

9

AGRICULTURAL ISSUES & OPPORTUNITIES

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INTRODUCTION

Chapter 5 considered agriculture's place in the planning process, Chapter 7 outlined the value of focused planning for agriculture through the use of agricultural area plans and Chapter 8 discussed the application of improved planning techniques along agriculture's interface. This chapter examines a number of important agricultural issues and suggests opportunities that may assist in their resolution.

Public agendas, the business of agriculture and land use in general are continually evolving. The manner in which today's issues might be handled in the future will undoubtedly change as well. As a result, the approaches suggested will require, through time, re-examination and modification.

The issues considered are not all-inclusive. In fact, several additional subjects affecting agriculture have been identified for future consideration. Chapter 9, therefore, should be considered a work in progress.

Appendix 20:

*A Check List of
Common Urban /
Agricultural Conflicts*

Issues often arise as a result of real or perceived conflicts between urban and agricultural land use. For greater detail, the reader is directed to *Appendix 20* "A Check List of Common Urban / Agricultural Conflicts".

IMPROVING AGRICULTURAL AWARENESS

Discussion:

Throughout Canada's history urbanization has increased steadily. Today over 82% of British Columbians reside in urban centres. In addition, 92% of the rural population are not farmers.¹ While all other segments of the population continue to grow (and in some areas quite rapidly), the farm population is declining and has been doing so for five decades. The result has been:

- a gradual disconnection between urban dwellers and food producers;
- a growing lack of understanding and awareness amongst most Canadians of farming and farm practices;
- the weakening of the farm community's political voice;
- a general lack of recognition of agriculture's importance to our health, security and economic well-being; and
- the emergence of a misplaced perception that agriculture is valued only for the green landscape it maintains rather than the food, fibre and other products it produces.

"It is a truism that many urbanites think food comes from supermarkets, water comes from faucets, and wastes are simply taken 'away'."

Mark Roseland
Toward Sustainable Communities,
p. 201

Given the impact of demographic shifts, there are several *reasons to improve the awareness of agriculture.*

- The need for food provides every person with an interest in agriculture and food production in B.C.
- In many ways the general population will influence the evolution of agricultural policy.
- The economic votes that food consumers make in the market place have a direct impact on the well-being of B.C.'s agricultural sector.
- Food production, its security, quality and quantity, is a foundation of our overall health.
- For persons living across the fence from agriculture, an understanding and appreciation of normal farm practices is particularly important to lessen land use conflict.

In searching for ways to heighten an awareness of agriculture, education - both formal and at times less formal - is a key. While new means should be explored, it is not always necessary to 're-invent the wheel'. There are many important and innovative efforts being undertaken, particularly among farm groups. Also, many of the current initiatives that are proving most effective have found their leadership at the local 'grass roots' level. It is important that current endeavours aimed at enhancing awareness are encouraged. Moreover, these efforts must be supported and to ensure they are communicated to other farm groups throughout the Province.

¹ Statistics Canada, *A National Overview - Population and Dwelling Counts*, 1996, Cat. No. 93-357-XPB, Table 18, page 240 and Statistics Canada Cat. No. 93-330, April 1993.

Opportunities & Recommendations:

Education and Agriculture:

1. The Agriculture in the Classroom Foundation should be strongly supported.

This includes the continued support by MAF and the Ministry of Education, along with other groups. MAF has been active in its support for the Foundation including assistance in the development of the Foundation's *Strategic Plan*. Several resources have been developed. Some of these include the publishing in 1994 of a "A Teacher's Handbook on B.C.'s Agricultural, Fish and Food Business". This nearly 200-page document provides a comprehensive overview of B.C. agriculture and aquaculture. "The Promise In the Land", a one hour video developed by the UBC Faculty of Agricultural Sciences, is being re-packaged into three 20-minute videos with work books for senior high school students is another resource developed for Agriculture in the Classroom.



THE BRITISH COLUMBIA AGRICULTURE IN THE CLASSROOM FOUNDATION

The Foundation also performs a clearing house role for resource material for educators. MAF, on behalf of the Foundation, has compiled a list of available agri-ed resource materials entitled "Resource List For Teachers". With the assistance of MAF and the Ministry of Education, the Foundation should

continue to foster partnerships with the BC Agriculture Council, Cattlemen's Association, Horticultural Coalition, commodity groups and other industry representatives to help develop resource materials.

2. Farm tours - taking teachers and students out of the classroom and onto operating farms - should be encouraged.

MAF has developed a Province- wide list of farm operators who offer tours entitled "Farm Tours For School Children".

3. Farmers should be invited to join students in the classroom to enhance their understanding of agriculture.
4. School gardens can give students a first hand appreciation of plant cultivation and the importance of the soil resource.
5. Tours of grocery stores and food processing plants can broaden a student's understanding of the agri-food industry.
6. There are several agricultural research facilities throughout the Province. Most have tours that provide insights into various aspects of agriculture.
7. Ongoing consultation concerning the future of Colony Farm in the GVRD should consider the potential for developing facilities that would provide for a variety of agricultural educational pursuits.

8. Led by the Faculty of Agricultural Sciences at UBC, there are several post-secondary facilities offering agricultural courses in the Province. Each of these facilities adds to the public's understanding of agriculture by the very nature of their educational focus.

Other Opportunities For Enhancing Agricultural Awareness:

9. If sensitive and supportive of agriculture, community plans and local bylaws can be important assets in enhancing an understanding of agriculture.
10. Elected officials, at all levels, make decisions critical to agriculture. It is particularly important in an urbanizing society that our MP's, MLA's, Council and Board members maintain a first-hand understanding of agriculture.

Opportunities should be available for elected officials to tour local farms and have a "*political field day*" by spending at least a few hours each year on farms, talking to farmers and seeing B.C. agriculture 'in the field'.

Almost every part of the Province has important agricultural communities. In each of these communities local governments would benefit from designating a Council member as their "agricultural liaison person" and for the many Regional Board directors representing electoral areas with agricultural activity to establish links with the farm and ranching community in their area. Formal links should also be considered with existing farm organizations such as a local farmers' institute. There are over 60 farmers' institutes throughout B.C. Council or Regional Boards should also appoint agricultural advisory committees. (See below *page 67* for further discussion of Agricultural Advisory Committees)

11. Linkages between agricultural interests and the media throughout the Province should be encouraged. The local media, in particular, can promote local events such as farm tours and farmers' markets.
12. Economic development offices and chambers of commerce within agricultural communities can do much to ensure the business community and the public are aware of agriculture's economic contributions.

Within our important agricultural communities, effort should be made to ensure agricultural representation on economic development commissions and membership within chambers of commerce.

13. B.C. has over 50 agricultural fairs and festivals each year, representing one of the longest-standing and most successful means to highlight agriculture to thousands of British Columbians.

Municipalities and regional districts should work with local farm organizations in key agricultural regions to develop display material that highlights local agriculture. The material can be used at local or regional fairs and festivals, conventions and trade shows, during events associated with agricultural weeks and at farmers' markets or shopping malls.

An Example:

GVRD Agricultural Advisory Committee's Programme to Raise the Profile of Agriculture in the Region

- explore the need for better information on agriculture in the region with municipal planners and others;
- promote the establishment of agriculture advocate positions at key agricultural municipalities throughout the Province;
- develop a brochure that celebrates the region's agricultural industry;
- coordinate establishment of an Agricultural Week in the GVRD at the municipal level by farmers' institutes and local chambers of commerce;
- emphasize agriculture's contribution to the region's livability and the links between farmland preservation, farm viability and buying locally; tools include farm tours, press releases, case study seminars, contests, and encouraging print media to run regular, children-oriented agricultural features:
- work with GVRD Parks to involve more farmers' institutes in the region in GVRD Parks' special events such as Countryside Celebration;

"Overall, Agricultural Month 1995 was a great success with about 13,200 people attending all of the month's events, including 3,500 people at Farm Open House Day."

**GVRD -
Results of Agriculture
Month, 1995**

- write to school boards in the GVRD alerting them to agriculturally-oriented curriculum materials; and
- encourage the establishment of local government AAC's, and working liaison committee between the AAC and Agricultural Land Commission.

14. Farm tours, often organized by local farm groups, are growing in popularity and offer opportunities to make food consumers more aware of their local agricultural industry.

15. There are a host of different farm organizations in the Province. Each should be encouraged to continue its widespread efforts to enhance the awareness of agriculture.

Drawing upon their experience, existing agricultural interest groups could explore creating a guide document or conducting workshops that would be instructive to other groups wishing to develop agricultural awareness programmes in their areas.

16. Farmers engaged in direct farm marketing represent 'front-line' agricultural ambassadors. Direct farm sales can occur in many ways. The growth of community shared agriculture is one example of engaging the public's interest in food production.
17. Guest ranches, farm vacations and B & B accommodation in a farm setting all afford opportunities to enhance an understanding of B.C. agriculture to a traveling public.
18. Museums, heritage sites and library programmes offer the potential for highlighting agriculture's past and present importance to a broad, largely urban, audience.

Increasing Awareness at the Interface and Within the ALR:

19. Local governments should be encouraged to develop, with local agricultural groups, information material for distribution to urban residents living *outside* a farm area but in close proximity to farming.
20. The Agricultural Land Commission and MAF should jointly develop informational material for persons living *in* the ALR. The material could outline intent of the *Farm Practices Protection Act* and the significance of the *Agricultural Land Commission Act* and their relationship to local government land use regulation. The material should be purposefully designed for prospective purchasers of land in the ALR.
21. On-going efforts to improve the relationship between farmers and their neighbours should continue as an important means to promote a greater understanding of agriculture. One means is to develop a comprehensive buffering guide.

MAF and the ALC should lead the development of a comprehensive buffering guide as an adjunct to the already published "*Landscaped Buffer Specifications*". As part of this work, local agricultural organizations should be asked to assist in developing practical means that would enhance a "good neighbour programme" on the farm side of the ALR to form part of the buffering guide.

See Chapter 8,
pages 34-38 for
further details on
points 19 and 20)

AGRICULTURAL IMPACT ASSESSMENTS

Discussion:

The agricultural industry can be affected by a variety of non-agricultural activities. One measure that municipalities, regional districts and other levels of government can take to reduce potential impacts on agriculture is to develop an *Agricultural Impact Assessment* review process for major developments.

It is suggested that major land use proposals, both in and out of the ALR, be subject to a two phased Agricultural Impact Assessment. The importance of the process is to add to the body of knowledge required by decision-makers to make informed decisions on the appropriateness of the proposal and conditions necessary to eliminate or lessen impacts to an acceptable level.

Initial Assessment:

Where a local government receives a request for an amendment to an official community or sub-area plan, a zoning bylaw or a proposal involving a major development or a capital expenditure, a cursory or initial assessment of agricultural impact should occur. The purpose of this first phase review is simply to provide an opportunity to undertake a basic assessment of the proposal to determine if there are any agricultural impacts.

In many cases the location of the proposal itself will act as an “early warning” of potential impact:

- in the ALR or agricultural area;
- outside the ALR but along agriculture’s interface; or
- outside the ALR (non-interface).

Obviously if a proposal directly *involves agricultural land*, the potential for negative impacts and the need for a detailed assessment is more likely. However, criteria should be established for development proposals to determine the need for a more detailed assessment. For example, developments of a minor nature such as the construction of one single family dwelling, minor expansions or improvements to an existing non-farm use and minor highway improvements even within the ALR, would normally have a low impact and therefore not warrant a second phase detailed assessment.

For major developments *along the agricultural interface*, a more detailed second phase assessment may be needed to clearly identify the types of abutting urban and agricultural uses, and determine the need and most appropriate form of buffering and degree of use separation. Where a development permit area has been established within an official community plan for the protection of farming, buffering criteria will, in most cases, have been established. In such cases the need for further assessment may not be necessary. However, this may not be the case where proposals involve a change of land use not anticipated at the time the development permit area was established.

Development Permit Areas for the Protection of Farming

For further
information see:

- Municipal Act, Sec. 879(1)(c)
- Chapter 8, page 23; and
- Appendix 6

Even if a proposal does not involve agricultural land directly, potential implications for agriculture should form part of a standard impact checklist.

Even if the proposal *does not involve agricultural land* directly, potential implications for agriculture should form part of a standard impact checklist. This may include a wide variety of other considerations such as impact on a community's servicing infrastructure, the environment, hazard potential, parks and recreation, etc. It is not uncommon for developments far removed from the ALR to impact agriculture. For example, storm water run-off from an upland development far removed from farmland can cause flooding or affect the quality of water used for irrigation. New industrial, commercial or housing developments outside the ALR may require new or upgraded road, sewer or other infrastructure constructed through the ALR to service the development. Schools, other institutional uses and urban park and recreation needs should be anticipated at the time of development and be satisfied *within* the urban area. They should not impact agricultural land. The key consideration in the case of new proposals outside the ALR is to determine the potential for 'down-stream' or 'second-wave' impacts - and avoid them.

The key function of the initial agricultural impact assessment is to determine if there is either an identifiable or potential impact on agriculture as a result of a proposed land use change or development. If the answer is *yes*, then a second phase - *detailed assessment of impact* - should be undertaken.

Where a local government does not have direct decision-making authority related to a proposal, it may wish to request other government agencies to initiate the assessment.

Detailed Impact Assessment:

Upon the determination of need, a comprehensive agricultural impact assessment conducted by an independent agricultural expert should be carried out. Comments from appropriate government agencies, including MAF and the ALC, and from the local agricultural community, including farmers directly affected, should form part of the assessment. If the potential impacts are focused on one or a few farms, direct consultation with affected operators should be included. If the proposal were to proceed, a number of external agencies may have an approval function at some point in the process. (Examples: the Ministries of Health, Transportation and Highways, Environment or the ALC.) Approval agencies should be asked for comment and any standard requirements as part of the impact assessment.

In broad terms the detailed impact assessment should provide the following:

- a determination of whether the potential impacts on agriculture are serious or not and, if serious, identify the types and level of impact;
- a consideration of alternative locations for the proposal that would avoid or lessen agricultural impacts; and
- a determination of the mitigative action that would be required if the proposal were to proceed and there were no alternative locations.

Potential Components of the Assessment:

• Agricultural Resource

Where a proposal involves the use of agricultural lands, consider:

- the agricultural capability of the affected lands;
- the current use of the affected lands (vegetative & crop cover, buildings, structures and improvements);
- the nature of the proposed non-farm use and its compatibility within an agricultural area and potential to cause secondary impacts;
- the value, in the long term, of the loss of agricultural production and mitigative measures to offset the resource loss;
- the impact of severing farm units; and
- provisions to use soil that is surplus to the project to benefit nearby farmland.

• History of Decision-Making

Gaining an understanding of past decision-making in the area of a current proposal may aid an impact assessment. In the case of uses that require approval of the ALC, if there were similar proposals in the general area, the history of Commission decisions may provide insight into the potential for approval and mitigative measures which may be required.

• Drainage

Inadequate consideration of drainage impacts can lead to flooding, erosion or siltation damage. Water retention or changes in percolation can affect groundwater levels serving as a source of water for farming.

Consider:

- how existing drainage patterns will be affected;
- impact of minor road and highway improvements that may cause temporary or long term serious flooding of farms;
- run-off from preloading, paving, construction, etc. on adjacent lands;
- the need to accommodate "urban" water retention facilities within urban areas;
- rapid run-off affecting groundwater recharge; and
- the potential for sewage or land-fill effluent to leach onto adjacent farmland.

- **Irrigation**

Water quantity and quality are important concerns for most farmers. New non-farm developments within or near agricultural areas can compete for a limited water supply that has historically been available for irrigation. Ditch irrigation water and ground water can become contaminated, particularly from road runoff. Inadequate water volume can restrict the variety of crops that can be produced.

Consider:

- the possible short and long term impacts on agricultural water requirements;
- current water uses and licenses; and
- the potential for contamination of irrigation water.

- **Air Quality**

Consider the type, volume and concentration of air emissions that the proposal will generate and the effects they may have on crops or animals.

- **Noise**

Consider the noise levels that the proposal will generate and the effects that noises may have on bird and animal production.

- **Transportation and Traffic**

The safe and efficient movement of farm supplies, equipment and products is essential for agricultural producers. Farm equipment is very often slower and larger than other vehicles but must use the existing road and highway network. This problem is heightened when farm units are made up of several non-contiguous parcels of land. Heavy parcelization of a farm area and / or a strong dependency on the leasing of farmland will normally necessitate more farm vehicle movements on local roads.

Consider:

- the need to upgrade rural roads serving the farm community;
- restrictions on the movement of farm vehicles;

(This is a particular concern in the case of machinery and equipment used in custom field preparation or harvesting. Bridges, tunnels and the four laning of highways can isolate portions of the farm community from the use of certain equipment.)

- the restriction of field access by road improvements or traffic barriers;
- reducing the size of the road surface through ditch or other maintenance work

(In the Peace region, for example, it has been reported that rural road "improvements" actually reduced the usable road surface which in turn eliminated the movement of large harvesting equipment.)

- impacts on safety of traffic volumes and traffic speed;
- impacts on farm drainage systems and flooding during road construction; and
- effect of contaminants from road run-off (such as oils and salt) or ditch irrigation water.

Other Considerations:

- the use of pesticides for weed control along roads, highways, railways and other rights-of-way adjacent to organic farm / ranch operations; and
- lack of weed control along roads and highways (etc.) allowing the spread of noxious weeds. (The potential contradiction of the last two points is acknowledged.)

• **Services**

Services such as water, sewer, storm drainage and utilities can impact on adjacent lands. Servicing issues should be considered not only from the aspect of the specific development itself, but also from the viewpoint of whether it will result in the need to upgrade surrounding services.

Other Servicing Considerations:

- safety concerns for farm equipment operating alongside transmission lines and gas pipelines;
- street lights affecting greenhouse crops;
- transmission lines causing operational interference with irrigation and cropping options; and
- the ability of existing community facilities such as schools, hospitals etc. to accommodate, within urban areas, the expansion resulting from new non-farm development.

• **Park, Recreation, School and other Institutional Facilities**

Any proposal involving the development of recreation and other public facilities can impact agricultural operations. It must be kept in mind that most agricultural land is privately-owned.

Consider:

- theft of crops, animal harassment and trespass;
- vandalism to land, buildings and equipment;
- restrictions on crop spraying and the use of equipment due to noise levels; and
- generating pressures to restrict changes in current agricultural use or the types of agriculture that may be practised.

- Land Use Incompatibility

The level of compatibility between differing land uses obviously varies. As a general rule, uses that have few 'people' interfacing with agriculture enhance compatibility. For example, industrial warehousing and storage uses often make good agricultural neighbours. On the other hand, residential uses and some institutional uses such as schools, long term care facilities and hospitals with resident populations for all or large portions of any day, are far less compatible. Park and recreation uses next to or within agricultural areas tend to focus user populations that increase the potential for conflict. Proposals should be assessed with respect to their level of anticipated incompatibility with nearby agricultural uses to determine the likelihood of complaints associated with normal farm practices. Where there is a potential for conflict, mitigative measures such as buffering should be assessed and implemented.

Opportunities & Recommendations:

1. Local governments are encouraged to develop procedures to require the completion of Agricultural Impact Assessments when considering proposals that prompt amendments to an official community or sub-area plan or a zoning bylaw, or which involve a major development or capital expenditure.

Regardless of location, in or outside an agricultural area, all major proposals should be reviewed to determine if there is potential for the land use change or proposal to impact negatively on agriculture. If it is determined that a potential for impact does exist, a detailed agricultural impact assessment should be undertaken to assist decision-makers by determining the nature and extent of the impact, whether alternative locations for the proposal exist that would lessen or eliminate impacts and advise on possible mitigative measures if alternatives do not exist.

2. When the Agricultural Land Commission is considering non-farm proposals within the ALR, that consideration be given to the need for an Agricultural Impact Assessment (if not otherwise completed) to assist in decision-making.

HOUSING IN THE ALR: THE ALC BASICS

Discussion:

Within the Agricultural Land Reserve, the provision of housing is considered a necessary accessory use to the agricultural use of a property. For this reason the construction of one single family dwelling on each land registry parcel is an outright use in the ALR. As straightforward as this provision is, questions often arise concerning housing in the Reserve and the matter is considered in several places in the *Agricultural Land Commission Act*, Regulations and Policies of the Commission. Three topics - siting of dwellings, mega homes and additional homes for farm help - are dealt with separately in further sections.

The following provides an "informal" summary of key provisions concerning housing within the Reserve. It should be remembered that in all cases local bylaw regulations and other Provincial legislation concerning housing must be observed.

Agricultural Land Commission Act

- *ALC Handbook page 2-5-1*

Two Key Words:

"residences necessary"

This means that more than one dwelling may be located on a parcel of land in the ALR but only if it is determined to be necessary for farm use.

See: "Additional Dwellings for Farm Help", page 9-17

Section 18 (1)(a)

Land in the ALR may not be permitted to be used, or a building erected, for any purpose other than farming except for residences necessary to farm use or as permitted by regulation.

Section 21 (2)

Restrictions on the use of land in the ALR do not apply to land lawfully used for other than a farm use, if it was established and carried on continuously for at least 6 months immediately prior to Dec. 21, 1972*.

Section 22 (1)

The Commission may decide applications made under various sections of the Act and grant or refuse permission and may impose conditions.

B.C. Regulation 7/81 - *ALC Handbook page 2-5-3*

Section 2. (1) (c)

The following land uses are permitted in the ALR -
(c) *construction of one single family dwelling unit and accessory buildings and structures including ancillary service and utility installations and connections, per land registry parcel.*

Section 21(2) applies to non-farm uses in general. In the case of housing, a parcel that had more than one dwelling prior to Dec. 1972, may continue indefinitely despite the fact that the additional dwelling may not be associated with a farm operation. However, where the additional dwelling(s), is not necessary for farm use, it is treated as a non-conforming use and replacement, in the case of fire (for example), would require the approval of the ALC.

Where a person does not qualify for, but wishes one or more additional homes on a parcel of land, an application to the Commission is necessary.

See also: General Order 1622/83 - temporary mobile homes

* December 21, 1972 - Approval of Cabinet Order in Council 4483 prohibiting the subdivision of farm land.

Conditional Use Only

General Order

Order # 1622/83 - Temporary Mobile Homes

- ALC Handbook page 2-6-6

One mobile home (no wider than 4.27m) as a second dwelling may be placed on a parcel of land where there already is no more than one single family dwelling provided:

- a) that the mobile home is inhabited by:
 - a relative (as defined in the Order) of the parcel's principal dwelling;
 - or
 - is for a person paid to work on the farm;
- b) the mobile home is not on a permanent foundation (as defined in the order) with a basement;
- c) the mobile home is removed within 90 days following the use by an approved user and the land is rehabilitated for agriculture;
- d) maximum additions to the mobile home = 24 sq. m.

Policies

Conditional Use Only

Policy # 015 / 75 - Additional Dwellings For Farm Help

- ALC Handbook page 2-7-15

The Act (Section 18 (1)(a)) does not set a limit on the number of additional dwellings for farm help per legal parcel; however, all such homes *must be necessary for farm use*.

See: "Additional Dwellings For Farm Help", Chapter 9, Page - 17

Where a local approval authority has any degree of doubt with respect to a dwelling being needed for farm use, an application to, and approval, of the Commission is required.

Conditional Use Only

Policy # 016 / 84 - Building a New Dwelling While Occupying an Existing Residence During Construction

- ALC Handbook page 2-7-16

Where there is only one residence on a parcel a person may live in the dwelling while constructing a new home if the old one is removed, demolished or rendered uninhabitable upon occupancy of the new dwelling. A bond or letter of credit and affidavit is necessary. Only exception: where the second dwelling is *legitimately* needed as a home for farm help it may be maintained.

Policy # 017 / 80 - Placement of Fill or Removal of Soil for the Construction of a Single Family Dwelling

- ALC Handbook page 2-7-17

An application to place fill or remove soil for the purpose of building a single family home is not required where it is determined, through the building approval process, to be necessary. However, the volume of fill or soil removed is limited to that amount required to construct the dwelling and accessory buildings and structures. Also, it is the Commission's policy that the area of construction and landscaping for a single family dwelling involving the placement of fill or removal of soil should not exceed 0.2 ha.

Policy # 018 / 80 - Construction of a Driveway to a Single Family Dwelling - ALC Handbook page 2-7-18

While a driveway can normally be accommodated within the 0.2 ha. building area for construction of a single family dwelling (see Policy #017/80), in some situations this may not be the case. In these circumstances the amount of fill or soil removed for the construction of a driveway is restricted to 320m³/16.0 ha.

Policy # 019 / 87 - Electrical Lines to Service a Single Family Dwelling
- ALC Handbook page 2-7-19

An electrical line on private or Crown land to service a single residential dwelling and accessory buildings is a permitted use without application to the Commission.

SUMMARY:

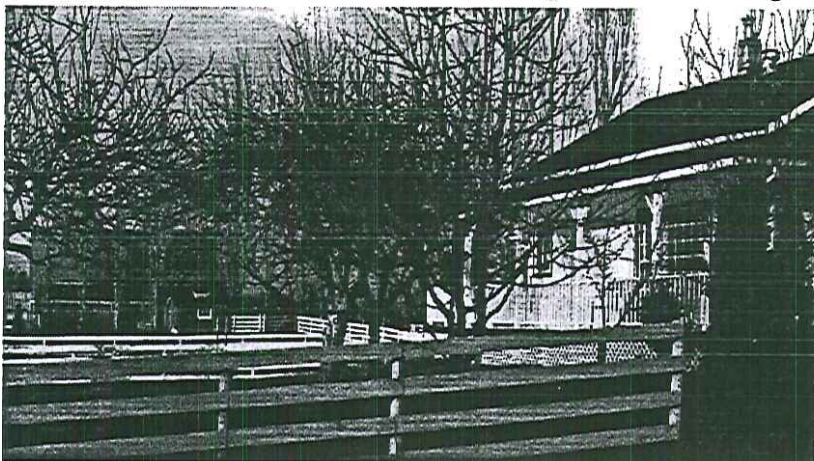
- One home per legal parcel - outright use in ALR
- Additional home(s) for farm help - possible
- Temporary placement of a mobile home for a relative - possible
- Must observe other local and Provincial regulations associated with housing - yes

Opportunities & Recommendations:

1. To the greatest extent possible, local government policy and regulation concerning the provision of housing in the ALR should be consistent with the ALC Act, regulations and policies.

There is no necessity, for example, for local governments to provide for the temporary placement of mobile homes for relatives; however, where Provincial and local regulations can be blended, confusion for members of the public should be lessened.

2. Ensure local government policies and regulations limit the number of permanent dwellings per land registry parcel to one unless additional permanent dwellings are necessary for farm help.



Additional “non-farm” dwellings, driveways and yard areas can debilitate agricultural land and remove land from potential production. However, a larger concern is the expectation of future subdivision that is often generated when more than one home is located on a legal parcel. In addition, the proliferation of homes in the ALR unrelated to agricultural use can increase the potential for neighbour to neighbour conflicts with nearby farm operations.

HOUSING IN THE ALR: ADDITIONAL DWELLINGS FOR FARM HELP

Discussion:

The provision of additional dwellings for farm help in the ALR is an often asked question. The issue is fraught with complexity and local approving authorities are often faced with the difficult task of determining if a proposed additional dwelling (or dwellings) is truly justified. In turn, local Ministry of Agriculture and Food staff are frequently called upon to provide advice. The Commission is also aware of situations where the current policy has not been observed by some local governments issuing building permits for second dwellings that are not justified on the basis of need for farm help.

As will be suggested below, there is a need to consider further policy development surrounding this issue to add clarity and certainty.

1. Current Policy

The *Agricultural Land Commission Act* and regulations set a limit of one single family dwelling and accessory buildings and structures per land registry parcel (BC Reg. 7/81, Sec. 2(1)(c)). However, the Act provides for, and does not restrict, the number of additional dwellings if they are necessary for farm help (Sec. 18(1)(a)). The legislative effect is to allow municipalities and regional districts to issue permits for additional residences necessary for farm use, without application to the Commission.

While on the surface this appears to be a very liberal policy, the Act does build in some limitations. Firstly, the Act makes specific reference to “residences necessary to farm use...” (Sec. 18(1)(a)). Secondly, the Act gives scope for local government bylaws to provide “...restrictions on farm use of agricultural land additional to those provided by this Act and the regulations (and the bylaw) is not, for that reason alone, inconsistent with this Act and the regulations.” (Sec. 47(6)). There are examples of local governments utilizing this provision to establish, within the permitted use or other sections of a zoning or rural land use bylaw, regulations limiting either the number of additional dwellings for farm help to one or, in some cases, no additional dwellings for farm help.

In other cases, where a farm operation is made up of more than one legal parcel, a second home for farm help is permitted on the same legal parcel as that of the principal dwelling, but only if there is an agreement by the owner not to build another home on the vacant parcel (See: *Appendix 7 - Abbotsford Bylaw Excerpt*, Section 210.07 (6)).

Given its Province-wide application, the Act is attempting to make provision for farm help on farms, but also takes into account those parts of the Province, particularly the Interior, where agricultural operations like Douglas Lake Ranch are often very large and many miles from population centres. In such cases the operation may require several homes for farm help. Obviously other parts of the Province, such as the Lower Mainland and Okanagan, generally do not share these same geographic / settlement circumstances. As a result some jurisdictions have questioned the legitimacy of any additional dwellings for farm help, feeling that the close proximity of urban centres, with a range of housing options, provides a reasonable alternative with the farm worker commuting a few miles to his or her work site.

At the same time, the legitimate needs of the farm community must be kept in mind to ensure that policy direction does not act in a manner that would discourage growth within the agricultural sector. In practical terms the need for on-site farm help will vary depending upon the size and type of operation.

2. Determining Necessity

The difficulty for approving authorities, often with limited agricultural experience, is coming to grips with the rather subjective phrase in the Act of "necessary to farm use". This situation is further compounded by B.C.'s tremendous agricultural diversity. Until policy direction is further refined, the following suggestions should assist local government officers in determining the necessity of additional dwellings for farm help.

- Ask the proponent to provide detailed information concerning the farm / ranch operation to justify a second home.
- Determine the appropriateness of the proposal with respect to local bylaw provisions. (For example, a bylaw may not provide for more than one dwelling per parcel or, as with the ALC Act, the bylaw may only allow additional dwellings if needed for farm help or a bylaw may "predetermine" levels of farm use before a second dwelling is permitted (See: City of Abbotsford excerpt - Appendix 7).
- Determine if there are any potential problems with the siting of an additional dwelling with respect to Provincial regulations such as those associated with health (e.g. on-site sewage disposal) or development in a floodplain.
- Farm assessment for tax purposes has been used as a bottom line criteria for determining the necessity of an additional dwelling for farm help. However, it should not be used as the sole criteria. Many operations achieve farm assessment that do not require additional farm help (let alone an additional dwelling for farm help,) due to the operation being either part time or a hobby farm.
- Where a farm operator is working off the farm, there should be a least enough farming activity taking place to fully employ more than one full-time person before a second residence for farm help is considered.
- If there is any difficulty in determining the justification of a second dwelling for farm help, consultation with the local district agriculturist or other Ministry of Agriculture and Food personnel is suggested. In addition, advice may be sought from an agricultural advisory committee, local farmers' institute or other farm group.
- Despite the fact that a local bylaw may permit two or more dwellings as an outright use in a zoning designation applied to the ALR, this should not be used to justify the issuance of a building permit. The ALC Act and regulations override these bylaw provisions. The requirement of determining necessity under the Act cannot be ignored despite local bylaw language permitting more than one dwelling per legal parcel.
- If there is a need for clarification or interpretation of the ALC Act or regulations, consult with Agricultural Land Commission staff.
- In situations where a farm operation does not justify an additional dwelling for farm help, a building permit should not be issued.

"The Commission has encountered some jurisdictions which routinely issue permits for second dwellings on two hectare parcels on the sole basis that their zoning bylaw permits two homes per lot. In the Commission's view, this is inappropriate..."

ALR Advisory, June 1995
"Additional Dwellings For Farm Help"

- If there is any degree of doubt with respect to necessity, and the proposal would otherwise qualify with respect to local regulations, the proponent should submit an application for the additional dwelling to the Commission under Section 22(1) of the Act.

3. Future Directions

A key concern in clarifying the policy for additional dwellings for farm help is the determination of necessity and provision of certainty. However, given BC's agricultural diversity, there will be a need to ensure that any modified policy is sufficiently flexible to be regional as well as commodity sensitive. Currently, both regulatory and approval authority overlap local and Provincial jurisdictions depending on circumstance. This situation too should be clarified as far as possible. Along with these larger overriding issues, policy development will have to come to grips with several important questions, some of which are outlined below.

Additional Dwellings for Farm Help: Principles & Points For Consideration in Policy Development

- "One Lot - One Home" - this should be maintained as a basic principle.
- The unnecessary provision of housing in the ALR can have a negative affect on agricultural land and the agricultural use of land.
- There is a justifiable need to provide for housing for on-farm help in certain circumstances.
- There is a need to establish clear criteria to guide the provision of additional homes for farm help.
- Operational criteria should:
 - be commodity sensitive
 - require a full-time employment level of at least 1.5 persons
- Consideration should be given to the appropriateness of a minimum lot size being defined, below which second dwellings for farm help would not be permitted.
- Where established provisions do not allow for a second home for farm help, an application to the ALC would be possible if forwarded by the local government.
- That the residual zoning powers of local governments not be usurped if Provincial standards or criteria are adopted (e.g. the approval of additional housing for farm help would have to meet local regulation even if these regulations were more restrictive than Provincial standards).

Opportunities & Recommendations:

1. That the Agricultural Land Commission and Ministry of Agriculture and Food jointly undertake a review and develop policy direction to provide greater clarity for the provision of additional homes for farm help in the ALR based on the underlying principles of:
 - providing for the legitimate needs of the farm community; and
 - not encouraging, unnecessarily, additional dwellings in agricultural areas.

These two principles speak to the difficulties of achieving a fair and balanced policy. An informal agreement has been reached between the ALC and MAF to undertake such a review to develop standards to guide local governments. For example, a number of municipalities have gone the route of establishing criteria based upon the size of an operation as a cut-off point, below which an operation would not qualify for an additional home for farm help. This method has merit for wider application, but it does have some problems. When comparing current standards between municipalities, there are considerable similarities but also noticeable inconsistencies. (For example: - "Swine, finishing operation" - size of operation to qualify for an additional home for farm help = 2,200 swine at one time in one municipality vs. 5,000 in an adjoining jurisdiction.) Also, standards for many commodities or sectors of the industry have not been developed.

Another concern is the possible need for flexibility in the case of new farms and ranches that, at current levels of operation, technically do not require additional farm help on site unless expansion plans are realized. Essentially then, the policy should attempt to address the transition period during expansion. There are also basic concerns related to the special needs of certain types of operations - e.g. livestock handling. There is also a school of thought that no additional dwellings are needed for farm help when a farm is located in close proximity to an urban centre. An operator may also have physical handicaps that require on farm assistance. It is important that criteria for additional dwellings for farm help be designed with sufficient flexibility to account for this type of situation. Finally, is there simply a parcel size below which a second home for any purpose should be considered inappropriate?

2. That the Province develop more detailed policies for additional dwellings for farm help, either through:
 - the *Agricultural Land Commission Act* regulations or Commission general order provisions; or
 - Bylaw Standards developed under Section 916 of the *Municipal Act* for adoption within local government zoning or rural land use bylaws.

In the first approach, once the policy has been developed with MAF and following consultation (see point 3 below), the ALC will establish, by regulation or order, the criteria for additional farm dwellings in the ALR. There should be a provision to modify the Provincial standards upon agreement between the Commission and local governments. This same principle is now established in the Commission's Home Occupation Policy. This proposal would apply Provincially the approach used by some local governments that have already

established criteria to help judge the appropriateness of additional dwellings for farm help.

The second approach would also see standards developed at a Provincial level (under Section 916 of the *Municipal Act*) with the potential for regional flexibility. The standards would be available for use by local governments as a guide in the updating of zoning and rural land use bylaws as outlined in Division 8 of the *Municipal Act*. This process would also provide the opportunity for further flexibility on a bylaw-by-law basis as appropriate and approved by the Minister of Agriculture and Food.

3. That the agricultural industry and local governments be fully consulted during policy development and the consideration of administrative techniques.

In developing policy and criteria to judge the appropriateness of housing farm help on a farm, the central approach should be based on that adopted by a number of local governments. These municipalities have taken a leadership role by providing policy direction that warrants careful examination for Province-wide application.

As a point of reference, an excerpt from the proposed Abbotsford Zoning Bylaw is attached as *Appendix 7*. This excerpt reflects the approach of establishing 'minimum levels of farm operation' to qualify for an additional dwelling for farm help, as well as several other regulatory techniques associated with this use.

Further Questions for Consideration at Time of Policy Development

- Should persons working off the farm be afforded the opportunity to house permanent farm help in an additional dwelling unit?
- How should policy be developed to provide for additional dwellings for farm help on the basis of a farm operation or unit rather than by legal parcel?
- What criteria should be used to determine the need for additional dwellings for farm help?
 - land base of operation
 - annual gross farm receipts or capital value of operation
 - operations involving the care of livestock
 - size, type, complexity and technological sophistication of the operation
 - farm assessment
- Is there a need to provide for on-farm help during the development of a farm?
- Are there farms such as those in close proximity to urban areas or agricultural areas of predominantly small parcels, for which additional dwellings, even for farm help, are difficult to justify or unwarranted?
- What negative impacts can result from providing additional dwellings?
 - promotion of future subdivision;
 - increased land values that in turn may increase the difficulties for future farmers to purchase the property; and
 - if, in the future, the additional dwelling is the home of a family not associated with the farm operation, will the potential for farm complaints be increased?
- Is there a need for bonding or annual inspection to ensure that a permanent additional dwelling is used for permanent farm help?

HOUSING IN THE ALR: SITING & SIZE

Discussion:

Unlike some jurisdictions, British Columbia has no criteria for the ownership of designated agricultural land. As a result, farmland may be owned by both farmers and non-farmers. What has been seen as a growing phenomenon, particularly in close proximity to urban centres, is the attractiveness of agricultural land for “country living” by what are essentially urban (or at least expatriate urban) residents. Chapter 2 “Perspectives On Farming” discusses this form of land use in some detail. Agricultural concerns include destabilizing farm communities, driving up land prices and the potential for increasing land use conflict.

This form of land use is described varyingly as “rural residential”, “country residential”, “hobby farming”, “gentrification of the countryside”, “estate residential” or “living on acreage”. Regardless of the name, the lot sizes targeted for such use range from relatively small (0.4 hectares or 1 acre) to relatively large lots as big as 8 hectares (20 acres). The residential unit is often large, and there is only modest or no agricultural use of the land at all.

Siting of Residences

Rural residential uses often have the immediate impact of taking land out of production or limiting the future potential for agricultural use. An increasing concern within the farm community has been the long term harm to the agricultural usefulness of the land base through insensitive residential siting. Homes placed in the middle of agricultural properties require lengthy driveways, consuming even more agricultural land, and make farm management difficult even if the rural residential owners are willing to lease a portion of their property to a nearby farmer. Siting regulations for houses should also attempt to reflect the principle of a shared responsibility for providing distance separation with adjoining agricultural uses.

Opportunities & Recommendations:

1. To reduce the impact of the siting of residential buildings in the ALR, it is suggested that siting criteria be established within local government zoning and rural land use bylaws to require residences within the ALR to be located within the front portion of a legal parcel based on the following:
 - maximum setbacks: - from front lot line 60 metres; and
 - minimum setbacks: - from front lot line 6 to 9 metres; and
- from side lot lines 7.5 to 15 metres.

Notes on Siting Diagram

Lot Size: 110m x 370 m = 4.1 ha.
(10.1 ac.)

Residential Setbacks:

- Minimum: - Front - 9m (29.5 ft.)
- Side - 15m (49.2 ft.)
- Maximum: - Front - 60 m (196.9 ft.)

A Note on Setbacks:

In urban residential areas, building setbacks from side property lines are often 2m or less. Greater setbacks are proposed in agricultural areas. While setbacks may vary in different circumstances, an appropriate minimum side lot line setback for principal farm structures is considered to be about 15m. In order to ensure residential uses share in providing distance separation to help reduce potential conflicts between adjoining properties, a 15m side lot line setback for residences is also suggested, particularly for larger properties. In the case of front lot lines the road right-of-way, often 20m in width, provides additional separation.

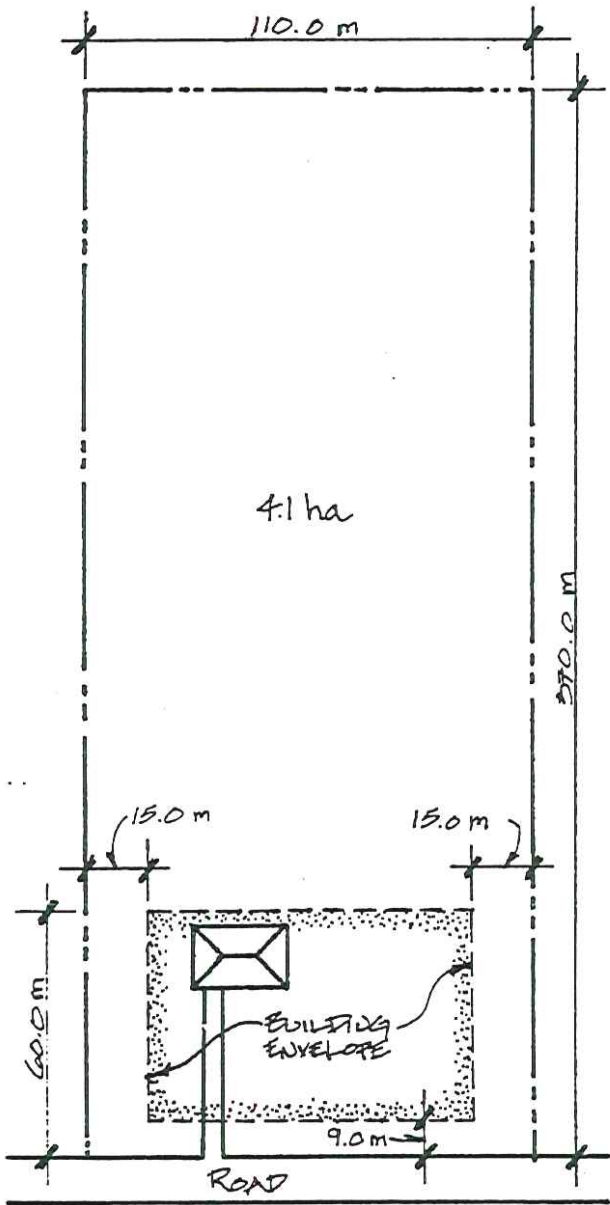
Residential Building Envelope

(this example): - 3,920 sq. m.

Residence Size

(single floor ground coverage and ancillary uses - this example): - 350 sq. m.
(3,766 sq. ft.)

Percentage of Building Envelope utilized by Residence and ancillary uses = 9 %.



Result

With a maximum setback of 60 m, 84% of the property (in this example) is maintained free of any residential intrusion.

The building envelope remains sufficiently large, allowing considerable flexibility, even with a relatively large home on the property.

2. That the basic setback provisions form part of the Bylaw Standards developed under Section 916 of the *Municipal Act* for adoption within local government zoning or rural land use bylaws.
3. In cases where topography or other physical features clearly limit the usable building envelope, variances to the siting criteria could be considered by the Board of Variance based upon the principle of limiting the impact on agricultural land, particularly land with high agricultural capability, through the appropriate siting of residential structures and ancillary uses.

Besides maximum and minimum setbacks for dwellings in the ALR, there are other considerations concerning the siting of residential uses which have the potential to be land consumptive, cause agricultural inefficiencies or heighten the capitalization of farm land.

The area or "building envelope" where dwellings and associated uses may be located is a product of lot line setbacks, lot size and lot configuration. In the 4.1 ha. lot size example on the preceding page, the building envelope is about 3,920 sq. m. or almost 0.4 ha. (1 acre). Besides the actual dwelling, there are several possible associated or ancillary residential (as opposed to farm) uses such as driveways, detached garages for non-farm vehicles, yards / septic field areas and other landscaping features, garden/storage sheds, artificial ponds not serving farm drainage needs, swimming pools and tennis courts. To protect as large a portion of the land base for farm use as possible, ancillary residential uses should be maintained within a specified "residential" building envelope in close proximity to the dwelling unit.

Given land costs and a desire to maximize the available land base for farming, most farmers will prudently site dwellings and other domestic uses in a manner that provides the greatest "agricultural" advantage. These same guiding principles, however, may not govern the siting considerations of persons living in the ALR for reasons other than farming. Consideration should, therefore, be given to the size and location of the building envelope available to locate a dwelling and other ancillary uses - an area that has been called by one municipality the "Home Plate"².

3. That the Agricultural Land Commission, with the involvement of MAF, local governments and representatives of the farm community, undertake a policy review of the siting of residential uses in the ALR. Besides other objectives, the policy should:
 - i. ensure farmers have the opportunity for large homes and generous building envelopes within which to site residential and ancillary uses;
 - ii. maximize the amount of land available for farm use on any given parcel;
 - iii. ensure efficient field utilization, including the use of machinery, by lessening the impact of parcel severance by residential and ancillary uses;

² The Municipality of Delta, has studied the "Home Plate" concept for possible application within the ALR. In this case consideration is being given to a 60 metre by 60 metre home plate building envelope within which residential and associated uses would be located. Every effort should be made to locate septic systems within the home plate as well, unless additional areas are required for health reasons.

- iv. lessen the attractiveness to non-farm residents interested in the ALR as a site for rural/estate residential uses and hobby farms; and
- v. lessen the impact of unduly high residential capitalization of properties in the ALR by non-farm residents.

Size of Residences

Besides the siting of residential buildings, a second concern is the actual size of residences in agricultural areas. While one home per parcel is an outright use in the ALR, the *Agricultural Land Commission Act* and most local bylaws do not place limits on the size of residences in the Reserve. Farm homes come in every shape, size and variety of architectural styles. It is not uncommon for a farm home to be larger than its urban counterpart. The size of farm properties affords greater siting flexibility and is less confining than urban residential lots. In fact, the opportunity to build very large homes is one reason that an increasing number of non-farm families are finding it attractive to live in the ALR. A reversal of this desire for large country 'estate' homes in agricultural areas should not be anticipated - at least in the short term. Transportation and communication advances continuously shrink the time / distance relationships between the city and the countryside, making it increasingly feasible for the "urban" resident to live in a rural setting in the city's near-hinterland.

There are a number of definable impacts of this trend. Large homes, combined with poor siting, can create a building footprint that is land consumptive. But of greater concern are the people attracted to the concept of owning a large home in the countryside. Invariably the rural resident is either a non-farmer with little or no interest in agriculture or a pseudo-farmer at best. It is this lack of interest and understanding of farming that has the larger potential negative impact on the farm community. On property owned by a non-farm resident, bona fide agriculture may be consciously eliminated. Beyond site specific impacts, complaints against farm practices or specific types of operations can increase, escalating to demands by rural residents for a regulatory response by local

Being able to build large homes in the ALR draws non-farm residents to the Reserve



governments that will, in all likelihood, be agriculturally restrictive. As the grip of rural residential use takes hold, farm families become politically marginalized and can feel alienated even within long-standing farm communities.

The building of large homes in the ALR also represents a considerable capital investment. Once an agricultural property contains a huge home the value of the land and improvements will, in all likelihood, be pushed beyond the means of most farm families. This can be tough on a nearby operator wishing to expand or a person wishing to begin farming. The property values may move beyond farmland prices. This has obvious long term implications for maintaining cohesive farm communities.

Placing limits on the size of residential buildings in the ALR has been viewed cautiously by the farm community. Some farmers, due to family size or lifestyle choices, may simply desire a large home. Another important consideration is a desire by some farm operators to have members of their extended family live with them in the same home and assist with the farm operation. For some farm families, this may be in preference to building a second dwelling for farm help and indeed may be a less land consumptive option. The development of policies setting a limit on the size of residential buildings should, therefore, be designed to allow 'large' farm homes but curtail the growing trend of building 'mega' homes for non-farm residents in the ALR.

In developing a policy of this type, the objectives should be in no doubt. It is not targeted at limiting the potential for farm families to have large homes. It is, however, aimed directly at dissuading persons from purchasing farm properties for the purpose of building excessively large non-farm homes in the ALR. However, it should be recognized that eliminating the excessively large home will not end the possibility of non-farm families living in an agricultural area. It will influence how the land is used and the desire by some to live in the ALR. For those who desire a 'mega' home, such aspirations should be directed at *non-ALR* land.

It is not enough to simply secure the agricultural land base for farm use; it must also remain financially accessible to farm families with few encumbrances. The 'mega' home can work at cross purposes to this objective.

Opportunities & Suggestions:

1. To address the concern for 'mega' homes in the ALR, that the Province assume a greater leadership role by considering the establishment of a base maximum 'footprint' for single family dwellings in the ALR.
2. That the ALC and MAF, in consultation with the Ministry of Municipal Affairs and local government and farm industry representatives, consider two options for implementing a limit on the size of residences in the ALR.
 - An amendment to the *Agricultural Land Commission Act*, regulations or a general order of the Commission establishing a base maximum; or

- That the base maximum footprint form part of the Bylaw Standards developed under Section 916 of the *Municipal Act* for adoption within local government zoning or rural land use bylaws.

In either case, provision should be made to modify the policy if reasonable justification is provided by a local jurisdiction. As a model, the Commission's home occupation General Order has the potential for local flexibility (see General Order #997/95 - Agricultural Land Reserve Home Occupation Policy - *ALC Handbook page 2-6-15*). In the case of Bylaw Standards established under

Section 916 of the Municipal Act, flexibility is possible at the time the Standards are established and published (see Municipal Act, Sec. 916(3)) or at the time of bylaw approval by the Minister.

Establishing Policies concerning the siting and size of residential uses in the ALR should be based on the principle of:

**“Farmland
for Farmers and Farming”**

SUBDIVISION OF AGRICULTURAL LAND

Discussion:

Policy and regulation associated with the subdivision of agricultural land has been a long-standing concern of the Commission and is of fundamental importance in *Planning for Agriculture*. Compared to other provinces, British Columbia is considered to have the most heavily parcelized agricultural land base in Canada, and not surprisingly, on average, the smallest farms.³ In recent years the annual rate of applications for subdivision of the ALR has begun to slow to about 450 per year.⁴ Applications to subdivide the ALR come from all corners of the Province but there is a concentration in areas in close proximity to urban centres. Southern Vancouver Island, the Lower Mainland and Okanagan Valley account for less than 8% of all land in the ALR but generate approximately 44% of all applications to subdivide land in the Reserve.⁵

The further parcelization of farmland should be discouraged unless there is a clear benefit to agriculture.

Most agricultural areas in B.C. have a wide variety of parcel sizes to suit the needs of different commodity types. In fact portions of B.C.'s most important farm areas are regarded as being overly subdivided from an agricultural perspective. In these areas it may be more prudent to promote parcel consolidation rather than subdivision. However, there remains a culture or attitude that regards the continual subdivision of land into smaller parcels as a normal process - a land use "given". This perspective, while most typically urban, can have serious negative implications for agriculture. As an overall policy, the further parcelization of farmland should be discouraged unless there is a clear benefit to agriculture.

The administration of subdivision activity within the ALR is one of several examples of a dual responsibility between the Commission and local governments, with the Ministry of Transportation and Highways and other Provincial agencies involved in certain situations. Because of this joint role, it is important that relationships between these two interests are considered. Because the Commission has the over-riding authority in the subdivision of land in the ALR, it is important to consider the Commission's decision-making role. Also, the topic is examined under the following three headings within *Appendices 9, 10 and 11*:

- a suggested current approach to subdivision and the application of minimum lot size provisions;
- an exploration of a new approach in the administration of subdivision of agricultural land; and
- ancient subdivisions and consolidation - reversing the parcelization trend.

³ Berry, J., *Development of the Agri-Food Sector in British Columbia - A Provincial Profile*; Agriculture Canada; October 1983; p. ii - iii.

⁴ Between 1983 and 1988 the Commission received annually an average of 587 applications, resulting in the approval of 867 new lots per year in the ALR. From 1989 to 1994 applications were down to 457 with 493 new lots approved each year during this period (from ALC Statistics, 1983 to 1994).

⁵ Provincial Agricultural Land Commission; January 1, 1995 Statistics; Table H-1

Subdivision - the Current Approach

Minimum lot size (MLS) provisions of a zoning bylaw send a powerful message. Landowners often feel that the MLS prescribes a “right” to subdivision even within the ALR. In fact, a bylaw’s minimum lot size provisions should function as a form of “subdivision guide” for landowners. However, where these provisions overlap the ALR, the guide, often creates false expectations.

Often a bylaw’s MLS is found in what might be called “old zoning” that predates the ALR and was adopted during a period when less emphasis was placed on the preservation of farmland or sustaining the agricultural industry. It is not surprising to find subdivision policy not based on the best interests of agriculture, even in the ALR. For example, studies by the Okanagan Valley Tree Fruit Authority and others have determined that current levels of parcelization of orchard land are generally not conducive to economically efficient units.

An MLS may also serve as an indicator of how serious a local government is about a particular agricultural area. For example, does a 2 or 4 hectare MLS represent a long term agricultural vision or a rural residential future?

“Old Zoning”

In the Lower Mainland the 1966 Official Regional Plan was the single most important influence on municipal zoning bylaw MLS provisions affecting agricultural land. The Plan placed most farmland into one of three Rural designations.

Acreage Rural - MLS =	5 acres
Upland Rural - MLS =	10 acres
Lowland Rural - MLS =	20 acres

The Plan’s policies described the Rural Areas as being “lands best suited for current and future agricultural development”, and strove to retain “large parcel sizes to promote economic farm activity”. Despite these laudatory policy objectives, it is reasonable to question the agricultural vision that condoned, indeed guided, the subdivision of all upland farmland in the Lower Mainland into 5 and 10 acre parcels, and the floodplain into 20 acre lots.

With 30 years of hindsight, recently Lower Mainland municipalities have begun ‘cracking’ the 5/10/20 acre mold and are adopting MLS provisions more closely reflecting the needs of agriculture. Yet we are left with a legacy of small lot subdivision of farmland that is one of the most important challenges in planning for agriculture.

Several new planning and regulatory ‘tools’ are now found in the *Municipal Act* as a result of the passage of the *Farm Practices Protection (Right-to-Farm) Act* (FPPA). As a result, opportunities will emerge to update the agricultural components of zoning and rural land use bylaws and to create farm bylaws that enhance the regulatory climate for agriculture.

Cross References: Bylaws / Subdivision & the FPPA

Chapter 4, pages 14 - 19

A Summary of Current Legislative Opportunities for Agricultural Policy Formulation, Plan and Bylaw Development

Chapter 5, pages 8 - 12

IMPLEMENTING BYLAWS
3. Implementing Bylaws
4. The FPPA and Bylaw Reviews

Chapter 6, page 13

Strengthening Farming Initiative
- "Agr-Teams"

Chapter 5, page 21 - 22

Agriculture's Linkages Within Provincial & Local Planning Structures
- Implementing Bylaws
- Farm Bylaws

Chapter 8, pages 23 - 28

IMPLEMENTING EDGE POLICIES
- NEW TOOLS / NEW OPPORTUNITIES
3. Land Title Act Amendments
4. Bylaw Standards

Local Government and ALC Subdivision Powers ⁶

The *Municipal Act* has a multitude of references to municipal and regional district subdivision powers. Official community plans often make reference to subdivision policy but the *Municipal Act* specifically provides for zoning and rural land use bylaws to include regulations pertaining to the establishment of minimum and maximum sizes of parcels created by subdivision. The *Municipal Act* also provides for replotting and the adoption of subdivision servicing bylaws that prescribe servicing requirements at the time of subdivision.

The *ALC Act*, which generally takes precedence over the *Municipal Act* in matters of subdivision of ALR lands, ensures that an approving officer may not approve the subdivision of agricultural land (*Sec. 18(1)(b) - ALC Act*) and the Registrar of Titles shall not accept a plan of subdivision in the ALR (*Sec. 20(a)&(b) - ALC Act*), except as permitted by the Act, regulations or an order of the Commission on terms and conditions the Commission may impose. Over the years the Commission has also developed a number of specific policies related to subdivision in the ALR (*see Key Subdivision References page 40*). With few exceptions, all subdivision of land in the ALR must be approved by the ALC.⁷ However, an approval of subdivision by the Commission does not usurp the local government or other subdivision approval authority. Even if the Commission approves a subdivision it still has to be approved - or rejected - at the local level. On the other hand, where the Commission refuses a subdivision proposal in the ALR, local authorities cannot subsequently approve the subdivision regardless of the proposal's conformity to a zoning bylaw's MLS provisions.

While the ALC must approve most subdivision of land in the ALR, the Commission's approval does not usurp local government or other subdivision approval authority.

⁶ The broader relationships between the Province and local governments and their land use regulatory authority was previously outlined in Chapter 4.

⁷ Two specific exceptions regarding the need for Commission approval for subdivision exist including minor lot boundary adjustments under Section 1 of B.C. Reg. 7/81 - ALC Handbook page 2-5-3 and exceptions under Section 21(1) of the ALC Act where parcels were less than 2 acres in area and on separate certificate of title on December 21, 1972.

Different Approaches

Local governments and the ALC approach subdivision in different ways. This is important because these differences can be the source of divergent policies between local governments and the ALC which may lead to misunderstandings. Local governments traditionally apply subdivision regulation with a strong reliance on uniformity within specific zones. The Commission, while making an effort to achieve decision-making consistency in similar situations, considers each application for subdivision on its own merit.

a) Subdivision of Land - Local Governments

There are obviously some differences in the approach to subdivision between local governments. There are some areas where regional districts or municipalities have chosen not to apply zoning regulations and associated subdivision regulation. However subdivision, along with planning and zoning, represents local government's most extensive regulatory activity. Land use regulation, as Robert Bish points out, has always had a major preoccupation with the quest for certainty.⁸

In the drafting of bylaws, clarity and certainty are two key objectives. This is not only critical for local governments in the delivery of services, but is also important for residents and landowners. People must know their rights. Another important influence on bylaw drafting involves the lack of discretionary powers. Herein lies a fundamental difference in the way in which the Commission approaches the review of subdivision applications.

Having adopted a bylaw, a Council or Board lacks the ability to modify regulation and deal with matters on a case by case basis except through a formal bylaw amendment or express powers to vary regulations as part of a development variance permit (or through the actions of a board of variance).⁹

Subdivision approving officers do have certain discretionary powers¹⁰ as prescribed in the *Land Title Act*, but municipal approving officers wield these powers with a close eye on Council's adopted bylaw regulations and other related policies, in order to avoid litigation.

Traditionally local governments apply a single minimum lot size to relatively large areas. This approach, picking up on the principles noted above, treats all landowners within a particular zone uniformly. For example, all upland areas may have a distinct MLS compared to floodplain lands. While this approach has the virtue of being straightforward and achieving clarity and uniformity, for agriculture it lacks the ability to respond sensitively to the needs of varying commodities, business or operational realities or situations of rapid physical changes in the make up of properties within a single zone. Each may demand a different response from an agricultural perspective to subdivision proposals.

Besides the provisions of the Municipal Act, the need for clarity and certainty, and a Council or Regional Board's general lack of discretionary powers to modify regulations on a lot-by-lot basis, has guided the drafting and administration of local government bylaws and their subdivision regulations.

⁸ Bish, Robert; *Local Government in British Columbia - 2nd Edition*; Union of British Columbia Municipalities; 1990; page 110.

⁹ In any event, a development variance permit and decisions of a board of variance cannot alter use or density otherwise prescribed in a bylaw. For greater detail see Municipal Act Section 922 - development variance permits and Municipal Act, Division 6 - Board of Variance, Sections 899 to 902.

¹⁰ With the *Farm Practices Protection (Right-to-Farm) Act* consequential amendments to the *Land Title Act*, an approving officer's discretionary powers have been extended to consider the application of buffering for the protection of farming at the time of subdivision and to avoid unnecessary road access into the ALR. (See Chapter 7, page 23 - 25 for more detailed discussion)

b) Subdivision of Land - Agricultural Land Commission

Unlike most of its local government counterparts, the Commission has never established a standard minimum lot size policy, either Provincially or regionally¹¹. If there is an overriding ALC subdivision policy it is that “*there is no subdivision of ALR land except upon the approval of the Commission*”.

Key Commission Considerations - Subdivision Applications -

- Size, agricultural capability, past, current and future agricultural use and distinguishing physical features (both natural and man made) of the subject property.
- Impacts on the subject property that may limit its future agricultural use.
- Impacts on neighbouring farm operations and the broader farm community.
- The general level of parcelization in the area.
- Impacts on transportation patterns and other services including the provision of water and sewer facilities.
- Will an approval of subdivision be considered a precedent, setting off expectations of further subdivision in the area?
- History of Commission decision-making in the area.
- Rationale the applicant has presented to support the subdivision proposal.
- Is there an agricultural benefit advanced as part of the application?
- How does the proposal square with local planning and zoning regulations?
- Does the local government support the application? (Input from local governments, including Council / Board resolutions, staff reports and background data, are very important in the consideration of an application.)
- Input from local farm organizations, agricultural advisory committees, MAF* and others.
- As necessary, an on-site inspection by members of the Commission and/or staff is undertaken.

* With the adoption of the *Farm Practices Protection Act* and the development of Provincial bylaw standards for agriculture, in the future, consultation with MAF and the bylaw standards will become increasingly routine.

In contrast to local governments, the Commission has the opportunity to deal with applications for subdivision on a one-on-one basis - approving, rejecting or modifying subdivision proposals. While the Commission strives to apply consistency in similar situations, it will not hesitate to refuse or modify a proposal for subdivision if there is no justification for the proposal from an agricultural point of view or where negative impacts will occur. The result is

¹¹ One exception is ALC General Order #8314/78 which allows approving officers in the Peace River and Fort Nelson-Liard Regional Districts to approve subdivision if parcels less than 62.78 ha are not created.

that an application on one parcel may be permitted but a neighbouring property may be refused a similar subdivision. While this may be disconcerting to some applicants, it does allow the Commission to be site sensitive. This is a reflection of the tremendous variability that occurs from one property to the next, as well as the diversity of B.C. agriculture. These realities defy the application of an area-wide MLS policy. Also, there is a recognition that B.C. now has a very heavily parcelized agricultural land base.

When considering an application for subdivision, the Commission considers the proposal comprehensively from both a site specific and broader perspectives

The Commission has considerable experience dealing with proposals to subdivide farmland. Between 1974 and the end of 1994 the Commission considered over 29,000 applications involving the ALR. The single most prevalent type of application was for subdivision. About 40% of all applications - approaching 12,000 - have involved subdivision. The following conclusions can be drawn from this experience.

- The Commission employs a comprehensive, site specific method of subdivision assessment, inviting input from a variety of sources and basing decisions largely on the impact on farming and the effect on the integrity of the ALR.
- While there has never been an analysis of subdivision activity of agricultural land, empirically it is safe to assume that the parcelization of the agricultural land in B.C. has been significantly reduced by the efforts of the Commission.
- Applications for the subdivision of the ALR are lessening but are still numerous (about 450 per year over the last six years).
- The Commission's rate of approval (about 4.5 of every 10 applications during the last 6 years, compared with 6 of 10 during the previous 6 years) is dropping along with the number of actual lots approved (493 per year from 1989 to 1994 vs. 867 per year from 1983 to 1988)
- While the number of new lots approved each year in the ALR may appear high, without the benefit of a qualitative analysis of the Commission's decision making, drawing conclusions on the appropriateness of decisions and their long term effect remains highly speculative.

In the District of Delta over an 18 year period, the Commission considered 70 applications for subdivision. During this time only 18 additional lots, within an agricultural area of over 10,000 ha., were allowed, an average of one per year. In addition, none of the new lots resulted in the splitting up of large farm units and several involved minor home site severances.

Local Government's Role in ALR Applications

Local governments have always had an important role in the ALR application process.

- Firstly, most applications are not routed directly to the Commission but are deposited with the local government. The fee structure for applications splits the fee between the ALC and local government.
- Secondly, if a proposal (for subdivision, non-farm use or exclusion) applies to land either zoned to permit agriculture or requires the amendment of an official plan, rural land use bylaw or zoning bylaw, an application may not proceed to the Commission without the authorization of the local government. (See ALC Act Sections 15(4) and 22(2))
- Thirdly, if an application is authorized to proceed, the Commission strongly encourages the local government to provide the Commission with advice on the application prior to making a decision. Where the Commission's decision may alter a proposal, effort is made to contact the local government to seek further input on the proposed modification.

Appropriate Minimum Lot Size Regulations

Until a better method is implemented to deal with the subdivision of agricultural land, it can be assumed that zoning bylaws will continue to prescribe MLS provisions guided by the principles of providing clarity and certainty and avoiding discretionary decision-making.

Maintain MLS Provisions

A few local governments, in recognition of the need for the Commission's prior approval for almost all subdivision of land in the ALR, have amended their bylaws to eliminate MLS provisions. The feeling is that the Commission will only approve subdivision where it is in agriculture's best interest or where impacts on agriculture are minimal.

While this is generally true, there remain a host of other community considerations beyond those of agriculture that the Commission may not consider or that are beyond its jurisdiction or expertise. In some cases it may be difficult to refuse an application on strictly agricultural grounds. For this reason the *Commission has strongly recommended* that local governments maintain their residual powers to consider and approve subdivision proposals by maintaining minimum lot size provisions in their bylaws in the event approval by the Commission is made contrary to the best interests of the community. These interests may range from the need to upgrade a variety of services such as water and roads, the 'stretching' of services such as police, school busing, ambulance service and fire protection and the setting off of further expectations of subdivision.

Trying to determine an appropriate minimum lot size for agricultural areas is not easy. Indeed *it can be argued that the very concept of applying MLS provisions to agricultural areas is an ill-suited regulatory technique.*

Part of the problem is that there is no single "right" minimum lot size. An MLS that may be appropriate in the Lower Mainland will have little relevance, for example, in the Peace or Cariboo areas. Also, in a Province with such tremendous agricultural diversity there is no lot size that is equally suitable for every commodity, even in a single municipality. As well, providing the potential for subdivision based upon suitable for a single or narrow range of commodities may be limiting future options to expand or shift an operation's focus. Moreover, small lots will often have adverse effects on field efficiency, hamper commodities of scale and increase per hectare land values. Perhaps most critical is the attraction of smaller parcels, even in the 4 to 8 hectare range, for urban residents seeking a "home in the country". This gentrification of the agricultural landscape is recognized as a clear threat to agriculture by the Commission. Parcelization is one, although not the only, reason for increased rural residential uses in the ALR.

As a rule, minimum lot size provisions should be set relatively high to ensure the maintenance of parcels that promote, rather than deter, agricultural use and discourage expectations of future subdivision. For example, it was found in one jurisdiction that the difference in applying a 4.0 hectare MLS rather than an 8.0

Trying to find an appropriate minimum lot size for agricultural areas is an elusive business

hectare MLS resulted in a four fold increase in the number of potential new lots if landowners took up their 'option' to subdivide and all necessary approvals, including those of the Commission, were granted.

Zoning to Reflect Current Parcelization

A minimum lot size provision is not necessarily a reflection of current parcelization. A uniformly applied MLS will invariably capture several lots smaller and larger than the prescribed minimum. This does not render the small lots "non-conforming". The MLS is simply indicating whether subdivision is possible or not. From the point of view of *future subdivision potential* it does not make any difference if an existing 2 ha. lot is placed in a zone with a 2 ha. or 16 ha. MLS. However, where there is a cluster of smaller lots in the midst of larger holdings, some bylaw drafters will recognize these clusters by applying an MLS that reflects current levels of parcelization.

While not necessarily encouraging this approach, the Commission has agreed to the application of an MLS in a local bylaw that recognizes clusters of smaller lots within the ALR providing it does not result in the potential for further subdivision (example: applying a 2 ha. MLS to an existing 2 ha. lot subdivision of several lots). However, the more conventional approach is to apply a single MLS regulation to a zoning designation covering a relatively large area and thereby capturing some lots that are smaller than the MLS.

When employing what might be called a "small lot cluster spot zone", it is not unusual for some larger lots to be "caught up" within the zone. Where this occurs, there is a real danger of generating false expectations of subdivision if the land is in the ALR. Also, decision-makers may feel there is 'magic' in conformity and thus allow the larger lots to be subdivided to a similar size range as the existing small lots. The result may be to significantly reduce agricultural options and viability and promote more rural residential uses in a farm area.

MLS Information Base

It would be inappropriate to simply suggest that a specific MLS, such as 8 or 16 hectares, is appropriate in any given situation. There is no rabbit in a hat when it comes to subdivision policy. A suitable MLS should be based upon information concerning the land base and agricultural activities specific to the jurisdiction or zoning bylaw area in question. This approach should result in an MLS more closely harmonized with agriculture's needs. Base information should include:

- type and location of key agricultural commodities in the area;
- input from MAF commodity specialists on the average or optimal size of farm units for key agricultural commodities and comments on relevant industry trends in terms of land base requirements (for example, this may relate to the management of manure);
- an inventory of current levels of parcelization, the range of parcel sizes (see - *Chap. 7, page 25* for greater detail), the percent of the land base consumed by the lots in each size range,¹² average lot size in the farm area

¹² Clusters of smaller lots can have the effect of both driving down the average lot size of an area and elevating the percentage of small lots compared to the number of lots in other size ranges. However, these same small parcels may only consume a small percentage of the overall land base.

and how current levels of subdivision relate to existing (or former) MLS bylaw provisions¹³;

- an inventory of farm units and ownership patterns to establish multi-lot farms and farm unit size;
- a determination of the number of new parcels that may be produced if one or more MLS option is implemented (this information is critical to determine the subdivision “expectation” levels that may be generated.);
- information on the ALC’s decision-making record concerning subdivision in the area;
- advice from representatives of the farm community ; and
- asking the key question, “does the MLS under consideration speak to an agricultural future or alternative land use vision?”.

Opportunities & Recommendations:

1. In applying subdivision policy to agricultural areas the MLS should consciously attempt to lessen expectations of subdivision and be grounded in an agricultural perspective based upon information concerning the land base and agricultural activities specific to the local area.

It is difficult over a large area to apply a single ‘right’ MLS. However, armed with a strong understanding of local agriculture, an awareness of key commodities and their optimum farm unit sizes and current levels and patterns of subdivision, it is more likely the MLS will work for, rather than against, agricultural interests.

2. The following plan or bylaw language is suggested to describe minimum lot size provisions for ALR land.

Proposed Bylaw Language:

Where land is in the Agricultural (or other) zone and in an ALR, the minimum lot size of (xx) hectares shall apply when the land is:

- i) excluded from the ALR; or
- ii) approved for subdivision within the ALR pursuant to the *Agricultural Land Commission Act*, Regulations thereto, or Orders of the Commission; or
- iii) exempted by the *Agricultural Land Commission Act*, Regulations thereto, or Orders of the Commission.¹⁴

¹³ Relating current parcelization to existing or former subdivision policy (or lack thereof) should provide a strong indication of why current levels and patterns of subdivision exist .and what to avoid in the future.

¹⁴ Drawn from - Province of B.C.: *A Guide To The Relationship Between Agricultural Land Reserves and Local Government Plans and Bylaws*; Ministry of Municipal Affairs & Provincial Agricultural Land Commission, 1982, p.13.

This proposed plan / bylaw language is drawn from a 1982 Guide document jointly published by the Ministry of Municipal Affairs and the Agricultural Land Commission. Some jurisdictions currently use this or similar bylaw language, and its use could be pursued in the review of zoning bylaws in conjunction with amendments to the *Municipal Act* pursuant to the *Farm Practices Protection (Right-to-Farm) Act*.

The suggested bylaw language represents an effort to bridge the different approaches taken by the ALC and most local governments in the application of minimum lot size provisions in the ALR, wherein the ALC has no MLS provisions and local bylaws normally do. For additional detail see *Appendix 9*.

3. That the ALC, in conjunction with UBCM and the Ministries of Municipal Affairs and Agriculture, Fisheries and Food consider different approaches to applying subdivision policy to the ALR as an alternative to the traditional minimum parcel size provisions within zoning bylaws.

See *Appendix 10* for an outline of an alternative approach to subdivision that would expand local government's discretionary powers related to subdivision in the ALR in the context of Commission decisions.

4. In conjunction with UBCM and the Ministry of Municipal Affairs, as well as other Ministries, as necessary, that the ALC and MAF examine the appropriateness of different means, legislative and otherwise, to eliminate the break up of farm units through the sale of individual lots and the encouragement of parcel consolidation in areas where the agricultural land base is heavily parcelized.

See *Appendix 11* for a summary discussion of the long-standing issue of ancient subdivisions and parcel consolidation.

5. That a methodology be developed and implemented by the ALC to enhance the qualitative analysis and understanding of subdivision activity and decision-making in the ALR as a first step to an improved understanding of the activity of subdivision, how it relates to local government regulation and its impact on agriculture.

While basic annual statistics are maintained on subdivision applications involving the ALR, there is a need for improved qualitative information that may be ascertained through an inventory of subdivision activity and ALC decision-making in selected, representative areas. In addition, subdivision proposals and Commission decisions can be assessed against local government subdivision policy and advice at the time of application.

6. That the Commission continue its comprehensive, site specific method of reviewing subdivision applications but increasingly base decisions on a proposal's *benefit to agriculture*.

One can assume that there will continue to be circumstances where the subdivision of agricultural land is appropriate. However, applying the 'test' of a *positive agricultural benefit* as a key basis for subdivision approval is, in part,

Rather than asking if a proposal will have a negative impact on agriculture, ask "...what is the subdivision proposal doing to benefit agriculture?"

the obverse of the more traditional approach of determining the lack of negative impacts as a basis of approval.

***WHERE SUBDIVISION MAY BE APPROPRIATE
- EXAMPLES -***

- To allow for operational improvements or benefits.
- To provide for two parcels of suitable size, based upon an agricultural plan, which may allow for two sustainable operations.
- To allow farm unit expansion where portions of one lot are amalgamated with an adjoining parcel.
- Where an operation is made up of two or more parcels, opportunities to bring farm units into a single parcel may be accomplished by providing for the subdivision of smaller lots in exchange for consolidation.
- Where a property is physically severed by a river or significant topographic break.
- Where a parcel is severed by an existing highway or as a result of road construction. However, efforts should be made to link 'remainders' resulting from highway construction with existing farm properties.
- The subdivision of properties straddling the ALR boundary.

7. Amend the ALR application form related to subdivision proposals to require applicants to outline in detail the benefits to agriculture of their proposal to subdivide land in the ALR.

Part 8 of the ALR applicant application form requests information concerning:

"Proposal and Reasons For Application (show on plan or sketch if appropriate)"

This section could be modified to read:

"Proposal and Reasons For Application including details on how the Proposal Will Benefit Agriculture (show on plan or sketch if appropriate)"

8. MAF, the ALC, local governments and farm organizations consider means to help support and promote small lot agriculture.

As mentioned previously, much of B.C.'s agricultural land base is now heavily subdivided. Despite policy direction and legislative initiatives that may emerge in the future to encourage the consolidation of farm units, it can be anticipated that the pressure to parcelize farmland will continue. As a result, rather than acquiescing to a rural residential future, greater emphasis should be placed on the promotion of 'small scale' agriculture.

This may include full-time commercial farms or part-time farms where one or more family member works off the farm. In other cases, despite inherent management problems, it is common for many farms to operate on more than

one parcel. In any event, the objective is to encourage agriculture beyond hobby farming in these small lot areas.

From a strict economic basis, small scale agriculture may never achieve production dominance. However, the erosion of agricultural activities in small lot areas can have serious implications on the broader agricultural area and in particular, impact existing, larger farms that may be located within an area of small lots. Fortunately, because of the Province's agricultural diversity, there are several commodities that can function well on smaller parcels. More specialization and intensive agriculture aimed at meeting niche markets may provide further opportunities for "small parcel farming".

While this may signal to some that further parcelization should be allowed in order to accommodate the small farm operator, in fact most areas already have a wide range of parcel sizes with many underutilized small lots. Policy and program development to encourage the use of small parcels for agriculture could have an important stabilizing influence on the industry and the land base in many areas, not to mention increasing the production of locally grown fresh produce.

"Small is Beautiful" - Supporting Small Scale Agriculture

The promotion and support of small scale agriculture can come in many forms and may represent an expansion or adjustment of present efforts at the Provincial or local levels including:

- identifying commodities most suited for small lots and developing specific resource materials promoting these sectors;
- assessing market opportunities for small scale agriculture;
- expanding or developing short courses and seminars offered by MAF or university or college programs specifically related to small scale agriculture;
- developing programs and means, as initiated by the Okanagan Valley Tree Fruit Authority, to promote and ease the leasing of land to allow for the expansion or development of farm operations;
- considering management and buffering techniques that will help avoid land use conflict where agriculture is in close proximity to neighbouring rural residents in small lot areas;
- ensuring that agricultural water and drainage needs are addressed, particularly where rural residential landowners dominate local policy development;
- ensuring that plan policies and zoning regulations encourage, rather than discourage, agriculture in areas of small lots;
- undertaking policy reviews, as may be necessary, at the local level to ensure alternative income sources for small farms, such as direct marketing, value added, bed and breakfast and home occupation uses are permitted by local regulation; and
- developing direct farm marketing guides by local governments or through economic development commissions, in conjunction with the farm community, to specifically assist small operators.

KEY SUBDIVISION REFERENCES

The Municipal Act

Replotting	Sections 982 to 1018
Definitions (subdivision defined)	Section 872
Content of community plans	Section 876(1)
Content and effect of a rural land use bylaw	Section 887(3)(f)&(g)
Zoning	Section 903(1)(d)
Effect of Expropriation	Section 912
Approval of Reg. Dist. bylaw by minister	Section 913
Development variance permits	Section 922
Development Permits	Section 920(1)(a)
Development cost charges generally	Section 933(1)(a)
Application fees	Section 931(1)(f), 931(3)(b)
Subdivision servicing requirements	Section 938
Provision of park land	Section 941
Parcel frontage on highway	Section 944
Highway provision and widening	Section 945
Subdivision for a relative	Section 946

The Agricultural Land Commission Act, Regulations, Orders and Policies of the Commission.

<u>Agricultural Land Commission Act</u>	ALC Handbook - 2-5-1
Further use	Section 18 (1)(b)
Registration restrictions	Section 20 (a) & (b)
Exception	Section 21 (1)
<u>Subdivision and Land Use Regulation 7/81</u>	ALC Handbook - 2-5-3
Subdivision	Section 1
<u>General Orders</u>	
8314/78 - Subdivision into 1/4 sections in Peace River and Fort Nelson-Liard Regional Districts	ALC Handbook - 2-6-3
291/89 - Subdivision and Use - Southlands area, City of Vancouver	ALC Handbook - 2-6-10
<u>Policies</u>	
002/75 - ALR boundary - subdivision along	ALC Handbook - 2-7-2
003/75 - ALR boundary - subdivision outside	ALC Handbook - 2-7-3
025/78 - Homesite severance	ALC Handbook - 2-7-25
028/75 - Parcels less than 2 acres and Sec. 21(1) of ALCA	ALC Handbook - 2-7-28
030/81 - Registered lease by explanatory plan	ALC Hand book -2-7-30

SMALL PARCEL EXCEPTIONS FROM THE ALC ACT

Discussion:

Most agricultural areas are made up of legal parcels with a wide variety of sizes. As discussed under "Subdivision of Agricultural Land", to benefit agriculture in the long term means should be found to influence and encourage the consolidation of small parcels within the ALR (See *Chap. 8, p. 13 & Appendix 11*). At the same time, greater effort is suggested to promote the agricultural use of small lots (See *Chap. 8, p. 15 & 16*). Almost all land in the ALR is subject to the provisions of the *Agricultural Land Commission Act*. However, there are exceptions. One is Federal land, including Indian Reserves. Another is parcels under 2 acres (0.8 hectares) in size. This historic exception is found in Section 21 of the *ALC Act*.

Section 21. Exception

"21(1) Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act,....less than 2 acres in area."

Despite the brevity of this subsection, it is fraught with a number of intricacies that upon first reading may not be apparent. Firstly, the interpretation of use in this case has been determined to also mean subdivision. Also, the 'test' of exception from the regulations does not rest solely on whether a parcel is less than 2 acres in size. If the land was listed with other parcels on the same Certificate of Title as of December 21, 1972, the land is still subject to the *ALC Act* regardless of whether or not the total area of all lands listed on the Certificate of Title is less than 2 acres.

Three Tests To Determine an Exception to the ALC Act

1. The parcel must be less than 2 acres (0.8 hectares).
2. The parcel must be on a separate Certificate of Title.
3. Conditions 1 & 2 had to be in place on December 21, 1972.

Note: *all three* factors must be satisfied simultaneously.

For example, if two lots were listed on the same certificate on Dec. 21, 1972 and one is 4 acres and the other 0.9 acres, the smaller parcel, although less than 2 acres, is not an exception from the Act. In another example, if two lots were on the same certificate of title as of Dec. 21, 1972 and each lot is 0.9 acres in size for a total of 1.8 acres (thus less than 2 acres), neither lot would be an exception to the Act's provisions. The key is that they are not on *separate* certificates of title.¹⁵

There has never been an accurate count of the number of small (less than 2 acre) lots in the ALR that fall within the provisions of Section 21(1) of the Act. However, it has been estimated that Province-wide there are probably in excess of 20,000 lots less than 2 acres in the ALR, which collectively accounts for some 15,000 acres (6,070 hectares) of land. Two localized reviews provide insight into the magnitude of small lots of this type. In Sumas Prairie in Abbotsford it was estimated a few years ago that there were 124 lots of less than 2 acres, accounting for about 13% of all parcels in this area. In Central Saanich there are about 116 lots less than 2 acres, representing 19% of all ALR parcels.¹⁶ The problem with inventories of this type is that they do not include an 'historic' search of records that is necessary to determine the number of small lots that form an exception to the Act.

¹⁵ For further examples of the application of Section 21 (1) of the ALC Act it is recommended that reference be made to the ALC Handbook, Policy #028/75, Page 2-7-8.

¹⁶ Lot size information compiled by Agricultural Land Commission staff with assistance from the then - District of Abbotsford.

In most cases small lots are the result of historic subdivision patterns. They are often found sprinkled throughout farm areas, or sometimes appear as small clusters at road intersections or strung out along a roadway or around a lake. In other cases there are large groups of lots less than two acres forming active farm units. However, potentially representing a significant percentage of the *number* of lots, small lots normally only account for a small amount of the overall farmland base.

The actual amount of land consumed by these small, exempt parcels is not the real problem. However, they do hold the unique position of being ALR land that is largely in the exclusive regulatory control of local governments. This compares to the bulk of the ALR that is influenced by both the authority of the Commission, through the *ALC Act*, and by the plans and bylaws of local governments where these exist.

These small lots, however, have been described as potential “time bombs” in agricultural areas. Free of the regulatory provisions of the *ALC Act*, these exempt parcels could be subdivided into even smaller lots or be the subject of non-farm land use proposals that could be in direct conflict with surrounding agricultural uses. This possible clash of land uses and subsequent harm to agriculture could occur if local governments do not recognize this potential and utilize planning and zoning powers to enact regulations sensitive to the overall farm community.

Opportunities & Suggestions:

1. Local governments should gradually identify lots within their jurisdiction in the ALR that are less than 2 acres in size and are exceptions to the provisions of the *ALC Act*.

An inventory of small lots in the Reserve that are exceptions to the Act’s provisions could be completed as part of an Agricultural Area Plan and will serve two purposes. First, it will identify those small lots that, despite their size, are not an exception to the Act. Therefore, if subdivision or a non-farm use is proposed, this will require application to the Commission. Secondly, it will identify the setting and current land use of lots that are exceptions in order to assist in developing regulations sensitive to surrounding farm use.

2. In the development of policy and regulations applied to lots that form exceptions under Sec. 21(1) of the *ALC Act*, ‘spot zoning’ should be avoided. Additionally, plan policies, zoning designations and subdivision regulations should strive for consistency with the surrounding agricultural area within which these small lots are found in order to avoid further subdivision and land uses that may:
 - generate land use conflicts;
 - intensify demands on the local rural road networks;
 - escalate land prices;
 - demand the extension of a variety of services; or
 - set off expectations of further non-farm land use change and/or subdivision.

For further discussion see: Appendix 11, "Ancient Subdivisions & Parcel Consolidation"

The use of these small parcels should be considered carefully within the context of the local area. Despite their size and the fact that they are often not actively farmed, it is important that these small lots be considered part of the overall farm area and treated with regulatory consistency.

3. In any future efforts to encourage the consolidation of small parcels within farm areas, lots that form an exception under Sec. 21(1) of the Act should be given specific attention, particularly when they form part of larger farm units.
4. The Agricultural Land Commission should consider the possibility of suggesting legislative amendments to the *ALC Act* to eliminate the Sec. 21(1) exceptions for the purpose of ensuring greater regulatory equality among parcels in the ALR and to ensure that further subdivision and conflicting non-farm land uses are avoided.

In considering a legislative amendment of this type, specific uses such as agriculture and one single family home per lot would presumably continue to be outright uses. However, provision could be made for a select number of additional uses, such as farm retail and processing and other agri-related industrial uses subject to local regulation but which do not require application under the *ALC Act*. In addition, through the use of Farm Bylaws, local governments can specifically prohibit certain farm uses from these small lots to avoid potential conflict.

NON-FARM USES IN AN AGRICULTURAL AREA

Discussion:

A clear intent of the *Agricultural Land Commission Act* is to limit the intrusion of non-farm uses into the ALR and ensure the availability of the resource for agricultural production, now and in the future. For over two decades the Commission has played a strong role in either influencing or preventing new non-farm uses in the ALR.

It is important that local governments and the Commission work in tandem to ensure policy consistency with respect to preventing non-farm use intrusions into agricultural areas.

When planning for agriculture, farming and ranching activities should be regarded as uses of priority in the ALR and other agricultural areas. There is, however, a considerable amount of the Reserve now used for non-farm purposes. These fall into two broad categories:

- Non-farm resource / public policy allocation uses; and
- Non-farm, private "spot" uses - largely of an historic nature.

Within the first category, large portions of the ALR are in some form of forestry use or tenure, in some cases forested range lands.¹⁷ Other areas are designated for park and wildlife purposes and some areas are simply in a rural state, in what might be considered largely "unused". In most cases these non-farm uses represent land or resource activities that do not biophysically detract from future agricultural use. In a Province with a rapidly growing population, this amounts to a form of "food insurance policy" for British Columbians.¹⁸

However, within the second category, there are non-farm activities in the ALR that can impact agriculture very directly. For years agricultural areas were infiltrated with non-farm uses. We have a legacy of non-farm, typically urban, uses scattered about our farmlands, sometimes serving rural community needs - but often not. These non-farm uses may be redundant uses such as small country schools. Mobile home parks, cemeteries, auto-wrecking yards, gravel pits, golf courses, driving ranges, parks and other recreational facilities and a wide variety of scattered institutional, industrial and commercial uses are other examples.

Non-farm uses of this type often have little or no agricultural basis or rationale and, in many cases, predate official plans and zoning bylaws and the ALR. They often saw the light of day due to a lack of awareness of their impacts, combined with expectations of further land use change at a time when the priority for the preservation of our foodlands was not as prominent. Besides the direct impact of the non-farm "foot print", these uses often create pressure for subdivision, increase property values and contribute to land use conflicts with farming. More important, however, is the psychological impact of engendering a "feeling" that land use transition is inevitable - fueling speculation of land use change and thus *undermining the stability of the broader farm community*.

¹⁷ In a 1978 study of the ALR over 65% of the ALR was defined as 'forested range' or 'forested lands'. Select Standing Committee on Agriculture, *Inventory of Agricultural Land Reserves in British Columbia*; 1978, p. 28.

¹⁸ "More than 1.8 million hectares of productive Class 1 to 4 land remain uncultivated in the Province. While these lands represent the major base for any future expansion of cultivation, nearly a quarter of this area (equivalent to 10 per cent of the ALR land) is under forms of tenure which restrict agricultural activity...". *ibid*, Select Standing Committee on Agriculture, p. 25.

Agriculture will be well-served if we consciously begin to reverse this trend. It is not without precedent. For example, former industrial areas such as False Creek in Vancouver have gradually changed to residential use. In the process, non-conformity was used as an implementing tool to actively pursue land use change. However, the application of a “non-farm use / non-conforming policy” will have at least two predictable outcomes. Obviously the policy’s application will not be well-received by many landowners. Property values may change, despite the protection afforded by the *Municipal Act*.¹⁹ The policy, therefore, must be based on a clear public benefit. Secondly, the process of recapturing the agricultural areas for agriculture will be a long term process.

Agricultural land, by its very appearance, must indicate, without question, its purpose and in so doing, dissuade speculation of any use other than agriculture.

Regulatory devices such as community plans, zoning bylaws and the ALR should act to provide regulatory certainty. However, we must also ensure that our agricultural areas indicate beyond any doubt, their long term purpose. This need not be at the expense of other legitimate resource uses or necessities of the farm community. It is important, however, to maintain the sanctity of the agricultural landscape.

While it will continue to be necessary to prevent the intrusion of inappropriate non-farm uses into agricultural areas, *actions can be taken to scrutinize existing non-farm uses to determine their long term suitability and appropriateness in the agricultural landscape.*

Opportunities & Suggestions:

1. Local governments and the Agricultural Land Commission, through their land use regulatory functions, should incorporate policies and effect decision-making that continues to discourage and prevent the intrusion of new, inappropriate, non-farm uses into the ALR.

A degree of caution should be exercised in the application of policies to discourage non-farm uses. It is important to discriminate between uses that are truly non-farm and should be sited in a more suitable location, and those which cause minimal impact on the productive capacity of the land base and do not destabilize, but support the agricultural community. Examples include direct farm marketing, modest levels of on farm processing, modest tourist accommodation, farm tours and home occupation uses.

2. All existing non-farm uses in the ALR should be identified through stand alone or official plan land use inventories, followed by an impact assessment process.

Process: Identify all non-farm uses and critically examine each with respect to:

- an historic overview - when and why was the non-farm use located in the agricultural area?;
- setting - description of adjacent land uses and those in the general proximity;

¹⁹ *Municipal Act* - Section 911

Note:

Even uses that support agriculture (e.g. large processing facilities, sales and repair of equipment and sales of feed and agricultural supplies) should normally be located in an agri-industrial area or traditional industrial park.

- size of subject property and area / percentage consumed by the non-farm use;
- determine if the non-farm use supports or otherwise serves agriculture in any way;
- if the non-farm use supports agriculture in some way, is it a necessity to be located in the ALR? (e.g. - are there other more appropriate locational options?);
- indicate the non-farm use's impact, biophysically, on the landscape from the perspective of future rehabilitation for agricultural use;
- the site's potential for non-soil bound agriculture; and
- potential for conflict with surrounding agricultural use.

The *purpose* of a comprehensive inventory of non-farm uses is to form the foundation for a long term policy to reduce inappropriate non-farm uses from agricultural areas. The inventory is the first step to identify and then assess non-farm uses and apply criteria to determine uses that have no direct supportive agricultural function and should be considered for non-conforming use status.

**“SAMPLE” CRITERIA FOR DETERMINING
NON-FARM / NON-CONFORMING STATUS**

- Does the non-farm use benefit or otherwise relate to agriculture?
- Does the non-farm use increase the potential for land use conflict?
- Does the non-farm use alone or in combination tend to destabilize the agricultural community?
- Does the land in question have potential for an agricultural “after life” upon eventual removal of the non-farm use?
- Can the non-farm use be satisfactorily accommodated in another location?
- Would the same non-farm use, if proposed in the same location today, be given development approval?

For those non-farm uses determined to be inappropriately located within an agricultural area, consideration should be given to zoning them for exclusive agricultural use and placing them in a non-conforming status . The resulting policy will have the following impact on uses so defined:

- the use will remain in place as a legal non-conforming use, potentially forever, provided the use does not contravene the provisions of Section 911 (Non-conforming uses and siting) of the *Municipal Act*;
- the use cannot expand or change in its form except as may be provided by Section 911 of the *Municipal Act*;
- the non-conforming use, if it ceases, will not be allowed to re-establish in favour of a future agricultural use.

3. The Ministry of Agriculture and Food and the Agricultural Land Commission, when working with local governments in the review and updating of zoning and rural land use bylaws, should encourage local governments to undertake an inventory of non-farm uses and encourage a policy of applying non-conforming status to appropriately defined non-farm land uses in the ALR.

We should take inspiration from the many well-established agricultural areas in Europe where urban uses are focused within distinct towns and villages with surrounding rural areas farmed in a manner that provides a clear "visual definition" of current and future land use.

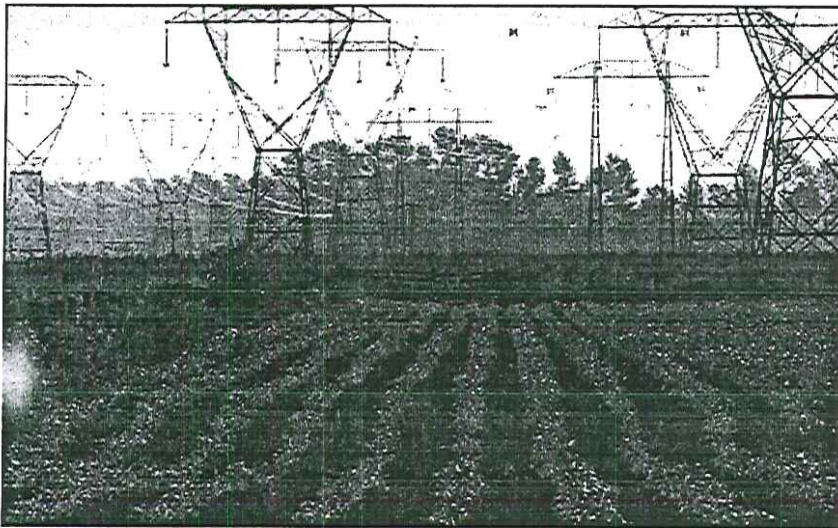


Matsqui Prairie - One of B.C.'s clearly defined agricultural working landscapes

TRANSPORTATION & UTILITY CORRIDORS

Discussion:

Transportation and utility corridors can pose major problems for agriculture.²⁰ Loss of productive land, severing of farm units, access problems for producers and harvesters, safety concerns and disruption of drainage patterns are just some of the problems that linear developments can pose for farmers. In addition to disruption at an operational level, transportation facilities normally cause direct depletion of the agricultural resource by taking land out of current or potential production. While every effort should be made to avoid agricultural land, the impact of transportation and utility corridors can be lessened through



Highways, pipe lines and hydro lines can cause considerable disruption for farm operations.

consultation and careful planning if undertaken with sensitivity and in the context of the agricultural lands and uses through which they pass.

An application to the Agricultural Land Commission is required for transportation and utility corridors traversing land within the ALR. Also, a consequential amendment to the *Land Title Act* came into effect in 1996 and is designed to lessen the impact of road endings abutting the ALR. An informal summary of these provisions is provided at the end of this issue paper.

Planning in Context

There is an obvious need for safe and efficient transportation linkages and utility services all over B.C. However, if these facilities are built through farmland there will certainly be some negative impact on agriculture. When routes through agricultural areas are unavoidable, every opportunity should be taken to plan transportation facilities that complement and serve, rather than harm, the farmland and agriculture industry through which they pass.

There seems to be an endless 'chicken and egg' debate about transportation's role in community growth. Is it a facilitator of growth or simply servicing growth? In truth, transportation does both. For agriculture it is important that the development of transportation systems and their component parts consider the kinds of land uses and activities proposed for a community in both the short and longer range.

²⁰ While much of this discussion focuses on transportation issues, many of the concerns apply equally to utility corridors.

Too often transportation planning has been based on the premise that eventually "all" farmland will be urbanized. In an effort to prepare for this so-called "reality", transportation plans too often appear as geometric tracings through agricultural areas. The late 1970's saw the development of several grid transportation network plans crisscrossing the ALR preparing for an "urban tomorrow". The Commission has always been concerned that major grid highways or urban arterial road network plans in agricultural areas set off unwarranted expectations of land use change. The destabilizing impact on the agricultural community can be profound.

With the ALR came a new reality. The farmland base is becoming ever more stable (see: *Appendix 3*). If any assumption is to be made it should be that the days of wholesale change to the ALR are over. Planning for transportation and utility corridor improvements should *not* be based on false expectations of agriculture's demise. They should be based and planned for in the context of the long term protection of B.C.'s foodlands.

Transportation planning through farmland must be guided by an agricultural perspective.

From time to time, it may be necessary to impact farmland by the provision of transportation linkages between communities or the provision of facilities with Province-wide or even national significance. However, where the use of farmland for transportation or utility purposes is unavoidable, planning for the facility "*in context*" is critical. This may necessitate a shift in perspective. Added to the normal requirements of planning for factors such as safety, efficiency and cost-effectiveness comes the need to find the most reasonable way in which the facility can *fit into*, rather than be imposed on, agriculture. From the outset the planning exercise must assume an agricultural perspective. This becomes an uppermost consideration and would be equally appropriate if a highway was being planned through a Provincial park, an environmentally-sensitive area or other resource land

It is also important that improvements to existing or new transportation facilities be considered in the context of an overall transportation system. The Commission has often been asked to render decisions on a small component of a larger transportation route without being able to view the overall long term plan. Attempting to render decisions in such information voids is a risky business at best.

Critical Questions

If it appears that the agricultural resource and farm businesses may be compromised by new or improved transportation facilities, some critical questions must be asked:

- Is the facility really needed or needed in the location proposed?
- Will future technological change or environmental considerations alter travel patterns and modes, making today's transportation 'necessity' extraneous tomorrow?
- Are there alternative means to achieve transportation objectives without compromising farmland?
- Are there acceptable non-agricultural options to locate the facility?

Compare the amount of land consumed by the E&N Railway going through Vancouver Island communities and countryside to that of the Island Highway. Does the E&N represent a transportation opportunity lost, or one waiting to be rediscovered?

Where they exist, all reasonable non-farm options should be examined prior to making application to the Commission.

As areas urbanize and transportation demands increase, it becomes more difficult to achieve transportation improvements through growing urban areas if their accommodation has not been planned. What is often regarded as the *easy* solution is to by-pass urban nodes by “looping” highways and major arterial roads through farmland - *an agricultural “solution” to an urban problem*. To avoid this situation it is imperative that the long range planning for *urban* transportation needs be within *urban* areas.

- Can transportation improvements be made within existing rights-of-way?
- Do new or improved facilities set off expectations of land use change?
- Has the farm community been fully consulted?
- Have potential impacts on agriculture been fully considered? Has the value of agricultural land and its productive capacity as a renewal resource been fully considered? Have losses been mitigated?

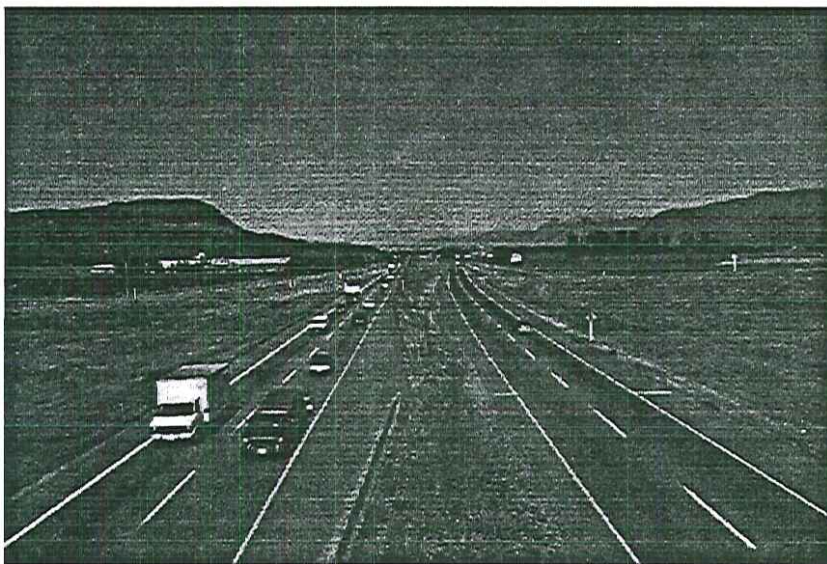
Similar to wildlife habitat, agricultural land is largely an irreplaceable resource. However, in some cases its loss can be reduced or offset by a variety of means (e.g. improved drainage, land clearing, improved field access, parcel consolidation, provision of irrigation and other land improvements) that can increase the productive capacity of farmland or assist agricultural sustainability in other ways.

The Value of Agricultural Lands Taken Out of Production

Farmland too often has been an undervalued resource. Our historic willingness to house it, industrialize it or use it for any number of non-farm use is evidence enough. Even since the designation of the ALR, there have been few attempts made to quantify the loss in productive capacity or find means to offset this loss where non-farm uses were imposed on farmland. There has been a lack of recognition that most non-farm uses of agricultural land, including transportation and utility corridors, results in a loss of farmland *forever*. This represents a

direct loss of a scarce resource and has economic implications for the local community and Province. While the first priority should be to avoid the loss in the first place, where the non-farm use of agricultural land is unavoidable there are mitigative measures that can and should be taken to offset this loss. The first step is to recognize and then quantify the impact.

Loss of farmland for rights-of-way can be significant. A 100 metre right-of-way equates to the loss of 10 hectares of land per kilometre. The Highway #1 right-of-way between Surrey and Hope in the Lower Mainland accounts for



Highway #1 - Sumas Prairie
Highway #1 between Surrey and Hope accounts for about
540 ha. of land in the ALR.

about 540 hectares in the ALR. The area used for this right-of-way is equivalent to 16 dairy farms (based on an average farm of 33 ha.) or 24 vegetable farms (based on an average of 22 ha.)

By way of secondary impacts, highway interchanges also have a tendency to attract non-farm uses in the form of motels, restaurants, gas stations and truck stops that can be even more land consumptive. Arterial roads within farm communities tend to attract linear non-farm development. Roads located along the edge of an urban area may buffer adjoining farmland but often serve to heighten demands for “double-fronting” the roadway with urban uses on the farm side of the right-of-way.

When assessing the impact of proposed transportation and utility corridors, it is important to evaluate not only the market value of the land involved but also the economic value of agricultural production from the land. The Ministry of Agriculture and Food estimates the economic value of agricultural production using a 25 year time horizon which roughly represents the time necessary to balance investments in major agricultural infrastructure improvements with returns. The assessment should consider the full range of crops suitable for the particular soils and climate as opposed to just the crops that are presently grown. In addition, the gross returns are more appropriate when estimating the impact on the economy since many secondary industries (seed, fertilizer, equipment and other suppliers plus the value added processors) rely directly on primary production. This form of assessment is important to understand impacts and determine the appropriate mitigative measures needed to offset economic and resource losses.

Agricultural CheckList

Through its review of over 1,300 applications, the Agricultural Land Commission has gained considerable experience in dealing with plans for transportation and utility corridors traversing ALR lands. Based on this experience, it has developed an “Agricultural CheckList” of information normally required to assess an application. For those involved in planning new transportation or utility corridors or altering existing facilities involving the ALR, the “CheckList” will provide insight into several basic factors that the Commission considers in its decision making process.

Agricultural CheckList for Transportation and Utility Corridors

1. What is the basic reason or need for the proposal?
2. What other options exist or have been examined?
3. What is the area of ALR land that will be affected and are there other non-ALR lands involved that support or are used for agriculture?
4. What is the agricultural capability of the affected lands?
5. Identify each legal parcel and provide the names and addresses of affected landowners.

Locating facilities along the edge rather than through the middle of an agricultural area usually has less impact. Effort should be made to parallel or “double-up” a new highway or utility alongside an existing facility in the same corridor. “Locking” small areas of land in the ALR on the urban side of a corridor should be avoided.

6. How have the agricultural community and farm organizations been involved? Outline how affected landowners (or their representatives) have been consulted? Include any record of comments, including minutes of meetings, letters, etc.
7. What are the comments of the local government (if not the proponent) and advisory committees.
8. Has funding been provided to improve agricultural infrastructure in the area?
9. What is the current use of the land? Provide a description of the agricultural operations or units affected (often these will involve multiple parcels). Include details on vegetative and crop cover, buildings and structures, improvements such as fencing, drainage and irrigation facilities, etc.

10. Describe how each parcel and farm operation is affected, including impact on ditching, drainage, irrigation, water supply, farm buildings, fencing parcel fragmentation, field or parcel access problems, etc.

11. Is there opportunity for consolidation of lots?

12. How will current movements of farm vehicles be affected?

13. Is there an opportunity to provide buffering to enhance compatibility between land uses?

14. What agricultural mitigation measures are planned? (i.e. fencing, improvements to irrigation and/or drainage, relocation of structures and utilities, land clearing, improved farm vehicle movements and access to farms and fields, soil removal from affected lands and redistribution, consolidation of remnant parcels, provisions for land exchange, etc.)

15. What "down-stream" impacts are anticipated? This includes broader or secondary, long term impacts on agriculture that will be realized locally or possibly several kilometres away. These impacts may result from adjustments in travel patterns, requirements for future road widenings or additional improvements such as interchanges and overpasses. The impacts may related to safety, time losses, restrictions on farm vehicle movements or increased difficulties in field access.

It can usually be anticipated that where an agricultural area is heavily parcelized or where a high percentage of farmland is leased, there will be a corresponding increase of farm units made up of several non-contiguous parcels. This normally necessitates an increase in farm vehicles using public roadways.

"Recommendation"
Where a proposal involves a significant amount or quality of agricultural land, a report by an agrologist assessing the resource and agricultural production value that will be lost should be completed. The report should include an assessment of mitigative measures needed to offset long term resource / production losses.

To understand "down-stream" impacts it is critical that component parts of a transportation network be considered in the context of the overall transportation plan.

Opportunities & Recommendations:

1. Where agricultural areas are affected significantly by transportation and utility facilities, consideration should be given to developing focused *Agricultural Transportation Plans*.

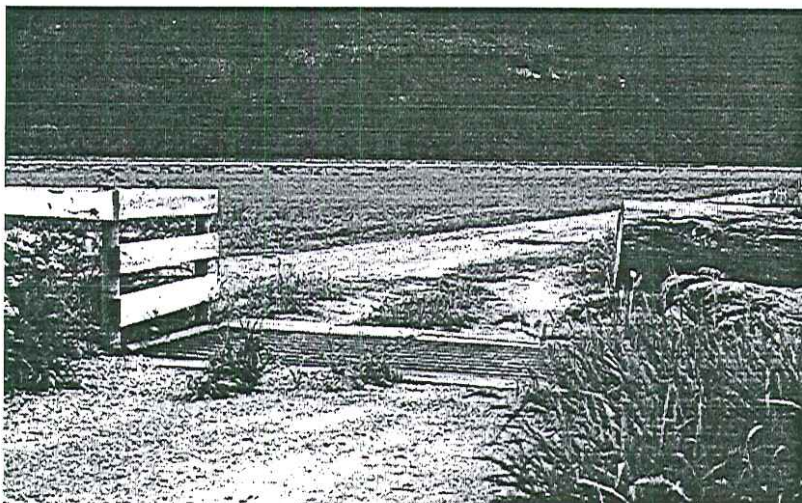
Delta Agricultural Study

*Transportation:
Implementation Initiative
#3, p. 116*

“Develop an agricultural transportation system plan and establish priorities (Responsibility - Provincial / Municipal).”

There is a particular need, when planning for transportation within farm areas, to be aware of farm vehicle equipment needs and the changing scale of agricultural equipment.

Maintaining field access is an important element in transportation planning.



Besides lessening the impact of new or improved facilities, it is also important that the overall transportation system work well for the farm community. To ensure that the requirements of the agricultural industry are understood and addressed, consideration should be given to the development of an Agricultural Transportation Plan with the assistance of representatives of the farm area. Issues such as the overall ease of moving farm vehicles and equipment within the farm community, the need for over-and underpasses for farm vehicles crossing main corridors, improving safety, signage, standards for agricultural roads, (e.g. width, type of surface, and methods of restricting non-farm traffic), and seasonal needs should be addressed. Upon completion, an Agricultural Transportation Plan should be integrated with more comprehensive transportation plans and the official community or sub-area plans.

2. Where a transportation or facility is being planned through farmland, an agrologist should be employed as part of the facility planning team, with involvement maintained until the completion of construction if the proposal is approved.
3. When a transportation or utility facility through an agricultural area is being planned, consultation with the agricultural community and in particular operators who are directly affected, is of basic importance. One option is to appoint a “transportation review committee” with agricultural representatives to advise on route options and mitigation.

It is important to ensure that the concerns of the agricultural industry are understood and addressed at the initial planning stages for new facilities. There are several levels and means of consultation, from involving the actual affected operators to seeking advice from farm organizations and agricultural advisory committees. We should not lose sight of the fact that farms are businesses and farm families are major landowners who can realize serious operational impacts from transportation facilities that are not primarily designed to serve the farm community. At the initial planning phase of any project, mitigation at both the farm and broader resource levels should be considered, and the consultation process should afford opportunities to identify impacts.

4. Once a route has been selected and all necessary approvals are in place, affected agricultural operators should be consulted directly on an ongoing basis from the detailed planning phase to the end of project construction.

Where only a few operators are involved, consultation with all those affected should take place directly. Where there is a large number of affected operators, representatives could be chosen. The reason for consultation is to determine factors such as cropping/harvesting schedules, the timing of any impacts on drainage and irrigation during construction, ensuring field access is not blocked during critical periods and the timing of depositing top soil.

Stages in the Planning Process where Consultation With Agricultural Community Should Occur

1. During the development of a specific agricultural transportation plan or a more comprehensive transportation plan that affects agricultural land.
2. At the planning stage of any major new or improved transportation facility through an agricultural area, a "*Transportation Review Committee*" should be formed to advise local governments and the Province on route options (both farm and non-farm), identify impacts (farming and otherwise) and recommend appropriate mitigative measures related to farm operations and off-setting resource depletion. While a committee may represent several interests, agricultural representation is critical and may include:
 - the farm/ranch operators directly affected;
 - representatives of an agricultural advisory committee, farmers' institute and commodity organization(s);
 - MAF; and
 - ALC
3. Direct consultation with affected operators during detailed design and construction.
5. Consideration should be given to establishing a Province-wide signage program to promote respect for slow moving farm vehicles and improve road safety.



Abbotsford



Surrey



Delta

A standard sign to promote safety should be developed for posting in areas where slow moving farm vehicles are prevalent on major roads and highways. A few municipalities have already taken the lead in establishing such slow moving farm vehicle signs in their areas. This initiative would have far more impact and enhance recognition among local travelers and tourists if standard signage were used at least within B.C., if not nationally. A signage program of this type offers opportunity for cooperative action between the Province, local governments and the farm community. For example, establishing standard "slow moving farm vehicle" signs could be achieved by:

- a local government, in consultation with local farmers, determining the most appropriate location and number of signs needed;
- the Province supplying necessary signs; and
- the local public works department erecting the signs (including consultation with MOTH where Provincial highways are involved).

6. Where there are existing road endings directed into the ALR, consideration should be given to converting the road endings in a manner that will end false expectations that the road (and hence future urbanization) will eventually continue into the ALR.

For a more detailed discussion of Sec. 86(1)(c)(xi) of the Land Title Act See: Chapt. 8, page 23

With the proclaiming of the *Farm Practices Protection (Right-to-Farm) Act* in 1996, a consequential amendment was made to the *Land Title Act - Section 86(1)(c)(xi)* that is intended to eliminate, in the future, unnecessary road access pointed into the ALR. However, most urban communities abutting agricultural land have a legacy of road endings which stop right at the edge of farmland. The result is an unmistakable impression that urbanization has just taken a brief pause before continuing its push into the farm area. Many road endings predate the ALR and it may have once been considered a prudent decision when the norm was simply to expand outwards onto farmland. With the ALR came the need to develop urban growth boundaries and adjust this old style thinking.

Unfortunately, this has not occurred with any consistency and thus the changes to the *Land Title Act* were considered necessary.

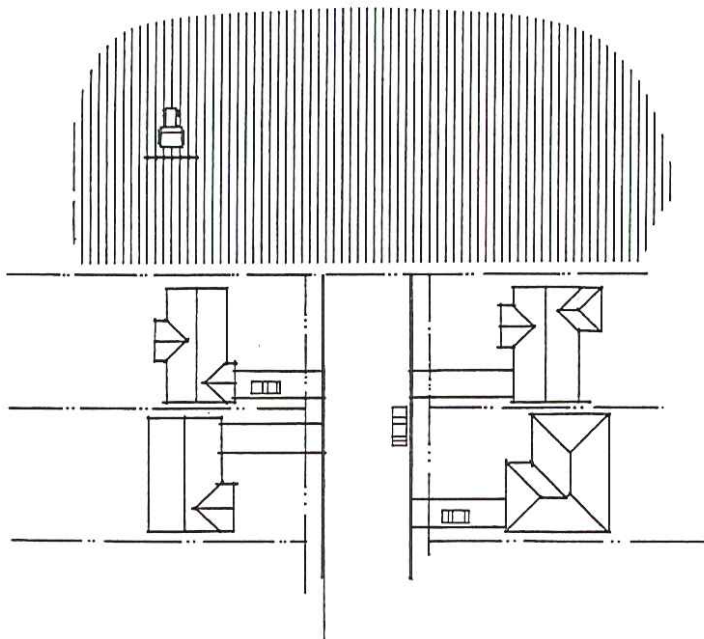
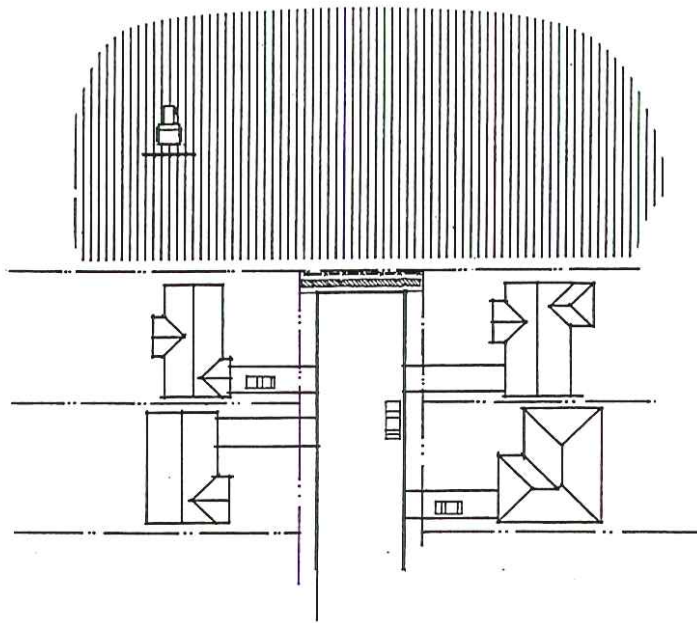


Diagram of a common "road-ending" abutting the ALR

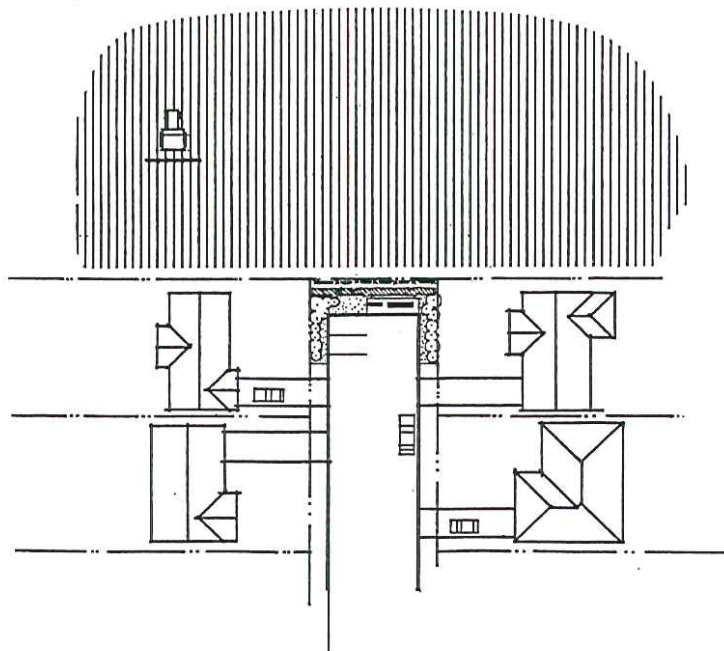
The challenge now is to find means to 'blunt' the impression left by decades of subdivision design with road endings abutting the ALR. Recognizing that the

lands within the ALR are designated by Provincial policy and law for agricultural use in the long term, there are a number of possible options to modify existing road endings to enhance compatibility, provide urban open space and end false expectations that urbanization will continue into the ALR. Some suggestions are outlined below. In each case the design of treatments for road endings should be sensitive to and involve consultation with abutting residential and farmland owners.



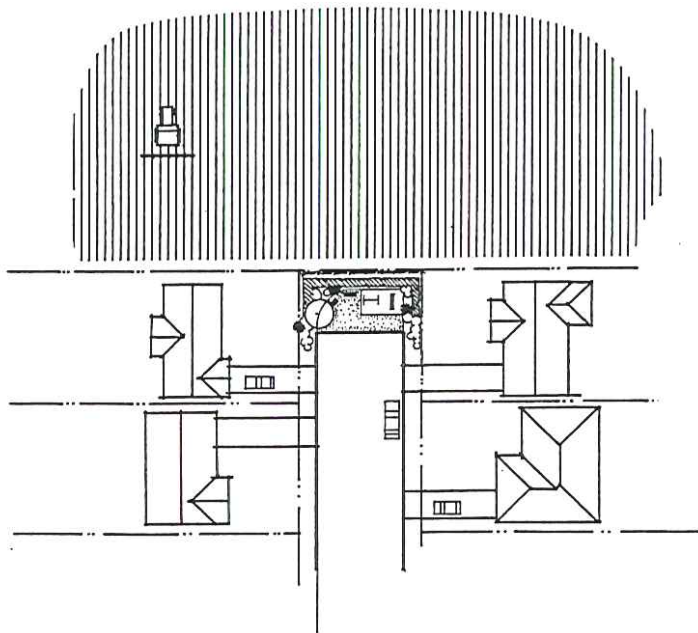
1. Hedge and Fence

This is perhaps the least expensive and quickest means to close off a road ending. It is also the least effective since the "barrier" to development could be easily removed.



2. Neighbourhood Postal Centre

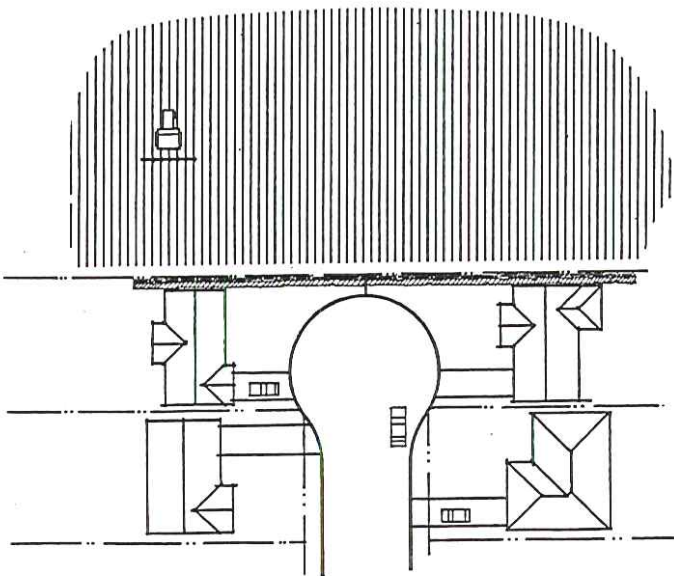
In some cases, locating neighbourhood postal boxes at a road ending may be possible. The design should incorporate a hedge and fence for buffering purposes. It could also include a bench, community notice board, newspaper boxes and provide space for vehicles to turn around.



3. Mini Park / Tot Lot

Any form of park would add permanency to help eliminate future demands to open a road ending and allow further urbanization. A hedge and fence for purposes of buffering to avoid trespassing would be required. Large scale recreation uses and facilities are not envisioned, but a small green space for neighbourhood use with tot lot equipment or a landscaped area with benches would work well. While the concept is similar to the first proposal, it has greater landscaping and some modest equipment needs.

Cautionary Note: If the abutting farm operation normally involves the application of pesticides, such as an orchard, the provision of a tot lot should be avoided.



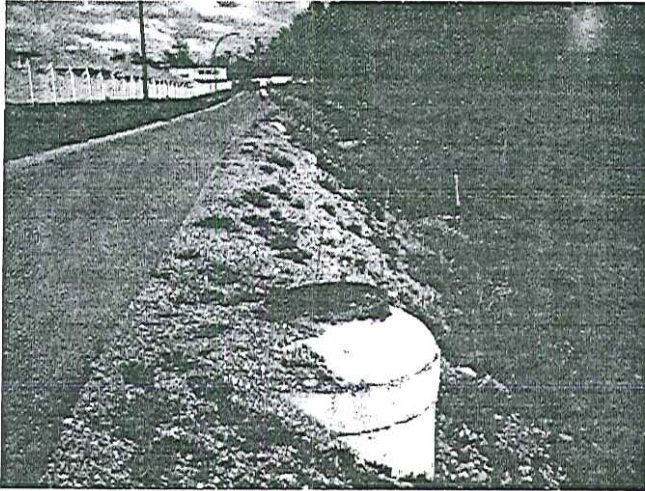
4. Cul-de-sac & Land Swap

In this option, the road ending is modified into a cul-de-sac. In doing so, a portion of each affected property would have to be acquired to form the curvature of the cul-de-sac. In exchange, the remaining land that formed the old road ending could be consolidated with the two affected parcels. This option provides for the most permanent closure of the road ending. Similar to Alternative 1, the design should incorporate a hedge and fence along the farm edge of the old road ending for buffering purposes. The landowners should be encouraged to extend the hedge and fence along the remaining length of the properties.

7. "Half-Roads" running parallel along the ALR boundary should be avoided in the design of subdivisions and road networks.

There are many examples of "half-roads" built along stretches of the ALR boundary. This form of road design is clearly anticipating the future

urbanization of adjacent farmland and should be avoided. Even "full roads" along the ALR on the urban side of the boundary have questionable value as a buffer between urban and farm uses due to pressures to "double-front" the road with urban uses on the farm side.



"At the Edge of the ALR"

A "half-road" between townhouses and a field of raspberries. The manhole is at the edge of the road now but eventually, if the road is completed, will be in the centre. Clearly, this is designed in anticipation of a shifting ALR boundary.

8. When railway or other transportation land within the ALR is determined to be redundant, the process of disposal should sensitively consider impacts, and try to benefit agriculture by selling the lands to adjoining landowners/farm operators wherever possible.

Over the last few years there have been several examples of railway right-of-way redundancies. In some cases this involved a desire to reduce land inventories by selling off former sidings or other railway lands or the abandonment of entire branch lines. It is common for these linear corridors to go through the ALR in many locations. Former rail routes are often desired for "rail-to-trail" purposes. While the impact and planning of trails through the ALR is not the subject of this discussion, it does warrant future policy development. However, where it is determined that rail lands will be sold to private landowners, every effort should be made to provide an opportunity for adjoining farmers and ranchers to acquire the property when it abuts or traverses land in the ALR. Acquiring the rail lines can end farm unit fragmentation and ease operational difficulties. When rehabilitated for agriculture, it can add land to the farm operation. The railway road bed material may even be of value to a farmer to expand farm yard areas or prepare building sites for farm structures. If at all possible, the selling off of small segments of a right-of-way to separate landowners should be avoided. Without consolidation to an adjoining farm such action could increase the potential for land use conflict.

Legislative Summary

An application to the Agricultural Land Commission is required for transportation and utility corridors traversing land within the ALR. These uses are referenced in several locations within the *Agricultural Land Commission Act*, Regulations, General Orders and Policies of the Commission. Also, as noted above, the FPPA consequential amendment to the *Land Title Act* which came into effect in 1996 is designed to lessen the impact of road endings abutting the ALR. The following provides an “informal” summary of key provisions concerning transportation and utility corridors within the ALR.

Agricultural Land Commission Act - *ALC Handbook page 2-5-1*

Section 17(3)

A person must not use agricultural land for a purpose other than farm use, except as permitted by this Act, the regulations or an order of the Commission, on terms the Commission may impose.

B.C. Regulation 313/78 - *ALC Handbook page 2-5-2*

Section 44

The following proposed uses require an application:

- (e) dedication or construction of new highway, road or railway rights-of-way
- (f) electrical transmission lines and utility installation, including pipeline pumping stations, automatic telephone exchanges, electrical substations, navigational aids, underground pipelines and any ancillary purposes.
- (g) trunk sewer and trunk water lines and ancillary storage or pumping facilities including construction of or addition to a reservoir.

*See also: General Orders #1625/83,
#6898/86 and #981/95*

B.C. Regulation 7/81 - *ALC Handbook page 2-5-3*

Section 2(1)(i)

The following land uses are permitted in the ALR

- (i) minor highway, road or railway operations and construction including
 - (i) minor improvements of drainage works, including cleaning and deepening of ditches;
 - (ii) easing of one curve;
 - (iii) widening, dedication or construction of highway, road or railway rights-of-way provided that the area involved in widening, dedication or construction is less than 2600 m²/km of road

See also: General Order #3075/76

This Order permits the area involved in widening, dedication or construction to be increased in the Peace River and Fort Nelson-Liard Regional Districts due to climatic and topographical conditions.

General Orders

Order #3075/76 - *ALC Handbook page 2-6-2*

This order permits the area involved in widening, dedication or construction to be increased up to 11,250m²/km of road in the Peace River and Fort Nelson-Liard Regional Districts.

General Orders Con't

Order #1625/83 - ALC Handbook page 2-6-7

This order permits the establishment of a right-of-way for an existing Section 4 and private roads by the Ministry of Transportation and Highways subject to certain conditions.

A Section 4 road is a reference to Sec. 4 of the Highway Act regarding the declaring of a public highway.

Order #689/86 - ALC Handbook page 2-6-9

This order permits the establishment of an existing Forest Service Road under the *Forest Act* subject to certain conditions.

Order #981/95 - ALC Handbook page 2-6-16

This order permits the establishment of a right-of-way for existing public or private roads within the Corporation of the Township of Spallumcheen subject to certain conditions.

Policies

Policy #031/75 - Unconstructed Road and Railway Allowances -ALC Handbook page 2-7-31

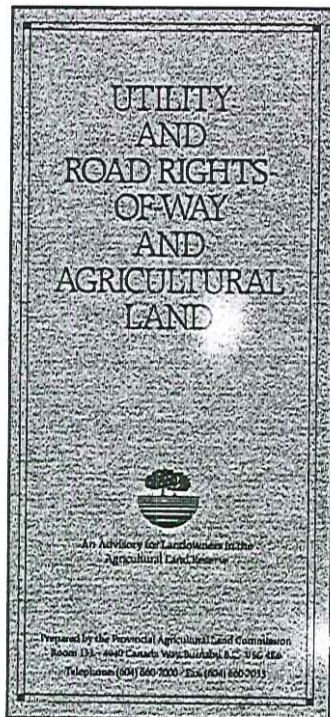
This policy confirms that dedicated road and railway rights-of-way that are vacant and undeveloped (i.e. a paper road or railway) require an application to construct the road or railway.

Land Title Act

Section 86(1)(c)(xi)

86(1) Without affecting the generality of section 85(3), in considering an application before him for subdivision approval, the approving officer may

- (c) refuse to approve the subdivision plan, if he considers that
 - (xi) despite subparagraph (ix), the extent or location of highways and highway allowances shown on the plan is such that it would unreasonably or unnecessarily increase access to land in an agricultural land reserve.



Utility and Road Rights-of-Way and Agricultural Land - A Brochure

Further to the Legislative Summary above, the Agricultural Land Commission has produced a brochure describing the application process for pipelines, roads and other utility corridors in the ALR. The brochure outlines the application process, landowners' rights and examples of conditions that the Commission may attach to approval of a corridor proposal. It is stressed that landowners, if concerned with any aspect of a proposal, should contact the proponent and the ALC during the application process to express these concerns. Copies of the brochure are available from the ALC.

AGRICULTURAL SERVICE AREAS

Discussion:

As is the case in all industries, agriculture requires a vast array of support services. These can range from feed supply to equipment sales and servicing, processing plants to veterinarian services. While taking care of the day-to-day and seasonal needs of the farm community, a vibrant agri-service sector is another demonstration of agriculture's economic contribution to the community. It is also an important source of "beyond farm gate" employment .

Within the farming communities of the Province it is important that provision be made within official plans and zoning bylaws for agricultural service uses. Providing for agri-industry is not limited only to jurisdictions with a sizable agricultural land base. Smaller communities adjacent to farm areas can play an important role by being the focus of agricultural services. In so doing the agricultural community can be well served and local employment opportunities enhanced.

Opportunities & Recommendations:

1. Provide for agricultural service and industrial uses in official plans and zoning Bylaws within industrial areas or by creating agri-service areas.

Official plans and bylaws can play a leadership role in providing for the land use needs of the agri-service sector. The location of agri-service centres should be sensitive to the farm community to lessen travel distances and provide sufficient opportunities for the clustering of several different support services in close proximity. Two broad approaches can be taken.

- Firstly, through the establishment of an exclusive agri-service centre or centres in close proximity to the agricultural community. This will not only be convenient for the farm community but can also ensure that sufficient space is maintained for the expansion of agri-service needs. In such cases it will be important to provide for a broad range of agricultural support services and at the same time limit the area to other forms of industrial and commercial use.
 - Secondly, agricultural services may be located within existing or planned light or heavy industrial parks by ensuring that the permitted uses within these industrial areas provide sufficient scope to allow for a full range of agri-services.
2. Determine agri-servicing needs and changing trends through consultation with local farm groups and the Ministry of Agriculture, and Food.

In establishing current and future needs of the agri-service sector, it will be important for planning departments and economic development commissions of local governments to consult with representatives of the agricultural community.

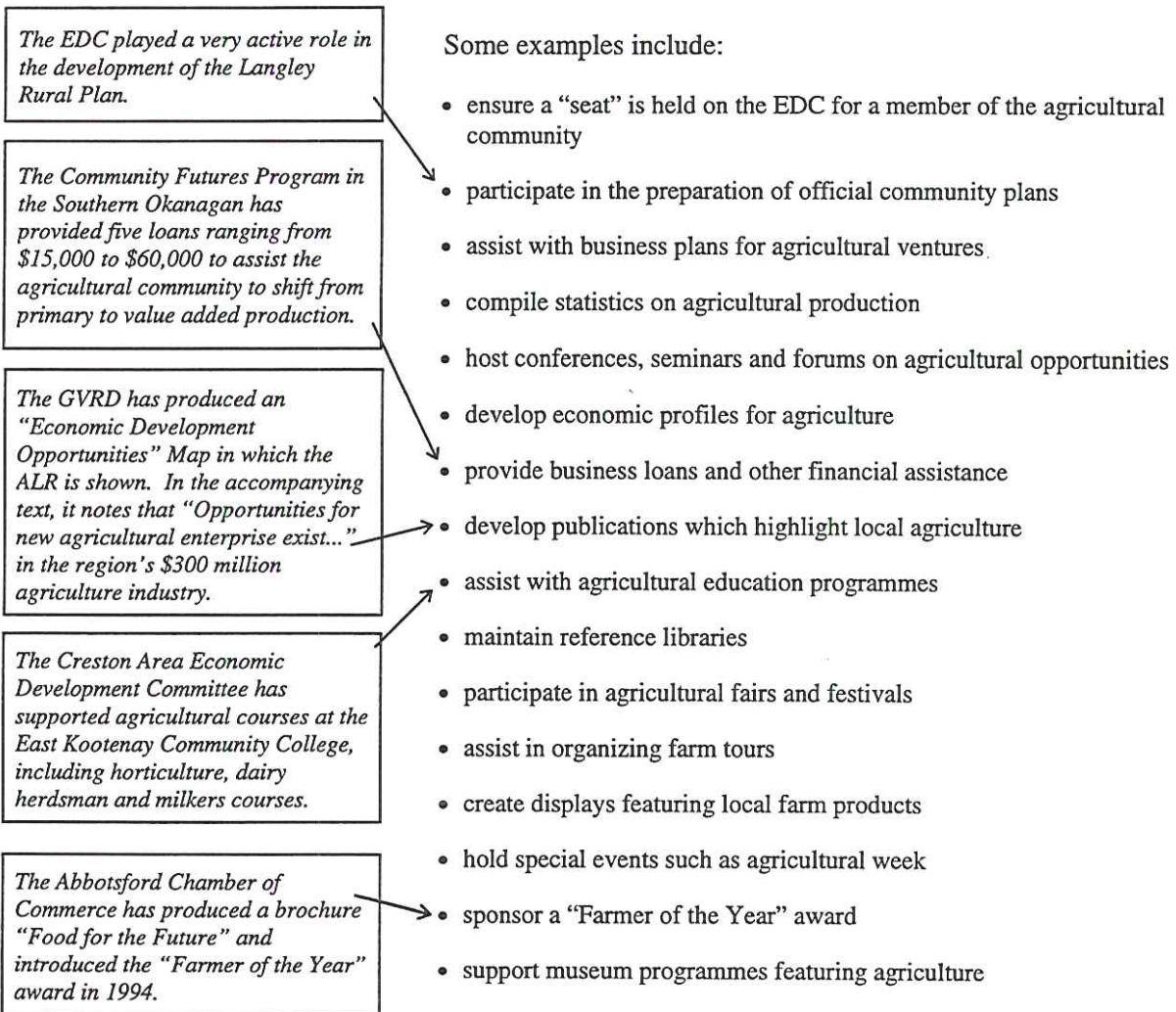
ECONOMIC DEVELOPMENT COMMISSIONS

Discussion:

Agriculture plays an important economic role in many areas of the Province. In 1996, \$1.8 billion in farm gate receipts were generated by B.C.'s 21,800 farms - up 39% since 1991.²¹ Each farm is part of the Province's agri-business that extends well beyond the farm gate to 600 processors and a growing export sector. Since agriculture is a significant sector, creating an awareness of the economic significance of local agriculture should not be overlooked in economic growth strategies. Economic development should also be assessed in terms of potential positive or negative impacts on the agricultural sector.

*ALC survey of
Economic
Development
Commissions*

A number of Economic Development Commissions (EDCs) recognize the importance of farming in their areas and are playing a leadership role in supporting local agricultural industries. This was clear in a survey conducted by the Agricultural Land Commission in 1994. Sixteen EDC offices responded, outlining a variety of different initiatives being undertaken throughout the Province to support their local agricultural industry.



²¹ Statistics Canada, 1996 Census of Agriculture, as supplied by BCMAF Statistical Services; Census of Agriculture 1996: And Historical Comparisons - B.C. Summary, p. 3 and 4.

Greater Vancouver Economic Development Opportunities



Greater Vancouver Regional
Strategic Planning Department

Food Processing

Award winning culinary expertise, a quality agricultural products and diverse processing have contributed to making Greater Vancouver a community of excellent food processors. Everything from organic breakfast cereals to European cakes to smoked salmon and hot dogs are processed in Greater Vancouver. Similarly, the beer and wine industries are established and supports national breweries, microbreweries and small, high quality producers. With excellent access to Asian markets, seafood and fungi products are destined for Greater Vancouver for export. Some cater to the cruise, hotel and institutional markets while others are for our growing domestic market. Our location is very suitable for house brands for distribution throughout Canada.

Agriculture

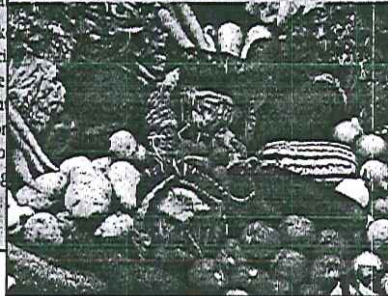
Greater Vancouver is a major force in agriculture in British Columbia. Farmland in the GVRD is a mere 1.5 percent of the farmland in B.C., yet the gross receipts for farms in the GVRD account for 23 percent of the annual total of gross receipts for the entire province. A large accessible urban market readily at hand, excellent diverse growing soils, mild climate, energetic farm community, innovative technology and proximity to export markets combine to make an industry worth \$300 million annually. There is a significant land base for farming in Greater Vancouver with 50,000 hectares of farmland protected by the Agricultural Land Reserve.

Opportunities for new agricultural enterprise exist in floriculture, greenhouse vegetables, market gardening, berries and nursery stock of all types. Canada's mushroom industry is centred here as are a wide range of specialty producers: herbs, dried flowers, and organic produce. The United Flower Growers operate the largest flower auction in the world outside of Holland.

Greater Vancouver also supports a substantial livestock industry and the B.C. Artificial Insemination Centre exports to cattle breeders around the world.

Agricultural education flourishes at the University of British Columbia and at the new horticultural centre at Kwantlen College in Langley.

Of special potential is the horse industry as the region has produced outstanding sport and racing performers.



There are many positive examples of the work of the EDCs throughout B.C. to increase an awareness of agriculture. In the case of the GVRD, a combination map and brochure depicts the ALR as an area of economic development opportunity and highlights the diversity of the Region's agriculture and the importance of the food processing sector. This is a decidedly different perspective than that found in some quarters where the ALR is perceived to be standing in the way of development.

Opportunities and Recommendations:

1. Where there is a significant agricultural community, it is recommended that agriculture be represented on economic development commissions.
2. Where needed, linkages between economic development commissions, MAF and the ALC should be strengthened to provide mutual support and the sharing of information and promotional material.
3. Consideration should be given by the ALC and MAF to outlining the geographic areas of EDC's, identifying those with significant agricultural activity or potential throughout the Province, and ensuring that agricultural data and profiles are as consistent as possible with these geographic areas to reduce duplication in data collection and assist in the provision of information to EDC's.

Agricultural industry profiles and statistics are compiled for a variety of geographic areas over various time periods. To ensure that profiles reflect an area that is locally “familiar” and useful to key economic and land use decision makers, it is recommended that efforts be made to collect and compile data in a manner that corresponds to EDC areas of interest to the greatest extent possible. In many cases, much of the information may be available but requires a more local or regional focus.

The development of agricultural economic profiles throughout the Province could include a variety of information useful to economic development commissions including:

- a brief history of agriculture in the area;
- types of prominent agricultural production;
- an economic profile of the agricultural industry including its local and Provincial importance;
- an outline of any identifiable industry trends;
- a general comparison with other local industry components; and
- identification of potential opportunities, initiatives and priorities to support agriculture.

While some of this work may already be carried out by a variety of groups, the intention is to make the information more locally relevant, provide a coordinating vehicle for capturing agricultural economic information in a single document and ensure that the information has a clear agricultural focus and is regularly updated.

AGRICULTURAL ADVISORY COMMITTEES

Discussion:

The general population, land use planners and decision-makers are all growing increasingly removed from the farm experience. With this reality comes the challenge of ensuring an appreciation of agriculture and an understanding of important issues affecting the business of farming. To help meet this challenge, a growing number of municipalities and regional districts are finding it beneficial to establish Agricultural Advisory Committees (AACs).

The results of a survey conducted by the Agricultural Land Commission in 1995 (see: *Chapter 6, page 7*) indicated that ten agricultural advisory committees have been established by local governments throughout the Province. Appointments to the Committees were often made on the recommendation of local agricultural organizations such as Farmers' Institutes, and representation included a broad range of commodity groups and the processing and distribution sectors.

AACs provide advice to regional boards and municipalities on matters such as:

- applications initiated under the *Agricultural Land Commission Act* and *Soil Conservation Act*;
- applications to amend community plans and bylaws;
- comprehensive reviews or development of community plans and bylaws;
- park and recreation plans;
- transportation plans;
- water management;
- effectiveness of noxious insect and weed control regulations and programs.

In addition to providing advice on current issues, some Agricultural Advisory Committees have been given a proactive role in addressing agricultural concerns. These initiatives have included:

- addressing competition for the agricultural land base;
- examining legislation to identify improvements to support agriculture;
- raising the awareness of agriculture and its importance to the local and regional economy;
- improving opportunities for joint funding of drainage and irrigation works;
- identifying and effecting change regarding the impact of transportation and utility corridors on agriculture; and
- assessing the impact on agriculture of park and recreation proposals and plans.

For further discussion on 'making agricultural connections', see: Chapter 6.

An agricultural advisory committee may not be appropriate in all areas. The level of agricultural activity in a particular area may not warrant the creation of an agricultural advisory committee. In other cases some local governments have opted to seek agricultural input through local farmers' institutes, non-governmental groups involved in agriculture, personnel from the Ministry of Agriculture, Fisheries and Food, or through the appointment of agricultural representatives on economic development commissions and advisory planning commissions.

Regardless of the structure, it is important that Councils and Regional Boards ensure ongoing links with agriculture. It has been the Commission's experience that the local agricultural knowledge and perspective provided by AAC's is extremely helpful in making decisions on applications under the *ALC Act* and *Soil Conservation Act*.

Opportunities and Recommendations:

1. Where appropriate, the Commission encourages local governments to establish formal links with their farm community to provide advice on agricultural issues and concerns.

If an agricultural advisory committee is being considered, it is important to assess the agricultural commodities in the area and ensure that committee membership represents as broad a spectrum of the agricultural industry as possible. Local governments may wish to refer to the model "Terms of Reference for Agricultural Advisory Committees" included below.

2. If an AAC is formed, it is suggested that a reactive role in terms of applications and reviews of plans and bylaws be combined with a proactive role in addressing agricultural concerns and raising the profile of agriculture in the area.

If further advice on the establishment and duties of an agricultural advisory committee is required, direct contact with an existing committee is suggested. At the time of writing, the Commission was aware of the following jurisdictions with agricultural advisory or similarly named committees.

- Central Okanagan Regional District	(AAC)
- Cowichan Valley Regional District	(AAC)
- Greater Vancouver Regional District	(AAC)
- Regional District of Central Kootenay	(AAC)
- Islands Trust - Salt Spring Island	(Agricultural Issues Focus Group)
- City of Abbotsford	(Agricultural Select Committee)
- District of Chilliwack	(Chilliwack Agriscop Society)
- City of Kelowna	(AAC)
- City of Penticton	(AAC)
- Town of Osoyoos	(AAC)
- City of Surrey	(AAC)

**AGRICULTURAL ADVISORY COMMITTEE
MODEL TERMS OF REFERENCE ***

Role or Purpose

- The purpose of the Agricultural Advisory Committee is to advise the (*regional district / municipality*) on agricultural issues within the (*region / community*) including:

(Choose appropriate items)

- applications initiated under the *Agricultural Land Commission Act (ALCA)* and *Soil Conservation Act (SCA)*
 - applications to amend official community plans and bylaws
 - assisting with comprehensive reviews or development of:
 - bylaws;
 - official community plans;
 - park and recreation plans; and
 - transportation plans;
 - major development proposals with potential impact on agriculture;
 - irrigation, drainage and other water management issues; and
 - effectiveness of noxious insect and weed control regulations and programmes.
- In the review of ALCA and SCA applications and bylaw amendments, the Committee shall comment on the following:
- the effect of the proposal on the agricultural potential of the subject property;
 - the effect of the proposal on adjacent ALR properties and surrounding agricultural production;
 - the effect of the proposal on water resources and transportation issues;
 - a rating of the priority or impact of the application on the maintenance of the ALR;
 - where appropriate, possible alternatives to the proposal; and
 - the identification of issues relating to the protection of the ALR lands specific to the application , including the use of appropriate buffering techniques aimed at enhancing land use compatibility.

* The Model Terms of Reference has been largely developed from a review of existing Terms of Reference of several operating Agricultural Advisory Committees.

*Agricultural
Advisory
Committee -
Model Terms of
Reference Con't*

(Optional additional role of the Committee)

- The Agricultural Advisory Committee may also make recommendations on:
 - addressing competition for the agricultural land base;
 - examining legislation to identify improvements to support agriculture;
 - raising awareness of agriculture;
 - enhancing an understanding of agriculture's role in the local and /or regional economy;
 - improving opportunities for joint funding of drainage and irrigation works; and
 - identifying and effecting change regarding the impact of transportation and utility corridors on agriculture.

Membership

- The Committee shall consist of () members appointed by the *(regional district / municipality)** representing a diversity of commodity groups and the processing and distribution sectors.

(* Committee members may also be recommended by a Farmers' Institute or other local agricultural organizations from the production and distribution sectors.)

- Appointments to the Committee will be for () years.
- The Chair *(and Deputy Chair or provision to appoint an Acting Chair in the Chair's absence)* shall be elected from the Committee membership at the first meeting of each year. The Chair shall be entitled to vote at all meetings.

Meeting Procedures

- The Committee shall meet (...frequency)

(Optional items may include whether or not meetings are open to the public and where they shall be held.)
- At all meetings () members shall constitute a quorum.
- Executive and secretarial support for the Committee will be provided by
- An agenda for the Committee will be prepared by (*specify*) and mailed to Committee members one week in advance of their meeting.
- The Committee will report to (*specify*)
- Committee members having a priority interest in an application or who are personally affected by an application /applicant must step aside from the discussion and subsequent vote on that particular matter.

WATER MANAGEMENT

Discussion:

A commitment to water management is a commitment to the agricultural industry and food security.

Agricultural water management issues in British Columbia are many, varied and often cross-jurisdictional in nature. Issues such as water management planning, water quality, pricing, conservation and allocation, managing activities in and around streams and other water bodies, drainage and floodplain management, groundwater management, and water export are all important to agriculture. Managing B.C.'s groundwater resource is crucial. The resource has tremendous potential, is relatively heavily used,²² poorly monitored and in need of measures to ensure quality and in specific areas,²³ quantity.

The following discussion focuses on two of these water management issues - water supply for agricultural irrigation and drainage. While these issues vary in their importance throughout the Province, where irrigation and drainage are important to agriculture they have a direct bearing on production and the sustainability of agricultural operations. In the Peace River area the use of irrigation is minimal. In contrast, in the semi-arid Okanagan Valley, an assured supply of water for irrigation is a *fundamental* need for most agricultural production. The drainage of many lowland areas like the Lower Mainland is essential where extensive drainage and flood protection works are in place.

These two water management issues have been of historic importance to agriculture. However, it is clear that traditional concerns about water supply and farmland drainage are being exacerbated by urbanization. Competition for the water resource is ever increasing, farm representation on water authorities is changing and the normal concerns with lowland drainage are being amplified by upland urban development.

It is of further concern that the importance of an assured water supply for irrigation and farmland drainage is often not recognized by the general public or decision-makers. The Agricultural Land Commission can point to a long history of applications for exclusion of land from the ALR based upon a lack of water or the land being considered too wet to farm. Yet ironically, the proposed alternative uses, most often urban, demand water and require drainage. It is of increasing importance that within agricultural areas, water supply and drainage *for* agriculture be elevated as an issue of priority and the impact of competing uses be clearly understood before urbanization rather than after.

□ IRRIGATION

Water - quality and quantity - is of paramount importance to agriculture. Being a critical limiting factor to production, its importance cannot be over emphasized. While the Okanagan Valley might first come to mind as an area in which water needs are critical, there are many other areas that rely on irrigation. Even in areas of generally high rainfall, summer water shortages can be experienced. From the Kootenays and Kamloops to the Lower Mainland and

²² A 1989 report on groundwater indicated that 9% of B.C.'s water needs came from groundwater but this accounted for 22.5% of the total groundwater consumption across Canada - almost equivalent to the three prairie provinces combined or Ontario at 27.2%. From, *Groundwater Issues in British Columbia*, Oct. 1989 p. 1. (see Further Resources - p. 9 - 97 for full credit.)

²³ For example agriculture is a major groundwater user in aquifers located in the Fraser Valley. See - *Groundwater Issues in British Columbia*, Oct. 1989, p. 3.

“Historically, in water-scarce regions of North America, irrigated agriculture has eventually given way to urban uses or functioned with a reduced share of the available water.”

Gary Runka,
Tree Fruit Industry
Land and Water Use
Issues Discussion
Paper, 1992

Vancouver Island, about 188,000 hectares of land were irrigated in British Columbia in 1995.²⁴

As stated previously, water management is both a multifaceted and a cross-jurisdictional concern. As a result, local governments and water authorities cannot be expected to grapple with all issues related to agricultural irrigation. At the same time, water authorities are very much locally-based, ranging from improvement districts, water works districts, irrigation districts and regional and municipal governments. As indicated in *Appendix 2*, there are over 400 ‘special-purpose’ governments in the form of improvement districts and water communities, many of which deal with agricultural water supply. Many were originally established to serve agriculture. Local authorities, therefore, can be expected to continue to play a central role in water management.

The following page provides a checklist of several issues associated with ensuring water for irrigation.

Key Issues - Irrigation

1. A general lack of awareness about how critical irrigation water is to the agricultural industry.
2. Gradual changes in water authorities resulting in the farm community having an ever shrinking voice in decision-making:
 - evolving rural demographics or urbanization within water authority areas results in more domestic water users with an increased influence on decision-making; and
 - irrigation districts and water authorities historically established by and operated for the farm communities are gradually coming under local government authorities faced with a broad range of competing interests.
3. A need to ensure agricultural water requirements are fully integrated into watershed management planning for the primary purpose of protecting water supply.
4. Agricultural water needs should be fully considered in the development of regional growth strategies.
5. Improved co-ordination of water management planning and land use planning involving various levels of government and non-government policy makers, ensuring an appropriate balance is achieved between water supply and conservation.
6. Reduce natural water infiltration due to rapid run-off caused by urban development.
7. The need to establish water management as a key factor in local area planning processes that are inclusive of the agricultural community. Agricultural Area Plans offer a planning process in which agriculture’s water needs can be fully assessed and integrated with broader community and regional planning concerns.
8. The need to consider increased water storage capacity.
9. Over utilization of groundwater resources with inadequate monitoring.

²⁴ From communications with the Ministry of Agriculture, Fisheries and Food, Resource Management and Planning Branch, October, 1996.

10. As agricultural water use efficiency increases, there must be assurance that the water saved will be allocated for other agricultural needs rather than regarded as a surplus available for domestic use.
11. There are opportunities for agricultural expansion in areas that would remain unproductive if water allocation were not provided. Water management planning should address these future agricultural water needs.
12. Agricultural water use is evolving with new operating methods and technology that can change water needs. Water management policy should take into account these changing and special needs - E.g.: extending the irrigation season, chemigation, soil fumigation and evaporative cooling.
13. The need for water rates to be based on a fair and equitable pricing policy for agriculture.
14. Works associated with roads and highways, including the installation of culverts and small diversions, often use agricultural lands as an outlet causing local drainage problems.

Opportunities & Recommendations:

1. Where appropriate, consideration should be given to regional water management planning, policy development and system development based on one or several watersheds.

There may be many different approaches to applying regional water management areas. In some cases the system may correspond to a single regional district or portions of a single regional district. In other situations the water management area may serve an area or grouping of municipalities located within two or more regional districts.

2. Growth management plans should include a careful analysis of the location, capacity and characteristics of all surface water sources and groundwater recharge areas, how the resource should be protected and how it should be developed for the benefit of all interest groups.

It is important that the water requirements of agriculture not be placed at the bottom of the priority list and the benefits of irrigation for agriculture should be recognized and explored.

3. It is important that water management planning be linked to broader land use policy as expressed in official plans, zoning bylaws and day-to-day land use decisions. It is also important that the management of ground and surface water be integrated.

Water allocation, approval and regulatory decisions must be consistent with overall water management plans. At the same time land use and water management planning must be linked. Water management issues may vary within a single planning area. In such cases, water management plans may be best developed through input gained from a number of irrigation / drainage planning areas with their own advisory group to assist in plan development. *Agricultural Area Plans and associated inventory work may offer a key planning vehicle to integrate water management planning with agriculture's needs and other planning issues.*

Water management planning must recognize that water is a strategic requirement for food production in B.C. Food is both a social goal and an economic activity.

Stewardship of the Water of British Columbia;
 Ministry of Agriculture,
 Fisheries and Food;
 January, 1994, p. 7

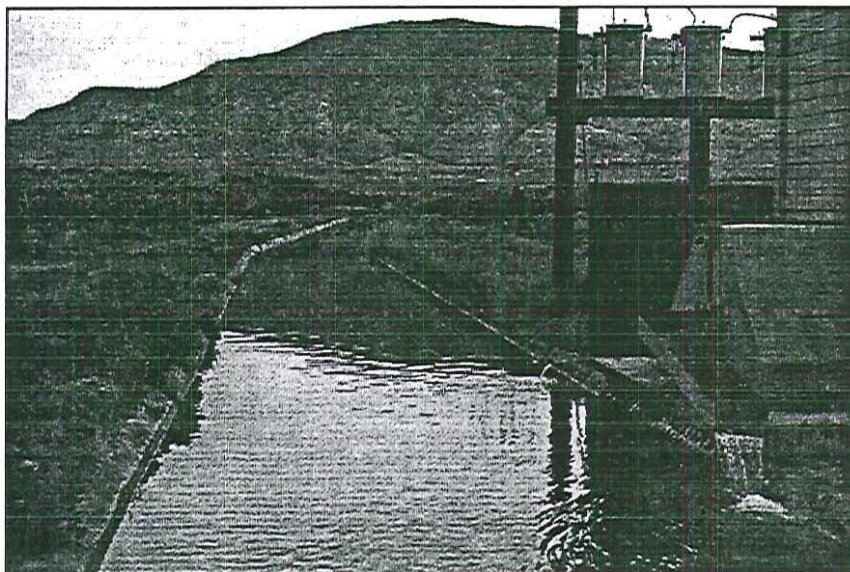
Water, both ground and surface, can be affected by land-based activities such as the application of fertilizers and pesticides, disposal of sewage effluent, chemical spills, poorly-sited landfills and inappropriate waste disposal sites and domestic sewage disposal. The knowledge gained from information on groundwater can be used to assist land use decisions and the development of official community plans and other land use policy and regulation. It is also important that agriculture maintains a fair share of the groundwater resource. Determining a "fair share" requires a basic understanding of agriculture's current and future needs and the state of the resource.

4. Consideration should be given to a possible role by local government and other water authorities in maintaining basic information on groundwater procurement and use.

Groundwater information is now submitted voluntarily by well drillers to the Water Management Branch of the Ministry of Environment, Lands and Parks. It is planned that "Groundwater Management Areas" (GMAs) will be established to focus licensing efforts on critical areas of recurring groundwater problems. This may set in motion, where needed, permitting and licensing procedures. Local governments and other water authorities may be able to play a role in providing a convenient point of collection of basic information concerning new and existing wells, particularly in a GMA.

5. Local water authorities that are involved in the supply of water for irrigation should take steps to ensure agricultural representation is maintained in advisory and decision-making roles.

In a world of changing demographics, where the voting strength of agricultural interests is shrinking and local governments are changing their jurisdictional boundaries or water authorities are absorbed into municipal or regional district



An assured supply of irrigation water is critical in the Okanagan Valley

structures, the water needs of agriculture are inclined to assume less and less priority. In some cases the number of non-farm water users may outnumber their farm counterparts, but agricultural water needs often surpass domestic use. Local governments may wish to create standing committees that have advisory or operational authority to manage water allocation, infrastructure maintenance and other issues with respect to water service. Water committees should maintain representation from the farm community consistent with agriculture's interests and use of the water service.

6. The pricing of water should be established through stakeholder consultation, provide for multiple farmstead use of the same water source and not place water for agricultural use at a competitive disadvantage.

While exact industry-wide figures are not available, both agriculture and aquaculture / fish processing use large quantities of water. As a result, water pricing increases may impact agriculture and aquaculture more strongly than most other sectors. While food producing and processing sectors should pay their fair share, water uses such as irrigation serve social goals like self-sufficiency in food production and a healthy, local food source. The price structure should reflect these social goals.

7. Where water systems are put in place to provide irrigation, the use of water availability as a rationale for the rural residential or urban use of agricultural land should be thwarted.

The Agricultural Land Commission has seen proposals for the introduction of water for irrigation or improvements to existing water systems intended for agriculture, increase expectations of subdivision and the non-farm use of agricultural land. It is important when water systems are developed to provide or improve service for agriculture that these improvements are accompanied by land use policy that clarifies the long term agricultural use of the land.

8. Where road and highway works are being considered and the installation of culverts or other improvements may result in the flooding of farmland or the interruption or damage to drainage systems, the affected farmer(s) should be consulted to ensure these impacts are avoided, minimized or mitigated.

□ DRAINAGE

Where needed, farmland drainage systems are an important, and indeed sometimes critical, part of agriculture's infrastructure. As pointed out in *Soil At Risk*, to compete with American produce coming in from the south, farmers, particularly in the Lower Mainland, must get onto their land very early in the season.²⁵ One major deterrent is field wetness due to high rainfall and inadequate drainage. Additional problems of poor drainage are crop loss due to flooding and harvesting delays. This often means, during wet years, that there is increased potential for soil compaction and degradation of the soil structure.

The importance of agricultural drainage, however, goes well beyond the critically important issue of maintaining soil quality. Crop loss, crop quality and fewer opportunities for diversification are also affected by poor drainage. Regional drainage systems are the backbone of on-farm drainage improvements. The lack of regional drainage systems can often render any existing on farm drainage works ineffective and deter further, similar on-farm improvements.

²⁵ Standing Senate Committee on Agriculture, Fisheries and Forestry, *Soil At Risk*, 1984. Page 40

The economic benefits to agriculture of both regional and on-farm drainage systems will be reflected and run through the local and regional economies. Investing in improved drainage also has environmental benefits, particularly



Flooded Farmland - Surrey - 1996

to fisheries, and is complementary to other economic and land use planning initiatives associated with local and Provincial efforts to preserve agricultural land and maintain a viable agricultural industry. A commitment to agricultural drainage, where needed, is a practical reflection of a commitment to agriculture.

Local governments can play a central role in identifying local and regional drainage needs, influencing programme development, assisting in providing agricultural drainage improvements and ensuring their continued maintenance. The following represents a number of possible local initiatives.

Opportunities & Recommendations:

1. Support the development of regional agricultural drainage improvements.

Local jurisdictions can play a critical role in identifying regional drainage needs, influencing policy development at senior governmental levels and helping to fund new drainage works and maintaining those already in place.

An Aside:

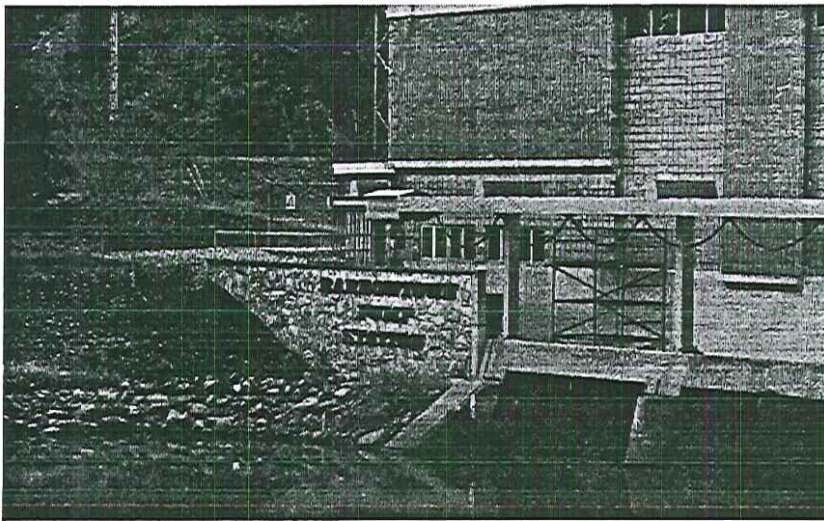
Although only in its second year at the time, the importance of an agricultural advisory committee, functioning in both a reactive and proactive role, was clearly demonstrated through the work of GVRD's Agricultural Advisory Committee on regional drainage concerns. While very much a local voice, with practical agricultural experience, the Committee pulled together, within a regional framework, the interests of several municipalities around an issue of common concern.

Actions initiated during 1994 by the Greater Vancouver Regional District provide a model for identifying regional drainage needs that can help shape policy at senior governmental levels. Initiated by the GVRD *Agricultural Advisory Committee*, a report was completed to identify, on a municipal basis, regional drainage needs. The Committee's Report provided general costs and emphasized the benefits of investing in regional drainage systems. The Report also identified local, Provincial and National benefits of agriculture infrastructure investment in the form of regional drainage works. The need to re-instate a joint Federal / Provincial funding agreement for new regional drainage improvements that involve municipal participation was central to the report's recommendations.

2. Support the renewal of joint Provincial / Federal programmes to fund regional drainage improvements and participate in any newly developed Provincial / Federal funding programmes as appropriate.
3. Local governments and farm organizations should jointly work toward the establishment of practical drainage planning areas and develop effective drainage maintenance programmes.

Between the regional and on-farm drainage systems there are numerous drainage problems involving, in particular, the maintenance and improvement of established systems. The *Delta Agricultural Study* examined this problem and their recommended approach could have application in other jurisdictions.

The study recognized that many of the smaller drainage problems were often specific to only a few farms or a relatively small area. For example, the problem



*Barrowtown Pump Station:
- A critical facility necessary to keep Sumas Prairie dry -*

may be one of establishing a reasonable balance between those farms requiring water in a ditch system to remain high for irrigation purposes, and those wishing to see lower water levels to ensure effective field drainage.²⁶

Because of the variability of circumstances, even within a single municipality, it is important that bodies overseeing the planning and delivery of drainage services in agricultural areas seek out representation from those experiencing differing problems to ensure the needs within these areas are fully understood and addressed as effectively as possible.

4. Where required, local governments should dedicate necessary staff resources to respond to day-to-day drainage needs.

The duration or impact of a rainfall or flooding event is not easy to predict. The impact can vary considerably from one location in a municipality to another. In recognition of these and other problems the *Delta Agricultural Study* recommended the appointment of a drainage and irrigation officer to ensure the proper functioning of the drainage system. In particular, such a person would be on-call to quickly respond to farmers' requests to raise and lower water levels to meet drainage and irrigation needs.

²⁶ Klohn Leonoff Ltd., W.R. Holm and Associates, and G.G. Runka Land Sense Ltd., Delta Agricultural Plan, Agri-food Regional Development Subsidiary Agreement (ARDSA), January 1992, Page 83.

The Municipality of Delta acted on this recommendation by appointing a municipal *drainage and irrigation officer*. This serves as an example of a municipality that took direct action which will have economic benefits for the agricultural community as well as reduce soil erosion, compaction and quality problems associated with the lack of oxygen and microbial activities.²⁷

5. Works associated with roads and highways, including the installation of culverts and small diversions, often use agricultural land as an outlet causing localized drainage problems. A full assessment of these impacts should be undertaken before construction, including consultation with affected farmers and landowners.

Further Resources:

- Agrodev Canada Inc.; *Water Supply and Management Issues Affecting the B.C. Tree Fruit Industry*; for: the Okanagan Valley Tree Fruit Authority, April 1994.
- Ministry of Agriculture, Fisheries and Food; *Stewardship of the Water of British Columbia; - What does it mean to B.C.'s Agriculture, Fisheries and Food Industries?*, Province of British Columbia, January 1994.
- Ministry of Agriculture, Fisheries and Food; *Guide to Farm Practices*, Province of British Columbia: April 1996 (see Section on Irrigation).
- Greater Vancouver Regional District, Report to the Board of Directors from the Strategic Planning Committee concerning the *Agricultural Advisory Committee Drainage Report* and Appointment of Committee Liaison, February 16, 1994.
- Klohn Leonoff Ltd., W.R. Holm and Associates, and G.G. Runka Land Sense Ltd., *Delta Agricultural Study*, Agri-food Regional Development Subsidiary Agreement (ARDSA), January 1992. In particular, pages 41 & 42, 80 - 83, and 114 & 115.
- Standing Senate Committee on Agriculture, Fisheries and Forestry, *Soil At Risk*, 1984. In particular pages 39 - 41, 118 & 119.
- Waste Management Group, B.C. Research Corp.; *Urban Runoff Quality Control Guidelines For the Province of British Columbia*; Municipal Waste Reduction Branch, Environmental Protection Division, BC Ministry of Environment, June 1992. (This report includes a number of comments concerning the use of buffering and other techniques to control runoff that may be particularly relevant as urban / agricultural buffers for the protection of farmland.)
- Consulting other jurisdictions is a common and useful way to assist in the development of policy and standards for drainage. For example, the former District of Matsqui (now Abbotsford) has developed extensive drainage standards.

²⁷ *Delta Agricultural Study*, Page 82.

SOIL CONSERVATION

Discussion:

"If we were far enough out in space for the planet to seem but the size of an egg, then all the soil, that thin, unique miracle, alive and sustaining life, would, if gathered together in one spot, be barely visible to the naked eye."

Wes Jackson,
*New Roots for
Agriculture* - p. 8

"Soil erosion and other forms of land degradation rob the world of 5 million to 7 million hectares of farming land every year"

United Nations Food
and Agricultural
Organization
Factsheet available at
the World Food
Summit, Nov. 13 - 17,
1996

It would be difficult to overstate the importance of soil conservation. In 1905 Harvard professor Nathaniel Southgate Shaler published a book entitled *Man and Earth*. It described soil and water systems as an enveloping membrane or film, a *placenta*, through which the earth sustains life. Shaler made clear that all living things, including humans, draw life from the sun, clouds, air and earth through this living film. If the placenta is not kept healthy or intact, life suffers. If healthy, it is a rich, throbbing support system. His message was clear: protect the placenta and you protect all Nature's children.²⁸ The importance of soil conservation is not limited to those with an interest in agriculture. Yet, of all the earth's soil resource-built by nature through time, half has been lost. But what is most critical is that it has been lost by man in only the relatively recent history. In fact, if the history of the earth were telescoped into one year, this loss has occurred only in the last few seconds.²⁹

When did we, in Canada, start to demonstrate a concern for our soil resource? Scanning the reports of the Canadian Commission of Conservation between 1914 and 1917, one sees a young agricultural industry being advised of the importance of good field management, the use of crop rotation, and the use and proper handling of manure. But this advice is almost exclusively directed at production enhancement, with little or no advocacy for soil conservation in its own right.³⁰

An important B.C. Soil Science Workshop specifically dedicated to "Soil Degradation in British Columbia" was held in the Spring of 1983. The Workshop was co-sponsored by the B.C. Land Resource Science and B.C. Engineering Science Lead Committees. D.R. Coote, of the Land Resource Research Institute of Agriculture Canada, provided an overview of Soil Degradation in Canada and confirmed the overall low profile of the subject. He remarked that, "the term soil degradation was seldom heard just five years ago."³¹

However, with the 1984 publication of *Soil At Risk*, the issue of soil degradation in Canada found its way firmly onto the public agenda. The report presented the findings of the Standing Senate Committee on Agriculture, Fisheries, and Forestry chaired by Senator Herbert Sparrow. The Committee found the need for soil conservation in every region of the country. It described soil degradation as *the most serious agricultural crisis in Canada's history*. In British Columbia, the Committee found the alienation of agricultural land for urban, industrial or residential use to be the dominant form of land degradation in the Province until the passage of the *Land Commission Act* in 1973.³² The report unequivocally stated that unless action was taken quickly, Canada would

²⁸ Jackson, Wes, New Roots for Agriculture, Bison Book, University of Nebraska, 1985, page 6.

²⁹ New Roots for Agriculture, page 8

³⁰ See in particular the reports of the Committee on Lands, Agricultural Surveys and Illustration Farm Work in the Annual Reports of the Commission of Conservation - Canada for the years 1914 to 1917.

³¹ B.C. Soil Science Workshop, Soil Degradation In British Columbia, Ministry of Agriculture and Food, 1983, page 6 Conservation - Canada for the years 1914 to 1917.

³² Standing Senate Committee on Agriculture, Fisheries and Forestry, Soil At Risk, 1984, page 37.

lose a major portion of its agricultural capability. It was estimated in 1984 that soil degradation was costing Canadian farmers a staggering \$1 billion+ each year in lost farm income.³³

Soil degradation is caused in a number of ways. Erosion by water and wind, alienation of agricultural land for urban and related uses, loss of organic matter, salinization, acidification, contamination, compaction and soil mixing and disturbance are the major forms of soil degradation.

Historically we have looked to both the Federal and Provincial governments to take a leadership role in tackling the problems associated with soil degradation. While this role will continue, there is opportunity for a number of contributing local initiatives as outlined below.

"... once our soil is gone, that is the end of economic agricultural production. Our children's grand-children will not see a rejuvenation of our soils."

New Brunswick
Institute of Agrologists

A commitment to agriculture as the use of priority in agricultural areas will encourage land use stability and confidence in the farm community.

Opportunities & Recommendations:

1. Local governments should ensure long term land use certainty and the priority of agricultural use of agricultural land.

On-farm stewardship will be influenced by land use certainty. Farming, like most enterprises, involves large capital investments³⁴ and long term business plans. Field upkeep is one of the first places that investment may be cut.³⁵ For this reason, a climate of land use *stability* is a necessity for both the health of the farm business and the health of the land base.

Local government land use policy and regulation contained in official plans and bylaws, and a general *commitment* to the long term agricultural use of agricultural land, will contribute to needed stability. It promotes *confidence* in the agricultural community and establishes agriculture as the use of priority within our farm areas. This in turn encourages sound soil husbandry practices by producers who are assured their soil conservation efforts and investments will reap economic returns in the long term.

2. Heighten awareness of the importance of soil conservation within schools at all levels, through local demonstration projects and by recognition and awards programs.

Resource Material Available

Soil Secrets

Produced by the B.C. Agriculture in the Classroom Foundation in 1995 and written by Dr. Gladys Stansbury and Cathy Ready, Soil Secrets is a resource designed to introduce intermediate school students to the world of soil: where it comes from, how we use it and why it is so important in the life of plants and animals.

Soil At Risk strongly recommends programmes to increase the awareness of the severity of the problem and the importance of soil conservation. While it is important for policy makers to be aware of the issue, it is also important for the general public to have a sufficient grasp of the issue to ensure elected officials develop and fund programmes. There are a number of ways this may be achieved.

³³ *Soil At Risk*, page 3.

³⁴ Total value of B.C. farm capital in 1996 (farm machinery and equipment, livestock and poultry, land and buildings) = \$13.8 billion. Statistics Canada, 1996 Census of Agriculture, as supplied by BCMAFF Statistical Services; Census of Agriculture 1996: And Historical Comparisons - B.C. Summary, p.4.

³⁵ Kramer, Mark, Three Farms, Little Brown and Company, Boston/Toronto, 1977, page 25.

- Through *environmental study courses* from the primary grades upward, develop an awareness of the issue of soil conservation. This should be actively supported by school boards in each of B.C.'s school districts.
 - Importance has been placed on the need for practical farm-scale *demonstration projects*.^{36 36} Such efforts will not only enhance public understanding but will allow for the transfer of information to producers. Potential exists for local, non-governmental groups (Agripro, Agriscope, etc.) to take a leadership role in encouraging and sponsoring such efforts.
 - Local governments or chambers of commerce and economic development organizations can develop *recognition programmes* for innovative agricultural business practices, product development or management techniques. Programmes of this type could include soil conservation as part of its assessment criteria to heighten awareness of the issue.
3. The adoption, by local governments, of effective design standards to manage storm water run off from urban areas.

Example:

The Delta Farmland and Wildlife Trust is one organization that has established a demonstration stewardship programme for the purpose of allowing the farm community to evaluate management techniques. While particularly interested in the integration of farm productivity and wildlife preservation, soil conservation is also an important part of the stewardship programme.

Much of B.C. agriculture is in close proximity to urban areas. Moreover, emphasis is being placed on the *urbanization of upland areas* rather than building towns and cities on high quality valley bottom farmland. With *water erosion* a key factor in soil degradation, coupled with parts of B.C. having heavy annual rainfall, water detention from urban and industrial areas is a major land management concern.³⁷ Local governments have a particularly critical role in the development of effective storm water detention facilities to lessen the potential for soil degradation through erosion by water.³⁸

4. Where governments own farmland, "*lead-by-example*" standards should be developed with respect to the application of soil conservation techniques.

Where a local government owns farmland, not only should the agricultural use of this land be promoted, so should the application of soil conservation techniques. To assist these local government "*lead by example*" soil conservation efforts, the federal and Provincial governments should provide advisory assistance concerning appropriate soil conservation techniques.

5. Promote the establishment of local conservation districts.

The establishment of local conservation districts has proven to be a successful way to organize conservation efforts. With assistance and advice from the Province, the conservation district may encompass a single identifiable agricultural community or portions of a regional district or municipality.

³⁶ Soil At Risk, page 43

³⁷ If soil nutrients are lost to erosion they are normally replaced with additional fertilizer. The value of nutrients lost annually to erosion in British Columbia was estimated in 1984 to be \$25 to \$30 per hectare on sloping fields.

³⁸ Several municipalities have or are developing effective design standards to prevent water runoff onto farmland. The former District of Matsqui (now City of Abbotsford) is one example of a community with upland urban areas largely surrounded by agricultural land - much of which is in a floodplain location - which has developed particularly effective means for dealing with storm water runoff.



Working through one of the many farmers' institutes may also offer an appropriate focal point for the development of conservation districts. Because of British Columbia's tremendous diversity, developing approaches that are locally applicable should prove to be the most effective means to deal with soil conservation issues.

6. Ensure local government regulations permit livestock operations and the use of manure as a soil amendment, do not promote farmland parcelization and allow for agricultural diversity.

The provision of organic matter, diversity of agricultural uses and lessening parcelization are all important to soil conservation and influenced by local regulation.

Despite the establishment of the ALR, some local governments regulate the types of agricultural use that may occur even within the Reserve.³⁹ While in some situations such action may be appropriate, in most cases this can influence both the opportunity to produce and obtain *organic matter* (which is an important component in reducing soil degradation) and maintaining agricultural productivity.

Local regulations that promote *parcelization* of agricultural land also contribute to a lessening of on-farm *diversification*. *Soil At Risk* found fewer soil conservation problems on diversified farms and this could also apply to larger agricultural communities as well. In addition to increasing the per hectare value of farmland and encouraging estate residential uses, small holdings often have an insufficient land base to handle manure from operations such as swine and poultry.

7. Adjust taxation policy to take into account non-productive portions of agricultural operations.

The taxing of unproductive lands can serve to force the intensive cultivation of marginal land for the cash it will return.⁴⁰ Local governments and the Province should consider differentiating between productive and non-productive agricultural land for *taxation purposes*.

To promote sound land stewardship practices, local regulations should provide for the widest scope of agricultural uses over the largest possible extent of the agricultural land base, and discourage the further parcelization of farmland unless there is a clearly demonstrated agricultural benefit.

³⁹ While prohibitions on agricultural uses in selected circumstances will remain possible, under the *Farm Practices Protection Act* prohibitions will require approval of the Minister of Agriculture and Food.

⁴⁰ *Soil At Risk*, pages 23 & 24.

Consideration could be given to a zero-value assessment for land poorly suited for agricultural production. It is not unusual within the farmed landscape for there to be areas along the margins of stream courses, wetlands or areas of changing topography that are not well-suited for agricultural production and would, for reasons of soil conservation, be better left in a largely natural state. At the same time these areas could make a valuable contribution to the preservation of wildlife habitat.

8. Care must be taken in the design and location of public works and other non-farm uses that may lead to soil contamination.

Soil contamination through water run-off from *roadways*, surface or subsurface leaching from *land fill sites* onto farmland (as well as into water sources used for stock watering or irrigation) and the location of incompatible land uses adjacent to farmland are serious concerns for agriculture. Local governments, responsible for approving the design of water detention facilities associated with runoff from roadways, the location and design of landfill sites and other uses in close proximity to farmland, must be particularly cognizant of the potential impacts on soil degradation. At all times the special function of farmland to produce food should guide land use decisions.

Soil At Risk also discusses the practice of disposing sewage sludge onto farmland and calls for the careful monitoring of this growing practice. While a valuable source of nitrogen and phosphorus, sewage sludge also contains varying amounts of heavy metals. Any local government undertaking such a disposal programme should ensure effective monitoring measures and comply with all environmental standards.⁴¹

RECOMMENDATION:

To support the *Soil Conservation Act*, the ALC should enhance liaison with local enforcement officers, recognize local contributions administering the Act and with the assistance of the Resource Management Branch of MAF, establish an ongoing workshop programme for local enforcement officers.

9. Adequate staff resources should be provided by local governments and the Agricultural Land Commission to ensure effective administration and enforcement of the *Soil Conservation Act*.

The *Soil Conservation Act*, administered by the Agricultural Land Commission, prohibits the removal of soil or the placing of fill on land in the ALR. A requirement of the Act is the appointment of an enforcement officer by local authorities to administer and enforce the requirements and regulations of the Act within its area. This represents an important local role that makes a direct contribution to lessening soil degradation. It is important, therefore, that sufficient staff resources are committed to this task.

10. Where required, local governments should support the provision of regional drainage works and the appointment of local drainage officers as positive means to lessen soil degradation.

For further comment on the contributions that a local drainage officer and regional drainage programmes can make to lessening the potential for soil degradation see above, *Water Management*, page 71.

⁴¹ *Soil At Risk*, page 118

Further Resources:

Besides the national perspective of *Soil At Risk*, the 1984 report of the Standing Senate Committee on Agriculture, Fisheries and Forestry, there are a number of publications related to British Columbia on the question of the soil landscapes and soil degradation.

- Valentine, Sprout, Baker and Lavkulich (editors), The Soil Landscapes of British Columbia, The Resource Analysis Branch, Ministry of the Environment, Victoria, 1978.
 - B.C. Soil Science Workshop, Soil Degradation In British Columbia, Ministry of Agriculture and Food, 1983.
 - Runka, G.G., Soil Degradation and Rural Land Use Change - Uplands of Langley and Matsqui Municipalities - Fraser Valley, Canada/British Columbia Agri-Food Regional Development Subsidiary Agreement, 1990.
 - Bertrand, Hughes-Games, Nikkel, Soil Management Handbook For The Lower Fraser Valley, Ministry of Agriculture, Fisheries and Food, 1991. (This publication (page 2) also includes a list of interpretive maps that are available from Maps B.C.)
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MUNICIPAL INCORPORATIONS AND BOUNDARY EXTENSIONS

Discussion:

The Ministry of Municipal Affairs and Housing plays a central role in the consideration of municipal incorporations and boundary extensions. On a number of recent boundary extension proposals in the Comox Valley and Parksville, and during the Regional District of Nanaimo's development of its Growth Management Plan, impacts on the ALR and longer term land use objectives were explored as part of the boundary extension process. As outlined below, after reviewing over 40 boundary extension processes, this comprehensive approach is encouraged by the Commission.

There are several important questions when incorporation is being considered - notably, how taxes and services will be affected for all concerned. However, there are three broad areas of interest for the Commission.

- The need to consider boundary restructuring in a broad, often regional context. The development of regional growth strategies offers a clear opportunity to consider regional implications of boundary changes.
- Avoid, if at all possible, the inclusion of small portions of land in the ALR into jurisdictions which currently have little or no ALR.
- Where ALR land is included as part of a boundary extension proposal, the long term land use vision of the recipient jurisdiction of ALR land should be clearly established.

Several boundary restructuring processes with which the Commission has been involved have been initiated in response to a small number of property owners on the edge of a municipality. With few exceptions, if agricultural land is being considered for incorporation, the process should be placed in a larger context as encouraged by the Ministry of Municipal Affairs and Housing. From the point of view of preserving the resource base and ensuring land use compatibility, lessening land use conversion pressures and maintaining or enhancing the climate for farm business are important. A comprehensive regional review will normally serve agriculture better than responding to efforts to incorporate a small number of agricultural parcels.

For agriculture, these are critical issues. If the land use vision of the recipient jurisdiction is not agriculturally supportive when ALR land is the subject of a boundary extension, this attitude will likely be reflected later in land use policy and regulation to the long term detriment of agriculture.

Many municipalities have large, thriving agricultural sectors. Incorporating additional agricultural land into their boundaries will normally be of little concern. In other cases, recipient municipalities may have little or no land in the ALR and have little experience in dealing with agricultural issues. It has been the Commission's experience in these latter cases that the recipient municipality may take the incorporation of ALR land as a signal of the eventual urbanization of the farmland in question. If no prior agreement has been reached with the Commission to exclude the land in question from the ALR, the action of incorporation should not be regarded as having a bearing on the status of the ALR.

Concerns and Considerations

1. Boundary extensions may give rise to development expectations. This may result in an escalation of property values, making it more difficult for members of the farm community to acquire agricultural land. If uncertainty regarding future land use is generated, this can discourage investment in machinery and farm improvements. One positive step is the retention, where they exist, of existing agricultural plan and zoning designations and recognition of agriculture as the principal use of ALR lands.
2. The extension of urban services adjacent to or through farm areas can influence or heighten expectations of land use change if not countered by strong local policy direction supportive of agriculture.
3. Farm areas incorporated into predominantly urban jurisdictions may be subjected to urban attitudes and decision-makers unfamiliar with agricultural issues. Rather than farming being considered as a positive part of the community's economic fabric, it may be regarded as a nuisance or an impediment to urban development, resulting in plan policies and bylaws that are not consistent with agriculture's needs.
4. There may be different assessment and taxation implications for farms within municipal jurisdictions.

This issue of incorporation undermining the ALR is not an idle concern. Land has been excluded from the Reserve as a direct result of incorporation.

There are of course several factors that must be considered prior to a decision being reached on a boundary extension. However, it is important that the long term land use vision be clearly enunciated during - not after - the process. Without considering long term planning issues as part of the process of boundary extension, agricultural implications will be ignored.

The Commission normally supports incorporation of ALR land into a municipality where that authority has a proven track record and understanding of agricultural issues. A key element is the adoption of official plans and bylaws aimed at protecting agricultural operations and the integrity of the ALR. In considering boundary extensions, the Commission may seek assurances that steps will be taken to ensure appropriate agricultural policies will be put in place after the boundary change has been finalized.

Opportunities & Recommendations:

1. While proposals for boundary extensions should try to avoid the Reserve if at all possible, when ALR lands are considered for incorporation into a municipality, the Agricultural Land Commission should be consulted at an early stage in the process.
2. When substantial agricultural land is being considered for incorporation, local farm groups, farmers' institutes and local agricultural advisory committees should be consulted.
3. Ensure that land use planning issues are considered as part of the process of considering incorporation. In particular, the land's current status with respect to zoning, OCP and ALR designations should be highlighted.
4. For those lands being considered for incorporation, the recipient jurisdiction should develop a draft land use plan that would form the basis for OCP amendments following incorporation. Or at the very least, adopt this as a statement of intent prior to incorporation.

As noted above, the Ministry of Municipal Affairs and Housing has been encouraging careful consideration of ALR issues and impacts on farm communities as part of boundary extension processes.