

Reserve *Opinion*

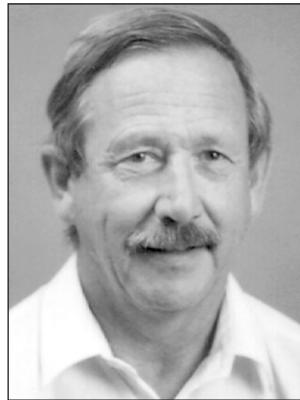
An Information Bulletin from the BC Land Reserve Commission

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Message from the Chair



The past year has been one of significant change for BC's Land Reserve Commission. One of the most visible changes was our adoption of a regional panel system, which has led to many more opportunities for Commissioners to meet with applicants, local governments, First Nations and numerous other stakeholders.

While responses to the new panel system have been generally very positive, we are currently wrestling with two challenges. One, of course, is the higher cost of travel. The second is the substantial increase in the workload for LRC staff. For example, preparations must now be made for three Commission meetings each month instead of one, and we are traveling to many more communities than ever before. While this requires more staff time and travel expenses, local governments and the public have welcomed the increased opportunities to meet with Commissioners.

What has suffered as a result? To some degree one casualty has been the amount of time taken to follow up LRC decisions. Some letters have taken longer to prepare than we would like. To address this problem we have moved the meeting cycle from four weeks to five, and directed additional resources to panel operations. With these changes, the 'glitches' should soon disappear.

On January 18 the Commission and the Regional District of Fraser-Fort George signed an agreement delegating authority to the regional district to make subdivision and land use decisions on ALR lands in one OCP area—Willow River/Upper Fraser. The term of the agreement is for two years. The agreement is based on a community plan which supports agricultural use of ALR lands and was endorsed by the LRC. We hope this will be the first of many delegation agreements negotiated with local governments over the next few years.

The Commission has also begun a review of policies and procedures that have evolved over the past quarter century. Our objective is to simplify and streamline application processes and harmonize regulations within the two Reserves. In conjunction with this review the LRC is also examining ways and means of increasing economic opportunities within the Reserves. These and other initiatives are described in the articles that follow.

Some of the most gratifying comments we have been receiving from people all over BC have been related to the professionalism of LRC staff as they adjust to the Commission's new ways of doing business. On behalf of all the Commissioners I would like to acknowledge their hard work, patience and dedication as they cope with the extra load, and thank each of them for their perseverance.

Dr. Alan Chambers, Chair

LOCAL GOVERNMENT

Working with Local Government

A Collaborative Approach to Reviewing Official Plans and Bylaws

As part of its review of regulations, the Land Reserve Commission is re-examining its process of reviewing local government plans and bylaws and other planning documents. This review is largely in response to strategic directions set out in the recently-adopted LRC Strategic Plan, *Farms & Forests For The Future*. In addition, the Commission recognizes that changes are under way in response to the new *Local Government Act*, reflecting new directions in planning and land use management at both the local and provincial levels. The LRC is also cognizant of the need for greater integration and cooperation between various authorities in land use planning and management.

There are 131 local governments in BC with land in the ALR and dozens with FLR within their boundaries; this certainly underscores the value of the Commission's participation in local government land use planning. Since 1974 (for the ALR) and 1994 (for the FLR), the Commission has taken an active role in reviewing official plans and bylaws of local governments as well as plans and policies of other agencies. The recent changes to the *Local Government Act* recognize the need for greater flexibility and broader scope at the local government level, clearer

direction on provincial interests, earlier consultation at the front end of the process and less provincial intervention at the approval stage. As a result, the Commission feels it is timely to review how it can work to improve its interaction with local governments and other agencies.

In carrying out the review the Commission plans to look at its mandated responsibilities and business processes for opportunities to reduce the workload of Commission staff and integrate the requirements of local governments. This may involve creating partnerships, delegation agreements or other policies or guidelines. Our intent is to maintain and strengthen the Reserves while allowing local governments to plan effectively.

To assist in the review, regional and municipal planning authorities and others will be asked for feedback on the current processes. The goal is to strengthen communication and streamline the review process while continuing to ensure that the provincial interests relating to the Reserves are maintained. Commission staff are currently developing a project charter which will give further guidance on how the review will be carried out and the outcomes to be achieved. Progress on this and other Commission initiatives can be found at our website: lrc.gov.bc.ca. Or contact Brian Underhill, the LRC's Acting Director of Strategic Planning and Corporate Policy, at (604) 660-7000.

Delegation Agreement Signed

On January 18 in Prince George, LRC Chair Dr. Alan Chambers and the Regional District of Fraser-Fort George Chair Colin Kinsley signed BC's first ever agreement delegating LRC powers to a local government. The area of Willow River-Upper Fraser is the first unincorporated area of the regional district for which the regional district board will have the authority for subdivision and land use decisions in the ALR.

The delegation is for a two-year trial period. It provides for the regional district board to assume these powers for the specific plan area, based on the provisions of the Official Community Plan. The regional district's OCP was supported by the Commission and the plan's protection of land for agriculture and encouragement of farming were conditions of the LRC entering into the agreement. Decisions under the delegation agreement will be closely monitored by both the regional district and the Commission to ensure the Provincial mandate is being met.

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"This is the first time since its inception in 1973 that the Commission has delegated a portion of its powers and responsibilities to a local government," explained Dr. Chambers. "Both bodies are looking forward to a cooperative partnership in managing land uses within the ALR. With the experience gained from this pilot project the Commission hopes that other local governments will follow the lead of Fraser-Fort George."



Shown at the signing ceremony are l-to-r LRC Chair Dr. Alan Chambers, RD Chair Colin Kinsley and RD Director Bob Headrick.

FIRST NATIONS

First Nations and the Land Reserves

Many First Nations are negotiating with the Province of British Columbia and the Government of Canada to settle outstanding claims to their traditional territories. Up to five percent of the land base of BC may be transferred to First Nations as treaty settlement lands, including lands designated as ALR and FLR. First Nations will become significant players in the management of the province's land use and natural resources.

The Commission is committed to working with First Nations and others through treaty settlement processes to preserve agricultural resources in the ALR and to minimize the impact of development on forestry resources in the FLR.

The LRC is developing a policy to address land reserve issues emerging from treaty settlement processes. The policy will provide certainty to First Nations, local governments, other government agencies and the public regarding the Commission's approach to the following issues:

- the development of a working relationship between the Commission and First Nations;
- the existing ALR designation of many proposed treaty settlement lands and existing Indian Reserves; and
- the existing FLR designation of many proposed treaty settlement lands.

FOREST PRACTICES

LRC Determination Results in \$13,000 Fine

The CEO of the Land Reserve Commission Kirk Miller recently determined that a landowner contravened sections 9(1)(a) through (d) of the Private Land Forest Practices Regulation. The infraction occurred during and after harvesting along a small stream within a managed forest on Saltspring Island. As a result of his determination, the CEO assessed a penalty of \$13,000 against the landowner and issued an order to remediate the damage to the stream according to an approved rehabilitation plan.

The landowner did not appeal this determination; he paid the penalty and implemented the rehabilitation plan.

Following this determination, the Private Forest Landowners' Association arranged an on-site visit involving the landowner, the LRC and BC Environment. Some of the lessons learned by all parties from this experience included:

Planning

Streams and other sensitive areas should be properly identified and inventoried during planning and the onus is on the landowner to demonstrate the absence of fish. The risk of errors can be substantially reduced when cut blocks are well laid out. Falling boundaries for retention areas adjacent to streams should be clearly identified and well understood by everyone working on the site. Maps should be readily understood by operational field crews.

Management Controls

Written standard operating procedures can reduce the risk of problems in the field and increase the accountability of staff and contractors.

Operator Awareness

Training sessions, pre-work inspections and on-site supervision can lower the risk of creating problems in the field in retention areas, streams and other sensitive (i.e. high-risk) areas.

Remediation

It is important to note that a problem can easily be made worse by the best-intentioned site remediation activities if the expertise to develop and implement such a plan is lacking.

Seeking Assistance

Owners are encouraged to seek assistance when needed from professional foresters, forest technicians, LRC Forest Practices Officers, the PFLA and their peers.

Understanding and implementing the lessons learned from this matter will greatly reduce the risk of non-compliance with the *Private Land Forest Practices Regulation*. The LRC is grateful to both the landowner and the PFLA for their cooperation.

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LEGISLATION, REGULATION AND POLICIES

Regulatory Reform

Our consultations with local governments and others for the Commission's Strategic Plan 2000 provided many ideas on how the Commission can improve the way it does business. One of the strategic directions in the plan adopted last May was to increase operational responsiveness and accountability and identify areas for streamlining. Out of this direction came a new initiative of the Commission to review its existing land use and procedure regulations, policies and General Orders. Many of these regulations have been in effect throughout the entire history of the Land Commission; with the merging of two Commissions the time was considered right to examine how these regulations were working.

The Commission has agreed to the following objectives for revising its regulatory framework:

- To streamline regulatory processes for both the ALR and FLR.
- To increase policy and regulatory congruency between the ALR and FLR wherever possible.
- To make the regulatory framework more enabling and less prescriptive.

The Commission is working to rationalize its 'permitted use'

regulations and to clarify those farm and forest uses which are allowed outright in the two Reserves. In some cases uses now allowed by policy or General Order are proposed to be moved into regulations. Thresholds may be established to ensure that farm and forest land bases are not negatively impacted. Additional uses may be permitted in the FLR to make the regulations roughly parallel to the ALR.

On the procedure side we are proposing to standardize application procedures for the two Reserves by having most applications, whether for ALR or FLR lands, commence at the local government level.

The Commission is now discussing these draft proposals with its stakeholders including representatives of farm and forest organizations, local governments, ministries and agencies. We are getting valuable feedback from these groups on how best to improve provincial regulation in the Reserves and how to coordinate this with local government plans and bylaws. Once consultations are complete a package of proposed regulation changes will be forwarded to our ministers.

While this initiative focuses on regulation and policy changes, there are a number of outstanding issues

which require more research and consultation and may result in proposals for legislative change. These include:

- 'provincial interest' provisions (currently applicable to ALR but not to FLR);
- economic incentives for the production of food, fibre and related products in both Reserves;
- *Soil Conservation Act* objectives and administration;
- the regulatory regime for Crown lands in ALR and FLR;
- the recapture charge on exclusion (currently applicable to FLR but not to ALR).

The Commission has started to research some of these issues and welcomes feedback on whether congruency between the two Reserves in these areas is desirable or achievable. In the long run the Reserves should ensure that all British Columbians have a secure land base from which to conduct activities which build and maintain sustainable communities across our province. This is a common goal, shared with local governments, First Nations, the farm and forest communities and others.



Jean Sherwood

Staff Changes

The LRC has seen a number of staff changes in the past months. In January, Jean Sherwood retired after serving as Executive Secretary for the original Land Commission, the ALC, the FLC and then the LRC for over 25 years. Jean not only ensured the smooth operation of the office—she was a wonderful source of information about the inside workings of the Commission. She will be missed by all.

Commission planner Bruce Gunn and research officer Sherry Sumpton have each taken a year's leave of

absence. As a consequence there has been a re-organization of staff responsibilities for each region. We welcome new research officers Keeva Kehler and Elisa Martin who are sharing responsibilities for the Central Interior and Okanagan regions. Karen Moores is acting in a temporary position as a research officer doing application research in various regions.

For an up-to-date list of staff responsibilities please visit the LRC website: lrc.gov.bc.ca and click on Contacts.

Applying GIS in Farming Areas

As part of its new way of doing business the Land Reserve Commission encourages proactive agricultural planning. Agriculture is becoming part of the planning mainstream in many areas of BC and several local governments, from Kelowna to Surrey, have completed agricultural area plans. Many others are involved in projects to improve their land use and water inventory in farm areas.

Having improved inventories will equip local governments with a strong information base from which to better understand and help meet the challenges facing agriculture. Recent legislative changes such as the enactment of the *Farm Practices Protection (Right to Farm) Act* and changes to the *Local Government Act* and *Land Title Act* have opened up new planning opportunities in agricultural areas which will ensure farming's place in local communities and help reduce land use conflicts. As in any planning effort, however, information is key. It is critical to have innovative means to analyze information and understand its implications so that effective decisions can be made, conflicts resolved and opportunities realized.

One example of proactive agricultural planning is the recently completed Geographic Information System (GIS) pilot project undertaken with the District of Pitt Meadows. This project was carried out because GIS can enhance understanding of farming areas and help to identify issues important to strengthening, sustaining and promoting agricultural development. The intent from the outset was to ensure that the experience gained in working with Pitt Meadows would be available to other local governments.

This agricultural GIS is proving to be a cost-effective, user-friendly planning tool. The District now has a system that will:

- increase access to local farm sector information,
- act as a tool to enhance decision-making, and
- assist in the promotion of farming in the community.

More specifically GIS can provide information for future updates of an Official Community Plan and bylaws. It can demonstrate the effects of setback distances and commodity

restrictions on the agriculture industry. It can also help to investigate the possibilities of starting or expanding a farm business and provide information that can assist an operator in making management decisions. GIS can also identify land use patterns along the farm edge and help determine the need for buffering.

The Pitt Meadows GIS pilot project demonstrates how GIS technology can be combined with resource information to promote and enhance farming in BC. It also demonstrates the need to involve a number of partners and the importance of sharing information and expertise. It is a model for other BC communities who are interested in planning for and promoting agriculture. A booklet and brochure called "AgFocus—An Agricultural GIS" are being developed based upon the Pitt Meadows pilot project and will soon be available to local governments.

If you have any questions about agricultural GIS please contact Karen Thomas in the Resource Management Branch, Ministry of Agriculture, Food and Fisheries. Her email address is: Karen.Thomas@gems2.gov.bc.ca.

New ALR Boundary Maps

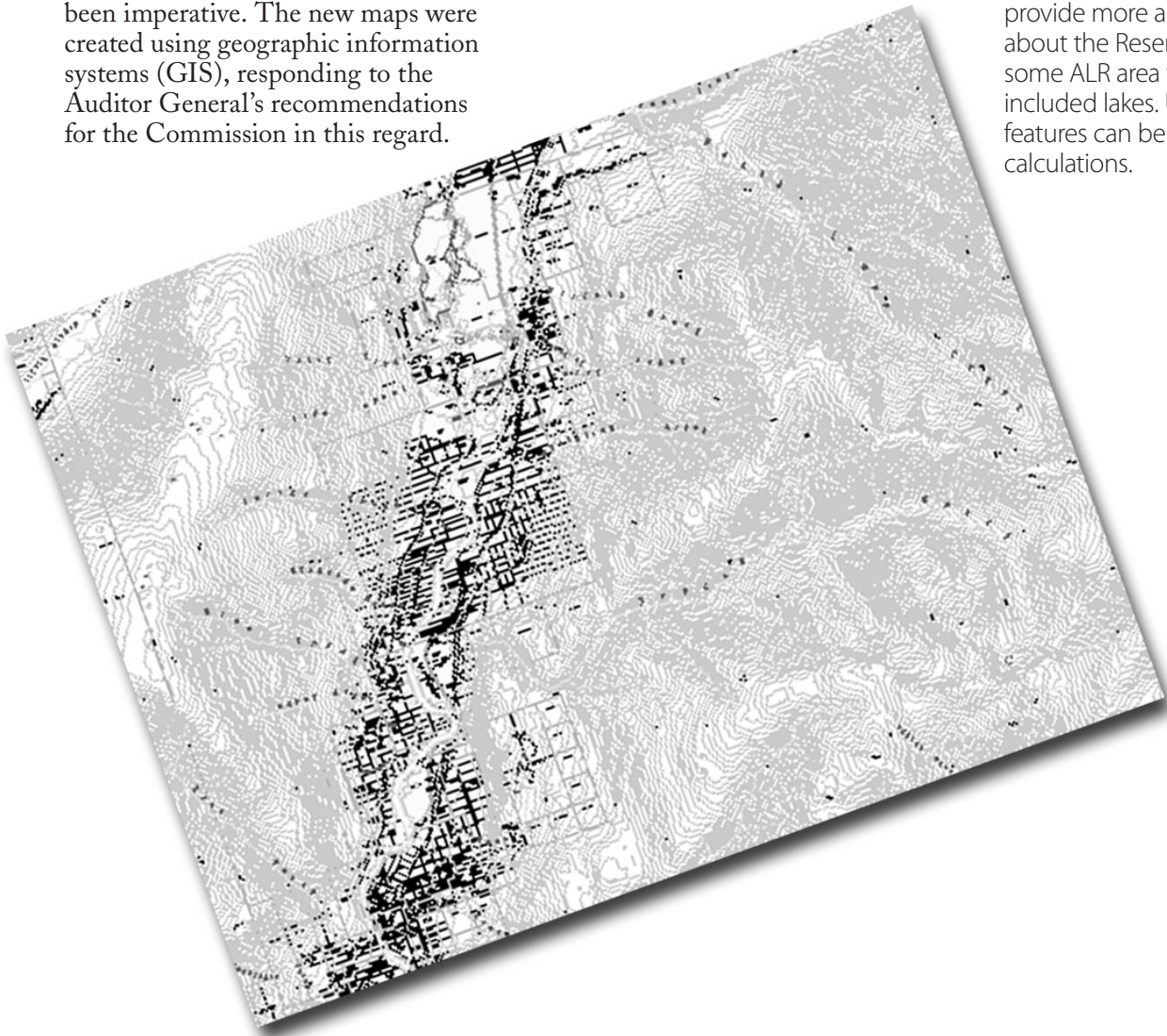
The Commission has resolved to adopt new ALR boundary maps for the Northern Rockies, Peace River and Central Kootenay regional districts, replacing the existing 1:50,000 ALR base map series with new, larger scale (1:20,000) TRIM* base maps. The new maps provide a better representation of the natural and unnatural features than the older published maps and contain better detail on legal parcels.

The Commission has worked extensively with other agencies on this initiative. Since much of the ALR aligns to legal boundaries, getting better private land data has been imperative. The new maps were created using geographic information systems (GIS), responding to the Auditor General's recommendations for the Commission in this regard.

The ALR boundaries have not been changed by this initiative. Some boundaries may appear to be different but the original intent of the boundary definition process has been maintained. For example, the added detail in the legal boundaries has enabled the new digital data to follow parcel boundaries which may not have been available on the 1:50,000 maps. Furthermore, when the ALR follows a natural feature the TRIM maps provide better accuracy than the older base maps.

The Commission has identified four significant benefits from this initiative:

1. The maps provide improved accuracy of the ALR and provide details of the information sources (e.g. a legal boundary, a natural feature such as a shoreline) used to define the boundary. This will enable better and more consistent interpretation of the ALR boundaries.
2. The GIS data eliminates the duplication of effort in defining the ALR boundary on maps of differing scales. A single version of the boundary captured from the best source will be maintained.
3. The Commission will be able to provide more accurate statistics about the Reserve. In the past, some ALR area totals may have included lakes. Using the GIS, water features can be extracted from area calculations.



Case Study—Exclusion Application

Using the area calculations initially used, the ALR was approximately 4.7 million hectares. Areas calculated from the GIS indicate a total of approximately 4.6 million hectares, with differences of less than five percent in most regional districts. This does not indicate any loss of ALR land; rather, it reflects improved accuracy in our reporting methods. Over the next several months the LRC will use the GIS area calculations in reporting the size of the ALR in our annual report and other publications.

4. The new ALR boundary maps align to provincial standard base mapping, enabling other government users such as the forest and environment ministries and BC Assessment to make use of the digital data for the Reserve with their data.

The LRC's Geographic Information Section will continue to finalize the ALR boundary throughout the remainder of the province. Over the next several months the Commission will be presented with new mapping for individual regional districts for adoption as the new ALR base maps.

The Section is also compiling the mapping required for the Forest Land Reserve. The mapping of the private managed forest lands needed to support the administration of the *Private Land Forest Practices Regulation* is nearing completion. In future, the Commission will be able to combine the ALR and FLR on one map to better understand the relationships of the Reserves.

*Terrain Resource Information Management: digital maps containing all unnatural features such as roads, buildings, fences, and natural features such as streams, lakes, swamps, elevation points, contours and place names.

The Commission recently refused an application for exclusion of lands just north of Radium Hot Springs in the Regional District of East Kootenay. The application was to exclude all or portions of six lots totaling about 332 hectares and consolidate and reconfigure 18 parcels so that they would become five.

The lots proposed for exclusion formed a small portion of what was previously a Christmas tree farm called the Kirkslands owned by Kirkslands Forest Products Ltd. Agricultural capability mapping showed the area to be predominantly Class 5–6 soils with some Class 4 and a very small area of Class 3. But a more detailed agricultural capability study raised the agricultural capability ratings and found the subject properties to have a Class 2 climate with the potential for growing a fairly wide range of crops.

The Commission learned that the area was first used for agriculture as early as 1890, primarily as grazing land, then cultivated where irrigation was available. With irrigation the area is capable of producing roughly

3+ tons per acre of alfalfa per crop and 110 bushels of grain, and the grasses and shrubs have a very high carrying capacity.

The properties were purchased in large holdings for a Christmas tree farm in the mid-1940s. Ranchers entered into lease arrangements with the owners and continued to graze cattle on the Christmas tree farm in a mutually beneficial mixed-use. The home ranch site, called the Upper Ranch, is the oldest working ranch in the regional district. It has been restored and is currently leased and under irrigation for hay.

In reaching its decision the Commission weighed the existing and potential agricultural capability of the subject properties, the potential impact of exclusion on adjoining ALR and the ALR boundary and the proposed consolidation. The Commission refused this application because the subject properties were considered to have agricultural capability and because the proposal did not provide a significant net benefit to agriculture.

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Working Farms, Working Forests



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