A COMPARISON OF THE NDP AND SOCIAL CREDIT AGRICULTURAL LAND COMMISSION POLICY

by

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Abstract

This thesis considers two questions. First, why in spite of its ideological opposition to the Land Commission Act did the Social Credit government formed in 1975 not abolish the Provincial Land Commission created by the NDP? Secondly, in what ways, if any, has the Social Credit appointed commission and the Social Credit cabinet differed from the NDP appointed commission and the NDP cabinet?

After a description of the legislation, the Canada Land Inventory system and both the NDP and Social Credit appointed commissions, I argue that the complexity of issues at stake and the coalition of interests supporting the land commission, made it impossible for the government to abolish the land commission. These interests include those of farmers, who as individuals may wish to develop their land, but, collectively have a substantial interest in maintaining the reserves; developers who want to realize the large capital gains from converting agricultural land to industrial, commercial or residential uses, but, who represent a numerically small group; municipalities, who are caught between the need for expanded tax revenues and the increased costs for services that accompanies development; and the regional districts who have to balance the competing interests of the member municipalities.

A statistical analysis of the government to government exclusion requests made under section 11(1) of the provincial Agricultural Land Commission Act, indicates that the Social Credit appointed commission and the Social Credit cabinet, while maintaining the land reserve system, has allowed more exclusion requests in every category of land than had the NDP appointed commission and the NDP cabinet, and that the difference between the two was strongest for prime land, the most critical category.

Further analysis suggests that this was not an accidental effect of either an increase in housing demands during the Social Credit period or of a maturation process by which the regional districts submitted more sophisticated exclusion requests and suggests the differences between the the NDP and the Social Credit are the product of different attitudes to development and planning.
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The staff at the Provincial Agricultural Land Commission office were unfailingly helpful and my special thanks are due to Rose Langston and Everett Lew for their generous assistance and patience.
INTRODUCTION

The Land Commission Act was one of the most controversial policies introduced by the New Democratic Party (NDP) during its brief, frantic reign in British Columbia between 1972 and 1975.¹ Perhaps more than any other NDP legislation, the farmland freeze and the subsequent Land Commission Act symbolized the ideological differences declaimed in the exaggerated rhetoric of the Social Credit and New Democratic parties.²

While Social Credit House Leader Frank Richter charged that "the day of the private ownership of land in B.C. was destroyed in the House...by the introduction of the socialist land take-over bill,"³ nothing could have been further from the mind of the NDP. As essentially a conservation measure utilizing a form of zoning, the Land Commission Act cannot be considered to be the socialism so feared by the Social Credit.

Statistics revealing the number of acres of prime agricultural land being lost to urban encroachment each year had been sufficiently alarming for three of the four provincial political parties to unite in stating their intentions to preserve agricultural land during the August 1972 election campaign. The fourth party, Social Credit, campaigned on the basis of past performance which included the creation of a Greenbelt Protection Fund of $25 million in March of 1972.⁴ The Liberal Party proposed the establishment of an "Agricultural Lands Trust" which would purchase the development rights for farmland to "preserve farm lands from ill considered land speculation and development."⁵ The Conservative proposal called for "long range and systematic planning...so that the best agricultural land is in fact used for agriculture, and is not wasted on other purposes through the lack of planning."⁶

To an extent, then, the Act represented a policy whose time had come.
Nevertheless, the NDP agricultural land policy went far beyond anything the private enterprise parties would have initiated. Although the Act basically represents a form of zoning, it does have several distinctive aspects. First, the Land Commission Act created a provincially appointed, quasi-independent regulatory agency which centralized some aspects of zoning in contrast with the previous practice of delegating the zoning functions to the municipalities and the regional districts. It reflected the NDP perception that agricultural land could not be protected by the zoning procedures of the municipalities and regional districts since these local governments were too susceptible to the blandishments of developers. Secondly, it created a statutory priority of land use in favour of agricultural land. Thirdly, it represented a shift in thinking of land as a commodity to a consideration of land as a scarce natural resource requiring careful planning instead of the incremental decisions of the market which have not always resulted in the optimum use of the land. It was hoped the establishment of the agricultural land reserve boundaries would reduce the speculative pressure on farmland by eliminating uncertainty with regard to land use and thereby eliminating the speculative profits so distasteful to the social democratic ethic. Many interests in the province were consequently directly affected by the legislation.

The NDP emphasis on agricultural land and related environmental concerns is curious in view of the historical association of the NDP in B.C. with labour. To an extent this may be seen as a strategy to distinguish the NDP from the resource exploitation policies of the Social Credit party. However, the policy was a reflection of a North America wide shift over the last ten to twenty-five years to a gradual, pervasive and durable growth of concern over environmental issues. In B.C., the NDP was the natural vehicle for the expression of these concerns and there is some evidence that the NDP now represents a coalition of labour and middle-class voters interested in environ-
ment and natural resource issues.

As the quotation by Richter above indicates, to the Social Credit party, the **Land Commission Act** represented nothing less than the arrival of the totalitarian state. A large measure of this hyperbole was doubtless for partisan effect. The Social Credit party was not against the principle of the preservation of agricultural land, not only because this would be tantamount to rejecting "motherhood," but also because the **Land Commission Act** presented a dilemma for Social Credit. By 1975, the land commission was widely popular. Farmers, who represent a significant portion of the Social Credit vote, have conflicting interests with regard to the land commission. After its initial hostility to the **Act**, the B.C. Federation of Agriculture moved to vigorous support of the land commission. Furthermore, the land commission was popular in the large urban areas because of concern with rising food prices and the destruction of the agricultural greenbelt surrounding the cities. By the 1975 election, Social Credit would have to appeal to those farmers and urbanites supporting the land commission, and at the same time, in its claim to be the sole repository of private enterprise sentiment in the province, would have to defend the interests of the developers, land speculators and those farmers whose enterprise was constrained by the **Act**.

When, in the early stages of the 1975 election campaign, Bill Bennett promised to "strip the powers of the B.C. land commission," Social Credit was in danger of alienating the traditional Socred farm vote as well as those Liberal and Conservative urban voters that the Socreds hoped to attract in its claim to be the only party that could defeat the NDP. Bennett quickly modified his stand declaring "What we will do is put in a decent appeal procedure," and devolve some of the powers of the land commission on to the regional districts.

How then has the land commission and the **Act** fared under Social Credit
which was so anxious to remove all traces of the NDP interregnum? How has Social Credit responded to the conflicting pressures from its support base? The land commission is still in existence. Has there been a change in the operation of the commission under Social Credit? Or has the commission, as a quasi-independent regulatory agency, continued to operate on the same basis as the NDP commission?

Chapter I outlines the legislation passed by the NDP and the amendments made by Social Credit, describes the NDP and Social Credit appointed commissions, explains the Canada Land Inventory system and examines the criteria used for evaluating requests for exclusions from the agricultural land reserves (ALRs).

Chapter II analyzes the various interests affected by the Act including farmers, individually and collectively, developers, the municipalities and the regional districts.

Chapter III reports a statistical study of requests for exclusions from the ALR made by municipalities and regional districts and analyzes the response of the NDP appointed commission and the NDP cabinet in comparison with the Social Credit appointed commission and the Social Credit cabinet.
Footnotes - Introduction


2 The introduction of the Insurance Corporation of British Columbia was also highly controversial.


5 As quoted in Baxter, p. 8.

6 Ibid.


8 Thomas Michael Sanford, "The Politics of Protest: The Cooperative Commonwealth Federation and Social Credit in B.C." (Ph.D. dissertation, University of California, 1961), pp. 102, 107. Even as early as 1933, the Cooperative Commonwealth Federation (CCF), the predecessor to the NDP, had support from urban middle-class reformists.


11 See pages

12 "Bennett vows to oust B.C. Land Commission," The Vancouver Sun, November 15, 1975.

13 "Farm land for farms, Bennett defends policy," The Province, November 21, 1975.

14 "But Bennett claims power would go to regional districts," The Vancouver Sun, November 18, 1975. None of the changes Social Credit made to the Act
affected the regional districts or the municipalities. However, the proposed Land Use Act would have centralized all land use planning in the provincial government and reflected Social Credit concern that the planning process of the municipalities and the regional districts is too restrictive for developers. Sol Jackson, "Land use in limbo," The Vancouver Sun, April 29, 1982, p. 5.
CHAPTER I

The Land Commission Act of 1973 was one of the most dramatic and comprehensive legislative attempts to control the use of agricultural land introduced anywhere in North America. The Act authorized the creation of a commission of not less than five members with powers to designate land as agricultural land (with the approval of the Lieutenant-Governor in Council) and restricted the use of such designated land to farm use except as permitted by the Act or the commission.

Regulatory agencies, such as the land commission, are created to implement government policy in sectors of the economy traditionally reserved for private economic decision makers. Such regulatory agencies allow the government to impose socially desirable, public objectives on the operation of sectors of the competitive market. Independent agencies are created for these purposes primarily because of the need for impartiality in decision making which affects the interests of individuals in the marketplace.

The requirement for impartiality on the part on the regulatory agencies, however, conflicts with the fundamental principle of the parliamentary system that cabinet ministers are accountable to the legislative assembly for all government actions. A system of appeals to the cabinet from the regulatory agencies is a compromise in the conflict between accountability and impartiality since it offers a check on the agencies which are not accountable to the electorate for their decisions. Such appeals, however, introduce again the potential for decisions to be made on the basis of partisan considerations.

The purpose of the land commission was to restrict the conversion of agricultural land to urban sprawl which by 1972 had reached approximately 4,000 hectares per year, with over 1,000 of these in the Lower Mainland.
Its object was to impose an element of planning on individual land use decisions and to reduce the speculative pressure on farmland.

The Land Freeze

At least part of the controversy surrounding the Land Commission Act was due to the manner in which it was introduced. Orders in Council 4483 and 157 were the precursors to the Act and were made necessary because a comment by David Stupich, the NDP Minister for Agriculture, to the effect that the government would soon introduce legislation to prevent the re-zoning of farm-land to urban uses, resulted in a rush of re-zoning applications in the Lower Mainland. These hasty orders created uncertainty and fears as to the intentions of the government.

Under Order in Council 4483 of December 21, 1972, the subdivision of farm land was prohibited. It should be noted that the sale of a farm for farming purposes was not prohibited. Farm land was defined as that described as such in section 2 of the Taxation Act and "including all lands deemed by the Committee (the Environment and Land Use Committee) to be suitable for cultivation of agricultural crops." The first criterion would have restricted the freeze to land presently under cultivation, or approximately twenty percent of the total arable land in the province. The second criterion was too vague.

Order in Council 157 of January 18, 1973, clarified and expanded the land freeze. All non-agricultural development of farm land was prohibited and farm land included any land of two acres or more (.8 hectares) classified as farm land by the Taxation Act; or classified as farm land under the Municipal Act; or land designated as class 1, 2, 3 or 4 of the Canada Land Inventory classification system developed under the Agricultural and Rural Development Act (ARDA).
Bill 42

Bill 42 was introduced February 23, 1973. The proposed Land Commission Act called for the formation of a commission consisting of not less than five members to be appointed by the cabinet and to hold office "during pleasure," one of whom was to be designated the chairman and another as vice-chairman.

Section 7 outlined the objectives of the Act. These were to preserve agricultural land for farm use; encourage the establishment and maintenance of family farms; preserve greenbelt land in and around urban areas; preserve land bank land for urban or industrial development; and to preserve park land for recreational use. Section 7(i) authorized the commission to "purchase or otherwise acquire land" to achieve the above objectives.

Section 10(1) restricted the use of designated agricultural land:

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

"Farm use" was defined as "an occupation or use of land for bona fide farm purposes, including, without limiting the generality of the foregoing, husbandry of the land and the plants, and animals thereon, and any other similar activity designated as farm use by the Lieutenant-Governor in Council."

Under section 8, the commission was empowered to designate land as agricultural land, green belt land, land bank land or park land. Only with respect to the agricultural land reserves was the prior approval of the Lieutenant-Governor in Council required.

There were no appeal procedures provided for in Bill 42. Only the Lieutenant-Governor in Council could exclude any land from the established land reserves (section 9). Under section 11(5) an aggrieved owner could appeal only on a question of law or excess of jurisdiction. Section 12(c) allowed the commission to withdraw from an agricultural land reserve agricultural land...
owned by the commission and, with the prior approval of the Lieutenant-Governor in Council, to dispose of such land.

Section 11(1) excluded from the agricultural land reserves any land less than two acres in area. Section 11(2) made provision for agricultural land which was in a non-farm use for at least six months prior to the 21st of December, 1972. Such use was permitted, but, any further changes in use would require the permission of the commission. Section 11(4) empowered the commission to allow non-conforming uses on designated agricultural land and to impose any conditions it considered advisable on such approval.

In the hierarchy of provincial legislation, the Land Commission Act was to rank very highly and was subject only to the Environment and Land Use Act, the Pollution Control Act, 1967, and the Environmental Protection Act. Under section 20, subsections (4), (5) and (6), the Land Commission Act superseded any by-law or regulation of a municipality or regional district which was in conflict with the Act, except for those provisions which were more stringent than, but, not repugnant to the Act.

The bill did not provide for any compensation for any land which was designated as agricultural land, green belt land, land bank land or park land, a well-established principle in zoning regulations.

The Land Commission Act

Under pressure from such groups as the B.C. Federation of Agriculture, the Union of B.C. Municipalities and the Real Estate Board of Vancouver, the NDP made a number of amendments to Bill 42.

The regional districts were given a role in the preparation of the agricultural land reserve boundaries. The regional districts, either alone or in cooperation with the member municipalities, were required, after holding a public hearing, to adopt a land reserve plan. However, if the commission con-
sidered that the regional district plan did not carry out the intention of the Act, the commission could recommend to the Lieutenant-Governor in Council amendments to the regional district plan. Then, after approval of the plan by the Lieutenant-Governor in Council, the commission was empowered to designate the land therein as an agricultural land reserve.

The Act now explicitly stated that the commission could not acquire any land by expropriation. Furthermore, green belt land, land bank land, and park land reserves could now be acquired only by purchase.

The most significant amendments to the Act were those which allowed for an appeal procedure. Appeals for exclusions from an agricultural land reserve were divided into two basic categories: those from the municipalities, the regional districts or the commission itself (the government to government appeals) and those from individuals. Under section 9(1) requests for exclusions by a municipality, regional district or the commission itself would be decided by the Lieutenant-Governor in Council. The terms of the Act provided for no role for the land commission with respect to exclusions requested under this section. B.C. Reg. 60/74 (Order in Council 353/74) required only that in submitting a request for an exclusion, that a municipality or regional district notify the land commission by sending a copy of the application and the supporting material, and that the Lieutenant-Governor in Council, prior to considering the application, would allow each party to make representations in respect to the application.

With respect to appeals from individuals, the commission had a larger role. Under section 9(2) an owner aggrieved by a designation of the commission could make an application to the commission to have his land excluded from the ALR. A public hearing is required before the commission makes its decision. Where land was zoned for agriculture or farm use prior to December 21, 1972, the owner must first obtain permission from the municipality or regional dis-
strict where the land is situated. Under section 9(7) an individual who is
dissatisfied with the decision of the commission, with the approval of the
municipality or regional district, and upon being granted leave to appeal by
any two members of the commission, may appeal to the Environment and Land Use
Committee of the cabinet.

The provincial cabinet is thus the final arbiter of land to be designated
agricultural reserve land and is the final authority in appeals for exclusions
requested by the municipalities, the regional districts and the commission.
The Environment and Land Use Committee of the cabinet is the final authority,
in appeals for exclusion requested by individuals except in cases where two
members of the land-commission fail to grant leave to appeal.

These amendments improved the political acceptability of the Act. However,
while it would still be relatively difficult to exclude land from an ALR, an
appeal process inevitably allows a degree of uncertainty with regard to the
permanance of the zoned boundaries hence re-admitting the potential for specu-
lation. Furthermore, the major reason for appointing an independent regulatory
agency to make decisions where government intervention into the market economy
has been deemed essential, is to ensure the political impartiality of those
decisions. Whereas the regulatory agency makes it decisions on the basis of
clearly established criteria, the cabinet can make its decisions on any basis
it sees fit. Consequently, at best an element of arbitrariness is introduced
into the decision making process, and at worst, decisions are made on the basis
of patronage.

The 1977 Amendments to the Land Commission Act

As noted in the introduction, the Social Credit party was vehemently
opposed to the land commission and during the 1975 general election campaign
Bill Bennett promised to return the power to designate farmland use to the
However, by 1975, the land commission was no longer controversial. Although there was wide dissatisfaction with the overall NDP performance, the land commission was widely supported. A Province editorial claimed that "Though there was always the potential for trouble, the land commission has in practice turned out to be one of the NDP's better ideas." A 1978 Lands Directorate of Environment Canada study of 800 randomly selected landholders revealed that 80 percent were favour of the land reserves to some degree and only nine percent were against or very against. A study by Mark Gillis found that there was a very weak association between political affiliation and support for the ALR. In fact, the percentage of landowners in "Strong Sacred Regions" indicating "highly favourable" attitudes to the ALR was seven percent higher than in the corresponding category of those in regions displaying firm NDP affiliation.

These factors worked to introduce a degree of ambivalence in the Social Credit position on the land commission. After winning the election, Bennett moved slowly on the land commission. Don Phillips was named Minister of Agriculture, the ministry responsible for the commission. Since Phillips had led the opposition filibuster in the legislature, the responsibility for the land commission was transferred to the Ministry of the Environment under Jim Nielsen, a signal that the government was at least moderately serious about the land reserves.

It was not until October 7, 1976, that the government fired all of the NDP appointed commissioners except for Cary Runka who was retained as Chairman. It was not until September, 1977, that the government amended the Act.

The amendments to the Act reflected the Social Credit ambivalence about the land commission since some of the changes reduced the power of the commission, but, others increased its power. The commission's jurisdiction
over greenbelt land, land bank land and park land was eliminated from the Act. The commission's sole responsibility was to preserve agricultural land and encourage the establishment and maintenance of farms. Accordingly, the name of the Act was changed to the Agricultural Land Commission Act and the commission changed to the Provincial Agricultural Land Commission. In its 1978 Annual Report, the commission chairman argued that in practice, this reduction in the commission's powers would not have much significance in commission policy and direction since preservation of agricultural land had always received first priority. Nevertheless, this was clearly a major reduction in the scope of the commission.

The term of the commission members was now not to exceed four years, although the appointment of the chairman was to remain "during pleasure."

Section 3(3) allowed for the appointment of regional advisers to assist the commission "in respect of a matter pertaining to a resource management region established by the Environment and Land Use Committee." To date none have been appointed.

A section was added to the Act (section 10(3) to (5) in the 1980 consolidation) to allow the commission to make inclusions to the ALRs after a public hearing and the approval of the Lieutenant-Governor in Council. This rectified an omission in the original Act although inclusions had been provided for in B.C. Reg. 494/74 (Order in Council 2412, July 19, 1974).

In the case of requests for exclusion by a municipality, a regional district or the commission itself, section 9(1), section 11(1) in the 1980 consolidation, now required that a public hearing be held prior to the application being made. Section 9(1)(b), section 11(2) in the 1980 consolidation, now allowed a municipality, a regional district or the commission to request permission for a non-conforming use within an agricultural land reserve. A public hearing must be held before the application is made.
The most significant changes involved the appeal procedure for individuals. After retreating from his initial stand during the campaign that the Social Credit party would return the land commission's powers over agricultural land to the regional districts, Bennett promised that a Social Credit government would improve the appeal procedure, thereby making the commission more democratic. However, in the case of requests for exclusion from a municipality or a regional district, the cabinet had always been the final authority, and in the case of individual appeals, the land commission had not been excessively arbitrary. Of the 45 requests for leave to appeal from individuals as of April 1, 1978, the commission had allowed 11 individuals, or nearly 25 percent, leave to appeal to the Environment and Land Use Committee.\(^\text{18}\)

Nevertheless, the Act was amended to allow an individual to apply to the minister for leave to appeal to the Environment and Land Use Committee where leave to appeal had not been granted by two members of the commission. If approved by the minister, the appeal will be heard by the committee, at which time the applicant and the land commission may make representations, and the committee may then approve the application, with or without terms and conditions, or may refuse the application. If the appeal is allowed, the committee may order that reasonable costs incurred by the appellant, as determined by the committee, be paid by the commission.

Other amendments added to the powers of the commission. Under section 34, the commission was given enforcement powers to issue an order to stop or restrain land use that would likely impair the agricultural capability of the land. Where an infraction of the Act has taken place, under section 35, the commission may order restoration work to be carried out and may require a bond to ensure compliance. In the case of default, the commission may carry out such restoration itself and charge the owner with any costs.

An important new regulatory function for the land commission was created
under the new Soil Conservation Act, 1977. Under this Act, commission approval is required for the removal of soil from, and the placement of fill, on ALR land.

Overall, the amendments have reduced the power of the commission to preserve farmland since opportunities for appeal create uncertainties as to the permanence of the ALR boundaries. Furthermore, as noted above, appeals to the cabinet introduce an element of arbitrariness into the decision making process. Exclusions granted on other than the technical criteria established by the commission can fundamentally alter the land use patterns in any area thereby making justification for keeping adjacent lands in the ALR more difficult.

**Interpretation of the Act and the Canada Land Inventory System**

The object of the commission was to "preserve agricultural land for farm use." Given this broad intent of the Act, what is agricultural land? Under the Act, agricultural land is land that is "suitable for farm use," and "farm use" means "an occupation or use of land for farm purposes, including husbandry of land, plants and animals and any other similar activity designated as farm use by regulation."19

The NDP land commission interpreted the spirit of the Act to mean the preservation of agricultural land in the long term.20 Hence agricultural land was not limited to land currently used in agricultural production but included all the potentially arable land in the province. Nor were short term economic factors, based on current market prices for specific crops, considered because of the high degree of variability in the economic factors over the long term. Nor were current technological limitations considered. Nor was ownership of land a factor--Crown land and Indian reserves were included.21

The commission, as a quasi-judicial body, needed some standard by which to base its decisions as to which lands should be in the ALRs, not only to facilitate the designation of the ALR boundaries, but, also to achieve an element of fairness and consistency in the decision making process. The B.C. Land
TABLE I

Canada Land Inventory Agricultural Capability Classification for British Columbia

<table>
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<tr>
<th>Class</th>
<th>Description</th>
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<tr>
<td>Class 1</td>
<td>the very widest range of vegetables, cereal grains, forages, berry fruits and numerous specialty crops. Soil and climate combinations are optimum.</td>
</tr>
<tr>
<td>Class 2</td>
<td>wide range of regional crops as above with some differences in variety due to minor restrictions of soil or climate.</td>
</tr>
<tr>
<td>Class 3</td>
<td>a fairly wide range of regional crops under good management practices. Soil and/or climate limitations are somewhat restrictive.</td>
</tr>
<tr>
<td>Class 4</td>
<td>restricted range of regional crops such as hardy cereal grains, hardy vegetables and forages. Soil and climate limitations demand special management considerations.</td>
</tr>
<tr>
<td>Class 5</td>
<td>production of perennial forage crops only. Soil and/or climate restrictions severely limit the land's capability.</td>
</tr>
<tr>
<td>Class 6</td>
<td>natural rangeland. Soil and/or climate limitations preclude cultivation but the land may be important in its natural state as grazing land.</td>
</tr>
<tr>
<td>Class 7</td>
<td>no agricultural capability whatsoever.</td>
</tr>
</tbody>
</table>

Land Inventory (CLI) system was immediately available as a standard by which the potentially arable land in the province could be identified on a scientific basis. It will be remembered that under Order in Council 157 of January, 1973, land designated as class 1, 2, 3, or 4 of the CLI system was included in the land freeze.

The CLI rates land from one to seven according to a combination of soil and climate factors as indicated in Table I. Class 1 land is the very best land with the best climate on which the widest range of crops can be grown. It should be noted that the CLI is based on the range of crops which can be grown and not on the productivity of the land. Certain crops may be more productive on the lower classes of land. A progressively narrower range of crops can be grown on the other classes of land, down to class 7 which is not capable
of agricultural use at all. The land rating is dependent on the climate rating—the CLI land rating can be no higher than the climate rating. For example, where the soil is class 1, but, the climate is class 3, the CLI rating would be class 3.23

The CLI system is far from perfect. Fred Reid, a soil specialist formerly with the Ministry of Agriculture has pointed out "The Paradox of Specialty Uses on Class 4 and 5 Soils."24 The lower classes of land, that is classes 4 and 5 are not necessarily marginal agricultural land since many crops require specific soil types and for these crops may have higher productivity than better classes of soil. For example, the class 4 and 5 soils in the Lower Mainland with its class 1 and 2 climate allows for high productivity of a variety of specialty crops including raspberries, strawberries, blueberries, cranberries, apples, pears and filberts.25

The ranching industry in the interior depends on the class 5 forage lands and the class 6 spring and fall grazing lands. Reid argues that "where an area has class 5 capability it may have as high or higher productivity for forage crop production as a class 4 or 3 soil."26

The CLI system is limited to soil bound agriculture. There are, however, many types of agriculture which do not need soil for production, including greenhouse products, mushrooms, container nurseries, poultry, hogs, beef feedlots and to some extent dairy farms. Reid points out that "when these operations are built on high capability soil the loss of good agriculture land to buildings and farmyard can be compared to that of industrial use, however, the need for these operations to be located in an agricultural community must still be recognized."27 In 1978, the land commission recommended the exclusion of 2467 hectares of these class 5 and 6 lands in the Dewdney Alouette regional district over the protests of officials within the Ministry of Agriculture and the B.C. Institute of Agrologists. The cabinet subsequently excluded 2604.8
hectares of class 5 and 6 lands.\textsuperscript{28}

Nor does the CLI system take into consideration the economic feasibility of growing any particular crop on a given soil. Furthermore, pedology, the science of soils, is not an exact science. There is a judgment factor involved in determining the soil classification.\textsuperscript{29}

Over a large area of the province two CLI ratings are given. One is the unimproved rating which reflects the land's capability in the absence of irrigation and/or land drainage improvements. The second rating indicates the improved capability for agriculture if the needed irrigation or drainage improvements were made to the land. The improved ratings do not take into consideration the current technical or economic feasibility of making the necessary improvements.\textsuperscript{30}

In spite of these limitations of the CLI, decisions as to which land would be placed in the agricultural land reserves could be based on technical criteria established by soil experts. The decision of the original commission was to include all class 1 to 4 land and certain class 5 and 6 lands where it was reasonable to believe that such land could be effectively used in conjunction with class 1 to 4 land—typically in the ranching areas where the class 5 and 6 land is essential for the beef industry.\textsuperscript{31}

To eliminate uncertainty it was essential that the boundaries of the land reserves be established as quickly as possible. Officials in the Ministry of Agriculture were given eight weeks to prepare draft ALR plans for each of the 28 regional districts in the province. It was only the existence of the B.C. Land Inventory, based on the CLI classifications, that made it possible to undertake a task of this magnitude within the given time limits.\textsuperscript{32}

The draft ALR plans provided by the Ministry of Agriculture for each regional district were on a scale of 1:50,000, or \(\frac{1}{4}\) inches to one mile. The commission would supply to the regional district maps at 1:25,000 for specific
sections where requested. Larger scale maps would have to be provided by the regional district.33

Whereas the agricultural capability maps followed the natural contours of the land, the legal descriptions are based on a surveyed system of grids not necessarily related to the natural topography. The difficulties of administering a zoning regulation that had no reference to the legal descriptions persuaded the commission to use the existing legal boundaries in the determination of the ALR boundaries. Consequently, the second draft ALR maps supplied to the regional districts were drawn with reference to the legal boundaries.34

The commission made an administrative decision to exclude the higher capability land (classes 1 to 4) to allow for approximately five years of growth for communities where non-agricultural land was not immediately available for urban expansion. This would allow municipalities and regional districts time to set the protection of agricultural land as a priority concern.35

By July, 1974, after approval by the Lieutenant-Governor in Council, the land commission had designated the agricultural land reserves of one-half of the regional districts. By February, 1975, all but two of the regional districts had designated agricultural land reserves.

Fine Tuning

The first reference to "fine tuning" was made in the 1975 Annual Report of the commission: "For a year or two following designation a process of "fine tuning" will be necessary to correct oversights and to sort out anomalies inherent in a scheme of this magnitude."36 By the 1977 Annual Report, fine tuning was "regarded by the land commission as an on-going process."37 In 1978, Environment Minister Jim Nielsen claimed that "There are probably a million acres of B.C. land protected by the agricultural land reserve which should not be and a million acres not included which should be."38
There is a reasonable justification for the need to fine tune the ALRs. The original ALR boundaries were based on aerial photographs and large scale mapping and not on on-site soil analysis. Furthermore, some of the maps were outdated and consequently some land which contained irreversible development was included in the ALR although the review process by the regional districts should have eliminated much of this.

However, because of a lack of staff, the commission had to rely upon other provincial agencies to provide the data necessary for fine tuning reviews until 1980 when specific funding was allotted for official fine tuning. Furthermore, the commission was obliged to use a considerable amount of its time processing applications from individuals, municipalities and the regional districts for exclusions and inclusions which has amounted to an ad hoc and less desirable form of fine tuning. 39

As noted above, the Act provided for no role for the land commission with respect to exclusions requested by other levels of government, the 9(1) applications (section 11(1) under the 1980 consolidation). B.C. Reg. 60/74, approved January 31, 1974, required only that where a municipality, a regional district or the land commission makes an application to the Lieutenant-Governor in Council, that the other two parties be notified by sending a copy of the application and the supporting material. Under Schedule A applicants were required to provide a legal description of the property, a map of the property, a description of the existing use of both the property and the buildings, a description of the adjacent and surrounding properties and their use and a description of the proposed use of the subject property.

Since the NDP cabinet referred all government to government exclusion requests to the land commission, it became a standard operating procedure for municipalities and regional districts to forward their applications to the land commission for review. 40 The land commission would then make a recommend-
ation to the cabinet. This procedure was regularized in B.C. Reg. 313/78 which replaced B.C. Reg. 60/74. The amendments to the Act in 1977 required a public hearing, the details of which were outlined in the new regulations. A new Schedule A required information on the extent of the floodplain, if applicable, services available or scheduled, Official Regional Plan designation, zoning, comments and recommendations of the Regional Board, Municipal Council, Advisory Planning Committee and the Technical Planning Committee and a report of the public hearing.

No formal, written procedures have been developed for the processing of the government to government appeals by the land commission. The planning and technical staff of the commission investigate and review all the information supplied in the application. It is routine for the staff to view the application in light of all the other exclusions which have been made in the area. Where necessary, additional information such as a soil analysis by the Ministry of Agriculture or an evaluation by the district horticulturist may be requested. After this review, the staff makes an oral presentation, based on the facts of the case, to the commission members, most of whom will be seeing the request for the first time.

The prime criterion in judging requests for exclusion is the agricultural capability of the subject parcel and the surrounding lands, based on the Canada Land Inventory agricultural capability maps. However, the commission has never based its decisions solely on the technical criteria. The commission also considers related agricultural concerns such as the existing and proposed parcel sizes in relation to the kinds of agricultural enterprises conducted in or suited to the area, the effect on existing or potential agricultural uses on surrounding lands, and the impact of the proposed change on the farm community, for example, the demand for urban-type services by a residential population which usually raises the overall tax level.
Since one of the goals of the commission is to achieve rational land use through planning, the commission also considers broader area concerns when reviewing applications for exclusion. For example, the commission considers the regional and community objectives for the area, the availability of alternative sites for the proposed use where there has been shown to be a documented need for the proposed use. In particular with the government to government applications, these planning implications cannot be avoided.

As noted, neither the NDP nor the Social Credit appointed commissions has ever based its decisions solely on the technical criteria. All the commissions have considered the overall planning aspects of each exclusion request. There has, however, been a tendency for the most recent commission members to make public statements to the effect that the land commission bases its decisions on the "technical" criteria while the provincial government considers the "political" factors. In cases of conflict between the commission and the government, the cabinet is thus able to claim that the commission's "mandate is to determine the agricultural capability of the land," while the cabinet "must address all aspects of the case, the environment, agricultural capability, economic activity, job creation and the concerns of the local municipality," thereby attempting to minimize the adverse publicity in cases where the cabinet has rejected the recommendation of the land commission. In fact, the land commission would have considered these "political" factors in its initial recommendation.

The NDP and Social Credit Appointed Land Commissions

When the Land Commission Act was introduced a frequent criticism was that the members of the "all-powerful board" would be political appointees. Since only a fair and impartial administration of the Act could assure the success of the commission, the NDP was careful to appoint a non-political
commission—only one member, Ted Barsby, had any ties to the New Democratic Party. The NDP appointed commission was characterized by the wide range of experience and expertise of its members. Mr. William Lane, who was the municipal solicitor for Richmond with experience in administration and land use, was appointed chairman. Mary Rawson is a town and regional planner and a specialist in land economics. She has had experience since 1960 as an adviser to various civic, regional and private agencies in British Columbia, as well as the provinces of Quebec and Prince Edward Island. Dr. V.C. Brink is an academic and professor of plan science at the University of British Columbia.

Ted Barsby, a Nanaimo businessman, was a former Nanaimo alderman and former President of the B.C. Wildlife Federation. The farmer influence was provided by Arthur Garrish, an Oliver orchardist and former President of the B.C. Fruit Growers Association. Ranching experience was added with the appointment of Don Knoerr on October 5, 1975. Gary Runka, a pedologist with an M.A. in natural resources management and land use planning was appointed General Manager of the commission and later chairman when Lane resigned.

On October 7, 1976, the government fired the NDP appointed commissioners with the exception of Gary Runka who was retained as the chairman. All the new commissioners had ties with the Social Credit party. Both Sargit Mac Singh, a Cloverdale vegetable farmer, and Raymond Kerr, a rancher, were members of the Social Credit party. Ted Cornwall, a professional agrologist and former District Agriculturist, is a friend of former Social Credit Agriculture Minister Frank Richter. Allan Claridge, an Oyama orchardist and former President of the B.C. Fruit Growers Association, had been a vocal opponent of the Land Commission Act when it was first introduced calling it "pure robbery" and "piracy." W.S. Ritchie, a feed businessman in the Fraser Valley, was appointed to replace Singh who died in April of 1978. Ritchie resigned
February 1, 1979, to run as a Socred in Central Fraser Valley and was subsequently accused of having offered to have the land of Henry Friesen removed from the ALR if Friesen would support him.50

The new commissioners were primarily farmers with no planning or land use expertise. It should not be assumed that all Social Credit supporters will fully share their leader's antipathy to the land commission. Singh said he was satisfied with the work of the previous commission and would like to continue on similar lines.51 Cornwall and Kerr said they are "dedicated to farmland preservation."52

In December, 1978, Rafe Mair replaced Nielsen as the Minister of the Environment. In January of 1979, Gary Runka resigned as chairman, but, stayed on as commissioner. A.C. Kinnear, former head of the Property Management Branch of the Ministry of Agriculture, was named an interim chairman, an appointment which was to last over a year as Rafe Mair neglected the land commission. John E. Rogers, a Kamloops law clerk involved in subdivisions and land registry and latterly the manager of the White Rock and District Chamber of Commerce, was appointed a commissioner September 21, 1978. After the resignation of Kerr in August, 1979, and Gary Runka in October, 1979, the land commission had a brief period without a quorum and with only a temporary chairman.53 On November 1, 1979, J.P. Plotnikoff, Director of the Planning, Processing and Technical Division of the land commission, was named an interim commissioner to make a full commission.

In November, 1979, responsibility for the land commission was returned to the Ministry of Agriculture, and James Hewitt was named Minister. On March 7, 1980, Hewitt expanded the membership of the commission to seven including a new chairman, Dr. Mills Clarke. Dr. Clarke was formerly director of the Agassiz Research Station and more recently was the coordinator of forage crop research for Agriculture Canada. The three new commissioners
were C.E. Framst, a grain and forage seed farmer and member and chairman of the Peace River-Liard Regional District Board; Joseph A. Rogers, president of a livestock management cooperative and former president of the B.C. Livestock Producers Cooperative Association; and Walter Redel, former Director of Lands and latterly an Assistant Deputy Minister in the B.C. Ministry of Lands, Parks and Housing.

When Redel resigned in 1980, he was replaced by R.P. Murdock, former administrator of the University Endowment Lands. When the four year terms of Claridge and Cornwall expired in December of 1980, they were replaced by Ian Paton, president of the B.C. Institute of Agrologists, and Art Sutcliffe, a farmer from Creston. In February of 1981, John Rogers was named Vice Chairman. The Social Credit appointed commissions have been primarily farmers with little land use planning expertise.
Footnotes - Chapter I

1. The Act has since been copied elsewhere, notably in Quebec and the state of Oregon.


3. Ibid., p. 336.


5."Farm freeze sparks vote," The Vancouver Sun, February 5, 1973.


7. A hectare is approximately two and one-half times larger than an acre. The formula used for metric conversion in this thesis is the same as that used by the land commission: number of hectares equals the number of acres divided by 2.47.

8. The Canada Land Inventory system is described on pages 17 to 19.

9. Mention of the Environmental Protection Act was removed from the Land Commission Act as passed.

10. When the Act was consolidated in 1980, section 9(1) became section 11(1). Section 9(2) referred to below became section 12(1).

11. For an argument that "the cabinet is no more 'accountable' than a truly independent regulatory board might be..." in part because of the tradition of cabinet secrecy see Peter Gall, John Grant, Murray Rankin, "The Cabinet and the Agencies: Toward Accountability in British Columbia, (Report to the Canadian Bar Association, B.C. Branch, August, 1981), pp. 28-35.

12. "What's in Mr. Bennett's poke?" The Province, November 22, 1975.


15. By contrast, the new Conservative Agriculture Minister in Saskatchewan announced that one of his "first priorities" would be to dismantle the land bank commission, which was not as powerful as the B.C. commission. Under the Saskatchewan program, the government purchased farms and leased them back to the farmer. "Land bank system will be dismantled," The Vancouver Sun, May 10, 1982, p. A13.
The reference to the family farm in the NDP Act was also removed although the early Social Credit movement in Alberta had also emphasized the family farm and Social Credit in B.C. has also preferred the small private enterpriser.


18 Ibid., Table E 2.

19 This definition, given in section 1 of the 1980 consolidation, is less verbose than that of the original Act.


21 Rawson, Ill Fares the Land, p. 24. The constitutionality of including Indian reserves in the ALRs is unclear. Under the British North America Act section 91(24) "Indians, and Lands reserved for the Indians," are the responsibility of the federal government.


24 Fred Reid, "The Paradox of Speciality Uses on Class 4 and 5 Soils," in The Urban Fringe in the Western Provinces, ICURR Occasional Paper, September, 1979, pp. 21-25. Because of these considerations, wholesale exclusions of classes 4, 5 and 6 land are not warranted.

25 Ibid., p. 22.

26 Ibid., p. 23.

27 Ibid., p. 24.

28 Provincial Agricultural Land Commission File Number 6660. In its "Points for Applicants to Consider," the land commission mentions these factors in its criteria for exclusions.

29 Interview with J.P. Plotnikoff, Director of the Planning, Processing and Technical Division of the Agricultural Land Commission, July 16, 1982.


31 Rawson, Ill Fares the Land, pp. 24-25.

32 Gary Runka was involved with this process and argues that there was no real alternative to using the CLI. However, there should have been immediate fine tuning to eliminate the anomalies. Interview with Gary Runka, April 8, 1982.

Ibid.

35 Rawson, *Ill Fares the Land*, p. 27.

36 Provincial Land Commission, *Annual Report*, 1975, p. 3. The phrase "fine tuning" in connection with the land reserves was coined by William Lane, the first chairman of the commission.


38 "Mixup in land reserve blamed on old maps," *The Vancouver Sun*, June 1, 1978.


40 An exception occurred in 1976 when Richmond went directly to the Lieutenant-Governor in Council.


42 Both the NDP and the Social Credit appointed commissions have shared these objectives. See speech by Dr. Mills Clarke, the current chairman, "The Role of the Provincial Agricultural Land Commission," (Prince George, November 22, 1980), p. 8. (Mimeographed.)


47 "Developer's no problem: land men 'won't bow,'" *The Province*, October 9, 1976.

48 Ibid.

49 Ibid.

50 "Influence allegation came from political foe," *The Vancouver Sun*, October 13, 1979.

51 "Pair aim to save farmland."

52 "Developer's no problem."

53 During this period without a full commission, the land commission suggested to Delta that it place its request for exclusion of 212 hectares directly before the cabinet.
CHAPTER II

The pressures for exclusion from the agricultural land reserves are the product of a complex of factors involving competing and conflicting interests. Many of these interests can have an equivocal attitude toward the exclusion of any particular property from the ALR. These interests include those of farmers, who as individuals may wish to develop their land, but, collectively have a substantial interest in maintaining the reserves; developers who want to realize the large capital gains from converting agricultural land to industrial, commercial or residential uses, but, who also have an interest in controlling the supply of land to keep the price up; municipalities, who are caught between the need for expanded tax revenues and the increased costs for services that accompanies the development; and the regional districts who have to balance the competing interests of the member municipalities.

The Land

Of the approximately 90,000,000 hectares comprising the province of British Columbia only 3,600,000 hectares, or four percent, are potentially arable. Only one and one half million hectares, or one and one half percent of the total land, consists of Canada Land Inventory classes one to three land. These arable lands are scattered over the province in the narrow fertile valley floors, the coastal plains and the river flood plains.

At the completion of the process of designation 4,721,295.3 hectares of land were placed in the agricultural land reserves. Each of the twenty-eight regional districts of the province have at least some land in an ALR. Three regional districts, Cariboo, Peace River-Liard and Thompson-Nicola account for 2,993,198 hectares or approximately 63 percent of the land in the ALR. Substantial portions of the Cariboo and Thompson-Nicola areas in the reserve are
classes 5 and 6 range land.  

Sixty-seven percent of the ALR is north of 51 degrees latitude. Seventy-six percent of the ALR in this area consists of classes 4 and 5 land which is suitable for the production of forages and early maturing feed grains. This is the fastest growing agricultural region in the province—between 1972 and 1979, 12,340 hectares were cleared for farming.

The best farmland in the province is found on Vancouver Island, the Lower Mainland and the Okanagan. The favourable climate conditions and good soils in these regions combine to produce some of the best agricultural land in all of Canada. The Lower Mainland area comprising Central Fraser, Dewdney-Alouette, Fraser Cheam and Greater Vancouver regional districts have 148,421 hectares (or only three percent of the total) in the ALR yet produce one-third of the provincial cash income from agricultural crops.

Only 1/100th of one percent of the province is suitable for tree fruit production all of which is located in the Okanagan. The Okanagan, including Central Okanagan, North Okanagan and Okanagan-Similkameen regional districts, accounted for 189,838 hectares at designation or four percent of the total ALR.

It is in these prime agricultural regions where the major conflict over the ALR occurs since these are also the regions that have been historically the most attractive for settlement and industry. Over fifty percent of the provincial population lives in the Lower Mainland. Most of the seven percent of the land in the province held by private tenure is located within municipalities on Vancouver Island and the Lower Mainland.

Farmers as Individuals

The interests of farmers, as individuals, at times diverge from the interests of farmers collectively, who have an interest in maintaining the ALRs. The pressure of urban encroachment on rural areas makes farming more difficult
and drives up the price of land thereby increasing an individual farmer's incentive to sell. Freeways, hydro, telephone and cable easements cut through farms making it difficult for farmers to transport slow and awkward farm machinery from one part of the farm to another. Urban-oriented neighbours object to the odour of animal waste and fertilizer, the hazards of pesticides and the noise of farm machinery in the early morning hours. They vandalize the crops, break down the fences and use the land as a garbage dump. They complain to an urban-dominated council which responds by placing restrictions on the farmer and in some cases even zoning out certain agricultural uses within the ALR.

Confronted by these difficulties some farmers stop thinking of farming as a long term investment, fail to make the necessary capital improvements and cease to maintain the land. Meanwhile the demand for land by commuters, hobby farmers and developers drives up the price of land resulting in speculation. The increase in land prices increases the opportunity costs of farming. A farmer may then wait for an opportunity to subdivide and refuse to sell or rent to farmers who do want to expand since the agricultural rents are only a fraction of the residential, commercial or industrial rents.

The Richmond "blueberry patch" is a case in point. Here one hundred owners of 121 hectares have organized to press for the release of 364 hectares from the ALR. These landholders argue that farming in the blueberry patch amounts to subsidizing agriculture since the return on a crop of blueberries is only $1500 per year per hectare whereas if the land were sold for housing the yearly interest on the proceeds would equal $25,000 to $37,000 per hectare per year. In any case, they argue that much of land is not suitable for agriculture since it "consists of bush and blueberry wasteland, abandoned with bushes neglected, diseased and unharvested."

Furthermore, for the individual farmer, self-employed with no company
retirement benefits, the farm represents his pension fund. George Spetifore, a Delta farmer, criticizing the Land Commission Act in 1973, commented that "It doesn't provide much retirement hope for people who have been working 14 to 16 hours a day seven days a week for most of their lives." The Act did not remove the farmer's right to sell his farm as a farm, which would still amount to a pension. It did affect a farmer's ability to gain the capital appreciation on converting his land to urban uses. As farmland, the 212 hectares of Delta land owned or controlled by Spetifore were assessed at approximately $800,000. After the release of the land from the ALR by the cabinet at the request of the municipality of Delta, Spetifore sold the land for $48,575,000.

Farmers as a Collectivity

The interest of a given individual farmer in having his land excluded from the ALR conflicts with the interests of farmers as collectivity. There is the danger for farmers who wish to continue farming that the fragmentation of the farm community by urban intrusion will lead to the collapse of the agricultural infrastructure jeopardizing the economics of farming in the area. As Mary Rawson, member of the NDP appointed commission has observed:

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.

Gary Runka, former chairman of the land commission, credits the land reserves with saving the tree fruit industry in the Okanagan. Since the introduction of the reserves, the Okanagan tree fruit industry has become a 100 million dollar a year business. Substantial investments in the agricultural infrastructure were also essential for this success. Funds from the
federal/provincial Agriculture and Rural Development Subsidiary Agreement (ARDSA) were invested in controlled atmosphere storage facilities and processing plants. Between August 1, 1977, and December 31, 1980, over 84 million dollars were invested in projects throughout B.C. ranging from market promotion, range enhancement, drainage and irrigation to rural electrification programs and upgrading of tree-fruit packing houses. The ARDSA contribution to these projects amounted to over 36 million dollars. 21

When rural land is converted to urban purposes many of these investments are lost. One of the reasons cited by the Ministry of Agriculture in support of the Land Commission Act was that programs, such as irrigation and drainage, designed to improve farm income, were being lost to urban development. 22 One study in the United States found that such investments in the agricultural infrastructure increased the rate of conversion to urban uses since they lowered a developer's costs. 23

The B.C. Federation of Agriculture is the institutional embodiment of the collective interests of farmers. The Federation represents 76 farm organizations including the B.C. Blueberry Co-op Association, the B.C. Cattlemen's Association, the B.C. Fruit Growers' Association and the Fraser Valley Milk Producers' Association. Of the 11,000 commercial farmers in the province, 8,000 are members in the B.C. Federation of Agriculture. A majority of the remainder belong to the National Farmer's Union which predominates in the Peace River area.

Initially the B.C. Federation of Agriculture was vehemently opposed to the Land Commission Act and the introduction of the ALRs. The Federation argued that the best way to save the farmland was by first saving the farmer. With an adequate income, farmers would not be tempted to sell out to developers. Where a farm was to be sold for other than agricultural use, the federation believed that the government should have the right of first refusal at fair market value. 24 After the first reading of the Act, the president of the
Federation called upon its members to refrain from planting their crops and later the Federation organized a protest march on Victoria.  

By 1975, the B.C. Federation of Agriculture had moved to full support of the ALRs as part of a comprehensive agriculture program. In an address to the B.C. Institute of Agrologists in 1979, B.C.F.A. president Pat Hibbert argued that "The importance of the legislation to the agricultural sector in B.C. cannot be emphasized enough." The Federation now vigorously lobbies the government to protect the land reserves. The Federation opposed the amendments to the Land Commission Act in 1977 which allowed an individual to appeal to the cabinet without first obtaining leave from two members of the commission.

The Federation has developed increasing sophistication in its lobbying efforts with the government. It responds to all cabinet decisions to reject the recommendation of the land commission and all comments by the government on the land commission. In response to the removal of the Gloucester properties by the cabinet in 1979, the Federation formed a coalition with such diverse groups as the B.C. Consumer Association, the B.C. Institute of Agrologists, the B.C. Women's Institute, the United Church, the Federation of B.C. Naturalists, the Planning Institute of B.C. and the B.C. Chamber of Commerce, a fairly formidable lobby. In a joint statement the coalition expressed alarm at the trend of recent events involving the cabinet committee appeal process which indicated "the demise of farmland preservation in this province." The coalition called upon Premier Bennett to demonstrate his government's stated commitment to agricultural land preservation by appointing a permanent chairman of widely recognized capability, stature and objectivity to the land commission and amending the appeal process to remove from the political arena the decision to allow or disallow appeals to go forward to the Environment and Land Use Committee of cabinet.

The Federation has achieved mixed results for its efforts. The cabinet
took "a second look" at the Gloucester decision and did appoint a respected permanent chairman, Dr. Mills Clarke, to the land commission. However, to date the government has not changed the appeal procedure, continues to reject the recommendation of the land commission and more recently, Jim Hewitt, the minister responsible for the land commission, has threatened to change the legislation to limit the agricultural land reserves. ³⁰

Business and Industry

Business and industry compete with the agricultural interests for the agricultural land surrounding the large urban centres. Business and industry look for low rents and proximity to the other factors of production: distribution centres, skilled labour force, markets, etc. These requirements are frequently met in farmland areas such as Richmond. Manufacturers such as Ebco, whose factory in Richmond occupies three and one half hectares, could not "find a place cheap enough on a railway line in Vancouver where there was room for expansion." ³¹ Beaufort Canada located in Richmond because of proximity to main highways, the low rents and "because the industry is very new, there was no pool of experienced workers anywhere else to draw on." ³² B.C. Fancy Sausage requires over one hectare of land for its Richmond plant. Proximity to transportation and local markets is a "necessity for speedy delivery of perishable goods such as sausage." ³³

Land Developers

The major objective of the developer is to make a profit and the largest profit can be made by converting agricultural land to residential or industrial uses. Land development companies are thus in competition with the collective agricultural interests since the returns on residential, commercial and industrial property far exceeds the typical agricultural return. Also, the qualities that makes land attractive to a farmer also appeal to the developer: flat land free of trees and rocks with ease of drainage mean lower costs to
However, any given individual farmer may be tempted by the capital gains to be realized by conversion to non-agricultural uses and his immediate interests may coincide with the developer's interest. The developer also looks for proximity to urban centres to satisfy the requirements of potential clients.

The introduction of the ALRs had a direct impact on developers who had purchased farmland on speculation before the introduction of the Land Commission Act. Of course, by definition, speculation involves the risk of loss, but, the prospect of large capital gains makes it worth the developer's time to attempt to have land excluded from the ALR.

Ainslie Loretto of Gloucester Properties had spent two years trying to amalgamate land for industrial purposes in Port Coquitlam "only to be faced with the exorbitant purchase price of $70,000 an acre ($172,000 per hectare.)" Before the land freeze, Gloucester purchased 810 hectares of land in Surrey for $3.2 million or approximately $4,000 per hectare. With the passage of the Land Commission Act, 253 hectares of the property were placed in the ALR. Gloucester applied twice to the land commission for exclusion under section 12(1), the individual appeals, and was twice turned down. Under the amendments to the Act in 1977, Gloucester successfully applied for leave to appeal. The Environment and Land Use Committee allowed the exclusion October 3, 1979, after Health Minister Bob McClelland made a plea to the committee for the exclusion of the land.

Amid the resulting controversy, including the resignation of Gary Runka from the commission and the formation of the coalition headed by the B.C. Federation of Agriculture referred to above, Premier Bennett ordered the Environment and Land Use Committee to take a "second look" at the decision and prohibited the development of the property in the interim.

The land commission took steps under section 8 of the Act to have the land
again included in the ALR. However, the cabinet rejected the land commission's recommendation and freed the land for development. The cabinet decision meant that Gloucester could proceed with its plans to sell the land for between $148,000 and $185,000 per hectare or a total of $37,444,000 to $46,805,000 or a profit of a minimum of $34,244,000 minus the development costs of approximately $12,350 per hectare (provided rezoning is allowed by the municipality and the regional district).

There is a modest divergence of interests between individual developers and developers as a group which parallels the divergence of interests between farmers individually and farmers collectively. Excess industrial land can drive down the price of existing industrial properties and several development companies protested the Gloucester plans. At the time, serviced land in Dominion Construction's Langley industrial park was selling for between $197,000 and $222,300 per hectare while Marathon Realty in Coquitlam's Mayfair Industrial Park was selling serviced land for $432,250 per hectare. Consequently on any given exclusion request, the interests of some developers will conflict with the development process. However, the long run interest of the developers is to open up the development process.

**Municipalities**

The municipalities are subject to at least two conflicting interests in the development process. Municipalities must provide local services: schools, roads, street lighting, libraries, etc., and at the same time keep the mill rate down. Because the municipalities depend for a high proportion of their revenue on the property tax and because there is no industrial revenue sharing between municipalities, municipalities have an incentive to allow development, since industrial, commercial and residential properties provide a much higher tax revenue than agricultural property. The need for expanded tax revenues is a frequently cited reason for exclusion requests.
On the tax revenue side of the balance sheet, the interests of the municipality and the developer coincide since the developer's proposals represent a means for the municipality to expand the tax base. Richmond requested the exclusion of the Crestwood expansion area because it would provide annual tax revenues of $1.5 million and up to 2,000 jobs. Langley supported the exclusion of the Gloucester property because Langley needed the development to help finance municipal programs and to rescue Langley's municipal tax base from "the brink of residential overbalance."\textsuperscript{43}

However, development also increases the costs to the municipality as the demand for services generated by development also increases, and frequently includes unanticipated "soft" costs. In 1976, Surrey municipality submitted an 11(1), a government to government exclusion request to the land commission, which included a proposal by Captain Harry Terry for a racetrack at Meadow Creek Farms in Surrey's Hazelmere Valley.\textsuperscript{44} Residents of the valley opposed the application because they wanted to retain the quiet agricultural nature of the valley and were concerned about the ground water supplies in the area since most farms use artesian wells and the proposed horse facilities would require 14,500 gallons of water a day. The residents also argued that the anticipated $30,000 revenue in taxes would be offset by the possible $2.5 million required for road improvements, servicing and extra policing the race-track would require.\textsuperscript{45}

The municipal council is itself a reflection of these competing interests and the composition of the council shifts as varying interests dominate the council over time. In the Meadow Creek Farms racetrack proposal, the land commission early in 1976 recommended that the land remain in the ALR because of the potential impact on agriculture in the area and the cabinet accepted this recommendation.\textsuperscript{46} However, early in 1977, the new Social Credit appointed commission gave Captain Terry permission to operate the racetrack without
taking the land out of the reserve on the condition that the parking lot not
be paved. However, a new municipal council had been elected and the balance
of membership had shifted to a more planning orientation. Consequently, the
municipality refused to issue Captain Terry a building permit for the race-
track.

Regional Districts

Many of the municipal development projects result in intra-regional con-

flict. Municipalities compete with each other to attract development and while
a given municipality benefits from its improved tax base, the development fre-
quently results in higher regional costs in transportation, services, etc.
The regional districts were created as an institutionalized and authoritative
forum for the expression and resolution of conflicts between municipalities
within the district.

The individual municipal members of the regional board have an incentive
(albeit at times an equivocal incentive) to encourage development, but, as
members of the collectivity of municipalities on the regional district boards,
they have an interest in controlling the development process where regional
costs will exceed the immediate benefits to any individual member. In many
ways, this conflict within the regional district boards parallels the conflict
between farmers, who as individuals may have an incentive to sell for develop-
ment, and farmers as a collectivity whose interests are adversely affected by
development.

In addition to the general regional costs imposed by the development
projects of a municipality, frequently, specific costs are imposed on adjacent
municipalities. In 1979, Delta applied to the cabinet to have 212 hectares
of land owned or controlled by George Spetifore, excluded from the ALR because
south Delta had less than two years supply of land for residential use and the
Spetifore land would be required for the projected population growth.
planning staff of the GVRD was opposed to the application because the proposed development would increase traffic beyond the rated capacity of the Massey tunnel and a major regional highway would have to be extended from Boundary Bay Road to Highway 99. Richmond opposed the application because the new residents would put a drain on Richmond services and use Richmond as a commuter link to jobs and businesses in Vancouver, thereby increasing traffic problems within Richmond. The longer commuting times for Richmond residents represents one of the "soft" costs that would be borne by Richmond. An expansion of the highway would take up valuable Richmond land for which Richmond would receive no benefit. Furthermore, the land is in the floodplain and would have to be floodproofed to the standards of the environment ministry if the housing development proceeded. Nevertheless, the GVRD board supported the application because Spetifore had offered 93 hectares of land elsewhere in Delta for a regional park in return for development permission.

As in the case of shifts in the membership of municipal councils, over time different facets of the intra-regional conflicting interests gain political expression on the regional district boards. The Spetifore case is an example. In 1981, the cabinet rejected the land commission's recommendation that the Spetifore property remain in the ALR. Because of a technicality—the district's official regional plan was revised during the interval between Spetifore's application for rezoning and the cabinet decision—Spetifore was required to reapply to the GVRD for a zoning change before he could subdivide. During this period, the composition of the GVRD board had also changed, and in March, 1981, the GVRD, in a 33 to 32 vote rejected Spetifore's request for a change in its regional plan. The regional board designation would prevail and the land cannot be developed until the regional board changes the Official Regional Plan.
Lower Mainland

Inter- and intra-regional conflict is most pronounced in the Lower Mainland. The Lower Mainland has had a longer history with zoning restrictions than the hinterland regions of the province. The urban population has more appreciation of the need for zoning and zoning conflicts capture the attention of the media. And, unlike other areas of the province, the Lower Mainland has an Official Lower Mainland Regional Plan, another level of planning in addition to the municipalities and the regional districts. 57

Because of the population density in the Lower Mainland, the impact of developments within regional districts frequently spill over to other regional districts in the Lower Mainland. An example is the Gloucester industrial park scheme in the Central Fraser Valley Regional District. The B.C. Development Corporation advised rejection of Gloucester's scheme because there was sufficient land available for industrial purposes without excluding the 253 hectares from the agricultural land reserves. 58 There was a thirty year supply of industrially zoned land in the adjacent Greater Vancouver Regional District. 59 The Gloucester industrial park would have an impact on the ability of the GVRD to attract development to its industrially zoned land thereby adversely affecting the GVRD regional plan.

Ministry of Agriculture

Officials within the Ministry of Agriculture strongly supported the agricultural land reserves from the beginning. 60 The annual loss of nearly 4,000 hectares of prime agricultural land prior to the introduction of the land reserves and the concomitant decline in the number of farmers, could only have a negative impact on the ministry as its raison d'être vanished. The legislation has had a morale-building effect on the ministry 61 and the ministry is frequently a spokesman for agricultural interests in the reserves. Officials within the ministry protested against a land commission decision
of May, 1978, to exclude 2,467 hectares of class 5 and 6 land in the Dewdney-Alouette regional district on the grounds that the land commission was misinterpreting its mandate by restricting ALR lands to soil bound agriculture. The minister has been urged by ministry officials to repeal the 1977 amendments which allowed an individual to appeal to the Environment and Land Use Committee without first obtaining leave to appeal from the land commission.

Other Interest Groups

Other groups, in addition to the B.C. Federation of Agriculture, also vigorously lobby for the land reserves. These include the B.C. Institute of Agrologists and the Scientific Pollution and Environmental Control Society (SPEC). SPEC has consistently supported the land reserves because of concern over the destruction of food-producing land in British Columbia and has opposed all cases where the cabinet has rejected the recommendation of the land commission. Additionally, various ad hoc groups have formed to protest specific exclusions. An example is the non-partisan Save the Farmland Committee which organized to oppose Chilliwack municipal council's request for the exclusion of 700 hectares of farmland in 1976.

In the ranching areas of the province, the interests of the B.C. Cattlemen's Association in long term crown land grazing permits conflicts with the interests of recreation groups such as the Outdoor Recreation Council of B.C. and the B.C. Wildlife Federation in having access to crown land. The cattlemen need long term leases to justify their large capital investment made in cattle and equipment. The new long term leases granted to ranchers by the Ministry of Lands, Parks and Housing restricted public access to roads and trails on Crown land thereby limiting recreational use of the land.

Ranchers also compete with logging companies for land. In June, 1982, the Prince George Cattlemen's Association blocked an auction of Crown land.
The logging companies easily outbid the ranchers who wanted the land to grow forage crops. When the Ministry of Lands, Parks and Housing did not listen to the complaints of the ranchers, the ranchers forced the cancellation of the auction.
Footnotes - Chapter II


2 Provincial Land Commission, Keeping the Options Open, n.d., p. 5.

3 Provincial Land Commission, Annual Report, 1975, Schedule B.

4 Speech by Dr. Mills Clarke, "The Role of the Provincial Agricultural Land Commission," (Prince George: November 22, 1980), p. 3. (Mimeoographed.)


6 Keeping the Options Open, p. 5.

7 However, the degree of conflict over the land reserves in the hinterland should not be underestimated. Particularly in the ranching areas there is conflict between ranchers, foresters and naturalists over the rangelands.


10 Lee, E., Regional Farmland Study (Abbotsford: Central Fraser Valley Regional District, 1972), pp. 33-34.


12 Glover, "Residential/Farm Conflicts," p. 3.

13 Jes Odara, "Land Richmond's new cash crop," The Vancouver Sun, February 14, 1981, p. A1, and "Owners want out of reserve," The Vancouver Sun, June 23, 1981, p. A15. There are other opinions on the value of a blueberry crop. One farmer claims that "Blueberries are a high yield crop. A good farm will get 8,000 pounds to the acre (approximately 20,000 pounds per hectare) and the blueberry co-op has been paying 50 cents a pound. That gives you $4,000 per acre (approximately $10,000 per hectare). My costs are about $1,000 an acre ($2,500 per hectare) for pruning, picking and so on." These calculations do not include the opportunity costs of the land. Jes Odama, "Down by the blueberries they wait for the richest crop," The Vancouver Sun, February 14, 1981, p. A6.

14 "Owners want out of reserve."


25. "Don't plant your crops."


27. Don Knoerr, "Address to the 1981 Annual Convention," November 24, 1981. (Mimeoographed). Over the decade the BCFA staff increased from three to eight and now includes a clearly defined public relations program.

28. Joint statement from the B.C. Federation of Agriculture, the B.C. Consumers' Association, the B.C. Institute of Agrologists, the United Church, the B.C. Women's Institute, the Federation of B.C. Naturalists, the Planning Institute of B.C., and the B.C. Chamber of Commerce (Vancouver, October 22, 1979), p. 2.

29. Ibid., pp. 3-4.


32. Ibid.

33. Ibid.

34. There is some suggestion that non-agricultural land is not necessarily more expensive to develop for housing and industry than agricultural land. See C.R. Bryant and L.H. Russwurm, "The Impact of Non-Farm Development on Agriculture: A Synthesis," *Plan Canada* 19/2 (June, 1979), p. 128.

36 "Key figure in Langley land deal worked for McClelland," The Vancouver Sun, October 5, 1979.

37 Linda Diebel, "McClelland pleaded to free Langley land from reserve," The Vancouver Sun, November 7, 1979. Ainsley Loretto of Gloucester Properties had worked on McClelland's election campaign.

38 "Second look' set for land ruling: Cabinet orders review on Langley farmland," The Vancouver Sun, October 24, 1979. Gloucester Properties subsequently launched a suit against the provincial government claiming its decision to prohibit the development of the land after releasing the land from the ALR was "a sham and an abuse of process." "Gov't sued on Langley land freeze," The Province, February 6, 1980.


40 "Key figure in Langley land deal..."

41 Ibid.


44 Captain Terry was a close friend of former Premier W.A.C. Bennett. "Capt. Terry finds a way to get Surrey racetrack," The Province, February 2, 1977.


46 Ibid.

47 Ibid.

48 Andrew Ross, "Surrey ordered to give race permit to Terry," The Province, September 8, 1977.

49 A 1948 amendment to the Town Planning Act of 1925 provided for the creation of regional planning areas for planning purposes. The regional planning boards had merely an advisory role until the Municipal Act of 1957 provided that planning resolutions of a regional planning board could become binding on all local government authorities participating if two-thirds of the board members supported the resolutions. In 1978, the Municipal Act was amended to allow planning resolutions of a regional board to become binding on all local governments if approved by a majority of the municipalities. Roderick M. MacKenzie, "Land Use Control Generally," in Land Use Control in British Columbia (University of British Columbia, Centre for Continuing Education, May, 1979), p. 13.
Delta wants land taken out of reserve," The Vancouver Sun, October 30, 1979. Delta applied directly to the cabinet, by-passing the land commission because the commission, without a quorum or a permanent chairman, suggested Delta do so.


Rick Ouston, "Richmond backs off from land appeal," The Vancouver Sun, January 27, 1981.

If adequate flood protection is not provided, all the taxpayers in the province will likely have to subsidize the owners of properties through disaster compensation funds, should a flood occur.


The Official Regional Plan of the Lower Mainland was approved in 1966. In 1968 the Lower Mainland Regional Planning Board was replaced by the regional districts of Greater Vancouver, Dewdney-Alouette, Central Fraser Valley and Fraser Cheam. However, the Lower Mainland Regional Plan of 1966 remained in effect.

Diebel, "Developer's appeal on Langley land..."

Draft Plan for the Lower Mainland of British Columbia: A Summary, February, 1980. In 1980 there were 2988 hectares available for industrial development in the GVRD. The thirty year supply assumes a take up rate of approximately 101 hectares per year.

Interview with Mike Oswell, Executive Director Production Services, Ministry of Agriculture, April 5, 1982.

William T. Lane, "The Land Commission and its Significance to British Columbia Agriculture" (mimeograph, n.d.), p. 4.


Interview with Mike Oswell. However, other government departments and crown agencies are less supportive of the ALRs. For example, if Hydro proceeds with its Site C dam project, thousands of acres of agricultural land in the Peace River area will be lost. The Ministry of Lands, Parks and Housing is subject to multiple and conflicting claims for Crown land.

Moira Farrow, "SPEC charges good B.C. farmland being lost because commission being over ruled by appeals," The Vancouver Sun, September 17, 1979.
65 John Griffith, "Chilliwhack (sic) poll favors farm preservation," The Province, October 18, 1976.


68 Ibid.
CHAPTER III

The Agricultural Land Commission Act has once again become controversial as the Social Credit cabinet has rejected the recommendation of the land commission in a number of widely publicized cases. In January, 1981, the cabinet excluded 212 hectares in Delta belonging to long time Socred supporter George Spetifore. In May, 1981, the cabinet excluded 65 hectares owned in part by Reg Norberg, a Socred supporter and friend of Highways Minister Alex Fraser. In April, 1982, the cabinet rejected a request by the land commission to include 253 hectares in Langley belonging to Gloucester Properties. Ainsley Loretto, the representative for Gloucester Properties, had worked on Energy Minister McClelland's 1979 re-election campaign. In May, 1982, the cabinet excluded 53 hectares belonging to the Moffat family, long time prominent Social Credit supporters, over the protests of the city of Prince George. In May, 1982, the cabinet excluded 3500 hectares near Golden at the request of the Columbia-Shuswap regional district. There were no immediate plans for the land. Duane Crandall, the regional district chairman, wanted the land out "just for the sake of getting it out."

The NDP has charged that these decisions represent "a crude abuse of government power," and were "another nail in the coffin of the commission." Nevertheless, the land commission remains, albeit reduced in scope, and by April 1, 1981, 54,773.6 hectares of land had been excluded from the agricultural land reserves. That represents only 1.16 percent of the total 4,721,295.3 hectares in the reserves at designation. By April 1, 1981, 33,642.9 hectares had been included for a net loss of 21,130.7 hectares. Table II indicates the area at designation, the percentage of the regional district in the AIR, the inclusions and exclusions, and the approximate area as of April 1, 1981.
### TABLE II
Current ALR Area by Regional District as of April 1, 1981

<table>
<thead>
<tr>
<th>Regional District</th>
<th>Approximate Area at Date of Designation</th>
<th>Inclusions</th>
<th>Exclusions</th>
<th>Approximate Area of April 1, 1981</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alberni-Clayoquot</td>
<td>7,935.2 (1.1)</td>
<td>-</td>
<td>56.7</td>
<td>7,878.5</td>
</tr>
<tr>
<td>Bulkley-Nechanko</td>
<td>297,611.3 (3.8)</td>
<td>-</td>
<td>320.0</td>
<td>297,291.3</td>
</tr>
<tr>
<td>Capital</td>
<td>19,595.1 (8.1)</td>
<td>130.0</td>
<td>1,203.6</td>
<td>18,521.5</td>
</tr>
<tr>
<td>Cariboo</td>
<td>925,506.1 (11.2)</td>
<td>4,318.7</td>
<td>14,779.1</td>
<td>915,045.2</td>
</tr>
<tr>
<td>Central Coast</td>
<td>4,453.4 (0.2)</td>
<td>-</td>
<td>27.8</td>
<td>4,425.6</td>
</tr>
<tr>
<td>Central Fraser Valley</td>
<td>55,344.1 (75.6)</td>
<td>2.9</td>
<td>2,305.7</td>
<td>53,041.3</td>
</tr>
<tr>
<td>Central Kootenay</td>
<td>71,538.5 (3.0)</td>
<td>445.5</td>
<td>4,649.2</td>
<td>67,334.8</td>
</tr>
<tr>
<td>Central Okanagan</td>
<td>33,076.9 (1.1)</td>
<td>91.5</td>
<td>665.1</td>
<td>32,504.8</td>
</tr>
<tr>
<td>Columbia-Shuswap</td>
<td>67,408.8 (2.2)</td>
<td>199.5</td>
<td>7,033.5</td>
<td>60,574.9</td>
</tr>
<tr>
<td>Comox-Strathcona</td>
<td>43,724.7 (2.1)</td>
<td>3,572.9</td>
<td>5,868.9</td>
<td>41,431.7</td>
</tr>
<tr>
<td>Cowichan Valley</td>
<td>21,983.8 (6.2)</td>
<td>6.6</td>
<td>908.6</td>
<td>21,081.8</td>
</tr>
<tr>
<td>Dewdney-Alouette</td>
<td>23,765.2 (8.2)</td>
<td>480.2</td>
<td>2,829.7</td>
<td>21,415.7</td>
</tr>
<tr>
<td>East Kootenay</td>
<td>272,510.1 (9.8)</td>
<td>-</td>
<td>1,818.6</td>
<td>270,691.5</td>
</tr>
<tr>
<td>Fraser-Cheam</td>
<td>36,761.1 (3.3)</td>
<td>0.8</td>
<td>544.3</td>
<td>36,217.6</td>
</tr>
<tr>
<td>Fraser-Ft. George</td>
<td>349,635.6 (6.7)</td>
<td>21,642.1</td>
<td>809.2</td>
<td>370,468.5</td>
</tr>
<tr>
<td>Greater Vancouver</td>
<td>32,550.6 (12.5)</td>
<td>1.2</td>
<td>529.1</td>
<td>32,022.7</td>
</tr>
<tr>
<td>Kitimat-Stikine</td>
<td>64,170.0 (0.6)</td>
<td>2,072.9</td>
<td>249.7</td>
<td>62,993.2</td>
</tr>
<tr>
<td>Kootenay Boundary</td>
<td>55,060.7 (6.6)</td>
<td>-</td>
<td>293.8</td>
<td>54,766.9</td>
</tr>
<tr>
<td>Mount Waddington</td>
<td>1,740.9 (0.1)</td>
<td>-</td>
<td>-</td>
<td>1,740.9</td>
</tr>
<tr>
<td>Nanaimo</td>
<td>21,052.6 (10.2)</td>
<td>171.3</td>
<td>374.5</td>
<td>20,849.4</td>
</tr>
<tr>
<td>North Okanagan</td>
<td>70,283.4 (8.9)</td>
<td>10.1</td>
<td>555.5</td>
<td>69,738.0</td>
</tr>
<tr>
<td>Okanagan-Similkameen</td>
<td>86,477.7 (7.8)</td>
<td>104.5</td>
<td>471.9</td>
<td>86,110.3</td>
</tr>
<tr>
<td>Peace River-Liard</td>
<td>1,498,987.9 (7.1)</td>
<td>14.2</td>
<td>799.3</td>
<td>1,498,202.8</td>
</tr>
<tr>
<td>Powell River</td>
<td>14,129.6 (2.6)</td>
<td>-</td>
<td>3,307.0</td>
<td>10,822.6</td>
</tr>
<tr>
<td>Skeena-Queen Charlotte</td>
<td>43,886.6 (2.7)</td>
<td>-</td>
<td>166.6</td>
<td>43,719.9</td>
</tr>
<tr>
<td>Squamish-Lillooet</td>
<td>27,125.5 (1.6)</td>
<td>-</td>
<td>257.3</td>
<td>26,868.2</td>
</tr>
<tr>
<td>Sunshine Coast</td>
<td>6,275.3 (1.6)</td>
<td>-</td>
<td>2,035.7</td>
<td>4,239.6</td>
</tr>
<tr>
<td>Thompson-Nicola</td>
<td>568,704.5 (12.4)</td>
<td>378.5</td>
<td>1,916.1</td>
<td>567,166.9</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>4,721,295.3</strong></td>
<td><strong>33,642.9</strong></td>
<td><strong>54,773.6</strong></td>
<td><strong>4,700,164.6</strong></td>
</tr>
</tbody>
</table>

*The figure in brackets is the percentage of the regional district area in the ALR.

Do these exclusions represent the exception or the rule in the administration of the Act? The NDP appointed commission and cabinet also made substantial exclusions. Has there, then, been any difference between the NDP and Social Credit in agricultural land policy? Or has the party rhetoric and enmity concealed a convergence of policy at the practical level in administration?
Do these exclusions represent the needed "fine tuning" or has "fine tuning" offered the Socreds an opportunity for the incremental erosion of the NDP farmland policy?

Has there been any difference in the performance of the NDP and Social Credit appointed land commissions? Or, has the commission, as a quasi-independent body, making its decisions on the basis of technical criteria, remained at arm's length from the political process as the commission claims? The conflict between the land commission and the cabinet noted in the introductory paragraph would seem to support this conclusion.

To determine the answers to these questions, the statistics for exclusions of land from the agricultural land reserves were studied. Under the Agricultural Land Commission Act land may be excluded from an ALR according to the provisions of sections 11(1) and 12(1) and under the conditions specified in B.C. Reg. 313/78. Under section 12(1) an individual may apply to the land commission to have his land excluded from a land reserve, and should the commission refuse his request for exclusion, under section 13(1), may appeal to the Environment and Land Use Committee of the cabinet on being granted leave to appeal by any two members of the commission. Should leave to appeal be refused, the amendments to the Act made in 1977, allow an individual to apply to the minister for leave to appeal to ELUC under section 13(2). By April 1, 1981, 10,778.2 hectares or 0.2 percent had been removed from the ALR under the provisions of section 12(1). An additional 1,142.9 hectares had been excluded by the cabinet under sections 13(1) and 13(2). 9

The government to government exclusions made in accordance with section 11(1) are the subject of the present study. The Agricultural Land Commission has never been as powerful as has been generally assumed. For requests for exclusions from municipalities and regional districts, the commission acts in a recommending capacity only; the final decision rests with the cabinet.
Furthermore, the commission has a policy of cooperation with the local governments and to a certain extent relies on them for information relating to applications for exclusions. Consequently, although the land commission recommendation is an influential factor in the cabinet decision, an assessment of the fate of the NDP agricultural land policy must include an analysis of the cabinet decisions as well as the land commission recommendations regarding the exclusion of land.

The government to government applications under section 11(1) were selected for study because the impact on the agricultural land reserves was much greater under these applications than under the individual applications under section 12(1). Only 11,921.1 hectares were removed under sections 12(1), 13(1) and 13(2) whereas 42,852.5 hectares, involving 127 applications, were excluded under section 11(1) by April 1, 1981. Time constraints prevented even a preliminary analysis of the 2,257 individual requests for exclusion made up to April 1, 1981.

In any case, of the 127 government to government applications for exclusion, 24, or nearly 20 percent, were made on behalf of an individual or individuals and/or a company.

The land commission maintains that the government to government exclusions represent the "fine tuning" of the ALRs, made necessary because of anomalies in the hastily made designations and there is a good argument to support this claim, as discussed above (page 21). If the land that has been excluded is the lower classes of land then the land commission claim is substantiated. The land commission did not publish statistics on the quality of land excluded until 1980.

The period under study is from 1974, when applications for exclusion after the process of designation were first considered, to October 7, 1980. All 127 cases in this period which had been decided by both the commission
and the cabinet were investigated. Because of the inevitable time difference between the commission decision and the cabinet decision, the date of the last cabinet decision is January 15, 1981. The dates for the NDP commission are from July 1, 1974, to October 7, 1976. The dates for the NDP cabinet are from July 1, 1974, to December 11, 1975, except for two cases during this period which were ultimately decided by the Social Credit cabinet after the NDP defeat. The Social Credit cabinet dates from December 12, 1975, to January 15, 1981, and includes the two cases referred to above. The Social Credit appointed commission decided the cases between October 8, 1976, and October 7, 1980.

The statistics for the Social Credit commission do not distinguish between the commissions headed by Runka, Kinnear and Dr. Clarke. The Clarke commission made recommendations on the ten cases between March 7, 1980, and October 15, 1980. This is too short a period for any differences between these Social Credit appointed commissions to appear.

For the purposes of this study, the quality of land was coded into five categories:

1. Prime: 60 percent or more classes 1 to 3;
2. Prime secondary: 40 percent classes 1 to 3;
3. Class 4;
4. Classes 5 and 6;
5. Class 7.

This coding system is not comparable with the coding system used by the land commission since it was believed that any differences between the NDP and the Social Credit would be found in the prime secondary and class 4 land and the land commission coding system does not distinguish between classes 4, 5, 6, and 7 land. The land commission categories are:

1. Prime: totally class 1 through 3 land;
2. Prime dominant complex: major portion of the unit is prime land;
3. Prime subordinate complex: lesser portion of the unit is prime land;
4. Secondary: total unit is class 4 or lower agricultural capability.

The defects noted in the CLI system (pages 17-19) will not affect the results of this study since the same CLI system was used throughout the study.
period. As noted above, pages 22-23, both the commissions have used the same criteria in evaluating exclusion requests. Hence any differences between the two will be the result of differences in the standards by which the criteria were evaluated.

In spite of the problems with the improved CLI ratings, noted on page 19, the improved CLI rating was used since it has been the stated objectives of both land commissions to protect agricultural land in the long term. The land commission also uses the improved ratings in its statistics regarding the quality of the land.

It was hypothesized that any differences between the two commissions and the two cabinets would be found in the prime secondary and the class 4 land since it would be on these lands that the most credible arguments could be advanced that they were too marginal agriculturally to be viable farm units. Both the NDP and the Social Credit would consider the prime land to be sacrosanct and little difference between the two would be found.

Of the 127 cases in the study, 16 were official fine tuning exclusions made at the request of the land commission. Thirty-six requests were made by a regional district either alone or in conjunction with a member municipality. Municipalities made seventy-five requests for exclusion, or 59 percent of the total number of requests.

A comparison of the NDP and Social Credit appointed commissions for the various categories of agricultural land is shown in Table III. It should be noted that since this is not a sample, because all of the cases involving requests for exclusion under section 11(1) were studied, the results do not depend on any statistical inference. The exclusion rate is the number of hectares recommended for exclusion as a percentage of the number of hectares requested for exclusion.
### TABLE III

Comparison of NDP and Social Credit Appointed Land Commission Exclusion Rates for Agricultural Land Under Section 11(1)

<table>
<thead>
<tr>
<th>Quality of Land</th>
<th>No. of Hectares Requested for Exclusion</th>
<th>Number 1</th>
<th>No. of Hectares Recommended For Exclusion</th>
<th>Exclusion Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDP 2</td>
<td>4,575.4</td>
<td>36</td>
<td>680.7</td>
<td>14.8%</td>
</tr>
<tr>
<td>Social Credit 3</td>
<td>3,850.2</td>
<td>54</td>
<td>1,089.5</td>
<td>28.3</td>
</tr>
<tr>
<td>Prime Secondary:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDP 3</td>
<td>284.6</td>
<td>3</td>
<td>78.3</td>
<td>27.5</td>
</tr>
<tr>
<td>Social Credit</td>
<td>723.5</td>
<td>12</td>
<td>529.6</td>
<td>73.2</td>
</tr>
<tr>
<td>Class 4:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDP 4</td>
<td>1,514.4</td>
<td>15</td>
<td>789.3</td>
<td>52.1</td>
</tr>
<tr>
<td>Social Credit</td>
<td>5,164.4</td>
<td>33</td>
<td>3,235.2</td>
<td>62.6</td>
</tr>
<tr>
<td>Classes 5 and 6:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDP 5</td>
<td>1,981.5</td>
<td>19</td>
<td>1,751.8</td>
<td>88.4</td>
</tr>
<tr>
<td>Social Credit</td>
<td>33,211.9</td>
<td>43</td>
<td>32,120.5</td>
<td>96.7</td>
</tr>
<tr>
<td>Class 7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDP 6</td>
<td>70.0</td>
<td>1</td>
<td>70.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Social Credit</td>
<td>1,701.2</td>
<td>7</td>
<td>1,678.0</td>
<td>98.6</td>
</tr>
</tbody>
</table>

1 N's do not equal 127 because in many of the cases more than one class of land was involved.

2 NDP appointed commission dates from July 1, 1974, to October 7, 1976.

3 Social Credit appointed commission dates from October 8, 1976, to October 7, 1980.

Some of the cases involved large blocks of land. However, these were always broken down into separate parcels and each parcel was treated individually.

The table indicates that in every category of land, except for class 7, the Social Credit appointed land commission recommended exclusion of a higher percentage of the land requested than did the NDP appointed commission. For the prime land, the Social Credit appointed commission recommended exclusion of 28.3 percent of the land requested, compared with 14.8 percent for the NDP appointed commission, 47.7 percent more. The largest difference between the
two commissions is in the prime secondary category where the Social Credit appointed commission recommended exclusion of 73.2 percent of the land requested compared with 27.5 percent for the NDP appointed commission or 62.4 percent more. The small number of cases in this category should be noted. For the class 4 land, the NDP appointed commission recommended exclusion of 52.1 percent of the land requested whereas the Social Credit appointed commission recommended exclusion of 62.6 percent or 16.7 percent more than the NDP appointed commission. Both commissions tended to recommended exclusion of almost all the classes 5, 6 and 7 land requested, although the NDP appointed commission recommended exclusion of 88.4 percent of the classes 5 and 6 land requested whereas the Social Credit appointed commission recommended exclusion of 96.7 percent or 8.5 percent more.

With the exception of the prime secondary category where the number of cases was very small, the greatest difference between the two commissions was found in the prime category.

Of the ten cases which involved a new application on a request which had been previously turned down by the NDP appointed commission, the Social Credit appointed commission again refused exclusion on eight of them, allowed exclusion on one, and allowed a partial exclusion on the other.

Table IV compares the NDP and Social Credit cabinets on the exclusion of the various categories of land under section 11(1). The difference between the number of requests made to the NDP cabinet and to the NDP appointed commission is accounted for by the fact that the NDP appointed commission was retained by the Social Credit government for nine months after the defeat of the NDP in December of 1975. The pattern here is similar to that between the NDP and Social Credit appointed commissions: the Social Credit cabinet released more land in every category except class 7. Again, the greatest difference between the two, aside from the prime secondary, is in the prime category where the Social Credit
TABLE IV

Comparison of NDP and Social Credit Cabinet
Exclusion Rates for Agricultural Land Under Section 11(1)

<table>
<thead>
<tr>
<th>Quality of Land</th>
<th>No. of Hectares Requested for Exclusion</th>
<th>Number</th>
<th>No. of Hectares Excluded</th>
<th>Exclusion Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDP</td>
<td>2928.5</td>
<td>22</td>
<td>585.0</td>
<td>19.9%</td>
</tr>
<tr>
<td>Social Credit</td>
<td>5497.1</td>
<td>68</td>
<td>1606.0</td>
<td>29.2%</td>
</tr>
<tr>
<td>Prime Secondary:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDP</td>
<td>284.6</td>
<td>3</td>
<td>78.3</td>
<td>27.5%</td>
</tr>
<tr>
<td>Social Credit</td>
<td>783.5</td>
<td>12</td>
<td>590.3</td>
<td>81.5%</td>
</tr>
<tr>
<td>Class 4:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDP</td>
<td>1189.1</td>
<td>8</td>
<td>629.3</td>
<td>52.9%</td>
</tr>
<tr>
<td>Social Credit</td>
<td>5489.7</td>
<td>40</td>
<td>3543.2</td>
<td>64.5%</td>
</tr>
<tr>
<td>Classes 5 and 6:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDP</td>
<td>991.9</td>
<td>9</td>
<td>770.7</td>
<td>77.7%</td>
</tr>
<tr>
<td>Social Credit</td>
<td>34201.5</td>
<td>53</td>
<td>33305.8</td>
<td>97.4%</td>
</tr>
<tr>
<td>Class 7:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDP</td>
<td>70.0</td>
<td>1</td>
<td>70.0</td>
<td>100.0%</td>
</tr>
<tr>
<td>Social Credit</td>
<td>1701.2</td>
<td>7</td>
<td>1701.2</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

1 NDP cabinet from July 1, 1974, to December 11, 1975.
2 Social Credit cabinet from December 12, 1975, to January 15, 1981.

released 29.2 percent of the land requested compared with 19.9 percent for the NDP or 31.8 percent more.

Tables III and IV compare all the decisions made by the NDP and Social Credit appointed land commissions and cabinets during the period under study. Tables V and VI compare the NDP appointed land commission working only with the NDP cabinet and the Social Credit appointed land commission working only with the Social Credit cabinet for the prime and class 4 categories.

The Tables indicate that both cabinets released more land than the commissions. The NDP cabinet excluded 17.6 percent more prime land than the NDP appointed land commission recommended. The Social Credit cabinet excluded
TABLE V

Comparison of the NDP Appointed Land Commission and the NDP Cabinet Exclusion Rates for Prime and Class 4 Agricultural Land Under Section 11(1), July 1, 1974, to December 11, 1975.

<table>
<thead>
<tr>
<th>Quality of Land</th>
<th>No. of Hectares Requested for Exclusion</th>
<th>No. of Hectares Recommended for Exclusion</th>
<th>Exclusion Rate</th>
<th>No. of Hectares Excluded</th>
<th>Exclusion Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime</td>
<td>2928.5</td>
<td>480.8</td>
<td>16.4%</td>
<td>585.0</td>
<td>19.9%</td>
</tr>
<tr>
<td>Class 4</td>
<td>1189.1</td>
<td>629.3</td>
<td>52.9</td>
<td>629.3</td>
<td>52.9</td>
</tr>
</tbody>
</table>

TABLE VI


<table>
<thead>
<tr>
<th>Quality of Land</th>
<th>No. of Hectares Requested for Exclusion</th>
<th>No. of Hectares Recommended for Exclusion</th>
<th>Exclusion Rate</th>
<th>No. of Hectares Excluded</th>
<th>Exclusion Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime</td>
<td>3850.2</td>
<td>1089.5</td>
<td>28.3%</td>
<td>1274.6</td>
<td>33.1%</td>
</tr>
<tr>
<td>Class 4</td>
<td>5164.4</td>
<td>3235.2</td>
<td>62.6</td>
<td>3316.0</td>
<td>64.2</td>
</tr>
</tbody>
</table>

14.5 percent more prime land than the Social Credit appointed land commission recommended. The NDP appointed commission working only with the NDP cabinet recommended the exclusion of 16.4 percent of all the prime land requested whereas the Social Credit appointed commission working only with the Social Credit cabinet recommended the exclusion of 28.3 percent of all prime land requested or 42 percent more than the NDP appointed commission.

The NDP cabinet working with the NDP appointed land commission excluded 19.9 percent of all prime land requested while the Social Credit cabinet working only with the Social Credit appointed commission excluded 33.1 percent of all prime land requested, or 39.9 percent more than the NDP cabinet.

What of the NDP appointed land commission working with the Social Credit
TABLE VII

Comparison of the NDP Appointed Land Commission and the Social Credit Cabinet Exclusion Rates for Prime and Class 4 Agricultural Land Under Section 11(1) December 12, 1975, to October 7, 1976

<table>
<thead>
<tr>
<th>Quality of Land</th>
<th>No. of Hectares Requested for Exclusion</th>
<th>No. of Hectares Recommended for Exclusion</th>
<th>Exclusion Rate</th>
<th>No. of Hectares Excluded</th>
<th>Exclusion Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime</td>
<td>1646.9</td>
<td>199.2</td>
<td>12.1%</td>
<td>331.4</td>
<td>20.1%</td>
</tr>
<tr>
<td>Class 4</td>
<td>325.3</td>
<td>160.0</td>
<td>49.2</td>
<td>325.3</td>
<td>69.8</td>
</tr>
</tbody>
</table>

The cabinet during the nine months in 1976 before they were fired? Table VII indicates that during this period, the NDP appointed land commission recommended the exclusion of 12.1 percent of all prime land requested whereas the Social Credit cabinet excluded 20.1 percent or 39.8 percent more, a difference which is comparable to the difference between the NDP and Social Credit appointed commissions and cabinets. Of particular interest is the cabinet exclusion rate for prime land during this period. At 20.1 percent it is scarcely different from the NDP cabinet exclusion rate of 19.9 percent. These differences suggest a relative degree of harmony between like commissions and cabinets and the influential role of the commission recommendation in the cabinet decision. The cabinet would be reluctant to invite more bad publicity from rejecting the recommendation of the land commission than necessary.

The fact that the major difference between the Social Credit and the NDP is in the prime land category suggests that the exclusions have been more than just "fine tuning" the reserves. That the difference also exists between the NDP and Social Credit appointed land commissions suggests that the Social Credit appointed land commission is in closer sympathy with the Social Credit cabinet that the controversy would suggest. It indicates the power of the appointment mechanism on independent regulatory agencies.
Because this is not a controlled study, the differences observed could be due to exogenous variables unrelated to the differences in party ideology. For example, an alternative hypothesis might be that the differences were caused by differences in the nature of the land under request. Or, it might have been the case that had the NDP remain in office, its enthusiasm for the principles of the land commission would have eroded under the pressures of the housing shortage which developed in the late 1970s and which would have encouraged the municipalities and regional districts to make more requests for housing. By and large, these are unknowable. In the case of the nature of the land, however, the record of the Social Credit appointed commission in reviewing cases that had been previously decided by the NDP appointed commission, indicates that indeed the differences are due to changes in policy between the NDP and Social Credit appointed commissions.

In the case of the housing demand, statistics were collected on the proposed use for land requested for exclusion. During the period of the study, a total of 8179.3 hectares were requested for exclusion for the purpose of housing development. Of these, the NDP cabinet received requests for 2735.2 hectares and the Social Credit cabinet received requests for 5444.1 hectares or nearly twice as many requests for housing. However, given the longer time period that the Social Credit cabinet has made decisions (61 months versus 18 months for the NDP), the average number of requests per month was substantially lower for the Social Credit. The NDP cabinet averaged 151.9 hectares per month while the Social Credit averaged only 89.2 hectares per month. Consequently, differences between the NDP and the Social Credit cannot be attributed to a higher level of demand for housing during the Social Credit period.

Another potential explanation is that over time, the regional districts and the municipalities have become more sophisticated and have developed better
planning departments. In so far as requests from regional districts indicate more comprehensive planning, this would appear to be the case. During the period of the NDP appointed commission 83.6 percent of the requests for prime land were from the municipalities. During the period of the Social Credit appointed commission only 48.5 percent of the requests for prime land were from municipalities with the remaining from the regional districts.

A striking difference between the NDP and Social Credit appointed commissions emerges from an analysis of the success rate of these requests. Whereas the NDP appointed commission recommended exclusion of 11.7 percent of the requests for prime land from the municipalities and 29.5 percent of the requests for prime land from the regional districts, the Social Credit appointed commission recommended exclusion of 31.9 percent of the requests for prime land from the municipalities and 13.8 percent of the requests for prime land from the regional districts. This reversal between the commissions occurred despite the far lower percentage of requests for prime land coming from the municipalities during the Social Credit appointed commission period.

This reversal would appear to indicate that the differences between the NDP and Social Credit appointed commissions are not due to the lack of planning expertise of the Social Credit appointed commission, but, is rather the consequence of a philosophical difference between the two commissions towards development and planning.
Footnotes - Chapter III


6 "Influence denied..."


9 Ibid.

10 For an argument that the land commission has been "captured" by the local governments see Alice Graesser, "Regulating Agricultural Land in B.C.,” (M.A. thesis, University of British Columbia, 1981).


12 These statistics were not related to the class of land requested. That is, all classes of land are pooled together in the statistics for requests for exclusion for housing and the extent to which prime land was requested for housing cannot be determined.
CONCLUSIONS

The NDP Land Commission Act presented a fundamental dilemma to the Social Credit party. They had vigorously opposed it on ideological grounds and then discovered that by 1975 the land commission was widely supported by actual or potential Social Credit voters. The land reserves were popular with rank and file Socreds, with organized farmers and well as with many of the Liberal and Conservative voters that the Social Credit had to attract in its claim to be the only party that could keep the NDP out of office. Given the coalition of interests supporting the commission, no government could afford to abolish the land commission. It is a class example of the way governments are captured by the legislation of their opponents.

As the history of the Act and the data indicate, Social Credit responded to its dilemma by retaining the land commission and the Act (although reducing it in scope) and by excluding more land in every category, and in particular the prime land, than had the NDP. The Social Credit has also rejected the recommendation of the land commission in a small number of cases where the interests of long term Social Credit supporters were affected. Typically, these were relatively small landholders and the smaller development companies which reflects the traditional Social Credit preference for the small private enterpriser.\textsuperscript{1}

In doing so, the Socreds have made themselves susceptible to adverse publicity and charges of political patronage. In the face of such criticism, Agriculture Minister Jim Hewitt recently announced "it is time I forget about fine tuning of the reserves and deal with it in a clear and concise manner."\textsuperscript{2} As an indication of the Social Credit political sensitivity on the issue, Hewitt was moved to Consumer and Corporate Affairs in the recent cabinet shuffle.\textsuperscript{3} The new Agriculture Minister is Harvey Schroeder, who as the former
Speaker, would not have been involved in any of the recent land exclusion controversies.

As the data indicate, the Social Credit appointed land commission also excluded more land in every category than did the NDP appointed commission. This was particularly true of the prime and prime secondary categories. Consequently, there has been less conflict between the Social Credit appointed land commission and the Social Credit cabinet than the controversy over the recent exclusions would indicate. There was, in fact a slightly smaller difference in the exclusion rates for prime land between the Social Credit cabinet working only with the Social Credit appointed commission than between the NDP cabinet working with the NDP appointed commission. This suggests that the cabinet can exercise a degree of control over its regulatory agencies through the appointment mechanism.

There is also a reciprocal influence of the commission on the cabinet as indicated in the Social Credit cabinet exclusion rate during the period of the NDP appointed commission. To reject the recommendation of the land too often invites politically unacceptable unfavourable publicity.

The fact that the major difference between the NDP and the Social Credit occurred in the prime land category suggests that the difference between the two is the result of differing attitudes toward development and planning. The Social Credit appointed commission preference for requests from the municipalities over the regional districts supports this conclusion.
Footnotes - Conclusions


2 Brian Kieran, "Harassed Hewitt to alter land reserve legislation," The Vancouver Sun, May 29, 1982. Hewitt said he will be studying the Quebec farm preservation legislation which he claims is far less stringent than the B.C. Act. In many respects, however, the Quebec legislation is more stringent than the B.C. Act. For example, in Quebec an owner of three individual and separate parcels of land cannot sell one without the approval of the commission, which is not the case in B.C. While section 12 states that in rendering a decision the commission shall "particularly take into consideration the bio-physical conditions of the soil and of the environment, the possible uses of the lot for agricultural purposes and the economic consequences thereof..." (emphasis added) which would appear to be less stringent than the B.C. Act. Nevertheless, the tenor of the section is that it is the economic consequence of the province and not the individual that is to be considered. Hence, the result would be similar to the case in B.C.
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