

CR-FAIR DISCUSSION PAPER SERIES

Policy Discussion Paper #2: Regional Farmland Conservation and Access Program

November 2012



Acknowledgements

This report is brought to you by CR-FAIR, the Capital Region Food and Agriculture Initiatives Roundtable. CR-FAIR, is a collaborative initiative of over 30 food and farm organizations (listed on the back cover) formed in 1997 that is managed by the Community Social Planning Council. CR-FAIR's mission is to increase knowledge of and bring about positive change in the food and agriculture system. Our work is focused on the following areas: education and awareness raising, networking and information sharing, capacity building, research, and policy and planning.

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Executive Summary

With an expanding population and increasing development, farmland in the Capital Region is under increasing pressure. Food security and building local food production capacity are rising priorities for the region's citizens and local governments. The conservation and active use of farmland for agriculture are amongst the most important policy issues for planning in the region. The focus of this Policy Discussion Paper is to explore the potential for creating a 'CRD Farmlands Conservation and Access Program' to permanently secure regional farmland for agricultural use and make it accessible to farmers at affordable rates.

Drawing on precedents from within the CRD and across North America, and on the priorities of residents expressed during the CRD's own Regional Sustainability Strategy consultations, this paper examines potential models and funding options for a 'CRD Farmlands Conservation and Access Program'. In its concluding section, the paper makes three specific recommendations on the 'next steps' required to move towards development of a Farmlands Conservation and Access Program for the region.

The first section of this paper defines the nature and purpose of Farmland Conservation and Access Programs. The middle two sections describe the current situation in the CRD with respect to farmland conservation, and identify why the region needs a Farmland Conservation and Access Program. The two final sections of the paper look at how such a program could be funded and recommends 'Next Steps' for the CRD to move towards the establishment of a Farmland Conservation and Access Program. Specific examples of Farmland Conservation and Access Programs in North America can be found in Appendix A.

The three 'Next Steps' identified in this Policy Discussion Paper are:

1. Secure a Policy Direction in the CRD's Regional Sustainability Strategy (RSS) to develop a Regional Farmland Conservation and Access Program.

Currently, the CRD has approved various policy directives to inform the process of adapting its Regional Growth Strategy to become a Regional Sustainability Strategy. One of these is:

"Investigate the feasibility of a range of initiatives that create better access to land for bona fide farmers, particularly new farmers, through such means as a farmland acquisition levy, farmland trusts, community farms, farm cooperatives and land lease services."¹

This policy is an important component of the RSS that will address a variety of food security, regional sustainability, and farmland protection and access goals.

¹ Capital Regional District. *Policy Direction Summaries. Food Security Policy Direction #2*. May 2011. http://www.crd.bc.ca/reports/planningtransportati_/2011_/05may25_/ppsrp201105appendix2/ppsrp201105appendix2.pdf Accessed November 2012

2. Secure the support of CRD member municipalities for the development of a Regional Farmland Conservation and Access Program.

There needs to be broad support among the CRD member municipalities on the importance of this initiative. Discussions with each municipal council and the CRD board are necessary.

3. Have the CRD strike a multi-sectoral Task Force to evaluate the feasibility of a Regional Farmland Conservation and Access Program in the CRD.

Once the CRD RSS has formally incorporated a policy and broad municipal support for establishing a regional Farmland Conservation and Access Program, it is recommended that the CRD strike a multi-sectoral committee to evaluate the feasibility of a Farmland Conservation and Access Program in the CRD. This may involve: investigating the most effective governance and organizational structure; best options for holding lands, assets, and funds; as well as evaluating ways of securing funding, including options such as a property tax levy or Agricultural Land Acquisition Fund.

This Discussion Paper as well as a Policy Brief that is a condensed version of this paper is available at www.communitycouncil.ca/CRFAIR



Overview: Policy Discussion Paper Series

The Capital Region Food and Agriculture Initiatives Roundtable (CR-FAIR) is a group of 30 food and farm supporting organizations working towards positive change in the food and agriculture system in the Capital Region of British Columbia. A focus of CR-FAIR's work is creating an enabling and supportive environment for local food production and a sustainable regional food system. Participation and collaboration from a broad range of actors is required to develop a regional food system; supportive local government policy and action has helped our community improve the strength and resilience of our food system. CR-FAIR aims to explore how an emerging concept and practice coined 'Municipally Supported and Enabled Agriculture' (MESA), can support and grow the viability of our regional food system². The concept is that:

Local governments can enhance and support local-scale, human-intensive, environmentally sound agri-food systems that can have direct and positive impacts on local and regional economies, protect and preserve farmland against urban sprawl, and promote increased food production, distribution and consumption self-reliance³.

In the Policy Discussion Papers and companion Policy Briefs, we examine one of the most pressing issues in our region: agricultural land use and the opportunity local government has in working towards long-term systemic solutions to the challenges of land conservation and access to that land by food producers. These papers outline different approaches or models to reach that goal.

The 'Policy Discussion Paper Series' includes the following Policy Discussion Papers and associated Policy Briefs:

1. **Policy Discussion Paper One: Role of Local Government in Farmland and Farm Viability**
2. **Policy Discussion Paper Two: Regional Farmland Conservation and Access Program**
3. **Policy Discussion Paper Three: Agriculture Parks Model for the CRD**
4. **Policy Discussion Paper Four: Farm Incubators: Growing Access to Land and Mentorship for New Farmers in the CRD**
5. **Accompanying Policy Briefs that summarize each Paper**

The first paper examines the role Local Government has in supporting and enabling our regional food system. Increasingly Local Governments are taking a more comprehensive approach to local food system planning and using different tools and strategies to address many of the challenges that agriculture faces. We propose that Local Governments look closely at their current approaches in promoting local food systems and examine opportunities to incorporate additional innovations in planning and action in their jurisdictions.

² Mullinex, K. *Agricultural Urbanism and Municipal Supported Agriculture: A New Food System Path for Sustainable Cities*. Paper prepared for the Surrey Regional Economic Summit, September 18, 2008
http://www.kwantlen.ca/_shared/assets/2008_Agricultural_Urbanism10654.pdf

³ Ibid.

Each of the other three Discussion Papers put forward strategies to accompany tools and actions currently being used by local governments, with a particular focus on fostering development of new farmers, protecting farmland into the future, supplying long-term access to land, and inevitably increasing local food production capacity. The Discussion Papers explain the concepts, provide examples, and examine policy and action opportunities. Recommendations are made in each paper for 'Next Steps' to explore these ideas in the Capital Region. The three papers should provide excellent fodder for discussion during the Regional Sustainability Strategy process. Each of the Policy Discussion Papers will be summarized in a Policy Brief. These papers and briefs can be found at www.communitycouncil/CRFAIR.

Who is the Audience?

CR-FAIR would like these Discussion Papers to be a resource for those interested in the role of local and regional governments in regional food systems. All four papers are laden with tools, models and examples which provide a springboard for discussion and action by communities, the agricultural sector, local governments, and funding agencies. There is much to investigate and much to be gained from local government involvement and leadership in food system policy and farmland conservation.

Our Aim - Stimulating Thought, Discussion and Action

A sustainable food system is one in which food production, processing, distribution, consumption and the disposal of end products are integrated to enhance the environmental, economic, social and nutritional health of a particular community and place. There is a critical need in our region to improve all aspects of our food system. This series examines the production (land use) end of this spectrum, and how our local governments can develop long-term strategies that can ensure regional capacity for producing locally produced foods into the future. It is CR-FAIR's objective to see these series read, discussed and investigated by the public, food and agriculture organizations, and at the local, regional and provincial government level. Next steps are listed in each paper and CR-FAIR will be following up on these within the process of the Regional Sustainability Strategy, and in promoting such policies and actions in the future.



Introduction

By putting forward options for the establishment of a CRD Farmland Conservation and Access Program, this paper follows policy and program priorities stated in the current Regional Sustainability Strategy. This Policy Discussion Paper will present an overview of the Farmland Conservation and Access Program concept and provide details supporting its benefit and service in the Capital Region. Different programs that protect farmland and provide farmland access to farmers are listed, exhibiting the multiple avenues to reach this goal. Funding for such a program varies depending on the structure and organization of the program. Specific next steps are recommended to take this strategy forward.

What is a Farmland Conservation and Access Program?

The purpose of a Farmland Conservation and Access Program is to permanently secure farmland for agricultural use that is accessible (affordable) and actively utilized for agricultural production. There are several possible models discussed for establishing a Farmland Conservation and Access Program, and examples can be found across North America and within the Capital Regional District (see Appendix A).

As well as sharing a common intent, Farmland Conservation and Access Programs share certain common features, whereby farmland is removed from the speculative real estate market and made available to farmers at affordable rates, on the condition that it continue to be farmed. Removing farmland from the speculative real estate market is typically achieved by either transferring ownership to a third party entity with a mandate to conserve farmland, or by placing restrictions (such as covenants and easements) on the land that preclude its use for any activity other than agricultural production. Making this newly protected farmland available to farmers at affordable rates is typically achieved by long-term leases which are priced according to the land's "agricultural value" (a value set by BC Assessment) or by the landowner deeming an appropriate rate.

Each model varies as they are tailored to suit local circumstances, however, they all share a common intent: to protect farmland for farming and ensure that land is affordable to ensure active agricultural production.

Within these broadly shared parameters there is a high degree of diversity within the various Farmland Conservation and Access Programs currently in operation. Key areas of difference include:

- The nature of the third party entity entrusted with ownership of the farmland;
- How ownership of the farmland is acquired by that entity;
- The terms of the sale or lease of the land to a farmer;
- The extent and nature of any covenant, easement or other restriction on the use of the farmland;
- The nomenclature given to the Program.

Typically, where ownership of farmland under a Farmland Conservation and Access Program is transferred to a third party entity, the priority mandate of that entity will be clearly identified as one of

farmland conservation. Examples of third parties that own farmland under a Farmland Conservation and Access Program or similar program include land trusts, cooperatives, non-profit societies, and public agencies. What is common among these organizations is their role in acting as a “farmland bank” to acquire, hold and conserve farmland, while also making it available for agricultural production.

The methods by which such farmland banks acquire farmland vary. Some farmers who are retiring and want their land to continue to be farmed may choose to donate or bequest their land, for example. In other cases funds can be raised to purchase farmland through campaigns (see Madrona Farm example page 15), private donations, or from foundations. Governments may also fund the acquisition of lands via tax levies, development/amenity fees, or out of general revenue, with any such funds potentially being placed in a dedicated Farmland Conservation Fund or Agriculture Legacy Fund. As well, land acquisitions can be supported by issuing shares in the farmland bank, or via the lease and sale revenues generated by the Farmland Conservation and Access Program.

Once acquired, the land held within a Farmland Conservation and Access Program can be used to support farmers needing affordable access to farmland. Typically this means that the land is leased directly to farmers on long-term leases at affordable rates, or is sold to farmers at below market rates, on condition that it is actively used for agricultural production. Land held within a Farmland Conservation and Access Program can also be used to support agriculture programs such as incubator farms for new farmers (see Policy Discussion paper #4), community farms, urban grower development programs, community education programs, and research programs.

Covenants and easements are essentially tools to restrict the range of activities that are permitted on a given parcel of land. They can be applied to land owned by a private individual, such as a retiring farmer who wants to restrict the opportunity for subdivision or to mandate that their land continue to be farmed after they are gone. A land trust, cooperative, government agency or any other third party entity acting as a farmland bank (and legislated to do so) can also use covenants or easements. Alternatively, a covenant may support affordable access by directly specifying that a parcel of farmland held within a Farmland Conservation and Access Program be sold at a particular percentage (e.g. 60%) of market value.

By mandating that a parcel of land be used only for agricultural production, **covenants and easements effectively remove this land from the speculative real estate market**, thereby lowering its sale or lease value and supporting affordable access to farmland for new farmers.

With respect to nomenclature, it is worth noting that there is no single, shared name given to the wide variety of farmland protection programs in North America. For the sake of simplicity in preparing this paper we have adopted the term *Farmland Conservation and Access Program* to refer to all such programs.

The next section outlines some models/approaches that are found in The United States and Canada, and Appendix A provides specific examples of programs operating across North America. As stated above, however, and despite the considerable diversity among the various programs, their underlying intent is the same: to permanently conserve farmland and ensure that it is utilized for agricultural production.

Overview of Farmland Conservation and Access Programs

Farmland protection and preservation initiatives became more of a priority in North America in the early 1970's. In the United States, and to a lesser extent in Canada, initiatives sit not just with Non-governmental organizations but also with the various levels of government.

In the US, there is a nationwide program. The Farm and Ranch Lands Protection Program is a Federal Program under the Natural Resources Conservation Service and was established by the 1996 Farm Bill. It works with a range of agencies including local municipalities, states and tribal councils to contribute to the protection of farmland, mostly through the purchase of easements to protect agriculture land. In 2011 this program protected over 419 farms, that cover over 238,938 acres for a cost of \$160,973,640⁴.

For private landowners and not for profit conservation programs in the US, a common tool is the Purchase of Development Rights. In the U.S. property owners have a legal right to develop their property and any denial of that right is entitled to compensation. There are numerous land trusts, conservation groups and levels of government that raise funds in order to purchase the development rights of a piece of farmland from the farmer. A Farmland Preservation Easement is then purchased and attached to the land in order to ensure that the land will be kept as farmland in perpetuity. Some of these programs use a property tax levy (also known as tax millage) to raise a portion of their revenue. Examples of Farmland Conservation and Access Programs in the US are included in Appendix A.

Canada also has a range of mechanisms at the local, provincial and national levels, and for use by private individuals and conservation programs. Different models have emerged in more recent years in response to the rapid loss of agricultural land. Appendix A lists examples of farmland conservation and access programs both in Canada and the United States, including some local examples.

One of the most widespread approaches in Canada has been the creation of Farmland Trusts. The 2010 report *'A Review of Farmland Trusts: Communities Supporting Farmland, Farming, and Farmers'*⁵ defines "Farmland Trusts" as independent non-profit organizations that protect and preserve farmland by owning and managing farmland, holding covenants, and/ or providing information and support for farmland protection and farming. They usually rely on partnerships with several agencies and organizations to accomplish their work, they enjoy a high degree of public trust, and they rely on financial and volunteer support from the public.

'A Review of Farmland Trusts: Communities Supporting Farmland, Farming, and Farmers' provides a wide range of information on Land Trusts and can be found on The Land Conservancy's website at the link provided in the footnote below.

⁴ Natural Resources Conservation Service. *2011 Acres Enrolled and Dollars Obligated Report*. Prepared for the Farm and Ranchlands Protection Program. Accessed November 2012. <http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/easements/farmranch/?&cid=stelprdb1046716>

⁵ The Land Conservancy of BC. 2010. *Review of Farmland Trusts: Communities Supporting Farmland, Farming and Farmers*. http://blog.conservancy.bc.ca/wp-content/uploads/2010/12/FLT_dec2010.pdf

Some specific points of interest from the report include:

- According to the Land Trust Alliance of BC, there are approximately 30 provincial and regional land trusts in BC.
- In a 2001 survey⁶, results show that over 47,000 hectares are owned by more than 80 land trusts in Canada and over 3,200 hectares are held in trust as conservation easements. The Nature Conservancy of Canada also owns a considerable amount of farmland because it owns more land than all of the local and regional trusts combined
- The US National Land Trust Census (2005) reports conservation of 14,973,369 hectares of land by over 1,600 land trusts. This includes 2,509,051 hectares under easements. Of this land, approximately 7% or about 1.2 million hectares are attributed to farms and urban gardens⁷.
- In the United Kingdom, more than 200,000 hectares of land owned by the National Trust are used by 1,500 tenant farmers to produce food and protect conservation values.

Why is a Farmland Conservation and Access Program needed in the CRD?

In the last three decades the population of the CRD has more than doubled, and is expected to increase by another 30% in the next three decades⁸. This has led to significant development pressure on the region's farmland. As a result of this development pressure, farmland in the region currently sells for \$70,000 to \$100,000 an acre, a market value which is equivalent to land used for residential and industrial uses⁹. Farm businesses can rarely provide adequate returns to justify this investment. As a result, new farmers struggle to enter the industry, and the region's stock of farmland is gradually being lost to other non-agricultural uses.

As an example, to illustrate this point, a study conducted at the University of Victoria recently revealed that in Saanich, land prices rose from an average of \$25,480 per hectare in 1974, to \$666,504 per hectare in 2006. The study concluded that this price increase may be attributed to speculation on land in the Agriculture Land Reserve (ALR), and to an increase in farm parcels being bought for residential purposes (estate farms)¹⁰.

With respect to speculation on the ALR, data from the Agricultural Land Commission indicates that of the 12,085 hectares of CRD

There is a growing trend of farmland being purchased by non-farmers for its pastoral and rural character; it is estimated that 50% of the region's farmland is currently sitting idle¹.

⁶ Watkins, M., and Hilts, S. 2001. *Land Trusts Emerge as an Important Conservation Force in Canada - A Summary of the Land Protected by Land Trusts and the Current Issues and Challenges Facing the Growing Land Trust Movement in Canada*. 2001. Guelph University and Ontario Farmland Trust.

⁷ Aldrich, R., and J. Wyerman. 2006. *2005 National Land Trust Census Report*. Washington, DC: Land Trust Alliance.

⁸ Capital Regional District. 2009. *Strategic Plan 2009-2011*.

⁹ Geggie, L. & Platt, K. (2009). *Our farmlands, Our foodlands, Our future: a findings report on tools and strategies for ensuring productive and accessible farmlands in the CRD*. Victoria, B.C. Canada
<http://lifecyclesproject.ca/conferences/focusonfarmlands/Our-Farmlands-Our-Foodlands-Conference-Findings-Report-07-2009.pdf>

¹⁰ Cotteleer, G., Stobbe, T., van Kooten, G.C. 2007. *Bayesian model averaging in the context of spatial hedonic pricing. An application to farmland values*. Working Paper. Resource, Economic, and Policy Analysis (REPA) Group, University of Victoria.

land placed in the Reserve in 1972, nearly 1,500 hectares has been excluded, with 281 hectares being removed since 2001.

These very serious land use pressures are exacerbated by the fact that farm incomes in the CRD are relatively low. Over half of the farms in the region are small operations of less than 2-3 hectares (10 acres), with total gross farm receipts per hectare close to \$6,000¹¹. There were 991 farms reporting in the CRD in 2006 with average gross farm receipts of \$54 754¹². With over half of region's farmers hitting the age of retirement in the next decade, we will also see a huge loss in production capacity if we can not get new entrants into the sector.

Taken together, these characteristics of low farm incomes and high land prices are creating significant barriers in terms of accessing land, farm succession, and for capital investment and innovation in the agriculture sector. The region's farmland and farmers are under threat and action is required to address and improve the situation. It is beneficial that the region's population is increasingly interested in and concerned about food security, and the importance of maintaining the capacity to produce local food.

A Farmland Conservation and Access Program has the potential to play an important role in regional food security. It would support and reinforce the ALR in conserving the region's farmland, and could go a step further by ensuring that this farmland is used for agricultural production, rather than being used for rural residential uses that do not produce food. For all of these reasons, we believe that it is now time for the region to consider the establishment of a CRD Farmland Conservation and Access Program.

Province wide, British Columbia currently imports about half of its food, and for most British Columbians increasing local food production above this level is a priority, with a recent poll indicating that **91% of residents agree that "it is important that BC produce enough food so we don't have to depend on imports from other places"**.

IPSOS Reid Public Affairs. 2008. *Poll of Public Opinions Toward Agriculture, Food and Agri-food Production in BC*. Prepared for the Investment Agriculture Foundation of BC

What is the Current Context of Planning and Action for Farmland in the CRD?

The primary tool for farmland conservation in the CRD remains the provincially mandated and managed Agriculture Land Reserve (7% of land in the CRD is in the ALR). Over the last 15 years we have also seen

¹¹ Community Social Planning Council. *Economic Development Strategy for Agriculture, North Saanich, 2012*. Prepared for North Saanich District Council.

¹² Statistics Canada. 2006. *Census of Agriculture*

many regional and local initiatives that demonstrate a shift in planning and policy by local governments related to farmland conservation and the encouragement of agricultural production.

For example, an Urban Containment Boundary has been implemented through the Regional Growth Strategy, while municipal governments have zoning and bylaws that designate land as rural or agriculture and stipulate permitted and restricted uses. As well, most Official Community Plans (OCPs) in the CRD now have integrated goals around food security and sustainability and many OCPs have sections, if not stand-alone chapters and strategies, to support farmland conservation and local food production. The rural CRD municipalities and electoral areas (Salt Spring Island; North Saanich; Central Saanich; Metchosin; Juan de Fuca) have also developed Agriculture Area Plans and have either established Agriculture Advisory Committees or participate in the Peninsula Agriculture Committee.

Simultaneously, urban municipalities have developed specific strategies to support urban farming and food production: the City of Victoria has designated food production as an accepted “Home Occupancy” use; North Saanich has developed an Agriculture Area Plan, a Whole Community Agriculture Strategy and an Agriculture Economic Development Strategy and Saanich has set targets for increasing urban food production to 66% by 2035¹³.

In addition we have also seen municipalities setting up arrangements for community organizations or NGOs to manage and maintain agricultural lands. For example:

- The District of Saanich purchased Haliburton Farm and leases the land to the Haliburton Community Organic Farm Society. A unique Rural Demonstration Farm Zone was also established.
- The District of Saanich purchased Panama Flats in 2011, a floodplain that has been farmed for over 100 years. Public consultation on long term plans and food security goals will begin soon.
- Central Saanich designated Newman Farm as a Heritage Farm and Park and is currently leasing it to a local NGO, ‘The Farmland Trust’ to develop.
- The City of Langford has amended its ‘Affordable Housing, Parks and Amenity Contribution Policy’ to require a developer to pay \$600, \$800 or \$1500 per residential unit and \$500 per 3000sqft into an Agricultural Land Reserve Acquisition Fund as a condition of density bonusing at the time of rezoning¹⁴.

Finally, and of particular note within the context of this paper, the City of Langford has recently established a ‘Development and Amenity Fee’ to start a fund to support agriculture and agriculture land purchase. This land is then to be secured in a public trust and made available to individual farmers or groups on a lease basis.

Langford has amended its ‘Affordable Housing, Parks and Amenity Contribution Policy’ to require a developer to pay \$600, \$800 or \$1500 per residential unit and \$500 per 3000sq ft into an ALR Acquisition Fund as a condition of density bonusing at the time of rezoning.

This model may be particularly useful to consider in the development of a CRD Farmland Conservation and Access Program.

¹³ District of Saanich. 2012. *Draft Strategic Plan 2013-2017*.

¹⁴ See Appendix B

Regional Sustainability Strategy

In 2011, the Capital Region District decided to shift its regional planning strategy from a Regional Growth Strategy to a Regional Sustainability Strategy. Food security was identified as a policy direction to inform this shift and a stakeholder engagement process was undertaken to develop a Food Strategy¹⁵. The stakeholder engagement process identified farmland protection and farm viability as two core goals for the Food Strategy.

With respect to food security in general, five policy goals were articulated through the Regional Sustainability Strategy process:

1. Protect the land base for food production by expanding the region's farmlands;
2. Increase the viability and diversification of food production while preventing non-farm use of agricultural land;
3. Build food processing and distribution capacity to expand the local food supply;
4. Increase food self-sufficiency and community resilience; and
5. Work toward environmentally sustainable food systems¹⁶.

Specifically with respect to farmland conservation, Regional Sustainability Strategy consultations resulted in a recommendation that the CRD:

Investigate the feasibility of a range of initiatives that create better access to land for bona fide farmers, particularly new farmers, through such means as a farmland acquisition levy, farmland trusts, community farms, farm cooperatives and land lease services¹⁷.

This paper follows through on these policy and program priorities by putting forward options for the establishment of a CRD Farmland Conservation and Access Program.

Community Initiatives to Support Farmland Conservation and Access

For many years, recognizing the development pressure on farmland in the CRD and the local governments' efforts to effectively tackle the issue, non-governmental organizations like The Land Conservancy and more recently the Farmland Trust have taken action to conserve farmland and make it available for agricultural production at affordable rates. Examples of these types of initiatives include the development of cooperatives such as the Keating Community Farm Cooperative in the Cowichan Valley, or the purchase of land and establishment of long-term leases shown at Madrona Farm in Saanich. Linking Land and Future Farmers has also played a role in linking farmers to leased land. See Appendix B for more detailed examples of NGO initiatives.

¹⁵ Capital Regional District. 2011. *Policy Direction Summaries, Food Security Policy Direction #5*. <http://www.crd.bc.ca/reports/planningtransportati /2011 /05may25 /ppsrp201105appendix2/ppsrp201105appendix2.pdf>. Accessed November 2012

¹⁶ Ibid.

¹⁷ Ibid.

While not for profit initiatives like these are valuable, they are constantly challenged by funding and capacity issues. They simply do not have the ability to generate revenues to purchase farmland as well as develop the infrastructure required to adequately manage a regional land bank of any size or proportion on a long-term, sustainable basis.

In summary, regionally all of these tools work together and have been critical in managing farmland conservation to date. However, in the face of the considerable development pressure in the region, and farmland continues to disappear to development or to sit idle as large estate homes, while new farmers are priced out of the market.

The ALR, the Urban Containment Boundary, and current land use planning is proving inadequate to tackle the challenge of farmland conservation and affordability in the face of growing population and competition for land use. We must relook at how we are planning for our food producing lands right now-for the future.

A Farmland Conservation and Access Program would be a comprehensive way to further the CRD's stated policy intentions of preserving farmland and increasing agricultural production, while supporting the existing work of the region's not for profit land conservation organizations and local governments.



How to Create a Farmland Conservation and Access Program in the CRD

The establishment of a CRD Farmland Conservation and Access Program would secure farmland in the Capital Region, make this farmland accessible to farmers at affordable rates through the provision of long-term leases, and support local food production initiatives. Although such a program could take on many shapes that would be defined through a public process, the main goal would be to remove farmland from the speculative real estate market and encourage its use for agricultural production. This might include the gifting to, or purchase of farmland by a regional “farmland bank” that could then lease or sell to farmers or food and agriculture organizations. Agriculture covenants could also be added to land acquired by the Farmland Conservation and Access Program prior to leasing or selling them to farmers at more affordable prices.

There are many ways that a program of this type could be operated but it would have at its central goal the creation of a regional “farmland bank” that is accessible to farmers and food producers with the goal of getting farmland into food production.

We have seen these types of farmland conservation programs that support affordability and accessibility of land to growers in many regions in North America (see Appendix A). They are diverse and vary in their effectiveness. Land within a CRD Farmland Conservation and Access Program could be held publicly, privately, by a land trust, by a society, or by a land cooperative. The management may be by a government, community organization, land trust or cooperative. Specific activities of a CRD Farmland Conservation and Access Program could include¹⁸:

- Purchasing farmland and leasing it long-term to farmers;
- Registering covenants on properties as a third party;
- Registering covenants on farmland by private landowners;
- Purchasing farmland and decreasing its market value by registering covenants and other charges on its title (for example, purchased and sold at 60% of market value);
- Facilitating the purchase of farmland or the registration of covenants through amenity bonuses by municipalities; and
- Undertaking farmland conservation, agriculture enterprise incubation, and public education activities

Potential approaches that could be taken in moving forward the program are discussed below.

Support Demonstration of Practice: Use of Land to incubate Agriculture Enterprise and for Public Education and Recreation

There is growing interest and examples of public lands being purchased or used for specific activities related to building food production capacity that may also have additional community benefits. This

¹⁸ Capital Regional District. 2011. *Policy Direction Summaries. Food Security Policy Direction #2*. <http://www.crd.bc.ca/reports/planningtransportati /2011 /05may25 /ppsrp201105appendix2/ppsrp201105appendix2.pdf> Accessed November 2012

includes the creation of Farm Parks that have food production, heritage, wildlife and recreation values (such as Newman Farm in Central Saanich) or as places for teaching and learning about food growing (Haliburton Farm in Saanich), or farm incubation (Terra Nova Park in Richmond). These types of initiatives that have significant public support may be early pilots that demonstrate the value in having a more comprehensive Farmland Conservation and Access program in the region. These models are further explored Discussion Papers Three and Four.

Explore the Use of Covenants

Some Farmland Conservation and Access Programs utilize covenants and easements, and this could be an aspect of the program. Typically the landowner in a Farmland Conservation and Access Program retains ownership of the land but registers certain conditions on the land title under Section 219 of the Land Title Act (in Canada). These conditions could be anything from the strict use of the lands for agriculture purposes, restrictions on subdivision of the land, or placing terms that the land must be resold at a reduced rate (for example 60% of its market value) to keep the farmland affordable to farmers. The Agriculture Land Commission must approve all covenants placed on land within the Agriculture Land Reserve.

In the United States a common is for conservation organizations to **purchase development rights** or easements on farmland. In this model, which is not currently integrated in Canadian legislation, a landowner retains ownership of their land, but sells the right to develop that land for any activity other than farming to a conservation organization or body. The landowner is free to sell their land at any time but the restrictions on its use remain on the land deeds for all future owners. In this arrangement the landowner is most often paid the difference between the market value of the land and the agricultural value of the land.

Land Inventories

Whatever model(s) are adopted to establish a CRD Farmland Conservation and Access Program, it will be necessary to develop the proper policy, tools, governance, management structures, and funding mechanisms to support such a program. An initial step would be to conduct an inventory of farmland and production capacity in the Capital Region.

Over the past decade a number of Agriculture Land Inventories have been undertaken in the region, including North Saanich, Central Saanich, Metchosin, and the Gulf Islands Electoral Area. Large areas where agriculture land exists (for example the District of Saanich and the Juan de Fuca Electoral Area) have not gathered this data. A comprehensive land inventory is therefore needed for the region. This inventory should follow the approach that the District of North Saanich took in that it inventoried land ranging from more 'traditional agriculture' production to small lots that have the capacity for urban agriculture.

In Bella Coola a comprehensive Food Shed Analysis was completed to help guide farmland planning.

Having conclusive information on the region's agricultural land base will be necessary to determine priorities and targets. An additional step that would improve the ability to make land planning decisions would be to utilize and expand Soils analysis and complete a 'land capability for crop suitability study'

which provide a comprehensive view of the region's actual and potential land-based food production system. An example of this type of "Foodshed Analysis was completed in the Bella Coola Valley¹⁹.

How could a CRD Farmland Conservation and Access Program be funded?

If a Regional Farmland Conservation and Access Program were to be established in the CRD it would require some form of stable funding for land acquisition and operational activities. One option would be to establish a Farmland Conservation Fund (or Agriculture Legacy Fund).

There are a number of ways that such a fund could be resourced:

- Gifting of land through bequests and donations
- Agriculture Levy
- Development Fees and Amenities
- Fundraising campaigns and events
- Grants
- Sponsorship
- Shared cost scenarios
- Program and lease revenues

Another option would be to expand the CRD Parks Acquisition Fund to include Farmland. A CRD Farmland Conservation and Access Program may need to bring in a mix of these strategies.

There are a number of examples of Regional Districts in BC that have established specific trusts for the purpose of acquiring and conserving land, including the Capital Region Parks Acquisition Program. In 2011, the Parks Acquisition fund generated \$2,085,000 and it is estimated that by 2014 it will generate almost \$3.5 million per year.

In 2010, the CRD acquired 1,516 hectares valued at \$17,314,000. CRD's contribution was \$14,738,345 or 85 percent. Its partners and private donor contributions totalled \$2,575,655 or 15 percent²⁰.

The purchase of Madrona Farm provides a recent local example of farmland purchased through donations and a public campaign, in this case organized by The Land Conservancy of BC and The Farmlands Trust.

Having a dedicated Farmland Conservation/ Agriculture Legacy Fund with a relatively stable income would allow for a comprehensive approach and long-term sustainability of a CRD Farmland Conservation and Access Program. The CRD and individual municipalities could work together with conservation organizations, land trusts, foundations, and a range of partners to undertake long-term planning around land acquisition programs and priorities. A Regional Farmland Conservation Fund or Agriculture Legacy Fund could be created to hold funds from a farmland preservation levy, development fees, grants and private donations.

¹⁹ Bella Coola Valley Sustainable Agriculture Society. 2007. *Bella Coola Valley Foodshed Analysis Project*.

²⁰ Capital Regional District Parks. June 2011. *Regional Parks Land Acquisition Bulletin 11*. <http://www.crd.bc.ca/parks/documents/landacquisitionbulletin2010.pdf> Accessed November 2012.

The applicable legislation for establishing such a Fund is the *Local Government Act*²¹. Under this Act a Regional District can operate any service for either all or any part of the region²². In order to establish a service, a Regional District must adopt an establishing bylaw for the service²³.

Next Steps:

1. Secure a Policy Direction in the CRD's Regional Sustainability Strategy (RSS) to develop a Regional Farmland Conservation and Access Program.

Currently, the CRD has approved various policy directives to inform the process of adapting its Regional Growth Strategy to become a Regional Sustainability Strategy. One of these is:

“Investigate the feasibility of a range of initiatives that create better access to land for bona fide farmers, particularly new farmers, through such means as a farmland acquisition levy, farmland trusts, community farms, farm cooperatives and land lease services.”²⁴.

This policy is an important component of the RSS that will address a variety of food security, regional sustainability, and farmland protection and access goals.

2. Secure the support of CRD member municipalities for the development of a Regional Farmland Conservation and Access Program.

There needs to be broad support among the CRD member municipalities on the importance of this initiative. Discussions with each municipal council and the CRD board are necessary.

3. Have the CRD strike a multi-sectoral Task Force to evaluate the feasibility of a Regional Farmland Conservation and Access Program in the CRD.

Once the CRD RSS has formally incorporated a policy and broad municipal support for establishing a regional Farmland Conservation and Access Program, it is recommended that the CRD strike a multi-sectoral committee to evaluate the feasibility of a Farmland Conservation and Access Program in the CRD. This may involve: investigating the most effective governance and organizational structure; best options for holding lands, assets, and funds; as well as evaluating ways of securing funding, including options such as a property tax levy or Agricultural Land Acquisition Fund.

²¹ *Local Government Act*, R.S.B.C. 1996, c.323.

²² *Ibid.* s. 796(1)

²³ *Ibid.* s. 800(1)

²⁴ Capital Regional District. *Policy Direction Summaries. Food Security Policy Direction #2*. May 2011.

http://www.crd.bc.ca/reports/planningtransportati_/2011_/05may25_/ppsrp201105appendix2/ppsrp201105appendix2.pdf Accessed November 2012

Appendix: Examples of Farmland Conservation and Access Programs

British Columbia

Langford's Agriculture Strategy and Agricultural Land Reserve Acquisition Fund²⁵

The City of Langford is one of the CRD's member Municipalities. It is primarily an urban area. The Langford Agricultural Strategy was created in response to a suggestion by the Agricultural Land Commission. Langford was applying for removal of land from the ALR and the ALC suggested that Langford should have an Agricultural Strategy in place in order for those applications to be considered²⁶.

The Agricultural Strategy has three stated goals. Each of these goals has stated objectives and specific actions to be taken in order to attain the objective, and, ultimately, the goal²⁷. Goal 1 of the Strategy is to increase community agricultural activities which is relevant to this Policy Discussion Paper. Langford has already amended its 'Affordable Housing, Parks and Amenity Contribution Policy' to require a developer to pay \$600, \$800 or \$1500 per residential unit and \$500 per 3000sqft into an Agricultural Land Reserve Acquisition Fund as a condition of density bonusing at the time of rezoning.

The next high priority action is to use the funds in the ALR Acquisition Fund to purchase viable farmland in the ALR. This land is to be secured in a public trust and made available to individual farmers or groups on a lease basis.

The impact of Langford's Agricultural Strategy and the Agricultural Land Reserve Acquisition Fund has yet to be felt. Given the development pressures on all member municipalities in the CRD and the high level of development that takes place in Langford, the Strategy and its Fund have the potential to raise a significant amount of revenue. The funds raised could, remarkably result in one of the most urban of municipalities preserving a substantial amount of farmland. In 2011 the fund generated over \$100,000.

City of Richmond²⁸

The City of Richmond is the largest agriculture landholder in the area because in 1996, voters approved the City to borrow \$28.5 million to purchase 63-acres of privately owned land, made up of small farms. The City began to acquire properties including Terra Nova Rural Park which is a unique, picturesque 63-acre site located in the northwest corner of Richmond. Many partners are involved in the delivery of programs at Terra Nova with all non-profit groups having operating agreements with the City. Almost all

²⁵ Langford City Staff. 2008/9. Langford Agricultural Strategy – not yet adopted by Council. Retrieved November 2012 <http://webcache.googleusercontent.com/search?q=cache:http://greenlangford.ca/langford-agricultural-strategy/langford-agricultural-strategy-actions>

²⁶ Langford City Staff report to Council. November 16, 2009. *Langford Agricultural Strategy Summary*. <http://www.homegrow.ca/las/summary>

²⁷ Langford City Staff. 2008/9. Langford Agricultural Strategy – not yet adopted by Council. Retrieved November 2012 <http://webcache.googleusercontent.com/search?q=cache:http://greenlangford.ca/langford-agricultural-strategy/langford-agricultural-strategy-actions>

²⁸ <http://www.richmond.ca/home.htm>

of the organized activities in the park are through community partners. These community groups create an environment that recognizes the value of farming and fresh food, healthy eating habits, urban wildlife appreciation and social responsibility.

One partner of several years, The Sharing Farm, manages a 3-acre farm in the park. This group offers educational programs, fruit and vegetable markets, seed exchanges, community dinners and food festivals on-site. In addition, this group harvests approximately 10,000 pounds of fruit and vegetables annually for donation to the local food bank and community meal programs helping feed the community's poor and homeless.

The Land Conservancy of British Columbia²⁹

The Land Conservancy is a land trust preserving British Columbia's farm and ranch land for both agriculture and conservation. In preserving farm and ranch land, TLC aims to:

- Retain arable land for food production and associated food sovereignty
- Protect biodiversity and other ecological goods and services
- Provide land access for new farmers
- Retain B.C.'s cultural heritage
- Contain urban development

TLC uses a variety of tools and activities to protect and conserve farmland. These include:

- Conservation Covenants: Gabriola Commons, Horse Lake Community Farm, Linnea Farm, O'Reilly's Farm
- Donations, Bequests and Purchases: Lohbrunner Farm and Bird Sanctuary, Madrona Farm, Turtle Valley.
- Farm cooperatives and Community Farms: Horse Lake Community Farm, Keating Community Farm Cooperative, Nicomekl Community Organic Farm

Salt Spring Farmland Trust

The Salt Spring Island Farmland Trust was established to help stop the eroding farm base on Salt Spring and provide opportunities for young, educated farmers. It is the vision of the Farmland Trust to help create access to affordable land, while offering other compatible agricultural uses for the community. The Salt Spring Island Farmland Trust Society goals are consistent with the existing agricultural zoning regulations, the Salt Spring Island Area Farm Plan and the Official Community Plan³⁰.

The constitution was created to facilitate a diversity of strategies such as the purchase and leasing of farmland, education and training, sustainable farming practices and to enhance the island's capabilities. The Salt Spring Island Farmland Trust Society believes that their values and work will serve their greater community.

The purposes of this Society are exclusively charitable and are:

²⁹ <http://blog.conservancy.bc.ca/>

³⁰ Spring Island Farmers' Institute. Retrieved from <http://ssifi.org/farmland-trust> November, 2012

- To promote agriculture on Salt Spring Island and Southern Gulf Islands by acquiring, managing and leasing land for farming.
- To educate farmers and the public on the benefits and practices of locally produced agriculture.
- To develop and maintain community gardens on Salt Spring Island for the benefit of the community.

The Farmlands Trust³¹

The Farmlands Trust Society is a community-based organization for facilitating the preservation of Greater Victoria farmland and the enhancement of food security to benefit current and future generations based on ecological, economic, historical, and socio-cultural values³².

The Mission is to enhance local farming capacity in the Greater Victoria area by:

- Protecting local farmland;
- Protecting eco-sensitive and culturally special areas;
- Producing food for those in need;
- Promoting the economic viability of farmland; and
- Providing community access and public awareness programs.

The Farmlands Trust played a significant role in securing the funding to purchase Madrona Farm in Saanich with TLC. The Farmlands Trust also holds a three year agreement with Central Saanich in managing Newman Farm Park and has been in negotiations with the District of North Saanich to support the acquisition of the Sandown Raceway. Charitable status was granted in June 2011 by Canada Revenue Agency.

District of Saanich³³

An example of public land that has been set aside is the Haliburton Community Farm in Saanich. The District of Saanich purchased Haliburton Farm and leases the land to the Haliburton Community Organic Farm Society to manage the land. A unique Rural Demonstration Farm Zone was also established. In another case Saanich leased 8.5 acres directly to a farm operation between 1984 and 2006. The District of Saanich charged \$1,375 plus GST per year for the land. This approximately covered the costs of setting up and administering the lease³⁴. This arrangement of using public land provides the opportunity for long-term leases which is significant for farmers. Challenges around this model include potential changes in government (for this reason placing additional covenants on these lands is preferred) and the capacity and financial stability of the non-profit societies, in this case the Haliburton Community Organic Farm Society.

³¹ www.farmlandtrust.ca

³² The Farmlands Trust Society Strategic Plan (2009 – 2014). Retrieved November 30, 2009 from <http://www.farmlandtrust.ca/>

³³ <http://haliburtonfarm.org/wp/>

³⁴ The Land Conservancy of BC. 2009. *BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production*.

Canada

Ontario Farmland Trust³⁵

The OFT works to protect and preserve farmlands and associated agricultural, natural, and cultural features in the countryside for the benefit of both current and future generations. They have four primary activities: acquisition of farmland or interests in farmland; research and education about the value, management, use and protection of farmland; receipt, management, and disbursement of funds, donations and bequests that will help protect farmland in Ontario; and fostering cooperation with other individuals and groups who are interested in saving farmland. See their website for fact sheets, brochures, and reports about the importance of farmland protection.

Genesis Land Conservancy, Humboldt, Saskatchewan³⁶

Genesis was established in 1996 as a sister organization of Earthcare Connections. Earthcare Connections is an incorporated charitable organization. Genesis Land Conservancy is a non-profit registered charity that owns 4,000 acres composed of ten farms. They rent land to farmers through an application process, and prefer to support new farmers. They do not hold covenants (easements) on the land, and encourage good stewardship through seminars or other educational means, and tend to grant longer leases to farmers who use organic methods. Initial funding came from the United, Anglican, Roman Catholic, and Ukrainian Catholic of Saskatchewan churches. The main revenue for Genesis comes from farmland rental.

United States

New Jersey Farmland Preservation Program³⁷

New Jersey has one of the most comprehensive Farmland Preservation Programs. It established a Green Acres Program in 1961 to protect open spaces and conserve them for public purposes, and added their Farmland Preservation Program in 1981. The purpose of the Farmland Preservation Program, as embodied in the State Constitution and statutes, is to continue the viability of agriculture as an industry in New Jersey. It is for this purpose that the State purchases development easements on farmland. While the owner of the property agrees not to further develop the land, the land remains privately owned and can be restricted from public use. In the Green Acres Program, the public obtains something of tangible value for the expenditure of public monies -- the land, to use for recreation or conservation purposes. In the Farmland Preservation Program, the public also obtains value because the State prohibits further development of land, thereby preserving the land's agricultural potential and contributing positively to New Jersey's environment.

³⁵ <http://www.ontariofarmlandtrust.ca>

³⁶ http://econet.ca/sk_enviro_champions/genesis.html

³⁷ <http://www.nj.gov/agriculture/sadc/farmpreserve/>

Another area of the program is land purchase and resale. If a landowner wants to sell a farm outright, the State Agriculture Development Committee (SADC) can purchase it at fair-market value under its fee simple program. The SADC then auctions the farm to a private owner with agricultural deed restrictions in place that ensure its permanent preservation. This option also provides farmers with opportunities to purchase land at reasonable prices that reflect only farmland values, not development potential.

"When the land remains a working farm, the public benefits significantly and directly by having agriculture succeed as an industry in New Jersey, resulting in economic benefits to the State, and providing the population with such items as locally grown fresh produce"³⁸.

All 18 counties participating in the state Farmland Preservation Program, as well as 46 municipalities, have adopted comprehensive farmland preservation plans. Aggressive promotion of the program has more than doubled the pace of New Jersey's farmland preservation funding in the past year, and the agriculture department remains confident that 500,000 of the remaining 830,000 acres of New Jersey farmland can be preserved.

Lancaster County Land Preservation Program, State of Pennsylvania³⁹

The aim of the Lancaster County Land Preservation Program is, "to forever preserve the beautiful farmland and productive soils of Lancaster County and its rich agricultural heritage; and to create a healthy environment for the long-term sustainability of the agricultural economy and farming as a way of life."

Since 1983, the Preserve Board has administered a 'Purchase of Development Rights Program' to preserve land for farming. Landowners apply to sell development rights to the Preserve Board which then ranks the applications for priority, hires appraisers to estimate the value of development rights, and makes a formal offer to the landowner. Landowners who sell their development rights must maintain the land in farming. Lancaster County and Chester County farmland preservation programs contract Lancaster Farmland Trust to monitor preserved farms. The Preserve Board receives funding from both the County and the Commonwealth and in 1989, the Preserve Board began to participate in Pennsylvania's statewide Purchase of Development Rights Program.

As of March 31, 2011, the Agricultural Preserve Board had preserved 67,889 acres of farmland on 786 Lancaster County family farms. The Preserve Board has a responsibility to monitor these farms for compliance with the terms of the conservation easement placed on the landowner's deed when the development rights are sold.

West Virginia Farmland Protection Program⁴⁰

³⁸ New Jersey, Office of the Inspector General. 2001. *New Jersey's Open Space Preservation Programs: A Review of County Grants Under the Farmland Preservation Program..* Prepared for Attorney General John J. Farmer, Jr. State of New Jersey, Dept. of Law & Public Safety. Retrieved November 2012 at http://www.njpublicsafety.com/njospp_arocutfpp_report.pdf

³⁹ <http://landtrustgis.org/best-practices/impact/lft>

West Virginia Farmland Protection was established by each county in Virginia and the State Authority. This program sets uniform standards and guidelines for the eligibility of properties. It also sets the ranking criteria used to purchase conservation easements or pay the costs associated with the purchase or donation of easements.

Northern California Regional Land Trust⁴¹

The Northern California Regional Land Trust works with landowners to voluntarily protect land and natural resources, including agricultural land. A significant portion of this work includes purchasing properties with high conservation values, negotiating conservation easements and facilitating land exchanges and land acquisitions. Through its Farmland Program and Rangeland Program, the trust's conservation priorities include irrigated farmland, grasslands, and oak savannah used for ranching. The trust also undertakes fee-for-service work, such as providing professional open space planning, acquisition, and management services to developers and local government. Staff also provides stewardship and monitoring services.

One of the primary goals of NCRLT's Strategic Plan is agricultural land protection. They identify prime agricultural lands and natural areas that protect and enhance the unique characteristics of Butte, Glenn, and Tehama counties, and provide information to those landowners who want to conserve their land in perpetuity.

Bayfield, Wisconsin, Bayfield Farmland Preservation Program⁴²

In 2002 the people of the Town of Bayfield voted to increase their mil levy by 0.5% to raise funds for the Bayfield Farmland Preservation Fund. The impetus for this program arose from an increase of pressure to put agricultural land to other uses and the desire of the community to maintain the rural character of the area. Many of the farms in this area are fruit farms. The Bayfield's Farmland Preservation Program is administered through the Bayfield Regional Conservancy. Article III of the By-Laws of the Conservancy sets out the number of Directors of the Board, their duties and responsibilities and the length of their term.

There is a competitive application and ranking process for farms that apply. An appraisal process determines the value of the development rights of the farm. Once the development rights are purchased, the land is permanently restricted to agricultural or open space use through a Farmland Preservation Easement. This easement is administered and monitored by the Bayfield Regional Conservancy.

The program has been successful, completing a transaction each year since its inception with 200 acres of farmland now permanently protected. The impact of the program goes beyond the acres protected. The money the farmers receive for their development rights has been put to many uses including investing in new machinery, paying off farm mortgages and even allowing some older farmers to retire

⁴⁰ <http://www.wvfarmlandprotection.org/backgrounds.cfm>

⁴¹ <http://www.landconservation.org/whatwedo.php>

⁴² <http://www.brcland.org/projects/Bayfield%20Farmland%20Preservation%20Program.pdf>

secure in the knowledge that their land will continue to be farmed once they are gone. The permanent preservation of farmland in the area also provides security for the local businesses that serve the agricultural needs of the farmers and maintains the regions' rural character.

Open Space, Farmland and Historic Preservation Trust Fund, Hunterdon County, New Jersey⁴³

Voters have had three opportunities to demonstrate their support for the Open Space, Farmland and Historic Preservation Trust Fund (Open Space Trust Fund) and all three times they have done so. They have voted on "County Questions" in 1999, 2004 and 2008. The proposition put forth by Board of Chosen Freeholders in each of these Questions was to allow the County of Hunterdon to impose an annual levy for an amount or at a rate deemed appropriate for purposes that include the acquisition of farmland for farmland preservation⁴⁴.

The annual revenue from the levy is approximately 7 million dollars which can be dispersed undertow programs: a Municipal Grant Program and a Non-profit Grant Program.

The Municipal Grant Program allows each municipality to apply for up to 15% of the total annual levy collected by the municipalities. A municipality may bank and reserve their funds for future use⁴⁵, and may use their funds in partnership with other municipalities.

The Non-Profit Grant Program⁴⁶ is for non-profit organizations that have a Charitable Conservancy designation. The application process is competitive and each application is evaluated according to a specific set of factors and then is ranked appropriately. Each successful applicant is awarded the same percentage of the Open Space Trust Fund as set out for the municipalities (15% of the total). The funds awarded can only be used to purchase lands within the County, cannot total more than 20% of a project's cost of acquisition, and may be used for purposes that include the purchase of *Farmland Conservation Areas*.

Peninsula Township, Michigan: Peninsula Township Purchase of Development Rights (PDR) Program

The mid 1980's saw development come to the south end of the peninsula in Peninsula Township. A 60-70 acre parcel of farmland was developed into residential and split units. Farmers just north of this development became hesitant to plant crops or invest in their farms due to the fear that further development was imminent. Peninsula Township is a unique agricultural environment. It is bounded on two sides by large bays of water which create a micro-climate ideal for growing a wide variety of fruit.

After the initial development on the southern tip, the people of the Township decided to do something to prevent further development from happening in this prime agricultural area. In the late 1980's citizens worked with the Township supervisor and planner to put together a program to preserve farmland and to allow development only where agriculture was not feasible.

⁴³ <http://www.co.hunterdon.nj.us/openspac.htm>

⁴⁴ Hunterdon County Open Space, Farmland and Historical Preservation Trust Fund Program Policies and Procedure Manual ("County Trust Fund Program") <http://www.co.hunterdon.nj.us/openspace/OpenSpacePolicy.pdf>

⁴⁵ *Ibid.* at p 21.

⁴⁶ *Ibid.* at p 4 and see all of Section III.

Township residents formally adopted the Purchase of Development Rights (PDR) program in 1994 by voting in a tax millage to support the program⁴⁷. Ordinance #23, which enables the program, states in its Declaration of Purpose that Peninsula Township is a desirable place to live due to its views of agricultural and open space lands⁴⁸. The Declaration also states that land “suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other urban uses which do not require those special characteristics, an important community resource is permanently lost to the citizens of Peninsula Township.”⁴⁹ Tax millage is the equivalent to a tax levy. The PDR program pays farmers to keep their land in agricultural production or as open space. A completely voluntary program, PDR allows farmers to receive money for the development value of their land and keep the farmland for their business.

A reduction in property tax is also realized for land kept in agricultural use. The PDR program was further supported by grants from the State of Michigan⁵⁰, the U.S.D.A., the Michigan Department of Transportation, and the American Farmland Trust.

By the end of 2001, the revenue raised by the tax millage was exhausted and the PDR program (in partnership with other programs) had preserved 4,000 acres of agricultural land. Township residents approved another millage increase in 2002 which generated additional monies. The additional funds enabled the Township to increase the coverage of the program to purchase the Development Rights on an additional 3,000 to 4,000 acres.

The property value of agricultural land in Peninsula Township now exceeds residential property values. This hoped for result of preserving farmland demonstrates that agriculture truly is the best use of this land. Residential property values for homes adjacent to permanently preserved farmland have also risen due to the certainty home buyers can have that their bordering-the-country homes will never be engulfed by urban development.

⁴⁷ Peninsula Township Purchase of Development Rights Ordinance # 23
<http://www.peninsulatownship.com/developmentrights/ordinance.pdf>

⁴⁸ *Ibid.* at p 1.

⁴⁹ *Ibid.*

⁵⁰ State of Michigan Agricultural Preservation Fund http://www.michigan.gov/mda/0,1607,7-125-1567_1599_2558-11788--,00.html; also see Policies and Procedures for the Michigan Agricultural Preservation Fund, Approved August 13, 2008
http://www.michigan.gov/documents/MDA_REVMAPFBApplicationProcess_117312_7.pdf ; also see Soji Adeleja, Mary Beth Lake, Patricia Harlow, Doug Roberts, Sr. and Bill Rustem “Alternative Funding Sources for Farmland Preservation in Michigan” A Viable Agriculture Report Prepared by MSU Land Policy Institute Report # 2006-3, June 2006

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CR-FAIR Members

- The Land Conservancy
- Direct Farm Marketers Association
- Community Social Planning Council
- FoodRoots
- Gorge Tillicum Urban Farmers
- Sooke Food Chi
- North Saanich Food for the Future Society
- Dogwood Initiative
- Victoria Compost Education Society
- Feasting For Change
- The Farmland Trust
- Vic West Food Security Collective
- Victoria Downtown Market Association
- Vancouver Island Health Authority
- Ministry of Agriculture
- Office of Community Based Research
- COABC, Certified Organic Association of British Columbia
- North Saanich Agriculture Advisory
- LifeCycles
- Transition Town Victoria
- Island Chef Collaborative
- HomeGrown Collective
- Friends of Madrona Farm
- Island Natural Growers
- Salt Spring Agriculture Alliance
- Saanich Allotment Garden Advocacy group
- SOUL Stewards of Urban Lands

