UNSCRAMBLING THE OMELETTE[†]

Understanding British Columbia's Agricultural Land Reserve[*]

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The problem of balancing competing uses for the land is at the root of all political discussion in this province, and will remain so forever.[1]

Perry Commission, 1998

IN 1997-98, A PROPOSAL to develop the Six-Mile Ranch outside of Kamloops,[2] and thus potentially exclude 336 acres of land from the Agricultural Land Reserve (ALR), degenerated into an emotionally charged political showdown with the media, citizen-based groups, and activists pitted against an increasingly unpopular provincial

[†] During the creation of such organizations as the Insurance Corporation of British Columbia (ICBC) and the Agricultural Land Reserve, Robert Williams, the minister of resources in the New Democratic Party government of 1972-5, is purported to have said: "I will make such an omelette that no one can unscramble it." See *Hansard*, 22 April 1981, 5,144.

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[1] British Columbia, Perry Commission, *Perry Commission Report* (Vancouver: Ministry of the Attorney General, 1988), 39.

[2] The Six-Mile Ranch itself consisted of 1,000 acres of deeded land, with another section of Crown lease land and grazing permits, just outside of Kamloops. An active farm for most of the past century, the ranch was purchased by Pagebrook Properties from another development company in 1995. Pagebrook's proposal called for the exclusion of 340 acres of Six-Mile property from the ALR, with the inclusion of another 105 acres from the ranch and a request for a special case use for another thirty-four acres. If an exclusion had been granted, then the company's business plan called for the construction a golf course, lodge, residential units, theme park, and other amenities. What made the Pagebrook proposal unique was a commitment to retain existing cattle herds and hayfields in order to market the ranch as an agri-tourism destination resort. For more information, see *Perry Commission Report*.

government. Within the rhetoric that defined this discourse, however, there emerged an interesting dichotomy between supporters and opponents. On one side were those who believed the ALR had to remain hard-edged, meaning that land should never be removed from the reserve.[3] They drew the majority of their support from the more urban areas of the Lower Mainland and were subsequently characterized as possessing no specific knowledge of the conditions present at Six-Mile Ranch, nor was it thought that they had any desire to attain such knowledge.[4] Their concern was derived from the experience of their own region, where, left unchecked, urban sprawl constantly threatened to engulf ALR land. To those in favour of the development, exclusions from the ALR were seen from a more utilitarian point of view: the preservation of agricultural land as a resource within a free-market system could not succeed in the absence of a viable farm economy. The Six-Mile Ranch proposal was innovative and had the potential to revitalize a parcel of agricultural land that had been all but abandoned, thus ensuring the long-term protection of the area as a working landscape. The significance of this debate is found in the points of departure between the two sides, for it is these that mark the uncertain future of the Agricultural Land Reserve and commission.

When asked, British Columbians have generally responded, in very large percentages, that they support the concept of the ALR and its goal of preserving the scarce agricultural resource that is the land.[5] The inherent simplicity of such questions, however, has masked what exactly about the reserve is worth supporting. The reports of the Agricultural Land Commission (ALR) have estimated that, at any given point over the last two decades, only 25 per cent to 50 per cent

[3] Ibid., 54.

[4] Ibid., 38.

[5] An audit of the land commission in 1994-5 found that, despite the absence of a formal process for obtaining information on the extent to which the commission's role was accepted, informal polling conducted by the Ministry of Agriculture, Fisheries and Food showed an 80 per cent acceptance of the concept of having an ALR. British Columbia, Auditor General, *Value for Money Audit, Provincial Agricultural Land Commission* (Victoria: Queen's Printer, 1995), 22. On the occasion of its twenty-fifth anniversary, the ALC also reported that 72 per cent of British Columbians believed it should be very difficult to remove land from the ALR. See Provincial Agricultural Land Commission, *Annual Report*, Victoria: The Commission, 1998, 3. Without providing any documentation to support their argument, Peter Gordon and Harry Richardson state that 85 per cent of the BC electorate approves of the ALR in its current form. P. Gordon and H. Richardson, "Farmland Preservation and Ecological Footprints: A Critique. IV. An Example: The Agricultural Land Reserve in Vancouver," Los Angeles: Planning and Markets, University of Southern California, http://www-pam.usc.edu/v1i1a2s4.html (August 10, 2001).

of the land in the reserves would have been actively farmed. The value of the system, therefore, does not appear to be in its ability to encourage agriculture, although this was one of its founding mandates. The commission is now perhaps most lauded for its role as guarantor over, and final arbiter in the conservation of, the remaining open spaces in the heavily urbanized Lower Mainland area. In fact, although the scope of agriculture and the authority of the commission extend to all corners of the province, the success of the ALR has always been judged by its effectiveness within the Fraser Valley. When understood within this context, the debate surrounding the Six-Mile Ranch proposal demonstrates the degree to which the reserves are now viewed – through a rural-urban divide – as a sacrosanct and inviolable piece of environmental legislation. Problematic, of course, is the fact that farmland is retained through private ownership and that, without creative and effective measures to encourage agriculture, the pressure to develop in certain areas will not easily subside.

Twenty years ago it was said about the Agricultural Land Reserve and commission that surprisingly little evaluative research had been applied to the program and that any interest they held stemmed more from the novel approach to protecting farmland than to any demonstrable evidence of their success.[6] As anyone attempting to study the ALR can attest, the intervening years have been even less kind. Following the substantial volume of literature published in the late 1970s, research began to stagnate by the mid-1980s in conjunction with the legislation's waning novelty and utilization. As a result, the reserve remains an enigma because it is detached from the debates on class, economics, politics, and geography that have given shape to similar planning models across North America. The primary task of this article, therefore, will be to present an assessment of the Agricultural Land Reserve and the Agricultural Land Commission. Exploring the historical trends in urban planning around Vancouver, I will show how the search for a rational, state-assisted model of growth slowly extended to include the whole of the province's agricultural landscape. Vehemently opposed by farmers, the more restrictive tenets of Bill 42, the Land Commission Act, codified the extension of this urban value-set.[7] Despite the public's initial

[6] J.T. Pierce, "The Land Conversion Process within BC's Agricultural Land Reserve: A Critical Look," in *The Rural-Urban Fringe: Canadian Perspectives*, eds. K. Beesely and W. Russwurm, Geography Monographs no. 10, York University, 1981, 315.

[7] In this paper the reader will find the term "urban value-set" used on a fairly consistent basis. It is intended to aid in the identification of what is a generally unexplored social

commitment to share in the burden of preserving the land through economic transfers, the subsequent evolution of the commission has been one of continuous retrenchment. Utilizing the records of the commission, I will further show how this abandonment of the agricultural community has jeopardized not only the long-term viability of farming but also the conservationist objectives underpinning the broad support enjoyed by the ALR today.

EARLY URBAN INFLUENCES

For much of its history, the course of settlement and development in British Columbia has been highly permissive and individualistic. Reflecting the predominantly rural nature of the province in the nineteenth century and societal attitudes that viewed the land in terms of a frontier – empty, unoccupied, and endowed with natural resources – there was no inclination to impede growth through regulation. Only as the province matured and the first urban centres began to emerge on the Coast did land-use conflict become an identifiable issue. Reflecting these attitudes, the Municipal Act, 1872, established the authority under which local governments could hold elections, borrow money, provide services, and make bylaws, but it never provided the tools needed to regulate or govern private land-use.[8] Only with the rapid growth of Vancouver's urban, residential class during the first

phenomenon in British Columbia: an urban-based, expressive attitude towards the natural environment in which "nature" is to be appreciated and not altered. The impact of this attitude can be witnessed throughout the more urbanized areas of the province and was in large part responsible for the creation of the Agricultural Land Reserve in 1973, as will be seen later in this paper. For a more precise understanding of the literature guiding my use of the term "urban value-set," the reader is advised to refer to the American debate that has taken shape over the past thirty years. Primarily relying upon the data sets from three Oregon referenda conducted in the 1970s and 1980s to repeal that state's land-use law (Senate Bill 100), a vigorous debate took shape in which class and region were identified as important contributing factors in support for land-use controls. For more information see, Greg Gustafson, Thomas L. Daniels, and Rosalyn Shirack, "The Oregon Land Use Act: Implications for Farmland and Open Space Protection," *Journal of the American Planning Association* 48, 3 (1982): 365-73; Joseph Harry, R.P. Gale, and J.C. Hendee, "Conservation: An Upper-Middle Class Social Movement," *Journal of Leisure Research* 1, 3 (1969): 246-54; Gerrett Knapp, "Self-Interest and Voter Support for Oregon's Land-Use Control," *Journal of the Association of American Planners* 53, 1 (1987): 92-7; Gerrett Knapp and Arthur Nelson, *The Regulated Landscape: Lessons on State Land Use Planning from Oregon* (Cambridge: Lincoln Institute of Land Policy, 1992); Jerry Medler and Alvin Mushkatel, "Urban-Rural Class Conflict in Oregon Land-Use Planning," *Western Political Quarterly* 32, 3 (1979): 338-49. Frank Popper, "Understanding American Land Use Regulation since 1970: A Revisionist Interpretation," *Journal of the American Planning Association* 53, 3 (1988): 291-301.

[8] S.E. Corke, *Land Use Controls in British Columbia: A Contribution to a Comparative Study of Canadian Planning Systems*, Toronto: Center for Urban and Community Studies, 1983, 50.

decades of the twentieth century did expansion and redevelopment bring inevitable land-use conflicts. The absence of zoning by-laws or an enforceable planning function made it difficult to regulate and direct the growth of the city, resulting in an incongruent pattern to Vancouver's expansion.[9] As a coping mechanism, many homeowners employed one of the limited options available: restrictive covenants.[10] As a practical application, covenants provided only limited relief from redevelopment pressures as their effectiveness remained confined to specific parcels of land. Urban expansion could, therefore, continue unabated on surrounding land, with only slight adherence to community cohesiveness.[11] In response to the inherent limitations of the covenants, Vancouver homeowners initiated the first steps in a decades-long process that would witness the steady extension of an urban value-set upon the surrounding landscape.

In the period immediately following the First World War, these concerns were focused upon the ability to bring some form of order and stability to the livability of urban neighbourhoods. While the context was intimately local, the solution was seen to lie in the adoption of relatively broad planning measures. The Town Planning Act, 1925, which was introduced at the behest of Vancouver residents, replaced the Municipal Act and, for the first time, gave municipalities the right to zone – a function that many had come to unofficially exercise through the arbitrary application of health and fire standards.[12] Although the new act was an inherently conservative piece of legislation, generally designed to protect property values, municipalities exploited a section that made the drafting of a comprehensive town plan optional.[13] Preferring to continue what was now the formal use of zoning laws, municipal councils entrenched the concept that planning was a "permissive activity" under the Town Planning Act, to be carried out on a case-by-case basis without the guidance of a comprehensive plan.[14] The act, therefore, endorsed the idea that zoning was a static activity that was designed to impede

[9] J.C. Weaver, "The Property Industry and Land-Use Controls: The Vancouver Experience 1910-1945," *Plan Canada* 19, 3-4 (1979): 213.

[10] The restrictive covenant was an agreement between individuals that predetermined acceptable usage, formalized unofficial restrictions, and attempted to bring stability and uniformity to Vancouver's neighbourhoods in the era prior to the First World War. For more information, see Weaver, "Property Industry," 213.

[11] Weaver, "Property Industry," 211-13.

[12] Ibid., 214-15.

[13] Corke, *Land Use Controls*, 51.

[14] Ibid., 52.

development (a precursor to the Not In My Back Yard [NIMBY] syndrome) rather than to guide it. That the real estate market in Vancouver was depressed between 1930 and 1945[15] masked the long-term impact that this imposition of a static, urban value-set would have upon the surrounding landscape. As British Columbia's economy recovered after the Second World War, however, the unintended consequences of having municipalities determine local land-use policy would be re-evaluated. The static nature of zoning conducted under the Town Planning Act was forcing Vancouver's expansion outwards and onto the prime agricultural land of the Fraser Valley.

URBAN SPRAWL AND CHANGING CONCEPTIONS OF THE REGIONAL LANDSCAPE

The situating of urban and economic development within the province has always followed a predictable pattern; occurring in close proximity to areas of prime agricultural capability, conflicts in land-use arise, with farmers the inevitable losers. This way of settlement was most prevalent between 1940 and 1950, when the province's population grew by an impressive 3.5 per cent, compared with 1.9 per cent nationally and a 1.4 per cent average in North America.[16] As Vancouver accounted for the majority of this growth, the restrictive elements of the Town Planning Act, along with the comparatively inexpensive, easily serviceable, and pristine nature of the surrounding agricultural land, influenced the city's peripheral growth. Surrounding municipalities soon discovered that they were ill-equipped to meet the financial burdens associated with the expansion of Vancouver's population. While the loss of farmland was a concern, it was secondary to the recently discovered costs of urban sprawl. Sprawl had become a blight upon the landscape for a number of reasons: it increased the cost of both ordinary municipal services (road paving) and specific municipal services (water and electricity supplies), and the increased costs had to be borne by all taxpayers, irrespective of the benefits received.[17] Urban sprawl, as its name suggests, was also proving to be

[15] Ibid., 54.

[16] British Columbia, Department of Industrial Development, Trade and Commerce, *Forecast of Population Growth in British Columbia to the Year 2000* (Victoria: Queen's Printer, 1971), 5. Director was J.R. Meredith.

[17] Lower Mainland Regional Planning Board, *Urban Sprawl* (New Westminster: Lower Mainland Regional Planning Board, 1958), 12.

a random process, causing a patchwork quilt of settlement; alienating large tracts of land; and, in some cases, subverting the long-range plans of municipalities to provide roads, airports, and school systems.[18] The cumulative effect of this sprawl demonstrated to Vancouver's urban population the degree to which everything from quality of life issues to property values were affected by trends in the surrounding regions.

At the behest of Vancouver-area municipalities, in 1948 the Town Planning Act was amended to provide for the creation of regional planning areas to be supervised by regional planning boards.[19] The first such board, the Lower Mainland Regional Planning Board (LMRPB), encompassed an area from the City of Vancouver in the west to Hope in the east, contained 54 per cent of the province's population, and represented twenty-six municipalities.[20] The constitution of the LMRPB under the provisions of the Town Planning Act did not, however, truly represent a regional planning authority. Municipalities still retained the right to accept or reject any planning proposals put forward by the board, thus relegating the LMRPB to an advisory position.[21] In a particularly prescient report published in 1952, the board foretold its own future – a future in which its junior position vis-á-vis the municipalities would be reversed. Entitled *The Lower Mainland Looks Ahead*, this report pressed the case for a bold centralization of the planning process. Local governments were criticized for their "lay planning commissions," their haphazard way of conducting development, and their limited ability to adequately resolve the challenges of a rapidly expanding metropolitan area in isolation from one another.[22] Alternately, the LMRPB favoured the extension of its own "knowledge and experience" to the local level and the assumption of all planning duties currently conducted by municipalities, arguing that "many matters are growing too big for them [local governments] alone and should be dealt with by a higher body or bodies."[23]

[18] Ibid., 15.

[19] Accordingly, the first board to be granted ministerial approval (in 1949) was the Lower Mainland Regional Planning Board. Chistianna Stachelrodt-Crook, *Environment and Land Use Policies and Practices of the Province of British Columbia* (Victoria: British Columbia Institute for Economic Policy Analysis, 1975), 214.

[20] The number of municipalities represented would rise to twenty-eight with the incorporation of the City of Langley in 1955 and the City of White Rock in 1958. See Stachelrodt-Crook, *Environment*, 214.

[21] Ibid., 216.

[22] Lower Mainland Regional Planning Board, *The Lower Mainland Looks Ahead: A Report and Outline Plan for the Development of the Lower Mainland Region of British Columbia* (New Westminster: LMRPB, 1952), 54.

[23] Ibid.

Although the board's assessment may have given undue weight to the administrative benefits involved in centralizing the planning process, it correctly predicted the eventual result of its creation, which was that those municipalities that had lobbied for the LMRPB had, in the long run, surrendered local control over the planning process. A zoning issue in Surrey, or a redevelopment proposal in Abbotsford, was no longer an issue that fell solely within the jurisdiction of the local town council. These matters affected everyone between Hope and Vancouver, and, as an awareness of this inter-relationship grew in the public consciousness, the LMRPB was inevitably called upon to play a greater role in planning. In giving such an early voice to the arguments presented in *The Lower Mainland Looks Ahead*, the board was playing a leading and innovative role in the so-called "revolution" in land-use planning that was taking shape throughout North America. The justification for moving to a more centralized form of planning in the 1960s, however, would be drawn from trends in land-use planning emanating from the United States.

LOCAL VERSUS STATE CONTROL OF LAND-USE DECISIONS: THE AMERICAN INFLUENCE

Shaped by an eclectic group of American writers in the 1960s, a nascent environmental movement began to take shape out of the excesses of the post-Second World War economic boom. The emergence of environmentalism as a mass movement served a dual purpose with regard to the extension of an urban value-set upon the rural and natural landscapes. First, by showing how industrialism and the natural environment had become entwined in a harmful relationship, it motivated the popular will to support a more activist government. Second, it demonstrated a further relationship between the long-term functionality of urban areas and the health of their surrounding environments (both rural and natural).[24] Together, these trends

[24] Two defining works in the evolution of thought behind this modern, American environmental movement are Rachael Carson's *Silent Spring* (Greenwich: Crest Book, 1962) and Jane Jacobs's *The Death and Life of Great American Cities* (Random House: New York, 1961). By drawing attention to the effects of an unregulated use of chemical pesticides by industrial agriculture, Carson made people aware of the delicate balance between society and nature, and the need to protect local ecologies for the common good. Jacobs's work conveyed the notion that healthy functioning neighbourhoods could not be constructed on a drafting board: natural forces were just as important to the evolution of a neighbourhood's vitality as were cultural forces. In essence she linked the urban with the rural/natural environment.

coalesced into a genuine effort by decision makers at all levels to protect their agricultural and natural resources.

The re-evaluation of traditional land-use laws, which began with the birth of this movement, gave rise to two distinct schools of thought on the issue of preserving farmland. One, influenced by Richard Babcock's *The Zoning Game*,[25] took aim at the anarchic system of local zoning rules that his adherents believed had held sway throughout the United States during the 1940s and 1950s. These planners were of the opinion that "whenever a question of re-zoning comes up, the issue is not usually approached from the standpoint of what the city needs, but of what the private owners desire and what their immediate neighbours feel disinclined to let them have."[26] It was their conviction that the general welfare of society could be better served by a selective delegation of regulatory powers to higher levels of government. Guided by a supreme self-confidence, and seeking to implement a rational design through the apparatus of the state, these planners believed that they alone possessed the knowledge and expertise to carry out such a task.

Those most closely associated with this new school of thought dubbed their work a "quiet revolution": "the overthrow of the feudal system under which the entire pattern of land development [had] been controlled by thousands of individual local governments."[27] Hawaii, and its Land Use Law, 1961, became an oft-cited example of the benefits of state control, serving as a blueprint for other jurisdictions contemplating regional control over land-use decisions. The Hawaiian legislation created a land use commission that divided the islands into four districts: conservation, agricultural, rural, and urban.[28] Areas designated as urban remained under the suzerainty of local governments, while all rural and agricultural land could only be used for purposes the commission deemed allowable.[29] The commission alone had the authority to redraw boundaries, issue special

[25] *The Zoning Game* (1966) was originally written in 1961 as a study for the American Society of Planning Officials, only to be published five years later in book format and serving thereafter as the "Liberal" blueprint for regional planning in the United States. Richard Walker and Michael Heiman, "Quiet Revolution for Whom?" *Annals of the Association of American Geographers* 71, 1 (1981): 69.

[26] Richard Babcock, *The Zoning Game: Municipal Practices and Policies* (Madison: University of Wisconsin Press, 1985), 12.

[27] Fred Bosselman and David Callies, *The Quiet Revolution in Land Use Control* (Washington, DC: Council on Environmental Quality, 1971), 1.

[28] Ibid., 5.

[29] Ibid.

permits, and determine what constituted traditional agricultural practice.[30] This approach was well suited for jurisdictions comprised of a relatively limited, homogenous land base, such as a small island state. In territories containing a larger and more diverse landscape, the ability of a single commission to devise regionally compatible policies would prove more challenging.

In juxtaposition to the Hawaiian model of land use is the model that was conceived by Californian lawmakers. Unlike Hawaii's Land Use Law, which relied upon a centralization of the zoning process to enforce its broad regional plan, California's Williamson Act, 1966, was a state/local program. Through the use of property tax relief, farmers restricted development on their land under voluntary ten-year renewable contracts, thereby transferring development rights to the state.[31] Interested landowners could contract with counties, while the state government exercised general oversight and partially compensated local governments for their property tax losses.[32] For farmers participating in the plan, tax charges would be based upon generated income from the land rather than potential market value.[33] More important, however, the Williamson Act provided a viable alternative to the top-down, centrally administrated approach to state land-use planning. Accordingly, the act has been acknowledged as one of the first comprehensive attempts to protect farmland in the United States.

[30] Ibid., 8.

[31] Nelson notes that some tout the transfer of development rights (TDR) and the purchase of development rights (PDR) as the most effective means of preserving farmland. TDR programs transfer development to urban areas and preserve farmland at no direct cost to taxpayers, while PDR programs see local governments purchase development rights to assure the permanent preservation of farmland. Both programs, however, are wrought with pitfalls as they do not ensure a long-term critical mass of farmland needed to sustain a farm economy. And they can also be horribly expensive. See *Journal of the Association of American Planners*, Vol. 58(4) (Autumn 1992): 470.

[32] Alvin D. Sokolow, "Farmland Policy in California's Central Valley: State, County, and City Roles" (Berkeley, California Policy Research Center, University of California, 28 August 2001). http://www.ucop.edu/cprc/sokolow.html

[33] After initial trepidation on the part of farmers who doubted the validity of lower tax assessments based upon the Williamson Act, participation increased greatly in 1971, when the state legislature declared its interest in preserving open and agricultural space and provided the funding necessary to compensate local government for lost revenue. See California, Division of Land Resource Protection, "Land Conservation Program / Open Space Subvention Program: History" (Sacramento, Department of Conservation, 20 August 2001). http://www.consrv.ca.gov/dlrp/LCA/History.

THE IMPOSITION OF AN URBAN VALUE-SET: THE LAND COMMISSION ACT

The first comprehensive regional plan to be applied in British Columbia was based upon the 1962 report, *Land for Farming*, prepared by the LMRPB, which analyzed the factors contributing to the loss of farmland in the Fraser Valley.[34] Changes to the scope of the board's mandate, written into the new Municipal Act, 1957, had allowed it to officially begin preparing such regional plans.[35] The LMRPB's authority did not approximate that of Hawaii's Land Use Commission, however, and its classification of 300,000 acres – or 50 per cent of the useable land in the Fraser Valley – for long-term agricultural use still had to be assented to by all affected municipalities.[36] Each of the twenty-eight local governments within the LMRPB was required to pass zoning by-laws based upon the plan, and they would then be prevented from allowing any uses that were not compatible with the regional designation.[37] For a variety of reasons, however, the farmland plan failed before its effectiveness could be evaluated.[38] Its demise, and that of the LMRPB, did not coincide with any lapse in public support

[34] David Baxter, *The British Columbia Land Commission Act: A Review* (Vancouver: Faculty of Commerce and Business Administration, UBC, Report no. 8, 1974), 5.

[35] Increasingly frustrated by municipal parochialism in the late 1950s, the LMRPB had petitioned the provincial government to alter the method by which it obtained funding. Packaged into a broader overhaul of the Town Planning Act, the board's request was accompanied by Section 73 of the new act, which stated that an official community plan became binding on all municipalities if approved by two-thirds of the board members and the lieutenant-governor in Council. This effectively transferred a significant amount of responsibility for planning to the regional level and increased the authority of the LMRPB. Statehodt-Crook, *Environment*, 219.

[36] Ibid., 5.

[37] Baxter, *British Columbia Land Commission*, 6. See also Andrew Petter, "Sausage Making in British Columbia's NDP Government: The Creation of the Land Commission Act, August 1972 - April 1973," *BC Studies* 65 (Spring 1985): 6.

[38] From the time the farmland plan was introduced in 1963, it took all twenty-eight municipalities three years (until 1966) to pass the requisite by-laws needed to complete the process. In 1967 the Social Credit government expropriated 4,000 acres of prime farmland near Delta for the construction of the Roberts Bank Superport, despite its designation under the LMRPB plan as long-term agricultural land. The LMRPB was itself disbanded the same year into four separate organizations: the Central Fraser Valley Regional District (1967), the Dewdney-Alouette Regional District (1967), the Regional District of Fraser-Cheam (1967), and the Greater Vancouver Regional District (1968). The provincial expropriation increased pressure to have the farmland plan amended to allow for the type of development it had been designed to impede. The fragmentation of the LMRPB into four smaller bodies further compromised the intent of the plan as each district faced its own pressures to re-zone land. See Stachelrodt-Crook, *Environment*, 220-1. See also Baxter, *British Columbia Land Commission*, 6.

across the region for the preservation of farmland and open spaces. The continued erosion of the agricultural landscape in and around Vancouver ensured that issues of preservation would dominate the 1972 provincial general election. The victory of the New Democratic Party would herald an end to the permissive planning environment that had defined land-use issues since the turn of the twentieth century. The party had run on a platform that favoured a land-zoning program but, during its campaign, had never clearly stated what form such a commitment would take.[39] How this election promise was translated into policy has since become one of the defining moments in the agricultural history of British Columbia.

The collegial form of decision making practised under new premier Dave Barrett quickly allowed the "political entrepreneurship" of more forceful ministers to drive Cabinet policy processes.[40] The sequence of events leading to the province-wide ban on the subdivision of farmland in December 1972 serves as an example of this dynamic.[41] Through a series of public pronouncements designed to "lock-in" Cabinet on a specific policy option, the new minister of agriculture, Dave Stupich, inadvertently triggered a run on agricultural land and rezoning applications.[42] The urgency to rezone farmland before legislation was introduced in 1973 forced the Cabinet to pass an order-in-council under the Environment and Land Use Act, prohibiting the subdivision of agricultural land.[43] The order-in-council further reinforced the zoning approach during the drafting of the Land

[39] The Social Credit Party ran on a policy that generally lauded its twenty-year track record, while making the token gesture of establishing a $25 million Greenbelt Fund to purchase agricultural and open space land. The BC Liberal Party's platform most accorded with those of farm organizations in that it proposed an "Agricultural Lands Trust" to purchase development rights and restrict subdivision and development. In proposing the zoning program, the NDP established a clear policy alternative to its rivals, albeit a sufficiently vague one. No mention is recorded of whether the plan was recognized as being similar in tone to what the LMRPB had been before its dissolution or whether the party envisioned it as some radically new concept. Baxter, *British Columbia Land Commission*, 8.

[40] Paul Tennant, "The NDP Government of British Columbia: Unaided Politicians in an Unaided Cabinet," *Canadian Public Policy* 3 (Autumn 1977): 492.

[41] For those more interested in a general evaluation of NDP policy structures from 1972 to 1975, Paul Tennant's "The NDP" is the definitive work in the field. Tennant contends that the NDP came to power ill-prepared and that the lack of an overall planning and coordination process led to policy formation being based on the "political entrepreneurship" of its more forceful ministers. Andrew Petter's apologetic "Sausage Making" is a response to Tennant's article, and it argues that, regardless of process, the Land Commission Act became an effective and enduring piece of legislation. Other sources include Baxter, *British Columbia Land Commission Act*.

[42] Petter, "Sausage Making," 13.

[43] Ibid.

Commission Act, 1973, as nothing else seemed to offer an effective check on development or a mechanism to rationally preserve the agricultural land base of the Fraser Valley.[44] In opting to institute a centralized provincial commission to deal with regional land-use issues, the NDP was partly responding to circumstances of its own creation, but it was also drawing upon the American experience.

Despite the politicking, protest, and backroom negotiating that defined the formulation of the Land Commission Act, the final legislation proved to be a fairly concise and definitive document. Some of its more notable features were the establishment of a five-member Provincial Land Commission[46] with the authority to designate Agricultural Land Reserves. Section 10(1) stipulated that, once a parcel of land was deemed to be within the ALR: "No person shall occupy or use agricultural land designated land reserve ... for any purpose other than farm use."[47] An initial draft had also given the commission the ability to designate (zone), without acquisition, lands suitable for parks, greenbelts, and land banks.[48] This was very much in keeping with the Hawaiian model but had the unforeseen effect of fostering fears of expropriation in British Columbia as it seemed to many that the commission could arbitrarily zone private property for such uses. These fears were further fanned by another section within the act, which stated that any lands so designated would not "be taken or injuriously affected by reason of the designation."[49] Forced to back

[44] Ibid., 12.

[45] Any doubts as to the influence of the liberal-American approach to land use are dispelled by the first annual report of the British Columbia Land Commission. It opens with a direct quote from Bosselman and Callies regarding the need to centralize the planning process: "Thousands of individual local governments, each seeking to maximize their tax base, and minimize [their] social problems, and caring less what happens to all the others." Bosselman and Callies, quoted in British Columbia Land Commission, *First Annual Report* (Victoria: The Commission, 1974), 1.

[46] Over the years the Provincial Agricultural Land Commission has undergone a number of name changes to reflect its revised mandate. Under the original 1973 legislation the commission was responsible for the preservation of a multitude of land uses, ranging from agricultural, greenbelts, and land bank lands to parklands. Hence, the rather inclusive title of Land Commission. In 1977 the mandate of the commission was reviewed with the intent of narrowing its focus. Stripped of the responsibility to protect and promote greenbelts and parklands, the commission was relabelled the Provincial Agricultural Land Commission to better convey its new role. In 2000 the Agricultural Land Reserve was merged with the Forest Land Reserve, necessitating the merger of the respective commissions into a new Land Reserve Commission. This new body has been charged with ensuring resource lands are available for British Columbia's working farms and forests.

[47] Baxter, *British Columbia Land Commission,* 15.

[48] Ibid., 12.

[49] Ibid.

away from this section, the government made parks, greenbelts, and land banks part of the ALR only if the land was acquired from the Crown, by purchase, or as a gift from private citizens.[50] As a result, the Provincial Land Commission's scope was not to be as broad as that of Hawaii's Land Use Committee; rather, the commission ended up being a hybrid based partly on California's Williamson Act, with its mandate to focus strictly on the preservation and promotion of agriculture, and partly on Hawaii's model of comprehensive statewide controls. The commission would retain the right of unilateral designation and control only over agricultural lands as its two primary objectives were determined to be (1) preserving farmland for farm use and (2) encouraging the establishment and maintenance of family farms.[51]

THE LAND COMMISSION IN OPERATION: 1973-2003

Perhaps the most enduring quality of the land commission has been its ability to regulate the use of British Columbia's farmland for almost thirty years. The political indifference expressed by successive provincial governments, combined with a seemingly entrenched system of chronic under-funding, has indeed made it a wonder that the commission is able to function to the degree that it does. The secret of the commission's success has been its ability to draw public support by forcing modern conceptions of community, quality-of-life issues, and the desires of the no-growth movement to the forefront of its mandate. Seen in this light, the Six-Mile Ranch proposal is only the most recent example of how these values have come to dominate the debate on farmland conservation. As a result of this agenda, a decade of complaint by agricultural producers that the ALR is a broken piece of legislation has resulted in very little substantive change. It has become a relatively easy and accepted practice to see such charges dismissed as the mere ranting of a self-serving and disgruntled minority of farmers seeking to have their land excluded from the reserve. That a number of independent reviews have corroborated their opinion that the commission has lacked a clear mandate and definable purpose in preserving a working agricultural landscape is seldom reported.[52]

[50] Ibid., 15.

[51] E. Neville Ward, *Land Use Programs in Canada: British Columbia* (Ottawa: Environment Canada, Lands Directorate, 1976), 10.

[52] The most stinging condemnation was delivered by Auditor General George Morfitt in 1995. He declared that "the Commission has not established clear objectives [for preserving

This disillusionment on the part of producers has not always been the norm as, for a brief period, the commission was accepted as one part of a more comprehensive support structure for agriculture in British Columbia. Backed by a legislative package and a fiscal commitment on the part of the provincial government, the commission formulated an integrated land-use management plan to halt the annual loss of an estimated 4,000 to 6,000 hectares. That the commission is now all that remains to uphold the original intent of these policies, however, is problematic for both agricultural and urban interests. The absence of a viable farm economy will inevitably preclude the possibility of the commission protecting the agricultural land base over the long-term, thereby thwarting the objectives of those from whom it draws its greatest support.

"WE PRESERVED THE LAND, SOCIETY DIDN'T!"

One of the most enduring myths surrounding the existence of the Agricultural Land Reserve has been the belief that, despite initial opposition, the system has enjoyed a high level of support within the agricultural community. As an example of this rapprochement, numerous pieces of literature routinely cite the mid-1970s decision of the British Columbia Federation of Agriculture (BCFA) to institute local councils to aid the commission in refining the boundaries of the ALR. A substantive explanation as to why farmers and their organizations would suddenly embrace a form of land-use control that had sparked outrage and civil disobedience in 1973 is rarely provided. Readers are left to infer, therefore, that farmers were the worst kind of reactionaries in the face of what was generally identified as a threat to all society – the loss of prime farmland. This belief further holds that, over time, as the inherent values of the legislation became apparent, farmers would eventually become staunch defenders of the new status quo. Such an argument, however, holds as a tenet the notion that the Land Commission Act is solely capable of both impeding urban sprawl and simultaneously providing for a healthy, stable farm economy. Support from the agricultural community, however, was never premised simply upon the ALR's ability to impede

agricultural land] ... Without such objectives, the long-term direction of the ALR is unclear and there is insufficient information against which actual results can be compared." British Columbia, Office of the Auditor General, *Value for Money Audit: Provincial Agricultural Land Commission* (Victoria: Queen's Printer, 1995), 16.

development and speculation-induced inflation. In fact, prior to the 1972 land freeze, many farmers had considered their holdings a retirement nest egg as the value of the land was sometimes all they had to show for a lifetime of work. If society was intent upon tying them to their land for the greater good, then society had a responsibility to share in that burden. As one producer succinctly put it: "I am very willing to share the cost with society of preserving this land, but as a land-owner I cannot afford this luxury on my own."[53]

Representing all farmers, the BCFA's preferred method was to combine subsidies and the transfer of development rights, thereby maintaining property values and allowing farmers the freedom to dispose of their land without undue regulation.[54] Unfortunately, the manner in which Bill 42 had been brought before the Legislature precluded any input from affected producer groups and did not take into account the long-term viability of the individual farm unit. It was these deficiencies of the proposed land reserve system that engendered the staunch criticism of farmers and not, as some of the literature implies, a self-serving intransigence designed to thwart the preservation of a scarce agricultural resource.[55] To ease acceptance of the ALR among farmers, and to share in the burden of protecting the

[53] "Mary Serwa, Speaking on Behalf of the Grape Growers' Association at the 1973 Convention of the BCFGA, to Dave Stupich," *British Columbia Orchardist* 13, 2 (1973): 18.

[54] "BCFA and Minister Dave Stupich Debate Farmland Preservation," *Country Life in British Columbia*, January 1973, p. 2.

[55] One of the more demeaning references can be found in Pierce and Wilson's "The Agricultural Land Commission in British Columbia," (*Pressures of Change in Rural Canada*, Michael F. Bunce & Michael J. Troughton (editors), Downsview, Ontario: Department of Geography, Atkinson College, York University, 1984) in which they refer to support programs such as the FIA, Farmland Acquisition Program, and Home Site Severance as "tear drying" mechanisms (280). The ALC itself is also partially responsible for the dissemination of this misconception. In 1983, to mark its tenth anniversary, the commission published a retrospective – *Ten Years of Agricultural Land Preservation in British Columbia,* Vancouver: Provincial Agricultural Land Commission, – in which it stated that the general lack of information regarding the introduction of such a "new and innovative program initially created a highly pronounced negative reaction ... Over time, the highly vocalized emotional climate of opposition slowly turned to neutral acceptance and, ultimately, positive support" (10). Such an interpretation affords no significance to the role of income support programs in garnering support, nor does it accept the fact that farmers' disapproval of the legislation could have been grounded in a rational assessment of the situation. The insistence upon this strain of thought can be found within Andrew Petter's "Sausage Making." Petter echoes some of the sentiments voiced by Dave Stupich (whom he interviewed extensively during the preparation of the article) during the introduction of Bill 42. When faced with resistance from Okanagan fruit growers to his proposed farmland plan, Stupich had questioned growers' motives, a tact that Petter repeated when he stated: "much of the criticism of the Bill, of course, took the form of demands for compensation and general outcries against the tyranny of the government" (27).

land, in the fall of 1973 the government introduced Bill 9, the Farm Income Assurance (FIA) Act. This act was essentially a support program designed to raise commodity revenues so that they would more closely approximate the costs of production.[56] The ALR now became one part of a bigger support structure, equal in stature to the FIA and buttressed by lesser measures such as low interest loans and grants for land improvement.[57] It was this guaranteed income that allowed farmers to shed their anxieties about retirement, inducing them to support some of the more restrictive elements of the ALR. This fact is underscored by the calls from the BCFA and the British Columbia Fruit Growers Association to have the ALR abolished after the elimination of the FIA and other support programs in the early 1990s.[58]

POLICY ABANDONMENT: THE ALR'S FIRST TEN YEARS

Within a broader context, the removal of these income support components from the agricultural strategy coincided with a period of wide-scale re-evaluation of farm policy across the Canadian west. Deficit fighting was operating in conjunction with international trade agreements to encourage the dismantling of farm programs such as the FIA. Its removal, however, while a definitive setback for producers and a root cause of the alienation of their support for the ALR, is by no means responsible for the most significant reinterpretation of the role played by the commission.

For a brief time, the work of the land commission seemed to fully embody both the spirit and the mandate envisioned for it under the legislation outlining the government's agricultural strategy. As a matter of course, a vast amount of the commission's time was initially spent in close consultation with the province's twenty-eight regional districts in establishing the boundaries of the ALR. With regard to this task, an inordinate amount of faith was placed in Canada Land Inventory (CLI) ratings. The CLI system used both climate and soil

[56] Wendy Holm, *The Agricultural Land Reserve in the Okanagan: Renewing the Public Policy Prescription*, report submitted to the British Columbia Fruit Growers Association, 1 December 1997, p. 17.

[57] John Jackson, "British Columbia and Ontario: Some Comparisons in the Provincial Approach to Safeguarding Agricultural Land," *Ontario Geography* 26 (1985): 15.

[58] The British Columbia Fruit Growers Association passed resolutions at its 1993 and 1994 annual conventions calling for the abolition of the ALR, while the British Columbia Federation of Agriculture passed a similar measure at its 1993 convention. Office of the Auditor General, *Value for Money*, 18.

characteristics to grade land capability according to seven classes: classes one through four consist of arable land; five and six consist of forage areas; and seven has no appreciable agricultural value.[59] It was decided that the ALR would cover only those lands classed between one to four – an area encompassing 4.7 million hectares of the province's thirty million hectares of agricultural land.[60] After this determination was established, the delicate process of reconciling the pattern of natural zoning with existing legal parcels and boundaries began.[61]

Although zoning issues, and the inevitable appeals for exclusion that followed, accounted for an estimated three-quarters of the commission's work between 1973 and 1975, an activist approach to formulating an integrated agricultural land-use management plan distinguishes this period in the commission's history.[62] The ability of the commission to obtain and dispose of property in its own name, providing the opportunity to actively encourage farming, was a vital component of a grander agricultural strategy. Empowered by a $25 million fund, sixteen properties totalling 8,032 acres at a total cost of $10,974,000 were purchased in 1975 under a Land Management Program administered by the land commission.[63] The objective of the program was to preserve and maintain a viable farm economy and to facilitate the natural renewal of the agricultural industry. To quote the commission: "One of the reasons for the purchase of farmlands was to establish a small supply of viable farms, which could be made available to younger farm families on a career-long basis."[64]

The original intent of the program was to have the commission own and manage the land indefinitely. "Career Farm Leases" were drafted, in which successful applicants would agree to purchase existing improvements to the land (such as buildings) in addition to the terms of their rental agreement.[65] Upon retirement, these families would recoup from succeeding leaseholders any improvements they added to the land during their tenure.[66]

[59] Mary Rawson, *Ill Fares the Land: Land-Use Management at the Urban-Rural-Resource Edge – The BC Land Commission* (Ottawa: Ministry of State for Urban Affairs, Canada, 1976), 24.

[60] Office of the Auditor General, *Value for Money*, 12.

[61] Rawson, *Ill Fares the Land*, 26.

[62] Ibid., 35.

[63] British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1975), Schedule C.

[64] Ibid., 5.

[65] Ibid., 8.

[66] Ibid.

Comparable initiatives included a project to redirect urban growth in Kelowna through the use of alternate development patterns.[67] In this particular instance, the commission used LOKAT computer techniques – which could provide both analysis and data displays – to compare the development pattern of Kelowna if (1) consumption of agricultural land were permitted and (2) if consumption of agricultural land were not permitted.[68] The goal of the experiment was to show that, if Kelowna's population tripled, then only 30 per cent of existing residential areas would need to be redeveloped in order to accommodate the increase and to prevent urban sprawl from consuming any of the city's orchard land.[69] The results were deemed the first success in ALC-initiated research and provided a visual model that allowed people to see the tangible benefits of land-use planning.[70]

The commission also encouraged the development of experimental land uses. A case in point is the commission's collaboration with the City of Vernon on a spray irrigation project that resulted in the city diverting waste and decreasing pollutant levels in Okanagan Lake. For this particular project, 400 acres of land were obtained, with the intention of improving the aridity and the nutrient content of the land through the release of the spray effluent.[71] In addition, the ALC also facilitated environmental conservation measures through jointly funded measures with local governments. In the Spallumcheen Valley, the ALC identified the preservation of the natural landscape as part of its mandate to protect agricultural land, the concern being that the spread of certain land-use patterns in the valley would encourage urban sprawl and remove the natural buffer that existed between urban and agricultural interests.[72] To achieve this initiative, a study was commissioned, and the land commission encouraged the purchase of the identified land, ensuring the protection of the buffer.

The activist period of the commission, however, drew to a close almost as quickly as it started. The New Democratic Party was defeated in a snap provincial election in 1975, only to be succeeded by the same Social Credit Party that had counselled civil disobedience in response to the introduction of Bill 42. Not surprisingly, the new government held little sympathy for the ALC and its role. The original

[67] Jackson, "British Columbia and Ontario," 14.
[68] British Columbia, Provincial Agricultural Land Commission, *Annual Report*, 1974, p. 7.
[69] Ibid.
[70] Ibid.
[71] British Columbia, Provincial Agricultural Land Commission, *Annual Report*, 1975, p. 11.
[72] Ibid.

commissioners were dismissed in October 1976 as responsibility in the Legislature was shifted from the Department of Agriculture to the Ministry of the Environment, and administration of the forty-five farm properties was transferred to the Property Management Division of Agriculture.[73] In what appears to have been a last symbolic act to indicate the importance of the farm lease program to the new government, in the 1976 *Annual Report* the outgoing commissioners articulated the reasons for carrying on a land management program. With regard to purchasing:

1. to act as a "buyer of last resort" for sick or retiring farmers,
2. to promote multiple land use aims,
3. to prevent or block imminent urban pressures,
4. to act as an agent of the Department of Agriculture in assembling land for agricultural planning purposes, and
5. to experiment with innovative integrated land uses.

With regard to leasing:

1. to assist young people in establishing family-run farms operations,
2. to assist bona fide farmers to increase farm unit size so as to create viable farms units,
3. to promote multiple land use aims, and
4. to encourage optimum agricultural production.[74]

Irrespective of these pleas, funding for the program was slashed to a fraction of what it had been under the NDP.[75]

The broad impact of the new government was unmistakable: after "objectives were clarified and policies reviewed and sharpened" the ALC's mandate was determined to be a much simpler form of preserving agricultural land.[76] Capital spending (those costs associated with land acquisition and program delivery), which had helped to push the commission's budget in the years between 1973 and 1976 to over fifteen million dollars, virtually ceased. As well, many of the

[73] British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1976), 2.

[74] Ibid., 6.

[75] In 1976 capital expenditures accounted for approximately 86 per cent of the of the ALC's operating budget of $3,629,127. By 1977 this figure had been reduced to only 42 per cent (on an overall budget of $1,051,578), and by 1978 to only 7 per cent (on an overall budget of $661,229). British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1976-1978).

[76] British Columbia, Provincial Agricultural Land Commission, *Annual Report*, (Victoria: The Commission, 1977), 1.

current problems that plague the ALC find their roots in the legislative amendments that accompanied these decisions.

In hindsight Bill 88, the Land Commission Amendment Act, 1977, severely limited the ability of the commission to formulate an integrated land management plan. The new legislation narrowed the commission's scope by transferring responsibility for greenbelts, parklands, and land banks to other line departments,[77] and the commission lost the special powers that had allowed it to make agreements regarding the use of the land.[78] In keeping with these changes to the powers of the commission was a change in name – from Land Commission to the Agricultural Land Commission – and a new objective: "the key to preservation of the agricultural land base ... is to be found in retaining the *options* for agricultural use" (emphasis added).[79] The active and at times costly promotion of agriculture became the undisputed casualty in this process.

In the original legislation, decisions on the exclusion of land from the ALR were the sole responsibility of the commission, with the option of appeal to the Environment and Land Use Committee (ELUC) available only on the recommendation of two commissioners.[80] What troubled the Socreds, however, was the inability of an individual affected by a commission decision to appeal directly to an elected body.[81] Under the Land Commission Amendment Act, this provision remained in force, but when an appeal was not granted by the commission an individual could now apply directly to the minister of environment for leave to appeal to Cabinet.[82] This provision naturally raised fears that the removal of land from the ALR would become simple, that an appeal could proceed against the wishes of the ALC and municipalities, and that fairness and consistency in administering the ALR would be jeopardized by political interference.[83] While a number of high profile cases, such as the Spetifore Lands in Tsawwassen and the Glouchester Properties in the Interior and Langley, seemed to bear out these concerns, the prospect of routine applications being able to circumvent the ALC's decision-making process proved to be the most significant development.

[77] *Hansard*, 7 September 1977, 5,297.
[78] British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1978), 9.
[79] British Columbia, Provincial Agricultural Land Commission, 1977, p. 2.
[80] British Columbia, Provincial Agricultural Land Commission, 1978, p. 10.
[81] *Hansard*, 7 September 1977, 5,298.
[82] British Columbia, Provincial Agricultural Land Commission, 1978, p. 10.
[83] *Hansard*, 7 September 1977, 5,300-1.

By 1979 over 3,000 applications for exclusion were being filed annually, creating a stream of documents that the ALC admits occupied the majority of its time and resources.[84] As the new appeal process was only to apply to applications received after 27 September 1977 a surge of "old" new applications and requests for reconsideration quickly flooded the commission.[85] As each application, regardless of its history, received a complete and thorough hearing, old applications commanded a disproportionate amount of the resources, comprising up to 20 per cent of the ALC's work.[86] Appeals to Cabinet were even more taxing as they received a large degree of media attention due to their politically charged nature and required the ALC to obtain legal assistance when presenting its objections to a case for exclusion.[87] The implication of this trend was that the commission was forced to neglect some of the other aspects of its mandate, the consequences of which were reported by the findings of the 1978 Select Standing Committee on Agriculture (SSCA).

While the initial reliance upon CLI data in 1973 had been invaluable in establishing the boundaries of the ALR, by the late 1970s the shortcomings of their continued use was readily apparent. In short, the CLI data could not be relied upon to give an accurate account of what was occurring within the ALR. Even more problematic, the mapping that had been done in 1973 had been carried out using aerial photography that had been conducted in the 1950s and 1960s.[88] The SSCA's conclusion was that this situation further fueled the surge of exclusion applications as CLI data did not take into account changes in rapidly urbanizing areas while potentially allowing marginal land elsewhere to remain locked within the ALR.[89] The current process of correcting designation inaccuracies by relying upon aggrieved landowners to appeal their designation was seen as detrimental to the long-term objectives of the ALC.[90] The SSCA concluded, therefore, that the supply of agricultural land was not a limiting factor in the expansion of agriculture, essentially refuting the new direction taken

[84] British Columbia, Provincial Agricultural Land Commission, 1978, p. 5.
[85] British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1979), 8.
[86] Ibid.
[87] Ibid.
[88] British Columbia, Legislative Assembly, Select Standing Committee on Agriculture, *Inventory of Agricultural Land Reserves in British Columbia: Phase 1 Research Report* (Victoria: Queen's Printer, 1979), 3.
[89] Office of the Auditor General, *Value for Money*, 17.
[90] Select Standing Committee on Agriculture, *Inventory*, 123.

by the ALC.[91] The latter recommended that evaluation of the land should go beyond physical capacity and consider utilization[92] – an indirect endorsement of a more proactive role in encouraging farming. What the SSCA did not address, however, was how the ALC could achieve these objectives with its limited staff and budget.

Budgetary restraints would become an inescapable facet of the ALC's day-to-day operation over the coming decade. Concern about the responsiveness and cost of government had precipitated an internal review by the commission just as the SSCA was releasing its findings. The results of this review, as the ALC chairman noted, showed the commission holding staff positions and administrative costs constant while handling an increased number of exclusion applications, administering the new Soil Conservation Act, and preparing appeals to Cabinet.[93] The nature of these exclusion applications, however, had undergone a subtle change since the initial flurry following amendments to the Land Commission Act. They were now indicative of the deteriorating condition of the province's economy as individuals sought leave to subdivide their property for financial gain. By 1982-3, British Columbia was in full recession, and the government's Restraint Program shaved 44 per cent off the ALC's operating budget and cut its staff by 22 per cent.[94] It would be years before funding returned to pre-Restraint levels,[95] and, in the interim, the SSCA's recommendation for a program of land monitoring remained unfulfilled.

[91] Office of the Auditor General, *Value for Money*, 17.

[92] Select Standing Committee on Agriculture, *Inventory*, 123.

[93] The ALC made a point of informing the government of its success in maintaining staffing levels at twenty-two individuals during that fiscal year, a feat that was again achieved the following year. British Columbia, Provincial Agricultural Land Commission, 1979, p. 3; British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1980), 7.

[94] British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1984), 3.

[95] In 1983 the ALC's operating budget amounted to $1,403,736. The following year the budget was reduced by 56 per cent to $785,681. Funding would not return to pre-1983 levels until 1992, when the budget totalled $1,807,167. British Columbia, Provincial Agricultural Land Commission, *Annual Reports* (Victoria: The Commission, 1981-1992).

DEVOLUTION: PHANTOM MENACE OR NEW HOPE?

By the time the NDP returned to power in 1991, only 2,392,000 hectares of ALR land remained in production.[96] Moreover, the ALC had adopted the self-appointed role of "referee,"[97] its success determined by the number of exclusions allowed per year. A controversial order-in-council passed by the Socred administration in 1988 had rescinded the "conditional use" status of golf courses within the ALR, further debasing the integrity of the ALR.[98] The Socreds perceived the change to be a better way to create buffers between residential areas and intensive agricultural operations.[99] The speculation that ensued, however, drove up land values, removed land from production, and generally increased the hardships faced by established farmers.[100] The Municipality of Delta alone received eighteen applications for golf courses, the most notorious of which was for a parcel of land no longer even within the ALR. In January 1981 the ELUC removed the Spetifore Farm in Tsawwassen from the ALR, against the recommendation of the ALC.[101] The move to exclude the farm had ostensibly been prompted by the salinity content of the soil, the difficulties of operating in a highly urbanized area, and, some argued, the political affiliations of George Spetifore.[102] Within the community, outrage over the decision was such that the GVRD reneged on an earlier commitment to allow the land to be rezoned.[103] Although this appeased local homeowners who had settled in the area due to its rural feel, as long as the land remained in private hands it would be increasingly difficult for the community to protect the property as an environmentally sensitive area.

Eight years later, in 1989, George Spetifore formed a partnership with Tsawwassen Developments Limited (TDL) to propose the

[96] Statistics Canada, 1991 Census, quoted in Office of the Auditor General, *Value for Money*, 36.

[97] British Columbia, Provincial Agricultural Land Commission, *Annual Report*, 1984, p. 4.

[98] British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1992), 3.

[99] *Hansard*, 7 May 1992, 1,517.

[100] Ibid., 1,340.

[101] *Hansard*, 25 March 1981, 5,130.

[102] George Spetifore stated, in hearings before Delta Council regarding the future of the area, that common practices of spreading manure, spraying crops, and moving large farm equipment along municipal roads had drawn complaints from local residents. Farm operations were also plagued by occurrences of theft and vandalism due to its location. See *Delta Optimist*, 29 June 1989, 1.

[103] *Hansard*, 25 May 1982, 7,862.

construction of 1,895 new homes, an eighteen-hole golf course, a 250-room hotel, and a 220-acre park on the farmland.[104] The response from residents was swift and virtually unanimous. In a rare instance of spontaneous, citizen-initiated democracy in British Columbia, an unofficial plebiscite was held on 13 July 1989, at which 6,500 Tsawwassen residents cast ballots. The result was that 93.8 per cent of those voting were opposed to the development.[105] Delta Council hearings on the proposal lasted a record twenty-five days, 409 speakers were heard, 800 written submissions were received, and a further 2,876 letters were by received mail.[106] Again, the majority opposed the development. This proposal also sparked the formation of community-based groups such as the Southlands Community Committee and the Boundary Bay Conservation Society, whose primary objective was the preservation of the area's natural environment. Lost in the polarization between pro-development and conservationist interests was the notion that the land could still be farmed. Compromise solutions that advocated the subdivision of the Spetifore Farm into smaller holdings, to be worked as hobby farms – thereby maintaining Tsawwassen's blend of rural-urban lifestyles – received only minimal attention.[107] That the TDL proposal was ultimately shelved has proven to be only a minor victory to those opposed to development. The land continues to be held by a real estate company intent, many believe, on resubmitting a planned golf course and residential subdivision plan.[108] Although legitimate agricultural operations ceased years ago, it can, in hindsight, be argued that, had a solution been found to preserve the Spetifore Farm as part of a working agricultural landscape, there would not be the same threat of development today.

The 1991 return of an NDP administration, however, saw a renewed attempt to restore authority to the ALC, the first indication of which was the placing of a moratorium on all golf course developments initiated under order-in-council 1141.[109] Further, in 1993 it passed a

[104] *Delta Optimist*, 18 July 1989, 1.

[105] Ibid.

[106] Ibid. See also *Delta Optimist*, 27 June 1989, 13.

[107] *Delta Optimist*, 27 June 1989, 13.

[108] The Spetifore Farm is currently owned by the Century Group.

[109] Repealing the previous administration's special exemption for golf course developments within the ALR was one of the first legislative acts for the incoming NDP administration of Michael Harcourt in 1991. The Golf Course Development Moratorium Act (Bill 33) officially passed second reading in the Legislative Assembly on 7 May 1992 by a vote of thirty-three to five. See *Hansard*, 7 May 1992, 1,350.

new piece of legislation, the Cabinet Appeals Abolition Act, to further limit the ability of the government to overrule an ALC decision.[110] In its place, an alternative procedure was created that would allow Cabinet to consider applications if they were deemed to be of "provincial interest."[111] However, an auditor-general's report conducted the following year revealed the extent to which sixteen years of under-funding, legislative change, and all-round government disinterest had reduced the effectiveness of the ALC. The ALC was depicted as operating in the dark: it was unable to determine if its role was accepted by stakeholders and the public; it lacked any specific programs aimed at encouraging farming; and it was unable to determine what was actually occurring within the ALR.[112] The consensus for change engendered by the auditor-general's findings would lead to a further series of legislative amendments in 1994 – changes that have since come to represent the beginnings of a new stage in the history of the ALC.

To ease administrative burdens, the power of local governments was broadened to allow applications to be refused on the basis of current by-laws and community plans rather than on the basis of whether or not the land was zoned agricultural prior to 21 December 1972.[113] In some instances, the ALC would even be allowed to delegate authority to local governments to decide the fate of applications for subdivision and non-farm uses within the ALR.[114] These changes were an official, yet subtle, acknowledgment that, after twenty-one years, the ALC's standard policy of "one-size fits all" vis-à-vis regulating agricultural land use may not have been appropriate for a province as diverse and expansive as British Columbia.

This change in power, however, struck fear into those who opposed the Six-Mile Ranch proposal. For those wishing to maintain the integrity of the ALR, and to avoid establishing precedents that could be employed to dismantle it, the standard argument is that there must be no inconsistencies in the adjudication of exclusion applications.

[110] British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1994), 4.

[111] Ibid., p. 5.

[112] Office of the Auditor General, *Money-for-Value*, 4-5.

[113] These amendments would be found under Section 12(4) and Section 20(2) of the Agricultural Land Commission Act, 1994. See British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1995), 15.

[114] This amendment would be found under Section 20(1) of the Agricultural Land Commission Act, 1994. See British Columbia, Provincial Agricultural Land Commission, *Annual Report*, 1995, p. 15.

As local control introduces an unknown variable into this process, maintaining the hard-edged nature of the ALR becomes more difficult. It is not uncommon, therefore, to see predictions emanating from supporters of the status quo that are framed in very absolutist terms: either the ALR perseveres in its current form or it fails utterly. One irreverent futurist has even gone so far as to proclaim, on precisely these grounds, the end of the ALC Act by 2003 and the demise of the agricultural industry in British Columbia by 2008.[115] A more realistic perspective, however, would concede that the ALC may be devolving into playing a planning role akin to that the LMRPB in the 1960s, albeit on a selective, multiregional basis.[116]

Delayed by events surrounding the Six-Mile Ranch proposal and the impending merger with the Forest Land Commission in April 2000, the ALC is only belatedly entering into a pilot project with the Regional District of Fraser-Fort George on delegating authority over the ALR. The choice of Fraser-Fort George – located in the north of the province, predominated by class 3-4 land, and lacking urban pressures – is telling. For one thing, it is unlikely that a similar delegation agreement would ever be worked out with an urban municipality in the Lower Mainland, the Okanagan Valley, or the Saanich Peninsula. The Fraser-Fort George area is not representative of the conflicting land-use pressures that face agricultural production in other parts of the province and is, therefore, a relatively safe location for a pilot project. Urban growth and the pressure to develop agricultural land in other regions would simply be too great to entrust to a single municipal government.

The ALC has learned through its own experiences in Aldergrove the potential hazards of entrusting such responsibilities to local authorities in a highly urbanized environment. Ever since the adoption

[115] Holbek presents his findings as part of a "retrospective" dated 1 March 2023. In the piece he claims that "fifty years since the proclamation of the Land Commission Act British Columbians mourn the period from 2003 when the Agricultural Land Commission Act was repealed to 2008 when lands still assessed 'Farm' were again protected under the British Columbia Heritage Act. During the years 2003-2008, 150,000 hectares of farm land, primarily in the Fraser Valley, Okanagan Valley and east coast of Vancouver Island were permanently lost to agriculture." See Niels Holbek, *British Columbia Agriculture – 2025: Looking Ahead the Next Twenty-Five Years*, discussion paper prepared for the Provincial Agricultural Land Commission, October 1998. http://www.landcommission.gov.bc.ca/alc/Strategic_Plan/visionpaperniels.htm (28 September 2001).

[116] One of the major problems with the LMRPB's structure was that it never possessed the enforcement capabilities needed to ensure municipal conformity with its regional plans (i.e., the *Land for Farming* blueprint). A downsized land commission, however, would have the legislative authority to overrule local governments and could more effectively act as a regional planning authority within selected areas of the province.

of Langley's Official Community Plan in 1979, the expansion of Aldergrove has remained a point of contention between the ALC and Langley Town Council.[117] A proposed Langley Rural Plan in 1994, for example, did not recognize the ALR designation of land adjacent to Aldergrove – land earmarked by the town for urban growth and development.[118] The ALC, without hesitation, refused the attempt to exclude the land from the ALR, recommending instead the rezoning of existing industrial and residential areas.[119] The dilemma faced in negotiating a possible delegation agreement with Langley would be that, lacking any built-in restrictions, the municipality could be legitimately entitled to allow an exclusion to proceed under the guise of community interest. Alternately, had Kamloops entered into such an agreement, it is likely that the Six-Mile Ranch proposal could have been approved without dragging the provincial government through a divisive debate with the ALC, the media, and other interests. This dichotomy will likely spur a reinterpretation of the ALC's scope yet again in the coming years, resulting in a greater harmonization of the agency's regulatory mandate with the public support it continues to garner for preserving open/green spaces in highly urbanized areas.

A further cautionary warning against the devolution of authority to urban municipalities can be drawn from the lessons learned in Oregon over the last two decades. In a case similar to that in the Fraser Valley, the Willamette Valley contains the majority of Oregon's urban population side by side with some of the most productive farmland in the Pacific Northwest. In 1973 the state introduced legislation to create the Oregon Land Use Act, a system of zoning that established areas of statewide concern and regulated the use of agricultural land therein. Also parallel to the British Columbia experience, the success of Oregon's land-use policies has always been determined by the effectiveness of the legislation in preserving farmland in the Willamette Valley.[120] Both jurisdictions have also had to deal with the subsequently high cost of real estate, which has lessened the opportunity of legitimate farmers to buy land. Pressure to subdivide lots for profit, pressure for additional family residences,

[117] British Columbia, Provincial Agricultural Land Commission, *Annual Report* (Victoria: The Commission, 1995), 14.
[118] Ibid.
[119] Ibid.
[120] Arthur C. Nelson, "Preserving Prime Farmland in the Face of Urbanization," *Journal of the American Planning Association*, Vol. 58(4), (Autumn, 1992): 472.

pressure to permit outside investors, and pressure to break up larger farms into smaller producing units has been the result of this. In the 1980s Oregon allowed the determination of minimum lot sizes and the number of farm dwellings per lot to be a matter of local discretion. Critics complained that this resulted in even worse land-use patterns and created more rural sprawl than would have been the case if the land market had been left in an unrestricted state.[121] Government studies also showed that a large majority of the tracts upon which new farm dwellings had been approved were contributing very little to agriculture, and, in some cases, were actually encouraging the removal of farms from active production.[122] The state responded by creating "rural residential areas" to draw hobby farmers away from prime agricultural land.[123] A number of tests were also implemented to ensure that new farm dwellings were built for legitimate farmers and not simply for people seeking to live in the country. The most prominent of these tests was the gross income test implemented in 1993 (set at US$80,000), below which no farmer could apply to build a new dwelling.[124]

LOOKING AHEAD

Regardless of how British Columbia chooses to designate legitimate agricultural operations, the process of devolution that has shaped the ALC over the past number of years continues under the Liberal government of Gordon Campbell, which swept to power in the provincial election of 2001. Following its core review of the commission's operations, the new government abandoned the Forest Land Reserve system, divided the ALC's responsibilities into six regional panels, and overhauled the process of "delegation" to local governments.

[121] Local government were initially allowed to set their own lot sizes. Some tried for five-acre lots, but most settled for twenty- to forty-acre lots. Owners then subdivided their large farms into the smallest sizes acceptable and sold out. This, in turn, led to the proliferation of hobby farms and large residential lots rather than to a productive agricultural landscape. See Nelson, "Preserving Prime Farmland," 473.

[122] Several years after the farm dwellings had been built, 37 per cent were producing zero gross farm income, over 50 per cent were producing under $2,500 in gross income, and 75 per cent were producing under $10,000 in gross income. See Oregon, Department of Land Conservation and Development, *Using Income Criteria to Protect Commercial Farmland in the State of Oregon*, http://www.lcd.state.or.us/pubspdfs/ruralincome.pdf (1 October 2001).

[123] Nelson, "Preserving Prime Farmland," 473.

[124] This was only applied to land deemed to be agriculturally prime. Other methods, such as "lower income," "parcel size," and "production capability" tests would be used on lower quality land. See Oregon, Department of Land Conservation and Development, http://www.lcd.state.or.us/pubspdfs/ruralincome.pdf (1 October 2001).

As a consequence of these reductions in functions the commission now claims that it is more "regionally responsive, [bringing] decision-making closer to those affected and [increasing] the efficiency and the effectiveness of the land reserve program."[125] Quixotically, of all the changes that could have been implemented, regionalization and devolution may be the most accepted by a public that still strongly supports the current land reserve system. Yet, these trends will do little to shift the burden of maintaining a viable farm economy – essential to forestalling any non-agricultural development on farmland – from the shoulders of producers.

Although, over the past decade, this state of affairs in provincial agriculture has created exciting opportunities to promote and preserve agriculture through the utilization of cooperative models, land trusts, and conservancies, it has done little to revitalize farming on a wider, more inclusive basis. Tough questions regarding whose interest the ALR is to serve will engender the greatest introspection and friction in future debate about the ALC. If the ALC's ability to impede the conversion of farmland is all that is valued, then should any of the remaining pretenses of safeguarding agriculture be kept? After all, designating the LRC as an integral component of environmental policies would undoubtedly simplify the process of protecting the land base. The needs of farmers would no longer have to be weighed against the desire of society to protect open spaces, removing much of the conflict in the commission's day-to-day operations. If, however, a healthy and prosperous farm sector is judged to be an important component in the communal fabric of the Lower Mainland, Okanagan Valley, and Saanich Peninsula, then it may be necessary to re-evaluate some of the streamlining that has occurred around the commission's mandate.

Effective 1 November 2002, the Land Reserve Commission Act, Agricultural Land Reserve Act, and Soil Conservation Act were amalgamated into a single piece of legislation.[126] Lost in this consolidation was a long dormant, but once vital, component of the government's agricultural strategy: the ability of the ALC to acquire and dispose of property under its own name.[127] As an active property

[125] Kirk Miller, "Agricultural Land Commission Act Introduced," *Reserve Opinion* 1, 5 (2002): 6.

[126] This new legislation will officially be known as the Agricultural Land Commission Act, 2002.

[127] Section 6 of the Agricultural Land Reserve Act [RSBC 1996], provided the ALC with the legislative authority to undertake land acquisitions, but this provision has not been carried

manager, the commission had offered agricultural producers, through the Farmland Acquisition Program, a broad-based, regional strategy designed to act as the foundation for a new, stronger commitment to agriculture in British Columbia. As we now approach the thirtieth anniversary of the ALC, one can argue that the need for such a program has not diminished, and, while there is nothing to preclude such an endeavour from emerging at the community level, local initiatives generally lack the economic resources and reach to effect the level of change now needed within the ALR. By contrast, the provincial government possesses the resources that, if utilized through the structures of the ALC, could be used to foster a new generation of farm families while dealing with the dual problems of under-utilization and conversion that have plagued reserve land over the last twenty years. Unfortunately, the call for a new regional farmland revitalization program within the ALR must be tempered with the realization that such an agenda runs counter to the same impulses that have led the BC Liberals to continue the devolution of the ALC. Unless these two competing issues can be reconciled, the impetus for preserving agricultural land in British Columbia will continue to fall upon the shoulders of the agricultural producer.

forward to the new Agricultural Land Commission Act. See British Columbia, Revised Statutes and Consolidated Regulations of British Columbia, *Agricultural Land Reserve Act* (Victoria: Queen's Printer, 2001). http://www.qp.gov.bc.ca/statreg/stat/A/96010_01.htm (27 October 2002).