



Cariboo Regional District
File No. 3015-01

MAR 4 2020

Referred To CAO

March 4, 2020

File: 0280-30

Ref: 191667

Margo Wagner, Chair
Cariboo Regional District
Email: mwagner@cariboord.ca

Dear Margo Wagner:

Thank you for your letter of January 23, 2020 regarding the recent changes to the *Agricultural Land Commission Act* (ALCA) and the comments made by the North Cariboo Agricultural Development Advisory Committee (ADAC) on those changes. I also wish to acknowledge the inclusion of Christa Pooley's letter with your submission, many of the concerns she raised echo what was heard from the public engagement sessions.

I am pleased to hear that the Cariboo Regional District and the ADAC agree with the changes to end large mansions and lifestyle estates, and the changes to halt illegal fill dumping in the Agricultural Land Reserve (ALR).

Many of the points the ADAC raised in their report were discussed during the various engagement sessions held across the province. A "What we Heard" report is completed and can be found here: [What We Heard Report](#). These comments will be considered in the Ministry's future policy and legislative work around the Agricultural Land Commission (ALC) and ALR. For more information on the engagement process please visit [Supporting Farmers](#).

One Zone

The B.C. government is making it clear that all land in the ALR needs, deserves and will have the same strong protections. All land in the ALR is valuable, and it is critical that we eliminate the perception that there is greater and lesser agricultural land in B.C. Having two zones led to a lack of clarity around the protections in place for farmland in B.C. and caused an administrative burden for the ALC. A more thoughtful approach and creation of regulation-making powers allows government to tailor the allowed uses of the ALR based on the region, geography and other considerations. Returning to 'one zone' recognizes the value of protected farmland throughout B.C. and reinstates a consistent decision-making approach on the ALR. This flexibility will allow government to recognize the unique needs of farmers in different areas across the province without use of the blunt instrument of dividing the ALR into two zones.

Residential Flexibility

Another key interest of the B.C. Government in making changes to the ALCA was to address expansive residential development on the ALR.

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The way government chose to address this was two-fold; first to limit the size of the primary residence to 500m², any primary residence greater than 500m² requires approval from, first the local government, and then the ALC. Second, a decision was made to move the approval of additional residences for farm use to the ALC. Previously the approval of additional residences for farm use was done by local governments, who had the responsibility to determine if any additional residence was for farm use. Applications for 'non-adhering residential uses' must still be reviewed by local governments to determine if they fit within local government residential development rules and requirements. If the applications fit, local governments will forward the applications to the ALC for consideration.

During the recent consultation process we have heard from families across B.C. that more changes are necessary. Government is now looking seriously at ideas like allowing flexibility for a small second residence, such as mobile homes or carriage houses. This option would require registering with the ALC but would not require an application or approval from the Commission, and this option would be for all ALR land owners, not just farmers. The Policy Intentions Paper will be available for people to provide feedback starting on January 27, 2020 to April 17, 2020.

- [Read the Policy Intentions Paper \(PDF\)](#)

If you would like more information on this process, or want to provide feedback for policy consideration, please contact ALR_ALCRevitalization@gov.bc.ca, write the Minister of Agriculture at PO Box 9043 Victoria, BC V8W 9E2, or call the AgriServiceBC line at 1 888 221-7141.

Home-based Businesses

The [Agricultural Land Reserve Use regulations](#) currently permit whatever a local government permits for a home-based business. In the interior and north of the province some local governments permit extensive outdoor areas and ancillary structures for such uses, therefore anyone interested should contact their specific local government. The Agricultural Land Reserve Use regulations permit logging/milling of timber without application if half (50%) of the feedstock (logs) for the mill comes from the farm. On larger ranches this could permit quite an extensive operation.

Thank you for sharing your concerns with me. I appreciated receiving the comments made by the ADAC regarding the recent changes to the ALCA.

Sincerely,



Lana Popham
Minister

File: 3015-01

January 23, 2020

The Honourable Lana Popham
Minister of Agriculture
PO Box 9043, STN PROV GOVT
Victoria, BC V8W

Dear Minister Popham:

Re: Changes to Regulation in the Agricultural Land Reserve

The Board of Directors have been discussing the recent changes to the regulation of the Agricultural Land Reserve.

The Directors were very concerned with what they were seeing in news reports and what they were hearing from constituents. While the Board can understand the need to regulate very large homes in the Lower Mainland there seems to be a negative regulatory overreach in the rest of the Province.

To assist the Board we assigned our Agricultural Development Advisory Committee which represents the North Cariboo to look into this matter and report back. Their report, which is attached to this letter, was received by the Board at our meeting held January 17, 2020. The Board then endorsed this report and directed that it be forwarded to you.

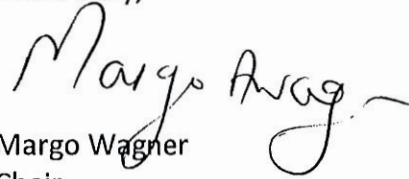
I have also attached a letter of concern penned by Ms. C. Pooley who expresses very similar concerns.

The Board feels strongly that the current regulations and their application can and will have a negative impact on the sustainability of agriculture in the Cariboo-Chilcotin and the Province of British Columbia.

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Thank you for considering this matter. If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,

A handwritten signature in cursive script that reads "Margo Wagner". The signature is written in dark ink and is positioned above the printed name and title.

Margo Wagner
Chair

c: Donna Barnett, MLA, Cariboo-Chilcotin
Coralee Oakes, MLA, Cariboo North

Attachment

**Bill 52 Agricultural Land Reserve
Agricultural Development Advisory Committee
Report to Cariboo Regional District**

PURPOSE OF REPORT

The Cariboo Regional District Board has asked that the North Cariboo Agricultural Development Advisory Committee (ADAC) provide its thoughts and guidance on the changes that have occurred, and are contemplated to the Agricultural Land Reserve. The Board is aware of, and has received comments expressing concerns with the proposed changes and their impact on land owners in the ALR.

OVERVIEW OF KEY ISSUES – BILL 52

The changes address three critical issues impacting the ALR:

1. Ending the proliferation of large mansions and lifestyle estates in the ALR which inflate land prices and place agricultural land out of the reach of current and new farmers and ranchers;
2. Ending the dumping of illegal fill in the ALR through clear, stringent rules that ensure the ALC has the necessary information and enforcement tools to monitor and ensure compliance with limits on fill placement and soil removal in the ALR; and
3. Ending the 'two-zone' artificial separation of the ALR for improved decision making and protection of this vital provincial land reserve across the province for the benefit of agricultural production

ADAC GUIDANCE ON AGRICULTURAL LAND RESERVE CHANGES

1. *Ending the proliferation of large mansions and lifestyle estates in the ALR which inflate land prices and place agricultural land out of the reach of current and new farmers and ranchers.*

The ADAC members agree with the changes in Bill 52 in regards to this key issue.

2. *Ending the dumping of illegal fill in the ALR through clear, stringent rules that ensure the ALC has the necessary information and enforcement tools to monitor and ensure compliance with limits on fill placement and soil removal in the ALR.*

The ADAC members agree with the changes in Bill 52 in regards to this key issue.

3. *Ending the 'two-zone' artificial separation of the ALR for improved decision making and protection of this vital provincial land reserve across the province for the benefit of agricultural production.*

While the ADAC agrees with ending the 'two-zone' separation of the ALR for improved decision making and protection of this vital provincial land reserve, it also recognizes there are many variations within the province in regards to the impacts of population growth and threats from development, both residential and industrial. The committee feels that protection and increased productive capacity of the land in the ALR goes hand in hand with providing the support needed to assist ranchers and farmers grow and diversify profitable agricultural production. For this reason,

the committee feels the ALC will need to consider the broad diversity of perspectives in regards to use of land in the ALR as compared to a "one size fits all" regulation. This may be accommodated by allowing more flexibility in the regulations and retaining the values of the Agricultural Land Reserve through the integrity of the Agricultural Land Commission.

Overall the committee understands the reasoning behind the new legislation however it is worried about the effects on those in our region that are not abusing the current regulations and will be overburdened by each new piece of legislation. The committee is also worried about the effect it may have on potential land owners and investors.

We need to argue that a secondary dwelling where there is a bona fide succession plan, should be more lenient. A succession plan should be added to an application or be built into the criteria. The application criteria should also include a business plan with a long-term strategic plan, history of investment into the land, and proof of farm status - all are important criteria to be considered. The qualifications that are already used in other applications such as soil class, agriculture capability, climate, and topography could also be in these applications. The ALC should consider the application within context of region and the recommendations of the local government.

The committee feels the size of the "farm home plate" should be based on size of the ALR land and specifics of the operation. There needs to be clarification with the 10-acre regulation – such as can this be a long thin land strip?

Look at infrastructure allowances for value added production, such as slaughtering facilities, processing, and packaging. If a producer wants to process their product, they should be able to do that within the rule that at least 50% of product must be produced on the farm. Where possible, consider retaining the zoning as farm land as compared to zoning it light industrial.

Farms should be allowed a sideline business as they have been in the past, as long as it does not impact agricultural production capacity. These sideline businesses should be related to agriculture/farming in some way, although how this would be defined and who would define this needs to be considered. In certain areas of a region, activities related to logging and farm equipment repair have historically been part of agricultural land reserve development. At the end of the day agriculture has to be profitable. If we consider the three pillars of the ALC to be land, water and producers then support of these pillars might include compensation for certain regulatory activities, and programs to support cost of production and to access funds for development.

The Agricultural Development Advisory Committee is in agreement with the recommendations included in the BC Cattlemen's Association (BCCA) November 20th letter to the Minister of Agriculture with the possible exception of the recommendation stating "These benefits (financial benefits to) should only be available to bona fide farm operations that actively participate in ranching or farming activities". If this statement means that the owner of leased land being farmed would not be eligible for the financial benefits then the ADAC is not in agreement with the BCCA on this point. To ensure productive utilization of ALR land, some landowners are leasing land to other who may have the ability to increase production and provide expertise with equipment. This helps ensure the best use of farmland and the existing rule that land leased to a farmer also qualifies for tax exemptions should remain. The BCCA letter has been attached to this document for your review.

ADDITIONAL INFORMATION

<https://www.alc.gov.bc.ca/alc/content/alc-act-alr-regulation/the-alc-act-and-alr-regulations>

<https://www.alc.gov.bc.ca/alc/content/alc-act-alr-regulation/alc-policies>

<https://www.cattlemen.bc.ca/policy.htm>

AGRICULTURAL DEVELOPMENT ADVISORY COMMITTEE MEMBERS

Name	Organization
Martin Rossmann (Chair)	Kersley Farmers Institute
Rob Borsato (Treasurer)	Quesnel Farmers' Market
Erin Durrell (Secretary)	BC Cattlemen's Association
Tim Lofstrom	Post-Secondary Education-CNC
Serena Black	BC Forage Council – North Cariboo Representative
Roy Josephy	Horticulture
Nicole Pressey	Ministry of Agriculture (non-voting member)

AGRICULTURAL DEVELOPMENT ADVISORY COMMITTEE SUB-COMMITTEE MEMBERS

Martin Rossmann	Chair ADAC; Owner M/M Ranch
Nicole Pressey	ADAC Ministry of Agriculture Representative
Rob Borsato	Treasurer ADAC; Owner Mackin Creek Farm
Erin Durrell	Secretary ADAC; Owner Narcosli Cattle Co; Director BC Cattlemen's Association
John Massier	ADAC-CRD Liaison
Lynda Atkinson	Owner Sister Creek Simmentals; Director – BC Agriculture Council, Canadian Federation of Agriculture, BC Horse Council
Wilma Watkin	Agriculture Working Group; Former Owner Walk'in Acres - Poultry Producer and Abattoir
Lori Fogarty	Agriculture Working Group
Carey Ekelund	ADAC Administrative Assistant – recording minutes of meeting



BRITISH COLUMBIA CATTLEMEN'S ASSOCIATION

Representing the Beef Cattle Industry of British Columbia

AGRI CENTRE - #4 - 10145 DALLAS DRIVE, KAMLOOPS, B.C. V2C 6T4 PHONE (250) 573-3611 FAX (250) 573-5155

November 20, 2019

Hon. Lana Popham
Minister of Agriculture
Victoria, BC V8W 9E2
ALR_ALCRevitalization@gov.bc.ca

Our File # 2019-041
SENT BY EMAIL

Dear Minister Popham:

RE: Supporting BC Farmers Engagement

The British Columbia Cattlemen's Association is providing input as you seek ways to support BC ranchers and farmers.

The Association has a long-standing position that the agricultural land reserve only protects one of the three key elements of food security – the land – without providing equitable protection/support for either water for agriculture or the people needed to work the land.

There is a broad diversity of perspectives on the agricultural land reserve and the commission among our membership. However, **the common ground is the need to protect the producer, not just the land, and the need to make agriculture profitable.**

In our view, the Ministry of Agriculture has an opportunity to provide supports for ranchers and farmers that make a real difference in their overall financial viability. **This a time when ranching families need the Ministry and the Province to stand up for agriculture, not regulate farm families out of business.**

In April 2018, after careful review, the Association made 33 recommendations on revitalizing the ALR. In our view, many of these recommendations are still valid and I urge you to revisit them.

The BC Cattlemen's Association urges you to consider how regulatory overburden and the lack of financial supports are suppressing a generation of agricultural entrepreneurs.

Enclosed please find the BC Cattlemen's Association submission on Supporting BC Farmers & Ranchers engagement.

Regards,

Larry Garrett, President

Encl./1 – submission



BC Cattlemen's Association

Comments on

Supporting BC Farmers & Ranchers (ALR Revitalization Engagement)

November 20, 2019

Prepared for: Honourable Lana Popham, Minister of Agriculture

Prepared by: BC Cattlemen's Association

Respectfully submitted by the Board of Directors on behalf of our 1,043 rancher members.

Position Statement (excerpt)

With the implementation of the Agricultural Land Reserve, the Province has an inherent obligation to ensure farmers and ranchers have the tools necessary to support and grow their businesses. Work is still needed to provide long-term access to adequate water resources along with regulatory framework that enhances ranch businesses.

In the absence of Provincial regulations and programs to enhance agricultural industries, the Province then has responsibility to provide ranchers with options to diversify their businesses. The burden of the Land Reserve should not be the sole responsibility of the agricultural landowners.

Founding Principles

The BC Cattlemen's Association has established the following founding principles for this engagement:

- 1) Provide ranchers/farmers with **protection and support** to carry out agricultural activities;
- 2) There should be **no further infringement on private property rights**;
- 3) The province needs to manage with a goal of **making agriculture more profitable**; and
- 4) Bonafide operations must be allowed to **diversify income (through a variety of means)** as long as the productive capacity of the land is not diminished.

CHALLENGES & OPPORTUNITIES

➤ Social Justice

Expropriated Property Rights:

By establishing the Land Reserve, the province expropriated private property rights and imposed momentous restrictions on ranching and farming families. These individuals have never been compensated for this loss and burden. The lingering impact of this remains within the ranching community. Restitution needs to be paid for the expropriation of agricultural landowners' rights.

RECOMMENDATION:

- 1) That the province make restitution for expropriated property rights by establishing an agricultural tax credit of 15% against gross farm income.

➤ Regulatory Burden

There have been numerous regulatory reviews over the last decade that are oppressing farmers and ranchers (i.e., Open Burning, Ag Waste, Groundwater Licensing, FRPA, Species at Risk, Meat Processing, Grizzly Bears, Carbon Tax, etc.). The added layers of regulatory burden are crushing BC ranch families and their businesses.

Qualified Professionals

There has been a paradigm shift in the role of government in agriculture. Over the last forty years, since the reserve was established, there has been a move away from providing experts and professional advisors "at the counter" to a shift in regulatory requirements for "hiring Qualified Professionals (QP)". This new requirement comes at great cost to the producer. It is not just the cost -- though the cost of services for one

QP often exceeds the annual income of a rancher – it is the sheer amount of times a QP is required for what have been normal farming activities.

EXAMPLES of Regulatory Burden:

- Collecting and moving manure on your own fields now can require a QP under the AEMCOP regulation.
- Routine inspection and maintenance of water storage structure now requires a QP under the Dam Safety regulation.
- Use of well water that was drilled by the landowner now requires a QP and authorization under the Groundwater Regulations.
- Doctor a sick animal now requires a QP under the provincial veterinary regulations.

Red-Tape

We recognize that there are illegal activities taking place on farmland that are detrimental to the future of agriculture. However, in the effort to crack down on mega-homes and repeat offenders, there are many legitimate ranchers and farmers who are getting caught up in red-tape and bureaucracy. The goal of having one set of rules for everyone sounds good but one-size doesn't fit all.

RECOMMENDATIONS:

- 2) That the province establishes a Chief Agrologist, similar to the Chief Forester, to advocate for agriculture and review regulatory burden.
- 3) That the Minister of Agriculture work with the Chief Agrologist to annually monitor the regulatory burden on the sector and ensure that the provincial regulatory framework enables ranching and farming.
- 4) That the Minister of Agriculture and Chief Agrologist monitor and mitigate the cumulative effects of regulatory burden to ensure the requirements are not deleterious to the sector or its viability.
- 5) That the Minister of Agriculture and Chief Agrologist ensure the sustainable management of Crown range resources.

➤ **Bonafide Farm Operations**

Farm Income Threshold

There is financial benefit to obtaining farm status under BC Assessment; primarily reduced property taxes. Agricultural tax rates are lower than residential, commercial, or industrial rates to incent farming. These benefits should only be available to bonafide farm operations that actively participate in ranching or farming activities.

Create New Benefits for Bonafide Operations

Once the required income threshold has been achieved, then bonafide ranching/farming operations should be eligible for additional benefits:

- buildings for farm purpose are exempt from ALR limits on size and fill
- derive supplemental non-farm income from your property (from a variety of sources),
- be able to construct infrastructure within an allowed footprint.

RECOMMENDATIONS:

- 6) That the province increases the threshold for gross farm income to be eligible for farm status with full benefits.
- 7) Establish an allowable footprint for infrastructure and development purposes (residential, commercial and/or industrial purpose) when the designated income threshold has been obtained; and exclude farm infrastructure from the maximum allotted footprint.
- 8) That the province and ALC allow bonafide operators to derive supplemental income from their farm as long as the productive capacity of the land is not diminished.

➤ **Income Diversification**

The best way to protect agricultural land is to keep ranching and farming profitable. **In the livestock sector, profit margins are too thin to support expansion of the farm operation and allow for ranch succession without diversified farm income.** Income derived from non-farm sources is reinvested to support the

farm/ranch operation. Non-farm income often speeds the ability to grow and expand ranch operations and self-insuring against market fluctuations. Non-farm income is necessary in most agricultural operations.

RECOMMENDATION:

- 9) Removes restrictions for bonafide ranching/farming operations on deriving non-farm income from their farm properties as long as the productive capacity of the land is not diminished beyond a threshold footprint based on a percentage of the parcel area.

➤ **Encourage New Entrants, Youth and Succession**

Attracting new people to farming relies upon a positive outlook for income potential, access to supports and programs, and ability to ascertain desired lifestyle/housing. Provisions are needed for farm families and farm labour is a requirement to facilitate business growth and farm succession.

RECOMMENDATIONS:

- 10) that the province facilitate access to large capital loans (i.e., \$1-2 million) for bonafide farm operations amortized over 50 years to enable land acquisition and operating cash flow.
- 11) that the province establish supports to make agricultural loans interest free or negligible interest rates.
- 12) that the province establishes homesite-severance or life estate leasing to facilitate succession on bonafide farm operations.
- 13) that the province enable access to Crown lands and revise the lease-to-purchase options so they are workable.
- 14) that the province develops new community pastures on Crown ALR lands to provide grazing opportunities.

➤ **Agricultural Planning**

The Long Game

To maximum British Columbia's agricultural and economic potential, the province must undertake long-range planning to establish goals/targets. Farmland will always be under threat from development, both residential and industrial. While the ALR seeks to protect the lands, unless profitability is addressed, there will not be anyone to work the land. The province needs to establish a 50-year plan for agriculture that is matched by a regulatory framework that support agriculture and helps achieve the targets outlined in the agricultural plan.

Local Bylaws

BCCA is concerned that agriculture is not as valued as other activities to municipalities and local governments. Both provincial and local governments need to establish policies that promote agriculture. While the ALC is trying to have harmonize decision making, the variability of local government bylaws on parcel size and housing create unfairness.

RECOMMENDATION:

- 15) That the province establishes a long term agricultural plan for British Columbia that promotes agriculture and helps the agricultural community realize its full potential.

CONCLUSION

The best way to protect agricultural land is to keep farming and ranching profitable.

ADDITIONAL REFERENCE MATERIALS – www.cattlemen.bc.ca

2009 -- Summary of BCCA member survey on the ALR
2009 -- Position Statement on the ALR adopted (with 28 recommendations)
2010 -- Position statement reaffirmed; Recommendations updated following the work of the Ranching Task Force.
2010 -- BCCA submission to ALR Review Committee
2014 -- BCCA submission on proposed changes to ALR use
2016 -- BCCA submission on Agri-tourism in the ALR
2017 -- Position Statement on the ALR reaffirmed by the Board
2018 -- BCCA submission on the ALR Revitalization
2018 -- BCCA Land Stewardship Committee submission on ALR Revitalization re: Crown lands