

Zimmerman, Kathleen AGRI:EX

From: Zimmerman, Kathleen AGRI:EX
Sent: Friday, February 1, 2013 11:20 AM
To: s. 22
Subject: 90 Winson Road, Abbotsford

s. 22 I had a look at some of the related documents about this property:

-The BC Farm Industry Review Board Decision:

http://www.firb.gov.bc.ca/complaints/farm_practice_complaints/maddalozzo_v_pcfp_dec_sep7_11.pdf

-The ALC Decision: http://www.alc.gov.bc.ca/application_status/Docs/52825d1.pdf (and the related staff report: http://www.alc.gov.bc.ca/application_status/Docs/52825sr.pdf).

-BC Assessment Authority information on classifying farm land and land leased to farmers:

<http://www.bcassessment.ca/public/Fact%20Sheets/Classifying%20Land%20Leased%20to%20Farmers.aspx> and <http://www.assessmentappeal.bc.ca/InformationSheets/farmappealsinfo3.asp>

-The City of Abbotsford's A1 (Agricultural One) Zoning Bylaw:

<https://abbotsford.civicweb.net/Documents/DocumentList.aspx?ID=11750> . According to the ALC staff report the property is zoned A1. Section 210.11 of the bylaw permits Accessory Processing Use if it meets a certain maximum floor area and "where approved by the Provincial Agricultural Land Commission." This wording is a bit unusual, in that it doesn't simply reference the 50% rule in the ALR Regulation, but seems to be asking for actual approval from the ALC.

The *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* Section 2(2)(c) requires at least 50% of the farm product being processed be produced on the farm. (A farm can consist of more than one parcel.) The information presented at the FIRB hearing found that in 2010 only a minor amount of the total product throughput associated with the facility (about 3%) was produced by the actual farm, about 36% came from "related farms" (but those related farms didn't meet the ALR definition towards the minimum 50%) and about 61% came from "unrelated farms." The *Farm Practices Protection Act (FPPA)* definition only refers to the "processing ...by a farmer...(i) the products of a farm owned or operated by the farmer, and (ii) within the limits prescribed by the minister, products not of that farm..." So unfortunately, the *FPPA* does not have the same 50% rule as the *ALR Regulation*, and the minister has not yet to date prescribed any other limits for non-farm products under the *FPPA*.

BC Assessment's Factsheet states that the "land leased to a farmer must make a reasonable contribution to the farm operation." According to the FIRB decision there are about 15 acres of raspberries on the property.

My recommendations would be that if you want to investigate leasing the processing facility at 90 Winson Road that you:

-should be prepared to demonstrate to BC Assessment how those 15 acres of raspberries contribute to your farm operation;

-ask the City of Abbotsford and the ALC for clarification on the approval required for a processing facility under Abbotsford's bylaw;

-try to ensure that the written lease is as transparent as possible, as to how much of the product to be processed on the site will be from your farm operation.

-speak to the neighbours who filed the FIRB complaint in advance, to let them know how your lease will meet ALC/Abbotsford Bylaw/FIRB requirements, so that they are not taken by surprise if the processing facility starts up again.

I hope this is helpful.

Kathleen

Kathleen Zimmerman, M.Sc., P.Ag.
Regional Agrologist
BC Ministry of Agriculture
1767 Angus Campbell Road
Abbotsford, BC V3G 2M3
Tel. 604-556-3048
Fax 604-556-3030