondary school teaching kitchens reaching 7,263 culinary arts students and over 68,000 other students and school staff in participating schools. This program is strongly supported by industry which donates the agriculture products for the program.
- Farm to School BC (F2SBC), which is administered by the Public Health Association of BC. The Ministry of Health provided \$1 million over three years to fund F2SBC until June 2020.

Feed BC

In addition to the Comox Valley aggregation study, Feed BC is funding a partnership initiative with the ministries of Education and Health to survey all public K-12 schools in B.C. to better understand local food and other related opportunities in schools across the province. The results of the School Food Environment Survey will be available in March 2020 and aggregated results will be available to the Ministry to share.

Suggested Response:

- BC-CHSF's work to bring healthy, local food to students is impressive and I commend BC-CHSF's strong commitment and leadership.
- The Ministry of Agriculture continues to work closely with the ministries of Education and Health on broad planning around school programs linked to agriculture, local food literacy and healthy eating. This includes exploring ways to support and facilitate agriculture industry connections with school-based agriculture education organizations.
- Feed BC is pleased to support the Comox Valley aggregation study, and a School Food Environment Survey partnership with the ministries of Education and Health to understand food opportunities in B.C. schools, including local foods. We are pleased to share survey results with BC-CHSF in March 2020.
- Any consideration for provincial investments in B.C. food in schools would be together with our partners, the ministries of Education and Health.

Contact: Elietha Bocskei, Senior Policy Analyst, 778-698-9769

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January 27, 2020

Introduction

This paper outlines the Ministry of Agriculture's (the Ministry) proposed policy direction to increase residential flexibility in the Agricultural Land Reserve (ALR).

The intentions summarized here have been developed through collaborative work with the Union of BC Municipalities, the Agricultural Land Commission (ALC) and the BC Agriculture Council and are responsive to what the Ministry heard during recent public consultations.¹

The Ministry is publicly sharing this proposed policy direction now in order to ensure those interested have an opportunity to review. As always, input from the public and from stakeholders is appreciated.

Context

In February 2019, the province brought into force amendments to the *Agricultural Land Commission Act* (Act) to better protect ALR land for farming. There were three key changes that:

- Directly address mega-mansions and speculation in the ALR by limiting the size of primary residences and empowering the ALC to approve additional residences for farm use;
- Restrict the removal of soil and increased penalties for dumping of construction debris and other harmful fill in the ALR; and,
- Reunify the ALR as a single zone, ensuring consistent rules with strong protections for all provincial ALR land.

The first change noted above included a phase-out of a long-standing previous rule that had allowed ALR landowners to place a small secondary residence in the ALR without ALC approval, so long as it was a manufactured home for immediate family members.

In response to some public concerns about this phase-out change, in July 2019, the Ministry delayed its implementation to February 22, 2020. This grandfathering period has now been extended a second time to December 31, 2020, in order to allow time for the possible implementation of the policy direction outlined in the paper.

During the September to November 2019 engagement, the Ministry heard a key theme: more flexibility is needed for residences in the ALR. Therefore, this work has been given priority.

The rationale for more residential flexibility is argued in a number of ways. For example, it may be necessary to keep a loved one, especially an aging parent, on the property. It creates options for jointly owning a property (for farming or not). It can provide a residence for a farmer transitioning out of farming, or for a young or new person transitioning into farming. It can create efficiency for small-scale farmers as it could allow for farmer or farm-worker accommodation, without the need to apply to the ALC. Or it could be simply needed as a source of rental revenue (that may or may not be invested back into a farm).

Current and previous legal framework relating to secondary residences

Recent changes to the Act and regulations modified approval processes for residential uses. Under the previous law, local governments (LG) had the authority to approve all principal residences (up to any size

¹ See <https://engage.gov.bc.ca/supportingfarmers/> for more information on the Supporting BC Farmers public engagement.

as stipulated in bylaws) in the ALR, and LG had the authority to approve additional residences if they were necessary for farm use. In practice, if a LG did not want to approve, or was not sure if the additional residence was necessary for farm use, or it wasn't for farm use, the owner then applied to the ALC through a non-farm use application.

The Act and regulations additionally permitted the following dwelling types without a decision from the ALC if local bylaws allowed them to be constructed:

- Zone 1: one secondary suite in the single family dwelling, and either one manufactured home 9 meters wide for immediate family; OR, an accommodation constructed above an existing building on the farm and that has only a single level.
- Zone 2: one secondary suite in the single family dwelling, and either one manufactured home (as above); OR, an accommodation constructed above an existing building on the farm and that has only a single level; and, if parcel is greater than 50 hectares a residence that fits all residential needs into an area of 4,000m².

After the recent amendments, a LG can only approve a principal residence if the total floor area is less than 500m² (5,400ft²) but may also restrict the principal residence to a smaller size by bylaw. A suite within a principal residence's total floor area is still permitted if a LG permits it by bylaw. A principal residence larger than 500m² (5,400ft²) or an additional residence now requires application to the ALC. The ALC may not approve an additional residence unless it is necessary for farm use.

Considerations

The policy work outlined below will maintain the purpose of the Act and its regulations, is also guided by the results of the Minister of Agriculture's Advisory Committee on ALR Revitalization² (the Committee), including the core ALR policy objectives that came out of the Committee's work to:

- Preserve the productive capacity of ALR land.
- Encourage agriculture as the priority use of ALR land.
- Strengthen ALR and ALC administration and governance to increase public confidence and ensure land use regulation and land use decisions preserve agricultural land and encourage farming and ranching in the ALR.

The Ministry will also consider how to incorporate views on residential flexibility that were raised through recent engagement, such as:

- Many participants expressed a desire to allow for a small second residence for all ALR land owners without requiring ALC approval;
- Some ALR landowners felt uncertain over their ability to replace a structure if it is destroyed (75% or more), or needs to be replaced because it is in disrepair;
- Some retiring and new farmers felt disadvantaged because they can't provide a secondary residence for family/workers without approval from the ALC;
- Participants generally wanted to ensure that the needs of LG, First Nation governments and regional districts are considered in the development of any future policy changes;
- It was recognized that some regional districts do not have zoning bylaws and there is a need to consider what this might mean against any policy options; and,

² See <https://engage.gov.bc.ca/agriculturallandreserve/> for more information on the independent committee's work.

- BC ALR regions have different residential land uses, including the size of properties, population densities, and pressures to use ALR for non-farm uses.

These and potentially other considerations that were brought forward from the Committee's work and the Supporting BC Farmers engagement will help guide the Ministry in its work to increase residential flexibility in the ALR.

Proposed policy direction

In order to support farmers and non-farmers living in the ALR, the Ministry is considering a change to regulations that will enable landowners in the ALR to have both a principal residence and a small secondary residence on their property, provided they have approval from their LG. In other words, there would be no required application to the ALC. Further, the province would not impose restrictions to require this secondary residence be a manufactured home, or be for an immediate family member, or be part of a farming plan.

Farmers have always had the option to build additional residences in the ALR (two, three or more), provided they are needed for farming and have approval from LG and the ALC. The ALC routinely provides this approval for farming purposes.

The primary use of ALR land is, and will continue to be, for agriculture. Residential uses should be developed in a way that minimizes disturbance to agriculture. New secondary residences should be registered with the ALC for long-term land-use planning purposes.

This direction does not include reconsideration of the maximum size of a principal residence; nor changing the ALC as the decision maker for additional residences for farm use.

In terms of defining a "small secondary residence", consideration will be given to:

- a manufactured secondary home with conditions such as whether:
 - the foundation type should be limited to a concrete slab and no basement;
 - it can be restricted to a maximum of 9 meters in width and 22.86 meters in length; and
 - it can be restricted to the Canadian Standards Association (CSA) Z240 Manufactured Home (MH) series.
- a garden suite, guest house or carriage suite (e.g. usually meaning a detached dwelling, often no larger than 90m²).
- accommodation above an existing building on a farm with conditions on what type of existing structure it could be built on and whether it can be located on a parcel that already has a suite in the principal residence.
- permitting a principal residence to be constructed in addition to a manufactured home that was placed as the first principal residence.

Any of these concepts may also consider:

- per parcel, the maximum number of residences, maximum size, siting, and total floor area.
- how to preserve a total cumulative floor area of residential uses on a single parcel (e.g. additional dwellings that may be reintroduced so as not to exceed 500m² when added to principal dwelling).
- options to minimize impact on agriculture.

Next steps

Nothing in this paper should be considered as a final decision; it should be viewed as a policy direction and development guidance document. Its purpose is to inform interested parties and to assist Ministry discussions in further developing and finalizing the policy ideas presented in this document.

This Intentions Paper and links to current legislation are posted on the BC Government website and can be accessed via the following link: <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/agricultural-land-reserve/the-agricultural-land-reserve>

The Ministry has created a technical review committee that includes the Ministry of Agriculture, ALC, Ministry of Municipal Affairs and Housing, Union of BC Municipalities, and the BC Agriculture Council. As part of the technical review committee process, the Ministry also works directly with local governments from across British Columbia. The Ministry will work through this technical review committee process on the further refinement of these options until April 17th, 2020, in preparation for potential recommendations to government.

Individuals or associations who would like more information on this process, or who want to provide feedback for policy consideration, should contact ALR_ALCRevitalization@gov.bc.ca, write the Minister of Agriculture at PO Box 9043 Victoria BC V8W 9E2, or call the AgriServiceBC line at 1 888 221-7141.

Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION FOR MEETING MINISTER RALSTON
FEBRUARY 24, 2020

Ref: 191698

Date: February 18, 2020

Title: Agricultural land reserve (ALR) and oil and gas commission

Issue: Agricultural and oil and gas activity in the ALR, particularly in Farmington, B.C.

Background: The oil and gas sector activities are predominantly located within the Northeast Region of the Province (see Appendix A), which aligns with portions of the ALR. Under Section 26 of the *Agricultural Land Commission Act* (ALCA), the ALC can enter into an agreement to allow certain governments or authorities to exercise the ALC's power to decide applications for non-farm use. Such agreements may also exempt a non-farm use in a specified area from the requirement of an application for permission for non-farm use on certain conditions.

The ALC has long recognized that oil and gas activities are vitally important to the economic wellbeing of BC. This streamlined process (including entering into a delegation agreement) was predicated on the ALC's view that oil and gas activities are temporary, albeit long-term, and that eventually upon the exhaustion of the resource the surface land disturbance would be restored by the industry to an agricultural standard, equal to or better than that which existed prior to oil and gas development.

The ALC has exercised its power to enter into a delegation agreement with the BC Oil and Gas Commission (OGC) relating to certain oil and gas non-farm uses within the ALR in the Peace River Region. This means the OGC acts as the ALC and makes decisions guided by the ALCA and regulations. In addition, the agreement exempts specific listed oil and gas development activities that meet certain criteria from the need to make an application to the ALC or the OGC. The agreement came into effect on April 1, 2004 and has been updated periodically and was last updated in 2017. The agreement area is limited to the Peace River Regional District and Northern Rockies Regional Municipality regions. Summary of the 2017 agreement includes:

- Oil and gas facilities totalling less than 20 ha per section exempt from application for non-farm use (e.g., they can just do the activity);
- OGC makes decisions on facilities greater than 20 ha;
- Agreement requires:
 - Stripping/stockpiling topsoil;
 - Schedule A pre-site assessment report;
 - Schedule B reclamation/closure report for all pipelines within two years of construction and facilities within two years of the site being reclaimed;
- Provides criteria for siting facilities based on soil capability, level of agricultural development, etc.;
- OGC is responsible for Compliance and Enforcement;
- Requires OGC to provide annual reports to ALC for auditing purposes, including:
 - Number of non-farm uses permitted;
 - Number and summary of inspections/enforcement actions undertaken.

See Appendix B - *2018-19 ALC-OGC Delegation Agreement Annual Activity Report* for the latest report.

The OGC is a single-window regulatory agency with responsibilities for overseeing oil, gas and renewable geothermal operations in British Columbia for over twenty years. The OGC oversees activities from exploration and development, to pipeline transportation and reclamation. The OGC was created as a Crown corporation through the enactment of the Oil and Gas Commission Act and in October 2010, transitioned to the Oil and Gas Activities Act. Core roles include reviewing and assessing applications for industry activity,

consulting with First Nations, land owners and rights holders and ensuring industry complies with provincial legislation. It is charged with balancing a broad range of environmental, economic and social considerations.

In 2018 Minister Popham, appointed an independent Advisory Committee (the Committee) to lead consultation that would provide Government with strategic advice and policy guidance for revitalizing the ALR and the ALC. The Committee released a final report that included Recommendation 25 which makes a recommendation to strike a task force to addresses oil and gas in the ALR. The DM Task Force terms of reference (see Appendix C) were approved on January 9, 2020 and have been [published on the Ministry of Agriculture website](#) as agreed to by Energy Mines and Petroleum Resources, OGC and ALC.

The Peace River Regional District (PRRD) has been involved in the intersection between oil and gas activity and agricultural activity, including when the PRRD was hearing increased complaints from people residing in the Farmington area as a result of increased development in the Farmington area in 2016/17. As a result of these complaints that started from a grassroots group of local land owners concerned about local development, the OGC launched a pilot project called the Farmington Community Working Group (FCWG) pilot project in 2018 (see Appendix D – A Year in review).

The Ministry of Agriculture is reopening the Farmers' Information Service (previously the Farmers Advocacy Office) to ensure rural landowners throughout the Peace River Regional District are provided access to relevant information to manage their land and agricultural assets in order to mitigate business risk and maximize future economic opportunity, as it relates to interaction with the oil and gas industry. Key themes for the FIS are information dissemination, education, and client service.

First Nations Considerations: The predominant consideration in the area is Treaty 8 Treaty Land Entitlement (TLE) negotiations that are underway and include oil and gas rights as well as a significantly large area of crown lands with ALR designation. It is not known if the crown ALR lands that have been identified for TLE have any oil and gas potential, but there is significant oil and gas activity on crown ALR lands.

Discussion: While carrying out its mandate to preserve agricultural land and encourage farming, the ALC has worked collaboratively with the oil and gas industry to develop a streamlined process for allowing oil and gas activities in the ALR without the need for an application. Since 1976, the ALC has supported Oil and Gas General Orders, permitting increasing intensity of oil and gas activity without the need for an application, and in 2004 entered into a Delegation Agreement with the OGC to further facilitate this streamlined process. Similar relief has not been granted to other industries, businesses, land owners, farmers or ranchers wishing to undertake non-farm use of ALR. A land-owner is not able to undertake the level of "temporary" non-farm use that an oil and gas company is afforded under this structure which may exacerbate the feeling of a power imbalance. Further, the long-term temporary nature is supported by reclamation plans and bonds based on liability indexes, which may then leave the land-owner waiting for many years before the land is reclaimed should the company go out of business, again leaving the land-owner feeling at a disadvantage.

The ALC believes that oil and gas activities collectively represent the largest non-farm use of land in the ALR (though this has not been substantiated) and the statistics provided by the OGC continue to present the issue as one where the oil and gas activity on ALR represents approximately 2% of all ALR in the region.

The ALC further believes that, despite specific location criteria in the Delegation agreement, oil and gas uses are established in accordance with the site access needs of the oil and gas producers generally without substantive regard for the agricultural quality of the land, or the impact on farm operations (e.g. field management). The location, extent and density of oil and gas developments have had a substantial impact on the ALR including, alienating large areas of productive, improved agricultural land from production; interrupting field patterns; severing of productive lands with road and utility corridors, and inadequate reclamation of pipeline rights of way. These issues can be exacerbated where multiple oil and gas companies

hold tenure in an area. Since development planning occurs on a company level overlapping tenure can lead to duplication of infrastructure and compounding disturbances.

Recommendation 25 of the Committee's final report has caused the formation of a Deputy Minister-level, multi-agency, multi-jurisdictional Task Force to develop a Northeast ALR Strategy. The Task Force work plan in 2020 as agreed to in the terms of reference is:

- May 31 – Complete a fact-based background report (public facing).
- June/July - In person engagement with stakeholders in the Peace region.
- June – August - Determine any regulatory or legislative enhancements, or any other actions that may become apparent through the analysis of the background report and in person engagement.
- September/October – present findings and recommendations for decision.

While the Ministry staff are not actively involved in the operation of the FCWG, the Ministry is administering a new contract will be posting a new RFP by the end of February to reinstate the Farmers' Information Service. The Farmers' Information Service is a collaboration with EMPR, the PRRD, with funding provided by the OGC. The OGC is the lead agency on the FCWG and may be considering other activities to address outstanding concerns of the FCWG.

While the agricultural land base has generally remained stable over the last 40 years, the significant growth of the oil and gas sector and technological advances have increased the cumulative impact of oil and gas activities on the ALR. While the ALC has consistently viewed the non-farm use of land by the oil and gas sector as temporary, but long term, it is quite likely that most facilities developed in 1976 remain in place. Other supportive infrastructure beyond wells, pipelines and processing plants, include very large water storage structures. Several have been constructed in the last several years on existing farmland within the ALR (applied for under the delegation agreement) that are very unlikely to ever be reclaimed for farming. The combination of the long-term nature of oil and gas activities, expanding domestic, national and international markets and new technology have resulted in an ongoing demand for access to the oil and gas resource at the expense of agricultural land. It is likely that continued growth will be the case with further impact to the ALR.

Suggested Response:

- The collection of the information to form a fact-based report will be a significant milestone in determining future actions.
- The Ministry of Agriculture remains committed to its farmers and ranchers and wishes to find a path forward to address ongoing concerns and strike a balance between oil and gas development and agriculture.
- The Ministry appreciates the ongoing efforts of EMPR, OGC and ALC in the DM Task Force and is looking forward to the results of the report and continuing to forge a strong and mutually respectful working relationship.

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