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FEBRUARY 2018 | Vol. 104 No. 2

Province launches ALR review

Panel includes veterans, critics of farmland policies

by PETER MITHAM

VICTORIA – The province kicked off the new year with a bang, announcing a nine-member panel to review and recommend steps for the revitalization of the province's 45-year-old Agricultural Land Reserve.

Headed by Port Alberni water buffalo farmer Jennifer Dyson, who until last year sat on the Agricultural Land Commission's regional panel for Vancouver Island, the committee is charged with providing "strategic advice, policy guidance and recommendations on how to help

See ALR on next page ↪



YOU LOOKIN' AT ME? Goats are smaller (and arguably friendlier) than cows and that is only a couple of reasons why Barrie and Merel Voth chose to start their goat dairy in Salmon Arm. Their story is on page 31. MYRNA STARK LEADER PHOTO

Ambrosia royalties disputed

by TOM WALKER

KELOWNA – BC fruit growers risk harming the goose that lays the golden egg when they pass judgment on two opposing resolutions at their annual meeting, February 16.

At the heart of both is the proprietary Ambrosia apple breeding program and the relationship growers have with Summerland Varieties Corp. (SVC), which holds the master licence for Ambrosia apples as well as several of the very successful cherry

varieties developed and released by the Summerland Research and Development Centre over the last 10 years. SVC is owned by the BC Fruit Growers' Association.

Former BCFGAs president Jeet Dukhia, who is seeking re-election at this month's meeting, has submitted a resolution asking "that all disputed matters between growers and SVC be withdrawn from the legal system and that all legal costs be paid by SVC."

SVC has initiated five actions in BC Supreme Court

over Ambrosia royalties.

The resolution doesn't sit well with outgoing president Fred Steele.

"These resolutions affect both the integrity of the successful Ambrosia program here in BC and the finances of the BCFGAs," says Steele.

SVC has managed Ambrosia since 1996. This includes licensing nurseries to propagate trees and collect a fee for each tree sold to growers. In addition to collecting royalties, nurseries

See APPLE on next page ↪

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ALR review panel will host public consultation

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revitalize the ALR and ALC to ensure the provincial goals of preserving agricultural land and encouraging farming and ranching in British Columbia continue to be a priority."

Committee members include Vicki Huntington, former independent MLA for South Delta; Byron Louis, chief of the Okanagan Indian Band; Lenore Newman, an associate professor at the University of the Fraser Valley; poultry farmer, real estate agent and Chilliwack city councillor Chris Kloot; Irmi Critcher, a Peace region grain farmer; Arzeena Hamir, president of the Mid Island Farmers Institute and a director of the Investment Agriculture Foundation of BC; former ALC planner Shaundehl Runka and retired ALC deputy CEO Brian Underhill.

"The ALR and the ALC are incredibly important to the

health and economic well-being of our province's future, and making it easier and more efficient for the commission to fulfill its mandate of protecting farmland and encouraging farming is a commitment the BC government is delivering on," said BC agriculture minister Lana Popham in announcing the review.

The committee's first order of business is writing a consultation paper that will be the basis for a public engagement process in February and March. Dyson expects the consultation paper to be available by the end of January.

"We're not going to lay out a list of problems. We don't want to lead the consultation process to a conclusion," she explains. "The discussion paper will [say] this is the committee, this is what we'll be doing, this is what the commission is, does, and how it works; these issues and themes are a number of things that impact agriculture on a regular basis."

Responses to the report as well as comments received at community meetings will feed into the committee's recommendations. Meetings will be held in Abbotsford, Cranbrook, Fort St. John, Kelowna, Kamloops, Nanaimo and Prince George.

"We really want open-ended discussions," Dyson says. "Ultimately, it will be the wisdom of government to essentially make changes."

The province says "any legislative changes that support the revitalization of the commission and the reserve are targeted for late 2018 or early 2019."

Preliminary comments from those on both sides of the reserve – those seeking stronger protections and those who see it as an

obstacle to development – were muted.

Bal Atwal, a principal in the Vancouver office of Avison Young, a commercial property brokerage, says the committee is in a tough spot. While most people want to protect land that's in production, the other half of the reserve – the acreage that's not being farmed – is what divides people.

"That will always cause speculation and uncertainty and broad views on the general idea of ALR land within all the various parties," he says. "Unfortunately, I don't believe this review will satisfy many at either end of the spectrum."

Exclusions difficult

Whatever form revitalization takes, recent months indicate that exclusions aren't becoming any easier.

"I've heard some indications in the last few months that it's even more difficult than it has been to get an ALR exclusion, particularly for residential development," says Mike Harrison, a land sales specialist with Front Line Real Estate Services Ltd. in Surrey.

Delta Council approved a land swap with MK Delta Lands Group that would have facilitated industrial development north of Burns Bog and added to protected area further south, for example. This would typically have facilitated approval by the land commission. However, the proposal is facing scrutiny by the commission's executive council. Other proposals face similar assessment.

Opposition MLAs, meanwhile, jumped on the fact that various sectors and regions have been left out.

While two committee

members have farms in the Peace region, ranchers and fruit growers aren't represented on the committee.

"When I look at the committee members, I'm extremely concerned that there aren't more farmers on this list," said Delta South MLA Ian Paton in a statement. "Surely, the minister can find a few more British Columbians who have actually farmed for a living to provide valuable feedback."

Popham was unavailable to comment on the choice of

committee members but Dyson said they were chosen to listen to everyone rather than represent specific sectors or regions.

"There is no end to the consultation we want with farmers and ranchers in all sectors," she says. "I'm not there to represent a commodity. And I'm not there to represent a region of the province. But I can tell you, I'm a cattle grower and I'm a dairy farmer, and we will definitely be seeking a consultation with the farming and ranching community."

APPLE royalties

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pledged to use virus-free source material; protect the material from unlicensed propagation; meet specific quality standards, and execute grower agreements. Growers wishing to propagate trees for their own use signed their own grower agreements with SVC, just like the nurseries.

SVC audits all growers growing protected varieties to verify compliance and responds to reports of violations. Growers and nurseries are expected to cooperate with an audit and SVC initiates legal proceedings for non-compliance.

To dismiss disputes between growers and the grower-owned corporation doesn't make sense, Steele insists. He has countered Dukhia's motion with one of his own, which states, "Be it resolved that SVC uphold royalty payments, fairly, for all growers accessing new varieties."

Royalties can be a significant cost to growers.

Prior to 2014, Ambrosia royalties were \$3.75 per tree. With more than 2,000 trees per acre in a new high-density planting, royalties owing on one acre would be more than \$7,500. While the royalty is

being phased out as Ambrosia enters the public domain, other varieties still come at a cost. SVC collects \$1.25 per licensed cherry tree, for example.

"It goes far and beyond just collecting royalties," Steele adds. "It's about the quality of our Ambrosia program. SVC helps ensure that the fruit that is grown is exactly the same as was developed in the variety trials."

Steele points out that a BCFGA member who withholds royalties is going against the whole membership. This isn't just because BCFGA owns SVC.

Steele says SVC protected BC growers' exclusive right to grow Ambrosia before other regions had a chance. This strengthened the BC industry as a whole.

Royalties also support ongoing variety development at the Summerland research station, which helps BC growers stay competitive. SVC has also provided funding to the BC replant program and the successful codling moth and starling control programs.

"The rule is that everyone should pay," says Steele of the royalties. "It would simply not be fair for some to pay and others not."

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BC municipalities tackle farmland housing

Review of Agricultural Land Reserve a chance to correct mistakes of the past

by **PETER MITHAM**

RICHMOND – Residential development on farmland is facing greater regulation in municipalities across the Lower Mainland, with Richmond and Chilliwack among the cities passing bylaws regulating on-farm development last year.

However, development pressures remain a persistent issue and the heavy parcelization of key areas in the Lower Mainland mean they're not about to disappear. The freeze on subdividing parcels greater than two acres imposed in December 1972 in advance of the Agricultural Land Reserve's creation in March 1973 left a legacy that continues to haunt the commission and provoke angst among advocates.

Residential development has a long history of threatening farmland, which occupies the bottom rung of the development ladder. "Blacktop is the last crop," the saying goes, making any use other than food production a loss.

This has been true for much of the postwar period, when the development of suburbs saw housing sprout like cabbages across North America. Quoted in *Country Life in BC* in 1953, the late Peter Oberlander, founding director of the UBC School of Community and Regional Planning, called for co-ordinated development that would balance the need for food with residential and industrial uses.

"It is easy to build a home on a quarter-acre of flat farmland but once it is lost to farming, there is no new quarter-acre to take its place," he said.

Oberlander also pointed out that of the 528,000 acres in the Fraser Valley, arable land accounted for 448,000 acres. Of this, just 56% – or 250,880 acres – was in production.

Startling numbers

The numbers are startling. The most recent land use inventories by the BC Ministry of Agriculture report that approximately half the protected farmland in the Lower Mainland is being farmed. The proportion has barely budged in 65 years, despite the fact that land reserved for farming across the region now totals just 327,500 acres.

Of the parcels within the ALR that aren't used for farming, the majority are smaller than 10 acres. Of these, a majority have a

residential use.

Mike Harrison, a broker with Front Line Real Estate Services Ltd. in Surrey who focuses on residential land and investment sales, thinks food-producing lands deserve protection. But when he looks at the market, he sees a lot of older homes on sizeable acreages, a legacy of decisions that were made in the past.

The legacy grows as governments across the region fail to manage residential development on farmland.

"There are quite a few very large houses being built on what would be farmland, on ALR land, because it's less expensive to buy the smallest ALR parcel than it is to buy a large building lot," Harrison says. "You don't have the same limitations on the ALR land. You can build a very large house. And I don't think that's helping our supply of farmable land."

Mega mansions

The issue came to a head after the province jacked the property transfer tax foreign nationals had to pay when buying residential properties in Metro Vancouver. While the residential portion of an agricultural parcel was subject to the tax, the remainder – so long as it generated at least \$2,500 in farm income – received a

generous tax break meant to encourage farming.

Purchasers flocked to farm properties, with Richmond attracting the majority of interest. With provincial guidelines regarding farmhouse size not part of local bylaws, the city received a flood of applications for mansions of up to 40,000 square feet.

The use of some large residences for non-farm activities, including gambling, added to public outrage, which culminated in Richmond limiting farmhouse sizes to 10,763 square feet on parcels larger than a half acre, and 5,382 square feet on smaller parcels.

However, a six-month review has reopened the issue. Public consultations this month will propose limiting farm houses across the board to the provincial limit of 5,380 square feet.

This is something Richmond farmland advocates want BC agriculture minister Lana Popham to require of municipalities across the province.

"Currently, municipalities

such as Richmond are not abiding by these guidelines and farmland is being lost daily," representatives of Richmond FarmWatch wrote

Whether or not limits on residential development are part of what the committee asks government to consider depends on what people say.

"It is easy to build a home on a quarter-acre of flat farmland but once it is lost to farming, there is no new quarter-acre to take its place."

PETER OBERLANDER, 1953

after meeting Popham on October 30.

Chilliwack has also sought to address the issue, establishing setbacks and limiting the area a residence can occupy – but not the size of the residence – to one acre.

The review the province announced in January aimed at revitalizing the ALR is a chance to correct the errors of the past, Harrison believes, though it's unclear whether it will actually do so.

Chilliwack councillor Chris Kloot sits on the province's nine-member review committee and backed the Chilliwack bylaw as an improvement on previous versions, but not a perfect one. But his role on the review committee is to gather solutions, not propose them.

"It will be interesting to see if the review includes an assessment of whether it's justified to use the smaller parcels of ALR land – the five or 10 acres – as an estate lot," says Harrison.

Such a review has traction with Popham, who told the Surrey Board of Trade last November that a vibrant land reserve and agri-food sector depends on keeping farm properties in production.

"The agricultural land in this province is for food growing; it's not for development, and we have to make sure we have policies in place that make that happen – not just protect agricultural land," she said. "We don't need to protect it, we need to use agricultural land in a sustainable way."

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