

Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION ON ESSENTIAL SERVICES
AND THE AGRICULTURAL LAND RESERVE

Ref: 192005

Date: March 27, 2020

Title: General information on essential services and the Agricultural Land Reserve (ALR).

Issue: Recent interest in urban farmers' market to co-locate on ALR land, and potential for other essential services to make requests for exemptions from the rules in the *Agricultural Land Commission Act* (ALCA) and regulations.

Background:

- A recently raised issue is the desire by a farmers' market member (representing the Haney Farmers' Market and the Port Coquitlam Farmers' Market) to set up a combined farmers' market in a new single location on ALR land.
- The ALCA and the Agricultural Land Use Regulations do not permit farmers markets to operate on ALR, unless the activity can comply with the rules of an event or on-farm retail.

Discussion:

- The farm market that raised the concern and current proposal for a combined location seems to consider the issue resolved because the City of Pitt Meadows has now provided approval to a *"revised market plan and strategy to happen on this farm land in question and not classify as an event when told about what would need to happen at ALC to accommodate officially ie; regulatory changes and approvals."* (excerpt from email communication)
- It remains important that correct information is provided and that users of ALR will have to comply with the current laws. Even during the COVID-19 pandemic, people who wish to use ALR must make proper applications to the ALC.
- A proposed farmers' market would need to apply to the ALC for permission where they do not conform to the conditions for a "gathering for an event" or "farm retail sales". If they do comply with these conditions, then they could proceed without approval of the ALC.
- The Ministry is not able to waive the requirements, nor does the *Emergency Program Act* provide any order for a farmers' market to remain open.
- B.C. has provided industry with a degree of certainty through designating food supply, including retail such as farmers markets, as essential services, allowing them to continue to operate and produce food.
- The list of businesses and services which have been identified as "essential" are currently for guidance only.
- There is no order under the *Emergency Program Act* which applies to those services (e.g., requiring them to remain open by law).
- Instead, they "should and are encouraged to remain open" during the state of emergency and they must ensure in doing so that they follow the orders and guidance of the Provincial Health Officer.

Suggested Responses:

- **B.C.'s agricultural, food processing, food distribution and retail sectors are all feeling the significant impacts of COVID-19 on their businesses.**
- **The ALR prioritizes land for farming and the Ministry of Agriculture is unable to waive the law or influence the Agricultural Land Commission to make exceptions.**
- **Farmers' markets have a long-standing role in local food distribution and retail in the province.**
- **Efforts should be directed at working with local governments to find locations for farmers markets that are in urban areas and that have facilities that can allow the market to follow the orders and guidance of the Provincial Health Officer.**
- **Farmers' Markets can apply to the ALC to locate on ALR if they do not meet the conditions for a "gathering for event" or "farm retail sales".**

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