

**Transcript of the Minister's Presentation
To Open Cabinet
January 16, 2002**

[9:30]

For Decision: Land Reserve Commission Implementation Plan

Hon. G. Campbell: The next item on the agenda is the Land Reserve Commission implementation plan. You'll recall that cabinet approved a number of strategic shifts with regard to the agricultural land reserve at a previous meeting, and Stan is going to report back on the implementation plan. Stan.

Hon. S. Hagen: Thanks again, Premier. I am pleased today to present the results of our core services review. We don't have to tell the residents of this area how important and significant the agricultural land reserve is. Approximately one-third of the provincial agricultural land reserve is located within this region. Therefore, I feel it is very appropriate that we are making this presentation here today.

As part of our commitment to change the way we do business, the Land Reserve Commission has been examined under the core services review process. It will also be reviewed as part of the administrative justice project that's underway. A key component of this review has been to ensure that our new-era commitment to make the Land Reserve Commission more regionally responsive to community needs is attained in a balanced and principled manner.

Today's presentation will show how the commission will implement this goal through restructuring, increased delegation to local government and deregulation. As the commission is responsible for both the agricultural land reserve and the forest land reserve, the commission will also work closely with the lead agencies for the working forest and the community charter initiatives.

The move toward increased local autonomy is reflected in the commission's proposal in a new way of doing business. In summary, the core services review determined that the forest land reserve should be phased out, while still recognizing the need to secure the forest land base. To this end, the development of the working forest initiative will satisfy this need. In the phase-out period, we will maintain the forest practices standards for private forest lands, which assist in protecting environmental values.

The core services review also determined that the agricultural land reserve serves a compelling public interest to protect the land base for agricultural activities. At the same time, government can carry out a program more efficiently and effectively by making a number of changes and significant shifts.

These changes include restructuring the commission, which is the decision-making body, and have it become more regionally responsive; pursuing a collaborative model, with local governments using delegation as a tool; and deregulating and streamlining permitted uses and processes. To meet our government's commitments, particularly for the economy and communities dependent on our forests, two key strategic shifts are needed.

First, the forest land reserve regulatory system will cease to exist and will be redefined by my ministry within the next year as we move forward with the working forest initiative. Secondly, I believe the regulation of forest practices on private lands, which are currently managed by the commission, can be managed by either government or industry or by a private-public partnership.

With respect to the agricultural land reserve, three major strategic shifts are needed. The first shift is to restructure the commission by creating six regional panels and a provincial chair. This structure will provide greater regional presence. Commissioners will be more aware of local issues and will be able to respond more quickly. The panels can meet more readily and work more cooperatively with both applicants and local governments as well as view properties in person.

While the proposed structure will require additional commissioners, this will be offset by cost savings from less travel, as the commissioners will meet only in their regions. The net effect is cost-neutral, but the increased number of commissioners will result in better regional responsiveness.

In terms of structure, I recommend that we appoint 18 new commissioners, based on the following. Communities and agricultural organizations, with whom we've met, will submit names for the panel regions. Government will select at least two members from the list of nominees, provided sufficient names have been forwarded. Government will also appoint a panel vice-chair for each region.

There will be one additional appointment of a provincial chair to provide a provincial perspective, giving us a total of 19 commissioners. Panel members appointed from their regions will reflect the diversity of the regions and be representative of the types of agriculture and other local issues. As well, an executive committee of the provincial chair and the six regional vice-chairs will meet as required to discuss policy and administrative issues and matters of province-wide importance. The commission members will be appointed by the spring of 2002.

[9:35]

The second strategic shift for the ALR is to work towards what we are calling collaborative governance model, of which delegation is a major component. Delegation is based on a voluntary agreement between a local government and the commission. This is not simply a transfer of authority by the province but a mutually agreed-upon way for local governments to share decision-making in the ALR. Under delegation local boards and councils make decisions on non-farm use and subdivision in the ALR consistent with their community plans. We are proposing to increase the opportunities for such delegation at local governments.

The third strategic shift for the ALR is to streamline regulations and make them more flexible. The commission is rewriting its regulations, legislation and policies which should result in a reduction in regulatory requirements of about 30 percent. We will propose to expand the range of permitted uses in the ALR to provide for new economic opportunities for farmers and landowners. An additional benefit of this will be to provide more flexibility and discretion for local governments to regulate non-farm uses in the

reserves. Less prescriptive and fewer regulations will result in less red tape and fewer applications to the commission, as well as realizing significant cost savings.

With the implementation of these proposed changes, I believe the commission will be better positioned to meet the expectations and aspirations of British Columbians in the months and years to come. This is a balanced and principled approach, and my recommendation is that cabinet approve this proposal as presented.

If we do receive that approval today, the next steps would be as follows: first, appoint new commissioners by the spring of 2002 in order for training to occur and the new panel system to be functioning by the time the new legislation is approved.

I have contacted both the Union of B.C. Municipalities and the B.C. Agriculture Council to discuss the proposed commission appointment process. We will base these appointments on policy and guidelines which are now being developed by the administrative justice project.

Second, ensure that new legislation is implemented so that changes are ready for the spring session of the Legislature. At the same time the regulations for the ALR are being revised to streamline, clarify and provide additional flexibility to the reserve.

And third, as the initiatives for the working forest and results-based code proceed and are implemented, phase out the forest land reserve. If these changes are supported, this is anticipated to be complete by the spring of 2003.

Thank you, Mr. Premier. I'd welcome any questions.

Hon. G. Campbell: Thanks. Questions? John?

Hon. J. van Dongen: Thank you, Premier. Just a comment, Stan, and then a couple of questions.

First of all, the Agricultural Land Commission is a longstanding, well-supported public policy in the province of B.C., coming into place in 1972. I think you've done a very good job of developing some sensitivity in the process to regional community concerns, and I've been very pleased to work with you on that. It's been a concern and a criticism, I guess, of the Land Commission that the agriculture and the farmlands that are in the Fraser Valley or in the Okanagan or on Vancouver Island are quite different than the agriculture and the farmlands in Fort St. John or in the Peace River or in the Cariboo, for example. Your proposal to have regional panels with people appointed from the regions, I think, is a good thing to address those issues. Certainly from agriculture's perspective, whether we're in the Peace River or we're in the Fraser Valley, we have an interest in seeing a stable land base. But at the same time your proposal, I think, will go a long way to accommodating, say, non-farm uses in the agricultural land reserve. We've had discussions here the last two days, for example, with the Ministry of Energy and Mines about the oil and gas industry, which is very much a very important economic activity here.

Coincidentally, it's interesting that in the Fraser Valley we are currently grappling with a distribution of a gas line or the installation of a gas line through agricultural land there. So we have the same issues facing us in these various parts of British Columbia.

[9:40]

I want to ask you to comment on two things that I think are important to the public and the agricultural community. One is the provincial mandate of the agricultural land reserve, which is really critical to the overall operations of the policy. The other is that historically we've had many different attempts at an appeal process - some of them more successful than others in terms of preserving farmland and maintaining a stable ALR. I wonder if you could comment on those two issues for us.

Hon. S. Hagen: Thank you very much, John. First of all, with regard to the provincial mandate in the proposed new legislation, there will be no change in the provincial mandate. The mandate, of course, is to ensure the preservation and sustainable use of the agricultural land base in the province. That will not change. I think that's important for the integrity of the agricultural land reserve.

With regard to the appeal process, there will be no appeal process - no appeal to cabinet, for instance - to remove the politics from some of these things, but the commission is working on a dispute resolution process. We don't have that finished yet. We're hoping that this will help resolve conflicts and disputes, but it will not be an appeal process, as such, to cabinet.

Hon. J. van Dongen: Good. Thanks.

Hon. G. Campbell: Greg.

Hon. G. Halsey-Brandt: Thank you, Premier.

Stan, I appreciate your comments about the ALR and the compelling public interest across British Columbia. I think this is one of the cornerstones of our province. I just have a question for you around the strategic shifts, about the expanded permitted uses and the regulatory discretion for local government. Is there going to be a consultation process, perhaps, with local government through the UBCM? Or is this going to be dealt with through the House in terms of legislation and what those changes might be? How might local government and the public become involved in what those changes are going to be?

Hon. S. Hagen: Thank you. Yes, those discussions are going on right now. As a matter of fact, I met as recently as.... It was either yesterday or the day before that we met with the UBCM. They're very supportive of this. We have already started doing some of the delegational agreements with municipalities around the province. It may turn out that not all municipalities want to be part of that. It's not being imposed on them; it's an opportunity for them to join with us.

With regard to the expanded uses, it's interesting that since 1972 or '73 - whenever the ALR came into place - there have been some requests that have never been turned down. In other words, there are some uses that have never been turned down. In order to reduce red tape and do some deregulation, those are the ones we're looking at to put into the approved uses. I'm having a lot of difficulty understanding why we continually expect people or companies or groups to make application and take the time and the expense to do that - and for government to also bear that time and expense - when there

are uses that have never been turned down. Those are the sorts of expanded uses that we're looking at.

Hon. G. Halsey-Brandt: Just a final one. In terms of the relationship with local government, you mentioned the community plans. I take it, then, that the Agricultural Land Commission would be involved in the creation of those community plans so that the local government regulations in their plans, as affecting agricultural land, would have concurrence by the ALR. Then the local government could go ahead and administer that. Is that it?

Hon. S. Hagen: Yeah. There's a lot of interaction now between the CEO and the municipalities.

Hon. G. Halsey-Brandt: Good. Thank you very much.

Hon. S. Hagen: I sense there's a very good working relationship there.

Hon. G. Campbell: Mike.

Hon. M. de Jong: Stan, here's the thing for me. ALR - we're talking about a zoning process, and one that I think enjoys broad support. Here's what's always puzzled me about the exercise: councils own land all the time. They do it publicly. People watch that process. Do you envisage a more public exercise via these regional boards than presently takes place?

Hon. S. Hagen: That's a good question. I think that because each of the three people will come from each of the six regions, it tends to localize it more and make it more public. I mean, I think the local regions will know a lot more about what's going on than if the decisions are being made in Vancouver or Victoria. To tell you the truth, I've not considered making the meetings open.

[9:45]

Hon. M. de Jong: I have struggled with concocting the argument that says that needs to take place privately, because so much of the angst, it seems to me, derives from the fact that people submit this material, make the application and get a decision. It's very unclear to them how that decision was arrived at, what was ultimately considered, how the debate took place. It is, at the end of the day, simply a land use zoning exercise - on a grand scale, perhaps, but that's all it is.

Hon. S. Hagen: I'll take that as a recommendation.

Hon. M. de Jong: Thank you. [Laughter.]

Hon. G. Campbell: Dick.

Hon. R. Neufeld: Thank you, Stan.

I guess this is good news to some people from this region of the province who have attempted to subdivide smaller parcels of agricultural land. Even though it's included in the agricultural land reserve, it may not be very good agricultural land. They've gone

forward with approvals from communities, from regional districts, and still been turned down. What we end up with in the Peace country are a lot of one-quarter section rural homes, because they can't find the five acres or the three acres or the ten acres - whatever they want. A lot of people end up having to go out and buy a quarter section. They have no intention of farming it, but they want to live out of town. That causes some problems, because then the agricultural land that should be farmed really isn't farmed. This should bring some resolve to those issues.

I have one quick question, or maybe you could confirm for me that that will actually be the case now. Secondly, will any of these changes from the Land Reserve Commission have any effect on the oil and gas industry?

Hon. S. Hagen: In answer to your first question, hopefully, having regionally based commissioners, they will be able to address regional issues around the province. I know that's an issue up here. I think some of us would probably love to live on a quarter section of land, but we can't afford it. I do understand the issue. That's one of the prime drivers behind the regionalization of it.

With regard to the oil and gas industry, there'll be no direct impact on this except that when we introduce the new legislation, which will give us the ability to delegate not only to municipalities.... We would also be looking at arrangements to delegate to the Oil and Gas Commission, which we do now under something called a general order, but it's not in the legislation. I think, again, there's a process that's gone through for years and years and years, and everybody understands how it works. But if we want to attract industry, one of the things we have to do is cut red tape.

For something that sort of gets.... It becomes almost an automatic approval process but still takes a month or two months to do. There isn't much common sense to that. I guess what we're trying to do is add some common sense to this and at the same time protect the farmland around the province.

Hon. G. Campbell: Rich.

Hon. R. Coleman: Thank you, Premier.

Stan, I come at it from a bit of a different direction in terms of my community. It's urban pushing up against farming. I'm wondering, as you move to this local model, how you're going to deal with such things as lot-line adjustments so that you can actually get larger parcels of land into the farming infrastructure and how you're going to deal with the whole issue in and around the industrialization of the farming sector in balance with the local community that may not want it. I go back to the Delta example on the greenhouse issue and some of the other issues.

As you go to this local input, how are you going to protect the right of the farming sector to farm in balance with the industrialization of its base as it grows and at the same time allow us to have that mixture of people? I don't know that I've actually heard how you're going to do that on a local basis. If you delegate that power, maybe you're going to get some local push to stop an actual farming operation from taking place. You may need adjustments to a piece of legislation like the Right to Farm Act, in addition to what you're talking about.

[9:50]

Hon. S. Hagen: I believe we do have a Right to Farm Act, which is not with me but with the Ministry of Agriculture. I understand the issue that you're talking about. It's a very challenging issue particularly, I guess, in the Fraser Valley and in the Okanagan. I would just like to repeat that the provincial mandate of the ALR is not changing. The protection of farmland is not changing. The fact that we are regionalizing it, I think, puts the commissioners that much closer to the areas that they're dealing with. Those things will have to be worked out between councils and the commissioners, but the overall protection of farmland is still there and remains.

Hon. R. Coleman: Where would the final arbiter be, then, on a situation like I described - at the local level? Or would it go up to your regional board level?

Hon. S. Hagen: The local commissioners would have the authority to deal with that, but they would have to deal with the issue bearing in mind the provincial mandate.

Hon. R. Coleman: Okay.

Hon. G. Campbell: There's the Right to Farm Act, which is a provincial act. There is a provincial mandate which is part of the agricultural land reserve. The regionalization that Stan is recommending allows us to administer it in a more sensible way than we've done in the past.

I'll just tell you a quick story. I remember the first time I was driving from Fort Nelson to Fort St. John along the highway. The person who was driving along.... We were talking about the agricultural land reserve. He said: "You know, some of those guys in the Agricultural Land Commission are the smartest people in the world." I said, "Oh," because I was surprised to hear that. He said: "Oh yeah. They don't even have to go out on a piece of land, and they can tell you it's agricultural."

I think what we're trying to do here is trying to say.... I haven't been to a community that doesn't value its agricultural resource. As Stan says, a third of the agricultural land reserve land is actually here in the Peace. The agriculture industry is an enormous benefit to the Peace, etc.

What they want is some sensible application of those provincial policies. What I'm hearing you recommending here is that we regionalize that application by having people from the regions look at it and apply common sense. That does not mean they can say that agricultural activity is not taking place. It doesn't mean they can say that right-to-farm legislation is not applicable here. It is applicable across the province. What I see this doing is regionalizing the decision-making, as we said we'd do in the New Era document. I see it actually depoliticizing, because my understanding is that there's no cabinet appeal of this. That's what you're recommending. We're regionalizing and we're depoliticizing.

I just want to give a plug for Mike's comment, because I do think that openness, although at times it's uncomfortable, does an awful lot to make sure that the right decisions are made in the public interest. I think that as we move forward with this, we should think of openness protocols for the Agricultural Land Commission and their deliberations. If you can make decisions about rezoning in the middle of a community, in the middle of a city

or in the middle of a region publicly, we can make those agricultural land decisions as well.

It's really a way of saying: "Let's fine-tune it. Let's make sure the agriculture community has sensible support - a land base there that they need to have the land...take place - but let's not be sort of using big, thick felt pens in Victoria to tell people what they've got to do or don't have to do in agriculture." I think it's a strong direction.

Rick?

Hon. R. Thorpe: Stan, I'm supportive of this proposal. Could you just go through, though, how the regional commissioners are going to be selected or appointed?

Hon. S. Hagen: We're looking for input for this from the UBCM and from the B.C. Agriculture Council. We're looking for input from communities. We're looking for as much input as we can get so that the commissions are as balanced and.... We're looking for top people, people who understand agriculture but also are people.... Most agriculturalists that I've met are commonsense people. We're looking for people who have common sense.

Hon. G. Campbell: Can I just ask one more question, Stan? I guess the biggest issue that comes up with regard to the ALR is exclusions of land from the ALR. Can you sort of give us a walk-through of how those applications for exclusion would work under this regionalized process?

Hon. S. Hagen: Instead of the application for exclusion going to the.... Well, they would still come into the Agricultural Land Commission, but they would be passed down to the regional commission. So the regional commission of that region would look at the request and then look at the provincial interest and then look at it from a regional perspective and say: "Is it possible to do this, maintaining the integrity of the provincial interest but also taking into consideration the regional questions?"

[9:55]

I'll go back to Dick's example of someone who has to buy a quarter section of land to build a home on because they want to live in the country. Carrying through with that example, it might be possible that a five-acre part of that section is not farmable. It's not good land, but it's captured in the whole quarter section. That might be a case where the five acres could be subdivided and people could live on five acres if that's what they wanted. That's an example of what I'm talking about.

Hon. G. Campbell: The critical part of what you just said to me is that the five acres are not agricultural; they are not farmable. The agriculture standards, land standards, soil standards and those things are going to be maintained and not undermined.

Hon. S. Hagen: That's right.

Hon. G. Campbell: Linda.

Hon. L. Reid: Thanks, Premier.

Stan, Richmond East is home to probably the finest collection of urban farmers. One of our issues - and this ties to Minister Coleman's comment - is buffer zones between strong agricultural use in terms of cranberry production butting up against entertainment complexes, if you will. I welcome the changes, because I think there are going to be some sensitivities around how to craft a good resolution that allows us to work and to live more cooperatively together. Is it your sense that we will indeed have greater parameters around how to craft such buffer zones?

Hon. S. Hagen: That would be a subject of negotiation in the delegation agreements between the commission and the local municipality.

Hon. L. Reid: Okay.

Hon. G. Campbell: I want to jump in here, though. One of the challenges with buffer zones is that people are told: "Yes, this chunk of land isn't agricultural land, but this chunk is." One thing that takes precedence here is right-to-farm legislation. You don't get to take that five-acre piece of land that you put your house on and then say: "Gee, I wanted to be out in the farm country, but I really didn't think there was going to be a barn full of pigs next door to me."

I do think that's one of the challenges in urban regions. We say we want to protect the farmland, and then we say, "But not really," kind of. What we're really saying is: "Yes, we are protecting the farmland." That's what right-to-farm legislation is.

Joyce.

Hon. J. Murray: I just wanted to follow up on the Premier's question about how decisions will actually be made. You talked about the regional panel, but I wasn't clear. Is it the six-person regional panel that makes a decision about a potential exclusion in that region? Or does it go to the full 19-member panel for the final decision and the region makes a recommendation, or is it the executive committee of the provincial chair and the six regional vice-chairs that make the final decision?

Hon. S. Hagen: Thanks. First of all, it's a three-member commission, not six. The decision will be made by that three-member commission, taking into consideration provincial guidelines.

Hon. J. Murray: So it's made at the regional level.

Hon. S. Hagen: Yes.

Hon. G. Campbell: Any further questions?

Well, those are steps down the road, Stan. Thank you very much. That's approved. I appreciate it.