

Urban Prospects

Ill Fares the Land

Mary Rawson



Ministry of State
Urban Affairs
Canada

Ministère d'État
Affaires urbaines
Canada

III Fares the Land

Previous titles in this series

Canadian Settlements—Perspectives
The Parasites Outnumber the Hosts
People Do It All the Time
Hindsight on the Future
Canadian Settlement and Environmental Planning
An Urban/Economic Development Strategy
for the Atlantic Region
Heritage by Design
The Illusions of Urban Man
Planning in a Human Way
The Superior Oracle
Holding the Line—A Strategy for
Canada's Development

This completes the series of twelve books.

Urban Prospect

III Fares the Land

Land-Use Management at the Urban/Rural/Resource Edges:
The British Columbia Land Commission

Mary Rawson

The Ministry of State for Urban Affairs
1976

© Information Canada 1976

Cat.No.SU32-3/1976-12

Also published in French
Cat.N°SU32-3/1976-12F

Canadian Cataloguing in Publication Data

Rawson. Mary. 1926-

III Fares the land

(Urban prospects)

IC cat. no. SU 32-3/1976-12.

Issued also in French under title: La terre se porte mal.

1. British Columbia. Provincial Land Commission.
2. Land—British Columbia, I. Canada. Ministry of State for Urban Affairs. II, Title. III. Series.

HD319.B8R38 333.7'097H C76-017080-0

Published by
The Macmillan Company of Canada Limited
for the Ministry of State for Urban Affairs

Printed in Canada

Contents

Foreword 9

1 The Importance of Food 11

2 Problems of Urban Encroachment 14

3 The B.C. Response 21

4 Drawing the Agricultural Reserve Boundaries 24

5 Making the Zoning Work 29

6 Other Functions of the Land Commission 35

7 Lessons, Trends, and Expectations 40

About the Author

Mary Rawson was appointed to the B.C. Land Commission when it was established in May, 1973.

Ms. Rawson is a specialist in land economics as well as town and regional planning and property taxation. She established a planning practice in 1960 and acted as advisor to various Crown, civic, regional, and private agencies in B.C. Prior to her appointment to the Land Commission she had also carried out special land-use assignments for the Provinces of Quebec and Prince Edward Island, the Government of Jamaica, and the Department of Regional Economic Expansion. She is presently a full-time member of the Commission.

Foreword

In recent years the preservation of agricultural lands has become a contentious issue. The most dramatic government intervention to preserve these lands has been the creation of the British Columbia Land Commission.

In this paper, the rationale for and experience of the Land Commission are described, and a look into the future identifies how far provincial level intervention in land planning might be taken. The concepts are both challenging and important, and are made especially so in this vivid personal account by one of the Land Commissioners.

C. D. Burke
Editor
Urban Prospects Papers

1 The Importance of Food

There is a lot fashionable talk today about energy and I want to use that fashion to compel your attention to the importance of food. Food is energy. When it comes to that, it is the one form of energy human beings are truly interested in and the only form they can directly consume. As we review the prospects for urban life beyond 1976 we do well to pay attention to food, and to look back as well as forward.

The B.C. Land Commission, in contemplating the growth of cities, stands, figuratively speaking, in the farmyard. We glance back rather balefully and see Oliver Goldsmith's deserted village.

Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.

When we look forward, we may with equal gloom remark the year 1984 approaching. It is only eight years away. George Orwell knew about food. He recounts an arresting anecdote in his autobiographical *Road to Wigan Pier*. When he was a small boy at school a lecturer used to come once a term and deliver excellent lectures on famous battles of the past such as Blenheim and Austerlitz. The lecturer was fond of quoting Napoleon's maxim, "An army marches on its stomach". Orwell describes how, at the end of his lecture he would suddenly turn to the boys and demand, "What's the most important thing in the world?" All

were expected to shout "Food!" and if they did not do so, he was disappointed.

The Land Commission in British Columbia also shouts "Food!". Our central obligation is to protect food-producing lands. We are also to encourage family farms, uses compatible with farming, and uses compatible with open space. But, since the only zoning power conferred by the Land Commission Act is in respect to agriculture, the main thrust is the preservation of land that may be suitable for food production.

The details of the Act, of bringing it into force, of administering it now it is in place, of considering changes to non-conforming uses—all these details and implications of the Act are manifold. If we Commissioners had not kept our eyes firmly on the simply stated objects of the Act and especially on the principal objective, we would by now be struggling like flies in marmalade. And we have kept our eyes firmly fixed, though we do not interpret our mandate in a narrow way.

While addressing ourselves to a principal goal and immediate tasks, the Commissioners, all of us, have wider goals in view, and each would undoubtedly emphasize some different facet of the work. One might be more persuaded of the value of "family" farms than another. One might be more keen on the preservation of open space, and so on. But to me, a most interesting, satisfying, and encouraging thing is, that in the nearly three years we have been together, we have not been separated by our philosophies but united by them. While we do take seriously the critical task of preserving food-producing lands, we do so in the belief that there are broader and less animal concerns to be served as well. We desire, for example: 1) to nurture the growth of a new understanding of man's relationship to land, a new land ethic; 2) to increase the democratic element in our lives, to return decision making to the local level; 3) to improve the quality of urban life—patterns of settlement are of concern. Therefore, while we beat the drum on the importance of food,

and sound the trumpet when farmlands are in danger, it is not that we think these other aspects unimportant. They are important. Unless all are pursued creatively and continuously, the specific task of protecting food-producing lands will not get easier.

These introductory remarks on the importance of food are by way of warning. The prospects for continuing, let alone improving, the quality of urban life are intimately tied to the pattern and prospects of agriculture. Have a care, urban intruders. Have a care, or we will starve tomorrow.

2 Problems of Urban Encroachment

Everybody has seen land once used for agriculture disappear under urban development. It is generally understood too that the population of the world is increasing at a rapid rate. That is about as far as the dimensions of the problem have been agreed on. There is, in other words, some agreement that food production in the future may be a problem.

It is not generally understood, however, that the newly opened agricultural lands in Canada, in the Soviet Union, and in other parts of the world are not usually lands most favourable for agriculture. They may have good soils as some of the recently cleared areas in northern B.C. do. However, their agricultural capabilities are severely confined by the short span of frost-free days. It is not soil only, but soil and climate combined, which provide the reservoir of food-producing land.

Assume, however, that this fact will soon be understood and well known. Assume also that everyone understands that it is not just Canada, not just California, not just Mexico, but most countries of the world which are experiencing urban growth, often taking out of production the lands best suited for agriculture. Where else can we go? There remains the possibility of exploring a whole new area of production—the ocean. There remains also the hope for "intensification". People do not seem to relish the idea of a daily diet obtained from sea plants, but intensification of existing agriculture does have an appeal.

In order to provide citizens with a reliable supply of fresh and wholesome foods it is desirable to intensify agricultural use. Backyard gardening can produce quite a remarkable amount of food stuffs. Small intensive farming could be encouraged as opposed to large extensive farming, given the existing and expected pressure on farm lands. Intensification of agriculture - whether by backyard gardening, by smaller units more intensively cultivated, or high-rise chicken houses—as an approach, should not be contemptuously put aside. The effort to preserve and to protect land of agricultural capability in as large parcels as possible should be seen as only part, but in the immediate future the major part, of an intelligent approach to the protection of food-producing ability.

Even acknowledging the importance of intensification it must be agreed that, with the fact of growing population, the loss of land with both the soil and climate capability for growing food remains an extremely serious problem. Opening up 10,000 acres of Class 4 agricultural land simply does not replace the loss of 10,000 acres of Class 1 agricultural land. Yet, this is the recent pattern in B.C. as it is in other areas of the country, using the Canada Land Inventory (CLI) ratings to provide standards of comparability.

The Ontario Institute of Agrologists in June, 1975 stated that the area of improved farmland in Ontario had declined by 2½ million acres in the past 30 years. Almost half this decline took place in the last five years (1966-1971) of that period. The agrologists noted that a part of this land, much of it highly productive Class 1 and 2 land, was lost to urbanization, and it was therefore unlikely to be brought back into production. Another part of it was in northern Ontario, land less productive mainly because of climatic limitations. Land in northern Ontario was not only less productive in terms of food capacity; it was more expensive to produce food because of remoteness and other reasons. The title of the agrologist's statement, by the way, is

“Foodland—Preservation or Starvation”* —a stark presentation of the alternatives.

One can get a rough idea of the differences in productivity among the capability classes from recent studies at Guelph. These studies report a corn yield on Class 4 at 60 bushels an acre, on Class 1 at 136 bushels, more than twice as much. Crop yields using barley were 38 bushels an acre on Class 4, 81 on Class 1. Oat yields were 52 bushels on Class 4, 90 on Class 1. We do not have extensive scientifically collected crop yields on land of different CLI capability ratings but even the few facts available persuade us that Class 4 is no substitute for Class 1.

As to the causes of the loss of the best agricultural land, we have 20 years of monographs, research papers, briefs, and full-length books on this question. In Canada, pioneer work was done by the Lower Mainland Regional Planning Board in B.C. with the publication in 1956 of the paper *Economic Aspects of Urban Sprawl*. Confirming papers on the Niagara Peninsula were written by Len Gertler, Joan Hind-Smith,[†] and others. Since the 1950s sporadic work has been done in Ontario, principally by the Universities of Guelph, Waterloo, and York. The documentation is clear enough on one point—the actual benefit gained in terms of the number of people housed is insignificant in proportion to the costs of the resulting patterns. The negative side of urban development has been fairly well explained in those terms. Another negative aspect, the effect on the agricultural community as a community, has received less attention.

Urban intrusion in whatever form—a freeway, a series of urban subdivisions, a new hydro line cutting through the community—each of these essentially urban events is very unsettling to essentially conservative farming communities. This is

* Foodland— Preservation or Starvation, Ontario Institute of Agrologists.
Statement on Land-use Policy, June 23, 1975.

[†] Resources for Tomorrow Conference. Montreal, 1961.

the other half of the story and it has been seldom told. When a freeway cuts through a farm, no doubt money flows into that farmer's pocket but secondary difficulties develop. The farmer can't take his machinery onto the freeway; he can't get his cows across to the other part of his field; and generally he begins to feel like a displaced person. The fact that the farming community suffers as much as the urban community fails to benefit is a point worth developing.

Every type of farming—dairy, orchard, bee, or beef—has its distinctive requirements. A generation ago most people who lived in towns and cities understood and respected the daily rhythms and routine of the farm because they had grown up there or still had farm relatives. Today this is rarely so. Today the people moving into rural areas bring vastly different attitudes and expectations. They resent the sound of tractors in the early morning; object to the smell of animal waste and fertilizer; trespass, leaving broken bottles and litter in the fields; vandalize the crops and machinery. The farmer who can keep producing in some of the hostile environments recorded is more saint than human:

a) *Pear orchard* — Five acres of Class 2 land. Farm not fenced. Children from nearby subdivisions on the way to and from school, enter the pickers' cabins and vandalize them, knock down sprinklers, break branches, take fruit in harvest season—cherries and pears.

b) *Feedlot* — Class 5 land, 33 acres with access to highway. Gradually being surrounded by urban uses—drive-ins, residences. Increasing difficulties in operation of feedlot because of vandalism and complaints of urban neighbours about smell and noise. Vandalism includes: children stoning the animals, trampling in the hay, setting the shaving pile on fire. “Hay fascinates children.”

c) *Commercial orchard* — 113 acres with recent subdivision abutting, with four dead-ended access roads, and easement for



utilities running length of common property line. The owners catalogued their complaints:

Light and power, telephone and cable TV companies have easements on this line which is used continually by service trucks, equipment and personnel—utilizing our farm road for this purpose. Also, subdivision property owners use our farm road as an access road to the rear of their properties.

The four access roads from the subdivision are used by pedestrians, trail bikes and cars through our property for excursions up Dilworth mountain or just wandering through the orchards. The people have:

- a) Run over and broken or damaged our sprinkler lines which

disrupts our schedule and could very easily create a major flooding problem in the subdivision as the higher land slopes towards it.

- b) Left beer bottles and other garbage indiscriminately.
- c) Broken down branches and steal fruit continuously.
- d) Continued to regard the orchard as their own private “green-belt”.

Vegetable and flower gardens adjoin our property and the owners complain when we carry out our normal spray programs for orchard pests. Also, the occasional private fruit tree in the subdivision is not sprayed and becomes a host tree for these pests which negates our spray program.

d) *Beekeeper* — Opposed subdivision in area in 1972. "Lost the battle of the subdivision" and apiary business had to be abandoned. Wind blows the bees right into the subdivision; could be lawsuits from swarming.

a) *Alfalfa field* — Class 1 land, 27 acres, between town and new subdivision. Land is being littered, used as garbage dump. A lot of paths now cutting across, also dune buggies and trucks trespassing. Have great trouble keeping fence up.

f) *Dairy farm* — 60 acres, Class 4. No other *bona fide* farmers left on road. Trouble with neighbours—shot at for late cutting of fodder, complaints about manure on the road making neighbours' tires dirty. Hay-cutting machinery breaks glass tossed in field, glass gets mixed in with cattle feed. Can't take any more; intends to quit dairying and subdivide into 10-acre parcels.

These cases, and this is just a sampling, are clear proof that urban intrusion arising from the scatter of residential lots or from establishment of commercial and industrial sites poses serious problems for the individual practising farmer.

They may also explain why land is abandoned but not immediately converted to urban use. The intrusion prevents farming but does not immediately demand the land. (See statistics in M. Yeates, *Main Street*, where only a small percentage of land is

directly urbanized. Also, Ontario and Huron County, Countryside Planning, 1975.)

The loss of agricultural land taken over by intruding uses is serious enough. A more subtle and possibly more damaging result is the inevitable weakening of the network of support services to agriculture since each practising farmer lost is a client lost to the supporting businesses.

At a certain point, though we don't yet know what it is, intrusion of non-farm uses must lead to the collapse of the balance of the farming community. If a certain number of acres in dairy farms is needed to support a local dairy supply firm, or a certain number of acres in orchards is needed to support a local packing house, then when enough acres are removed, the support services die too, or move away, and the costs and difficulties for the remaining farmers are increased.

The danger posed by urban encroachment then is not fully described by recounting the number of acres and the class of land directly removed by the new uses. The fabric of the farming community itself may have been critically weakened before the "acreage lost" statistics reveal it.

3 The B.C. Response

The total agricultural picture was certainly not clear in B.C. at the time the Land Commission Act was passed, although land policy generally had been of growing interest since 1952 when the Lower Mainland Regional Planning Board was first established. Quite a bit later (1965), regional districts with the power to plan were formed throughout the province. Subsequently, all regional districts were required to prepare regional plans.*

By the time the 1970s arrived, a deep public concern was building for environmental issues, issues that were carried forward mainly by people in the Opposition, Members of the Legislature such as David Brousson of the Liberals and Robert Williams of the New Democratic Party. The Skagit Valley issue (flooding for Seattle power) was a case in point.

In spite of evidence of increasing public concern, the Government (Green party) had failed to follow through and, indeed, had taken some backward steps. For example, in 1968, it carved the Lower Mainland Region, previously served by one board, into four separate regions with four separate regional boards. In an apparent response to environmental concerns it did pass a Greenbelt Protection Fund Act backed by a \$25,000,000 fund at the eleventh hour (March, 1972).

*An aside: It would be convenient to use the shorthand traditional in Quebec and refer to the parties as “rouge” and “bleu”, but it is perhaps appropriate in this instance to adopt the relevant B.C. party colours —orange (NDP) and green (Social Credit).

The incoming Government (the Orange party), in contrast, had developed definite ideas on land policy. Their resource policy intentions were fairly well known and fairly specific, but land policy at the urban edge had not been articulated. Within four months of the “Oranges” taking office (August, 1972), pressures from the farming community resulted in the resurrection of a draft bill that had been lying in the Department of Agriculture for some years. This draft bill was worked over 15 or 16 times by a Cabinet committee with its advisors and put forward to the House as Bill 42. Significant alterations to the original Agriculture draft included the provision that there would be no compensation for agricultural zoning, a provision parallel to that already entrenched in the zoning sections of the Municipal Act.

The fiery debate on Bill 42 and its passage as the *Land Commission Act* is now history. Both the “Oranges” and the “Greens” supported the Bill in principle. Various stages of discussion over Bill 42 and some of the relatively minor alterations that were made were described by David Baxter,* a graduate student at U.B.C., in a paper in which he reviewed the political and administrative background to the passage of the Act. Since his excellent summary of events is available in printed form it would be redundant to repeat the story here.

Essentially, the Commission was charged first with establishing and administering an agricultural zoning law for the entire province; and second, with developing additional recommendations for preserving farmland and farming.

Using Canada Land Inventory (CLI) information, the regional districts were to prepare “Agricultural Land Reserve (ALR)

*David Baxter. “The B.C. Land Commission—A Review.” Faculty of Commerce and Business Administration, U.B.C. Report No. 8. April, 1974. See also Neville Ward. “Land Use Programs in Canada—British Columbia.” Ottawa: Environment Canada, Lands Directorate. (To be published.)

Plans” which reflected local knowledge and priorities. These proposals were then reviewed by the Land Commission for adherence to the spirit of the *Act* comparability among regions, and verification of boundaries in areas of dispute with CLI classification. The criteria used in decision making were developed bit by bit during repeated reviews of the first dozen ALR proposals received.

4 Drawing the Agricultural Reserve Boundaries

The basic reference used in delineating the boundary of the Agricultural Land Reserve was the agricultural capability of the land as described by the Canada Land Inventory. These ratings combine soil and climate characteristics into seven different groups relative to their capability to produce food. Classes 1, 2, 3, and 4 are the arable classes. Classes 5 and 6 are capable of growing forage, and Class 7 is considered to have no value for food production. The natural grazing lands of the province are predominantly in the Class 5 and 6 category.

The general rule that we started with was that all Class 1, 2, 3, and 4 land would be put in the Agricultural Land Reserve. Where a mixture of capabilities occurred it was decided that if the soil capability was at least 40 per cent Class 4 or better, then the land should be included. No reference was made to ownership or tenure. No attempt was made to separate lands owned by the Crown or by special interest groups such as the native peoples. A completely blind eye was turned toward the question of ownership.

Deviation from the basic capability guidelines occurred under certain conditions. Lower capability lands, Classes 5 and 6, were included where it was reasonable to believe that such land could be effectively used in conjunction with the Class 1 to 4 land. These inclusions were typically in the ranching areas where the home farm down in a valley on Class 2 or 3 land had improved

pasture and natural rangelands (Classes 5 and 6) as an integral part of the ranch or of the mixed farming enterprise. The natural meadows of the Cariboo also, which are reduced to capability Class 5 because of wetness, are nevertheless important forage production areas and were included in the Agricultural Land Reserve.

Even some areas of Class 7 land were included. These were typically small outcroppings of rock, gullies, or escarpments, which formed very much a natural part of the agricultural landscape. These Class 7 lands were always included where the available scale of mapping did not permit any meaningful exclusion.

In other cases of inclusion of lower capability lands it was judged that to exclude small areas of non-agricultural land could encourage ruinous intrusion of incompatible uses into an otherwise wholly agricultural community. The wisdom of this policy of inclusion has already been proven in cases in the Fraser Valley where the gullies and streams threading through the agricultural area would certainly have become the source of troublesome urban intrusion had they been excluded from the ALR. In the Peace—Liard area by contrast, the Commission omitted many of the very wide and steeply sloped gullied areas, a deliberate omission that now appears to have been a mistake.

Land that was already fully committed to urban development was, of course, excluded from the ALR. It was felt, however, that many non-agricultural land uses could nevertheless be good neighbours to agriculture. Such open-space uses as parks, campgrounds, golf courses, and guest ranches were included in the Agricultural Land Reserve.

Decisions also had to be made with respect to special uses such as airports and gravel pits. Would it be better to take them in or to leave them out? It was decided that airports with little intensive development (non-scheduled flights) would be included. Large gravel pits were excluded, but those of less than two acres

were included on the grounds that reclamation would be feasible. Incompatible uses generally were included when the scale of mapping did not allow for their accurate delineation.

The Canada Land Inventory maps, in outlining the boundaries of the various soil-climate capabilities, make a pattern as sinuous and varied as the topography itself. By contrast, the parcels of land that people own are based upon and attached to a rectangular, surveyed system of imaginary lines drawn almost without relation to the natural lie of the land. When it came to drawing the ALR boundaries the Commission was faced with this dilemma: how to transfer the underlying irregular and sinuous pattern of "natural" zoning into technical descriptions that would be legally defensible, and that would be considered practical by the individual citizen. Maps showing the soil capability by natural contours were supplied early in the exercise to the regional districts and there was some temptation to use these as the firm boundaries of the ALR. However, consideration of the technical and practical problems of administering a zoning that had no reference to legal parcels soon persuaded the Commission to use either existing legal boundaries or boundaries that could easily be determined by reference to existing boundaries and surveyed points. The surveyors, and lawyers, and the Land Registry officials, all of whom play a very important role in the day-to-day administration of the ALR, have accepted the approximation by legal boundaries without question. Most property owners also accept it as reasonable in spite of many anomalous instances that inevitably result.

It was mentioned that the Commission included in the Agricultural Land Reserve certain Class 5, 6, and 7 lands, thereby departing from its basic Class 4 guideline. The Commission also departed from the guideline in the other direction, excluding some lands of capability Class 1,2, and 3. This occurred in areas where these high capability lands were in the immediate path of urban development, or in areas where urban intrusion had



proceeded so far it seemed unlikely the trend could be halted. A good many communities had prepared firm community plans, or were embarked on servicing programs, which it would have been questionable to stop in mid-stream. They were advised that, if they had no choice, good farmland could be excluded adjacent to their boundaries— an amount of land equal to 5-year requirements—to give them time to reorganize their community plans and their servicing programs. The Commission hoped this period of grace would be sufficient for the new priority, namely, the protection of agricultural land, to become a part of the community's thinking.

On reflection, it is clear that most communities in the province could, if they adopted a different internal pattern of development, reduce their rate of intrusion into agricultural land very substantially, or halt it completely. The amount of vacant land, under-used land, and land in need of redevelopment in our towns is notorious. In retrospect, the rule-of-thumb allowance of five years' growth onto high class lands was too generous in practice, but it had some plausibility from our point of view in relation to municipalities that practised 5-year capital budgeting.

Drawing the boundaries has entailed a constant making of judgments, with only general guidelines and the regular emergence of new problems. Except in the matter of the "5-year" allowance, the Commission took a basically conservative or conservationist view. This was deliberate and admitted, and the Commission has been criticized for casting the net too wide. Nevertheless this has resulted in our being able to "keep the options open". If society changes its mind in the future, or if sociology or technology permits, it will still be possible to use ALR lands for other than agricultural use. The reverse is not true. Land converted to urban uses from agricultural ones is very difficult—if not impossible—to recover for food production at a later date.

5 Making the Zoning Work

Drawing up the draft Agricultural Land Reserve proposals was intense work, particularly on the staff side, both at the regional district and at the Land Commission level. Staffs performed extremely well. Their drive undoubtedly stemmed from the challenge of exploring new territory and the spur of working to a 90-day deadline. They applied themselves with a freshness and enthusiasm which the pressure of facing a deadline only seemed to intensify. The method and degree of public participation in each regional district varied considerably, but the staffs seemed to perform uniformly well.

The same was true within the staff of the Land Commission itself. Three, and at times four, pedologists working under the supervision of the general manager (who was himself a pedologist) went over the proposals arriving from the regional districts with a fine-tooth comb. Once again the pressure on these few well-trained and extremely competent people was immense, but their dedication and enthusiasm could not be faulted. The Commission opened its offices in mid-July, 1973; all but two ALR plans were forwarded to Cabinet by the Commission within a year.

Once the ALR boundaries were decided upon and the Reserves were officially "designated", the bold and exciting part of the zoning exercise was over. Now the workaday administration began—the process of adjustment, the niggling, the quibbling,

and the paperwork. The formalized hearings of appeals, the carefully worded letters of conditional permission, the “certificates of exception” prepared for the Land Registry Office, the vetting of surveyors' plans, and the inevitably formalized administration of zoning law started. This administrative detail, I suppose, might be called the boring part.

From the perspective of a Land Commissioner the work does not become boring, but it does become more difficult. The difficulty lies in the more refined judgments that must be made, especially in areas of mixed and marginal soils. Shall we allow subdivision or shall we not? Is this land really worth saving or should it be excluded? We also deal with the problem of urban intrusion—how far to go, and what specific uses to allow.

Take the question of mobile-home parks. Is a mobile-home park essentially an open-space use, compatible with agriculture? Or is it essentially a residential intrusion? It may illuminate our review process to describe the decisions that we have made in respect to mobile homes since, at the time of the original designation of the ALR, they were one of the areas of doubt remaining in our minds.

In the first full year of operation after the ALR was designated, that is after July, 1974, there were approximately 100 appeals covering a total of approximately 5,400 spaces for mobile-home units. The applications had been for: a) extensions to existing parks or clusters of units; b) completely new mobile-home developments; and, c) single units. The requests to establish single units were for use as temporary homes or as second homes. There were about 25 of these requests and their impact was considered relatively insignificant.

The Commission handled the mobile-home requests in a manner similar to requests for regular residential subdivisions. In several cases it agreed to extensions of existing parks, extensions that were planned for and serviced to some degree. In these cases, there was usually some element of substantial previ-

ous commencement, and often the agricultural capability was marginal, or the land was already broken up by small lot subdivision. The Commission refused requests, generally, where parcels of land intruded into an agricultural area or if the parcel was clearly of high quality agricultural capability.

A key factor, in many decisions, is the date of the original "freeze", 21 December, 1972. One case, which serves to illustrate some of the factors considered, occurred in the Cowichan Valley on Vancouver Island. In December, 1974 the owner applied for and received permission to expand an existing 50-unit park by a further 40 units on the basis of a phased plan on Class 4 land. The Commission considered that planning for the 40-unit second phase had been far enough advanced by December, 1972 to have a bearing on the matter. But when the owner applied in March, 1975 for yet another 70 units, on a separate but adjacent parcel, with components of Class 3 land, the application was refused.

The mobile-home question also illustrates some of the land-use conflicts that arise between government agencies. The Minister of Housing had reported that there was an unsatisfied demand in the province for mobile-home spaces. In searching for a solution he urged exclusion of some land from the ALR, or at least, the accommodation of more mobile-home parks in the ALR. The reasoning offered was that the Ministry needed cheaper land in order to keep these supposedly low-cost homes low cost. While the Land Commission was coming to the conclusion that mobile-home parks should not be welcomed in the Agricultural Land Reserve, the Minister of Housing was being badgered to find suitable sites.

The Secretariat to the Cabinet's Environment and Land Use Committee (ELUC) convened a meeting to bring together Housing and the Land Commission with several other interests. Staff from Municipal Affairs, Highways, Agriculture, Lands, Consumer Affairs, Pollution Control, Health, and other depart-



ments took part in the discussion. The consensus was 1) that in respect to agricultural land, a mobile-home park is not a transitional use but an irreversible one; and 2) that, in respect to Housing's concern, mobile homes are not low-cost housing. A constructive way out of the dilemma was suggested to be the combination of higher density and better amenity housing on lands outside the ALR. (This example illustrates, by the way the valuable catalyst role the ELUC Secretariat has played in resolving land-use conflicts.)

In terms of development impact, the regulation of public development is as much a part of the Commission's work (and perhaps the more effective part) as the regulation of private development. It used to be that public builders - the builders of

highways, railways, gas lines, power lines, and so on—bulldozed their way through the landscape without regard for the farm or the farmer. They cut up farms with roads and crisscrossed them with power lines. The farmer was left with pieces of land difficult to cultivate; he had to take his farm machinery across and along high-speed highways. The Land Commission has now established a procedure for review of proposals from Highways, Hydro, and other public builders in terms of how they affect the farmer.

Accommodation of development is more the tone of the Commission's attitude than prevention of development. This means, for example, that highways are typically not prevented after review, but rather, they are rerouted; that hydro lines are not blocked, but are slightly or even radically relocated. It means that private campsites can be sited in agricultural areas on occasion, but more care must be taken with the development. It means that some subdivision in the ALR may go forward, but that the number of parcels will be restricted.

In areas of very high capability lands in the Okanagan orchards and in the vegetable growing lands of the Fraser Valley, the review procedure has been able to stop serious disruption of agriculture. One can cite the case of the orchardists directly in the path of a major Spall Road extension south of Kelowna. They appealed to the Land Commission for help, and after a bit of a fight, alternative road systems are now being developed. It has not been an easy victory, and the Highways Department has not given up its intention to impose a grid as the major road solution in every town, but there is now some yielding to and accommodation of agriculture as a use of significance and priority.

The Land Commission Act provides that conditions may be put on exclusions (Sec. 9 (2)) and on permissions granted (Sec. 11(4)) by the Land Commission. The power to set conditions does not appear to be limited in any way. Presumably it would

require a court case to define what would be the ultimate condition permitted. At present a common condition is the requirement to consolidate severed pieces with other parcels.

The Commission is tending toward a bolder stance in respect to exclusions granted outright. When the Municipality of Matsqui suggested a cluster development proposal on 80 acres of land without release from the ALR, the Commission supported the principle on condition that the clusters were located on the poorer soils. When five adjacent parcels in Langley were entered as five separate appeals for exclusion it occurred to the Commission to agree to the exclusion on condition that the Municipality undertake a re-plotting scheme or at least a redesign since without such redesign the best use of the released land could not possibly be achieved. When the Royal Colwood Land Company applied for a small subdivision without exclusion from the ALR (and adjacent to their golf course which is in the ALR) the Commission, noting the urban character of the surroundings, suggested that a higher density could be achieved if the Regional District consented. The idea was that the Land Commission could be a party to a land-use contract if necessary. As it happened the Regional District was not pleased at all with any suggestion for higher density in that location.

The Commission hoped that a steady application of persuasion of this type could gradually achieve the broad aims of the legislation; that subdivision and exclusion applications would decline as municipalities turned their attention to alternative patterns of development, increased densities, new urban forms, compact housing, and the like. The issue came to a head recently when the Land Commission decided that about 200 acres of Class 3 land should be recommended for exclusion from the ALR but on condition that the excluded land be developed at a density of not less than 20 units an acre.

This decision was not taken kindly by the Municipality affected and the issue has not finally been resolved.

6 Other Functions of the Land Commission

The Land Commission has spent perhaps three-quarters of its time on the zoning aspect of its work, including the preparation of the original ALR plans, the reviews that have been carried out, and the processing of appeals. But there are other activities, including land purchase and land management arrangements, support of experimental land-use studies, initiating research, and assistance and support of conservation measures.

The Commission has not yet developed a positive stance on land purchases. We have made purchases but only in response to requests. We have not sought out land. Although a few purchases have been made at the request of government, most have been in response to enquiries from private owners. Most of these owners have simply been asked to go into the open market. The others we have followed up to some degree—field inspection by Department of Agriculture personnel, recommendation from staff, appraisal, and occasionally, offer and purchase.

“Judicious purchase” is what we aim for. Those private offers typically followed up are ones made by bona fide farmers who have come to retirement age, or who are ill and unable to continue farming. The Commission has tended to act as the buyer of last resort for the retiring farmer, performing a function similar to that of the Land Development Corporation of P.E.I. Like the Land Development Corporation, we also try to make purchases that serve more than one purpose, such as



recreation or protection of wildlife habitats, as well as the agricultural interest.

Significant purchases made in response to agencies of government include:

- 1) The City of Vernon: a site for disposal of sewage effluent by spray irrigation. The Commission has co-operated with the City to assemble about 400 acres of land to be used as a site for a permanent effluent spray irrigation project. A pilot project undertaken over the last eight years has already shown that this method of disposal is feasible. The arid lands to be used will be improved by the irrigation as well as by the nutrient application.
- 2) Department of Agriculture: a ranch at Fort Steele. The Steeples Ranch, some 1,400 acres in the East Kootenays, was purchased by the Commission last year. The purpose was to accommodate displaced cattle removed from overgrazed range units while range improvement projects were carried out by the Department. This government purchase was re-

ceived with a certain skepticism by the ranching community. But one year of operation has already proved beneficial according to cattlemen.

- 3) Environment and Land Use Committee: purchase of Langley lands. The Langley purchase, the largest of all in dollar terms and, we think, in terms of potential as well, is on the edge of the expanding urban population centred on Vancouver. The price—six and a half million dollars—covered the cost of more than 70 parcels of land, 28 dwellings, and some farm buildings. With the help of staff of the Environment and Land Use Committee Secretariat, as well as Agriculture, Recreation, and others, we are preparing a land-use plan for this 2,000 acres. Our intention is to replot parcel boundaries, create suitable farm units, experiment with recreational use and urban clustering in an agricultural setting, and generally demonstrate compatible multi-purpose use in an area that was already becoming fragmented.

These purchases have clearly been purchases with a strongly agricultural aspect, but each also is a multiple-purpose purchase. In the case of Vernon, this multi-purpose use includes assisting an urban community with waste disposal, decreasing lake pollution, irrigating, fertilizing, and increasing production of agricultural land.

In the case of Fort Steele—improved rangeland management will benefit both wildlife and grazing for domestic cattle. There are, by the way, two additional purchases in the south-east area of the province, which serve to improve grazing, but also, in the case of the Big Sheep Creek Ranch, provide a site for supervised activity for boys through the Parole and Corrections Branch. Among other jobs, they are restoring a portion of the historic Dewdney Trail, which crosses the Ranch. So we have not just a “two-for-one” in this purchase but a “four-for-one” buy benefiting wildlife, agriculture, rehabilitation services, and development of an historic site.

The Langley purchase, 2,000 acres on the edge of suburban Vancouver, is our biggest challenge so far. There we are really grappling with urban impact. We have suggested solutions to urban impact problems in a variety of ways in other areas. For example, we have done a Rural Landscape Study in Spallumcheen* and a computer-produced Alternative Development Pattern study in Kelowna.† But we decided with the Langley purchase to acquire a significant section of partly urbanized, partly agricultural, and partly wilderness land with a view to sorting out the best uses and making a useful demonstration.

These purchases have, quite frankly, been made in the absence of a well thought-out, duly weighted frame of reference. We will have to develop a coherent and considered policy for all phases of land purchase—urban land banking as well as agricultural and recreational purchases. Meanwhile we have not argued “to buy or not to buy” as a philosophical issue. We have simply kept in mind:

- 1) the basic purposes of our Commission;
- 2) the basic purpose of the requesting agency;
- 3) multiple land use as a goal; and,
- 4) the fact that funds are limited.

The Commission's desire and intention to play a co-ordinating and catalytic role is illustrated in our deliberate decision not to build up a land management section. Actual management of lands purchased by the Land Commission, whether farmland or greenbelt, is not handled by the Commission itself. The Commission instead has entered into a range of management agreements with existing public agencies according to the apparent interests to be served. In the case of urban-oriented greenbelt

* Spallumcheen study, W. Yeomans. Expected publication date June, 1976.

† Alien Bernholtz Consultants Inc., April, 1974. Available only in computer printed map form.

lands, the local municipalities, or the regional districts have generally been willing to maintain and manage the sites. Farms and ranchlands are turned over to the Property Management Branch of the Department of Agriculture—sometimes with a multi-purpose advisory committee to assist. The Provincial Parks Branch and the Fish and Wildlife Branch have also worked out management agreements with the Commission in two or three instances. In sum, the Commission consciously seeks ways to support rather than duplicate or usurp the functions of existing agencies.

7 Lessons, Trends, and Expectations

Where are we today? The B.C. Land Commission is, in one sense, *fait accompli*; in another sense it is tentative, evolving, and unfinished. A bureaucratic structure, small in design (and still efficient), is in place. By a process of spot reviews initiated either by the Commission itself or by municipalities and private owners, the roughly drawn boundaries of the originally designated agricultural zones are being gradually refined and more permanently set.

The most significant thing is that the need for social control of food-producing land is now universally accepted. To a large degree, the means adopted—namely the Land Commission—is accepted as well.

The large public land users, Hydro and Highways, historically so disruptive to the agricultural areas they traversed, now automatically signal every intention—whether to open a five-acre gravel pit, or to construct a by-pass. If it affects the Agricultural Land Reserve the Land Commission not only hears about it in good time, but is also able to veto the proposal if necessary. These large, competent, and well-established bureaucracies have, apparently willingly, and certainly with good grace, accepted the direction to abide by a wider mandate.

So, the Land Commission is, in important ways, established and here to stay. But it is also still evolving in focus, function, structure, and responsibilities.

For the first two and a half years the Commission spent almost the whole of its time in establishing the agricultural zoning and the regulations required in relation to it. This aspect of the work was one in which the first Chairman of the Commission, a lawyer, had special expertise. Over the next two or three years the new Chairman, a pedologist, will be feeling his way, and solidifying and extending the technical base. This will be a period in which technical matters will likely continue to preoccupy the Commissioners and their staff—matters such as:

- (a) the "fine tuning" related to revisions of agricultural capability classifications;
- (b) fine tuning related to land-use regulations and experience with them;
- (c) establishment of data bases of various types through staff research and student thesis projects;
- (d) fine tuning of relationships with the provincial bureaucracies, and with the regional districts.

Following the fine tuning and technical solidification described above, I would expect to see the maturing of the Land Commission. Either it will become merely a part of the bureaucracy (a useful part, no doubt), or it will fulfill its initial promise ... it will be searching for better solutions and initiating and supporting the kind of advance and further fundamental research that such a role implies.

Can our experience be compared with that of our neighbours in Alberta? It is natural that members of the B.C. Land Commission and the Alberta Land Use Forum should want to learn as much as soon as possible from the experience of the other. Where they, in Alberta, were long on information, we, in B.C. were long on action. We do have something to learn from one another.

The Forum had been established in 1973, a few months after the B.C. Land Commission, and had embarked on a series of research studies, some 30 in all. These studies were to supply the

Forum, and ultimately the government, with information on foreign ownership, absentee ownership, corporate farms, recreation land, the land needs of agriculture, urban expansion, and other relevant facts. No one could fault the Forum for their approach. But meanwhile, where Alberta planning districts were not exercising their powers, the agricultural land was slipping away. By contrast, we in B.C. were attacked, with justification, for acting without comprehensive information. In our defence, it is fair to point out that in B.C. the small proportion of arable land combined with better climates relative to Alberta made the need to act more urgent. It is our opinion—and this is the advice we have given other provinces who approached us, that if there is an apparent urgency, *act*. Draw the broad outlines swiftly. This means using simple criteria and depending on time and consensus for the eventual smoothing of rough corners.

However, if study does not come before, it will have to come after. Continuing open-mindedness, ingenuity, and attention to detail will be needed to settle a wholly defensible concept into a wholly defensible shape.

The Land Commission might usefully be copied by other jurisdictions in several respects:

1) *Provincial retrieval of provincial powers*. This relates to the fact that the provinces in the past delegated the zoning of land use to municipalities as they delegated other powers. Now, in B.C., this land-use zoning power has to some degree been taken back, as has much of the power to administer schools.

2) *Zoning/or agricultural use*. Clearly zoning for agriculture is possible, and in B.C., politically feasible as well. It could undoubtedly be acceptable in every other province in the country. This is so because the facts are now available regarding a) the amount of agricultural land in existence, and b) the rate of rapidly increasing world population.

3) *Bold attack with the application of a broad brushstroke plan*. It

seemed best to us, when we began our work, that the attack be bold rather than hesitant and piecemeal. It still seems so to us nearly three years later.

4) *Criteria*. The use of the Canada Land Inventory is clearly viable. It could be adopted readily by every other province since the technical information is already at hand. It is true the Inventory has weaknesses, for example in the grazing categories and in the very special climatic areas that are necessary for fruit production, but just as in the case of the "broad brush plan" it is enough to start with the Inventory we have, and improve upon it.

5) *Boundary drawing*. The use of legal lines and drawing boundaries in relation to legal points has meant greater certainty in respect to the boundaries of private parcels although of course it has meant anomalies in respect to the natural lie of the land. Things B.C. did *not* do that might be worth considering include:

1) *Zoning/or other land categories, such as*: a) areas subject to natural disaster. This could include flood plains, unstable slopes, and dangerous geological formations. Zoning for this purpose would probably be acceptable and the description of such areas is certainly technically feasible, b) conservation areas. Zoning would be less acceptable, but at least in some provinces, or in special areas of each province, it would be acceptable. Such areas might include areas of great scenic beauty, of great natural fragility, of special wildlife habitat, or recreation corridors.

2) *Subdivision cancellation*. Old subdivisions are a problem in those areas of the country traversed by railways which have along their lines many old, undeveloped, subdivision plans from the turn of the century. It could become a problem in some of the agricultural valleys whose beauties were widely praised and advertised and whose acres were subdivided into parcels in the early part of the century in anticipation of a flood of immigrants (or at least a flood of purchasers!).

3) *Extend Canada Land Inventory (CLI) criteria*, a) CLI criteria should be developed further for special agricultural purposes. They should also be developed in relation to crop suitability. b) CLI should be developed for other than agricultural purposes, specifically for recreation lands and for disaster areas, et cetera, where necessary.

4) *Tighten the reins on the urban edge*. Provinces considering agricultural zoning would be wise to leave less “elbow room” around the edges of the existing towns. The fact is that all municipalities, or nearly all, have plenty of development possibilities within their existing urban area either through fuller development of poorly used land or development of vacant land.

5) Other provinces might consider relating management criteria in some way to regulation. This suggestion has been made by the Alberta Land Use Forum in asking whether it is possible to regulate parcel size without also having a very precise idea of what the management level should be. Prince Edward Island's consideration of a minimum maintenance level is also related to this question.

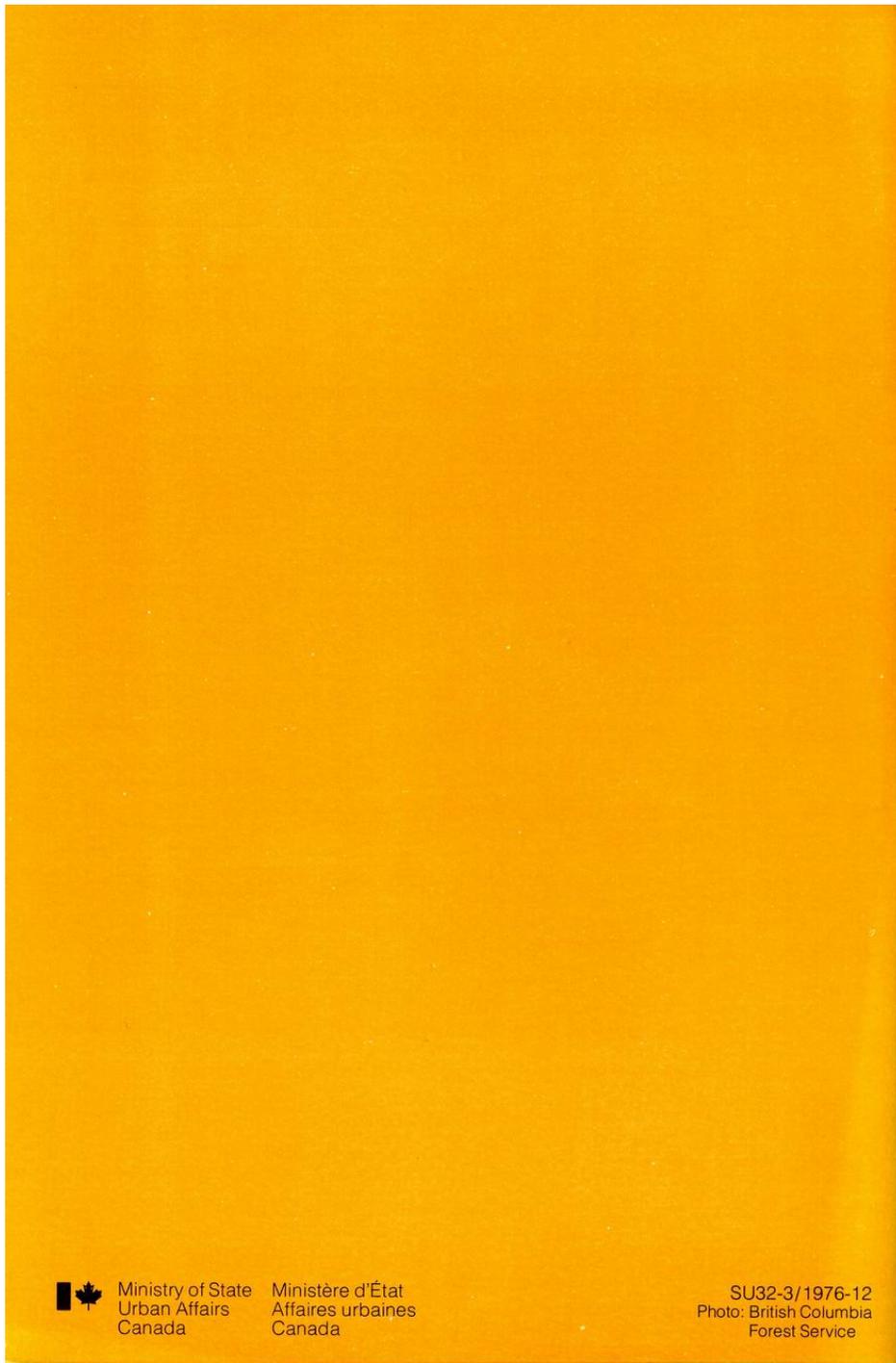
6) *Enforcement*. There are still some holes in the administration of our Act in B.C. One relates to removal of soil from good agricultural land; another relates to enforcement of the Act and regulations in respect to actual use of the land. Field personnel of the province—building inspectors, health inspectors, electrical inspectors—as well as staff of the regional districts themselves, currently provide whatever inspection and enforcement exists. It would be wise to recognize the role of regionally located inspection personnel at the initial stage of Act drafting. If the personnel for enforcement are not well briefed, and if financial support is lacking, the credibility of the Act could be dangerously weakened.

Expectations are that the latest change in Government (from the Orange to the Green in December, 1975) will not mean the

abolition of the Land Commission, nor its emasculation. The political parties in 1972 were united in their stated intention to preserve agricultural land (although the methods were not articulated). All parties in 1975 stated their intention to retain the Land Commission. The Commission is acknowledged to have been vigorous but non-partisan in its dealing. Support in the farming/ranching community is strong. Support in municipalities and public agencies (which some supposed to be very critical) is strong. A very likely unintended but highly beneficial result of the Land Commission Act has been, in fact, the vitalizing of the regional district structure, for many years an empty shell in much of the province.

It is tempting to allude to the Commission's "small successes", to enumerate its initiatives, and count the acres saved. But to convey what it is we are really trying to do, perhaps there is a better measure, to wit, the GVRD "Farm Viability Sub-Committee".

The Greater Vancouver Regional District (GVRD) embraces not only the largest urban population in B.C.—the municipalities of Vancouver, West Vancouver, Burnaby, and others—but the highly productive farmlands of Richmond, Delta, and Surrey municipalities. Is it incongruous that the Mayor of urban West Vancouver should be the Chairman of the GVRD "Farm Viability Sub-Committee"? Or is it, rather, a signal measure of progress—proof that urban people in B.C. are becoming aware of and beginning to accept their responsibility for what goes on in the supporting farmlands?



Ministry of State
Urban Affairs
Canada

Ministère d'État
Affaires urbaines
Canada

SU32-3/1976-12
Photo: British Columbia
Forest Service

This scanned copy of the 1976 report *Ill Fares the Land* by Mary Rawson has been created from a copy of the original publication. Every effort has been made to create a 'true' electronic representation of the original document.

Barry E. Smith - February 2007