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**Sent:** Wednesday, October 19, 2022 10:42 AM  
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**Subject:** Islands Trust Policy Directives checklist - Agriculture

Hi Narissa,

Please see attached.

Rebecca

Hi Narissa,

We gave the Staff Report prepared for the October 24, 2022 a quick read and notice an oversight on the Directives Only Checklist. In that checklist you are advising LTC that the agriculture policies in the Directives only Checklist are not relevant to the proposed rezoning/subdivision of 375 Village Bay Road. There are two farms operating along Village Bay Road that border both the East and Western property lines of the property proposed for rezoning and subdivision.

As you know, we have spent over two years in this process trying to ensure that MIHS, LTC and yourself understand that we are a farm, that the proposed development will cause an adverse impact to us and that the creation of a buffer conforming to the standard in the Edge Planning Guidelines is appropriate. It would protect our farm and the MIHS development and actually improve the performance of the development in terms of its ability to regulate surface water flows, protect forest and ecosystem values and reduce project costs to improve the ability to provide affordable rent to Mayne Island renters.

We recognize that there have been some efforts to address our concerns but from our perspective, the site plan in its current form needlessly impacts us adversely. At the last LTC meeting, the public was told that LTC and the planners rely on the advice and judgement of subject matter experts. The Edge Planning Guidelines are the only expert judgment and advice that has been offered to date and they are an accepted standard for local government developing bylaws that affect the agriculture/non-agriculture interface.

Was it just an oversight to identify agriculture policies as not applicable? Alternatively, can you provide us with a rationale why the agriculture policies are not relevant?

Thank-you

#### **Attachment – The Relevance of Edge Planning to Farms Operating on Non-ALR Land**

From a property tax point of view, BC Assessment views a farm as an endeavour that grows one or more of a defined set of “qualifying agricultural products” on the land and meets certain income thresholds

through the sale of these qualifying agricultural products. A property can be granted “farm class” by BC Assessment if they meet the minimum requirements. Once granted the farm classification, proof is required annually that the minimum requirements are being met (unless the requirement has been waived like it was during the pandemic) by submitting sales receipts or other proof and a description of the farm operation. Farm status must be proven on ALR lands and non-ALR lands. On Mayne Island, a farm can be established on any parcel zoned specifically for agriculture (e.g., the Agriculture zone which encompasses ALR designated parcels) or where agriculture/farming is a permitted use (e.g., the Rural Zone).

Our property is one of 22 farms that had farm status on Mayne Island in 2021. We operate on a 10 acre parcel zoned Rural. The Rural zone permits agriculture. The last analysis of agricultural activity on Mayne Island in 2014 found that, just over 20% of the area farmed and classed as farm by BC Assessment Authority is outside of the ALR and the Agriculture Zone. There is no specific agriculture zone for farming that occurs outside of the ALR on Mayne Island.

Our farm has what is referred to as a split class. The part of it that is growing qualifying agricultural products and the areas of the property that contribute to the growing area have farm class. The remaining area is classed as residential for property tax purposes. On small farms, this split class is common because there is a much higher income and percentage of land used for farming threshold to gain farm status across the whole property. One of our objectives is to protect and restore much of the property rather than “farm it”. As a result we have a much higher income threshold to meet before we gain farm status over the whole property. To get there we will need to make additional investments in water storage and drip irrigation – costs that we cannot justify with the current uncertainty over whether our farm interests will be protected through this development proposal process.

The biggest area that has farm status is an acre directly adjacent to the proposed development.

From our perspective, the whole property is a farm and we are working with the land in a way that is in tune with the current and proposed agriculture policies of the Islands Trust. We are small, we employ regenerative farm practices and a large part of the farm enterprise is devoted to the protection and restoration of the forests and natural ecosystems on the land.

The current Agriculture Land policies of the Islands Trust are not specific to lands with ALR status. This is most clearly indicated by the fact that the ALR is not specifically referenced in them and in the wording of Recommendation 4.1.12 which encourages BC Assessment Authority to “acknowledge that the total land area subject to farm class may include land left uncultivated.” This issue is only relevant on non-ALR properties. On ALR properties, when farm status is gained, uncultivated lands on the parcel are automatically granted farm status (if they have no “present use”). This recommendation matters to the Islands Trust because the current policies of BC Assessment actually create an incentive for farms outside of the ALR to clear more land to gain farm status over the whole property rather than investing in the protection of the forests and ecosystems on the land.

The **Edge Planning Guidelines** were established to help the ALC and local governments to manage areas where farming and other forms of land use interface. The guidelines are intended to help plan on the farm and non-farm side so that potential impacts of farm operations are minimized on the non-farm side and vice versa. They are intended to benefit both the farm and non-farm side and they impose restrictions and obligations for land owners on either side of the property line.

It is inaccurate to think that good edge planning should only be reserved for the Agricultural Land Reserve (ALR) or that the only legitimate farm is one that operates within the ALR/Agriculture zone. While the Guidelines were first established to help manage interface areas on the boundaries of the ALR, the Guidelines note that the critical interface area or edge in some areas may actually be outside of the ALR and that the guidelines are applicable in such areas. The Guidelines are specific - "The ALR should be the initial focus but there may be areas outside of the ALR that are worthy of attention."<sup>1</sup> The general aim should be to identify interface areas where future conflict is most likely and to consider these the critical edges to focus on.

Local governments are using the Edge Planning Guidelines to manage interface areas between farm properties and non-farm developments. Some of the local governments are solely focused on the interface between ALR lands while others are also using Edge Planning for farm properties that are outside of the ALR. The Agricultural Policy (2016) for the Cariboo Regional District requires buffers on the non-farm side boundary of ALR lands and active farming operations that are not in the ALR.<sup>2</sup> Similarly, Vernon's OCP calls for buffers for both ALR and non-ALR lands with "agricultural uses".<sup>3</sup> Closer to home, the OCP for Cortes Island also calls for the use of the Edge Planning Guidelines "Proposed development of non-agricultural lands adjacent to ALR or farm land shall be required to provide a natural vegetation or buffering along property lines in accordance with guidelines provided in "Guide to Edge Planning" , Ministry of Agriculture, 2009.<sup>4</sup>

The use of buffers in areas where agriculture interfaces with other land uses such as residential subdivision is a widely accepted and encouraged set of practices.

From our perspective, the application process for 375 Village Bay Rd. started to address our concerns then put the matter before the APC who chose not to dig into what the experts had to say about the farm/non-farm interface and kept the analysis very high level. After that, the application was put in abeyance for several months due to legal issues around the McHugh estate, then a fairly lengthy debate around what the actual amenity was that MIHS was offering. The issue of buffer never really found its way back onto the table.

We are an operating farm, the agriculture policies of the Islands Trust are relevant and that there is a clear precedent in using the Edge Planning Guidelines to develop a buffer along both sides of the property line to protect each property owners' interests. Given that the setbacks fail to do this, we think the proposed development is in conflict with the agriculture policies and the most logical approach would be to establish a buffer and protect is via a S 219 covenant. If LTC wants to consider ways to do that on both sides of the property line, we welcome that conversation.

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<sup>1</sup> Edge Planning Guidelines -. Page 1.

<sup>2</sup> Cariboo Regional District (2016) Agricultural Policy, pp. 10-13.

<sup>3</sup> Vernon Official Community Plan 2013 (bylaw #5470) pp 94=97.

<sup>4</sup> Strathcona Regional District, Bylaw Number 139. P 21.