

03. AGRICULTURAL LAND COMMISSION REGULATION REFORM: CREATING PRINCIPLES-BASED FARM LAND USE POLICY

The B.C. Provincial Agriculture Land Commission (ALC) has a well-developed regulatory framework to serve the purposes of Section 6 of the Agricultural Land Commission Act:

- to preserve agricultural land;
- to encourage farming in collaboration with other communities of interest;
- to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture (Government of British Columbia, 2014).

The regulatory framework currently adopted by the ALC can best be described as “prescriptive”, especially with regard to Land Use Policies. There are currently 23 Land Use Policies, each containing a set of specific requirements, limitations or controls over the scope, scale and form of actions a farm land owner may consider. Although the rules for land use within these policies are well intended, it is widely understood that prescriptive regulations can have unintended consequences – reflexively prohibiting innovative ideas that were neither anticipated nor envisioned at the time of policy development and approval. Specifically, the application of existing (prescriptive) policy language has had a negative impact on the entrepreneurial farmer who wishes to innovate their farming operations to maximize the value of product and service offerings, thereby creating value for themselves and their community.

Farm owners in B.C. are capitalizing on the fast-growing, world-wide demand for agritourism products and services. Agritourism provides a significant opportunity for BC farmers to diversify their traditional farming activities in order to augment their local farming incomes and contribute to the growth of the provincial tourism industry. In terms of sustainability, incorporating agritourism and other farm-related business in off-farming growing seasons, make good business sense. There is much diversity in agritourism offerings, ranging from agri-accommodation and agri-food/beverage, to primary agritourism and direct sales, to agri-recreation, agri-tainment, agri-therapy and cultural tourism (Agritourism services and products, 2009). Each of these subcategories of agritourism can be integrated and blended in ways a myriad of ways that are unique to the farmer, the land, and the demand. Given the diversity of known product and service options, the rapid development and expansion of business models for agritourism, and the evolving nature of agritourism demand, it is unreasonable to expect that a limited set of prescribed standards can be used to adequately steward B.C.’s farm land while also fairly supporting and enabling entrepreneurial farmers.

Farms within the Agriculture Land Reserve (ALR) range from very small to vary large, and range in location from remote to semi-rural to within areas of dense urban development. Accordingly, the policies governing land use should be flexible and adaptable to the varying circumstances. The acceptability of proposed agritourism activities should not be based on “one size fits all” prescriptive regulation, rather, acceptability should be determined based a consideration of the scope and scale of the farm, the configuration and shape of the property, its location and proximity to population, and the need for consolidation of infrastructure to make an agritourism service viable and sustainable.

A principles-based or merit-based regulatory approach to interpreting and enforcing the Agricultural Land Commission Act should be considered, such that arable farm land can continue to be protected for future generations while also providing an enabling environment for the development of agritourism businesses

for current farm (business) owners. Other BC Government entities, such as the Liquor Control & Licensing Branch (LCLB), have moved away from a highly prescriptive stance toward a more flexible and adaptable approach, via the use of higher-level policy interpretation directives (e.g. Is the application in the public interest; Is there a health and safety concern). This method has proven successful in achieving public interest and alcohol-related economic development goals simultaneously and serves as a model for other policy regimes (such as ALC Land Use Policy) for transitioning from historical, prescriptive regulations to a more modern principles-based approach that can reliably enable entrepreneurial farmers, stimulate farm-business innovation, and grow the economy.

THE CHAMBER RECOMMENDS

That the Provincial Government:

1. Review the current ALC Land Use Policy framework to:
 - a. investigate existing issues with the current prescriptive farm land use regulations, particularly from the perspective of an entrepreneurial farmer;
 - b. determine methods for increasing the flexibility of ALC Act interpretation such that agritourism, agriaccommodation, agrifood/beverage, agrirecreation, agritainment, agritherapy, cultural tourism business innovation is enabled and supported; and
2. Work with the ALC, Ministry of Agriculture, and other relevant stakeholders to implement a principles-based regulatory approach for farm land use policy.

Submitted by Kelowna Chamber of Commerce

Supported by Greater Westside Board of Trade

The Policy Review Committee supports this resolution.