

THE LAND COMMISSION AND ITS SIGNIFICANCE TO BRITISH COLUMBIA AGRICULTURE

William T. Lane, Chairman, B.C. Land Commission

My remarks today divide into three parts -

First: How did the Land Commission Act come to be passed?

Second: What are the basic provisions of the statute?

Third: What is its significance to agriculture in the forth-coming years?

HOW DID THE LAND COMMISSION ACT COME TO BE PASSED

The adoption of the Land Commission Act by the Legislature of British Columbia culminated concern expressed by a variety of people about the trend of affairs in the world today. From a farm production point of view, it was evident that if the loss of our best arable lands at the rate of more than 10,000 acres per year was to continue indefinitely we would run out of the agricultural land resource within a foreseeable time. In a province where the potential amounted to no more than 3% of the land west of the Rocky Mountains a critical situation existed. Although low production land, particularly in the north, was being cleared at a rate equivalent to, or possibly greater than, the 10,000 acres per year already mentioned, it was evident that our better lands (classes 1, 2 and 3) were the ones being dissipated in the interests of urban expansion. Thus from a purely conservation point of view, steps had to be taken to protect this land resource.

A second line of thinking which led to the adoption of the Land Commission Act, was the limited ability of the rest of the world to produce enough food to meet the demands of the global population explosion. Perhaps the most depressing thought of all, is the fact that there are some 60,000,000 more mouths to feed each year on this earth. That is the net gain figure! Across the world we have every year a population increase greater than the populations of the whole of either France or Great Britain. Put another way, we add the population of a city the size of Toronto every two weeks to the line up for global food resources. Against this dismal background of uncontrolled population growth we have both in Europe and in Japan rapidly escalating standards of living. This means additional hundreds of millions of people are now competing for the same food resources which formerly only North Americans had the wealth to purchase. It has been said that North America with only 6% of the world's population already consumes 30% of its resources. No wonder we are already facing a major protein shortage in the world, not to mention the rationing of energy resources. Thus it was felt justifiable to protect the existing agricultural potential of British Columbia in light of the possibility of the province ending up in a decade or two without any bargaining power what-so-ever in the world food markets. The tenuous valley bottoms of Southern British Columbia and meager coastal plains, where British Columbians were rapidly sprawling onto agricultural lands, had to be the scene of effective conservation measures - measures, which we can now say with hindsight, should have been taken at the conclusion of the Second World War.

Quite apart from protecting our agriculture lands, and attempting to place ourselves in a relatively competitive position in future world food markets, the Land Freeze can also be justified on the grounds of inhibiting urban sprawl. Many of the principles of regional and community planning revolve around the efficient use of urban land for urban uses, and the efficient use of rural land for rural uses.

Because the open market for land invariably reflects short-term objectives and tends to ignore community goals, zoning became accepted as a method of sorting out and controlling land-use in British Columbia as long ago as the 1920's. With the designation of our agricultural reserves, the principle of zoning will be extended from approximately 80% of the people of the province already subject to such regulations; to a few more percentage points of the total population. While zoning in general, and certainly single-use zoning such as in the Agricultural Reserve, is not a substitute for good regional or community planning it can be a very significant factor in a larger picture of land-use management.

In considering the Agricultural Reserve as a land-use management tool, it should be remembered that local jurisdictions are sometimes hesitant to take sufficiently imaginative steps when in the short-run these may prove unpopular with some people. It is easier for local government to do the right thing when it has been requested to do so by the Province. This is a technique which is already being adopted in the United States. Senator Henry Jackson, of our neighbouring State of Washington, has described it as "the quiet revolution" in land-use regulation in his country. Finally, it should be remembered that those portions of British Columbia which under local zoning by-laws had been classified as Agricultural or Rural land have never-the-less been subject to rapid urban encroachment, by way of re-zoning. As soon as the owner made out any kind of case for use of the land for non-agricultural purposes it seems his wishes were granted. Once the Agricultural Land Reserve boundaries are accurately established encroachment will no longer be made at the whim of short-term expediency, but rather, only to allow the necessary expansion of our communities where no other reasonable alternative is available.

This then, is how I believe the Land Commission Act came to be adopted by the Legislature of this Province.

WHAT ARE THE BASIC PROVISIONS OF THE STATUTE?

I would now like to describe the objectives of the Act as well as the powers and responsibilities of the Provincial Land Commission.

It is perhaps easiest to think of the Act having as its objective, four major and quite distinctive things.

First, the preservation of agricultural land for farm use. That is to say the occupation or use of agricultural land for bonafide farm purposes as well as certain other uses which are compatible with the preservation of land for farm use closely related to this is the encouragement of and preservation of family farming and family farms. A second major objective is to preserve greenbelt lands in and around urban areas, and to encourage the establishment on land in greenbelt reserves only uses compatible with the preservation of these lands as greenbelt. Also, there is the objective of the preservation of certain land bank lands having desirable qualities for urban or industrial development with the object of restricting the subdivision and use of such lands for incompatible purposes. Conversely the Commission is asked to encourage the establishment on such land bank reserve lands of uses compatible with the ultimate use of the land for industrial and urban development. Finally, there is a park-land role established for the Land Commission. It is asked to preserve park-land for recreational use and to encourage the establishment of land in a park-land reserve for any use compatible with the ultimate use of land for recreational purposes.

At first glance these four commendable objectives of the Land Commission Act seem to be roughly equivalent activities of the Commission. It should be noted, however, that only in the case of agricultural land is the Commission given any zoning or regulatory powers. In other words, only in the case of land actually designated as Agricultural Land Reserve are there any restrictions on the private use of private lands for purposes incompatible with farming or agriculture. Indeed, the Agriculture Reserve lands are so designated only after a process involving public hearings held by the various regional districts, a review by the Land Commission and, finally, after a reconsideration and ultimate approval by the Cabinet. Not until then are such lands considered "designated" and only then are the rights of the private owners in any way affected by the Agricultural Reserve classification. This regulatory power is to be found in section 10 subsection (1) of the Land Commission Act and I think it is of sufficient importance to read it in its entirety to you today:

"No person shall occupy or use agricultural land designated as an agricultural land reserve pursuant to section 8 for any purpose other than farm use, except as permitted by this act or the regulations or by order of the Commission upon such terms and conditions as the Commission may impose."

It is important to note that there is no similar provision with respect to greenbelt land, land bank land or park land reserves. Indeed, while the agricultural lands become part of the agriculture land reserve after designation, following the steps mentioned above; greenbelt, land bank, and park lands become part of a reserve only after the Land Commission has acquired the property either from the Crown or by purchase or gift from private citizens. There is no regulatory power involved in so far as the latter three reserves are concerned. This was the thought behind even the original version of Bill 42. Because of the understandable but groundless concern expressed in some quarters on the introduction of the legislation, an erroneous belief grew in the minds of many people (and is still held by a few) that the Land Commission can "zone" private property for greenbelt, land bank or park land purposes. I want to make it quite clear that this never was nor presently is the case.

It should be noted that lots of less than 2 acres in size, in existence on the 21st of December, 1972, and recognized on a Certificate of Titles issued by a Land Registry Office are not bound by the provisions of the Land Commission Act, even if the land is within an Agricultural Reserve. Furthermore, any non-conforming use which has been in existence for at least 6 months prior to the twenty-first of December, 1972, and not otherwise against the law, will be allowed to continue as a non-conforming use in an Agricultural Land Reserve. The exemption does not apply if the use is changed to another non-farming use without the prior approval of the Commission. Also, if the owner wishes to sell, lease or otherwise transfer a non-conforming use, he must get permission of the Land Commission prior to such sale, lease or transfer. The Land Commission, at its discretion may impose conditions upon the sale, lease or transfer. Its decision is final except on questions of law or excess of jurisdiction which may always be taken to the Supreme Court of British Columbia.

Section 9 of the Land Commission Act makes ample provision for the exclusion of land which may have originally been placed in the Agricultural Land Reserve. A municipality, regional district, the Commission, or indeed the Cabinet may request the Lieutenant-Governor in Council to exclude land from the Agricultural Reserve. It is hoped that in any of these events ample warning will be given and an exchange of views canvassed prior to such an exclusion. In other words a municipality, regional district, the Commission or the Cabinet itself may wish to comment on any proposed exclusion.

Private owners of land may apply directly to the Commission to have land excluded from an Agricultural Land Reserve. If, however, the land had been zoned for agricultural or farm use prior to December 21, 1972, a resolution of the municipality or regional district in question is needed before the aggrieved owner may pursue his appeal for exclusion to the Land Commission. If the aggrieved owner, in fact, appeals to the Land Commission and is unhappy about the decision of the Commission with respect to the proposed exclusion of land from an Agricultural Reserve, the owner may further appeal to the Environment and Land Use Committee of Cabinet. He may do this only if the municipality or regional district in question has authorized the further appeal and if given leave to appeal by at least two members of the Land Commission. It is not expected that such "leave" would be denied a person if there was any real merit in the application.

I should also point out that the objects of the Act are to protect the agricultural resource in the long haul, hence, short-term economic or technological consideration must be given relatively little weight in evaluating whether a given parcel of land should be included or excluded from the Agricultural Land Reserve. As you know, the Canada Land Inventory classifications of agricultural capability are based on soil qualities and certain climatic conditions. These give rise to an increasing number of options for the producer as you proceed from class 4 land through the 3's and 2's and down to the very best quality land the class 1's. It is these options we must keep in mind rather than the short term economic possibilities which may arise from time to time in connection with the land. This is particularly so in regard to its location near urban areas.

THE SIGNIFICANCE OF THE ACT TO AGRICULTURE IN THE FORTH-COMING YEARS.

Now I would like to direct my attention to the significance of the Land Commission Act to British Columbia Agriculture. First and foremost, is the fact that the Agricultural Reserves have effectively put a brake on the eroding away of this significant resource. It is hoped that within a few years the braking process will have brought to a halt all except the most clearly demonstrable needs to encroach on our farm lands.

Growing out of the courageous steps to protect our agricultural lands are a number of other very significant points which were perhaps not envisioned when the statute was first drafted. Principal among these is the morale-building aspect of the legislation. It should be clearly evident to personnel of the Department of Agriculture, and indeed to all of those people concerned in the agricultural industry in the Province, that the government and people of British Columbia have at long last accorded agriculture a significant status among the varied and important resources of the Province. For this reason it strikes me that the Land Commission Act is the most important piece of agricultural legislation in a lengthy history of the industry in this part of Canada. I say this, because the law now makes it quite clear that agriculture is no longer expected to "make do" on whatever is left after every conceivable urban or industrial use has satisfied its demands at the expense of farm land.

Ironically, the great public furor which arose on the occasion of the introduction of Bill 42 has served a very valuable role of making the public aware of a situation which had been countenanced almost unnoticed for decades. The fact that these measures coincided with a national and world food shortage together with a renewed concern for unplanned population growth has served agriculture very well.

The Land Commission Act, coupled with the various measures which were brought forward in the fall sitting of the Legislature, in concert with further legislative steps which may be taken in the near future, are placing agriculture firmly in a planned environment which other industries and resource developers have long enjoyed.

In conclusion I would like to list some random thoughts about the significance of the Act to agriculture in the forth-coming years. These I venture without regard to their relative importance and without suggesting a time-table for their attainment:

- (a) We may see the establishment of a wider system of tax incentives to encourage agricultural productivity and to protect presently vacant land with agricultural capability from being used for purposes inconsistent with its ultimate use as farm land.
- (b) Young farmers, and perhaps more particularly young ranchers and orchardists, may be encouraged to operate on crown owned agricultural land on a long-term lease basis. This would avoid the difficult problem facing many of them in raising the substantial funds necessary to obtain title. The Land Commission may be required to pursue an active policy of land acquisition from willing sellers to assist this program.
- (c) More attention may be paid to the part time farmer and the role he can play in the larger realm of food production. Amenity farming may be countenanced in and around the larger cities.
- (d) Specific steps may be taken to assist full time agriculturalists in the vicinity of large cities to protect their operations from the manifestations of the nearby urban communities. Measures to assist the passage of farm machinery from one property to another, to protect crops from vandalism and pilfering, and to help in the consolidation of "fractured" parcels of land into viable production units, are but a few such steps.

The essential significance of the Land Commission Act is that its passage marked the coming of age of agriculture in British Columbia. It is now an industry of urgent concern to all of the citizens of a province whose farm resources must be husbanded as never before, and with greater diligence than almost anywhere else.