

ITEM	15
MANAGER'S REPORT NO.	44
COUNCIL MEETING	94/07/25

TO: CITY MANAGER 1994 July 18

FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: 02.120.1

**SUBJECT: AGRICULTURAL LAND COMMISSION AMENDMENT ACT**

PURPOSE: To provide Council with information regarding recent amendments to the Agricultural Land Commission Act.

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**RECOMMENDATION:**

1. **THAT** a copy of this report be forwarded to:

K.B. Miller  
Chair and General Manager  
Provincial Agricultural Land Commission  
133 - 4940 Canada Way  
Burnaby, B.C. V5G 4K6

**REPORT**

**1.0 BACKGROUND**

At its 1994 July 11 meeting Council received a letter from the Provincial Agricultural Land Commission (PALC) regarding Bill 30, the Agricultural Land Commission Act, 1994. This Act received Third Reading on 1994 June 15 and is expected to come into force in the near future.

**2.0 EXISTING SITUATION**

As can be seen on Figure 1 **attached**, Burnaby's Agricultural Land Reserve lands are located in the Big Bend area. They are designated for General Agriculture and Market Garden Use in the Big Bend Development Plan (Figure 2 **attached**). Approximately 180 acres are in production. These lands are highly productive and valued from an economical, environmental and cultural viewpoint. Any amendments to the PALC Act are, therefore, of interest to the City.

The following provides an overview of the key features of the amendments contained in Bill 30 together with staff comment where applicable. The amendments fall into four categories.

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## 2.1 Cooperative Land Use Planning

Cooperation between the Commission and local governments regarding Land Use Planning in the ALR is strengthened and recognized in the Commission's mandate by:

- acknowledging the key continued proactive role played by the PALC as a partner in local land use planning to ensure continued use of agricultural land;
- creating a process to ensure that Community Plans of local governments are referred to the PALC for comment where they involve ALR lands;
- clarifying that any part of a local land use bylaw that is inconsistent with the ALR designation (and that is made after these amendments) will have no legal effect.

Within Burnaby lands designated as Agriculture in the Official Community Plan (OCP) correspond to those included in the ALR. On the basis of this designation, the City's policy is to both expand and enhance agriculture in the Big Bend area recognizing it as a desirable and permanent land use in the City.

## 2.2 Enhanced Role for Local Government

The amendments provide an enhanced role for local government in the decision making process by:

- providing an opportunity to delegate powers to both refuse or approve applications for subdivision and non-farm use (but not applications for excluding land from or into the ALR). A voluntary agreement would be entered into with the PALC based on specific land use policies for specific areas.

Staff have not experienced any difficulties to date with the previous referral process. Nonetheless, we will review this opportunity to delegate powers to the City with the PALC.

- empowering local government to refuse any application to proceed to the PALC where land is designated by local bylaws for farm use or where the proposal requires an amendment to an OCP or zoning bylaw.

The foregoing provides the ability for local governments to refuse to allow an application for exclusion, subdivision, or non-farm use to proceed to the Commission where the land is zoned for agricultural or farm use or is in conflict with existing bylaws. Previously, a recommendation only was forwarded and the Commission could or could not agree. This amendment is, therefore, considered to be significant as it will assist in maintaining the integrity of local land use policy that is supportive of agricultural use of ALR lands.

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### 2.3 Administrative Amendments

A number of administrative amendments that clarify existing PALC procedures and affect streamlining and efficiency measures are proposed, including the following:

- confirming that when new Commissioners are appointed they can assume work which is in progress by reviewing the file documentation;
- allowing the right of entry to conduct inspections for purposes of the Act;
- clarifying that non-conforming uses established prior to the Act are allowed to continue but not expand beyond the original footprint of the use;
- clarifying that decisions regarding applications may be made by the Commission by either holding a hearing (oral) or on the basis of written applications only;
- providing for the filing of a notice of application to ensure greater public awareness of applications being considered;
- providing for a reconsideration of applications based on new information or where information was in error or false;
- allowing the General Manager to approve certain specified applications based on criteria established by the Commission, thus avoiding the necessity of waiting for Commission meeting dates for decisions.

The ALC has requested the City's assistance in helping to shape the regulations associated with notification in order to ensure it is both fair and effective.

In this regard staff would advise that the following options are available to the Commission:

- a) The applicant could be required to post a sign or signs on the property (depending on its size) informing the public of the proposal, how they may obtain information, as well as the date of any hearings, etc.
- b) Formal notification could be mailed to all property owners within a specific distance of the subject property (in our rezonings the criterion is 30 metres).
- c) Notification by way of an advertisement in local paper(s) could be required.
- d) In situations where the ALC deems it to be in the public interest, a public hearing could be held (i.e. in the case of inclusion/exclusion applications).

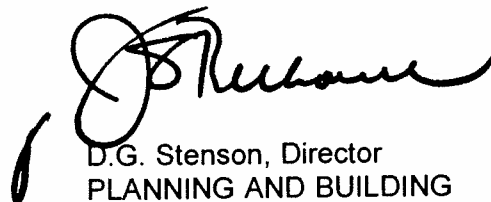
## 2.4 Validating Current ALR Boundaries

All existing ALR boundaries will be confirmed and validated to do away with any uncertainty and dispense with any speculation brought about by court challenges to the original designation process of the early 1970's.

## 3.0 CONCLUSIONS

The amendments to the Agricultural Land Commission Act noted herein are consistent with the Provincial Government's commitment to preserving agricultural land. Within Burnaby, lands designated Agricultural in the OCP correspond to those included in the ALR. On the basis of this designation the City can make its best efforts to enhance and expand agriculture in the Big Bend area recognizing it as a desirable and permanent land use in the community.

The ALC Act amendments are seen as improving the effectiveness of the ALR program by further enabling the Province and the City to pursue their partnership in protecting and enhancing agricultural land.



D.G. Stenson, Director  
PLANNING AND BUILDING

PB/jp

Attachments (2)

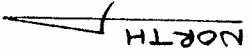
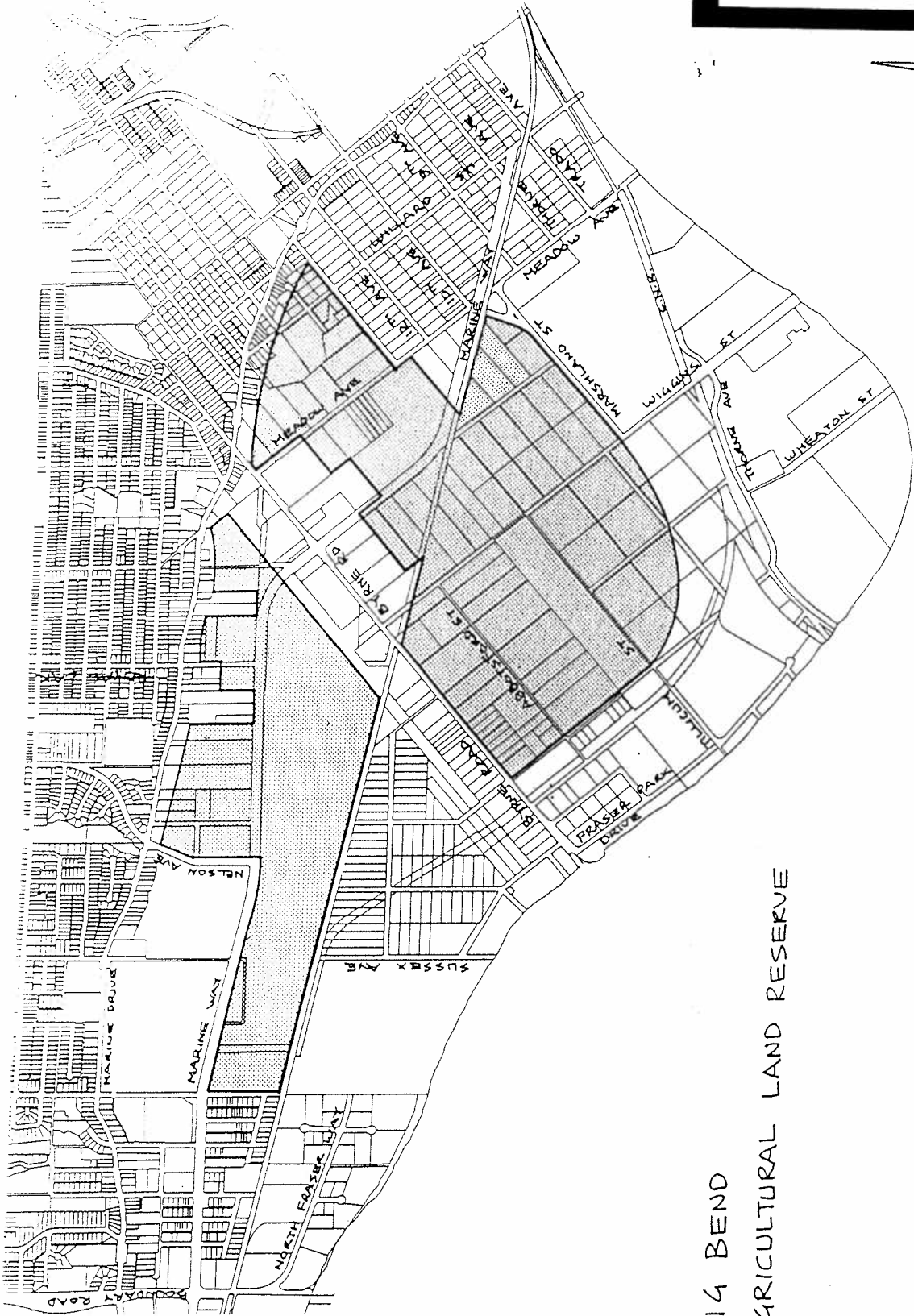
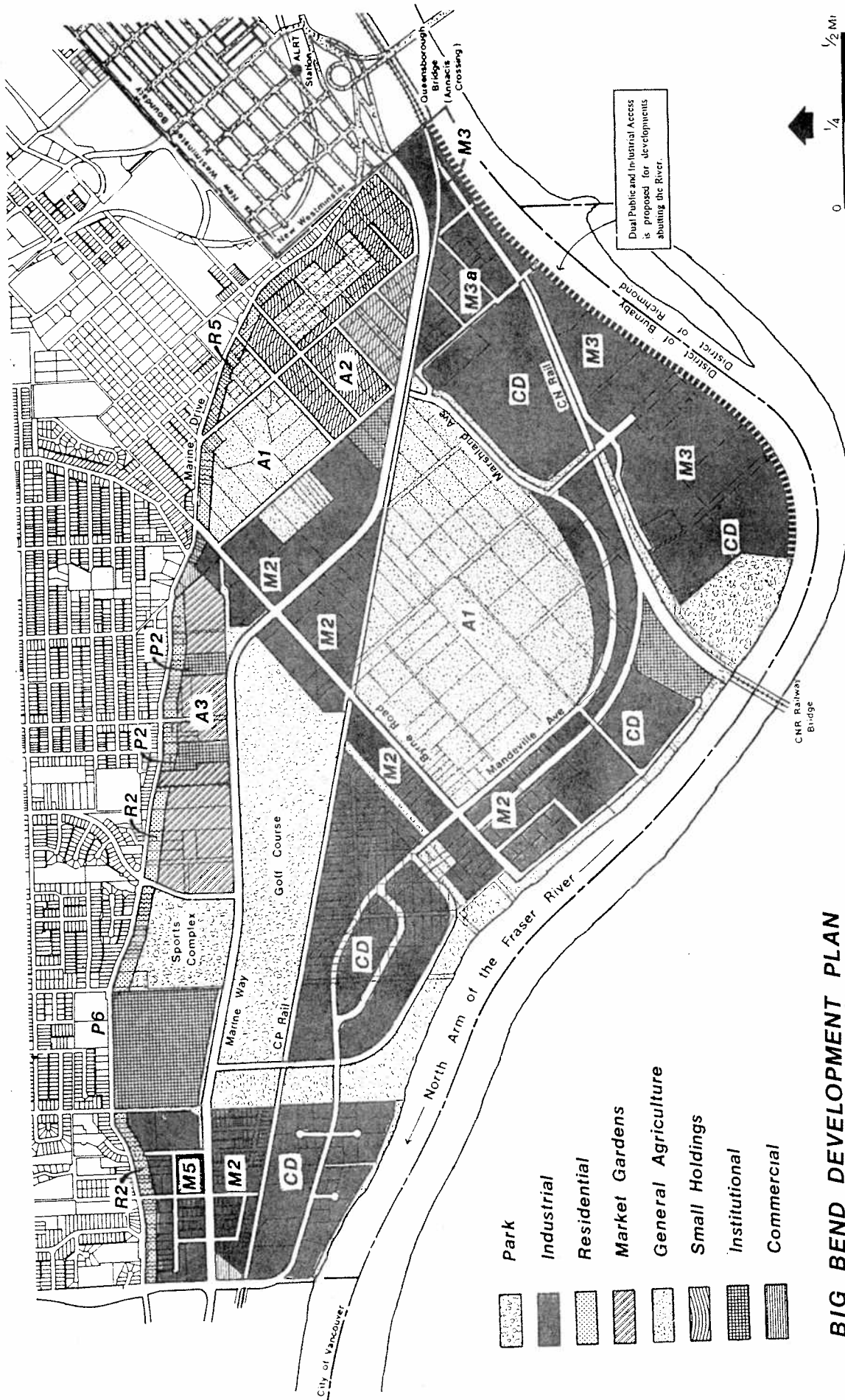


Figure 1  
94 July 11

BIG BEND  
AGRICULTURAL LAND RESERVE



- Park
- Industrial
- Residential
- Market Gardens
- General Agriculture
- Small Holdings
- Institutional
- Commercial

**BIG BEND DEVELOPMENT PLAN**

Revised to 1994 July

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**FIGURE 2**  
94 JULY 11