

## **BCFGA Discussion Note Review of the Agriculture Land Commission Role**

September 9, 2010

### **Introduction**

The BCFGa welcomes the opportunity to comment on the Agriculture Land Commission role and performance.

The purpose of the Agriculture Land Commission Land Commission is set out in Section 6 of the Agriculture Land Commission Act:

*The following are the purposes of the commission:*

- (a) to preserve agricultural land;*
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;*
- (c) 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 in their plans, bylaws and policies.*

### **Need for a Comprehensive Food Policy**

BC has the lowest agriculture budget as a proportion of agriculture Gross Domestic Product. It seems that other provinces support the preservation of agricultural land through the direct support of growers. In BC we force the issue by preserving the land, but not the farmer.

We would rather have a progressive food policy that makes agriculture competitive, profitable and an industry that our children look forward to joining – then the ALR would be redundant as it is in most of the rest of Canada. In the end, the most important factor in preserving agricultural land is profitable farmers.

If we want a truly functioning agricultural sector, it takes more than the ALR. Our single most important request is that the ALC take forward to government as a priority the need for a comprehensive food policy that ensures the viability of farming. The ALR can then legitimately address its role in preserving farmland for current and future generations.

The remainder of this discussion paper looks at and makes recommendations on the ALC role.

The BCFGGA supports the goal of purpose (a) of the ALC, preserving productive farmland for future agricultural use. We equally support the BCAC position that

*Economic viability in the agriculture sector is a required component of maintaining the long-term integrity of the ALR.*

Agriculture in the Okanagan is on a land base divided into 5 to 10 acre parcels, typically. Small parcel size and the extensive rural-urban interface make farming in the ALR a challenge in the Okanagan.

Land and water are essential to agriculture. The BCFGGA supports the Agricultural Land Reserve for its ability to slow the alienation of agricultural land when its use is transformed from agriculture use to other, non-agriculture uses.

- There is no need for refinement of the ALR boundaries. Overall boundaries have been reviewed multiple times. There is a process for consideration of subdivision or change in land use for specific parcels. There is no need to re-open the ALR boundary review. We will be blunt: we view the purpose of re-opening the ALR boundaries for review as an opportunity to remove agricultural lands from the ALR by development interests. The Auditor General, in the September 7, 2010 release of the ALC audit noted the lack of resources for the ALC to fulfill its mandate. Why then would the ALC take on an added task of refining the ALR boundary which has not been raised as a critical item in the agriculture sector, or by municipalities in our area?
- Trading parcels – allowing a removal of land from the ALR in exchange for an addition of a parcel not currently in the ALR – should not be allowed. The non-ALR parcel should have been included from the start, so compensation for adding the parcel should not be part of the land use determination on a separate parcel of ALR land. The trading of parcels also creates the possibility that land that is inferior to the excluded parcel will be added, and there will be a net negative impact on the ALR productivity. In any case, we should not be removing prime agriculture land from the ALR, regardless of the compensation offered by the developer. The Auditor General noted in his September 7, 2010 release of the ALC audit that the ALC lacks the resources to check the ‘equivalence’ or fairness of the land exchange. Therefore, there should be no land exchanges permitted.
- Homesite severance for parcels purchased after 1973 is an issue that the BCFGGA has considered and decided not to support in the past, though it is a charged issue. We need further discussion with our members to discuss a current position on homesite severance.

The BCFGA supports the goal of purpose (b) of the ALC, encouraging productive farmland to be farmed. The ALC, however, has not performed as well as it should in encouraging farming on agricultural land. Specifically, the BCFGA observes the following:

- Non-ALR uses of ALR lands have increased with time. This erosion of the land base often alienates the entire parcel. The increase in non-ALR uses of ALR land creates conflict with agricultural neighbours.
- Non-agriculture tourism uses of land, such as campgrounds and cabins, restaurants, conflict with agricultural practices and alienate land from agriculture use. Why are some farmers allowed restaurants and not others? Why is there variation between municipal areas in the number of vacation units and minimum lot size for these tourist accommodations? The ALC needs to reconsider this policy and be more responsible in preserving agricultural land for agricultural land use. To the extent that non-agriculture tourism use of land is adopted by farmers, we feel that the ALC has failed to maintain agricultural viability. Agriculture is the production of food and goods through farming.
- A priority of government is to protect public health and the air quality. The proposed Open Burning Smoke Control Regulation (OBSCR), as well as regulation under the Canada Health Act, put *limits on proximity of open burning of wood refuse to public buildings*, such as hospitals including seniors retirement facilities and schools. Religious buildings are a permitted use *within* the ALR, and there is risk that similar setbacks could be instituted for religious buildings. Agriculture will be negatively impacted by the restrictions on how close these public-use buildings are to farms, or conversely, farm practices will be restricted when these facilities are built beside the farm. Farmers naturally oppose the introduction of new restrictions on their farm practices caused by uninvited neighbors. The ALC should review its present rules on permitted uses and be more restrictive of public buildings built adjacent to farms. The ALC should ensure that the required setbacks be on the urban side of the ALR boundary.
- An “active farming area” designation should be required to be registered on all land titles adjacent to the ALR.

The BCFGGA supports the goal of purpose (c) of the ALC, encouraging the different levels of government to enable and accommodate farm use of Agricultural land. Again, the ALC has not performed as well as it should in encouraging farming on agricultural land. Specifically, the BCFGGA observes the following:

- Sustaining the ALR in the long term requires sustaining agriculture. The financial viability of agriculture must be encouraged by provincial government's industrial policy. Levers include tax and industrial policy. However, the reality is that the resources devoted to support of agriculture have consistently declined, and particularly in BC compared to other provinces, while the restriction on conversion of land remains the same. The ALC needs to fulfill its purpose by insisting that the provincial government must live up to its 1973 commitment to keep agriculture viable.
- The Agriculture Land Commission should measure its success by the amount of land in the ALR that is *productively used* for commercial agriculture, as well as the *amount of land preserved* for agriculture use in the ALR.
- The ability of municipalities regarding variances be restricted or overseen with greater resources by the ALC.

It is reported that regional panels are more easily influenced by development interests. We feel there is enough concern to support the call for a commission of inquiry into the advisability of regional panels.

## **Conclusion**

Preserve the farmer first, then the farmland preservation will be legitimized. We need the ALC to put effort and resources into making farming profitable. Without a comprehensive food policy, the ALR is merely preserving green space for future country estates.

We support calls for a Commission of Inquiry into the effectiveness of ALC panels.

Specific ALC roles need further resources and improved performance to fulfill the mandate of adequately managing and administering the ALR. We advise not to take on the fine tuning exercise until the basic administrative requirements are adequately fulfilled – eg. mapping and database, interaction and delegation to municipalities, administrative and professional support for the rezoning/application processing, and compliance with agricultural use of land.

We request opportunity to review and comment on the ALC review panel's proposed direction on the ALR prior to its submission to the Minister of Agriculture.



VICTORIA

November 23, 1973.

Mr. Charles Bernhardt, President,  
B.C. Fruit Growers' Association,  
P.O. Box 160,  
Kelowna, B.C.

Dear Mr. Bernhardt,

I would like to acknowledge your letter of November 13.

It is my intention to deal with farm income stabilization under the Farm Income Assurance Act. Under this Act the farmers will be guaranteed financial returns at a level reflecting the cost of production. This is in keeping with the recommendation of Dr. Hudson and appears to be a workable approach to the problem of farm incomes. As I have stated earlier this could be a compulsory program for each farm commodity if growers wish it to be so managed. Dr. Hudson has recommended against bringing grower returns to an equivalent of 12 cents per pound for fancy and better apples or the equivalent on other crops and staff examination of your earlier request has substantiated Dr. Hudson's recommendation in this regard.

Thank you for your invitation to come to the Okanagan prior to the plebiscite. I have decided that it would be inappropriate to come before the plebiscite, but I will discuss with you the possibility of a later visit when I see you at the Federation of Agriculture Convention.

Yours very truly,

David D. Stupich  
Minister of Agriculture

*You need our farmers . . . Our farmers need you . . . Buy B.C. Food Products*