

Thank you so much for offering to contact the Agricultural Land Commission (ALC) to oppose the exclusion of 40 acres of prime agricultural land in the District of Kent from the Agricultural Land Reserve, or ALR.

This note is meant to give you some perspective, some ideas you could include if you wish, contact information, and appropriate timing for your letter. Those are the easy parts: the who, what, where and when of your letters. The harder part is the purpose, or *why* you are writing to the ALC.

We believe your letters will have two purposes. Firstly, general comments you make about the value of land and local food production will support the ALC in fulfilling its mandate to protect land in the ALR in British Columbia. As such, they are extremely valuable. Secondly, the letters will demand accountability from the ALC, ensuring that they have not only considered the specific application that will be in front of them, but that they have thought beyond it with the utmost care. We must demand of the ALC that they have considered the long-term implications of excluding this land, both for agriculture and further development. The ALC must also be sure that all other possible options for housing in the District of Kent had been implemented prior to this application being approved by Council and submitted to the ALC. We also have the right to demand of the ALC that they are sure the consultation process followed by the District of Kent was conducted honestly and fairly.

By supporting agricultural land in general and insisting that the ALC is absolutely sure they are making the right decision, we will send a very powerful message.

We think that mailed in letters might have more of an impact than e-mails but either will be awesome. Please try to send them within the next two weeks.

Here is the contact information.

Send letters to

Provincial Agricultural Land Commission  
201-4940 Canada Way,  
Burnaby, B.C.  
V5G 4K6

Send e-mails to

[ALCBurnaby@Victoria1.gov.bc.ca](mailto:ALCBurnaby@Victoria1.gov.bc.ca)

We also recommend that you send a copy of your letter or email to:

Hon. Lana Popham  
Minister of Agriculture  
Room 325 Parliament Buildings  
Victoria, BC V8V 1X4

[AGR.Minister@gov.bc.ca](mailto:AGR.Minister@gov.bc.ca)

On your envelope and in your letter, or in the subject line of your e-mail, please be sure to include reference to the **District of Kent Exclusion Application**, or **Kent Teacup Properties**, or **Kent Teacup Lands** or **Teacup Exclusion Application**, **District of Kent** or some other variation.

When writing your letter (or e-mail), please be polite. Take a strong stand and be firm but please stay principled and respectful.

The letters will be read by staff who, we understand, will summarize the arguments. The letters are also made available to each commissioner to read and consider. When I was writing my letter, I found it hard to get going at first but then imagined I was writing directly to the Chair of the ALC, Jennifer Dyson. I looked up her bio and felt more at ease. If you are interested, her bio is included below.

Write from your heart.

Here are some suggestions for your letter but they are in no way prescriptive. Many people did ask for some pointers, however, so please take what is useful to you as you write. If you use different arguments that are based on your knowledge and experience, that is absolutely terrific.

1. Introduce yourself. What is your background? Where do you live? Why are you writing? Do you have a connection with agriculture, grow your own food, run a bakery, teach, write, notice what is happening to land in your community, shop at farmers' markets, value B.C. and local food, support local farms, keep bees, what have you studied, what have you read, etc. I think the ALC will be struck by the range and sophistication of people who are speaking up over this application.
2. If you don't live close to Agassiz, the ALC might be curious how you heard of this exclusion application. Here are some ways that you may have heard about it or may care to look at now.
  - There was an article in the April 2020 edition of *Country Life* which gave a summary of some of the issues  
<file:///C:/Users/Me/Documents/Teacup%20ALC/Country%20Life%20cover%20and%20article%20April%202020.pdf>
  - There was a post by Norm Farrell (June 5<sup>th</sup> 2020) on his blog *In-sights* called "More destruction of prime farmland" ( [www.in-sights.ca](http://www.in-sights.ca) )
  - Maybe you are a member of a local CSA and are thus directly supporting local agriculture in the District of Kent
  - Maybe you received an online update about this issue from a local farm
  - Maybe you heard about it through your social media contacts , a family member or a friend

3. Develop your arguments. Here are some suggestions but write about what resonates most strongly with you and again, please write in your own words.

- This is not a local issue. Food produced on agricultural land in B.C. is distributed and consumed by people throughout the province.
- Prime agricultural land is a rare resource in B.C. Once paved over, it is lost forever. It is the mandate of the ALC to protect that land.
- Local food production has many benefits over global food production.
- Destroying land that can be used to produce food in the time of global pandemics is folly. Food supply chains stayed open during the first wave of the covid-19 pandemic. We cannot guarantee that this will always be the case.
- If successful, this application would spur speculation and increase the price of surrounding agricultural land. People in other communities in B.C know where this leads.
- We must explore all alternatives for development not just build on agricultural land because it is flat and convenient

4. In terms of holding the ALC to account, here are some suggested questions to consider:

- Could this exclusion, if successful, set a harmful precedent for applications from other local jurisdictions?
- Has the District of Kent fully evaluated the effects that this exclusion would have on the remaining agricultural land in the district? Does the ALC believe that the analysis indicates the exclusion would have positive effects on remaining agricultural land in the District of Kent and elsewhere?
- Is the ALC absolutely sure that the District of Kent has fully evaluated all other options for housing and commercial development in the district? Has the ALC received their reports and analyses and are they in full agreement that there will be no other options for development within the townsite over the same timeframe as construction on the Teacup properties?

Those are some main points you could include in your letter. But again, please change the wording and make the letters your own. I know they'll be amazing.

If you have enough to go on, you can stop reading now! If you are interested in the some of the flaws in the application and process, they are outlined, with links to public documents, below.

Jim, Yoshi and I, our children and the many residents of the District of Kent who so passionately value agricultural land and oppose this application cannot thank you enough for writing to the ALC. If you could possibly let us know by e-mail, [diane@cedarislefarm.ca](mailto:diane@cedarislefarm.ca) when you send your letter, we would really appreciate it. And, of course, please feel free to circulate this information amongst your contacts so that others who wish to can voice their concerns.

Stay healthy and take care,

Diane

If you are interested, some other concerns expressed by local residents are summarized on the following pages.

## The Official Community Plan's designation of ALR land as "Residential-Reserve"

The Official Community Plan (OCP) for the District of Kent was developed in 2001 and last revised in 2014. In the plan, the municipality gave the Teacup Properties the designation "residential-reserve", signaling that these are the next acres of farmland the District would like to develop.

The District's stance is that, because the Teacup Properties are designated as residential in the OCP, they no longer have to decide *if* this land can be developed but instead the question is *when and how* this land is developed. And they have decided the right time is now.

There are several things wrong with this.

1. The "Residential-Reserve" designation appears to be at odds with the requirements of the ALC Act. The ALC informed the District of this in their rulings in 2016 and 2018 stating that the designation is of "no force and effect and should be deleted from the OCP". Yet the District persists in acting as if this aspect of provincial law doesn't apply to the Teacup lands. The same designation featured prominently during public discussions and in the District's promotional materials. Letting the District succeed in sidestepping the ALC Act through this dubious local zoning designation could open the door to a flood of similar tactics in other jurisdictions, to the grave detriment to the ALR itself.
2. The OCP is a wide-ranging document. It is adopted as one document and it is difficult for individuals to effect change on any one part. Broad community adoption of an OCP cannot reasonably be taken as granting prior social license for a specific ALC exclusion application.
3. Times are changing and we live in a different world than we did in 2014. Awareness of environmental concerns and demand for local food has dramatically changed in recent times and food security in the time of a global pandemic has become an urgent public concern.

## Inclusion / exclusion trade

The current proposal basically offers to do an agricultural land 'trade'. In this case, 101 acres of agricultural land that was missed and not originally included in the ALR, but has always been farmed, would go into the ALR and the 40 acres of ALR land in the Teacup properties would come out. Sounds like a good deal!

There are several things wrong here too.

1. 45 acres of these 101-acre inclusion lands were also part of the ALC application in 2016. The inclusion lands were accepted into the ALR by the ALC and are listed as such on the ALC website. (See ALC application id# 5666, dated 03/Oct/2018 at <http://a100.gov.bc.ca/pub/oatsp/list?execution=e1s7>). In its decision, the ALC told the district that it "evaluates the impact of each application independently" and refused to consider the inclusion and exclusion applications together. The exclusion application was rejected. Despite the ALC ruling that applications are

considered separately and the fact that 45 acres are already in the ALR, the District persisted in linking the inclusion and exclusion applications together during their public information campaign, supposedly to 'sweeten the pot' but actually misleading the public.

2. Much of the inclusion land is of significantly lower quality than the Teacup Properties. It is low-lying land outside the dike and highly vulnerable to high water levels. To equate the two areas in terms of quality of food production is disingenuous.
3. We have heard the argument several times, including directly from the Mayor, that if we don't use the land, which I should add is owned by one of the same developers as the Teacup, as a bargaining tool in this way, then another municipality will do so instead and the District will lose out. So, by this logic, agricultural land is just a commodity to be bought and traded by developers to achieve their own ends.
4. Setting aside the above concerns, the net result of any such 'trade' would be the permanent loss of over 40 acres of prime agricultural land.

### Tight timelines

The ALC last refused an application to exclude the Teacup Properties from the ALR in October 2018. By July 2019, District of Kent staff were already working on this current application and holding meetings with the ALC. This meant that the application had been in the works for at least seven months when the public first became aware of it on February 27<sup>th</sup> 2020, just as covid-19 was emerging.

By March 10<sup>th</sup> we had to be prepared to present arguments at a public meeting. On March 18<sup>th</sup> a state of provincial emergency was declared which meant getting people to respond to a community survey became much more difficult as we were confined at home. At a council meeting on March 23<sup>rd</sup> one councillor moved to extend the public consultation process by one month but the motion died because none of the other four councilors thought this consultation was important enough to even second it. By March 26<sup>th</sup>, the consultation process was closed.

### Community response

Despite the very tight timeline, local supporters of agricultural land rallied. The majority of comments at the public meeting were strongly against the proposal. 55% of people who responded to the District were against the proposal and the 44% who voted in favour included many who had a financial interest in the application succeeding. Also, the District's own Agricultural Advisory Committee voted that the proposal not proceed. And yet, after the municipal council considered all the community feedback, it voted 4 to 1 in favour of approving the exclusion application which will soon be sent to the ALC for their decision.

These are some of the flaws in the current application but there are more, particularly regarding bias in the Community Survey or high-profile lobbying efforts of elected officials during the survey period. The

complete report to Council is available online and we encourage you to examine it if you wish. If you do so, remember it was prepared by the District of Kent staff and the District of Kent is the proponent of the application. The link to the full report is <https://calendar.kentbc.ca/meetings/Detail/2020-05-25-1900-Regular-Council-Meeting-Agenda/42a6d304-ac25-40eb-904e-abc20148d730>

The report includes

- Illustrated summary of the District's case, pages 59-83 (page 69 is interesting as it shows the lack of analysis of housing alternatives)
- Transcripts of oral presentations at the March 10<sup>th</sup> Community Information Meeting, pages 167-192
- Letters written by local residents and sent to the District of Kent, pages 193-218
- District summary of written comments in the local survey, pages 97-166, see especially pages 147-166, "Other Comments" (Note that for reasons we have yet to determine, not all of the local comments that were submitted are reproduced or summarized in this report).

The two page information flyer released by the District is also available online.

[https://www.kentbc.ca/en/district-hall/resources/Documents/Factsheet\\_ALC-Block-Application.pdf](https://www.kentbc.ca/en/district-hall/resources/Documents/Factsheet_ALC-Block-Application.pdf)

As mentioned above, here is a brief biography of ALC Chair Jennifer Dyson:

***Jennifer Dyson, Agricultural Commission Commission Chair***

Jennifer Dyson has been involved in many aspects of agriculture; as a producer, consultant, chair, commissioner and industry member. Dyson has participated in the Partnership Committee on Agriculture and the Environment, Environmental Farm Plan Working Group, and Island AgriFood Initiative. Ms. Dyson is also a past member of the Agriculture Advisory Committee for the Alberni Clayoquot Regional District, past chair of the Minister of Agriculture's Advisory Committee, and a past ALC Commissioner. She was appointed to the Agricultural Land Commission in 2008 and served as chair of the Island Panel until January 2017. Dyson served the agriculture industry, province and federal government as the executive director of the Agricultural Workforce Policy Board formed to respond to human resources challenges in agriculture. Dyson was one of a handful of people who formed the Island Farmers Alliance and served as the Western Women's representative appointed by the BC Agriculture Council to the Canadian Federation of Agriculture. Dyson and her family operate a water buffalo dairy and direct farm market in the Alberni Valley.