



Smart Growth on the Ground

FOUNDATION RESEARCH BULLETIN: Greater Oliver

Research compiled by:

BC Ministry of
Agriculture and Lands

No. 8
April, 2006

PLANNING FOR THE NEEDS OF AGRICULTURE

1.0 Introduction

1.1 Agriculture – the Foundation of the Okanagan Valley

Farmers and ranchers were some of the original European settlers in the Greater Oliver area. Early farm production was beef cattle, vegetables, and tree fruits. Over the decades, in the Okanagan-Similkameen region, additional crops included more fruits – apples, pears, plums, cherries, peaches, apricots, other tree fruits - and grapes. In the Greater Oliver area, present-day primary agricultural activities are: orchards, vineyards, pasture and forage, some field vegetables and other field crops, a few nurseries, and scattered miscellaneous farm uses.

This working landscape is the foundation of the economy in the Oliver area. While “urban agriculture”, i.e. within built-up areas, may provide some personal food supply and some appreciation for farming in general, it will be the extensive areas of agricultural production that will continue to be the mainstay of the provincial food system.

1.2 Markets and Technologies May Change

Farmers and ranchers look to the local, regional, national, and international markets to make a living. Those markets can be affected by a variety of factors, including trade agreements and product quality requirements. For example, a farmer may plant cherries because the world price is good and the way he manages his crop may be affected by food-quality standards of the European Union, Japan, or other countries. In another example, when previous types of Okanagan wine met stiff competition after the North American Free trade Agreement (NAFTA), many farmers switched to new varieties of grapes and the reputation of quality of Okanagan wines grew. That shift in grape type required some ‘down’ time as the newer varieties were planted and the vines grew to the production stage; so, farmers’ future was uncertain in this period.

For efficiencies in production of fruits and grapes, farmers may use pesticides to prevent crop destruction by diseases and insects, herbicides to keep weeds and moulds down, fans to prevent freezing, bird-scare devices to discourage birds from consuming the crops, or fencing to keep wild sheep and deer from consuming forage fields. Ranchers, poultry producers, and dairies have manure to be disposed of, and the storage and management of wastes usually occur on their own property, although some may be used to fertilize other farms.

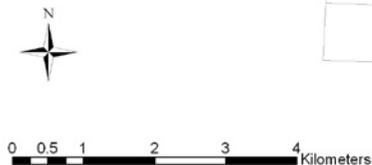
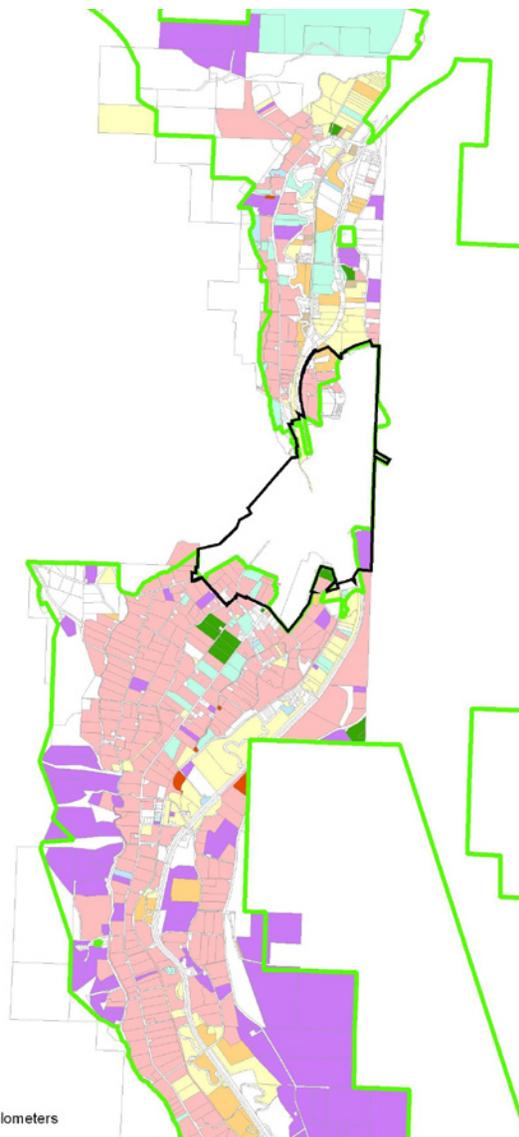
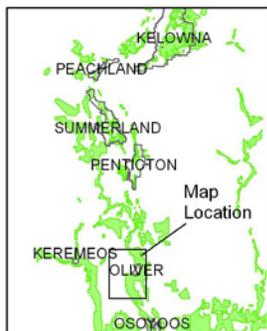
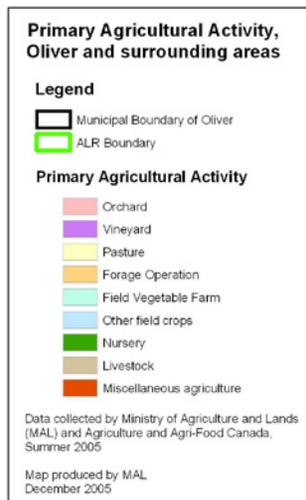


Figure 1: Primary agricultural activity, Oliver and surrounding areas

The historical agriculture industry faces potential pressure from non-farm growth, and smart growth in community plans should consider the operational needs of farmers.

2.0 Agricultural Land Reserve and Commission

The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. The ALR comprises those scarce lands within BC that have the potential for agricultural production. Farming is encouraged and non-agricultural uses are controlled.

The Agricultural Land Commission Act provides the legislative framework for the agricultural land preservation program. The Agricultural Land Reserve Use, Subdivision and Procedure Regulation identifies farm activities and other, non-farm uses permitted in the ALR, and various procedural requirements.

The ALR takes precedence over, but does not replace other legislation and bylaws that may apply to the land. Local and regional governments, as well as other provincial agencies, are expected to plan in accordance with the provincial policy of preserving agricultural land. A local government and a first nation government regarding their respective bylaws or laws must ensure consistency with the ALC Act, the regulations, and the orders of the commission. A local government bylaw or a first nation government law that is inconsistent with the ALC Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect.

The Provincial Agricultural Land Commission (ALC) is an independent Provincial agency responsible for administering the Province's land use zone in favour of agriculture. It decides inclusions to and exclusions from the ALR, permitted uses, soil deposit and removal matters, and subdivisions within the ALR.

3.0 "Right to Farm"

The use of sprays and noise makers, the creation of dust from ploughing, and generation of odours from waste management, amongst other practices, can all be considered "normal farm practices". However, these practices may disturb neighbours, particularly those residents or visitors who are not accustomed to those activities. Often, complaints from non-

“Farm use” includes farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the Farm Practices Protection (Right to Farm) Act

farmers put pressure on farmers or ranchers to change their practices in ways that may be costly.

The Farm Practices Protection (Right to Farm) Act (FPPA) protects farmers in the ALR, in licenced aquaculture areas, or on Crown land designated for agriculture from nuisance suits and injunctions and local governments bylaws, provided they are using normal farm practices and are following the Health Act, Integrated Pest Management Act, Environmental Management Act, the regulations under those Acts or any land use regulation. A local bylaw cannot prohibit farming uses or activities, unless it is a farm bylaw approved by the Minister of Agriculture and Lands. Outside of the ALR, on land designated in local bylaws for agriculture, because this land is also needed for food production, farmers are also protected from private complaints, but must follow local bylaws (although there are a few exceptions).

The FPPA created the Farm Industry Review Board (FIRB) as an administrative tribunal responsible for hearing complaints from persons aggrieved by odour, noise, dust or other disturbances arising from agriculture or aquaculture operations. FIRB may also study and report generally on farm practices.

4.0 Sustainability Role of Agriculture

4.1 Social

Agriculture in the Greater Oliver area will continue to supply food to the local area, the province, and beyond. Having such a secure food source will be vital for a sustainable community. Other communities, too, will look to the Oliver area for some of their food supply.

In addition, agriculture forms a major part of the identity and character of the Oliver region. Social sustainability is enhanced by nurturing the unique character of a region, which in this case includes the local agriculture industry as a fundamental part.

4.2 Environmental

Only 5% of BC is suitable for agriculture and the south Okanagan has soils and climate that make it one of the best areas. Urban areas, agriculture, and natural systems all need water. In this arid area, the combined requirements for water can be met by improved delivery and use methods. As urban water use becomes more efficient, capacity for new development will be freed up. With improved irrigation and water management techniques being adopted by farmers, expanded areas for irrigated farm crops could be made available.

4.3 Economic

Agriculture in the Regional District of Okanagan-Similkameen (RDOS), in 2000, had gross farm receipts of \$103.8 million, or about \$64,400 per farm. There were payments of \$98 million for farm operating expenses and \$25 million for wages. There were 53,776 weeks of labour – 31% year-round, and 69% seasonal. The experienced labour force (2001) on farms, in support activities for farms, and in food manufacturing totalled 2,940 people, about 8.7% of the RDOS total labour force.

Oliver and electoral area "C" of RDOS have high levels of agriculture and would contribute a significant portion of these regional figures.

5.0 Opportunities and Constraints for Farming

With more efficient water management methods coming into use, opportunity could arise for increased irrigated farm land, resulting in more crops. Changes in markets or production technology will prompt farmers to produce new crops or produce existing crops in new ways. Climate change will affect some agricultural production, but proper water and soil management could lessen the effects.

Constraints on farming and ranching may come from habitat protection, particularly a potential new national park in the south Okanagan. Non-farm traffic on rural roads may hinder farm machinery. Recreational trails must be sensitive to farm and ranch operations.

6.0 Planning for Agriculture in Greater Oliver

6.1 Farm Land Preserved and Non-farm Uses

Lands in the ALR, and lands outside the ALR designated for farming in the Official Community Plan, should be reserved permanently for existing and future farms. Any values of the farm land for "rural atmosphere" or "viewscape" or "community character" are positive, but incidental, results of farms and ranches continuing in commercial production. OCP policies and zoning bylaws should permit a full range of agricultural crops, in order to give the producer flexibility to change as markets change.

Non-farm uses, such as rural housing, must be directed to other areas than farm lands. Each time new non-farm uses are introduced into farming areas, there is potential for disruption of farms by neighbours or disturbance of non-farmers by normal farm practices.

6.2 Housing

Housing on farm land should address the needs of farmers – a home for the producer and possible accommodation for other full-time staff and/or seasonal workers. Non-farmers should be discouraged from living on farm land where they may be disturbed by nearby farming operations, or they may request restrictions on normal farm practices.

Some rural houses are built in the middle of the lot, set well back from the road. Such placement can make it difficult to move large farm machinery around the buildings and driveways, limit farm practices such as spraying, and remove land from production. It would be best to contain all residential buildings, ancillary facilities, and paved areas within a limited residential area, being called a "home plate", located close to roads abutting the farm. The ALC permits, but the local government may prohibit, one secondary suite within a single family dwelling, and one manufactured home up to 9 metres in width for use by a member of the owner's immediate family.

Climate change will affect some agricultural production, but proper water and soil management could lessen the effects

Each time new non-farm uses are introduced into farming areas, there is potential for disruption of farms by neighbours or disturbance of non-farmers by normal farm practices

6.3 Interface with Non-farm Land

Subdivisions at the edge of farm land should be self-contained and not have a road layout that might promote further development pressure on the farm land – e.g., with half-roads along the ALR boundary or road ends stopping at the ALR.

Along the non-farm side of the interface, there should be a vegetated buffer of 15-metre width for visual screening and to prevent trespass onto farms. Further setback of 15 metres of separation should be achieved on the lots through building setbacks, clustering of buildings, open space dedication, detention pond placement, and/or density transfer. Natural features such as slopes, water courses, or woods could form all or part of a buffer.

6.4 Covenants and Development Permit Area

A Development Permit Area for “the protection of farming” should be created along the non-farm side of the ALR boundary and other agricultural areas, covering the area within 300 metres of the farmland boundary. In that area, at the time of each development, in addition to any buffer and subdivision design, a covenant should be placed on the property titles alerting all present and future owners to the farming activity nearby.

7.0 On-Farm Uses

7.1 Direct Farm Marketing

Some farmers prefer to sell some or all of their products from a shop or stand on their property. Local bylaws can regulate these retail uses but cannot prohibit them. The focus of the retail sales should be on products from that farm. Agricultural Land Commission (ALC) regulation says that there shall be no restrictions on the sale of a farm’s products. If non-farm products are to be sold as well, at least 50% of the retail sales area is to be for products of that farm, and the total area, both indoors and outdoors, for retail sales of all products cannot exceed 300 sq. m. (3,141 sq. ft.). For a larger area to sell both on- and off-farm products, ALC approval is required.

7.2 Agri-Tourism

There is increasing interest in tourism activities that could provide additional income to farmers or ranchers, accessory to their main operations. Agri-tourism can educate the public about the value of agriculture, but might also destabilise a farm area by becoming a dominant use. A potential conflict is that agri-tourism could interfere with nearby farms if operators or tourists object to noisy, dusty, and/or smelly farm operations.

A local government can regulate, but not prohibit – unless there is an approved farm bylaw - agri-tourism activities, other than accommodation, on land that is classified as a farm under the Assessment Act, if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm.

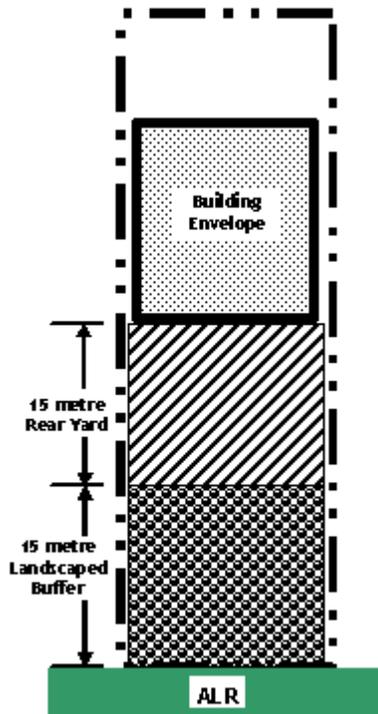


Figure 2: Vegetated buffer between non-farm uses and ALR land (from “Planning for Agriculture - Resource Materials”)

“Agri-tourism” means a tourist activity, service or facility accessory to land that is classified as a farm under the Assessment Act

“Ancillary use” for a winery or cidery includes: processing, storage and retail sales; tours; a food and beverage service lounge up to 125 sq.m. indoors and 125 sq.m. outdoors

A local government bylaw may allow agri-tourism accommodation on a farm - up to 10 sleeping units in total – composed of seasonal campsites, seasonal cabins, and/or bed and breakfast (B & B) rooms. A maximum of four (4) B & B rooms are allowed. More units beyond these maximums require the permission of the ALC. Large-scale agri-tourism accommodation spread throughout the Oliver region could introduce visitors to farm noises, sprays, and dust which may cause discomfort. Also, it could add traffic conflict between farm machinery and tourist vehicles. However, the wine industry and other producers could benefit from sales to tourists in a concentrated ‘village’ grouping of hotels and B and B’s within the town core.

7.3 Handling of Farm Products

ALC regulations allow as farm uses: storage, packing, product preparation or processing of farm products, if at least 50% of the farm product being stored, packed, prepared or processed is produced on the farm or is feed required for farm production purposes on the farm. Local governments may regulate, but must not prohibit, these uses – unless there is an approved farm bylaw.

7.4 Winery and Cidery

Also considered to be a permitted farm use that local government may regulate (but not prohibit unless there is an approved farm bylaw) are: a British Columbia licensed winery or cidery, and an ancillary use, if:

- the wine or cider produced and offered for sale is made from farm product and
- at least 50% of that farm product is grown on the farm on which the winery or cidery is located, or
- the farm that grows the farm products used to produce wine or cider is more than 2 ha in area, and, unless otherwise authorized by the ALC, at least 50% of the total farm product for processing is provided under a minimum 3 year contract from a farm in British Columbia.

8.0 Trails in Farm and Ranch Areas

Provision of bicycle, horse, and pedestrian trails in farm and ranch areas raises several potential issues for agricultural producers: trespass, harassment of livestock, gates left open, fire, theft and vandalism, interference with farm machinery access, dust on sensitive crops, changes to drainage, litter, spreading of weeds, and loss of privacy and respect for the farm as a place of work. But, the trails provide opportunities to raise public appreciation of agriculture and possible business ideas like agri-tourism and direct farm marketing.

The Ministry of Agriculture and Lands publication, “A Guide to Using and Developing Trails in Farm and Ranch Areas” (http://www.agf.gov.bc.ca/resmgmt/sf/trails/agtrails_toc_05.pdf) provides many trail management and design solutions to these issues – including a “code of conduct” for users, ideas for trail routing to minimise farm disturbance, buffer designs, trailhead plan examples, and sign designs. Most important, farmers must be consulted on plans, designs, and trail management to ensure their operations are not affected.

9.0 Environmental Issues

9.1 Farm Compliance with Other Legislation

BC farms must comply with many acts and regulations, notably the Health Act, Integrated Pest Management Act, Environmental Management Act, the regulations under those Acts, in terms of production of healthy food and environmental issues like management of insect pests and waste management. Farms must also comply with the federal Fisheries Act for protection of fish habitat.

9.2 Environmental Farm Plans

The BC Agriculture Council, through its many constituent producer organisations, is operating the Environmental Farm Plan program under which individual farmers voluntarily study their operations for environmental risks and make appropriate adjustments. As more and more farmers make these changes, agriculture will blend into its environment in a smarter way.

9.3 Riparian Areas

The vegetation along the edges of water courses and lakes are very important as part of the fish habitat. Many farms and ranches have been developed with some clearing of parts of riparian areas for production. Negotiations between agricultural and environmental agencies and trial projects are creating setbacks from waterways for farm buildings, existing areas already cleared for farming, and potential clearing for new farms. Existing cropping continues as a developed use. Vegetation management for various types of crops in riparian areas are being tested during 2006.

9.4 On-farm Habitat Programs

In some regions, environmental organisations have enlisted the co-operation of farmers or ranchers to manage some or all of their property for wildlife habitat, in some cases only at certain times of the year. Often, the organisation pays compensation to the farmer for the lost production value of the land not being farmed.

Additional Resources

A Guide to Using and Developing Trails in Farm and Ranch Areas
http://www.agf.gov.bc.ca/resmgmt/sf/trails/agtrails_toc_05.pdf

Agricultural Land Commission Act
www.alc.gov.bc.ca/legislation/Act/alca.htm

Agricultural Land Reserve Use, Subdivision and Procedure Regulation
www.alc.gov.bc.ca/legislation/Reg/ALR_Use-Subd-Proc_Reg.htm

Assessment Act
www.qp.gov.bc.ca/statreg/stat/A/96020_01.htm#section23

Farm Practices Protection (Right to Farm) Act
www.qp.gov.bc.ca/statreg/stat/A/02036_01.htm#section1

Contact Us

Design Centre for Sustainability

University of British Columbia, 394-2357 Main Mall, V6T 1Z4
t. 604-822-5148, f. 604-822-2184

For more information visit the following websites:

www.designcentreforsustainability.org, www.sgog.bc.ca