

BC's Agricultural Land Reserve – Its Historical Roots

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The introduction of the Agricultural Land Reserve (ALR) program has been recognized as one of the most influential land use planning initiatives ever undertaken in BC, and perhaps even across Canada.

This morning I want to talk about some of the circumstances that led the provincial government of the day to take such bold action, and to share with you the sometimes rocky – but generally successful - history of this program through its 35 years to date.

Several concerns motivated the introduction of an agricultural land preservation program in British Columbia in 1972.

- There was a recognition that, in a province dominated by mountains and valley bottom physiography, prime farmland was scarce.

Based on the Canada Land Inventory soil/climate classification system, which rated land based on its capability to grow a range of crops (with Class 1 being the highest capability land and Class 7 having no agricultural capability), only 2.70% of BC's land base is capable of growing a reasonable range of crops and only 0.6% is Class 1, having the option of the widest range of crops.

- Like other rapidly growing areas across North America, we were losing increasing amounts of prime farmland to irreversible residential, commercial, industrial and infrastructural uses.

Prior to 1973, it was estimated that 6000 hectares of farmland per year was being lost to urbanization and non-farm uses in BC.

- With significant food imports from places like California and Mexico, (who were also losing farmland at alarming rates), there was growing public concern about food security for both present and future generations of British Columbians.
- And finally, there was a recognition that, in the face of increasing land use pressures, local governments were proving unable or unwilling to hold the line against rezoning agricultural lands to supposedly 'higher and better uses'.

Today's generation of British Columbians are also concerned about these issues. What is important to note, however, is that these are not new concerns. They are the very circumstances that led to the establishment of the agricultural land preservation program in British Columbia in the first place.

The Formative Years (1972-1975)

At a Cabinet meeting on December 21, 1972, the provincial government passed Order-in-Council 4483 under the Environment and Land Use Act, imposing a land 'freeze' that prohibited further subdivision or use change of lands assessed as farmland and deemed to be suitable for the cultivation of agricultural crops.

A clarifying OIC passed in January, 1973 further defined the 'freeze' as affecting all lands 2 acres or more that were assessed as farmland, zoned agricultural by a local government or rated CLI Class 1-4 agricultural capability.

There were significant features that defined the character and clout of this provincial agricultural land preservation initiative:

- Firstly, that market mechanisms, such as purchase of development rights, were rejected in favour of a more straightforward and familiar zoning tool. This grounded the program on the concept that zoning rural areas to allow only agriculture and farming-compatible uses was really no different than zoning urban areas for single family residential rather than industrial or commercial uses. In my opinion, adoption of this fundamental concept has had a lasting impact on public understanding and acceptance of the ALR to this day.
- Secondly, and perhaps most important, was the decision to base the agricultural land preservation zoning on a biophysical (soil/climate capability to grow a range of crops) classification. This decision made it clear that the intent was to preserve land capable of food production. Adopting this technical foundation not only aided in defining a credible zone, but has also aided in defending the integrity of the boundary and protecting the program (relatively speaking) from the vagrancies of politics and changes in government over the decades.

In early 1973, the Land Commission Act and regulations were passed and an arms-length, independent Land Commission (LC) was appointed to establish and administer the zone that was to be called the Agricultural Land Reserve. (ALR)

While there have been some changes over the years, the primary purpose and mandate was to *"preserve agricultural land for farm use; and to encourage the establishment and maintenance of family farms...."*

I want to stress this point. The mandate was not to balance competing land uses, not to negotiate conditions under which one might use farmland for other purposes, but to protect farmland and to preserve the option to use that land for food production.

In order to provide some flexibility in the relationship to other land uses, the original legislation also gave the Commission powers to reserve greenbelt, urban land bank and parkland. However, the Act made it very clear that, for these other purposes, land must first be purchased before zoning. For the agricultural zone, the Act specified that land shall be deemed not to be taken or injuriously affected by reason of the ALR designation.

Originally subject only to the Environment and Land Use Act, the Pollution Control Act and the Interpretations Act, the Land Commission Act was a very strong piece of legislation. The relationship to local government plans and bylaws was abundantly clear.

This was a provincial initiative to protect BC's scarce and rapidly disappearing farmland and as such, local governments were expected to begin amending their OCPs and zoning bylaws to conform with this priority and the ALR boundary.

Contrary to the myth that has been perpetuated by some opponents of the ALR, the provincial zone was not arbitrarily established in isolation of technical data or local community input.

Each of the 28 Regional Districts was tasked with producing, with the assistance of the Commission, proposed ALR boundaries for their region. Yes, timing was tight. The Act gave them only 90 days to complete this work.

To assist Regional Districts – and in keeping with the requirement that the ALR be technically (biophysically) based on the Canada Land Inventory mapping - preliminary technical maps were prepared by the Department of Agriculture.

Regional Districts were then to superimpose their local community planning priorities, under the guideline of allowing a once-only buffer for 5 years growth, - in order to take into account in-stream development and transition planning for growth away from farmland.

In other words, the establishment of the ALR was intended to be a permanent shift away from the view that 'farmland is urban land in waiting' and towards the view that 'farmland is food production land for present and future generations'.

Over 300 information meetings and public hearings were held in Regional Districts throughout the province to receive public comment and participation in the establishment of ALR boundaries. I can personally attest to this, as many of them were jointly held with the Commission and, as General Manager, I participated directly.

The first Regional District ALR was approved by Order –in –Council and designated by the ALC in 1974 – and most were completed by the end of 1975.

A phenomenal achievement, for a unique and focused initiative, in an incredibly short time.

You may well be asking – where was public opinion during this time?

As you can well imagine, the ALR was highly controversial. From the date of the 'freeze' to the designation of the last plan was not a long time for the public to get used to and embrace such a far reaching program that dealt with one of the most sacred of individual rights – the use of one's own land.

While, within some circles in BC and certainly outside BC, the government was praised for their bold action to save threatened farmland, some segments of the BC public were outraged at the imposition of the farmland freeze.

Many farmers, although finding it increasingly difficult to farm in the wave of development pressure on their land, were furious at what they saw as removal of their right to make profits from the sale of prime farmland for development purposes.

Some of the largest gatherings that have ever taken place on the lawns of the BC Legislature occurred in protest of the farmland freeze and the establishment of the ALR.

Gradually, however, as years went by, as some of the initial boundaries were finetuned in response to new and more detailed technical information, and as government programs were developed to assist farmers within the agricultural zone, farmer, non-farm landowner and general public response to the program shifted from confusion or outright opposition, to acceptance, to enthusiastic support.

The Refinement Years (1976-1996)

As designation of the approximately 4.7 million hectare provincial ALR was completed, two roles emerged and have remained central to the Land Commission's work over the decades.

The first is the quasijudicial decision-making role on applications for exclusion from the ALR and subdivision of land or land use change within the ALR. This has been the core of the day-to-day work – some 35,000 applications have been handled over the life of the Commission to date.

While the application process has provided an avenue for opponents to attack the ALR, it has also assisted legitimate technical reviews of the ALR. Particularly in the earlier years, many applications emerged from the decision to 'legalize' ALR boundaries, which resulted in straight lines that did not always accurately reflect the natural capability boundaries on the ground.

A second major focus area of the Commission's work has been the review, rationalization and initiation of provincial and local government land use policy, plans, bylaws and programs from the agricultural land preservation and health of the farming community perspective.

Significant funding was allocated to more detailed land inventory to assist with fine-tuning the ALR boundaries in cooperation with municipal and regional district planning efforts.

While financial programs to assist farmers within the ALR have come and gone with varying degrees of successes over the decades, there have been significant initiatives to complement the ALR zone.

At the request of the Commission, a 50% reduction in school taxes was achieved for lands assessed as farmlands within the ALR.

The 1996 Right to Farm (Farm Practices Protection) Act protects farmers using normal farming practices from the actions of non-farm neighbours unhappy with such things as farmyard smells and/or noise.

An in-depth, comprehensive 'Planning for Agriculture' manual was developed by the Commission to provide local governments with practical, effective tools, including local agriculture area plans, to accommodate and encourage farming within the ALR.

During these refinement years, successive governments continued to make modest legislative, regulatory, mandate and name changes.

- For example, in 1977, Commission responsibility for greenbelts, land banks and parkland reserves was removed from the legislation and the Act renamed the Agricultural Land Commission Act.
- Provision for appeals of Commission decisions to the Minister and through him to ELUC of Cabinet was introduced.
- The Soil Conservation Act was passed in 1977, and the Commission was given responsibility for its administration within the ALR.

In 1988, golf courses were established as outright uses within the ALR, setting off a tidal wave of farmland conversion and public protest. Eventually, a succeeding government imposed a moratorium on golf course development in the ALR and amended the regulations to again require application and ALC approval for this use.

Similarly, after a few high public profile ALR exclusions, the right of appeal of Commission decisions to ELUC and Cabinet was rescinded.

While, throughout these years, there were what we called some 'sore thumb' decisions by successive Commissions and governments – and every regime had at least one - by and large, both the original intent of the Act and the integrity of the boundary held firm.

This was reinforced by strong – estimated through studies to be 80% - public (including farmer) support for the provincial farmland preservation program.

During a Commission-sponsored symposium to mark the 20th anniversary of BC's farmland preservation program, the Premier of the day remarked in the keynote address:

“After twenty years it's no longer a question of whether we should have an Agricultural Land Reserve – the issue now is how to make it better. We can't keep putting pressure on our agricultural lands. We've got to find ways of moving urban growth up not out...up in urban densities and up onto hillsides, not out into rich valley farmlands.”

Premier Harcourt, Up not Out, 1993,p.2.

The Uncertain Years (1996 - ????)

Somehow, during the mid-1990s, uncertainty of purpose and direction crept in to both the administration and the perception of BC's agricultural land preservation program.

- A government decision to invoke a previously unused 'provincial interest' clause in the legislation on behalf of a proposed development at 6 Mile Ranch near Kamloops set off a firestorm of public debate. An independent commissioner was appointed to hold public hearings and make recommendations to government. While Cabinet eventually excluded the land from the ALR, the legislation was amended to clarify the future use of the 'provincial interest' clause to be firmly in favour of farmland preservation.
- A Forest Land Reserve was designated for the province and a Forest Land Commission appointed, with staff support integration with the ALC.

- In 2000, the FLC and the ALC were formally amalgamated as the Land Reserve Commission, responsible for both mandates. The Commission itself was reorganized to function as three 3-person panels with both regional and continuing provincial responsibilities.
- In 2002, a succeeding government eliminated the FLR responsibilities and changed the name back to the Agricultural Land Commission. The primary purpose and function of the Commission, however, was again 'blurred' by two other significant changes;
 - a government service plan requirement that the ALC must consider 'community need' as a criteria along with agricultural capability in making decision on applications for subdivision, use change and exclusion of land from the ALR; and
 - another restructuring of the Commission, this time eliminating its provincial function and focus in favour of six regional 3-person panels to deal with regional applications.

Summary and Conclusions

In the big picture, the ALR has been very successful in reducing the hectares of farmland lost to urban uses to far below the 6000 ha/year that BC was losing in 1972. But, there are growing concerns that, over its history, the focus of the program has subtly shifted – from an agency devoted to farmland preservation, to a rationing board.

Its focus on applications has been to the detriment of the Commission's role in promoting and encouraging farming within the ALR. That part of its mandate has been left to wither in the background.

So, now, 35 years into the program, many British Columbians are beginning to ask the question - has the ALR program strayed from its roots?

And, if so, are we comfortable with the direction it has been drifting over the past decade?

If not, what would be required to get it back on track?

In my opinion, having been with the Commission at its very beginning, and having followed its history both as a professional and as a concerned citizen for all of its 35 years, the answer to that question lies in the fundamental principles of the program as it was originally conceived, namely

- As a provincial zone administered by a provincial Commission operating in the overall public interest of present and future generations;
- As a zone that is firmly based on the science of technical inventory and the inherent biophysical capability of lands to grow agricultural crops;
- As a permanent zone from which urban growth and expansion is redirected, not allowed to nibble away at the edges; and finally,

- As a zone within which British Columbians are committed to support those who farm the land and produce the food upon which we all rely.

Despite its current state of instability, in a western hemisphere context where most other jurisdictions continue to lose prime farmland to urban uses at alarming rates, BC's agricultural land preservation program has thus far remained one of the most durable and successful.

But, it is now up to the people of BC to decide whether the next segment of its history is entitled 'The Rebuilding Years'or not.

About the author:

One of the original Councillors of the BC Chapter of Soil and Water Conservation Society, Gary Runka was raised on a farm (grain and oil seeds) near Ft. St. John, BC. He received a Bachelor of Science degree in Agriculture (Soil Science) from UBC in 1961 and a Master of Science degree in Land Use Planning and Natural Resource Management from Cornell University, New York in 1967.

After working with the BC Department of Agriculture carrying out soil surveys and with the Canada/BC Land Inventory program coordinating agriculture and forestry capability inventory, Gary was appointed General Manager of the BC Land Commission when it was first created in 1973. He later served as Chair of the Commission until his resignation in 1979, after which time he established his own consulting firm, GG Runka Land Sense Ltd.

Specializing in agriculture, land use planning, natural resource management, mediation/facilitation and land and water use conflict resolution, GG Runka Land Sense Ltd. has carried out well over 600 consulting assignments, most of them within British Columbia.

In addition to being a Professional Agrologist, a Certified Agricultural Consultant and a Fellow of the Agriculture Institute of Canada, Gary has served in several voluntary capacities, including as Vice President of Delta Farmland and Wildlife Trust; Canadian Representative on the North American Task Force on Preservation of Strategic Farmland, Soil and Water Conservation Society; Director and Executive Member of West Coast Environmental Law Association; President of BC Institute of Agrologists and Member of CBC National Advisory Committee on Agriculture and Food.

Gary currently lives and continues to work out of the Atnarko River Valley and is a Board Member of the Bella Coola Valley Sustainable Agriculture Society.