

**Review of the**  
**Agricultural Land Commission**  
***Moving Forward: A Strategic Vision of the***  
***Agricultural Land Commission for Future Generations***

**November 26, 2010**

***for Future Generations***  
**Submitted By: Richard Bullock, Chair**  
**Provincial Agricultural Land Commission**

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## **VISION, MISSION AND VALUES**

### **VISION**

*To preserve British Columbia's agricultural land as the foundation for the business of agriculture.*

### **MISSION**

*To preserve agricultural land and actively engage farmers and ranchers to collaboratively encourage and enable agricultural businesses throughout British Columbia.*

### **VALUES**

*The Commission values:*

- \_ the benefits of preserving agricultural land;*
- \_ the contribution that agriculture makes to the provincial economy;*
- \_ the entrepreneurial spirit of farmers and ranchers;*
- \_ partnerships and collaboration with farmers and ranchers;*
- \_ partnerships and collaboration with local governments, provincial ministries and agencies and other stakeholders;*
- \_ technical information on which to conduct its work;*
- \_ transparency and fairness in the conduct of its work; and*
- \_ its role as an independent administrative tribunal.*

## **CHAIR SUMMARY**

In accordance with the direction provided by the Honourable Steve Thomson in his letter of July 30, 2010<sup>1</sup>, over the course of a three month period I conducted a review of the Agricultural Land Commission (ALC) regarding operations, policy, regulations and legislation. The purpose of the review was to verify that the ALC is meeting its mandate while looking for ways to improve its decision making processes.

The resulting report is intended to be a high level document that identifies issues and outlines recommendations, but does not go into the fine details on how the recommendations could be implemented. I believe there needs to be some direction provided on these ideas prior to delving into them further. I have identified issues to be considered in order to make the recommended changes - legislation, further consultation and/or funding. A business plan is an integral part of any proposal for change and one will be developed following receipt of further direction.

As part of the review, an ALC review committee travelled throughout the province and met with over 300 individuals from over 60 stakeholder groups. The stakeholder meetings were invaluable and provided very useful feedback regarding the work of the ALC. It was clear that there is overwhelming support of the Agricultural Land Reserve (ALR) program and I believe this support is a sign that after almost 40 years, the relevance of the ALR is no longer in question and that the ALC is well-positioned to explore new opportunities to strengthen the ALR.

However, stakeholders were almost unanimous in expressing their concern regarding the inadequacy of the ALC's funding and lack of resources to carry out its existing work, never mind explore new opportunities.

I recognize and accept that these are difficult economic times and that the ALC is not immune to fiscal constraints. Over the last two fiscal years the ALC has been forced to focus on processing applications with minimum or no attention being given to its other statutory obligations. This has led to stakeholders' dissatisfaction, particularly at the local government level, because the ALC is not available to discuss local and regional matters or to deal with emerging or ongoing issues such as the impact of oil and gas activities on agriculture in northeast BC.

The ALC's current governance structure of 19 commissioners and regional panels needs further scrutiny. From a financial standpoint, between fiscal years 2003/04 to 2008/09 the cost of operating the commission more than doubled.

Furthermore, the existing governance structure has given rise to 6 regional commissions with little evidence that the panels maintain any provincial focus on the agricultural land preservation program. Moreover, there is very limited or no training and education provided to new commissioner upon appointment. New appointees are required to start performing their duties without any meaningful awareness of the job, their roles as a member of an administrative tribunal or on the decision-making process. This is unfair to commissioners and a potential legal liability for the ALC as an organization.

I suggest consideration be given to a governance model that establishes a single decision making body (7 members) while retaining regional representation from each of the ALC's 6 administrative regions. A smaller structure will facilitate more in-depth dialogue amongst commissioners regarding planning, ALR boundary reviews and policy matters while at the same time building a cohesive team with staff. Commissioners would also receive training at a peer level as well as from external agencies such as the Justice Institute of BC and the BC Council of Administrative Tribunals.

Another observation is that the application process appears to be directly opposed to the objectives of the *Agricultural Land Commission Act* of preserving agricultural land and encouraging farming. Whether an application is for exclusion, subdivision or non-farm use, the application process fosters and perpetuates speculation to the detriment of the ALR. For example, the Act provides the opportunity for an individual to purchase prime agricultural land today and apply to remove it from the ALR the next day. Land speculation remains high after nearly 40 years and there is still a pervasive attitude among many that agricultural land is simply holding property until a "higher or better" use is identified. In addition, an inordinate amount of resources are consumed in dealing with these proposals. Refocusing the legislation away from applications and towards long range planning, ALR boundary reviews and the needs of bona fide farmers and ranchers will go a long way in addressing the continued speculation to convert agricultural land for other purposes.

Following my review I can confirm that the ALC is extremely challenged to meet its mandate. In my opinion, the ALC has done an admirable job despite financial constraints. After nearly 40 years, I believe the ALR should be looked upon as a solid foundation for the business of agriculture in BC. Regrettably however the foundation has suffered erosion to the land base and loss of support from bona fide farmers and ranchers - but thankfully not to a point that it is irreparable. Continued government, support and adequate funding and resources, will allow the ALC to meet its challenges.

As such, I am recommending that serious consideration be given to several strategic shifts to set the ALC on course for the next 40 years. They are:

- \_ An ALR that has defensible boundaries;
- \_ An ALR that places agriculture first;
- \_ An ALC that evolves to a proactive planning organization and moves away from being reactive and focussed on applications;
- \_ An ALC that places priority considerations on bona fide farmers and ranchers and issues that may impact, positively or negatively, bona fide farmers and ranchers;
- \_ An ALC that builds strong alliances with farm and ranch groups and organizations to identify and cooperatively address emerging issues that may impact, positively or negatively, bona fide farmers and ranchers;
- \_ An ALC that is able to respond to and enforce against improper use of ALR land; and
- \_ An ALC that has up to date technology to undertake its legislated duties.

In order to achieve these strategic shifts, I provide the following recommendations that I believe will allow the ALC to meet its mandate to preserve agricultural land, to encourage farming, and to encourage local governments to enable and accommodate farm use in their planning.

1. That the ALC have sufficient funding and resources to enable it to undertake targeted reviews of ALR boundaries to ensure that the ALR is more accurate and includes land that is both capable and suitable for agricultural use;
2. That the work of the ALC be repositioned away from being reactive and focussed on applications, to a proactive planning model that will enable it to strengthen ties to local government land use planning, deal with emerging issues as they relate to agriculture, and undertake ALR boundary reviews;
3. That the “*encouraging farming*” aspect of the ALC’s mandate take greater prominence so that the ALC can focus its work on farmers, ranchers and the business of farming;
4. That the ALC have sufficient funding and resources for compliance/enforcement and that its compliance and enforcement capabilities be enhanced through legislative amendments;
5. That the ALC have sufficient funding and resources to enable it to fully implement its Online Application Tracking System (OATS), to digitally capture all historic information and to spatially link this information to GIS mapping;
6. That the commission be reconfigured to a single 7-member decision-making body that retains regional representation from each of the ALC’s 6 administrative regions and draws on the knowledge of “Farm Advisors” from each region;
7. That the role of Chair and Chief Executive Officer (CEO) be separated and that the CEO position be determined by the ALC and not by Order-in-Council; and
8. That the *Homesite Severance Policy* be maintained, a new policy not be adopted, and criteria developed, in association with groups such as the BC Cattlemen’s Association and other agricultural stakeholder groups, to consider subdivision proposals meant to facilitate the legitimate inter-generational family transfer of active farm and ranch operations.